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T O W N O F B R O O K H A V E N

- - - - -x

TOWN BOARD MEETING

HELD VIA ZOOM VIDEOCONFERENCE

- - - - -x

July 16, 2020
5:00 p.m.

TRANSCRIPT OF PROCEEDINGS

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A P P E A R A N C E S :

BOARD MEMBERS :

JANE BONNER
VALERIE M. CARTRIGHT
NEIL J. FOLEY
KEVIN LaVALLE
MICHAEL A. LOGUERCIO JR.
DANIEL PANICO
SUPERVISOR EDWARD P. ROMAINE

ALSO PRESENT :

DONNA LENT, TOWN CLERK
ANNETTE EADERESTO,
TOWN ATTORNEY

* * *

1

2

SUPERVISOR ROMAINE: I'd like to call
this board meeting to order and with that, if
you would pledge the flag.

4

5

(Pledge of Allegiance.)

6

7

SUPERVISOR ROMAINE: With that, I guess
we have -- I'm going to ask for a moment of
silence and as we offer up our thoughts, let
us keep in our thoughts and our prayers all of
those families that have suffered or lost
someone as a result of this horrible virus.
So let's have that moment of silence.

8

9

10

11

12

13

(Pause.)

14

SUPERVISOR ROMAINE: Thank you again
and I'll ask our clerk to call the roll.

15

16

MS. LENT: Councilwoman Cartright?

17

COUNCILWOMAN CARTRIGHT: Present.

18

MS. LENT: Councilwoman Bonner?

19

COUNCILWOMAN BONNER: Here.

20

MS. LENT: Councilman LaValle.

21

COUNCILMAN LaVALLE: Present.

22

MS. LENT: Councilman Loguercio?

23

COUNCILMAN LOGUERCIO: Present.

24

MS. LENT: Councilman Foley?

25

COUNCILMAN FOLEY: Here.

1

2

MS. LENT: Councilman Panico?

3

COUNCILMAN PANICO: Here.

4

MS. LENT: Supervisor Romaine?

5

SUPERVISOR ROMAINE: Present.

6

MS. LENT: You have a quorum, sir.

7

SUPERVISOR ROMAINE: Thank you.

8

We'll start with reports to the board.

9

MS. LENT: Yes.

10

I have a report of revenue for the Town

11

Clerk's office for the month of June in the

12

amount of \$106,841.59.

13

May I have a motion to accept item one?

14

COUNCILMAN LaVALLE: So moved.

15

COUNCILWOMAN BONNER: Second.

16

MS. LENT: All those in favor?

17

COUNCILWOMAN BONNER: Aye.

18

COUNCILWOMAN CARTRIGHT: Aye.

19

COUNCILMAN FOLEY: Aye.

20

COUNCILMAN LaVALLE: Aye.

21

COUNCILMAN LOGUERCIO: Aye.

22

COUNCILMAN PANICO: Aye.

23

SUPERVISOR ROMAINE: Aye.

24

MS. LENT: Opposed?

25

(No response.)

1

2

MS. LENT: Motion carries.

3

4

SUPERVISOR ROMAINE: We have a communication consensus agenda that asks us to accept the board minutes of the June 18th meeting.

5

6

7

MS. LENT: Yes.

8

9

May I have a motion to accept the communication consensus agenda item?

10

COUNCILMAN LaVALLE: So moved.

11

COUNCILWOMAN BONNER: Second.

12

MS. LENT: All those in favor?

13

COUNCILWOMAN BONNER: Aye.

14

COUNCILWOMAN CARTRIGHT: Aye.

15

COUNCILMAN FOLEY: Aye.

16

COUNCILMAN LaVALLE: Aye.

17

COUNCILMAN LOGUERCIO: Aye.

18

COUNCILMAN PANICO: Aye.

19

SUPERVISOR ROMAINE: Aye.

20

MS. LENT: Opposed?

21

(No response.)

22

MS. LENT: Motion carries.

23

24

SUPERVISOR ROMAINE: The highway consensus agenda with eight -- seven items on it.

25

1

2

MS. LENT: Yes.

3

May I have a motion to accept the

4

highway consensus agenda items?

5

COUNCILMAN LaVALLE: So moved.

6

COUNCILWOMAN BONNER: Second.

7

MS. LENT: All those in favor?

8

COUNCILWOMAN BONNER: Aye.

9

COUNCILWOMAN CARTRIGHT: Aye.

10

COUNCILMAN FOLEY: Aye.

11

COUNCILMAN LaVALLE: Aye.

12

COUNCILMAN LOGUERCIO: Aye.

13

COUNCILMAN PANICO: Aye.

14

SUPERVISOR ROMAINE: Aye.

15

MS. LENT: Opposed?

16

(No response.)

17

MS. LENT: Motion carries.

18

SUPERVISOR ROMAINE: Okay.

19

Next we have the consensus resolution

20

agenda.

21

COUNCILMAN PANICO: I'll move C-203

22

through 223, so moved.

23

COUNCILMAN FOLEY: Second.

24

MS. LENT: All those in favor?

25

COUNCILWOMAN BONNER: Aye.

1

2 COUNCILWOMAN CARTRIGHT: Aye.

3 COUNCILMAN FOLEY: Aye.

4 COUNCILMAN LaVALLE: Aye.

5 COUNCILMAN LOGUERCIO: Aye.

6 COUNCILMAN PANICO: Aye.

7 SUPERVISOR ROMAINE: Aye.

8 MS. LENT: Opposed?

9 (No response.)

10 MS. LENT: Motion carries.

11 SUPERVISOR ROMAINE: Okay.

12 Let me ask you about public comment at
13 this point.14 Has anyone emailed us public comments
15 that should be read at this time that are not
16 related to the public hearings, Annette?17 MS. EADERESTO: I'm sorry,
18 Mr. Supervisor?19 SUPERVISOR ROMAINE: Has anyone emailed
20 us public comments at this time that are not
21 related to the public hearing?

22 MS. EADERESTO: No.

23 We did get comments in regard to -- and
24 this was on the Town website -- with regard to
25 the resolution 399 to support the reduction in

1

2

aircraft noise at Calabro Airport and those

3

came earlier today via the Town website and

4

the comments were from people in Shirley and

5

Brookhaven Hamlet area, basically talking

6

about the airport noise. Some people were

7

thankful for the resolution, others said it

8

didn't go far enough. Other than that, we

9

have nobody on right now.

10

SUPERVISOR ROMAINE: All right.

11

They would like this airport that was

12

built by the United States government in 1944

13

to close, it was given to the State in 1960

14

and eventually given to the Town.

15

This is not a commercial airport, these

16

are mostly small planes that land there and I

17

think most of the complaints don't come from

18

the planes, but come from the skydiving

19

activities that are there, so we will take a

20

look at that. I'm sure every board member

21

should get a copy of those.

22

COUNCILWOMAN BONNER: We have them all.

23

SUPERVISOR ROMAINE: Which is great if

24

we have that in our email so that we could

25

take a look at that and I would encourage

1

2

anyone to contact myself or the board

3

members -- in this case it would probably be

4

either Councilman Loguercio or Councilman

5

Panico -- concerning that. Thank you.

6

Okay. We're going to go right to the

7

resolution agenda then and we're going to

8

start with Michael.

9

COUNCILMAN LOGUERCIO: Thank you,

10

Supervisor.

11

Resolution 396 of 2020. Resolution

12

numbers 2019-0943 and 2020-0247 authorizing

13

settlement of acquisition of property for

14

highway purposes -- Munsell Road -- road

15

improvement district -- owner: William

16

Longboat, Jr.

17

So moved.

18

COUNCILMAN FOLEY: Second.

19

MS. LENT: All those in favor?

20

COUNCILWOMAN BONNER: Aye.

21

COUNCILWOMAN CARTRIGHT: Aye.

22

COUNCILMAN FOLEY: Aye.

23

COUNCILMAN LaVALLE: Aye.

24

COUNCILMAN LOGUERCIO: Aye.

25

COUNCILMAN PANICO: Aye.

1

2

SUPERVISOR ROMAINE: Aye.

3

MS. LENT: Opposed?

4

(No response.)

5

MS. LENT: Motion carries.

6

COUNCILMAN LOGUERCIO: Resolution 397

7

of 2020 authorizing the transfer of land from

8

the County of Suffolk to the Town of

9

Brookhaven and from the Town of Brookhaven to

10

Long Island Housing Partnership, Inc. to

11

promote the availability of affordable housing

12

for property located in Bellport.

13

So moved.

14

COUNCILMAN FOLEY: Foley.

15

MS. LENT: All those in favor?

16

COUNCILWOMAN BONNER: Aye.

17

COUNCILWOMAN CARTRIGHT: Aye.

18

COUNCILMAN FOLEY: Aye.

19

COUNCILMAN LaVALLE: Aye.

20

COUNCILMAN LOGUERCIO: Aye.

21

COUNCILMAN PANICO: Aye.

22

SUPERVISOR ROMAINE: Aye.

23

MS. LENT: Opposed?

24

(No response.)

25

MS. LENT: Motion carries.

1

2

COUNCILWOMAN CARTRIGHT: Resolution 398

3

of 2020, appointment of Councilman Michael

4

Loguercio Jr. as a marriage officer.

5

So moved.

6

COUNCILWOMAN BONNER: Second.

7

MS. LENT: All those in favor?

8

COUNCILWOMAN BONNER: Aye.

9

COUNCILWOMAN CARTRIGHT: Aye.

10

COUNCILMAN FOLEY: Aye.

11

COUNCILMAN LaVALLE: Aye.

12

COUNCILMAN LOGUERCIO: Aye.

13

COUNCILMAN PANICO: Aye.

14

SUPERVISOR ROMAINE: Aye.

15

MS. LENT: Opposed?

16

(No response.)

17

MS. LENT: Motion carries.

18

COUNCILMAN LaVALLE: Mike, what is

19

that, like the tenth wedding you've done?

20

COUNCILMAN LOGUERCIO: Probably, about

21

that, yup.

22

SUPERVISOR ROMAINE: Michael is the

23

perfect person to join people in love.

24

Congratulations.

25

COUNCILMAN LOGUERCIO: Thank you,

1

2

Supervisor. Love you guys.

3

4

5

6

7

COUNCILMAN PANICO: 399 of 2020 is resolution to support the reduction in aircraft noise at Calabro Airport and I believe it's being co-sponsored by Councilman Loguercio.

8

9

COUNCILMAN LOGUERCIO: Yes, sir, thank you.

10

COUNCILMAN FOLEY: Second.

11

MS. LENT: All those in favor?

12

COUNCILWOMAN BONNER: Aye.

13

COUNCILWOMAN CARTRIGHT: Aye.

14

COUNCILMAN FOLEY: Aye.

15

COUNCILMAN LaVALLE: Aye.

16

COUNCILMAN LOGUERCIO: Aye.

17

COUNCILMAN PANICO: Aye.

18

SUPERVISOR ROMAINE: Aye.

19

MS. LENT: Opposed?

20

(No response.)

21

MS. LENT: Motion carries.

22

23

24

25

COUNCILMAN FOLEY: Resolution 400 of 2020 authorizing an amendment to resolution 0705 of 2019 which establishes the budget for the marina 5 dock improvements and authorizing

1

2

the Commissioner of Finance to increase the

3

budget through budget neutral transfers from

4

the Cranberry Road pier improvement budget.

5

So moved.

6

COUNCILMAN PANICO: Second.

7

MS. LENT: All those in favor?

8

COUNCILWOMAN BONNER: Aye.

9

COUNCILWOMAN CARTRIGHT: Aye.

10

COUNCILMAN FOLEY: Aye.

11

COUNCILMAN LaVALLE: Aye.

12

COUNCILMAN LOGUERCIO: Aye.

13

COUNCILMAN PANICO: Aye.

14

SUPERVISOR ROMAINE: Aye.

15

MS. LENT: Opposed?

16

(No response.)

17

MS. LENT: Motion carries.

18

COUNCILMAN PANICO: 401 of '20 is to

19

amend contract number 20180001, this is

20

janitorial services at Brookhaven Town Hall.

21

So moved.

22

COUNCILMAN FOLEY: Second.

23

MS. LENT: All those in favor?

24

COUNCILWOMAN BONNER: Aye.

25

COUNCILWOMAN CARTRIGHT: Aye.

1

2 COUNCILMAN FOLEY: Aye.

3 COUNCILMAN LaVALLE: Aye.

4 COUNCILMAN LOGUERCIO: Aye.

5 COUNCILMAN PANICO: Aye.

6 SUPERVISOR ROMAINE: Aye.

7 MS. LENT: Opposed?

8 (No response.)

9 MS. LENT: Motion carries.

10 COUNCILMAN PANICO: 402 of '20 is
11 authorizing a use and dissemination agreement
12 with the New York State Division of Criminal
13 Justice Services to include most current
14 language related to the use and dissemination
15 and security breaches and updated Appendix A.

16 So moved.

17 COUNCILMAN FOLEY: Second.

18 MS. LENT: All those in favor?

19 COUNCILWOMAN BONNER: Aye.

20 COUNCILWOMAN CARTRIGHT: Aye.

21 COUNCILMAN FOLEY: Aye.

22 COUNCILMAN LaVALLE: Aye.

23 COUNCILMAN LOGUERCIO: Aye.

24 COUNCILMAN PANICO: Aye.

25 SUPERVISOR ROMAINE: Aye.

1

2

MS. LENT: Opposed?

3

(No response.)

4

MS. LENT: Motion carries.

5

SUPERVISOR ROMAINE: Resolution of 403

6

of 2020 authorizes the execution of an

7

inter-municipal agreement between the Town of

8

Brookhaven and the County of Suffolk, acting

9

through the Suffolk County Real Property Tax

10

Service Agency to grant Suffolk County

11

permission to use the Town of Brookhaven's

12

geographic information (GIS) maps pertaining

13

to preserved open space and farmland and I so

14

move.

15

COUNCILWOMAN BONNER: Second.

16

MS. LENT: All those in favor?

17

COUNCILWOMAN BONNER: Aye.

18

COUNCILWOMAN CARTRIGHT: Aye.

19

COUNCILMAN FOLEY: Aye.

20

COUNCILMAN LaVALLE: Aye.

21

COUNCILMAN LOGUERCIO: Aye.

22

COUNCILMAN PANICO: Aye.

23

SUPERVISOR ROMAINE: Aye.

24

MS. LENT: Opposed?

25

(No response.)

1

2

MS. LENT: Motion carries.

3

4

COUNCILMAN FOLEY: Madam Clerk, I'd like to table resolution 0404 of 2020.

5

6

COUNCILMAN LOGUERCIO: I'll second that.

7

8

MS. LENT: Motion to table, all those in favor?

9

COUNCILWOMAN BONNER: Aye.

10

COUNCILWOMAN CARTRIGHT: Aye.

11

COUNCILMAN FOLEY: Aye.

12

COUNCILMAN LaVALLE: Aye.

13

COUNCILMAN LOGUERCIO: Aye.

14

COUNCILMAN PANICO: Aye.

15

SUPERVISOR ROMAINE: Aye.

16

MS. LENT: Opposed?

17

(No response.)

18

MS. LENT: Motion carries.

19

20

COUNCILMAN PANICO: 405 of '20 is award

21

of bid number 20032 Mastic Beach ambulance

22

access platform to the lowest responsible

bidder, LoDuca Associates, Incorporated.

23

So moved.

24

COUNCILMAN FOLEY: Second.

25

MS. LENT: All those in favor?

1

2

COUNCILWOMAN BONNER: Aye.

3

COUNCILWOMAN CARTRIGHT: Aye.

4

COUNCILMAN FOLEY: Aye.

5

COUNCILMAN LaVALLE: Aye.

6

COUNCILMAN LOGUERCIO: Aye.

7

COUNCILMAN PANICO: Aye.

8

SUPERVISOR ROMAINE: Aye.

9

MS. LENT: Opposed?

10

(No response.)

11

MS. LENT: Motion carries.

12

COUNCILWOMAN CARTRIGHT: Resolution 406

13

of 2020, appointment of John Scelzi as a

14

marriage officer.

15

So moved.

16

COUNCILWOMAN BONNER: Second.

17

MS. LENT: All those in favor?

18

COUNCILWOMAN BONNER: Aye.

19

COUNCILWOMAN CARTRIGHT: Aye.

20

COUNCILMAN FOLEY: Aye.

21

COUNCILMAN LaVALLE: Aye.

22

COUNCILMAN LOGUERCIO: Aye.

23

COUNCILMAN PANICO: Aye.

24

SUPERVISOR ROMAINE: Aye.

25

MS. LENT: Opposed?

1

2

(No response.)

3

MS. LENT: Motion carries.

4

5

COUNCILMAN LaVALLE: Resolution 407
authorizing an amendment to the land lease

6

agreement with C2 NY Brookhaven, LLC for solar

7

development at the amphitheater located at

8

Bald Hill.

9

So moved.

10

COUNCILWOMAN BONNER: Second.

11

MS. LENT: All those in favor?

12

COUNCILWOMAN BONNER: Aye.

