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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

October 22, 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. ROMAINÉ

ALSO PRESENT :

DONNA LENT, TOWN CLERK
ANNETTE EADERESTO,
TOWN ATTORNEY

* * *

1

2

SUPERVISOR ROMAINE: I'd like to call this Town board to order and with that, if we would stand and pledge our flag.

3

4

(Pledge of Allegiance.)

5

6

SUPERVISOR ROMAINE: I'd like to have a silent prayer. I know we're in the middle of a very heated election campaign this year of great national significance. What my hope is and what my thought is for tonight, that we could all think about, is after this election, may we all come together as one country, may we all work for the betterment of our nation, our state, our county and our town. May we all be united as one as Americans and not allow some of the partisanship that sometimes we see to divide us, but work together for a common cause and with that, I'd ask us to keep that in our thoughts tonight in our moment of silence.

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20

(Moment of silence.)

21

SUPERVISOR ROMAINE: Thank you.

22

And I ask our clerk to call the roll, please.

23

24

MS. LENT: Yes.

25

1

2

Councilwoman Cartright?

3

COUNCILWOMAN CARTRIGHT: Present.

4

MS. LENT: Councilman Bonner?

5

COUNCILWOMAN BONNER: Here.

6

MS. LENT: Councilman LaValle?

7

COUNCILMAN LaVALLE: Present.

8

MS. LENT: Councilman Loguercio?

9

COUNCILMAN LOGUERCIO: Present.

10

MS. LENT: Councilman Foley?

11

COUNCILMAN FOLEY: Present.

12

MS. LENT: Councilman Panico?

13

COUNCILMAN PANICO: Here.

14

MS. LENT: Supervisor Romaine?

15

SUPERVISOR ROMAINE: Present.

16

MS. LENT: You have a quorum, sir.

17

SUPERVISOR ROMAINE: Okay.

18

We have a report to the board from your

19

office, Madam Clerk.

20

MS. LENT: Yes.

21

I have a report of revenue for the Town

22

Clerk's office for the month of September in

23

the amount of \$73,794.42.

24

May I have a motion to accept this

25

item?

1

2 COUNCILMAN LaVALLE: So moved.

3 COUNCILWOMAN BONNER: Second.

4 MS. LENT: 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 SUPERVISOR ROMAINE: Okay. We're onto
16 the communications consensus agenda, one item
17 approving the minutes of the meeting of
18 October 1st.

19 MS. LENT: Yes.

20 May I have a motion to accept the
21 communications consensus agenda item?

22 COUNCILMAN LaVALLE: So moved.

23 COUNCILWOMAN BONNER: 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: We're onto the
12 highway consensus agenda with three items.

13 MS. LENT: Yes.

14 May I have a motion to accept the
15 highway consensus agenda items?

16 COUNCILMAN LaVALLE: So moved.

17 COUNCILWOMAN BONNER: 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

6

SUPERVISOR ROMAINE: Now we're onto the
consensus resolution agenda.

7

8

9

COUNCILMAN FOLEY: Supervisor, I have
the consensus resolution from C-0347 through
C-0383.

10

So moved.

11

COUNCILMAN LOGUERCIO: 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

25

SUPERVISOR ROMAINE: Okay. Now we move
onto the resolution agenda and we start with
Councilman Foley.

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COUNCILMAN FOLEY: Supervisor,
resolution 0347-2020, authorizing an
encroachment agreement between the Town of
Brookhaven and Frank F. Lopez, Jr. and Carol
A. Lopez to allow --

MS. LENT: I'm sorry. I'm so sorry.

SUPERVISOR ROMAINE: We're on
resolution 552.

COUNCILMAN LOGUERCIO: Neil, you want
me to take it for you?

COUNCILWOMAN BONNER: Neil, you were
reading the consensus agenda.

COUNCILMAN FOLEY: I'm sorry, give me
one second, my fault.

COUNCILWOMAN BONNER: No worries.

COUNCILMAN FOLEY: Resolution 0552 of
2020, award of bid number 20049 entitled
"Collection/disposal of refuse and recycles
Davis Park refuse and garbage district" to the
lowest responsible bidder, Brownie Companies
of Long Island, LLC.

So moved.

COUNCILMAN LOGUERCIO: Second.

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 553,

13

authorization to accept Town maintained roads

14

not previously added into the Town's

15

maintenance program.

16

So moved.

17

COUNCILWOMAN BONNER: 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

6

COUNCILMAN FOLEY: Resolution 554 of
2020, award of bid number 20051 entitled

7

"Collection/disposal of refuse and

8

recyclables, Fire Island Pines refuse and

9

garbage district" to the lowest responsible

10

bidder, Brownie Companies of Long Island, LLC.

11

So moved.

12

COUNCILMAN LOGUERCIO: Second.

13

MS. LENT: All those in favor?

14

COUNCILWOMAN BONNER: Aye.

15

COUNCILWOMAN CARTRIGHT: Aye.

16

COUNCILMAN FOLEY: Aye.

17

COUNCILMAN LaVALLE: Aye.

18

COUNCILMAN LOGUERCIO: Aye.

19

COUNCILMAN PANICO: Aye.

20

SUPERVISOR ROMAINE: Aye.

21

MS. LENT: Opposed?

22

(No response.)

23

MS. LENT: Motion carries.

24

25

COUNCILMAN FOLEY: Resolution 555 of
2020, authorization for the Supervisor/Deputy

1

2

Supervisor to accept an operating grant award

3

from the New York State Department of

4

Environmental Conservation for funding for

5

recycling education expenses for 2021.

6

So moved.

7

COUNCILMAN LOGUERCIO: Second.

8

MS. LENT: 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

SUPERVISOR ROMAINE: Mike, you want to

20

say something, Michael?

21

COUNCILMAN LOGUERCIO: No, I'm sorry, I

22

guess you didn't hear me the first time when I

23

said second. Thank you, though.

24

SUPERVISOR ROMAINE: Okay.

