

06-18-2020 Transcript
Town of Brookhaven
Town Board
Via Zoom
June 18, 2020 5:00 P.M.

Board Members:

Edward P. Romaine, Supervisor
Valerie M. Cartright, Councilwoman, District 1
Jane Bonner, Councilwoman, District 2
Kevin J. LaValle, Councilman, District 3
Michael A. Loguercio, Jr., Councilman, District 4
Neil J. Foley, Councilman, District 5
Daniel Panico, Councilman, District 6

Also Present:

Donna Lent, Town Clerk
Annette Eaderesto, Town Attorney

Supervisor Edward P. Romaine:

I'd like to call this Town Board to order and with that we'll stand and pledge our flag.

(Pledge of Allegiance recited by all)

Supervisor Edward P. Romaine:

We usually have a moment of reflection or silence at the beginning and I would ask us all to reflect on all the families and people affected by this COVID-19 virus that has taken over 115,000 American lives and affected this country in so many ways. Let our thoughts be with those friends, family and others that have been affected by this virus and pray that we come out of this stronger than ever.

Supervisor Edward P. Romaine:

Thank you.

Town Clerk Donna Lent:
Councilwoman Valerie M. Cartright
Town Clerk Donna Lent:
Councilwoman Jane Bonner:
Town Clerk Donna Lent:
Councilman Kevin J. LaValle:
Town Clerk Donna Lent:
Councilman Michael Loguercio:
Town Clerk Donna Lent:
Councilman Neil J. Foley:

Councilwoman Cartright?
Present
Councilwoman Bonner?
Here
Councilman LaValle?
Here
Councilman Loguercio?
Present
Councilman Foley?
Here

Town Clerk Donna Lent: Councilman Panico?
Councilman Daniel Panico: Here
Town Clerk Donna Lent: Supervisor Romaine?
Supervisor Edward P. Romaine: Present

Town Clerk Donna Lent: You have a quorum, sir.

Supervisor Edward P. Romaine: Thank you. We have Reports to the Board next.
Town Clerk Donna Lent: We have a report of revenue for the Town Clerk's office for the month of May in the amount of \$144,802.02. May I have a motion to accept report item 1?

Councilman Kevin J. LaValle: So moved.
Councilwoman Jane Bonner: Second.

Town Clerk Donna Lent: All those in favor?
Councilwoman Valerie M. Cartright: Aye
Councilwoman Jane Bonner: Aye
Councilman Kevin J. LaValle: Aye
Councilman Michael Loguercio: Aye
Councilman Neil J. Foley: Aye
Councilman Daniel Panico: Aye
Supervisor Edward P. Romaine: Aye
Town Clerk Donna Lent: Opposed?
Town Clerk Donna Lent: Motion carries.

Supervisor Edward P. Romaine: We'll move on to the Communication Consensus agenda.

Town Clerk Donna Lent: There are two items on the Communication Consensus agenda. May I have a motion to accept the Communication Consensus agenda items?

Councilman Kevin J. LaValle: So moved.
Councilwoman Jane Bonner: Second.

Town Clerk Donna Lent: All those in favor?
Councilwoman Valerie M. Cartright: Aye
Councilwoman Jane Bonner: Aye
Councilman Kevin J. LaValle: Aye
Councilman Michael Loguercio: Aye
Councilman Neil J. Foley: Aye
Councilman Daniel Panico: Aye
Supervisor Edward P. Romaine: Aye
Town Clerk Donna Lent: Opposed?

Town Clerk Donna Lent:	Motion carries.
Supervisor Edward P. Romaine:	And next we have a Highway Consensus agenda, with three items.
Town Clerk Donna Lent:	Yes. There are three items on the Highway Consensus Agenda. May I have a motion to accept the Highway Consensus agenda items?
Councilman Kevin J. LaValle:	So moved.
Councilwoman Jane Bonner:	Second.
Town Clerk Donna Lent:	All those in favor?
Councilwoman Valerie M. Cartright:	Aye
Councilwoman Jane Bonner:	Aye
Councilman Kevin J. LaValle:	Aye
Councilman Michael Loguercio:	Aye
Councilman Neil J. Foley:	Aye
Councilman Daniel Panico:	Aye
Supervisor Edward P. Romaine:	Aye
Town Clerk Donna Lent:	Opposed?
Town Clerk Donna Lent:	Motion carries.
Supervisor Edward P. Romaine:	We move on to the Consensus Resolution Agenda.
Councilman Neil J. Foley:	Do I have that?
Town Clerk Donna Lent:	Yes, Mr. Foley.
Councilwoman Neil J. Foley:	Alright. I don't have it in front of me. Can anybody read it for me?
Town Clerk Donna Lent:	I can tell you the numbers.
Councilwoman Jane Bonner:	I've got it, Neil, if you want.
Councilman Neil J. Foley:	All right, thank you, Jane.
Councilwoman Jane Bonner:	I move Resolution C-0197 sorry, I just lost it, to C-0202. So moved.
Councilman Neil J. Foley:	Second.
Town Clerk Donna Lent:	Mr. Foley, Thank you. All those in favor?
Councilwoman Valerie M. Cartright:	Aye
Councilwoman Jane Bonner:	Aye
Councilman Kevin J. LaValle:	Aye
Councilman Michael Loguercio:	Aye

Councilman Neil J. Foley: Aye
Councilman Daniel Panico: Aye
Supervisor Edward P. Romaine: Aye
Town Clerk Donna Lent: Opposed?
Town Clerk Donna Lent: Motion carries.

Supervisor Edward P. Romaine: Okay, we go right into the Resolution Agenda, and.

Councilwoman Jane Bonner: Thank you, Mr. Supervisor. I move Resolution 0369 which is approval of Capital Supplemental Professional Service Requisition in excess of \$25,000 for payment of services to be performed by P.W. Grosser Consulting, Inc. in connection with the Town Wide Fuel Site upgrades. So moved.
Councilman Kevin J. LaValle: Second.

Town Clerk Donna Lent: All those in favor?
Councilwoman Valerie M. Cartright: Aye
Councilwoman Jane Bonner: Aye
Councilman Kevin J. LaValle: Aye
Councilman Michael Loguercio: Aye
Councilman Neil J. Foley: Aye
Councilman Daniel Panico: Aye
Supervisor Edward P. Romaine: Aye
Town Clerk Donna Lent: Opposed?
Town Clerk Donna Lent: Motion carries.

Councilman Daniel Panico: 370 of 20 is authorizing the acquisition of property in the Town of Brookhaven for property located in East Moriches, New York. The owner is Robert Audirsch. So moved.

Councilman Neil J. Foley: Second.

Town Clerk Donna Lent: All those in favor?
Councilwoman Valerie M. Cartright: Aye
Councilwoman Jane Bonner: Aye
Councilman Kevin J. LaValle: Aye
Councilman Michael Loguercio: Aye
Councilman Neil J. Foley: Aye
Councilman Daniel Panico: Aye
Supervisor Edward P. Romaine: Aye
Town Clerk Donna Lent: Opposed?
Town Clerk Donna Lent: Motion carries.

Councilman Daniel Panico: 371 of 20 is authorizing the sale of the property to the Manorville Fire District pursuant to Section 72-

H of the General Municipal Law – this property is located on Moriches-Middle Island Road and Cranford Boulevard in Manorville. So moved.
Second.

Councilman Neil J. Foley:

Town Clerk Donna Lent:	All those in favor?
Councilwoman Valerie M. Cartright:	Aye
Councilwoman Jane Bonner:	Aye
Councilman Kevin J. LaValle:	Aye
Councilman Michael Loguercio:	Aye
Councilman Neil J. Foley:	Aye
Councilman Daniel Panico:	Aye
Supervisor Edward P. Romaine:	Aye
Town Clerk Donna Lent:	Opposed?
Town Clerk Donna Lent:	Motion carries.

Councilwoman Jane Bonner:	Resolution 0372 of 2020 is to authorize the Commissioner of Finance to amend the 2020 Capital Budget for various Capital Budget reductions and Capital Project Deferments in response to the COVID-19 Pandemic. So moved. Second.
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Councilman Kevin J. LaValle:

Town Clerk Donna Lent:	All those in favor?
Councilwoman Valerie M. Cartright:	Aye
Councilwoman Jane Bonner:	Aye
Councilman Kevin J. LaValle:	Aye
Councilman Michael Loguercio:	Aye
Councilman Neil J. Foley:	Aye
Councilman Daniel Panico:	Aye
Supervisor Edward P. Romaine:	Aye
Town Clerk Donna Lent:	Opposed?
Town Clerk Donna Lent:	Motion carries.