13

COUNCILWOMAN CARTRIGHT: Aye.

14

COUNCILMAN FOLEY: Aye.

15

COUNCILMAN LaVALLE: Aye.

16

COUNCILMAN LOGUERCIO: Aye.

17

COUNCILMAN PANICO: Aye.

18

SUPERVISOR ROMAINE: Aye.

19

MS. LENT: Opposed?

20

(No response.)

21

MS. LENT: Motion carries.

22

SUPERVISOR ROMAINE: Resolution 408

23

authorizing the supervisor/deputy supervisor

24

to execute an agreement with Good Energy, LP

25

to act as a community choice aggregation

1

2

administrator to procure natural gas and

3

electric at reduced rates for Brookhaven Town

4

residents and I so move and strongly support

5

this.

6

COUNCILMAN PANICO: Second.

7

COUNCILWOMAN BONNER: Can I co-sponsor

8

that, Supervisor?

9

COUNCILMAN FOLEY: I think we should

10

all co-sponsor it.

11

SUPERVISOR ROMAINE: I think this is --

12

COUNCILWOMAN BONNER: This is a good

13

direction to go in.

14

SUPERVISOR ROMAINE: We had two very

15

good people, groups, appear for us. The

16

professionals within Town Hall and the

17

advisory committee unanimously recommended

18

Good Energy, but they both were very good, I

19

think we're going to be well served and it's

20

going to take some time, but certainly in the

21

next six to eight months we may be in the

22

energy business where we can provide lower

23

cost gas and electric to the businesses and

24

residents of Brookhaven. It's not going to be

25

a great deal lower, but look, every penny

1

2

counts.

3

MS. LENT: Having been moved and

4

seconded, all those in favor?

5

COUNCILWOMAN BONNER: Aye.

6

COUNCILWOMAN CARTRIGHT: Aye.

7

COUNCILMAN FOLEY: Aye.

8

COUNCILMAN LaVALLE: Aye.

9

COUNCILMAN LOGUERCIO: Aye.

10

COUNCILMAN PANICO: Aye.

11

SUPERVISOR ROMAINE: Aye.

12

MS. LENT: Opposed?

13

(No response.)

14

MS. LENT: Motion carries.

15

COUNCILMAN PANICO: 409 of '20 is

16

amending resolution number 2019-0962 adopted

17

December 19, 2019 entitled "Appointment of

18

2020 Professional Service Providers."

19

So moved.

20

COUNCILMAN FOLEY: Second.

21

MS. LENT: All those in favor?

22

COUNCILWOMAN BONNER: Aye.

23

COUNCILWOMAN CARTRIGHT: Aye.

24

COUNCILMAN FOLEY: Aye.

25

COUNCILMAN LaVALLE: Aye.

1

2 COUNCILMAN LOGUERCIO: Aye.

3 COUNCILMAN PANICO: Aye.

4 SUPERVISOR ROMAINE: Aye.

5 MS. LENT: Opposed?

6 (No response.)

7 MS. LENT: Motion carries.

8 COUNCILWOMAN BONNER: Resolution 410 of

9 2020 is authorizing the acquisition of land in

10 the Town of Brookhaven for property located on

11 Whiskey Road, Middle Island, New York.

12 Suffolk County tax map numbers are provided.

13 Owner: Teresharan Miller Place Associates.

14 So moved.

15 COUNCILMAN LaVALLE: Second.

16 MS. LENT: All those in favor?

17 COUNCILWOMAN BONNER: Aye.

18 COUNCILWOMAN CARTRIGHT: Aye.

19 COUNCILMAN FOLEY: Aye.

20 COUNCILMAN LaVALLE: Aye.

21 COUNCILMAN LOGUERCIO: Aye.

22 COUNCILMAN PANICO: Aye.

23 SUPERVISOR ROMAINE: Aye.

24 MS. LENT: Opposed?

25 (No response.)

1

2

MS. LENT: Motion carries.

3

4

COUNCILMAN PANICO: 411 of '20 is
resolution dedicating Town owned land in
Eastport to the Town of Brookhaven's nature
preserve system.

5

6

7

So moved.

8

COUNCILMAN FOLEY: Second.

9

MS. LENT: All those in favor?

10

COUNCILWOMAN BONNER: Aye.

11

COUNCILWOMAN CARTRIGHT: Aye.

12

COUNCILMAN FOLEY: Aye.

13

COUNCILMAN LaVALLE: Aye.

14

COUNCILMAN LOGUERCIO: Aye.

15

COUNCILMAN PANICO: Aye.

16

SUPERVISOR ROMAINE: Aye.

17

MS. LENT: Opposed?

18

(No response.)

19

MS. LENT: Motion carries.

20

COUNCILMAN LOGUERCIO: Resolution 412

21

of 2020 is designating July 26, 2020 as

22

Americans With Disabilities Act (ADA)

23

Awareness Day.

24

So moved.

25

COUNCILMAN FOLEY: Second.

1

2

MS. LENT: All those in favor?

3

COUNCILWOMAN BONNER: Aye.

4

COUNCILWOMAN CARTRIGHT: Aye.

5

COUNCILMAN FOLEY: Aye.

6

COUNCILMAN LaVALLE: Aye.

7

COUNCILMAN LOGUERCIO: Aye.

8

COUNCILMAN PANICO: Aye.

9

SUPERVISOR ROMAINE: Aye.

10

MS. LENT: Opposed?

11

(No response.)

12

MS. LENT: Motion carries.

13

COUNCILMAN FOLEY: Resolution 413 of

14

2020 authorizing the supervisor/deputy

15

supervisor to accept a grant award from the

16

Suffolk County water quality protection and

17

restoration program and land stewardship

18

initiatives to fund the comprehensive

19

stormwater and flood mitigation with living

20

shorelines project and to authorize the

21

Commissioner of Finance to amend the 2020

22

capital budget in connection with the grant

23

award.

24

So moved.

25

COUNCILMAN LOGUERCIO: Second.

1

2

MS. LENT: All those in favor?

3

COUNCILWOMAN BONNER: Aye.

4

COUNCILWOMAN CARTRIGHT: Aye.

5

COUNCILMAN FOLEY: Aye.

6

COUNCILMAN LaVALLE: Aye.

7

COUNCILMAN LOGUERCIO: Aye.

8

COUNCILMAN PANICO: Aye.

9

SUPERVISOR ROMAINE: Aye.

10

MS. LENT: Opposed?

11

(No response.)

12

MS. LENT: Motion carries.

13

COUNCILMAN PANICO: Resolution 414 of

14

'20 is authorization to enter into an

15

agreement with a partnership between the

16

Rehabilitation Support Services and Image

17

Data, Inc., whereby they will provide data

18

imaging services for municipal records funded

19

by a MCEP grant.

20

So moved.

21

COUNCILMAN FOLEY: Second.

22

MS. LENT: All those in favor?

23

COUNCILWOMAN BONNER: Aye.

24

COUNCILWOMAN CARTRIGHT: Aye.

25

COUNCILMAN FOLEY: Aye.

1

2

COUNCILMAN LaVALLE: Aye.

3

COUNCILMAN LOGUERCIO: Aye.

4

COUNCILMAN PANICO: Aye.

5

SUPERVISOR ROMAINE: Aye.

6

MS. LENT: Opposed?

7

(No response.)

8

MS. LENT: Motion carries.

9

10

COUNCILMAN LaVALLE: Resolution 415,
determination of the premises at 12 Everett

11

Street, Centereach, New York 11720 to be

12

unsafe as defined by Chapter 73 pursuant to

13

the engineer's report of Cashin, Spinelli &

14

Ferretti, LLC and setting a public hearing by

15

which the owner or other persons having an

16

interest in the premises may be heard with

17

respect to the condition of the premises and

18

the actions necessary to secure or remove

19

same.

20

So moved.

21

COUNCILWOMAN BONNER: Second.

22

MS. LENT: All those in favor?

23

COUNCILWOMAN BONNER: Aye.

24

COUNCILWOMAN CARTRIGHT: Aye.

25

COUNCILMAN FOLEY: Aye.

1

2 COUNCILMAN LaVALLE: Aye.

3 COUNCILMAN LOGUERCIO: Aye.

4 COUNCILMAN PANICO: Aye.

5 SUPERVISOR ROMAINE: Aye.

6 MS. LENT: Opposed?

7 (No response.)

8 MS. LENT: That public hearing will be
9 held September 17, 2020 at 5:30 p.m.10 COUNCILMAN PANICO: 416 of '20 is to
11 aware a mobile concession franchise agreement
12 to PTM Vending Corp. for Eastport South Manor
13 Athletic Complex.

14 So moved.

15 COUNCILMAN FOLEY: Second.

16 MS. LENT: All those in favor?

17 COUNCILWOMAN BONNER: Aye.

18 COUNCILWOMAN CARTRIGHT: Aye.

19 COUNCILMAN FOLEY: Aye.

20 COUNCILMAN LaVALLE: Aye.

21 COUNCILMAN LOGUERCIO: Aye.

22 COUNCILMAN PANICO: Aye.

23 SUPERVISOR ROMAINE: Aye.

24 MS. LENT: Opposed?

25 (No response.)

1

2

MS. LENT: Motion carries.

3

4

COUNCILMAN PANICO: 417 of '20 is to amend resolution 2020-0298, amend the 2020 adopted budget for part-time positions and restore certain part-time positions.

5

6

7

So moved.

8

COUNCILMAN FOLEY: Second.

9

MS. LENT: All those in favor?

10

COUNCILWOMAN BONNER: Aye.

11

COUNCILWOMAN CARTRIGHT: Aye.

12

COUNCILMAN FOLEY: Aye.

13

COUNCILMAN LaVALLE: Aye.

14

COUNCILMAN LOGUERCIO: Aye.

15

COUNCILMAN PANICO: Aye.

16

SUPERVISOR ROMAINE: Aye.

17

MS. LENT: Opposed?

18

(No response.)

19

MS. LENT: Motion carries.

20

21

COUNCILMAN LOGUERCIO: 418 of 2020 is a resolution approving the 2020 annual action plan and citizen participation plan for community development programs under the 2018-2022 consolidated plan, authorizing the supervisor to execute all documentation

22

23

24

25

1

2

required by U.S. Department of Housing and

3

Urban Development and directing the

4

Commissioner of Housing to submit same to HUD.

5

So moved.

6

COUNCILMAN FOLEY: Second.

7

MS. LENT: All those in favor?

8

COUNCILWOMAN BONNER: Aye.

9

COUNCILWOMAN CARTRIGHT: Aye.

10

COUNCILMAN FOLEY: Aye.

11

COUNCILMAN LaVALLE: Aye.

12

COUNCILMAN LOGUERCIO: Aye.

13

COUNCILMAN PANICO: Aye.

14

SUPERVISOR ROMAINE: Aye.

15

MS. LENT: Opposed?

16

(No response.)

17

MS. LENT: Motion carries.

18

COUNCILMAN PANICO: 419 of '20 is to

19

authorize the Commissioner of Finance to amend

20

the 2020 adopted capital budget to reflect an

21

increase in the Town match for the Maple

22

Avenue ramp grant project.

23

So moved.

24

COUNCILMAN FOLEY: Second.

25

MS. LENT: All those in favor?

1

2

COUNCILWOMAN BONNER: Aye.

3

COUNCILWOMAN CARTRIGHT: Aye.

4

COUNCILMAN FOLEY: Aye.

5

COUNCILMAN LaVALLE: Aye.

6

COUNCILMAN LOGUERCIO: Aye.

7

COUNCILMAN PANICO: Aye.

8

SUPERVISOR ROMAINE: Aye.

9

MS. LENT: Opposed?

10

(No response.)

11

MS. LENT: Motion carries.

12

COUNCILMAN LaVALLE: Resolution 420,

13

authorize the Commissioner of Finance to amend

14

the 2020 adopted capital budget to establish a

15

project for CHIPS, EWR and PAVE-NY funds

16

awarded by the New York State Department of

17

Transportation and to amend resolution 0310

18

for bid number 20026 to furnish and install

19

asphalt concrete on Town roads to increase the

20

award amount.

21

So moved.

22

COUNCILWOMAN BONNER: Second.

23

MS. LENT: All those in favor?

24

COUNCILMAN LaVALLE: Just quickly on

25

that motion, this resolution is a little bit

1

2

(inaudible) in some senses because we get a lot of -- certain amount of money from New York State for various grant programs for transportation, paving, various things.

4

5

6

Unfortunately the State has reached out to the highway superintendent and told him that we could be cut by 20 percent, all of these

7

8

9

funds. This resolution basically authorizes

10

80 percent of the funds that we were

11

predetermined in the State budget this year.

12

Unfortunately because of COVID, it could be

13

cut, so we could see some loss of money from

14

New York State up to about, it looks about a

15

little over a million dollars could be cut if

16

we don't get the full amount, so unfortunately

17

that may happen this year, but we're going to

18

move forward with the funds we have and cross

19

our fingers that the State will fully

20

imburse -- fully live up to the grant money

21

that they said they were going to apply to us.

22

COUNCILWOMAN BONNER: In the meantime

23

they're out there milling and paving like

24

crazy.

25

MS. LENT: Having been moved and

1

2

seconded, all those in favor?

3

COUNCILWOMAN BONNER: Aye.

4

COUNCILWOMAN CARTRIGHT: Aye.

5

COUNCILMAN FOLEY: Aye.

6

COUNCILMAN LaVALLE: Aye.

7

COUNCILMAN LOGUERCIO: Aye.

8

COUNCILMAN PANICO: Aye.

9

SUPERVISOR ROMAINE: Aye.

10

MS. LENT: Opposed?

11

(No response.)

12

MS. LENT: Motion carries.

13

COUNCILWOMAN BONNER: Resolution 0421

14

of 2020 is 2020 operating budget amendments

15

for Parks Department pools.

16

So moved.

17

COUNCILMAN LaVALLE: Second.

18

MS. LENT: All those in favor?

19

COUNCILWOMAN BONNER: Aye.

20

COUNCILWOMAN CARTRIGHT: Aye.

21

COUNCILMAN FOLEY: Aye.

22

COUNCILMAN LaVALLE: Aye.

23

COUNCILMAN LOGUERCIO: Aye.

24

COUNCILMAN PANICO: Aye.

25

SUPERVISOR ROMAINE: Aye.

1

2

MS. LENT: Opposed?

3

(No response.)

4

MS. LENT: Motion carries.

5

COUNCILWOMAN BONNER: Resolution 0422

6

of 2020 is 2020 various operating and capital

7

budget transfers.

8

So moved.

9

COUNCILMAN LaVALLE: Second.

10

MS. LENT: All those in favor?

11

COUNCILWOMAN BONNER: Aye.

12

COUNCILWOMAN CARTRIGHT: Aye.

13

COUNCILMAN FOLEY: Aye.

14

COUNCILMAN LaVALLE: Aye.

15

COUNCILMAN LOGUERCIO: Aye.

16

COUNCILMAN PANICO: Aye.

17

SUPERVISOR ROMAINE: Aye.

18

MS. LENT: Opposed?

19

(No response.)

20

MS. LENT: Motion carries.

21

SUPERVISOR ROMAINE: We have a walk-on

22

resolution, which will be marked 423,

23

submitted by Councilwoman Valerie Cartright.

24

Valerie.

25

COUNCILWOMAN CARTRIGHT: Thank you,

1

2

Supervisor.

3

I'd like to move to add resolution 423.

4

COUNCILWOMAN BONNER: Second.

5

MS. LENT: All those in favor?

6

COUNCILWOMAN BONNER: Aye.

7

COUNCILWOMAN CARTRIGHT: Aye.

8

COUNCILMAN FOLEY: Aye.

9

COUNCILMAN LaVALLE: Aye.

10

COUNCILMAN LOGUERCIO: Aye.

11

COUNCILMAN PANICO: Aye.

12

SUPERVISOR ROMAINE: Aye.

13

MS. LENT: Opposed?

14

(No response.)

15

MS. LENT: Motion to add carries.

16

COUNCILWOMAN CARTRIGHT: Resolution 423

17

of 2020, resolution to authorize exemption for

18

Boy Scout Troop 454 from executive order.

19

So moved.

20

COUNCILWOMAN BONNER: Second.

21

MS. LENT: All those in favor?

22

COUNCILWOMAN BONNER: Aye.

23

COUNCILWOMAN CARTRIGHT: Aye.

24

COUNCILMAN FOLEY: Aye.

25

COUNCILMAN LaVALLE: Aye.

1

2

COUNCILMAN LOGUERCIO: Aye.

3

COUNCILMAN PANICO: Aye.

4

SUPERVISOR ROMAINE: Aye.

5

MS. LENT: Opposed?

6

(No response.)

7

MS. LENT: Motion carries.

8

SUPERVISOR ROMAINE: Thank you. That

9

completes our resolution agenda.

10

We do have to set dates, so I'm looking

11

to set a date for public hearing to amend the

12

Uniform Traffic Code to be heard on

13

August 27th. We're still sticking with that

14

date as a Town board meeting date.