25

MS. LENT: Motion carries.

1

2

COUNCILWOMAN BONNER: Resolution 0556

3

is to approve the standard work hours for

4

appointed officials pursuant to New York State

5

retirement system reporting regulation Section

6

315.

7

So moved.

8

COUNCILMAN LaVALLE: 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

COUNCILWOMAN CARTRIGHT: Resolution 557

21

of 2020, the appointment of Councilman Michael

22

A. Loguercio Jr. as a marriage officer.

23

So moved.

24

COUNCILMAN FOLEY: Can everybody, I

25

think we'd all like to second this motion?

1

2

COUNCILMAN PANICO: Mike --

3

MS. LENT: I have you, Mr. Foley.

4

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 LOGUERCIO: I just want to

16

tell everybody thank you for that. That was

17

my son, Devin and his fiancée, Justina.

18

COUNCILMAN LaVALLE: Oh, all right.

19

COUNCILWOMAN BONNER: Congratulations.

20

SUPERVISOR ROMAINE: Mike, you're

21

getting known as the love doctor.

22

COUNCILWOMAN BONNER: How many weddings

23

does this make for you, Mike?

24

COUNCILMAN LOGUERCIO: Probably about

25

ten.

1

2

COUNCILWOMAN BONNER: Wow.

3

4

COUNCILMAN LOGUERCIO: They're all special, but this one is --

5

6

MS. LENT: I don't think so. It wasn't ten, but you're getting there.

7

SUPERVISOR ROMAINE: Okay.

8

9

10

11

12

13

14

15

16

17

COUNCILMAN LaVALLE: Resolution 558, authorizing the Supervisor/Deputy Supervisor to execute or extend agreements with school districts, library districts, fire districts, special improvement districts and/or incorporated villages within the Town, for the performance of general repairs and other maintenance activities, to permit the use of Town highway machinery and to provide sand, salt and other abrasives or chemicals.

18

So moved.

19

COUNCILWOMAN BONNER: I'll second that.

20

MS. LENT: All those in favor?

21

COUNCILWOMAN BONNER: Aye.

22

COUNCILWOMAN CARTRIGHT: Aye.

23

COUNCILMAN FOLEY: Aye.

24

COUNCILMAN LaVALLE: Aye.

25

COUNCILMAN LOGUERCIO: Aye.

1

2

COUNCILMAN PANICO: Aye.

3

SUPERVISOR ROMAINE: Aye.

4

MS. LENT: Opposed?

5

(No response.)

6

MS. LENT: Motion carries.

7

COUNCILMAN PANICO: 559 of '20 is

8

granting permission to the Eastport Green

9

Project to hang approximately 18 bows, wreaths

10

and lights on street lampposts along Main

11

Street in Eastport, New York.

12

So moved.

13

COUNCILMAN FOLEY: Second.

14

MS. LENT: All those in favor?

15

COUNCILWOMAN BONNER: Aye.

16

COUNCILWOMAN CARTRIGHT: Aye.

17

COUNCILMAN FOLEY: Aye.

18

COUNCILMAN LaVALLE: Aye.

19

COUNCILMAN LOGUERCIO: Aye.

20

COUNCILMAN PANICO: Aye.

21

SUPERVISOR ROMAINE: Aye.

22

MS. LENT: Opposed?

23

(No response.)

24

MS. LENT: Motion carries.

25

Just give me one second, please.

1

2

(Pause.)

3

MS. LENT: Okay. Go ahead.

4

SUPERVISOR ROMAINE: Okay. Michael.

5

COUNCILMAN LOGUERCIO: Set; I lost you?

6

MS. LENT: Yes, go ahead.

7

COUNCILWOMAN BONNER: 560, Mike.

8

COUNCILMAN LOGUERCIO: I must be out of

9

order, hold on a second.

10

SUPERVISOR ROMAINE: You want me to

11

take it?

12

COUNCILMAN LOGUERCIO: Yeah, I don't

13

have 560.

14

SUPERVISOR ROMAINE: Okay.

15

560, setting a public hearing on the

16

application of DLC Properties LLC, motor

17

vehicle dealership for a change of zone from J

18

Business 2 and A Residence 1 to J Business 5

19

and Town board special permit to operate a

20

motor vehicle dealership on property located

21

on New York State Route 112 in Medford, New

22

York.

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 FOLEY: Resolution 0561 of

13

2020, approval of capital supplemental

14

professional service requisition in excess of

15

\$25,000 for payment of services to be

16

performed by --

17

MS. LENT: I'm so sorry, hold on a

18

second.

19

COUNCILMAN FOLEY: Okay.

20

MS. LENT: 560 we were setting a public

21

hearing, okay and that public hearing date

22

will be December 3rd of 2020, 5:30 p.m.

23

COUNCILMAN FOLEY: Okay.

24

MS. LENT: Now you can go ahead, I'm

25

sorry.

1

2

COUNCILMAN FOLEY: Okay, no problem.

3

4

Resolution 0561 of 2020, approval of capital supplemental professional service requisition in excess of \$25,000 for payment of services to be performed by L.K. McLean Associates PC in connection with continuation of cell 6 - phase 11, 12 and 13 cell construction certification services.

5

6

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9

10

So moved.

11

COUNCILMAN LOGUERCIO: 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

COUNCILMAN PANICO: 562 of '20 is

24

setting a public hearing to amend Chapter 85

25

entitled "Zoning", Article XXXIV entitled

1

2

"Land Development Standards", Section 85-871

3

entitled "Illegal Exterior Lighting" of the

4

code of the Town of Brookhaven.

5

So moved.

6

COUNCILMAN FOLEY: Second.

7

MS. LENT: That public hearing will be

8

held December 17, 2020 at 2:30 p.m.

9

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 563

21

of 2020 is authorizing the Supervisor/Deputy

22

Supervisor to execute an access easement

23

agreement with Mooney Pond Area Utilities,

24

Inc. in connection with the map of Cortland

25

Estates at Selden.

1

2

So moved.