Councilman Neil J. Foley:	Resolution 373 of 2020. Setting a Public Hearing on the Application of 1680 North Ocean LLC for a Change of Zone from J Business 5, A Residence 1, L Industrial 1 to J Business 5, Special Permit for a motor vehicle fueling station, Special Permit for a convenience store accessory to a motor vehicle fueling station and Waivers of a Special Permit criteria on property located on North Ocean Avenue, County Route 83 in Holtsville, New York. So moved.
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Councilman Michael Loguercio:	Second.
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Town Clerk Donna Lent: That Public Hearing will be held August 13, 2020 at 5:30 PM. All those in favor?

Councilwoman Valerie M. Cartright: Aye
Councilwoman Jane Bonner: Aye
Councilman Kevin J. LaValle: Aye
Councilman Michael Loguercio: Aye
Councilman Neil J. Foley: Aye
Councilman Daniel Panico: Aye
Supervisor Edward P. Romaine: Aye
Town Clerk Donna Lent: Opposed?
Town Clerk Donna Lent: Motion carries.

Councilman Daniel Panico: 374 of 20 is setting a Public Hearing to audit and determine the amount of cleanup costs and expenses incurred by the Town of Brookhaven and to impose liens enforceable through tax levies against each subject property for the full cleanup costs and expenses. So moved.

Councilman Neil J. Foley: Second.

Town Clerk Donna Lent: That Public Hearing will be held August 13, 2020 at 5:30 PM. All those in favor?

Councilwoman Valerie M. Cartright: Aye
Councilwoman Jane Bonner: Aye
Councilman Kevin J. LaValle: Aye
Councilman Michael Loguercio: Aye
Councilman Neil J. Foley: Aye
Councilman Daniel Panico: Aye
Supervisor Edward P. Romaine: Aye
Town Clerk Donna Lent: Opposed?
Town Clerk Donna Lent: Motion carries.

Councilwoman Jane Bonner: Resolution 0375 of 2020 is determination of the premises at 106 Parkside Avenue, Miller Place, New York, Suffolk County tax map numbers are provided, to be unsafe as defined by chapter 73 pursuant to the engineer's report of Cashin, Spinelli and Ferretti LLC, and setting a Public Hearing by which the owner or other persons having an interest in the premises may be heard with respect to the condition of the premises and the actions necessary to secure or remove same. So moved.

Councilman Kevin J. LaValle: Second.

Town Clerk Donna Lent: That Public Hearing will be heard August 27th at 2:30 PM. All those in favor?

Councilwoman Valerie M. Cartright: Aye
Councilwoman Jane Bonner: Aye
Councilman Kevin J. LaValle: Aye
Councilman Michael Loguercio: Aye
Councilman Neil J. Foley: Aye
Councilman Daniel Panico: Aye
Supervisor Edward P. Romaine: Aye
Town Clerk Donna Lent: Opposed?
Town Clerk Donna Lent: Motion carries.

Councilman Kevin J. LaValle: Resolution 376 Rescind Contract No. 20200030, removal and lawful disposal of deer carcasses and issue a new bid. So moved.

Councilwoman Jane Bonner: Second.

Town Clerk Donna Lent: All those in favor?

Councilwoman Valerie M. Cartright: Aye
Councilwoman Jane Bonner: Aye
Councilman Kevin J. LaValle: Aye
Councilman Michael Loguercio: Aye
Councilman Neil J. Foley: Aye
Councilman Daniel Panico: Aye
Supervisor Edward P. Romaine: Aye
Town Clerk Donna Lent: Opposed?
Town Clerk Donna Lent: Motion carries.

Councilwoman Jane Bonner: Resolution 0377 of 2020 is direct Commissioner of Finance to close out Capital Project Budgets less than \$20,000 and return excess bond proceeds to debt reserve or cash to operating funds and amend Resolution 2020-0029 authorize the Commissioner of Finance to close out Capital Project Budgets less than \$5,000. So moved.

Councilman Kevin J. LaValle: Second.

Town Clerk Donna Lent: All those in favor?

Councilwoman Valerie M. Cartright: Aye
Councilwoman Jane Bonner: Aye
Councilman Kevin J. LaValle: Aye
Councilman Michael Loguercio: Aye
Councilman Neil J. Foley: Aye

Councilman Daniel Panico: Aye
Supervisor Edward P. Romaine: Aye
Town Clerk Donna Lent: Opposed?
Town Clerk Donna Lent: Motion carries.

Councilman Neil J. Foley: Resolution 378 of 2020 A Bond Resolution authorizing the issuance of \$1,500,000 Bonds to pay the cost of improvements to the Town's Landfill, including the temporary capping of a portion of the Landfill, in and for said Town. So moved.

Councilman Michael Loguercio: Second.

Town Clerk Donna Lent: OK. This is a Bond Resolution, so we'll do a roll call vote.

Town Clerk Donna Lent: Valerie Cartright, how do you vote?

Councilwoman Valerie M. Cartright: Aye

Town Clerk Donna Lent: Ms. Bonner?

Councilwoman Jane Bonner: Aye

Town Clerk Donna Lent: Mr. LaValle?

Councilman Kevin J. LaValle: Yes

Town Clerk Donna Lent: Mr. Loguercio?

Councilman Michael Loguercio: Aye

Town Clerk Donna Lent: Mr. Foley?

Councilman Neil J. Foley: Yes

Town Clerk Donna Lent: And Mr. Panico?

Councilman Daniel Panico: Yes

Town Clerk Donna Lent: Supervisor Romaine?

Supervisor Edward P. Romaine: Yes

Town Clerk Donna Lent: You have a quo-Motion carries. I'm sorry. Motion carries. Thank you.

Councilwoman Jane Bonner: Resolution 0379 of 2020 is the Acceptance of the 2019 Audit Performed by Albrecht, Viggiano, Zureck & Co. PC. So moved.

Councilman Kevin J. LaValle: Second.

Town Clerk Donna Lent: All those in favor?

Councilwoman Valerie M. Cartright: Aye

Councilwoman Jane Bonner: Aye

Councilman Kevin J. LaValle: Aye

Councilman Michael Loguercio: Aye

Councilman Neil J. Foley: Aye

Councilman Daniel Panico: Aye

Supervisor Edward P. Romaine: Aye

Town Clerk Donna Lent: Opposed?
Town Clerk Donna Lent: Motion carries.

Councilwoman Valerie M. Cartright: Resolution 380 of 2020 Amending Resolution 2019-0473 entitled Authorizing a Lease Agreement between the Town of Brookhaven and National Grid Generation LLC for the period July 1, 2010 through June 30, 2020. So moved./
Councilwoman Jane Bonner: /Second. I'll second that.

Town Clerk Donna Lent: All those in favor?

Councilwoman Valerie M. Cartright: Aye
Councilwoman Jane Bonner: Aye
Councilman Kevin J. LaValle: Aye
Councilman Michael Loguercio: Aye
Councilman Neil J. Foley: Aye
Councilman Daniel Panico: Aye
Supervisor Edward P. Romaine: Aye
Town Clerk Donna Lent: Opposed?
Town Clerk Donna Lent: Motion carries.

Councilman Kevin J. LaValle: Resolution 381 Award Bid 20035 Removal and Lawful Disposal of Deer Carcasses to the sole responsible bidder, Dave's Tree Services, Inc. Suffolk County. So moved.

Councilwoman Jane Bonner: I'll second that. I'm happy that we got... I was a little worried that we weren't going to be doing that anymore so thanks, Kev.

Town Clerk Donna Lent: All those in favor?

Councilwoman Valerie M. Cartright: Aye
Councilwoman Jane Bonner: Aye
Councilman Kevin J. LaValle: Aye
Councilman Michael Loguercio: Aye
Councilman Neil J. Foley: Aye
Councilman Daniel Panico: Aye
Supervisor Edward P. Romaine: Aye
Town Clerk Donna Lent: Opposed?
Town Clerk Donna Lent: Motion carries.