15

MS. LENT: Are you moving that, sir or

16

is someone else?

17

SUPERVISOR ROMAINE: I'll move that.

18

COUNCILWOMAN BONNER: I'll second it.

19

MS. LENT: All those in favor?

20

COUNCILWOMAN BONNER: Aye.

21

COUNCILWOMAN CARTRIGHT: Aye.

22

COUNCILMAN FOLEY: Aye.

23

COUNCILMAN LaVALLE: Aye.

24

COUNCILMAN LOGUERCIO: Aye.

25

COUNCILMAN PANICO: Aye.

1

2

SUPERVISOR ROMAINE: Aye.

3

MS. LENT: Opposed?

4

(No response.)

5

MS. LENT: Motion carries for

6

August 27th.

7

SUPERVISOR ROMAINE: Unfortunately, we

8

have no other business other than public

9

hearings, but because they're advertised for

10

5:30 and it's only 5:18, we have to shut down

11

for the next 12 minutes and we will be back at

12

5:30 to start the public hearing because we

13

have to stick to our published times, unless

14

anyone has any other business.

15

(No response.)

16

SUPERVISOR ROMAINE: No?

17

All right. We'll see everyone at 5:30

18

for the public hearing. Thank you.

19

(Short recess taken.)

20

SUPERVISOR ROMAINE: Okay. We're back

21

for public hearings. It's 5:30 and we are

22

going to start our public hearings and we'll

23

start with the clerk with public hearing

24

number one.

25

(Pause.)

1

2

SUPERVISOR ROMAINE: Donna, public hearing number one.

3

4

MS. LENT: I know, but I have two things going.

5

6

SUPERVISOR ROMAINE: Oh, I'm sorry.

7

8

MS. LENT: Public hearing number one, Uniform Traffic Code amendments. Annette Eaderesto, Town Attorney, will be providing a brief summary of today's public hearing to amend the Uniform Traffic Code.

9

10

11

12

Legal notices for public hearings are published no less than ten days, no more than 20 days prior to a public hearing in one of the local Town newspapers. My office has received the signed affidavit of publication from the newspaper.

13

14

15

16

17

18

MS. EADERESTO: The following is a summary of amendments to the Town of Brookhaven Uniform Traffic Code.

19

20

21

Article VII, Section 26, Stop and Yield Intersections. There are 12 additions in the hamlets of Farmingville, Holbrook, Holtsville, Middle Island, Ronkonkoma and Yaphank.

22

23

24

25

Thank you.

1

2

SUPERVISOR ROMAINE: Any questions?

3

(No response.)

4

5

SUPERVISOR ROMAINE: If not, I make a motion to close this public hearing.

6

COUNCILMAN PANICO: Second.

7

8

COUNCILMAN LOGUERCIO: I'll second it, Supervisor.

9

COUNCILWOMAN BONNER: Second.

10

MS. LENT: I heard three seconds, so .

11

. . Panico, thank you.

12

All those in favor?

13

COUNCILWOMAN BONNER: Aye.

14

COUNCILWOMAN CARTRIGHT: Aye.

15

COUNCILMAN FOLEY: Aye.

16

COUNCILMAN LaVALLE: Aye.

17

COUNCILMAN LOGUERCIO: Aye.

18

COUNCILMAN PANICO: Aye.

19

SUPERVISOR ROMAINE: Aye.

20

MS. LENT: Opposed?

21

(No response.)

22

MS. LENT: Motion to close carries.

23

COUNCILWOMAN BONNER: Motion to adopt.

24

COUNCILMAN LaVALLE: Second.

25

MS. LENT: All those in favor?

1

2

COUNCILWOMAN BONNER: Aye.

3

COUNCILWOMAN CARTRIGHT: Aye.

4

COUNCILMAN FOLEY: Aye.

5

COUNCILMAN LaVALLE: Aye.

6

COUNCILMAN LOGUERCIO: Aye.

7

COUNCILMAN PANICO: Aye.

8

SUPERVISOR ROMAINE: Aye.

9

MS. LENT: Opposed?

10

(No response.)

11

MS. LENT: Motion carries.

12

Thank you.

13

SUPERVISOR ROMAINE: Okay. We're on to

14

public hearing number two.

15

MS. LENT: Public hearing number two,

16

introductory Local Law number eight of 2020 to

17

consider amending Chapter 57 entitled

18

"Shellfish" Article VI entitled "Designated

19

Management Areas and Winter Grounds," Section

20

57-34 entitled "Management Areas" of the code

21

of the Town of Brookhaven.

22

Legal notices for public hearings are

23

published no less than ten days, no more than

24

20 days prior to a public hearing in one of

25

the legal Town newspapers and my office has

1

2

received a signed affidavit of publication

3

from a legal Town newspaper.

4

5

A SEQRA negative determination will be submitted by the board upon via resolution, if applicable.

6

7

SUPERVISOR ROMAINE: Okay.

8

9

MS. EADERESTO: I have this one, Mr. Supervisor.

10

SUPERVISOR ROMAINE: Sure.

11

12

MS. EADERESTO: This is -- this resolution would amend Chapter 57 entitled

13

"Shellfish" and Article VI designated

14

"Management Areas and Winter Grounds" and

15

Section 57-34, "Management Areas" to add a

16

shellfish management program to Bellport Bay

17

and I know this is one of the Supervisor's

18

favorite initiatives, so it's to add a winter

19

area to the Bellport Bay, which didn't exist

20

before and there's a description in the

21

resolution.

22

SUPERVISOR ROMAINE: Okay. I believe

23

we have some people who want to speak on this.

24

MS. EADERESTO: Yes. We have I believe

25

one speaker and I'd ask that he be let in.

1

2

His name is Thomas Schultz.

3

4

SUPERVISOR ROMAINE: I know Tom. I think we all know Tom.

5

6

MS. EADERESTO: Yes, he's the president of the Bellport Bay --

7

8

SUPERVISOR ROMAINE: Friends of Bellport Bay, yes.

9

10

11

12

13

14

15

16

MS. EADERESTO: I would just like to take this opportunity while they're cueing him up to tell all the people that wish to participate to join the cue and to tell the monitors what hearing they would like to speak on and that way we can facilitate their joining in in the Town board hearing and having access to the Town board.

17

18

SUPERVISOR ROMAINE: Okay.

Is Tom ready?

19

20

MR. SCHULTZ: I am. I'm here, can you hear me?

21

MS. EADERESTO: Yes.

22

23

SUPERVISOR ROMAINE: Yes, we can Tom. Go ahead.

24

25

MR. SCHULTZ: Good afternoon, Mr. Supervisor and Town board and Annette

1

2

Eaderesto. Thank you very much for working on this resolution.

3

4

5

6

7

8

9

I know this Town board supports shellfish restoration. We, the volunteers at Friends of Bellport Bay, are inspired by the leadership that this Town board and especially the Supervisor has given with regard to shellfish restoration efforts in our bay.

10

11

12

I am thrilled that the Town is considering creating a management area in Bellport Bay.

13

14

15

16

17

18

19

20

21

22

23

24

25

I am a little confused as to what the "winter grounds" verbiage represents. I do understand that there may be resistance to the Town creating a management area and I just want to get some clarification on exactly what "winter grounds" means. I think that's more related to the clammers that may use the area for their clamming. So, as you know, our management area, we would like to have or the Town management area, it's not a Friends of Bellport Bay management area, it's a Brookhaven Town management area, in hopes that Friends of Bellport Bay could plant shellfish

1

2

in this area that will be protected

3

indefinitely from harvesting.

4

5

6

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9

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19

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21

22

It makes no sense, our volunteers ask all the time, what happens if people take the shellfish that we plant on the bay bottom and as you know, we really can't plant shellfish on the bay bottom unless it's in certified waters, which means they're vulnerable to be snatched by recreational clammers and commercial men alike and we know that some of the commercial guys have pulled up our oysters and I think most of them do put them back because they also recognize our efforts.

So I would urge this Town board to vote in the affirmative and to get our management area in place and after that management area as proposed is in place, I would then come back to the board and ask if we could tweak that management area and change its shape. The current shape of this management area . . . I'm sorry, can you still hear me?

23

SUPERVISOR ROMAINE: Yes.

24

25

MR. SCHULTZ: The current shape of the management area as proposed I believe is

1

2

estimated at only 150 feet wide. It's two

3

acres, but we call it like a zip tie and that

4

oysters planted within this area will migrate

5

out of the area rather quickly, so it is our

6

hope that the Town would actually consider

7

creating a two-acre square so that if we plant

8

the oysters or shellfish in the middle of the

9

square, there's a larger buffer around them as

10

to their migration.

11

So again, thank you so much for your

12

great effort and I do hope that we can move

13

this resolution forward and get this

14

beginnings of what I believe will be the

15

restoration of the entire ecosystem and I will

16

add that all the people of Brookhaven Town

17

deserve a healthy bay ecosystem.

18

I respect the ability for clambers and

19

diggers to go out there and retrieve shellfish

20

from the bay bottom, but the ecosystem has

21

collapsed and it's struggling to rebound and

22

we are working really hard, not costing the

23

Town anything in labor, to plant shellfish in

24

Bellport Bay and again, we appreciate your

25

commitment to this and if I could just get

1

2

some clarification on "winter grounds," what

3

that means, thank you.

4

MS. EADERESTO: I can do that.

5

SUPERVISOR ROMAINE: Yes.

6

MS. EADERESTO: Mr. Supervisor --

7

SUPERVISOR ROMAINE: What I would like

8

to do is have this area off limits to people

9

so that the oysters can grow in this area.

10

The area that was selected and I

11

understand your concern that it's a

12

rectangular area, you're looking for a square

13

area and I understand the logic behind that,

14

was selected by Craig Strong, who is our bay

15

management specialist something or other, but

16

he is the expert whenever we have questions,

17

but I'm happy to work with you and Craig to

18

come up with an area that's suitable.

19

I do remember going out on the boat

20

about a year or two ago with the governor; do

21

you remember that?

22

MR. SCHULTZ: Yes.

23

SUPERVISOR ROMAINE: I think he threw

24

all the clams in uncertified waters to the

25

east of Bellport Village, if you recall.

1

2

MR. SCHULTZ: Yes, indeed.

3

4

5

6

SUPERVISOR ROMAINE: I want to make sure that we have a program where clams can shelter and I'm going to stop there because the clerk has her hand up. Thank you.

7

8

9

10

11

MS. LENT: The reason why I have my hand up is even though Mr. Schultz has made his comments, I need him to attest to the fact that he has delivered them truthfully and honestly.

12

13

14

15

16

So, Mr. Schultz, though I can't see you, I'm going to ask you to raise your right hand and tell us that the testimony you have given here today has been truthful and honest, so help you God.

17

18

MR. SCHULTZ: I do, so help me God.

19

20

21

22

23

24

MS. LENT: Thank you.

SUPERVISOR ROMAINE: Thank you for all your help, thank you for the efforts of Friends of Bellport Bay, they are great citizens doing good things for the environment, for our bay and for all of us in Brookhaven. Thank you.

25

MR. SCHULTZ: Thank you, sir.

1

2

MS. EADERESTO: Mr. Supervisor, I can answer Mr. Schultz's question.

3

4

5

That's just the title of that section, Winter Grounds, but if you read the resolution, itself, it's a management area. So this is a designated management area for the Friends of Bellport Bay and that will be an off-limits area so that these shellfish can grow and we also have another speaker and with the --

6

7

8

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21

MS. LENT: Can I just tell you, it was reported to me that while Mr. Schultz was speaking, there was some sort of an echo or double talk. If everybody else, while someone else is speaking from the outside, if you'll just mute your mike so there's -- I don't know exactly what was happening, but it made hearing him difficult, not for us because we could hear him just fine, but I'm told that over the web it was difficult.

22

23

24

25

MS. EADERESTO: Okay.

Before we go to our other speaker, Judy Simoncic sent you all an online comment in support of this public hearing and it's in

1

2

your emails if you want to cue that up and

3

read it and now we also have another

4

participant who would like to speak and I will

5

have them introduced into the meeting.

6

MS. LENT: I think you can remove

7

Mr. Schultz from the meeting, he's still in.

8

MR. SCHULTZ: Thank you for your time.

9

MS. EADERESTO: Thank you.

10

(Pause.)

11

MS. EADERESTO: Okay, we're working on

12

it.

13

(Pause.)

14

MS. LENT: Annette, if you'll just give

15

me a moment to swear them in when they come

16

on.

17

MR. BORGHARDT: Can you hear me, it's

18

Steve Borghardt?

19

MS. EADERESTO: There you go.

20

MS. LENT: If you would please raise

21

your right hand, do you swear to tell the

22

truth, the whole truth and nothing but the

23

truth so help you God?

24

MR. BORGHARDT: I do, so help me God.

25

MS. LENT: Thank you so much.

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MR. BORGHARDT: So I just wanted to -- I'm going to echo -- I actually -- I'm part of Friends of Bellport Bay myself, I'm the director there. I work with Tom. I want to second basically everything he's already gone through and I'm a director of Friends of Bellport Bay. I'm also formerly of Save The Great South Bay as well. I've been around bay issues for quite a number of years and first and foremost, I want to thank the whole Town Council and especially the Supervisor for their support of this, you know.

Again, echoing Tom. I think the two-acre plot, I think we can definitely do some things there. We would have liked it to be a square, but we'll take the rectangle and we're looking forward to working with you going forward and Craig Strong as well and to restoring the bay and getting shellfish to grow and you know and also, you know, as a knock on as well, cleaner water is in everybody's interest, right, especially the baymen who are there who are now harvesting clams that have been put there by the State

1

2 and you know, we appreciate their interest in
3 the bay as well, so I just wanted to say, you
4 know, you know, thank you so much for your
5 support in our efforts and we look forward to
6 working with you in the future.

7 MS. EADERESTO: Just the Town board, I
8 misspoke. It wasn't Judy Simoncic, it was --
9 the comments in your email are from Alexandra
10 Lebenthal, Judy Simoncic is going to be on
11 another hearing and she was in support of the
12 Town area where oysters can be protected from
13 harvesting, it's important that oysters be
14 protected to keep the bay clean, much effort
15 has been expended to do this, so she's in
16 support.

17 MS. LENT: She's actually in the
18 meeting.

19 MS. EADERESTO: Okay. There you go.

20 MS. LENT: So Ms. Alexandra Lebenthal,
21 if you'll please raise your right hand.

22 MS. EADERESTO: Well, I just --

23 MS. LENT: I know that, but she's in
24 the meeting.

25 Do you swear to tell the truth, the

1

2 whole truth and nothing but the truth so help
3 you God?

4

MS. LEBENTHAL: I do.

5

6 Thank you. I wasn't sure if my comment
7 went through or not, so I really just wanted
8 to echo the comments that I made.

9

10 We've been both very lucky to have our
11 daughter be an intern this summer with Friends
12 of Bellport Bay, so we're seeing firsthand
13 everything that they're doing and for a couple
14 of years, we were also adoptive parents, as we
15 like to say, to many of the oysters that were
16 off of our dock, so I'm very much in support
17 of this and everything that Tom has done to
18 really make this a major effort.

19

MS. EADERESTO: Okay.

20

SUPERVISOR ROMAINE: Thank you.

21

22 MS. EADERESTO: Is there anyone else
23 who wants to speak; I see a young woman, Rae?

24

25 MS. SPECHT: Yes, hi, I would love to
speak.

26

MS. EADERESTO: Okay. The clerk has to
swear you in.

27

MS. LENT: Please raise your right

1

2

hand.

3

4

Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

5

6

MS. SPECHT: Yes.

7

MS. LENT: Thank you.

8

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25

MS. SPECHT: So yes, I just wanted -- I'm also working with Friends of Bellport Bay this summer and I just would love to echo everything that Thomas, Steve and Alexandra have said before me, but I also wanted to speak on this issue as a college student, I'm studying environmental science and I also first want to say thank you so much for -- to everyone who's supportive of this issue and for letting me speak and hearing me today, but I wanted to speak as a young person who spent most of my life growing up on the Great South Bay and Bellport Bay and learning from it most importantly, so I know that my interest in environment protection is a result of the lessons that I learned from living here on the bay, living near the bay and learning from it and I think that now more than ever, we're at

1

2

an extremely interesting point in history

3

where we're kind of reimagining the way that

4

we teach young people and a vibrant healthy

5

bay ecosystem is so important to that, for

6

that, perhaps more than it's ever been because

7

our relationship to public spaces as it

8

pertains to teaching our young people is

9

changing and having access to these public

10

natural healthy ecosystems I think is so

11

important for fostering early interest in the

12

environmental sciences and especially in an

13

area of Long Island that's very economically

14

diverse, not everyone has access to expensive

15

programs to, you know, learn about a lot of

16

these issues and I think that that's another

17

reason it's so important so that kids can

18

benefit from the same experiences that I have

19

that have really been so informative to me and

20

have completely changed my path, my academic

21

path, so yeah, that's what I mostly wanted to

22

say.

23

SUPERVISOR ROMAINE: Thank you. Thank

24

you very much.