3

COUNCILMAN FOLEY: Second.

4

MS. LENT: 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: 564, setting a

16

public hearing to consider enacting an

17

introductory local law amending Chapter 20 of

18

the code of the Town of Brookhaven entitled

19

"Departments and Bureaus."

20

So moved.

21

COUNCILMAN FOLEY: Second.

22

MS. LENT: That public hearing will be

23

held November 19, 2020 at 2:30 p.m.

24

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 COUNCILMAN PANICO: 565 of '20 is
12 authorizing an exemption from clause one of
13 the Town of Brookhaven drive-in movie theater
14 executive order dated June 11, 2020, to
15 Cinematic Entertainment.

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

COUNCILMAN FOLEY: Resolution

6

0566-2020, authorizing change order number one

7

to contract number 20200038 - E-1 flare system

8

installation.

9

So moved.

10

COUNCILMAN LOGUERCIO: 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 567 of

23

2020, authorizing the revision of resolution

24

475 of 2020 entitled "Authorize the assignment

25

of Agilitas Energy LLC membership interests to

1

2

CVI Renewables Holdings, LLC."

3

COUNCILMAN PANICO: Second.

4

MS. LENT: Sorry, the second was you,

5

Mr. Foley?

6

COUNCILMAN PANICO: It was me.

7

COUNCILMAN FOLEY: Mr. Panico.

8

MS. LENT: 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

COUNCILMAN PANICO: Resolution 568 of

20

20 is authorizing an award of contract to

21

Tallan, Incorporated for RFP number 20-03

22

"Cloud migration planning and implementation

23

services."

24

So moved.

25

COUNCILMAN FOLEY: Second.

1

2

3

4

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7

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9

10

11

COUNCILMAN LaVALLE: On the motion, just quickly on this, you know, this is -- I was looking over, I met with Scott Bradley today, our head of IT and you know, this board has really made a big dedication in trying to improve our technology, not only for our employees, but for the residents, even through COVID, throwing more applications online, making it easier for the public to access our building.

12

13

14

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25

This resolution is something that the Town has been working on, is now moving our storage facilities -- we store everything in-house right now -- moving it to the cloud and this is a huge advancement, a huge step for us because this storage and everything, this is going to give us increased cybersecurity, certainly our disaster recovery protocols make it a lot easier and at the end of the day, this will save us money on energy that we're using right now to keep our servers cool and everything that we're doing right now and I know the clerk will probably appreciate this because it's going to make sure all our

1

2

Town records are a lot safer in the long run,

3

so this is a big step and a big move for us

4

technologically here in the Town, so I just

5

want to throw that in there. I think this is

6

a good move for us right now.

7

MS. LENT: Having been moved and

8

seconded, 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

COUNCILMAN PANICO: 569 of '20 is

20

authorization for appropriation of funds from

21

the Joseph Macchia Environmental Preservation

22

Capital Reserve Fund for acquisition of

23

property on North Street in Manorville.

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

COUNCILWOMAN CARTRIGHT: Resolution

14

570 -- which is noted twice here, I have it as

15

a duplicate on my list -- acceptance of a

16

donation from LKG Port Jefferson LLC and

17

authorizing an agreement with Cameron

18

Engineering and Associates LLP to update the

19

Port Jefferson - Terryville Commons Master

20

Plan.

21

So moved.

22

COUNCILWOMAN BONNER: 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

COUNCILWOMAN BONNER: Resolution 571 is

11

a SEQRA negative declaration - authorization

12

for settlement of acquisition of property

13

located on Iroquois Trail, Ridge, for drainage

14

purposes - owner: Estate of Joan Hughes.

15

So moved.

16

COUNCILMAN LaVALLE: 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

COUNCILWOMAN BONNER: Resolution 572 is authorization for settlement of acquisition of

6

property located on Iroquois Trail, Ridge, for

7

drainage purposes - owner, Estate of Joan

8

Hughes.

9

So moved.

10

COUNCILMAN LaVALLE: 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 573 of

23

2020 is a home rule message of support to the

24

New York State Legislature on behalf of Senate

25

bill 06868 and Assembly bill 08936 as it

1

2

relates to the Public Service Commission's

3

authority to implement and enforce audit

4

recommendations.

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

SUPERVISOR ROMAINE: Okay, Michael.

19

COUNCILMAN FOLEY: Mike, you're on

20

mute.

21

COUNCILMAN LOGUERCIO: I'm sorry, thank

22

you.

23

Resolution 574 of 2020 is the

24

authorization for the Supervisor/Deputy

25

Supervisor to amend the agreement with

1

2

American Organic Energy LLC for the assignment

3

of the Town's interconnection agreement with

4

Long Island Lighting Company d/b/a LIPA.

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

SUPERVISOR ROMAINE: Resolution 575 of

19

2020 is adopting the Town board meeting dates

20

for 2021 and I know you all got the schedule

21

and we cleared out any conflicts, so I'm

22

proposing that tonight.

23

COUNCILWOMAN BONNER: I'll 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 COUNCILMAN LOGUERCIO: Resolution 576

12 of 2020, setting a public hearing pursuant to

13 24 CFR 91.105 for a second substantial

14 amendment to the adopted 2018-2022 five-year

15 consolidated plan, the 2019 annual action plan

16 and the citizen participation plan for

17 Community Development block grant programs and

18 emergency solutions grant programs, due to

19 additional grant allocations for ESG-CV2 and

20 for the CDBG-CV3 received from the U.S.

21 Department of Housing and Urban Development

22 under the CARES Act (Public Law No. 116-136).

23 So moved and I need a stress test after

24 that one.

25 COUNCILMAN FOLEY: Second.

1

2

MS. LENT: That public hearing will be held on November 9, 2020 at two p.m.