Councilman Neil J. Foley: Resolution 0382 2020 Award Bid Number 20030. E - 1 Flare System Installation to the lowest responsible bidder, Bensin Contracting Inc. and authorize the Commissioner of Finance to increase

	the Capital Project Budget through a budget neutral transfer. So moved.
Councilman Michael Loguercio:	Second.
Town Clerk Donna Lent:	All those in favor?
Councilwoman Valerie M. Cartright:	Aye
Councilwoman Jane Bonner:	Aye
Councilman Kevin J. LaValle:	Aye
Councilman Michael Loguercio:	Aye
Councilman Neil J. Foley:	Aye
Councilman Daniel Panico:	Aye
Supervisor Edward P. Romaine:	Aye
Town Clerk Donna Lent:	Opposed?
Town Clerk Donna Lent:	Motion carries.
Councilman Neil J. Foley:	Resolution 0383 of 2020 Award bid number 20033 cell six to Geosynthetic Leachate and Odor Control Cover System to the sole responsible bidder, Atlantic Lining Co. Inc. and authorize the Commissioner of Finance to establish a budget for the Landfill Temporary Cap Project funded with bond proceeds. So moved.
Councilman Michael Loguercio:	Second.
Town Clerk Donna Lent:	All those in favor?
Councilwoman Valerie M. Cartright:	Aye
Councilwoman Jane Bonner:	Aye
Councilman Kevin J. LaValle:	Aye
Councilman Michael Loguercio:	Aye
Councilman Neil J. Foley:	Aye
Councilman Daniel Panico:	Aye
Supervisor Edward P. Romaine:	Aye
Town Clerk Donna Lent:	Opposed?
Town Clerk Donna Lent:	Motion carries.
Councilwoman Valerie M. Cartright:	Resolution 384 of 2020 Declaring June 19, 2020 as “Juneteenth Day” in the Town of Brookhaven. So moved.
Councilwoman Jane Bonner:	Second.
Councilman Daniel Panico:	On the motion.
Councilwoman Valerie M. Cartright:	Okay, you guys can go first.

Councilman Daniel Panico: Yeah, I was just asking to be a co-sponsor.

Councilwoman Jane Bonner: I think we would all like to.

Councilman Michael Loguercio: We should all be.

Supervisor Edward P. Romaine: Why don't we all be co-sponsors? We laud Juneteenth, as you know, every year for the last couple years, and we've provided a picnic for everyone at the Longwood Estate which we would do this year, if not for the pandemic. But Juneteenth is an important milestone in our history and something we should all recall.

Councilwoman Valerie M. Cartright: Yes, and I hope that every...we will be having our event this Saturday from 12:00 to 1:00. So it's going to be virtual. So hopefully as many colleagues as possible can participate, that would be great. Jennifer will send out the link again to all of your council offices. Also, you should have all received a letter today from the NAACP, asking that the Town of Brookhaven adopt Juneteenth as an official town-wide holiday. You know that Governor Cuomo made this a State holiday. And I just want to read like five lines from her letter, because I think it speaks to Juneteenth. "As you know Juneteenth is the country's oldest liberation celebration associated with freedom and commemorates the emancipation of slavery. Juneteenth is more than a celebration holiday, but also a day of reflection, examining sacrifices and contributions, along with the struggle for true equality, that African Americans continue to endure. Today this holiday serves as a reminder of Sankofa; to look back to the past, go back and get it, go back and seek. We must go back to obtain wisdom, knowledge and understanding, and given the current state of affairs in our country, learning from one another together can only bring us closer." So I think this is something we'll be having a discussion about, but I wanted to acknowledge that Georgette Grier Key, Dr. Georgette Grier Key sent that on behalf of the NAACP to each and every one of you on the Town Board.

Supervisor Edward P. Romaine: Thank you. I haven't received it yet, but I would suggest, Valerie, that as a Town Councilperson...holidays, other than National holidays are usually negotiated with the CSEA, because we just can't, for example, close the landfill, or other such operations that are vital to the residents of this Town. So you may want to have the discussion with CSEA representatives of our white, blue, and highway units.

Councilwoman Valerie M. Cartright: Absolutely, and I'm sure you'll be at the table as well, to have that discussion. And we'll respond to Dr. Georgette Grier Key about that. The letter came in today, but thank you.

Supervisor Edward P. Romaine: Right.

Councilwoman Valerie M. Cartright: Thank you.

Town Clerk Donna Lent: Having been moved and seconded, all those in favor?

Councilwoman Valerie M. Cartright: Aye

Councilwoman Jane Bonner: Aye

Councilman Kevin J. LaValle: Aye

Councilman Michael Loguercio: Aye

Councilman Neil J. Foley: Aye

Councilman Daniel Panico: Aye

Supervisor Edward P. Romaine: Aye

Town Clerk Donna Lent: Opposed?

Town Clerk Donna Lent: Motion carries.

Councilwoman Jane Bonner: Resolution 0385 of 2020 is Authorization for the Supervisor/Deputy Supervisor to accept a grant award from the Federal Aviation Administration (FAA) Federal CARES Stimulus Program for funding for operating expenses at Calabro Airport in Shirley, New York and to authorize the Commissioner of Finance to attend-to amend the 2020 Capital Budget in connection with the Grant Award. So moved.

Councilman Kevin J. LaValle: Second.

Town Clerk Donna Lent: All those in favor?

Councilwoman Valerie M. Cartright: Aye

Councilwoman Jane Bonner: Aye
Councilman Kevin J. LaValle: Aye
Councilman Michael Loguercio: Aye
Councilman Neil J. Foley: Aye
Councilman Daniel Panico: Aye
Supervisor Edward P. Romaine: Aye
Town Clerk Donna Lent: Opposed?
Town Clerk Donna Lent: Motion carries.

Councilman Daniel Panico: 386 is authorizing a Lease Agreement with Mastic Beach Solar, LLC for Solar Development at the Brookhaven Aquatic Center. So moved.
Councilman Neil J. Foley: Second.

Town Clerk Donna Lent: All those in favor?

Councilwoman Valerie M. Cartright: Aye
Councilwoman Jane Bonner: Aye
Councilman Kevin J. LaValle: Aye
Councilman Michael Loguercio: Aye
Councilman Neil J. Foley: Aye
Councilman Daniel Panico: Aye
Supervisor Edward P. Romaine: Aye
Town Clerk Donna Lent: Opposed?
Town Clerk Donna Lent: Motion carries.

Councilman Daniel Panico: 387 is authorizing a lease agreement with MAC Solar, LLC for Solar Development at the Moriches Athletic Complex. So moved.
Councilman Neil J. Foley: Second.

Town Clerk Donna Lent: All those in favor?

Councilwoman Valerie M. Cartright: Aye
Councilwoman Jane Bonner: Aye
Councilman Kevin J. LaValle: Aye
Councilman Michael Loguercio: Aye
Councilman Neil J. Foley: Aye
Councilman Daniel Panico: Aye
Supervisor Edward P. Romaine: Aye
Town Clerk Donna Lent: Opposed?
Town Clerk Donna Lent: Motion carries.

Supervisor Edward P. Romaine: As you see, we are continuing with our efforts to install solar and alternative energy throughout the Town of Brookhaven. We're becoming greener by

the day. And I think this is a good thing, which I think you all agree.

Councilman Kevin J. LaValle:

Yes, Supervisor, I could just chime in on that too, that I was just over at the Amphitheater Complex a little earlier today, and that project is moving on. They are putting up the steel there, which will be a massive array in the A lot, so that's moving along very quickly right now. Hopefully, that project will be done by about mid-July. And they've been working thought out whole COVID. They've been exempt through the construction. So that's moving along. So that's going to be something that I think we'll all be able to check out mid-July.

Supervisor Edward P. Romaine:

Very good.

Councilwoman Jane Bonner:

Good job.

Councilman Neil J. Foley:

Resolution 0388 2020 Authorization to enter into an Access Permit Agreement with the County of Suffolk, Jondell, LLC and Robert J. Aiello to allow temporary access to the Town and County owned parkland located at Roosevelt Boulevard, East Patchogue in order to replace docking and bulkhead. So moved.

Councilman Michael Loguercio:

Second.

Town Clerk Donna Lent:

All those in favor?

Councilwoman Valerie M. Cartright:

Aye

Councilwoman Jane Bonner:

Aye

Councilman Kevin J. LaValle:

Aye

Councilman Michael Loguercio:

Aye

Councilman Neil J. Foley:

Aye

Councilman Daniel Panico:

Aye

Supervisor Edward P. Romaine:

Aye

Town Clerk Donna Lent:

Opposed?

Town Clerk Donna Lent:

Motion carries.