25

MS. EADERESTO: Mr. Supervisor, that

1

2

ends our public participation.

3

SUPERVISOR ROMAINE: I'll make a motion

4

to close this public hearing.

5

COUNCILMAN PANICO: Second.

6

MS. LENT: All those in favor?

7

COUNCILWOMAN BONNER: Aye.

8

COUNCILWOMAN CARTRIGHT: Aye.

9

COUNCILMAN FOLEY: Aye.

10

COUNCILMAN LaVALLE: Aye.

11

COUNCILMAN LOGUERCIO: Aye.

12

COUNCILMAN PANICO: Aye.

13

SUPERVISOR ROMAINE: Aye.

14

MS. LENT: Opposed?

15

(No response.)

16

MS. LENT: Motion to close carries.

17

MS. EADERESTO: Councilman Foley has

18

the SEQRA and the resolution.

19

COUNCILMAN FOLEY: I don't think it's

20

mine.

21

COUNCILWOMAN BONNER: Bellport Bay?

22

COUNCILMAN FOLEY: Can one of my

23

colleagues read it; Mike, is this yours?

24

SUPERVISOR ROMAINE: Councilman

25

Loguercio.

1

2

MS. EADERESTO: If you don't have it, I
could read the -- Mike, do you have it?

3

4

COUNCILMAN FOLEY: It's Mike's
resolution.

5

6

COUNCILMAN LOGUERCIO: I'll read it.

7

8

SUPERVISOR ROMAINE: You do the
negative SEQRA first.

9

COUNCILMAN LOGUERCIO: Okay.

10

11

SEQRA negative declaration, resolution
of adoption of local law amending Chapter 57
entitled "Shellfish", Article VI entitled
"Designated Management Areas and Winter
Grounds", Section 57-34 entitled "Management
Areas" of the code of the Town of Brookhaven.

12

13

14

15

16

So moved.

17

COUNCILMAN FOLEY: Second.

18

MS. LENT: All those in favor?

19

COUNCILWOMAN BONNER: Aye.

20

COUNCILWOMAN CARTRIGHT: Aye.

21

COUNCILMAN FOLEY: Aye.

22

COUNCILMAN LaVALLE: Aye.

23

COUNCILMAN LOGUERCIO: Aye.

24

COUNCILMAN PANICO: Aye.

25

SUPERVISOR ROMAINE: Aye.

1

2

MS. LENT: Opposed?

3

(No response.)

4

MS. LENT: Motion carries.

5

SUPERVISOR ROMAINE: Okay.

6

MS. EADERESTO: Don't you have to do

7

the resolution of adoption, Mike?

8

SUPERVISOR ROMAINE: Yes.

9

COUNCILMAN LOGUERCIO: Resolution of

10

adoption of local law amending Chapter 57

11

entitled "Shellfish", Article VI entitled

12

"Designated Management Areas and Winter

13

Grounds", Section 57-34 entitled "Management

14

Areas" of the code of the Town of Brookhaven.

15

So moved.

16

COUNCILMAN FOLEY: Second.

17

MS. LENT: All those in favor?

18

COUNCILWOMAN BONNER: Aye.

19

COUNCILWOMAN CARTRIGHT: Aye.

20

COUNCILMAN FOLEY: Aye.

21

COUNCILMAN LaVALLE: Aye.

22

COUNCILMAN LOGUERCIO: Aye.

23

COUNCILMAN PANICO: Aye.

24

SUPERVISOR ROMAINE: Aye.

25

MS. LENT: Opposed?

1

2

(No response.)

3

MS. LENT: Motion carries.

4

5

SUPERVISOR ROMAINE: Okay. We're on to public hearing number three.

6

7

MS. EADERESTO: This is going to be adjourned, it's already been opened.

8

9

SUPERVISOR ROMAINE: Okay. So I'll make a motion to adjourn public hearing number three to October 22nd at 5:30 p.m.

10

11

MS. LENT: All those in favor?

12

COUNCILWOMAN BONNER: Aye.

13

COUNCILWOMAN CARTRIGHT: Aye.

14

COUNCILMAN FOLEY: Aye.

15

COUNCILMAN LaVALLE: Aye.

16

COUNCILMAN LOGUERCIO: Aye.

17

COUNCILMAN PANICO: Aye.

18

SUPERVISOR ROMAINE: Aye.

19

20

MS. LENT: I need a second, though, I'm sorry, I'm sorry.

21

COUNCILWOMAN BONNER: I'll second that.

22

MS. LENT: Any abstentions?

23

(No response.)

24

25

MS. LENT: All those in favor, I guess, it passes, it carries. Okay. Here we go.

1

2

SUPERVISOR ROMAINE: We are now on to public hearing number four.

3

4

MS. LENT: So public hearing number four is to consider the application known as Middle Island Apartments for an amendment to the restrictive covenants on property located in Middle Island, New York.

5

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Legal notice of public hearings are published no less than ten 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.

15

16

17

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19

20

21

A SEQRA negative determination will be submitted by the Law Department via resolution if applicable in this matter and my office is in receipt of four letters of support for this application including the Middle Island Civic Association and Concern For Independent Living.

22

23

24

25

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 is in receipt of the

1

2

affidavits and mailing and posting.

3

4

5

6

7

The letters of support came from James Civil and Loretta Hill Civil and Samuel Abating (phonetic), Middle Island, as I said, Middle Island Civic Association and Concern For Independent Living.

8

SUPERVISOR ROMAINE: Okay.

9

10

MS. EADERESTO: Joe Sanzano is going to speak on this for the Town.

11

12

13

14

SUPERVISOR ROMAINE: Okay. Joe Sanzano is a member of our planning department. He is the guru for all zoning changes and he lets us know what's what.

15

Joe?

16

17

MR. SANZANO: Thank you, Mr. Supervisor; can you hear me okay?

18

SUPERVISOR ROMAINE: Yes.

19

MR. SANZANO: Okay, great.

20

21

22

23

24

25

This site is located along the west side of Rocky Point Road -- I'm going to share my screen and we're going to go to right here -- and it's also along the east side of Middle Island Road. It's located 125 feet north of Middle Country Road, State Route 25

1

2 in Middle Island. The parcel is 13.35 acres
3 and is mostly vacant with two single family
4 homes to the north of the property and a
5 freshwater wetlands to the south. The subject
6 property is currently zoned MF Residential.

7 SUPERVISOR ROMAINE: Joe, it looks like
8 there's three homes there north of the parcel.

9 MR. SANZANO: One of them is an
10 outparcel there.

11 SUPERVISOR ROMAINE: Okay, an
12 outparcel.

13 Are they buying this land or it's
14 just --

15 MR. SANZANO: They already own these
16 properties that are highlighted here in blue.

17 SUPERVISOR ROMAINE: Right, but they
18 don't own these two at the southern end?

19 MR. SANZANO: The two at the southern
20 end and the one in the middle here, they don't
21 own that those.

22 SUPERVISOR ROMAINE: Okay.

23 MR. SANZANO: But that adds up to 13.35
24 acres.

25 SUPERVISOR ROMAINE: I have questions

1

2

about connections to public water for each of those.

3

4

MR. SANZANO: Right.

5

6

So the property is zoned MF Residential. It was rezoned on the Town board's own motion in 2006 from nursing home zoning and A1 Residential to the current MF Residential with restrictive covenants. Now this was in accordance with the 2006 Middle Country land use plan for Coram, Middle Island and Ridge.

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The additional parcels were added to the site and were also rezoned on the Town board's own motion to MF Residential in 2007 and again in 2008.

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25

Today the applicant seeks relief from certain restrictive covenants that were applied at the time and these amendments are proposed basically due to the passage of time and due to some timing issues that were proposed -- that were embedded into the restrictive covenants and those amendments are proposed also in order to be consistent with current Town code standards as the Town code

1

2 has been amended over the years since 2006.

3

4

5

6

7

8

9

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The applicant proposes to construct a 96-unit multifamily development with associated recreation building, pool and other site amenities including the construction of the Renaissance Boulevard extension for site access and the reclamation and dedication of the wetlands and surrounding area to the Town of Brookhaven.

11

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20

The sanitary connection is proposed to the Sandy Hill sewer treatment plant. The proposed project, as I said, is in conformance with the recommendation contained in the 2006 Middle Country Road land use plan and is considered a primary zone based on the Brookhaven Town code for multifamily residential and that concludes my portion of this. I can turn it over to the applicant for their further comments.

21

22

23

24

25

MS. SIMONCIC: Good evening, Supervisor, members of the Town board. My name's Judy Simoncic, I'm an attorney with the firm of Forchelli Deegan Terrana with offices at 333 Earle Ovington Boulevard in Uniondale

1

2

appearing today on behalf of the applicant and

3

I see on our call, I just want to introduce

4

Tom Dixon, he's the professional engineer with

5

Nelson & Pope, who's prepared the plans that

6

are before the board. We also have Chick

7

Voorhis, our environment planner, also with

8

Nelson & Pope and Steve Fellman with SRF

9

Architect, he's prepared the plans that are

10

before the board.

11

As Mr. Sanzano stated, this property

12

had been rezoned back in 2006 to multifamily

13

residents on the Town board's own motion. At

14

that same time, the property was incorporated

15

into the Middle Country Road land use plan and

16

as Mr. Sanzano appropriately pointed out, many

17

of the restrictions that were contained in the

18

C&R's at that time relate to Town code

19

provisions that no longer exist.

20

In addition, some of the restrictions

21

we are seeking to amend do relate to timing

22

issues, as Mr. Sanzano indicated and some of

23

those covenants may have made sense 14 years

24

ago when the zone was changed by this board,

25

but today they're really no longer practical

1

2

or feasible for that matter and I just want to

3

be clear that all the amendments we are

4

seeking are consistent with the current Town

5

code and they are really typical of what the

6

board would approve if it was rezoning this

7

property today.

8

In terms of the amendments, we did

9

submit to the board a table that shows all the

10

proposed amendments and the reasons why we are

11

seeking them. I'm not going to go through

12

those, I wasn't planning on doing that on

13

this -- at the hearing unless the board would

14

like me to go through some of them and of

15

course, I'm happy to answer any questions, if

16

there are any, on specific covenants that

17

we're seeking to amend.

18

I believe the Town board is very

19

familiar with the proposed changes, we have

20

met over the course of many years with

21

Planning and the Law Department and everybody

22

is very familiar with what we are seeking to

23

change.

24

Essentially approval of this

25

application will allow a project that this

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board envisioned 14 years ago to finally come to fruition.

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15

Equally important is the fact that approval of this project will translate to many significant benefits to the Town and the local community and if I may, Joe mentioned a few of them, but I'd like to go down the list of a few more that really demonstrate the approval of this application really will benefit the Town and the local community and first off, as part of the application, if this is approved, the applicant will be making a \$50,000 contribution to the Middle Island community enhancement fund.

16

17

18

19

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23

24

As so indicated, we are going to be constructing a roadway on the property connecting Rocky Point Road to Middle Island Road. This will certainly help traffic flow in the area. We're also offering to dedicate a portion of the roadway along Rocky Point Road for future road widenings. These road improvements will cost the applicant approximately \$300,000.

25

In addition to those improvements, we

1

2

will be installing sidewalks running the

3

entire length of the easterly side of the

4

property along Rocky Point Road, which will

5

certainly help make this area more walkable

6

for the residents of the area and as Joe

7

indicated -- and this was part of the original

8

covenant -- we will be dedicating a 6.2 acre

9

parcel of land to the Town. This area will be

10

cleaned out, restored and then reconveyed to

11

the Town. This will allow for preservation of

12

open space and more importantly, restoration

13

of an environmentally sensitive habitat and

14

that total cost for those wetlands

15

improvements to the applicant is \$150,000.

16

Turning to the benefits to the

17

immediate neighbors, the applicant has worked

18

very hard with the neighbors who reside along

19

Middle Island Road. These neighbors currently

20

have their water provided by individual wells

21

on site. The neighbors have tested their

22

wells and identified that they're experiencing

23

issues with water quality, so as part of this

24

proposal, if the board approves these

25

amendments to the covenants, the applicant has

1

2

agreed at its sole cost to upgrade the

3

residents' wells, their well filtration

4

systems, to provide cleaner drinking water to

5

their homes and there are approximately eight

6

homes that we identified that will be upgraded

7

at a cost of \$3,000 per home.

8

SUPERVISOR ROMAINE: Can I interrupt

9

for a second?

10

MS. SIMONCIC: Sure. Yes.

11

SUPERVISOR ROMAINE: I appreciate the

12

fact that you're going to give them a

13

treatment system for their groundwater wells

14

that may have issues with pollution or

15

contamination.

16

Why would you not hook them up instead

17

to public water?

18

MS. SIMONCIC: We could not hook them

19

up to public water because that would require

20

significant extension of the water main down

21

that road, which was not necessary in terms

22

of, you know, the overall development. I can

23

have Tom Dixon perhaps address the board with

24

respect to the water main improvements.

25

SUPERVISOR ROMAINE: I'd appreciate

1

2

that.

3

4

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6

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10

My understanding is that the water authority will give you 75 foot of main for free for every hookup, so how many houses would need to be hooked up and then we calculate that, multiply that times 75 and you have the footage that the water authority will provide for free, so I'd like to hear the explanation.

11

MS. SIMONCIC: Sure.

12

13

14

15

16

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18

19

And I guess by way of background, Supervisor, when we did approach the neighbors, we did meet with the water authority and they were not interested in being hooked up to the water line, they had indicated that they wanted their wells, you know, new filtration systems installed that they would --

20

21

SUPERVISOR ROMAINE: Despite the fact the wells tested badly?

22

MS. SIMONCIC: I'm sorry?

23

24

SUPERVISOR ROMAINE: Despite that these wells tested . . . water that is questionable?

25

MS. SIMONCIC: I think Mr. Dixon can

1

2

address what the results were, but the

3

residents were interested in us providing a

4

filtration system, even though, of course,

5

this particular project is not contributing to

6

that current condition of their well water.

7

MS. LENT: Mr. Dixon, before you begin,

8

please, would you raise your right hand; as a

9

matter of fact, Mr. Fellman, if you're going

10

to speak and Mr. Voorhis, if you will all just

11

raise your right hand. Unmute yourself,

12

Mr. Voorhis.

13

Do you swear to tell the truth and

14

nothing but the truth so help you God?

15

MR. DIXON: I do.

16

MR. FELLMAN: I do.

17

MR. VOORHIS: I do.

18

MS. LENT: I have everybody, thank you.

19

SUPERVISOR ROMAINE: Mr. Dixon.

20

MR. DIXON: Good evening,

21

Mr. Supervisor, members of the board. My name

22

is Tom Dixon. I'm a licensed professional

23

engineer with the firm Nelson & Pope with

24

offices located at 70 Maxess Road in Melville,

25

New York. I'm here for the applicant,

1

2

Scalamander Cove.

3

4

Yes, I'll address the questions regarding the water quality.

5

6

7

8

9

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12

We had tests done by two different companies, well filtration companies that went out. We tested eight of the homes. There's probably about 20 homes, 18 homes that are on well water along Middle Island Road. Eight of the homes were interested in water filtration systems for their homes, so we had two companies go out to test these wells.

13

14

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To be clear, none of the samples showed any contaminants such as volatiles, nitrates, pesticides. What they did show up was a low pH level within the water, which could be indicative of the age of the pipes in the house and with a lower pH, it can cause problems such as staining and rust in the water and that's primarily the complaints that we're hearing from the homeowners is staining and rusting and the lower pH can also have some impact on the pipes in the house, so the type of system that we're proposing would improve that. These are considered nuisance

1

2

problems, but not contaminants, so that's the

3

type of system we're proposing to install on

4

these homes.

5

SUPERVISOR ROMAINE: And that's all the reports show?

6

7

MR. DIXON: That's correct.

8

We have -- and we'd be happy to share

9

the test reports, but none of them did show

10

any sort of volatile organic compounds,

11

nitrates, pesticides, it was -- it's primary a

12

staining and rusting, which is obviously a

13

nuisance when you're doing laundry and those

14

types of things, but no sorts of contaminants

15

were found.

16

SUPERVISOR ROMAINE: Okay.

17

MS. EADERESTO: Mr. Supervisor, we do

18

have one participant from the public who would

19

like to speak and it's Gail Lynch-Bailey, so

20

if you would allow, we could let her in.

21

SUPERVISOR ROMAINE: The Middle Island

22

Civic President who is held in high regard for

23

her community commitment.

24

MS. EADERESTO: Okay. We're going to

25

let her in now.

1

2

SUPERVISOR ROMAINE: Hello, Gail.

3

MS. LYNCH-BAILEY: Hello everybody.

4

5

MS. LENT: Gail, if you will please raise your right hand.

6

7

8

Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

9

10

MS. LYNCH-BAILEY: I do, so help me God.

11

MS. LENT: Thank you.

12

MS. LYNCH-BAILEY: Hi everybody.

13

Thanks for accommodating me.