3

4

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 FOLEY: Resolution 0577,

16

determination of the premises at 195 Union

17

Avenue in East Patchogue, New York, to be

18

unsafe as defined as Chapter 73 pursuant to

19

the engineering report of Cashin, Spinelli &

20

Ferretti, LLC and setting a public hearing by

21

which the owner or other persons having an

22

interest in the premises may be heard with

23

respect to the condition of the premises and

24

the actions necessary to secure or remove

25

same.

1

2

So moved.

3

COUNCILMAN LOGUERCIO: Second.

4

MS. LENT: That public hearing will be

5

held December 17, 2020 at 2:30 p.m.

6

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

COUNCILMAN FOLEY: Resolution

18

0578-2020, setting a public hearing on the

19

application of 7 Eleven - 974 Portion Road,

20

Ronkonkoma, for a change of zone from

21

commercial recreation to J Business 5, special

22

permit for motor vehicle fueling station,

23

special permit for convenient store accessory

24

to motor vehicle fueling station and waivers

25

of special permit criteria on property located

1

2

on Portion Road (County Road 16) in

3

Ronkonkoma, New York.

4

So moved.

5

COUNCILMAN LOGUERCIO: Second.

6

MS. LENT: That public hearing will be

7

held December 3, 2020 at 5:30 p.m.

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

COUNCILMAN FOLEY: Resolution 0579 of

20

2020, acceptance of the draft supplemental

21

environmental impact statement, the

22

commencement of a minimum of a 30-day comment

23

period thereon and setting a public hearing on

24

the same for an application known as 7 Eleven

25

- 974 Portion Road, Ronkonkoma, for a change

1

2

of zone from Commercial Residential to J

3

Business 5, special use permits for the

4

development of a motor vehicle fueling

5

station, convenience store accessory motor

6

vehicle fueling station and waivers of special

7

permit criteria on property located on Portion

8

Road (County Road 16) in Ronkonkoma, New York.

9

So moved.

10

COUNCILMAN LOGUERCIO: 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

And the public hearing on that will be

23

December 3rd at . . . hold on here.

24

(Pause.)

25

MS. LENT: I'm sorry.

1

2

Yes, it will be December 3, 2020 at

3

5:30 p.m.

4

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

COUNCILWOMAN BONNER: Resolution 0580

16

is 2020 various operating budget transfers.

17

So moved.

18

COUNCILMAN LaVALLE: 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

COUNCILWOMAN BONNER: Resolution 0581

7

is declaring the month of October 2020

8

Pregnancy and Infant Loss Awareness Month.

9

So moved.

10

COUNCILMAN LaVALLE: Second.

11

COUNCILWOMAN CARTRIGHT: Can I be a

12

co-sponsor on that actually, can everyone be a

13

co-sponsor on that?

14

COUNCILWOMAN BONNER: Absolutely.

15

COUNCILMAN FOLEY: Sure.

16

SUPERVISOR ROMAINE: Sure.

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

COUNCILWOMAN BONNER: Resolution 0582

5

is an amendment to the various bond

6

resolutions for completed capital or grant

7

projects.

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

COUNCILMAN PANICO: 583 of '20 is

22

amending resolution number 2019-0357 adopted

23

on the April 11, 2019 Town board meeting

24

entitled "Authorizing the Town of Brookhaven

25

farmers market to be classified as a 'Program

1

2

for Public Good' thereby qualifying it for

3

coverage under the Town of Brookhaven programs

4

for the public good insurance" to add

5

additional dates.

6

So moved.

7

COUNCILMAN FOLEY: Second.

8

MS. LENT: 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

COUNCILMAN PANICO: 584 of '20 is

20

setting a public hearing to consider enacting

21

an introductory local law amending Chapter 29

22

entitled "Fees"; Chapter 85 entitled "Zoning",

23

Article XXVII "Redevelopment" of the code of

24

the Town of the Brookhaven.

25

So moved.

1

2

COUNCILMAN FOLEY: Second.

3

4

COUNCILWOMAN CARTRIGHT: Can you list me as a co-sponsor on that, I've been working with the Planning Department on this particular code amendment?

5

6

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

That public hearing will be held

19

December 3, 2020 at 5:30 p.m.

20

COUNCILMAN PANICO: Resoultion 0585 of

21

2020, amending the resolution 0468 of 2020

22

establishing the Town of Brookhaven's Ad-Hoc

23

Committee for solid waste disposal.

24

So moved.

25

COUNCILMAN LOGUERCIO: Second.

1

2

COUNCILWOMAN CARTRIGHT: On that

3

motion, I have a question. I see who's being

4

added or proposed to be added to this

5

committee.

6

The NAACP had put out a request for the

7

inclusion of additional members on this

8

committee and more specifically, I'm going to

9

read exactly what came to me and just ask if

10

this is responsive to that request.

11

The NAACP asked that people be included

12

that directly live in the catchment community

13

between Sunrise Highway and Montauk Highway in

14

North Bellport and also the inclusion of the

15

NAACP Brookhaven Environmental Chair and it

16

more specifically states: As it stands, not

17

one of the persons on the committee live

18

directly within 1.3 miles of the landfill or

19

are affected by the environmental injustice.

20

SUPERVISOR ROMAINE: I'm happy to

21

correct you on that.

22

Jim Vaz, who is a person of color, who

23

lives in Horizon Village immediately adjacent

24

to the landfill, immediately adjacent to the

25

landfill and I do believe Michael Loguercio is

1

2

making this appointment and I do believe

3

Ms. Gillette is of Hispanic origin and lives

4

between Sunrise Highway and Montauk Highway.

5

COUNCILMAN LOGUERCIO: That is correct,
Supervisor.

7

What happened was Martha's name was
inadvertently omitted from the original list,
we realized it and we realized that it was an
error on our part, so we're just doing an
amendment to add her back on because she was
on the original list, so yes, you're correct.

10

11

12

13

COUNCILWOMAN CARTRIGHT: So it's your
position as well as Councilman Loguercio's
that the request made by NAACP is basically
moot because there's someone on the committee
who --

14

15

16

17

18

SUPERVISOR ROMAINE: That isn't the
case at all.