Councilman Michael Loguercio:

First, I just have to say, hi, mom! You're watching live on TV. Thanks for joining. (laughter)

Councilman Michael Loguercio:

Resolution 389 of 2020 Setting a Public Hearing to consider the federally funded US Department of Housing and Urban Development Section 8

Housing Choice Voucher Program Proposed
Annual Plan for the 2021 fiscal year. So moved.
Second.

Councilman Neil J. Foley:

Town Clerk Donna Lent:

That Public Hearing will be held September 14,
2020 at 5:00 PM. All those in favor?

Councilwoman Valerie M. Cartright:

Aye

Councilwoman Jane Bonner:

Aye

Councilman Kevin J. LaValle:

Aye

Councilman Michael Loguercio:

Aye

Councilman Neil J. Foley:

Aye

Councilman Daniel Panico:

Aye

Supervisor Edward P. Romaine:

Aye

Town Clerk Donna Lent:

Opposed?

Town Clerk Donna Lent:

Motion carries.

Councilman Daniel Panico:

Mike, is this your mom's first zoom?

Councilman Michael Loguercio:

No, she's watching on channel 18.

Councilman Daniel Panico:

Oh, she's going live.

Supervisor Edward P. Romaine:

Okay.

Councilman Michael Loguercio:

Yep. So I had to say "hi, mom".

Councilwoman Jane Bonner:

Hi, mom!

Councilman Neil J. Foley:

Smart boy. (laughter)

Councilman Michael Loguercio:

I love you.

Councilman Michael Loguercio:

Resolution 390 of 2020 Authorization for the Town
of Brookhaven to accept a second Special
Allocation Grant from the US Department of
Housing and Urban Development under Round 2 of
the Coronavirus Aid Relief and Economic Security,
(CARES) Act, for the Emergency Solutions Grants
(ESG) Program Pursuant to Federal Regulation 24
CFR 576. So moved.

Councilman Neil J. Foley:

Second.

Town Clerk Donna Lent:

I'm sorry, that was Mr. Foley?/ All those in favor?

Councilman Neil J. Foley:

/Yes.

Councilwoman Valerie M. Cartright:

Aye

Councilwoman Jane Bonner:

Aye

Councilman Kevin J. LaValle:	Aye
Councilman Michael Loguercio:	Aye
Councilman Neil J. Foley:	Aye
Councilman Daniel Panico:	Aye
Supervisor Edward P. Romaine:	Aye
Town Clerk Donna Lent:	Opposed?
Town Clerk Donna Lent:	Motion carries.
Councilwoman Jane Bonner:	Resolution 0391 of 2020 is 2020 Various Capital Budget Transfers. So moved.
Councilman Kevin J. LaValle:	Second.
Town Clerk Donna Lent:	All those in favor?
Councilwoman Valerie M. Cartright:	Aye
Councilwoman Jane Bonner:	Aye
Councilman Kevin J. LaValle:	Aye
Councilman Michael Loguercio:	Aye
Councilman Neil J. Foley:	Aye
Councilman Daniel Panico:	Aye
Supervisor Edward P. Romaine:	Aye
Town Clerk Donna Lent:	Opposed?
Town Clerk Donna Lent:	Motion carries.
Councilwoman Jane Bonner:	Resolution 0392 of 2020 is authorization to enter into a Lease Agreement with the Town of Brookhaven and New York SMSA Limited Partnership d/b/a Verizon Wireless for the leasing of approximately 720 square feet of property at Rose Caracappa Center, Mount Sinai, New York 11766. So moved.
Councilman Kevin J. LaValle:	Second.
Town Clerk Donna Lent:	All those in favor?
Councilwoman Valerie M. Cartright:	Aye
Councilwoman Jane Bonner:	Aye
Councilman Kevin J. LaValle:	Aye
Councilman Michael Loguercio:	Aye
Councilman Neil J. Foley:	Aye
Councilman Daniel Panico:	Aye
Supervisor Edward P. Romaine:	Aye
Town Clerk Donna Lent:	Opposed?
Town Clerk Donna Lent:	Motion carries.

Councilman Daniel Panico: 393 is the SEQRA Negative Declaration Authorization for acquisition of property for highway drainage purposes, Laurelton Drive and Park Place in Mastic Beach. So moved.
Councilman Neil J. Foley: Second.

Town Clerk Donna Lent: All those in favor?

Councilwoman Valerie M. Cartright: Aye
Councilwoman Jane Bonner: Aye
Councilman Kevin J. LaValle: Aye
Councilman Michael Loguercio: Aye
Councilman Neil J. Foley: Aye
Councilman Daniel Panico: Aye
Supervisor Edward P. Romaine: Aye
Town Clerk Donna Lent: Opposed?
Town Clerk Donna Lent: Motion carries.

Councilman Daniel Panico: 394 is Authorization for acquisition of property for highway drainage purposes, Laurelton Drive and Park Place in Mastic Beach. So moved.
Councilman Neil J. Foley: Second.

Town Clerk Donna Lent: All those in favor?

Councilwoman Valerie M. Cartright: Aye
Councilwoman Jane Bonner: Aye
Councilman Kevin J. LaValle: Aye
Councilman Michael Loguercio: Aye
Councilman Neil J. Foley: Aye
Councilman Daniel Panico: Aye
Supervisor Edward P. Romaine: Aye
Town Clerk Donna Lent: Opposed?
Town Clerk Donna Lent: Motion carries.

Councilwoman Jane Bonner: Resolution 0395 of 2020 is 2020 Various Operating Budget Reductions in Response to the COVID-19 Pandemic. So moved.

Councilman Kevin J. LaValle: Second.

Town Clerk Donna Lent: All those in favor?

Councilwoman Valerie M. Cartright: Aye
Councilwoman Jane Bonner: Aye
Councilman Kevin J. LaValle: Aye
Councilman Michael Loguercio: Aye

Councilman Neil J. Foley:	Aye
Councilman Daniel Panico:	Aye
Supervisor Edward P. Romaine:	Aye
Town Clerk Donna Lent:	Opposed?
Town Clerk Donna Lent:	Motion carries.
Supervisor Edward P. Romaine:	Okay, I think that ends our resolution agenda. We're going to set dates. And we'll set a date for Public Hearing to amend the Uniform Traffic Code to be heard, July 16, 2020 And I'll take a motion for that.
Councilman Daniel Panico:	Second.
Town Clerk Donna Lent:	He'll take a motion. Can I have a motion?
Supervisor Edward P. Romaine:	I'll make a motion, then.
Councilman Daniel Panico:	I'm sorry.
Town Clerk Donna Lent:	Supervisor will make the motion and Mr. Panico second.
Town Clerk Donna Lent:	All those in favor?
Councilwoman Valerie M. Cartright:	Aye
Councilwoman Jane Bonner:	Aye
Councilman Kevin J. LaValle:	Aye
Councilman Michael Loguercio:	Aye
Councilman Neil J. Foley:	Aye
Councilman Daniel Panico:	Aye
Supervisor Edward P. Romaine:	Aye
Town Clerk Donna Lent:	Opposed?
Town Clerk Donna Lent:	Motion carries. Thank you.
Supervisor Edward P. Romaine:	Okay. We've done all the business other than Public Hearings, but we advertise the Public Hearings for 5:30 PM and it's 5:19 so we're going to have to wait for about 11 minutes to start the Public Hearings.
Town Attorney Annette Eaderesto:	Mr. Supervisor, hmm, he cut us off already? Mr. Supervisor, just an announcement. Members of the public who wish to speak on any of those Hearings that will start in approximately 10 minutes, please use the question and answer feature to let us know what Hearing you are here for. Thank you.

(10-minute break observed)

Town Clerk Donna Lent: -Uniform Traffic Code. Legal Notices for Public Hearings are published no less than 10 days and no more than 20 days prior to the public hearing in one of the legal town newspapers. My office has received the signed Affidavit of Publication from the Newspaper.

Supervisor Edward P. Romaine: Okay.

Town Attorney Annette Eaderesto: Thank you, Mr. Supervisor. The following is a summary of the amendments to the Town of Brookhaven Uniform Traffic Code: Article 7 Section 26 stop and yield intersections, there are two additions in the hamlet of Stony Brook. Article 8 Section 33 parking prohibited in designated areas, there are two additions for segments of roadway in the hamlet of Port Jefferson Station.

Supervisor Edward P. Romaine: And that's it?

Town Attorney Annette Eaderesto: Yes, sir.