14

15

16

17

18

I just -- first of all, I want to thank the Supervisor for responding to my letter with some questions for the Planning Commissioner. We do have some key things that we want to make sure happen.

19

20

21

22

23

24

25

This plan has been before the Town or in the wings for 15 years and it's almost 20 years since we had the visioning process. I know Joe remembers this. Joe, you and I are one of the few people who will remember it, so it's really interesting to see that this might actually happen, at least this part of it.

1

2

But we do want to make sure that we're -- we

3

have the cart before the horse now and that

4

the wetlands are going to be restored prior

5

them going to the Town because we don't want

6

the Town to have to restore them, we want the

7

applicant to do that, that's good for

8

everybody.

9

These are supposed to be market rate

10

apartments, that's a good balance to what's on

11

the other side of Route 21 at Renaissance

12

Village, so that's a very important aspect of

13

it for us.

14

Very happy to see that the \$50,000

15

beautification fund for Middle Island is still

16

on the table and we're hoping that that will

17

stay in Middle Island and between the

18

councilman and I, I'm sure we could come up

19

with any number of places, but perhaps some

20

signage right there that is the headwaters of

21

the Carmans River, at the library we have a

22

beautiful old postcard that shows cattle at

23

the pond there on Pfeiffer's Pond, we can make

24

a beautiful sign there and of course, just to

25

the east is Artist Lake, which is another

1

2

interesting body of water, it's not a river,

3

it's a kettlehole, but that's also a place

4

that could use some refurbishing and

5

beautification with these funds, so naturally

6

we welcome that and are happy to accept that.

7

The sidewalks are important. I noted

8

that it's -- on one version of the plan it

9

goes all the way along the side of the

10

restored area. On another version of the

11

plan, it sort of stops and it doesn't quite

12

get to 25 and I'm very prejudice, I want

13

people who live in that apartment complex to

14

be able to walk to the library safely at some

15

point in time, so I want to make sure that we

16

have a walkability there that gets us to Route

17

25 safely, so if that can be made sure of,

18

that would be great.

19

Traffic light, we would like one where

20

Renaissance Boulevard goes across now at 21 to

21

the new apartments. We're working Sarah

22

Anker, who has contacted the new head of the

23

DPW, who was the old head of the DOT, Joe

24

Brown and he's going to be looking at that for

25

us, so we want to push for that.

1

2

SUPERVISOR ROMAINE: That's a County issue, that's a County road --

3

4

MS. LYNCH-BAILEY: Definitely.

5

COUNCILWOMAN BONNER: I would like to opine on this.

6

7

Additional traffic measures need to be

8

addressed there because the back-up in the

9

line, the lines of cars cueing on Rocky Point

10

Yaphank Road, Marconi Boulevard, County Road

11

21, whatever you want to call it, is insane --

12

MS. LYNCH-BAILEY: It is.

13

COUNCILWOMAN BONNER: -- and adding

14

more density to this without additional

15

traffic calming measures, whatever they be, is

16

. . . you literally sit through that light

17

three or four times before you can get through

18

it.

19

COUNCILMAN LOGUERCIO: Jane, what do

20

you think would be a way to I guess mitigate

21

that?

22

COUNCILWOMAN BONNER: I'm not a traffic

23

engineer, I'm just saying as the person that

24

kind of shares this intersection with you,

25

Mike, albeit because my -- you know, north of

1

2

it starts on 21, starts my council district

3

and having sat through that intersection

4

trying to go south from my home in Rocky

5

Point, it's literally taking me three or four

6

times for that light to cycle through before

7

you can get through. So if we're adding -- if

8

this is being built and a lot more density is

9

coming, then traffic calming, sidewalks, you

10

know, this has to . . . it can't be a wish

11

list, it has to be done.

12

COUNCILMAN LOGUERCIO: One of the

13

things that they said I think was that they

14

were dedicating a portion of the property for

15

a future road widening; did I hear correct?

16

MS. SIMONCIC: That's correct,

17

Councilman.

18

COUNCILMAN LOGUERCIO: That would be

19

the time to widen it with a right-turn lane.

20

MS. EADERESTO: Right.

21

COUNCILWOMAN BONNER: I'm nervous about

22

future -- I'm nervous about the future living

23

in -- plans for the future to remilerurate

24

(sic) these problems that we know are going to

25

happen given the present situation of every

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level of government's budget.

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MS. EADERESTO: Well, just and Joe can address this more, but this will be addressed at the planning board level and DPW will have to weigh in before Planning gives their approval; Joe, stop me if I'm wrong.

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MR. SANZANO: No, that is absolutely correct. We would definitely refer this to DPW as a normal course for the site plan review and also our traffic safety as well as our own highway department. That new road for extension of Renaissance may even be a Town road, it connects to Middle Island Road, so our highway department would weigh in, our traffic safety division would weigh in and then also the Department of Public Works and they would control whether or not the light -- it would be installed or not, it is their roadway.

21

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MS. EADERESTO: And the turn.

And also to answer Gail, Gail's questions, the applicant has to restore the wetlands prior to the 30th dwelling unit receiving its CO, so they'll be working on it

1

2 in initial stages --

3

MR. SANZANO: That's right.

4

5

MS. EADERESTO: -- and the \$50,000 will go into -- it will come to the Town, but it will be earmarked in a Middle Island community enhancement fund in the Finance Department.

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MS. LYNCH-BAILEY: And thank you, Councilwoman Bonner, for opining on the traffic, that's so important and I didn't mention also the speed limits on that road with all the trucks and everything. It's a crunch zone, so we have to be super, super careful there.

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COUNCILWOMAN BONNER: And whatever power we have as a Town board, we should be -- I don't want to use the word "exert" because it's not a very nice word to use, but whatever power we have to facilitate these necessary improvements as it moves through the process, we really should be using it.

22

23

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MS. EADERESTO: Well, Jane, the improvements would be made by the developer, so you don't have to worry about budget crunches or whatever.

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2

COUNCILWOMAN BONNER: No, no, no, no.

3

No, I understand. What I'm saying to you --

4

right.

5

What I'm saying to you is that my

6

concern about not having us as a Town board

7

and a supervisor express and let the applicant

8

know that these are things that are going to

9

be necessary, not something in the future.

10

SUPERVISOR ROMAINE: Well, we'll work

11

with the County on County Road 21.

12

COUNCILWOMAN BONNER: Because the

13

eventuality is is that certainly Mike and I

14

are going to be getting phone calls from

15

residents that are exceptionally frustrated

16

that there's a bottleneck of traffic, they

17

can't get through, there's sidewalks to

18

nowhere, whatever; we've all had those

19

complaints. Let's try to avoid them. Let's

20

do it right.

21

SUPERVISOR ROMAINE: Okay.

22

MS. EADERESTO: I think the Planning

23

commissioner and Joe hear you loud and clear.

24

COUNCILWOMAN BONNER: I have the most

25

faith in those two individuals.

1

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MS. EADERESTO: Mr. Supervisor, we don't have any other public comment on this hearing.

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MS. SIMONCIC: If I may, could I speak again?

6

7

I would like to address Councilwoman Bonner's concerns regarding traffic because there was a lot of work done.

8

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10

We did a full traffic study, we did a warrant study, which we submitted to the Town board, so I'd like to have Tom Dixon just talk about the results of that and also assure Gail that the sidewalks will extend throughout the entire property. We've worked very hard with Gail and her group and the residents, so -- and the applicant is fully committed to these items, so I want to put on the record and allay any fears that you may have, Councilwoman or the entire Town board with respect to impacts on traffic and what we are proposing to do.

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So if, Tom, could you please discuss the traffic study and confirm the sidewalks and the warrant study as well, please?

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(Pause.)

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COUNCILMAN LOGUERCIO: Hold on a

4

second, Tom.

5

While we're waiting, I just want to go

6

back to the other point that we talked about

7

in connection to the Suffolk County Water

8

Authority.

9

You know, I think you had mentioned

10

that the water was a nuisance more than

11

anything, it was brown; is that correct?

12

MR. DIXON: Yes, it would be identified

13

as a nuisance problem.

14

COUNCILMAN LOGUERCIO: I understand it

15

being a nuisance problem in terminology, but

16

when you turn on your water and it's brown, to

17

me that's more than a nuisance, that's

18

disgusting. So perhaps maybe we should have

19

this tested again further into the project and

20

if it's still that way, then I suggest that

21

maybe we do have them --

22

MS. EADERESTO: I think, Councilman,

23

what they meant by a nuisance was that it

24

wasn't a threat to your health.

25

COUNCILMAN LOGUERCIO: No, I understand

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that.

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MS. EADERESTO: And they can put filters on because I can only speak to this because before there was public water in Center Moriches, we had the same problem and you put filters on and it takes it out.

Mr. Dixon?

SUPERVISOR ROMAINE: Yeah, I just would comment on that very quickly.

You're spending about a little bit more, Mr. Dixon, a little bit more than 3,000 per treatment unit; is that correct?

MR. DIXON: It's about 3,000 a home for the treatment, correct.

SUPERVISOR ROMAINE: And you're doing eight homes?

MR. DIXON: There's eight neighbors that are interested in the system right now, yes.

SUPERVISOR ROMAINE: And it's -- that's \$24,000; is that correct?

MR. DIXON: Yes.

SUPERVISOR ROMAINE: First, Mike, if you're ever going to have this tested, get the

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Suffolk County Health Department to test it and charge us a hundred dollars per test and they have the most comprehensive testing laboratory. They use the water authority testing laboratory.

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Secondly, as I said, the water authority will give you 75 feet of main for free for each hookup. You should price that out against the 24,000 and added to that, some of these people may qualify as low to moderate income and the cost of the hookup and the meter and the connection to the house could be paid for by community development funds, so maybe, Mike, that's something we can work with Mr. Dixon and the developer because as long as it's cost neutral and he's prepared to spend \$24,000 right now, let's take a look at what would be the harm in hooking up to public water.

21

COUNCILMAN LOGUERCIO: Yeah, I agree.

22

23

24

25

SUPERVISOR ROMAINE: By the way, hooking up to public water, one of the great benefits is it reduces your fire insurance, as I'm sure you know, Michael.

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MR. DIXON: Mr. Supervisor, if I could just speak on that because I do want you to know that we did look at the public water supply option, actually we had a meeting with the civics and Suffolk County Water Authority, Gail was there and we sat down with them to look at this option because it were -- to extend the water main, depending on which neighbors want to participate in this, it could be over 2,000 feet to 2,500 feet of water main at a cost of about \$200 a square foot; that's in the neighborhood of \$450,000.

Now I'll say and Gail was there, too, but the water authority didn't mention anything about a \$75 per foot --

SUPERVISOR ROMAINE: It's a standard policy. I only put a couple hundred miles of water mains in over my lifetime, as Chick will know, so that's a standard policy for the water authority. If you're looking to contract with the water authority, first of all, they'll give you a long-term loan, but secondly, they'll give you 75 feet of main for every hookup that's created.

1

2

MS. EADERESTO: But, Mr. Supervisor,
3 isn't it an issue if 12 of the houses don't
4 want to hook up because then you would have
5 spaces?

6

COUNCILMAN LOGUERCIO: But the main
7 would be there for future hookups.

8

SUPERVISOR ROMAINE: That's correct.

9

MS. EADERESTO: But you would have to
10 pay for it because if they don't hook up, you
11 don't get the 75 feet.

12

SUPERVISOR ROMAINE: No, no, no. Has
13 nothing to do with that. Whoever hooks up --

14

MS. EADERESTO: You would only get it
15 for the ones that hook up, I believe.

16

SUPERVISOR ROMAINE: Yup.

17

MS. EADERESTO: So that's the issue.

18

COUNCILMAN LOGUERCIO: I'm just
19 concerned with leaving people with brown
20 water, I just don't think that's right.

21

SUPERVISOR ROMAINE: Michael, you and I
22 will meet, this is a public hearing about
23 other things, this is zoning that was adopted
24 14 years ago.

25

COUNCILMAN LOGUERCIO: Understood.

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SUPERVISOR ROMAINE: It's a big lesson for me that zoning is forever and apparently there are no deadlines on zoning, something we should change where if we give a change of zone, there should be a period of time which it has to be effectuated and actually built out so the zoning disappears, but this is a good lesson for the future. However, I just want to stick with the applicant and not put all this extra burden on the applicant.

12

COUNCILMAN LOGUERCIO: Okay.

13

14

SUPERVISOR ROMAINE: We'll look into this, you and I, Michael --

15

COUNCILMAN LOGUERCIO: Okay.

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SUPERVISOR ROMAINE: -- to see if it's feasible and I will ask the water authority to give me the information I need to make a determination. I don't know where these houses are located, I'm hopefully that if we contact Mr. Dixon or Chick, that they'll let us know which houses said yes and which said no and then we can see if we can -- we as a Town -- can help them make a plan. This is separate from the applicant. But the

1

2 applicant didn't --

3

4

COUNCILMAN FOLEY: Supervisor, who's
the County legislator in the area for this?

5

SUPERVISOR ROMAINE: Sarah Anker.

6

7

8

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11

COUNCILMAN FOLEY: Oh. I think we
should definitely ask Legislator Anker, it
would be nice if the Suffolk County legislator
would maybe step in and help out these nice
people and I think it would be a good gesture
by the County.

12

13

14

15

16

SUPERVISOR ROMAINE: We can also do it
through the community development funds for
anyone that qualifies, but we'll deal with
that separately, I don't want to hold up the
applicant.

17

COUNCILMAN FOLEY: Okay.

18

19

20

SUPERVISOR ROMAINE: But the applicant
is providing the multi-family that they're
building with public water; is that correct?

21

MS. SIMONCIC: That's correct.

22

23

SUPERVISOR ROMAINE: Where is that
public water coming from?

24

MR. DIXON: I can address that.

25

The concern project extended the water

1

2 main through their property up to Rocky Point
3 Road, so there's a water main that exists,
4 just on the east side of Renaissance
5 Boulevard.

6 SUPERVISOR ROMAINE: Okay.

7 MR. DIXON: Yeah, we'll be extending
8 about 650 feet of water main that the
9 developer's paying for to get --

10 SUPERVISOR ROMAINE: Right, you're not
11 going to down the whole Renaissance Boulevard,
12 you're going to go down long enough to get
13 into the development.

14 MR. DIXON: That's correct.

15 SUPERVISOR ROMAINE: Okay. Good.
16 Thank you very much.

17 MR. DIXON: Okay.

18 MS. SIMONCIC: Tom, you want to go
19 through the parking study, too?

20 MR. DIXON: Yeah.

21 I'll summarize it and then if you have
22 more questions, you know, you can certainly
23 ask me, but we did do an updated traffic and
24 parking study in March of 2020 and we did
25 counts at Middle Country Road and Rocky Point

1
2 Road, Middle Country Road and Middle Island
3 Road, Rocky Point Road and Renaissance
4 Boulevard, Rocky Point Road and Middle Island
5 Road and then we also did trip generation to
6 determine the peak trips generated during the
7 a.m. peak, the p.m. peak and the Saturday
8 midday peak and the results of that showed
9 during the weekday, the a.m. peak had a total
10 of 46 trips, during the weekday p.m. peak, 57
11 trips and on Saturday midday peak, 67 trips
12 and that's trips entering and exiting from the
13 development and what we look at is we look at
14 level of service at the intersections and
15 considering our project, we did show that
16 there was no changes to the level of service
17 at those signalized intersections, so that
18 would not require any improvements to those.
19 There was one movement, that was the
20 northbound movement at Middle Country Road and
21 Rocky Point Road and that was a change in
22 level of service from level of service D to E,
23 but that's something that could be addressed
24 with a timing change on the signal.

25 So that was the results of our traffic

1

2

study and then we also did a parking study

3

because we are looking for some relief on the

4

parking provided. We're providing 1.75 spaces

5

per unit where the Town code requires two

6

spaces per unit. So what we did, we did

7

counts at the concern project and we also

8

counted at the Fairfield project, which is

9

just east of concern. We observed a rate of

10

1.28 spaces per unit, that was the maximum

11

between the two. We also look at ITE, which

12

is the Institute of Traffic Engineers and they

13

recommend 1.21 spaces, so we feel that the

14

1.76 spaces that we're providing is sufficient

15

and would support the 23-stall variance that

16

we're looking for.

17

As far as the traffic signal, we did --

18

we have been working with Suffolk County DPW

19

on our highway permit for the new

20

intersection. They did ask us for a warrant

21

analysis and we prepared that warrant

22

analysis. It did not meet any of the warrants

23

to warrant the signal there. However, the

24

applicant has committed that if the County

25

chooses, that they would -- that he would put

1

2 a signal at that location, so it's really up
3 to the County, but right now, our warrant
4 analysis did show that it wasn't --

5 COUNCILWOMAN BONNER: Councilman
6 Loguercio and the Supervisor and I will be
7 reaching out to Legislator Anker regarding
8 this.

9 SUPERVISOR ROMAINE: Yes.

10 COUNCILMAN FOLEY: Tom, did you mention
11 that the County was thinking about putting a
12 light there?

13 MR. DIXON: The County asked us for a
14 warrant analysis because they know there's
15 interest from the community for a signal
16 there, so they asked us for that warrant
17 analysis.