19

20

COUNCILWOMAN CARTRIGHT: Okay.

21

SUPERVISOR ROMAINE: We listen to
everyone.

22

23

They erroneously -- and I want to say
that, erroneously and we did not want to

24

25

embarrass anyone -- indicated that no one from

1

2

North Bellport who lived near the landfill was

3

included in that committee. Mr. Vaz is a

4

long-time resident, a person of color, lives

5

in Horizon Village immediately adjacent to the

6

landfill. He's the former chief of the

7

Brookhaven Fire Department, so we included him

8

in the original list.

9

Ms. Gillette was left off, she is of

10

Hispanic origin and she is a single mother

11

that lives between Sunrise and Montauk Highway

12

in the community of North Bellport.

13

COUNCILWOMAN CARTRIGHT: Okay. So I

14

would just ask at this juncture and I'm going

15

to be voting yes for Ms. Gillette, but I'm

16

going to ask at this juncture that the NAACP

17

be responded to in that fashion to let them

18

know that there is someone from the North

19

Bellport area that is on the committee.

20

There was a response -- if I can

21

finish, Supervisor -- there was a response

22

that was sent to the NAACP and it did not

23

address that, so if you can please contact the

24

NAACP to address this issue.

25

SUPERVISOR ROMAINE: I will be happy to

1

2

do that.

3

COUNCILWOMAN CARTRIGHT: Thank you very much, Supervisor.

5

SUPERVISOR ROMAINE: I'll be happy to do that.

6

7

MS. LENT: I'm going to take a vote, but before I do that, I just want to mention, we need to go back to resolution 582 because it involved an amendment to a bond, it should be a roll call vote.

10

11

12

SUPERVISOR ROMAINE: Let's do that now.

13

MS. LENT: Let's finish this resolution 586.

14

15

SUPERVISOR ROMAINE: Okay.

16

MS. LENT: So who is moving that?

17

COUNCILMAN FOLEY: I was the one who moved it.

18

19

MS. EADERESTO: It was Neil Foley moved it and Councilman Loguercio seconded.

20

21

SUPERVISOR ROMAINE: Right.

22

COUNCILMAN FOLEY: I just want to say also that I'm very happy to have Martha on this ad-hoc committee. She has been a civic voice in the community for many, many years.

23

24

25

1

2

SUPERVISOR ROMAINE: And a member of
the South Country Lyons, if I'm not mistaken.

3

COUNCILMAN LOGUERCIO: Correct.

4

5

SUPERVISOR ROMAINE: If not the
chairperson.

6

7

COUNCILMAN LOGUERCIO: As Neil said,
she's done a tremendous amount for the
community, we're happy to have her on it and
we apologize that her name was left off the
original resolution.

8

9

10

SUPERVISOR ROMAINE: Thank you.

11

12

MS. LENT: It's been moved and
seconded, 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

Let's go back to 582, if we could.

1

2

It's already been moved and seconded and I
have that, but I'd like to take a roll call
vote.

4

5

SUPERVISOR ROMAINE: Absolutely.

6

7

MS. LENT: Councilwoman Cartright, how
do you vote?

8

COUNCILWOMAN CARTRIGHT: Aye.

9

MS. LENT: Councilwoman Bonner?

10

COUNCILWOMAN BONNER: Yes.

11

MS. LENT: Councilman LaValle?

12

COUNCILMAN LaVALLE: Yes.

13

MS. LENT: Councilman Loguercio?

14

COUNCILMAN LOGUERCIO: Aye.

15

MS. LENT: Councilman Foley?

16

COUNCILMAN FOLEY: Yes.

17

MS. LENT: Councilman Panico?

18

COUNCILMAN PANICO: Yes.

19

MS. LENT: Supervisor Romaine?

20

SUPERVISOR ROMAINE: Yes.

21

MS. LENT: Motion carries, thank you.

22

And that is it for resolutions I
understand.

23

24

SUPERVISOR ROMAINE: No, we have one

25

more. We have Councilman Loguercio to do the

1

2

last resolution.

3

COUNCILMAN LOGUERCIO: Thank you,

4

Supervisor.

5

Resolution 586 out of 2020 and that is

6

appointments to the anti-bias task force.

7

So moved.

8

COUNCILMAN FOLEY: I second that.

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

SUPERVISOR ROMAINE: Thank you for the

21

resolution, Councilman. This anti-bias task

22

force will have 15 members on it, it's a wide

23

variety of individuals who are well respected

24

throughout the Town and I just want to say I

25

appreciate their service. This is an

1

2

important issue, it should be taken seriously

3

and I think these people will do that job.

4

Let's, while we have some time, I'd

5

like to make a motion to set a date for public

6

hearing to amend the Uniform Traffic Code to

7

be heard on November 19, 2020 and I so move.

8

COUNCILWOMAN BONNER: 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

SUPERVISOR ROMAINE: Okay.

21

With that, it is 5:29, we have to wait

22

one minute and then we can start public

23

hearings, which are scheduled for 5:30 and we

24

have to stick to the time schedule because

25

they were published at 5:30, so we'll wait for

1

2

the clock to tick down.

3

(Pause.)

4

5

SUPERVISOR ROMAINE: Okay, I think it's 5:30, so we really should get underway. Thank you.

6

7

8

Okay, we're back with you again. It's 5:30, we're going to start the public hearings. I'll allow the clerk to please, if she would, open public hearing number one.

10

11

(No response.)

12

13

SUPERVISOR ROMAINE: You're muted, Donna.

14

15

16

17

18

19

20

21

MS. LENT: Public hearing number one, introductory Local Law number 12 of 2020 to consider enacting an introductory law amending Chapter 5 entitled "Appearance Tickets", Chapter 7 entitled "Bidding Preferences", Chapter 8 entitled "Bay and Harbor Bottoms" and Chapter 9 entitled "Beaches" of the code of the Town of Brookhaven.

22

23

24

25

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

1

2

received a sign affidavit of publication from

3

the newspaper and should the board render a

4

decision today, this has been deemed a SEQRA

5

Type II action.