Supervisor Edward P. Romaine: Okay, do we have any public input on these changes?

Town Attorney Annette Eaderesto: No.

Supervisor Edward P. Romaine: Okay, I'll make a motion to close this Public Hearing.

Councilwoman Jane Bonner: So moved.

Town Clerk Donna Lent: All those in favor?

Councilwoman Valerie M. Cartright: Aye

Councilwoman Jane Bonner: Aye

Councilman Kevin J. LaValle: Aye

Councilman Michael Loguercio: Aye

Councilman Neil J. Foley: Aye

Councilman Daniel Panico: Aye

Supervisor Edward P. Romaine: Aye

Town Clerk Donna Lent: Opposed?

Town Clerk Donna Lent: Motion to close carries.

Councilwoman Jane Bonner: Motion to adopt.

Supervisor Edward P. Romaine:	Second.
Town Clerk Donna Lent:	All those in favor?
Councilwoman Valerie M. Cartright:	Aye
Councilwoman Jane Bonner:	Aye
Councilman Kevin J. LaValle:	Aye
Councilman Michael Loguercio:	Aye
Councilman Neil J. Foley:	Aye
Councilman Daniel Panico:	Aye
Supervisor Edward P. Romaine:	Aye
Town Clerk Donna Lent:	Opposed?
Town Clerk Donna Lent:	Motion carries.
Supervisor Edward P. Romaine:	Okay, Public Hearing No. 2. I understand this is going to be adjourned. Do we want to open it now?
Town Clerk Donna Lent:	What I'm going to say... yes, I'm going to. Public Hearing No. 2, to consider the acquisition of property for open space purposes 6 Frank Street, Patchogue. Condemnation hearings are published for legal compliance no less than 10 days and no more than 20 days prior to the Public Hearing in five successive editions of Newsday and two successive editions of a local Town newspaper. The signed affidavits of publication have been received by my office. Should the Board render a decision, this has been deemed a SEQRA Type II action. And I understand this public hearing is being adjourned to August 13, 2020 at 5:30 PM. May I have a motion?
Councilman Neil J. Foley:	I'll motion to adjourn Public Hearing No. 2.
Supervisor Edward P. Romaine:	Second.
Town Clerk Donna Lent:	All those in favor?
Councilwoman Valerie M. Cartright:	Aye
Councilwoman Jane Bonner:	Aye
Councilman Kevin J. LaValle:	Aye
Councilman Michael Loguercio:	Aye
Councilman Neil J. Foley:	Aye
Councilman Daniel Panico:	Aye
Supervisor Edward P. Romaine:	Aye
Town Clerk Donna Lent:	Opposed?
Town Clerk Donna Lent:	Motion carries.

Supervisor Edward P. Romaine:

Okay, we are on to Public Hearing No. 3.

Town Clerk Donna Lent:

Public Hearing No. 3 is to consider the application known as 7-Eleven at East Patchogue for amendments to Restrictive Covenants, Special Permits and Change of Zone from J Business 2 to J Business 5, on property located in East Patchogue, New York. Legal notices for Public Hearings are published no less than 10 days and no more than 20 days prior to a Public Hearing in one of the legal Town newspapers. My office has received a signed affidavit of publication from the newspaper. A SEQRA Negative determination will be submitted by the Law Department. via resolution, if applicable. I am in receipt of a letter from the Suffolk County Planning Commission stating it to be a matter of local determination. I am also in receipt of a letter from Long Island Community Hospital stating no objection to this application. And I am in receipt of an email with comments from Deborah Goetz. The applicant was required to post the property, as well as notify all property owners within a 500-foot radius of the subject property and my office has received the affidavits of mailing and posting. And our letter from Suffolk County Planning is dated April 13, 2018, Dear Ms. Lent, pursuant to the requirements of Sections A14-14 to A14-25 of the Suffolk County Administrative Code, the above referenced application which has been submitted to the Suffolk County Planning Commission is considered to be a matter for local determination, as there is no apparent significant county-wide or intercommunity impact. A decision of local determination could not be, should not be construed as either an approval or disapproval. Very truly yours, Andrew P. Freleng, Chief Planner.

Supervisor Edward P. Romaine:

Thank you. Annette, as our Town Attorney, do you want to give us brief description of what this involves?

Town Attorney Annette Eaderesto:

I believe we have Joe Sanzano here to do that.

Supervisor Edward P. Romaine:

Okay, do we have Joe?

Joe Sanzano: I'm here. I'm trying to start my video right now.

Supervisor Edward P. Romaine: Don't worry about your video, we can hear you. So, why don't you let us know a little bit about this application?

Joe Sanzano: There we go.

Supervisor Edward P. Romaine: I like the American flag in the background. I have one over my shoulder.

Joe Sanzano: Thank you. Thank you. I'm going to share my screen if I can. This site is located at the southwest corner of the Sunrise Highway Route 27 and Hospital Road in East Patchogue. The overall parcel is 6.63 acres and is currently Zoned J 2 Business by a Change of Zone Application that was approved by the Town Board in 1984. The existing 1984 C&R's limit the use of the site to a diner and catering complex on two acres of the parcel and a professional office use on the remaining balance of the site. One-and-a-half-acre parcel of part of this property is currently occupied with an existing restaurant/diner use that has been closed and abandoned for several years. The remainder of the site is currently vacant and wooded. A site plan was approved by the Planning Board in 2008 for an office complex on that remaining portion of the site but was never built and the site plan has since expired. The applicant now seeks a Change of Zone Application from J 2 Business to J 5 Business and on 1.91 acres of the site and a Special Use Permit for a motor vehicle fueling station, and a Special Use Permit for accessory convenience store. The proposal also includes a request to amend the restrictive covenant from 1984 to allow the use of the site for a motor vehicle fueling station, instead of a diner. The concept plan proposes a motor vehicle fueling station with pump islands, canopy, along with a 2,995 square foot convenience store building with 1,850 square foot of retail use, along with other associated site improvements. Site access to the site is permitted by Sunrise Highway Service Road, and another access point to Hospital Road. These two access points will also serve to

ma-to be the main access point to a future potential office development on the balance of the site. There are waivers from a Special Permit Criteria being requested and a Land Division Application will be required at the time of Site Plan Review. Variances will also be required. The 1996 comprehensive plan designates this site for commercial purposes. The applicant has prepared some visual aids, showing the existing conditions of the site as they exist today. And what it could look like with a proposed 7-Eleven convenience store with a photo simulation. That's from Sunrise Highway (photo shown). This is what it looks like today (photo shown). And this is from Hospital Road (photo shown). And with that, that concludes my presentation, and I will turn this over to the applicants for their comments.

Alfred Amato, Esq.:

Good evening, Mr. Supervisor and members of the board. Can you hear me clearly?

Supervisor Edward P. Romaine:

Yes.

Alfred Amato, Esq.:

Thank you. I'd like to note my appearance for the record, Alfred L. Amato, Amato Law Group, 666 Old Country Road, Garden City, New York, 11530. This evening, I am presenting 7-Eleven's applications as presented by Mr. Sanzano for a new and modern motor vehicle fueling station, as well as an accessory convenience store at 140 Hospital Road. As Mr. Sanzano has pointed out and, Mr. Sanzano, can I ask you to put up the photos of the existing conditions, please, of the site.

Joe Sanzano:

Sure. I'll share my screen again.

Alfred Amato, Esq.:

Thank you so much.

Joe Sanzano:

Here you go.

Alfred Amato, Esq.:

So, if the Board can see, this site has been abandoned for a number of years. It's a site of 1.9 acres, and the building is 6,850 square feet. It is deteriorated. It is an unsafe condition; the canopy is collapsing. There is fire damage and there are people living in this diner.

So, and we believe that this is a tremendous blight to the community and with the existing 7-Eleven being of inadequate size to serve the community and, in particular the hospital, and this blight that's sitting literally across the street from this site that's how this first idea came about, two, three years ago to 7-Eleven. We believe that our application will accomplish two items: one, eliminate this blighted condition and these dangerous conditions from basically people living in this building, and also allow 7-Eleven to replace its existing station, which was constructed in 1981 and which is outdated, with this new site. This new site, as you can see, will have 8 fueling stations, which will have 16 pumps. And a building that's about approximately 3,000 square feet. And this building, as you can see, will have modern architecture, and it has really been designed to be something outside of what the standard- what the historical standard 7-Eleven's look like. Frankly, they're-they believe in this project very much, and they would be placing millions of dollars into the site.