18 COUNCILMAN FOLEY: Okay.

19 SUPERVISOR ROMAINE: Very quickly, Tom,
20 one last question.

21 What's the mix in terms of apartment
22 size, bedroom size; are they one-bedrooms,
23 two-bedrooms, are there any three bedrooms?

24 MR. DIXON: Yeah, I can give you --
25 I'll give you the quick numbers as far as

1

2

square footages, maybe the architect might

3

want to input on that, but we have 74

4

two-bedroom units and 22 one-bedroom units.

5

SUPERVISOR ROMAINE: So mostly families

6

would occupy that because with two bedrooms,

7

you can obviously have a child or two that

8

would rent the apartment. Okay.

9

MS. SIMONCIC: Two-bedrooms are a

10

thousand square feet and the one-bedrooms are

11

700 square feet and there are no three-bedroom

12

apartments.

13

SUPERVISOR ROMAINE: Okay.

14

MS. SIMONCIC: And we've done an

15

analysis on that and we don't anticipate a lot

16

of schoolchildren, if that's where the

17

question is alluding to. We anticipate about

18

13 school-age children from this development.

19

SUPERVISOR ROMAINE: And of course,

20

it's not age restricted?

21

MS. SIMONCIC: No, it's not.

22

SUPERVISOR ROMAINE: It's market --

23

MS. SIMONCIC: It's market rate, that's

24

correct.

25

SUPERVISOR ROMAINE: I got it.

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2

COUNCILMAN LOGUERCIO: Mr. Supervisor,
I'll move to close the public hearing.

3

4

SUPERVISOR ROMAINE: I'll second that.

5

MS. LENT: All those in favor?

6

COUNCILWOMAN BONNER: Aye.

7

COUNCILWOMAN CARTRIGHT: Aye.

8

COUNCILMAN FOLEY: Aye.

9

COUNCILMAN LaVALLE: Aye.

10

COUNCILMAN LOGUERCIO: Aye.

11

COUNCILMAN PANICO: Aye.

12

SUPERVISOR ROMAINE: Aye.

13

MS. LENT: Opposed?

14

(No response.)

15

MS. LENT: Motion carries.

16

COUNCILMAN LOGUERCIO: SEQRA negative
declaration granting the application of Middle
Island Apartments for an amendment of
restrictive covenants on property located in
Middle Island, New York.

17

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19

20

21

So moved.

22

COUNCILMAN FOLEY: Second.

23

MS. LENT: All those in favor?

24

COUNCILWOMAN BONNER: Aye.

25

COUNCILWOMAN CARTRIGHT: Aye.

1

2

COUNCILMAN FOLEY: Aye.

3

COUNCILMAN LaVALLE: Aye.

4

COUNCILMAN LOGUERCIO: Aye.

5

COUNCILMAN PANICO: Aye.

6

SUPERVISOR ROMAINE: Aye.

7

MS. LENT: Opposed?

8

(No response.)

9

MS. LENT: Motion carries.

10

COUNCILMAN LOGUERCIO: I have a

11

resolution of adoption granting the

12

application of Middle Island Apartments for an

13

amendment of restrictive covenants on property

14

located in Middle Island, New York.

15

So moved.

16

COUNCILMAN FOLEY: Second.

17

MS. LENT: All those in favor?

18

COUNCILWOMAN BONNER: Aye.

19

COUNCILWOMAN CARTRIGHT: Aye.

20

COUNCILMAN FOLEY: Aye.

21

COUNCILMAN LaVALLE: Aye.

22

COUNCILMAN LOGUERCIO: Aye.

23

COUNCILMAN PANICO: Aye.

24

SUPERVISOR ROMAINE: Aye.

25

MS. LENT: Opposed?

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(No response.)

3

MS. LENT: Motion carries.

4

5

SUPERVISOR ROMAINE: Okay. Thank you very much to the applicants and to Gail and we will move on to public hearing number five.

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MS. LENT: Public hearing number five is to consider the application known as BLCCA, LLC for a change of zone from J Business 2 to J Business 2 and L Industrial 1 on property located in East Moriches, New York.

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Legal notices for public hearings are published no less than ten 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.

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A SEQRA negative determination will be submitted by the Law Department via resolution if applicable.

21

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I received a letter from the Suffolk County Planning Commission determining it to be a matter of local determination. I'm also in receipt of a letter of support from the Chamber of Commerce for the Moriches, a letter

1

2

from the East Moriches Property Owners

3

Association expressing comments and concerns

4

and one letter in opposition to this

5

application.

6

The applicant was required to post the

7

property as well as notify all property owners

8

within a 500-foot radius of subject property

9

and my office is in receipt of those

10

affidavits of mailing and posting.

11

A letter from Suffolk County Planning

12

is dated March 12, 2020 and it reads:

13

Dear Ms. Lent:

14

Pursuant to the requirements of

15

Sections A 14-14 to A 14-25 of the Suffolk

16

County Administrative Code, the above

17

referenced application which has been

18

submitted to the Suffolk County Planning

19

Commission is considered to be a matter for

20

local determination as there is no apparent

21

significant county-wide or inter-community

22

impact(s). A decision of local determination

23

should not be construed as either an approval

24

or disapproval.

25

Signed Very truly yours,

1

2

Andrew P. Freleng, Chief Planner.

3

SUPERVISOR ROMAINE: Okay. Thank you.

4

5

Annette, are you going to give the description or someone from Planning is going to do that? Joe?

6

7

MR. SANZANO: Yes, sir, I'm here for the presentation.

8

9

I'm going to share my screen.

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This site is located along the south side of Montauk Highway, County Road 80, west of Locust Avenue in East Moriches. The parcel is 4.807 acres and is currently occupied with an existing 11,964 square foot commercial retail facility along with a 16,000 square foot mini-storage warehouse facility behind the retail use. The remaining portion of the rear portion of the site is vacant and undisturbed and backs up to the Long Island Rail Road.

21

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The site is currently zoned J2 Business and has been since 1955. The applicant seeks a change of zone to J2 Business on 1.19 acres of the site and to L1 Industrial on the remaining 3.6 acres of the overall site.

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This proposed concept plan shows the retail use to remain on the J2 Business parcel. The existing mini-storage facility to be made a conforming land use on the L1 Industrial parcel along with the addition of 37,500 square foot mini-storage warehouse facility with associated parking, landscaping and other site improvements.

Access to the site is provided via shared access drive to Montauk Highway as it currently exists.

A planning board land division will be required at the time of site plan review. Variances will also be required at the time of site plan review.

The site is shown as a commercial land use on the 1996 comprehensive plan and is also consistent with our 2016 comprehensive rezoning reevaluation for the Moriches area as it eliminates potential additional retail uses that are not supported by the area.

With that, I can turn it over to the applicant for their comments.

SUPERVISOR ROMAINE: Mario?

1

2

MR. VIGLIOTTA: Yes.

3

SUPERVISOR ROMAINE: Are you up?

4

MR. VIGLIOTTA: I am up.

5

SUPERVISOR ROMAINE: There you go.

6

MR. VIGLIOTTA: Okay.

7

Good evening, Mr. Romaine and members

8

of the board. My name is Mario Vigliotta of

9

Colonial Property Consultants. I am a Suffolk

10

County licensed and Town of Brookhaven

11

registered --

12

MS. EADERESTO: Donna, you have to

13

swear Mario in.

14

MS. LENT: He is the applicant, but I'm

15

looking at the screen, something is weird.

16

MS. EADERESTO: There you go.

17

MS. LENT: Okay. All right.

18

Sir, if you will please raise your

19

right hand.

20

Do you swear to tell the truth, the

21

whole truth and nothing but the truth so help

22

you God?

23

MR. VIGLIOTTA: Yes, I do.

24

MS. LENT: Thank you.

25

MR. VIGLIOTTA: Good evening,

1

2

Mr. Romaine, members of the board. My name is

3

Mario Vigliotta of Colonial Property

4

Consultants. I am a Suffolk County licensed

5

and Town of Brookhaven registered expediter.

6

I represent BLCCA, LLC, the owners of the

7

subject property. Mr. Tony Lubrano, one of

8

the owners, is online with me today as well

9

Mr. Christopher Labate of Labcrew Engineering,

10

the firm responsible for the site plan work.

11

They are available to answer any questions.

12

BLCCA purchased this property back in

13

November of 2016. When the property was

14

purchased, the only structures on the property

15

are the same two structures that are still

16

present today. Those buildings are a

17

one-story 11,964 square foot retail building

18

consisting of ten units, which holds a

19

certificate of occupancy from the Town since

20

October of 1988 and a one-story 15,268 square

21

foot self-storage building located in the rear

22

behind the shopping center, which holds a

23

certificate of occupancy from the Town since

24

May of 1988. The property is 4.8 acres in

25

size and is currently zoned J2 Business.

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A couple of years ago, the owners considered the possibility of adding another self-storage building after it became apparent that the demand for self-storage in the area was extremely high, which was confirmed by the fact that my client's self-storage building as well as the other two self-storage facilities in the East and Center Moriches area were filled near capacity. It is not uncommon today for there to be a waiting list at many of the self-storage facilities here on Long Island.

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22

The two other self-storage facilities located nearby are Storage R Us, which is located at Ten Frowein Road in Center Moriches. It is approximately 4.6 miles from the subject property. Their property is 1.9 acres or 86,240 square feet in size. They have three self-storage buildings totaling 26,395 square feet, which occupies approximately 30 percent of their property.

23

24

25

The other self-storage facility is Storage R Us East, located at 192 Frowein Road in East Moriches, which is 2.7 miles from the

1

2

subject property. The property is 4.9 acres

3

in size, it has five self-storage buildings

4

totaling 32,803 square feet, which occupies

5

approximately 15 percent of the property. My

6

client's property is 4.8 acres in size or

7

209,399 square feet. Including the proposed

8

new self-storage building, the total square

9

footage of the buildings would be 42,500

10

square feet, which means the three buildings

11

together would occupy approximately 20 percent

12

of the property.

13

I would like to point out that the

14

property directly to the west is currently

15

zoned J2 Business, it houses an office known

16

as SM, Solutions Management. There are two

17

properties that border to the east. One is a

18

small parcel along Montauk Highway that is

19

zoned J zoning and houses the offices of

20

Proflame Propane. The other is a large parcel

21

vacant wooded -- a large vacant wooded parcel

22

that is zoned A1 Residential.

23

The rear of the property borders up to

24

the Long Island Rail Road. Located on the

25

south side of the actual railroad tracks is a

1

2

neighborhood of homes. There are only two

3

homes from that neighborhood that border up to

4

the tracks across the subject property --

5

across from the subject property. One is

6

approximately 110 feet away from the other --

7

from the subject property and the other is

8

more than 150 away from the subject property.

9

All the other homes in that neighborhood

10

spread south, south of these two residences.

11

Please know that as required by the

12

Town, we have met with two local civic groups

13

in the area. The first was the Chamber of

14

Commerce of the Moriches, which after our

15

presentation provided us with a letter stating

16

that they had no objection with this project.

17

A copy of this letter was submitted with our

18

application. The other civic organization

19

that we met with was the East Moriches

20

Property Owners Association or commonly known

21

as the EMPOA.

22

At that meeting, the members of the

23

EMPOA shared their concerns. Mr. Gleason from

24

the EMPOA sent a letter to the Town board

25

dated July 14th of this month -- of this year

1

2

and my clients and I were happy to read in his

3

letter that the EMPOA did not object to the

4

concept of additional self-storage, but only

5

had concerns related to the possible impact of

6

residential properties, setbacks, landscaping

7

and lighting.

8

Although my clients and I feel that

9

there would be minimal at most, minimal impact

10

at most to the neighboring property owners,

11

they are willing to work with the Town

12

planning department to address concerns of the

13

EMPOA.

14

I would like to state in closing that

15

the location of the current storage building

16

and the new proposed storage building are not

17

visible from any street or neighboring

18

properties. The storage industry is known for

19

its low impact and very quiet and minimal

20

traffic flow. For most of the time, they are

21

just buildings that just sit there.

22

Thank you for your time to listen to my

23

presentation. Mr. Lubrano, Mr. Labate and I

24

will be happy to answer any questions.

25

(No response.)

1

2

SUPERVISOR ROMAINE: Any questions from
board members for the applicants?

3

4

(No response.)

5

SUPERVISOR ROMAINE: None.

6

Councilman Panico.

7

MS. EADERESTO: Supervisor, just for
the record, we have no public that wish to
speak.

8

9

10

SUPERVISOR ROMAINE: Okay.

11

COUNCILMAN PANICO: Joe, one of the
biggest contentions of empowering in Jim
Gleason -- and a lot can be dealt with at
planning board -- was that the Town code L1
against A1 requires 50 feet and this namely to
the eastern side of the property, the plan
provides for 30 feet as that road meanders
from the north to the south in the common
drive for access to this proposed
self-storage.

12

13

14

15

16

17

18

19

20

21

What was the rationale behind allowing
the change of zone to go forward with regard
to an application that does not conform to the
Town code per se?

22

23

24

25

MR. SANZANO: I can speak to that.

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25

So the driveway as it exists today predates that Town code requirement. So that driveway where it is right now is within that buffer zone. So we would allow that as it exists because that's how it was approved by the planning board in the '80s.

What the applicant has done, as they expand the driveway south towards the railroad tracks, they move it inwards in order to, you know, make an effort to comply with the current Town code, which requires a buffer along that easterly property line and the southerly property line because even though it's the Long Island Rail Road, technically the Long Island Rail Road is zoned A1, so they would have to hold a buffer there as well.

COUNCILMAN PANICO: So historically, the property as it exists with regard to the J2 and what we would refer to as the existing L1 self-storage behind the J2 shopping plaza, that drive access does not comply with the Town code and being that there is only one access to the back of this property, they go from basically zero with regard to the buffer

1

2 to residential, they meander to the west in a
3 sort of S shape and do give some buffer.

4 MR. SANZANO: Right. That's correct.

5 COUNCILMAN PANICO: Which --

6 MR. SANZANO: And we complement that
7 with landscaping. Right now there's a fence
8 and then we would add landscaping or evergreen
9 trees along that easterly buffer at the time
10 that site plan comes in.

11 COUNCILMAN PANICO: How about to the
12 residents to the south, there are a couple of
13 houses south on the other side of the railroad
14 tracks?

15 MR. SANZANO: Right.

16 So as Mario mentioned, they're quite a
17 distance away from the development and they
18 are adjacent to the railroad.

19 Most of the properties to the south of
20 this largely is a Town of Brookhaven recharge
21 basin and then there is a single family home
22 that does abut the railroad on -- south of the
23 railroad tracks and in order to help, if we
24 would, the applicant chose a buffer and then
25 we could supplement that buffer with the

1

2

recommendation that Planning has for

3

supplemental buffers for evergreen trees and

4

typical evergreen tree buffer in our code is

5

seven feet tall five feet on center.

6

COUNCILMAN PANICO: Okay.

7

MS. EADERESTO: Councilman Panico,

8

that's part of the covenants. It says a

9

double row of evergreen trees shall be

10

provided along the southerly --

11

COUNCILMAN PANICO: Oh, I know that,

12

Annette, I'm just reading it for anyone

13

watching or those people who may be interested

14

in the area.

15

MS. EADERESTO: Okay.

16

COUNCILMAN PANICO: I just have two

17

more questions.

18

The next question, just for the

19

edification of the public, the entire proposed

20

development must be dark sky compliant in

21

conformance with the code?

22

MR. SANZANO: That is correct and even

23

the commercial property, we would look to

24

change the lighting if needed on that existing

25

commercial, even though it was developed and

1

2 CO'd in the '80s, we would look to have them
3 comply at least with the lighting fixtures and
4 shielding.

5 COUNCILMAN PANICO: Okay.

6 And the property is currently zoned J2.
7 The change of zone and land division for L1,
8 that also has a covenant that restricts all
9 other uses but self-storage in the L1
10 district; is that correct?

11 MR. SANZANO: That is our
12 recommendation, yes.

13 COUNCILMAN PANICO: L1 was chosen
14 because of the existing self-storage as
15 opposed to the J5 district, which would not
16 fit in, but does allow for the self-storage,
17 correct?

18 MR. SANZANO: That is correct. That
19 was our intent.

20 COUNCILMAN PANICO: Okay.

21 My final question is Mr. Gleason has
22 asked for street trees as there really aren't
23 that many street trees on the existing
24 shopping plaza, which abuts this property to
25 the north and is being divided through the

1

2

land division.

3

4

Would it be within the planning board's purview to add such street trees at the time of site plan?

5

6

7

8

9

10

11

MR. SANZANO: That is also one of our recommendations. Although this property is directly across the street from what we know as the Lufker Airport, we would look to have those street trees installed as per Town code requirements.

12

13

14

MS. EADERESTO: That's actually in the covenant, also, Mr. Panico. Provide street trees in accordance with the Town code.

15

16

17

COUNCILMAN PANICO: Okay.
And a change of zone from the Town board, Joe, requires how many votes?