6

MS. EADERESTO: Supervisor.

7

SUPERVISOR ROMAINE: Okay.

8

With that, who is giving us a little

9

information about it?

10

MS. EADERESTO: It's Annette Eaderesto.

11

SUPERVISOR ROMAINE: Thank you.

12

MS. EADERESTO: This is ongoing cleanup

13

of the code that this board has undertaken for

14

the last at least five to seven years and the

15

language in all these different sections,

16

really not substantive changes, but just

17

technical changes, cleaning up language. For

18

instance, it talks about the economic

19

downturn, which referred to the great

20

recession; we've just cleaned that up to say

21

economic downturn, downturns in general and

22

that applies to like our bidding and our

23

preferences for Suffolk County and the Town of

24

Brookhaven. Contractors, that stays in, but

25

we're just cleaning up all the language here.

1

2

All the -- each department that's affected has reviewed all these changes and again, basically just technical, not substantive and that's all I have on this unless the board has any questions.

3

4

5

6

7

SUPERVISOR ROMAINE: Questions from the board?

8

9

(No response.)

10

11

SUPERVISOR ROMAINE: No questions from the board.

12

13

Is there anyone that has come in that would like to speak on this?

14

MS. EADERESTO: No speakers.

15

SUPERVISOR ROMAINE: No speakers.

16

Make a motion to close this public hearing.

17

18

MS. LENT: Can I have a second?

19

(No response.)

20

MS. LENT: Jane, you're muted.

21

COUNCILMAN FOLEY: Second.

22

MS. LENT: I've got Jane, that's okay.

23

COUNCILWOMAN BONNER: Sorry, Donna.

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 COUNCILMAN PANICO: I have a resolution

13 of adoption of Local Law number 12 amending

14 Chapter 5 entitled "Appearance Tickets",

15 Chapter 7 entitled "Bidding Preferences",

16 Chapter 8 entitled Bay and Harbor Bottoms" and

17 Chapter 9 entitled "Beaches" of the code of

18 the Town of Brookhaven.

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: Okay. We're onto

9

public hearing number two.

10

Donna.

11

MS. LENT: Public hearing number two,

12

introductory Local Law number 13 of 2020 to

13

consider enacting an introductory local law

14

amending Chapter 85 entitled "Zoning", Article

15

I entitled "General Provisions", Article XV

16

entitled "Multifamily Residence Districts" and

17

Article XXVI entitled "Planned Development

18

District" of the code of the Town of

19

Brookhaven.

20

Legal notices are published no less

21

than ten days, no more than 20 days prior to a

22

public hearing in one of the legal Town

23

newspapers. My office has received a signed

24

affidavit of publication from the newspaper

25

and we are in receipt of a letter from Suffolk

1

2

County Planning advising that this is a matter

3

for local determination and that letter is

4

dated September 18, 2020.

5

Dear Ms. Lent:

6

Pursuant to the requirements of

7

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

8

County Administrative Code, the above

9

referenced application which has been

10

submitted to the Suffolk County Planning

11

Commission is considered to be a matter for

12

local determination as there is no apparent

13

significant county-wide or inter-community

14

impact(s). A decision of local determination

15

should not be construed as either an approval

16

or disapproval.

17

Signed Very truly yours,

18

Andrew P. Freleng

19

Chief Planner

20

SUPERVISOR ROMAINE: Okay.

21

Are there any questions regarding this?

22

(No response.)

23

SUPERVISOR ROMAINE: Annette, you're

24

going to give --

25

MS. EADERESTO: Yes, very briefly,

1

2

Mr. Supervisor.

3

4

5

6

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10

The proposed amendment is to revise the definition of affordable rental housing to include development projects that qualify for certain government subsidy programs. The projects are still subject to rent restrictions, but the income qualifications in those programs are different, so we had to add them in.

11

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13

14

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19

We're also deleting sections of the multifamily planned retirement community and the PDD code that referred to affordable and workforce housing. That's because the board has enacted an affordable and workforce housing code and the existing language in MFPRC and PDD is redundant and can be confusing, so we want it all in one place; again, a cleanup issue.

20

SUPERVISOR ROMAINE: Okay.

21

Questions now?

22

(No response.)

23

MS. EADERESTO: No speakers.

24

SUPERVISOR ROMAINE: No speakers.

25

I make a motion to close this public

1

2

hearing.

3

COUNCILMAN PANICO: Second.

4

MS. LENT: That was you, Dan, yes?

5

COUNCILMAN PANICO: It was.

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

SUPERVISOR ROMAINE: Okay.

18

COUNCILMAN PANICO: I have a resolution

19

of adoption of Local Law number 13 amending

20

Chapter 85 entitled "Zoning", entitled

21

"General Provisions", Article XV entitled

22

"Multifamily Residence Districts",

23

Article XXVI entitled "Planned Development

24

District" of the code of the Town of

25

Brookhaven.

1

2

So moved.

3

COUNCILWOMAN BONNER: Second.

4

MS. LENT: 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

SUPERVISOR ROMAINE: Okay. We're onto

16

public hearing number three and I'd like to

17

make a motion at this point to adjourn this

18

public hearing to January 14, 2021 at 5:30

19

p.m.

20

COUNCILMAN PANICO: 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: Okay. Moving

9

straight ahead, we're onto public hearing

10

number four.

11

MS. LENT: Public hearing number four

12

is to consider the application known as 7

13

Eleven convenience store with gas for a change

14

of zone from L Industrial 1 to J Business 5

15

and special permits on property located in

16

Bellport, New York.

17

Legal notices for public hearings are

18

published no less than ten days, no more than

19

20 days prior to a public hearing in one of

20

the legal Town newspapers.

21

A SEQRA negative determination will be

22

submitted by the Law Department via resolution

23

if applicable and I am in receipt of a letter

24

from Suffolk County Planning Commission

25

determining it to be a matter of local

1

2

determination. We are also in receipt of a

3

letter from the Greater Bellport Coalition

4

commenting on the application.