I think that these simulations speak volumes about what we're proposing. And, also I think, Mr. Sanzano, we have some photos we presented to you regarding the interior of the site if you have that so the Board could get a full assessment as to what's happening at the site. I think it's not as part of the simulation package. We submitted them separately, if you happen to have them.

Joe Sanzano:

Let's see, I might have them. I do not have the interior buildings, no.

Alfred Amato, Esq.:

Okay. All right. I don't think we have the ability to share our screen though, or do we?

Joe Sanzano:

No, sorry. But I did not include those in the presentation.

Alfred Amato, Esq.:

Okay, so we...

Supervisor Edward P. Romaine:

So are we looking now at the 7-Eleven across the street?

Alfred Amato, Esq.:

Yes, so...

Supervisor Edward P. Romaine:

So what's going to happen at the 7-Eleven across the street, if I may ask?

Alfred Amato, Esq.:

Of course. So, once again, in order to speak to how much of a financial interest 7-Eleven is placing here, they've done-the first thing that they've done is they've actually extended their lease to 2033. So you might ask, well, if we're going to build the site at great cost across the street, why we do that? 7-Eleven wants to make sure that they maintain the site across the street because we've heard the comment, we don't want to replace one eyesore for another eyesore if 7-Eleven leaves this site. So 7-Eleven is going to be contractually bound to maintain the site through 2033. Their contract contains clauses to maintain the property, they have to pay rent through 2033, they will be removing all signs of that 7-Eleven is there and they'll be removing all the gas tanks. Also-

Supervisor Edward P. Romaine:

They'll be removing all the gas tanks?

Alfred Amato, Esq.:

Yes, sir.

Supervisor Edward P. Romaine:

Okay. Annette, let me ask you a question, when they move the gas tanks, what would it take for another vendor to come in and put gas tanks back in there?

Town Attorney Annette Eaderesto:

Well, they would need the J5 Zoning. So they would have to come back to the Town Board.

Supervisor Edward P. Romaine:

And I would say today, tomorrow might be a different story, but today, that's highly unlikely.

Alfred Amato, Esq.:

And I would also like to add as the board, I'm sure knows, this property abuts the hospital. There are ongoing discussions right now, which have been slowed down a little due to the COVID situation, the hospital is seeking to take over the site as an expansion to their existing facilities. It's literally right next door, and it makes all the sense in the world. So there-

Supervisor Edward P. Romaine:

So, medical offices or administrative offices?

Alfred Amato, Esq.:

Yes. Exactly, Mr. Supervisor. And so, and if also, if you do notice, we have as Mr. Sanzano pointed out, we have a letter of support from the hospital seeking to for the site to for 7-Eleven to expand its facility across the street. And part of that may be also due to the fact they're looking to take over this site.

Supervisor Edward P. Romaine:

I've read that letter, and I have to say, you know, so not really, but I am encouraged by the fact that a second convenience store will not be on the corner. And that-Is that essentially what you're telling me?

Alfred Amato, Esq.:

Essentially, what I'm telling you is exactly that. The gas tanks will be removed. 7-Eleven is not going to go through this expense and bring in competition, frankly, across the street. And so since they control the site to 2033, which is the reason, you know, they've put a lot of money. Obviously, it's a huge financial undertaking they took they're going to guarantee that site is maintained, that they don't have competition, and that it is available for the hospital's use because, bluntly, they believe it's the right thing to do for the community, and they think it's the right thing to do also for their franchisee.

Supervisor Edward P. Romaine:

I couldn't agree more.

Alfred Amato, Esq.:

I'm sorry?

Supervisor Edward P. Romaine:

I said, I could not agree more.

Alfred Amato, Esq.:

Thank you.

Supervisor Edward P. Romaine:

That convenience store has not been a positive.

Alfred Amato, Esq.:

No, and we also have the franchisee on the phone who's with us, they could speak to it. So that site has been around since 1981. The franchisee had put out a petition, and we submitted to the board. He has 231 signatures that we submitted to the Town Board supporting this application, signed by

patrons. I think the bulk of which I would presume live in the Town of Brookhaven, and also a number of the folks at the hospital.

The-the problem with the existing site as you can see, first of all the architecture is very old. So it's not, I would not say it's the most, not the most pleasant looking. It is a very standard type of build-commercial build. It was built in 1981. It's a little too small for a lot of the services that 7-Eleven offers today which includes fresh food, and if you can see this one pump is greatly, greatly incapable of serving the existing demand. As first of all, there's no canopy. So in the foul weather, you know, people are not going to go out and pump gas and also there's only-there's only one pump which is two fueling stations. Now, the new site will have a-a modern canopy, and we'll have 16 pumps to service the people in the area. And you can see what we're proposing here, also with a great amount of landscaping. I think that's 40 or 50 feet of landscaping surrounding the two corners of the property. The franchisee, his name is Chris Stephens, he has been a franchisee for 22 years at the site. He will be operating the new franchise should this board be so inclined to approve this application.

He has, in our opinion, become a pillar of the community. He has undertaken a number of activities to support the hospital in terms of food and other services for the emergency service workers and then the doctors and nurses that do work in the hospital. In connection with the logistics of the approval, we're asking for a few approvals, as you know, and just to reiterate it's a change of zone, two special permits, certain relaxation of special permit conditions and amendments to C&R. The amendment to the C&R, basically, is that only a diner can go here, and we ask you to remove that portion, amend it. The balance goes to the balance, the remaining five acres of the property would have to be occupied by an office building.

7-Eleven has, has retained a number of experts and we've submitted a number of reports to this Town to demonstrate that this approval would not be in any means an outlier. That it's well supported by the record and the surrounding conditions. The folks that approve-that prepared these reports are all online to answer any questions that the Board might have. And I'd like to just indicate to you what these reports are and they're in the Board's record-records that are before you, and of course, we can have any one of these experts speak to this application, if the board is so inclined to hear further testimony.

The first person's name is Larry O'Brien. He's with High Point Engineering. Mr. O'Brien prepared the site plans that are before you, as well as the bulk table, which demonstrates compliance to the town's code. He is a civil engineer.

Andrew Villari is with Stonefield Engineering. He's a traffic engineer. He, he has prepared a comprehensive traffic impact study which analyzes proposed traffic at this site, and he basically concludes that the roadways can adequately handle it. Uh, there's no increase affecting the level of service, and there's a few reasons for that. First of all, it's this like to like swap with the convenience store in terms of traffic. This condition already exists right across street. Secondly, as far as the gas use this is, since gas is not a destination location, this will just handle folks who have been on the roadway anyway. And so his report has been submitted into the record.

Mr. Lynch is a New York State Certified Appraiser. He has prepared a report demonstrating that this-proposed site is in-is in conformity with the overall planning and development in the community, and that there is no negative impact on surrounding real estate values based upon approval of this application.

And finally, the most comprehensive report that's before you performed by VHB Engineering John Ellsworth is the planner, that is online with us and prepared the report, and he prepared a report called

land use and zoning impact analysis. What-what Mr. Ellsworth meticulously did is he went through the surrounding community, and identified, how this Change of Zone would be consistent with the overall comprehensive plan. Specifically, he looked at the property, the Valero, which is almost an exact build that went through a Change of Zone recently, that's directly to the north of this property past Hospital Road.

And it's actually on a property of equivalent size, but oddly shaped in a triangular configuration. He also went through four other sites that were zoned J 5 as well, that have the convenience and convenience use and the fueling station use and compared it, and basically to demonstrate that this is in conformity with the Town's comprehensive plan and that so that this is not would not be spot zoning or anything of the like. He also goes through all the Special Permit conditions and explains how we meet the criteria. And to the extent that a waiver is necessary, why we that have an interest in it.

So, in sum, we respectfully submit to this board, we are, we believe that we've met in the first instance, all the legal, logistical requirements in order to lay the groundwork for this board to issue the approvals, but secondly, and probably more significantly, we believe that we are really doing the right thing for the community. We're serving the community. We are eliminating a long standing, dangerous and blighted condition and we are also increase-you know, increasing the efficiency of the site of the 7-Eleven by relocating it next door, making it better able to serve the community, and also opening up the existing site, which abuts the existing hospital for further expansion of hospital services. And as we know, hospitals have been very pressed these days with their physical plans, so we believe also that will be another item to service the community. As I, as I previously mentioned, all four experts are on the line right now, Larry O'Brien, Andrew Villari, Michael Lynch and John Ellsworth. Also on the line, and I like to have him speak, if he is able to dial in, is the franchisee, Chris Stephens, and also the real estate manager of the

region, Sean O'Neill. If the board has any questions for him in terms of asking about 7-Eleven's, you know, dedication to the site.