18

19

MR. SANZANO: Just a majority.
Town Attorney; is that right?

20

21

MS. EADERESTO: Four.
COUNCILMAN PANICO: Four.

22

23

24

25

To amend a covenant, a restrictive covenant, with regard to the land uses associated with L1 requires what majority of votes from the Town board?

1

2

MS. EADERESTO: Six.

3

MR. SANZANO: Six.

4

COUNCILMAN PANICO: Thank you.

5

All right, thank you.

6

SUPERVISOR ROMAINE: Do you want to
close this public hearing?

8

COUNCILMAN PANICO: I do.

9

I'll make a motion to close public
hearing number five of July 16, 2020.

10

11

SUPERVISOR ROMAINE: Second.

12

MS. LENT: All those in favor?

13

COUNCILWOMAN BONNER: Aye.

14

COUNCILWOMAN CARTRIGHT: Aye.

15

COUNCILMAN FOLEY: Aye.

16

COUNCILMAN LaVALLE: Aye.

17

COUNCILMAN LOGUERCIO: Aye.

18

COUNCILMAN PANICO: Aye.

19

SUPERVISOR ROMAINE: Aye.

20

MS. LENT: Opposed?

21

(No response.)

22

MS. LENT: Motion to close carries.

23

COUNCILMAN PANICO: I have a SEQRA

24

negative declaration granting the application

25

of BLCCA, LLC at East Moriches for a change of

1

2

zone from J Business 2 to J Business 2 and L

3

Industrial 1 for a proposed mini-storage

4

facility on property located on Montauk

5

Highway in East Moriches, New York.

6

So moved.

7

COUNCILWOMAN BONNER: Second.

8

MS. LENT: Thank you.

9

All those in favor?

10

COUNCILWOMAN BONNER: Aye.

11

COUNCILWOMAN CARTRIGHT: Aye.

12

COUNCILMAN LaVALLE: Aye.

13

COUNCILMAN PANICO: Aye.

14

SUPERVISOR ROMAINE: Aye.

15

MS. LENT: Opposed?

16

(No response.)

17

MS. LENT: Motion carries.

18

COUNCILMAN PANICO: I have the

19

resolution of adoption granting the

20

application of BLCCA, LLC at East Moriches for

21

a change of zone from J Business 2 to J

22

Business 2 and --

23

MS. EADERESTO: Dan, you have to do

24

SEQRA first. Sorry.

25

COUNCILMAN PANICO: I just did.

1

2 MS. LENT: He just did.

3 MS. EADERESTO: Oh, I'm sorry. I
4 thought that was to close the hearing.

5 Go ahead.

6 COUNCILMAN PANICO: I think you have
7 lag on your wifi.

8 MS. EADERESTO: Yes.

9 COUNCILMAN PANICO: Resolution of
10 adoption granting the application of BLCCA,
11 LLC at East Moriches for a change of zone from
12 J Business 2 to J Business 2 and L Industrial
13 1 for proposed mini-storage facility on
14 property located on Montauk Highway, East
15 Moriches, New York.

16 So moved.

17 COUNCILWOMAN BONNER: Second.

18 MS. LENT: All those in favor?

19 COUNCILWOMAN BONNER: Aye.

20 COUNCILWOMAN CARTRIGHT: Aye.

21 COUNCILMAN LaVALLE: Aye.

22 COUNCILMAN PANICO: Aye.

23 SUPERVISOR ROMAINE: Aye.

24 MS. LENT: Opposed?

25 (No response.)

1

2

MS. LENT: Motion carries.

3

4

SUPERVISOR ROMAINE: For those who appeared, thank you again.

5

6

7

We're moving on now to public hearing number six, the first of I think two or three McDonald's.

8

(Pause.)

9

10

11

12

13

14

MS. LENT: Public hearing number seven is to consider the application known as McDonald's Corporation Miller Place for a change of zone J Business 2 to J Business 5 and a special permit on property located in Miller Place, New York.

15

16

17

18

19

20

Legal notices for public hearings are published no less than ten days, 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.

21

22

23

24

25

A SEQRA negative determination will be submitted by the Law Department via resolution if applicable and I am in receipt of a letter from Suffolk County Planning Commission determining it to be a matter of local

1

2

determination.

3

4

5

6

7

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 is in receipt of the affidavit of mailing and posting.

8

9

The letter from Suffolk County Planning is dated August 7, 2020:

10

Dear Ms. Lent:

11

12

13

14

15

16

17

18

19

20

21

Pursuant to the requirements of Sections A 14-14 to A 14-25 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 county-wide or inter-community impact(s). A decision of local determination should not be construed as either an approval or disapproval.

22

Signed Very truly yours,

23

Andrew P. Freleng, Chief Planner.

24

25

MS. EADERESTO: Donna, I think you just said it was hearing number seven. This is

1

2 number six, for the record. Sorry. Thank
3 you.

4

SUPERVISOR ROMAINE: Okay. This is
5 about McDonald's at Miller Place.

6

MR. BROWN: Correct.

7

MS. LENT: McDonald's at Miller Place,
8 I have it listed as number seven, but it's
9 number six you're saying.

10

SUPERVISOR ROMAINE: Yes.

11

COUNCILWOMAN BONNER: Yes, number six
12 in our packet.

13

MS. EADERESTO: Number seven is the
14 Rocky Point McDonald's.

15

MS. LENT: Okay, thank you.

16

SUPERVISOR ROMAINE: Well, it doesn't
17 matter, we'll do the Miller Place because
18 that's what's listed here for us.

19

MS. EADERESTO: Correct. That was the
20 one that was just read.

21

COUNCILMAN LOGUERCIO: Mr. Supervisor,
22 may I just interrupt?

23

Neil and I were both kicked off the
24 meeting and Neil's having some difficulty
25 getting back in, I'm back in now obviously.

1

2

SUPERVISOR ROMAINE: Okay.

3

Let's see if --

4

5

MS. EADERESTO: Is Neil here; he can
come in my office?

6

7

COUNCILMAN LOGUERCIO: For some reason
we both got kicked out.

8

9

SUPERVISOR ROMAINE: Neil's welcome to
come to my office.

10

11

COUNCILMAN PANICO: It's for bad
behavior.

12

13

MS. EADERESTO: I will email the proper
people to try to get him back on.

14

15

16

COUNCILMAN LOGUERCIO: I just let him
know that he's going to come into your office,
into Annette's office.

17

18

19

SUPERVISOR ROMAINE: Okay, one or the
other, I've got plenty of room here, I'll put
my mask on.

20

21

22

All right. This hearing is public
hearing number six. It is the Miller Place
McDonald's.

23

24

So with that, Joe, do you want to give
us a little update?

25

MR. SANZANO: Absolutely,

1

2 Mr. Supervisor, thank you and I'm going to
3 share my screen.

4

5 SUPERVISOR ROMAINE: Now all of these
6 McDonald's are existing, by the way.

6

7 MR. SANZANO: That is correct, yes.

7

8 COUNCILWOMAN BONNER: They exist with
9 the drive-thrus already.

9

10 SUPERVISOR ROMAINE: Right. They're
11 all existing.

11

12 MR. SANZANO: They are.

12

13 SUPERVISOR ROMAINE: Let's just go and
14 go through this quickly.

14

15 MR. SANZANO: Yes.

15

16 This site is located along the south
17 side of New York State Route 25A west of
18 Miller Place Road in Miller Place. The
19 subject parcel is 1.491 acres currently
20 occupied with an existing major restaurant, a
21 McDonald's, with an associated drive-thru
22 facility and landscaping and other site
23 improvements. The site enjoys a certificate
24 of occupancy that was issued in 1991.

24

25 The subject site is currently zoned J2
Business. In 2003, Town code was changed by

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the Town board and required that all major restaurants including McDonald's must be zoned in a J5 zone. That meant they cannot do any improvements to their sites if rendered them nonconforming.

Today the applicant seeks a change of zone to J5 Business and a special use permit for a major restaurant with an accessory drive-thru facility.

The concept plan shows a major restaurant, McDonald's, with a drive-thru facility as shown and a special use permit will bring this site back into zoning compliance. Waivers from the special use permit are required and variances will also be required at the time of site plan review.

Staff is recommending a cross access. The cross access would connect this site to the Ging's Nursery site to the east and -- to the west as well as to the gas station to the east, which would all connect out to Miller Place Road. The subject site falls within the Route 25A Miller Place Hamlet center overlay district. The Route 25A land use plan

1

2

classified this area as a heavy commercial

3

area, which is defined as uses consistent with

4

the J5 Business district including fast food

5

restaurants.

6

With that, I will turn it over to the

7

applicant for their comments.

8

SUPERVISOR ROMAINE: Let me ask you one

9

question, Joe.

10

MR. SANZANO: Absolutely.

11

SUPERVISOR ROMAINE: Is there an

12

existing exit onto Miller Place Road

13

currently?

14

MR. SANZANO: Yes, there is.

15

COUNCILWOMAN BONNER: There is with

16

McDonald's already.

17

SUPERVISOR ROMAINE: I know. I wanted

18

to make that clear.

19

MR. SANZANO: Our intent is to connect

20

that all the way through to the Walgreens to

21

the west so that if you're at the Walgreens,

22

you could go to the McDonald's without getting

23

onto 25A.

24

COUNCILWOMAN BONNER: And Joseph, these

25

cross access agreements are -- this is what

1

2 happens, what do you think, like 99 percent of
3 the time when applicants like these come in
4 and for development of the site, even if it's
5 just to become conforming for future use?

6

MR. SANZANO: For future and we try to
7 get it incrementally so that eventually it all
8 comes together, that's the long-range plan.

9

COUNCILWOMAN BONNER: It took like 20
10 years in the Kohl's shopping center, but it
11 happened.

12

MR. SANZANO: It sure did.

13

SUPERVISOR ROMAINE: Joe, Planning is
14 recommending this?

15

MR. SANZANO: Yes, sir.

16

SUPERVISOR ROMAINE: Thank you. Good
17 to know.

18

MR. SANZANO: In conformance with the
19 land use plan.

20

COUNCILWOMAN BONNER: That's it, is the
21 recommendation in the land use plan as well,
22 right, Joe?

23

MR. SANZANO: That's correct, yes.

24

COUNCILWOMAN BONNER: Thank you.

25

SUPERVISOR ROMAINE: All right. Thank

1

2

you very much.

3

4

If the applicant wants to speak, I think the Town board understands that this is something that has been recommended, but if the applicant wants to speak now, they can or --

5

6

MR. BROWN: Thank you, Mr. Supervisor.

7

MS. EADERESTO: You could just vote.

8

COUNCILWOMAN BONNER: Or we could

9

just -- I know we have residents, too.

10

MS. EADERESTO: There's one resident.

11

There's one public speaker.

12

SUPERVISOR ROMAINE: Let's hear from

13

the public speaker first, I'd like to do that.

14

MS. EADERESTO: Okay. I'll get them

15

put in.

16

SUPERVISOR ROMAINE: Thank you.

17

COUNCILWOMAN BONNER: Thank you.

18

MS. EADERESTO: Okay. There you go.

19

MS. LENT: What is that noise?

20

MS. EADERESTO: It's some feedback on

21

their line. Just give them a chance, they'll

22

try to work on it.

23

MR. BROWN: They either have to shut

1

2 off their phone or the computer, one or the
3 other.

4 MS. LENT: Yeah, I think that's what
5 happens, Mr. Schultz.

6 SUPERVISOR ROMAINE: Okay.

7 Mr. and Mrs. Berger?

8 MS. LENT: Before you start, first of
9 all, you're muted and I'd like you to -- we'll
10 take you together, but I'm going to ask you to
11 raise your right hand; where did Mr. Berger
12 go?

13 Do you swear to tell the truth, the
14 whole truth and nothing but the truth so help
15 you God?

16 (No response.)

17 COUNCILWOMAN BONNER: I can't hear
18 them.

19 MS. EADERESTO: You have to unmute
20 them.

21 MR. BERGER: I do.

22 MS. LENT: And you, Mrs. Berger, as
23 well?

24 SUPERVISOR ROMAINE: We want to listen
25 to your comments.

1

2

MS. PULEO: May I be sworn in as well,
I think I'm going to begin?

3

4

MS. LENT: I did and I just asked you
to say that you agree.

5

6

COUNCILWOMAN BONNER: The clerk did you
both together.

7

8

MS. PULEO: All right, I understand.

9

MR. BROSDAL: I'd like to be sworn.

10

MS. LENT: Okay.

11

What --

12

MR. BROSDAL: This is Gordon Brosdal.
I'd like to say to Jane Bonner I'd like to be
sworn in, too; I live on the street next to
this property.

13

14

15

16

MS. LENT: Is he listed, Annette?

17

MS. PULEO: Yes, he is.

18

COUNCILWOMAN BONNER: Okay, but we can
only listen to one at a time.

19

20

MR. BROSDAL: Okay, that's fine.

21

MS. PULEO: I will begin by introducing
myself, Andrea Puleo at Six Jersey Avenue and
I have an issue with the Notice of Public
Hearing.

22

23

24

25

I believe that the notice is not

1

2

conforming to the requirements. I believe

3

that it was sent, although it was sent, it was

4

drafted with the intent of misleading us and I

5

would note from the notice, all persons

6

interested in the application shall attend the

7

public hearing in the matter scheduled for

8

July 16th at 2020 at 5:30 p.m. at the Town

9

board auditorium, Town of Brookhaven Town

10

Hall, One Independence Hill, Farmingville, New

11

York 11738.

12

The three of us here see something very

13

wrong with this notice because we should have

14

been notified of the meeting and of the

15

conditions under which the meeting was

16

supposed to take place.

17

It is not my job to do the attorney's

18

job and inquire directly with the Town Hall.

19

This notice is a sham. It is ridiculous.

20

Only by luck we were able to find out that

21

there was going to be a virtual meeting. That

22

is on procedure.

23

Separate from that, we are opposed to

24

the change in zoning. According to -- I

25

believe that the motion is made pursuant to

1

2

Article 20, Section 85-459 high intensity

3

business on one hand and on the other hand,

4

pursuant to 5460 special permits Town board --

5

on the Town board law, Section E, major

6

restaurant with accessory drive-thru, am I

7

correct, is this what the motion is based on,

8

the request?

9

MS. EADERESTO: Mr. Supervisor, may I

10

jump in here?

11

SUPERVISOR ROMAINE: Sure.

12

COUNCILWOMAN BONNER: Please, Annette.

13

MS. EADERESTO: I believe that the

14

notice that was sent, the one that the Town

15

published did say it was by Zoom, but the

16

other notice did not indicate that the hearing

17

could be by Zoom, so it's my recommendation

18

that the Town board adjourn this hearing to a

19

later date and the correct notices be sent to

20

the applicants and what we've been doing on

21

all our notices is we say the Town Hall or by

22

Zoom.

23

MR. BROSDAL: It didn't say that.

24

MS. PULEO: It did not say.

25

MS. EADERESTO: No, I understand that.

1

2 COUNCILWOMAN BONNER: Okay, but can I
3 ask a question quickly?

4 SUPERVISOR ROMAINE: That's what the
5 attorney is saying, is that you have a valid
6 point --

7 COUNCILWOMAN BONNER: Yes.

8 SUPERVISOR ROMAINE: -- and that it
9 should have said --

10 MS. EADERESTO: We should adjourn.

11 SUPERVISOR ROMAINE: -- either the
12 auditorium --

13 COUNCILWOMAN BONNER: But can I ask a
14 question regarding --

15 SUPERVISOR ROMAINE: Excuse me, Jane.

16 -- or by Zoom and it did not say that,
17 so the Town Attorney is suggesting that we
18 adjourn this public hearing and put it at a
19 time that we can publish the correct notice.

20 MS. EADERESTO: Well, we published the
21 correct notice, it was the ones that were
22 mailed by the applicant that was incorrect.

23 SUPERVISOR ROMAINE: Right.

24 COUNCILWOMAN BONNER: That didn't
25 indicate that the meeting was going to be held

1

2

by Zoom.

3

MR. BROWN: Mr. Supervisor, may I be heard on this?

5

SUPERVISOR ROMAINE: Yes.

6

MS. LENT: If we're adjourning, why are we going to hear anybody else?

7

8

SUPERVISOR ROMAINE: I want to hear Mr. Brown.

9

10

MS. LENT: Then we're not --

11

SUPERVISOR ROMAINE: I'll take that under consideration.

12

13

MR. BROWN: Thank you, Mr. Supervisor.

14

So, Mr. Supervisor, I'm looking at a copy of the notice that went out. It went out in a timely fashion and I don't have a copy of the Town code in front of me, perhaps Ms. Eaderesto can pull it up, but it says right in the provisions under the Town code that not one method is determinative whether or not there's jurisdiction to hear the matter. As she said, it was published in a newspaper and it was indicated that it was via Zoom.

15

16

17

18

19

20

21

22

23

24

25

We don't control whether or not the

1

2

meetings are in person or via Zoom. This

3

person obviously found out that it was being

4

held by Zoom because they are on the call

5

right now, so with respect --

6

MS. PULEO: Counsel, counsel.