5

This applicant was required to post the

6

property as well as notify all property owners

7

within a 500-foot radius of the subject

8

property and my office is in receipt of those

9

affidavits of mailing and posting.

10

The letter from Suffolk County Planning

11

is dated August 10, 2020.

12

Dear Ms. Lent:

13

Pursuant to the requirements of

14

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

15

County Administrative Code, the above

16

referenced application which has been

17

submitted to the Suffolk County Planning

18

Commission is considered to be a matter for

19

local determination as there is no apparent

20

significant county-wide or inter-community

21

impact(s). A decision of local determination

22

should not be construed as either an approval

23

or disapproval.

24

Signed Very truly yours,

25

Andrew P. Freleng

1

2

Chief Planner

3

4

5

SUPERVISOR ROMAINE: Okay. We have Joe Sanzano here from our Planning Department to briefly explain this application.

6

7

MR. SANZANO: Thank you, Mr. Supervisor.

8

I'm going to share my screen.

9

10

11

12

13

14

15

16

17

This site is located at the northwest corner of Station Road and Farber Drive in Bellport. The site is 2.25 acres and is currently vacant and wooded. The site is currently zone L1 Industrial since 1981. The applicant seeks a change of zone to J5 Business along with special use permits for a motor vehicle fueling station and accessory convenience store.

18

19

20

21

22

23

Proposed concept plan shows a new motor vehicle fueling station with pump islands, canopy along with a 2,995 square foot convenience store building with a 1,850 square foot retail use along with other associated site improvements.

24

25

Access to the site is via an access drive to Bellport Road, Station Road and

1

2

another access point to Farber Drive, which is
a signalized intersection.

3

4

5

Waivers from the special criteria are
required. Variances may also be required at
the time of site plan review. The 2014
Greater Bellport land use plan and the 1996
comprehensive Town of Brookhaven land use plan
designates the site for industrial land use.

6

7

8

9

10

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

11

12

SUPERVISOR ROMAINE: Okay.

13

14

MR. SHEA: Good evening,
Mr. Supervisor, members of the board. J.
Timothy Shea, Jr., Certilman Balin, 100 Motor
Parkway, Hauppauge, New York, for the
applicant.

15

16

17

18

Mr. Sanzano did a very good job of
describing the property, itself.

19

20

21

As you can see from the aerial photo,
you have a large industrial building
immediately north of the property, which
pretty much covers the entire northern border
of the subject parcel and if you look to the
west, you'll see another large industrial

22

23

24

25

1

2

building that pretty much covers the entire frontage on the west side of the building.

3

4

Those two parcels are industrially zoned and

5

that is the start of Farber Drive, which is on

6

the north side industrial zoned property and

7

on the south side are the Bellport outlets

8

which are zoned J2.

9

By and large, the outlets have not been

10

doing very well. As the board may know,

11

retail is a stressed industry at this point,

12

brick and mortar retail that is and we think

13

that this development is an opportunity to

14

restart development in the area and provide a

15

nice convenience store with gas station with

16

20 feet of landscaping up front with good

17

landscaping treatments, a modern building and

18

employment that is much needed in the Bellport

19

area and throughout the Town, itself.

20

The project will produce numerous

21

construction jobs, ten to 15 permanent jobs on

22

site, provide real estate and sales tax

23

revenue in excess of a hundred thousand

24

dollars a year.

25

We met with the Civic group that was

1

2

very receptive of the application and in fact,

3

they did comment on the fact that they did not

4

see a need to preserve part of the parcel as

5

open space, which we have marked on our

6

concept plan as area to remain natural.

7

SUPERVISOR ROMAINE: As it should.

8

MR. SHEA: I am in receipt of the

9

proposed covenants and restrictions and I have

10

looked at them and I would note that I have

11

two requests for edits and I will give you my

12

rationale for both, if I may.

13

They are with regard to covenant number

14

two, I would be asking to edit the word use to

15

approval as limited to motor vehicle fueling

16

station with accessory convenience store and

17

with regard to covenant number four, I'm

18

asking that the amount to remain natural and

19

undisturbed be reduced from 40 percent to

20

20 percent and I apologize, my light just went

21

out; if I don't move too much, my office light

22

goes out.

23

So the reason for the objection to the

24

two covenants is one, we did not anticipate

25

the covenant with regard to the back space,

1

2

the 40 percent, although it is marked on the

3

plan and there is no immediate plan to develop

4

that area.

5

SUPERVISOR ROMAINE: Well, you would

6

have to come back to the board anyway --

7

MR. SHEA: Well, if I may --

8

SUPERVISOR ROMAINE: Tonight we're

9

having a public hearing and it's certainly

10

your right to speak to these issues, but I'm

11

going to say up front that the issue that

12

we're dealing with tonight is approval for

13

this plan.

14

If you disagree with the plan, you can

15

always come back to the board about lifting

16

that covenant that you disagree with, which

17

you would have to do anyway, that's not going

18

to happen tonight.

19

MR. SHEA: Well, I understand that

20

under many applications that would go under a

21

J5, that we would have to come back to this

22

board.

23

If we wanted to come in, for instance,

24

with a car wash, we would have to come back to

25

the board for relief for a special permit.

1

2

However -- and I would say this -- is that

3

under the existing zoning, if you look at the

4

permitted uses, they largely mirror and in

5

fact, are broader than the permitted uses

6

under the J5 code. These include and where

7

the mirroring is mini-storage -- vis-a-vis as

8

of right not having to come back to the Town

9

board -- mini-storage, motor vehicle rental,

10

motor vehicle repair, off-track betting,

11

outside display, retail sales, stone and

12

masonry. Each one of those is a permitted use

13

in the J5 and is also a permitted use in the

14

L1 and my thing here is that if we were to

15

come back for one of those uses, we couldn't

16

do so without coming back to this board for

17

relief from covenants unless the edits are

18

made. The rationale being this, is that

19

every -- it just adds a layer of approval

20

which slows down the process, which sometimes

21

these covenants are over inclusive or overly

22

restrictive and I'll give you a perfect

23

example.