So, Mr. Stephens, have you been able to dial in?
(silence) I know he was having some WiFi troubles.

Town Attorney Annette Eaderesto:

Mr. Supervisor, do you want to see if the board has any questions?

Supervisor Edward Romaine:

Yes.

Councilman Daniel Panico:

I, I, I have, I have a few questions. And the first question, I-I understand everything Mr. Amato is saying, on behalf of his of his clients, but clearly now we're going to create two J 5 sites, well, not clearly, it depends on the vote of the board. This application needs six votes. We're going to create a J 5 site on each side of Hospital Road. While this is certainly more attractive and I'm sure will be highly utilized by pass-by traffic because it really is-7-Eleven really isn't a destination. Because it seems that 7-Eleven as a corporation seems to have this manifest destiny attitude toward development, and they seem to be popping up on every corner, and it's something that we're dealing with here in the Town. But my question is this, as this application is going to require a land division, my reading and understanding of the Code is that an application like this would require a minimum lot area of two acres. Joe, is that correct?

Joe Sanzano:

Yes, sir. That is correct.

Councilman Daniel Panico:

So if, if this application which is coming in for a Change of Zone, is part of a larger lot, and we are truly going to have perhaps, one of our first applications for a gas station and C store come in where there is ample land to not require a variance from the code, why are we not requiring the applicant to give the additional point nine, .09 acres to make this a truly conforming site?

Alfred Amato, Esq.:

Councilman Panico, I believe...I'm sorry.

Town Attorney Annette Eaderesto: Yeah, so, Dan, do you want me to read the covenants, maybe that'll help?

Councilman Daniel Panico: No, I just want to know why we're not...

Town Attorney Annette Eaderesto: Because easterly two acres are to be used exclusively as a motor vehicle fueling station and a convenience store.

Councilman Daniel Panico: Oh it's two acres?

Town Attorney Annette Eaderesto: Yes, it's right in the covenants.

Councilman Daniel Panico: Joe had given...Joe had said 1.91.

Town Attorney Annette Eaderesto: Well-That's not what the covenants said. Let me read all the covenants.

Councilman Daniel Panico: Okay.

Town Attorney Annette Eaderesto: So there's a condition, there's a \$7,125 mitigation fee shall be submitted prior to the Change of Zone and application must-applicant must submit proof to the satisfaction of the Town Attorney's office that the covenants and restrictions as follows have been filed. And then the additional \$7,125 mitigation fee will be at final conditional site plan approval. The easterly two acres are to be used exclusively for a motor vehicle fueling station with accessory convenience store. No other uses or special permit uses within the J 5 Business Zone shall be permitted. The balance of the properties are to be developed for professional offices only. Accessory convenience store building shall not exceed 2,995 square feet. There has to be a redemption of one Pine Barrens Credit because of the size of the convenience store. A minimum forty-foot landscaped front yard area shall be provided adjacent to Sunrise Highway. A minimum twenty-foot landscaped front yard shall be provided adjacent to Hospital Road. At the time of final site plan and land division approval, the applicant shall file cross-access parking easement agreements between the 1.91 acre subject property and the remaining 4.72 acre-

Councilman Daniel Panico: Alright, alright. Can you stop right there?

Town Attorney Annette Eaderesto: Yeah.

Councilman Daniel Panico: Code requires two acres.

Town Attorney Annette Eaderesto: I know.

Councilman Daniel Panico: You have ample property.

Joe Sanzano: I can speak to this.

Supervisor Edward P. Romaine: Let Joe speak to it.

Town Attorney Annette Eaderesto: Yeah, let Joe explain.

Councilman Daniel Panico: Okay.

Joe Sanzano: Councilman.

Town Attorney Annette Eaderesto: Let me finish, Joe. There shall be no further access points permitted to Hospital Road for the overall. And that's it. Go ahead, Joe.

Councilman Daniel Panico: Thank you, Annette.

Joe Sanzano: Yes, it is slightly under the two acres. There is a dedication that we're going to ask of the applicant, at the time of site plan review.

Councilman Daniel Panico: Okay.

Joe Sanzano: And I can see it here, pursuant to the highway department and traffic safety in the improvements of Hospital Road that we've all been working on for many years. We're going to look for a taking of a small portion of the front yard of this site. And as a result, the applicant has pushed back the development, so that we don't lose that landscaped front yard, but yet we get the dedication that we need.

Town Attorney Annette Eaderesto: And our Code covers this, Dan, because if we do a taking, and we make something non-conforming, we, in our Code it states, we look at as though it's

conforming, as though the taking didn't take place. So it actually is.

Councilman Daniel Panico:

So, in actuality, it is complaint.

Town Attorney Annette Eaderesto:

Yes. It is.

Joe Sanzano:

Yes, a lot of times, too, we get the dedication after the work has already been done, and the front yard landscaping now is reduced because of that taking.

Councilman Daniel Panico:

No, I get it Joe, I get it. I understand. I just wanted to be sure that given there was ample land, that if we're truly are going to have conformance and it sounds like I am hearing we are, which is a good thing. That we are finally going to get what is enumerated in our-in our Code.

Joe Sanzano:

The relief really is, if I may, the relief is there is a buffer requirement for a 100 foot buffer on Sunrise Highway. And this board and the zoning board have been very conscious of that buffering, but also allowing some relaxation of that buffering, to a degree. And so this applicant has provided, as much as they could possibly provide along Sunrise Highway. 100 foot is pretty significant. So that would be a waiver, also a variance, from the Board of Zoning Appeals, if they do move forward with this project.

Supervisor Edward P. Romaine:

Okay...

Councilman Michael A. Loguercio:

Mr. Supervisor, if I could just make a comment a second, please?

Councilman Daniel Panico:

Go ahead, Mike.

Councilman Michael A. Loguercio:

Thank you. This particular 7-Eleven group has constructed a new 7-Eleven in my District on Rocky Point Road and Middle Country Road. And they have been wonderful to work with. They've done everything that we've asked of them. They've-they cleaned up a really huge blight in on that corner. And every time we ask them to clean this or straighten that, I mean, they respond immediately.

You know, I'm in favor of this and I feel that this group is the right group to be doing this project.

Supervisor Edward P. Romaine:

I have one question, if I may, of the applicant?

Alfred Amato, Esq.:

Yes, Mr. Supervisor.

Supervisor Edward P. Romaine:

If this is approved, how soon would you start construction?

Alfred Amato, Esq.:

Well, we're anticipating since we would have to go through the Planning Board, and the Zoning Board of Appeals, I wish it was sooner, but I would anticipate 12 months.

Supervisor Edward P. Romaine:

So, twelve months from now. So, next year at this time, you will be under construction?

Alfred Amato, Esq.:

That is our hope.

Supervisor Edward P. Romaine:

Okay. Thank you very much.

Councilman Daniel Panico:

In that meantime, especially for the people who live in Councilman Foley's district who go by, as you correctly pointed out, that diner, which was once a thriving commercial property is routinely covered with graffiti. It is the subject to a whole host of people hanging out. What can you do for the people there? I assume, actually, I don't assume, I know, you are going to have to demolish that that building, will you be seeking a demolition permit on the approval of say the Planning Board? Or at what point will you look to obtain a demolition permit?

Alfred Amato, Esq.:

I think when it becomes clear that we have procured all the discretionary approvals. So, I don't think we need necessarily the Building Permit, but we want to make sure that both the Zoning Board and Planning Board have issued their discretionary approvals because obviously there's a substantial cost to demolish the building and well beyond that, I'm confident that the landlord is not going to want us to demolish the building unless we know 7-Eleven is truly going to go forward.

Councilman Daniel Panico: Okay, in that, but before that then, is there a way to say, take some paint remover and take off the signed and scrawled across the property, spray painted on the diner windows, it says “no trespassing” or whatever else, because that really doesn't give a community friendly appearance, and it has existed for quite some time. And I know Councilman Foley has worked very hard in this area and, Neil, are you there?

Councilman Kevin J. LaValle: I think Neil was having some issues with his...

Councilwoman Jane Bonner: Neil is having some IT problems.