7

MS. EADERESTO: I understand --

8

SUPERVISOR ROMAINE: One at a time.

9

MS. EADERESTO: Thank you.

10

SUPERVISOR ROMAINE: If you wish to

11

speak, let Mr. Brown finish and we'll give you

12

your opportunity.

13

Mr. Brown, finish up.

14

MR. BROWN: Yes. So I was almost

15

finished, thank you.

16

That because of that, she's on the call

17

and we would very much like to move forward

18

with the hearing.

19

MS. EADERESTO: Mr. Supervisor --

20

SUPERVISOR ROMAINE: You're welcome to

21

move forward with it, but I'm going to tell

22

you, I'm going to listen to the advice of my

23

Town Attorney, you know. We're very careful

24

about notice, we do want input on this, we do

25

want to hear all voices and although there are

1

2 three people here that are willing to speak
3 who are not in favor of the application, I
4 don't know if there would be more, I don't
5 know what other questions would be raised, so
6 regretfully, we're going to start over on
7 this --

8 COUNCILWOMAN BONNER: I'd like to ask a
9 question regarding this nice lady's objection.

10 Ma'am, is it your understanding that if
11 you oppose the zone change, that McDonald's is
12 not going to be there anymore?

13 MS. EADERESTO: But, Jane, we should
14 save this for the proper hearing so you have
15 the testimony after a proper notice.

16 I understand that these people have
17 actual notice, but we don't know if other
18 people tried to come to Town Hall, so I feel
19 we need to adjourn.

20 COUNCILWOMAN BONNER: Okay.

21 SUPERVISOR ROMAINE: The point that
22 Councilwoman Bonner was making and I'll just
23 leave it, whether they get the rezoning or
24 not, they're going to continue to operate
25 there, period, just so you should know that.

1

2

COUNCILWOMAN BONNER: Right. That was my point.

3

4

SUPERVISOR ROMAINE: This has nothing to do with their operations. This is simply a change of zone because they fit into a zoning category that did not exist when they first started in '91, so --

5

6

7

8

9

COUNCILWOMAN BONNER: They're bringing themselves into conformance and --

10

11

SUPERVISOR ROMAINE: They will continue to operate --

12

13

COUNCILWOMAN BONNER: -- they will continue to operate --

14

15

SUPERVISOR ROMAINE: -- whether they get the zoning change or not.

16

17

COUNCILWOMAN BONNER: -- whether there's a zoning change or not, so I was wondering if the residents that are wishing to speak are thinking if the zone change is denied, that McDonald's is going away.

20

21

22

SUPERVISOR ROMAINE: Any more of this will be discussed at the meeting that we postpone this to.

23

24

25

Counsel, when were you recommending

1

2 this be postponed?

3

4

5

 MS. LENT: I have two dates,
August 13th at 5:30 p.m. or September 17th at
5:30 p.m.

6

7

 SUPERVISOR ROMAINE: I'm sure the
applicant would prefer August 13th.

8

9

10

 MR. BROWN: August 13th, we actually
have another application on that night,
Mr. Supervisor, so that would be preferable.

11

12

 SUPERVISOR ROMAINE: So it's nice and
convenient.

13

 Another application here in Brookhaven?

14

 MR. BROWN: Correct.

15

 SUPERVISOR ROMAINE: All right.

16

 So I'll make the motion --

17

18

 COUNCILWOMAN BONNER: I'll make a
motion to adjourn to August 13th.

19

20

 SUPERVISOR ROMAINE: What time is that
meeting?

21

 MS. LENT: 5:30 p.m.

22

 COUNCILWOMAN BONNER: 5:30 p.m.

23

 SUPERVISOR ROMAINE: 5:30. Okay.

24

25

 So we're not going to hear anything on
this tonight.

1

2

MS. EADERESTO: And --

3

SUPERVISOR ROMAINE: Thank you for

4

making --

5

COUNCILMAN FOLEY: Second.

6

MS. LENT: All those in favor?

7

COUNCILWOMAN BONNER: Aye.

8

COUNCILWOMAN CARTRIGHT: Aye.

9

COUNCILMAN FOLEY: Aye.

10

COUNCILMAN LaVALLE: Aye.

11

COUNCILMAN LOGUERCIO: Aye.

12

COUNCILMAN PANICO: Aye.

13

SUPERVISOR ROMAINE: Aye.

14

MS. LENT: Opposed?

15

(No response.)

16

MS. LENT: Motion carries.

17

MS. EADERESTO: Just to be fair, that

18

meeting will also be by Zoom --

19

SUPERVISOR ROMAINE: That will be a

20

Zoom meeting.

21

MS. EADERESTO: -- on August 13th.

22

SUPERVISOR ROMAINE: We're assuming,

23

just so you know, it's the governor issues

24

executive orders and we're not allowed to have

25

a public meeting with public present and Zoom

1

2 is the best way that we can virtually do this,
3 so this meeting will be adjourned to
4 August 13th, public hearing --

5 COUNCILWOMAN BONNER: At 5:30 p.m.

6 SUPERVISOR ROMAINE: Right.

7 So --

8 MS. LENT: We can take those people
9 off, out of the --

10 MS. PULEO: I'm sorry, but just for the
11 record, I take exception to what counsel said
12 there, trying to defend this notice.

13 Am I not making myself clear, I'm --

14 MS. EADERESTO: No, we already
15 adjourned it, we already adjourned it. You
16 can be heard at the next meeting.

17 COUNCILWOMAN BONNER: Ma'am, we're
18 adjourning the meeting because we think your
19 argument is valid and we're adjourning till
20 August 13th.

21 MS. LENT: Do we have -- we're moving
22 on to number seven --

23 SUPERVISOR ROMAINE: We're moving on.

24 This hearing was adjourned to
25 August 13th. Proper notice will be sent out

1

2

and published. We'll move on to public

3

hearing number seven, which is the McDonald's

4

in Rocky Point.

5

MS. LENT: Yes.

6

Public hearing number seven is to

7

consider the application known as McDonald's

8

Corporation Rocky Point for change of zone

9

from J Business 2 to J Business 5 and a

10

special permit on property located in Rocky

11

Point, New York.

12

Legal notices for public hearings are

13

published no less than ten days and no more

14

than 20 days prior to a public hearing in one

15

of the legal Town newspapers. My office has

16

received a signed affidavit of publication

17

from the newspaper.

18

A SEQRA negative determination will be

19

submitted via the Law Department by resolution

20

if applicable and I am in receipt of a letter

21

from Suffolk County Planning Commission

22

determining it to be a matter of local

23

determination.

24

The applicant was also required to post

25

the property as well as notify all property

1
2
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owners within a 500-foot radius of the subject property and my office is in receipt of the affidavits of mailing and posting.

The letter from Suffolk County Planning is dated March 12, 2020:

Dear Ms. Lent:

Pursuant to the requirements of Sections A 14-14 to A 14-25 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 inter-community impact(s). A decision of local determination should not be construed as either an approval or disapproval.

Signed Very truly yours,
Andrew P. Freleng, Chief Planner.

MS. EADERESTO: Before Joe starts, Mr. Brown, do you have the same issue with the notice on this one?

MR. BROWN: I most certainly do, Ms. Eaderesto.

1

2

SUPERVISOR ROMAINE: Make a motion to
adjourn this public hearing to August 13th.

3

4

COUNCILWOMAN BONNER: So moved.

5

MR. BROWN: Thank you.

6

MS. LENT: That would be a second,

7

Jane.

8

COUNCILWOMAN BONNER: Yes, I'm sorry.

9

MS. LENT: Okay. August 13th at 5:30

10

p.m.

11

All those in favor?

12

COUNCILWOMAN BONNER: Aye.

13

COUNCILWOMAN CARTRIGHT: Aye.

14

COUNCILMAN FOLEY: Aye.

15

COUNCILMAN LaVALLE: Aye.

16

COUNCILMAN LOGUERCIO: Aye.

17

COUNCILMAN PANICO: Aye.

18

SUPERVISOR ROMAINE: Aye.

19

MS. LENT: Opposed?

20

(No response.)

21

SUPERVISOR ROMAINE: Thank you. We'll

22

see you on August 13th.

23

We'll move on to public hearing number

24

eight.

25

MR. BROWN: I'll follow up with the

1

2

Town Attorney regarding the notice.

3

4

Thank you, Mr. Supervisor, have a good night.

5

SUPERVISOR ROMAINE: You, too.

6

7

8

9

10

11

MS. LENT: Public hearing number eight, determination of premises located at 38 Parkside Avenue, Miller Place, New York, to be unsafe as defined by Chapter 73 pursuant to the engineer's report of Cashin, Spinelli & Ferretti, LLC.

12

13

14

15

16

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.

17

18

This public hearing had been adjourned from the May 14, 2020 Town board meeting.

19

20

21

MS. EADERESTO: It's going to be adjourned again. We're working to actually rehab this with the applicant.

22

23

SUPERVISOR ROMAINE: When would you like the adjournment date to?

24

25

MS. EADERESTO: October 1st at 2:30 p.m., please.

1

2

SUPERVISOR ROMAINE: Okay.

3

I move to adjourn to October 1st at . .

4

. what, 10:30?

5

MS. EADERESTO: 2:30.

6

COUNCILWOMAN BONNER: Wait a minute,

7

excuse me, nobody discussed this with me --

8

SUPERVISOR ROMAINE: Okay.

9

COUNCILWOMAN BONNER: -- this house.

10

Nobody discussed an adjournment to rehabbing

11

because it's been my experience every time we

12

give a chance to rehab, all it does is just

13

delay the inevitable. I've never had anybody

14

come in and rehab. Ever.

15

Has any of my colleagues?

16

COUNCILMAN LaVALLE: I've had several.

17

COUNCILMAN PANICO: I have.

18

COUNCILMAN LaVALLE: I've had probably

19

five or six.

20

COUNCILWOMAN BONNER: I've never had

21

one.

22

MS. EADERESTO: Oh, yes, you have.

23

COUNCILWOMAN BONNER: No, I haven't.

24

MS. EADERESTO: Hold on. I'll pull up

25

the emails.

1

2

MS. LENT: This has been moved.

3

4

COUNCILWOMAN BONNER: It hasn't been seconded yet.

5

MS. LENT: I know.

6

7

MS. EADERESTO: Well, you should second so we could talk about it.

8

9

COUNCILWOMAN BONNER: Is the bank rehabbing this house?

10

11

MS. LENT: If you want to have a discussion, Annette is correct --

12

13

COUNCILWOMAN BONNER: I'll second it for the purposes of discussion.

14

(Pause.)

15

16

COUNCILWOMAN BONNER: Sorry, guys, I don't like learning about this just before.

17

18

MS. EADERESTO: I'm having trouble pulling up the emails.

19

20

SUPERVISOR ROMAINE: Who would do the presentation, Brendan?

21

MS. EADERESTO: Yeah. He's not here.

22

SUPERVISOR ROMAINE: Is he here?

23

MS. EADERESTO: No.

24

25

SUPERVISOR ROMAINE: Okay. So we're going to adjourn this anyway.

1

2

COUNCILWOMAN BONNER: I'm going to
adjourn it to the next meeting.

3

4

SUPERVISOR ROMAINE: August 13th.
There you go. I'll second that adjournment.

5

6

MS. EADERESTO: Jane, we'll fill you in
when I find out.

7

8

COUNCILWOMAN BONNER: Absolutely, but
in the meantime, I'm adjourning to August 13th
and if we don't -- if it resolves itself, then
we'll deal with it then.

9

10

11

12

MS. EADERESTO: So you're amending
the --

13

14

COUNCILWOMAN BONNER: Amending to
adjourn to August 13th.

15

16

SUPERVISOR ROMAINE: Yes, I've seconded
it.

17

18

MS. LENT: Okay, hold on here.

19

What's the protocol here?

20

SUPERVISOR ROMAINE: Protocol is we --

21

22

MS. EADERESTO: Jane made a motion
to --

23

COUNCILMAN LaVALLE: Withdraw --

24

25

COUNCILWOMAN BONNER: Withdraw and
amend and hear on August 13th.

1

2

MS. LENT: So Jane is make a friendly amendment adjourning, moving the date to August 13th?

3

4

5

COUNCILWOMAN BONNER: Correct.

6

7

SUPERVISOR ROMAINE: Adjourn it to August 13th and in the meantime, someone get her the information.

8

9

COUNCILWOMAN BONNER: I will meet with Annette about this.

10

11

SUPERVISOR ROMAINE: Okay.

12

MS. EADERESTO: You got it.

13

COUNCILWOMAN BONNER: Thank you.

14

MS. LENT: First we have to vote on the friendly amendment.

15

16

SUPERVISOR ROMAINE: Right.

17

MS. LENT: Okay.

18

All those in favor?

19

COUNCILWOMAN BONNER: Aye.

20

COUNCILWOMAN CARTRIGHT: Aye.

21

COUNCILMAN FOLEY: Aye.

22

COUNCILMAN LaVALLE: Aye.

23

COUNCILMAN LOGUERCIO: Aye.

24

COUNCILMAN PANICO: Aye.

25

SUPERVISOR ROMAINE: Aye.

1

2

MS. LENT: Opposed?

3

(No response.)

4

MS. LENT: Motion carries.

5

SUPERVISOR ROMAINE: Okay, it's on our
August 13th agenda.

7

Now, we move on to public hearing
number nine.

9

MS. LENT: I don't know if that went
down the way it should have, but okay.

10

11

COUNCILMAN FOLEY: It's adjourned, too.

12

SUPERVISOR ROMAINE: That's adjourned,
also?

13

14

MS. LENT: August 13th at 5:30.

15

MS. EADERESTO: Yes.

16

That particular one, he has made all
the improvements to Bob's satisfaction, but he
didn't get the proper permits, but he's in the
midst of getting all the permits and the CO,
so we just want to adjourn it and that --

20

21

SUPERVISOR ROMAINE: I make a motion to
adjourn it to August 13th.

22

23

MS. LENT: Hold on. Then you got to
reopen it. We've already done it.

24

25

August 13th. It's done.

1

2

MS. EADERESTO: No. This is for
hearing number nine.

3

4

MS. LENT: Oh, I'm sorry.

5

MS. EADERESTO: Yes.

6

7

MS. LENT: I thought you were going
back --

8

SUPERVISOR ROMAINE: No, no, no, no.

9

10

COUNCILWOMAN BONNER: Can we go back to
the McDonald's adjournments, do those have to
be posted for 30 days?

11

12

MS. EADERESTO: No.

13

SUPERVISOR ROMAINE: No.

14

COUNCILWOMAN BONNER: Okay. Thank you.

15

16

MS. LENT: So public hearing number
nine, which is the determination of the
premises located at 551 Post Avenue, Bellport,
New York, to be unsafe as defined by Chapter
73 pursuant to the engineer's report of
Cashin, Spinelli & Ferretti, LLC, 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.

17

18

19

20

21

22

23

24

25

And now this one was going to be, I

1

2

understand, I was going to take a motion to

3

adjourn to October 1st at 2:30 p.m.

4

Is someone going to make that motion?

5

SUPERVISOR ROMAINE: I'll make the

6

motion.

7

COUNCILMAN PANICO: Second.

8

MS. LENT: That was you, Mr. Panico,

9

yes?

10

COUNCILMAN PANICO: It was.

11

MS. LENT: All those in favor?

12

COUNCILWOMAN BONNER: Aye.

13

COUNCILWOMAN CARTRIGHT: Aye.

14

COUNCILMAN FOLEY: Aye.

15

COUNCILMAN LaVALLE: Aye.

16

COUNCILMAN LOGUERCIO: Aye.

17

COUNCILMAN PANICO: Aye.

18

SUPERVISOR ROMAINE: Aye.

19

MS. LENT: Opposed?

20

(No response.)

21

MS. LENT: Motion adjourned -- public

22

hearing adjourned till October 1st. Okay.

23

SUPERVISOR ROMAINE: With that, I make

24

a motion to adjourn this meeting, I believe we

25

have no further business.

1

2

COUNCILWOMAN BONNER: So moved.

3

4

MS. LENT: He's making a motion, so
you're seconding it?

5

6

COUNCILWOMAN BONNER: And I'm seconding
it.

7

MS. LENT: Okay.

8

All those in favor?

9

COUNCILWOMAN BONNER: Aye.

10

COUNCILWOMAN CARTRIGHT: Aye.

11

COUNCILMAN FOLEY: Aye.

12

COUNCILMAN LaVALLE: Aye.

13

COUNCILMAN LOGUERCIO: Aye.

14

COUNCILMAN PANICO: Aye.

15

SUPERVISOR ROMAINE: Aye.

16

MS. LENT: Opposed?

17

(No response.)

18

MS. LENT: Motion carries.

19

20

I, JOANN O'LOUGHLIN, a Notary Public

21

for and within the State of New York, do hereby

22

certify that the above is a correct transcription

23

of my stenographic notes.

24

25

JOANN O'LOUGHLIN