Councilman Daniel Panico: -With his WiFi. But we have all talked about this. I mean it's really, it's unnecessary. There are means by which even for another 12 months, you can secure that property and let people know that it's private property without people having to look like look at what really is graffiti.

Alfred Amato, Esq.: Understood, Councilman. Sean O'Neill is from 7-Eleven. He's also on the phone. Sean, are you there right now? Could you address this issue please, what we can do? (Silence)

Town Clerk Donna Lent: Before that happens, if Mr. O'Neill is on the phone, I would like to have him...I need to take his oath.

Alfred Amato, Esq.: Okay.

Town Clerk Donna Lent: Can you hear me Mr. O'Neill? (silence)

Supervisor Edward P. Romaine: I don't think he's...

Councilman Daniel Panico: He must be with Neil.

Supervisor Edward P. Romaine: Yeah, I don't think he-uh...everyone

Alfred Amato, Esq.: I could...

Town Attorney Annette Eaderesto: Sean O'Neill is not on. He wasn't able to dial in.

Supervisor Edward P. Romaine: Okay, so why don't we just proceed. I think we have Annette has read this and has discussed this, so unless anyone has additional questions?

Councilwoman Valerie M. Cartright: I'm sorry, Mr. O'Neill is on. He's on as an attendee and just texted and said he's on.

Supervisor Edward P. Romaine: Okay.

Town Clerk Donna Lent: So we have to move him into as a participant. If IT would do that.

Town Attorney Annette Eaderesto: I understand, but he hasn't come on in the right format to give testimony.

Councilman Neil J. Foley: Okay, I'm back on everybody.

Councilman Daniel Panico: Hey, Neil.

Councilman Neil J. Foley: I'm sorry. All of a sudden, the new version...anyway, I got kicked off so.

Supervisor Edward P. Romaine: Neil, did you get my text?

Councilman Neil J. Foley: Yes, I did. Thank you, Supervisor.

Councilman Daniel Panico: We-Neil, we were talking about the spray painting, no trespassing on the building, which is a code violation, it's not that we have to ask, we could write tickets, we don't want to write tickets, but I think it would be in everyone's best interest especially 7-Eleven, and the new operator, to go in and clean that and put their best foot forward for the community.

Councilwoman Jane Bonner: Start being a good neighbor now.

Alfred Amato, Esq.: Councilman, we-we-I will commit on behalf of 7-Eleven to clear this up. I just wanted the board to actually hear it from the corporate representatives themselves as opposed to counsel. But, on behalf of 7-Eleven, they will take steps, they will clean up that graffiti...and whatever offensive language, whatever is offensive on the exterior of that building.

Councilman Daniel Panico: OK.

Sean O'Neill: Hey, Al. I'm on, too, if you need me to talk.

Alfred Amato, Esq.: Okay, Hi, Sean. Would that be okay on behalf of 7-Eleven? What the board to seeking to do is obviously, we know that it's in a coarse state, the exterior of the building, if we can clean up the graffiti and the spray paint, maybe this kind of whitewash into this cleanup, you know, whatever's offensive on the exterior of this property.

Town Clerk Donna Lent: Before you answer that please, can I take his oath?

Alfred Amato, Esq.: I apologize.

Town Clerk Donna Lent: Okay. So sir, if you will, please, even though I cannot see you, but if you will raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God? I see you now.

Sean O'Neill: So help me God.

Town Clerk Donna Lent: Now you can speak, sir.

Sean O'Neill: Hey guys. Yeah, so unfortunately, we don't have control of the building, but what I'm going to do is right after this call, I will make it very clear to this diner owner, you need to remove that. And I know Council (sic) Foley, can obviously, you know, probably put some penalties on the landlord. But I will put the pressure on him right away to remove it. I don't think it's right. I know he did it because people were living there. I remember him showing me a video, but there was people living in that diner. And once he kicked them out, he actually boarded everything up and put the graffiti. That's his graffiti, but I will tell him that the Town wants it removed and I'll make it very clear to him the best I possibly can.

Councilman Neil J. Foley: Hey, Sean, it's Neil. Can you tell him the Town wants it removed by the end of the month?

Sean O'Neill: Absolutely, absolutely.

Supervisor Edward P. Romaine: Okay. Other questions from Board members?
(Silence)

Supervisor Edward P. Romaine:	Okay. Do we have any public comments on this, Annette?
Town Attorney Annette Eaderesto:	We do not, Mr. Supervisor. There are 26 participants and my attorneys have reached out to all of them and told them if they wanted to speak, they should go in the question and answer and they've explained that, and no one has.
Supervisor Edward P. Romaine:	No one has. Okay.
Town Attorney Annette Eaderesto:	So people are just because viewing it, some of the 26 participants are the applicant's people. But there are people watching the hearing so that's a good thing.
Supervisor Edward P. Romaine:	Okay, so I'll make a motion to close this Public Hearing.
Councilman Neil J. Foley:	Second.
Town Clerk Donna Lent:	All those in favor?
Councilwoman Valerie M. Cartright:	Aye
Councilwoman Jane Bonner:	Aye
Councilman Kevin J. LaValle:	Aye
Councilman Michael Loguercio:	Aye
Councilman Neil J. Foley:	Aye
Councilman Daniel Panico:	Aye
Supervisor Edward P. Romaine:	Aye
Town Clerk Donna Lent:	Opposed?
Town Clerk Donna Lent:	Motion carries.
Supervisor Edward P. Romaine:	Okay, we need a motion for approval.
Councilman Neil J. Foley:	I have a Motion for Public Hearing No. 3 a SEQRA Negative Declaration granting the application of 7-Eleven at East Patchogue for a Change of Zone from J Business 2 to J Business 5, Special Permit for a motor vehicle fueling station, Special Permit for a convenience store accessory to a motor vehicle fueling station, Waivers of a Special Permit Criteria, and Amendment of the Restricted Covenants on the property located on Sunrise Highway in East Patchogue, New York. So moved.

Councilman Michael Loguercio:	I'll second that.
Town Clerk Donna Lent:	All those in favor?
Councilwoman Valerie M. Cartright:	Aye
Councilwoman Jane Bonner:	Aye
Councilman Kevin J. LaValle:	Aye
Councilman Michael Loguercio:	Aye
Councilman Neil J. Foley:	Aye
Councilman Daniel Panico:	Aye
Supervisor Edward P. Romaine:	Aye
Town Clerk Donna Lent:	Opposed?
Town Clerk Donna Lent:	Motion carries to accept SEQRA.
Councilman Neil J. Foley:	I have a Resolution of Adoption for Public Hearing No. 3 granting the application of 7-Eleven at East Patchogue for a Change of Zone from J Business 2 to J Business 5, Special Permit for a motor vehicle fueling station, Special Permit for a convenience store accessory to a motor vehicle fueling station, Waivers of a Special Permit Criteria, and Amendment of the Restricted Covenants on the property located on Sunrise Highway in East Patchogue, New York. So moved.
Councilman Michael Loguercio:	I'll second that, as well.
Town Clerk Donna Lent:	All those in favor?
Councilwoman Valerie M. Cartright:	Aye
Councilwoman Jane Bonner:	Aye
Councilman Kevin J. LaValle:	Aye
Councilman Michael Loguercio:	Aye
Councilman Neil J. Foley:	Aye
Councilman Daniel Panico:	Aye
Supervisor Edward P. Romaine:	Aye
Town Clerk Donna Lent:	Opposed?
Town Clerk Donna Lent:	Motion carries
Alfred Amato, Esq.:	Thank you.
Councilman Neil J. Foley:	Thank you.
Councilman Daniel Panico:	Thank you.
Supervisor Edward P. Romaine:	I think that ends our Public Hearings.

Town Attorney Annette Eaderesto:	Yes.
Supervisor Edward P. Romaine:	We have no additional public hearings. I'll take a motion to adjourn this meeting.
Councilwoman Jane Bonner:	So moved.
Councilman Kevin J. LaValle:	Second.
Town Clerk Donna Lent:	All those in favor?
Councilwoman Valerie M. Cartright:	Aye
Councilwoman Jane Bonner:	Aye
Councilman Kevin J. LaValle:	Aye
Councilman Michael Loguercio:	Aye
Councilman Neil J. Foley:	Aye
Councilman Daniel Panico:	Aye
Supervisor Edward P. Romaine:	Aye
Town Clerk Donna Lent:	Opposed?
Town Clerk Donna Lent:	Motion carries.