24

We had M&R Stony Brook, which was heard

25

in August by this board. There were 17

1
2 covenants on that property and they came down
3 to limiting the square footage of the property
4 of the build-out, which required us to come in
5 front of the board for application. There was
6 nothing substantially changing other than the
7 square footage. The landscaping was mainly
8 the same, the footprints were pretty much the
9 same as the one building. But for the
10 extensive covenants on that, we could have
11 gone into the Planning board, gone for a site
12 plan, the Town board would not have had to
13 hear this, it would have been approved, we
14 mostly probably would have had a building
15 permit by now and we would most probably have
16 had -- would have ended up with CO's a
17 calendar year earlier than otherwise. So,
18 therefore, the Town would have reaped the
19 benefit of having the real estate taxes paid a
20 year earlier than they would be otherwise and
21 likewise with this, these two covenants, which
22 would limit the ability of the property owner
23 to develop the property as of right through
24 the Planning board, would add another year,
25 even if it was a project that the Town was

1
2 very much in favor of and wanted to see done
3 and therefore, you're adding a layer of
4 bureaucracy, you're adding an extra year onto
5 the approval process and again, these are
6 things that would be otherwise approvable
7 under the underlying zoning, like car repair
8 and most of the other ones as far as the ones
9 that would require Town board special permits
10 are not applicable here. We couldn't put on a
11 major restaurant, there's not enough land
12 mass, you know; we wouldn't be able to put on
13 a motor vehicle dealership, it requires five
14 acres. We're going to be left with about
15 32,000 square feet of land mass, so, you know,
16 I think there's an illusion of losing control,
17 but you're really not. You still have the
18 control under the Town code that you would
19 have otherwise under the L1 zoning district
20 and if, in fact, if this was a parcel and I
21 understand about preserving natural space and
22 I understand about especially buffering
23 residential neighbors. If there was
24 residential neighbors that were abutting this
25 property, I wouldn't be here making this

1

2

argument. If this was a piece of property

3

that was noted for some sort of environmental

4

concern, I wouldn't be making this argument.

5

If this was abutting an open natural space --

6

MS. EADERESTO: Wait, wait, can I just

7

jump in here because I don't think this is

8

about preserving land as much as this covenant

9

didn't come from land management or

10

preservation, I just want to make that clear

11

to the board. This covenant came from

12

Planning because you have a very intense use

13

on the front. You have a 7 Eleven with gas in

14

an industrial -- basically industrial area,

15

okay, so you have a lot of trucks probably

16

coming in and out on the other sites, now

17

you're going to have gas and 7 Eleven, you're

18

going to have a lot of traffic.

19

This is not about preserving land to

20

buffer anybody, it's about planning and this

21

came out of the Planning Department, so I just

22

wanted to make that clear to the board.

23

SUPERVISOR ROMAINE: I think we have

24

some speakers on this if I'm not mistaken, so

25

at this point and legal counsel's here --

1

2

MS. EADERESTO: I'm sorry, I believe we only have speakers on number five, not this one.

3

4

SUPERVISOR ROMAINE: Okay, great.

5

6

So then we'll -- but the counsel spent all the time on not saying please approve the zoning, it's like no, approve the zoning, but let me concentrate on you allowing me to do even more things with the land.

7

8

9

10

11

MR. SANZANO: I would like to make a notation that any additional uses, there's a section of code in the J5 that says if you add a third use on the J5, it opens you now up to a greater lot area, so you probably couldn't even use a lot of that lot area for those uses that you mentioned without combining all three minimum lot areas for each one of those land uses, so you'd probably have to wind up either coming back to this board anyway and that's why we added -- plus we're basing it on your own concept plan that you've provided to us, so that's what we're going by.

12

13

14

15

16

17

18

19

20

21

22

23

24

MR. SHEA: The intent of the concept plan was not to have it be permanent and as

25

1

2

far as that is, we have 97,000 square feet of

3

area. If we were to take the 65,000 and

4

dedicate it solely to the convenience store,

5

which is the minimum lot area requirement

6

under the J5, it would leave us with 32,000

7

feet, approximately, to develop and if we

8

decided to develop that area, we would be able

9

to do that through the Planning board and if

10

we had to do a land division as part of that

11

application, we could do so.

12

So there are means in which we could

13

avoid having to come back to this board for

14

relief from covenant for otherwise as of right

15

uses. We're --

16

SUPERVISOR ROMAINE: Mr. Shea, why

17

don't we leave that up to the board?

18

Informal poll of the board, how many

19

people just wants to deal with this public

20

hearing and not the extra, extraneous matters

21

that Mr. Shea mentioned?

22

COUNCILMAN PANICO: Ed, before you do,

23

I just want to say that if -- to Mr. Shea, if

24

you believe that perhaps this application is

25

premature because you really don't know what

1

2

you want to do with the entirety of the

3

property, for which you would need a change of

4

zone from this Town board, if you want us to

5

hold this into abeyance until you perfect your

6

application for a change of zone, I think

7

that's something else we could possibly

8

entertain, but given what Joe Sanzano has

9

stated in that if you had three uses, you

10

don't have an as of right with regard to the

11

J5 zone. I understand you could possibly

12

subdivide, but then again, the Town board also

13

could recommend pushing back the building,

14

having larger landscape buffers around the

15

property that you see elsewhere on this island

16

and elsewhere as you travel other places.

17

As the Supervisor said, this is the

18

application we have before us. We cannot deal

19

with the hypothetical, we try to do what is

20

right not only by the development community,

21

but also by the communities in which we

22

represent and the environment.

23

I agree with our Town Attorney, this

24

isn't a land preservation move, this is the

25

application we've been presented and I will

1

2

again pitch to you, if you want us to hold off

3

on this change of zone for you and your client

4

to look at what else you may want to

5

contemplate and do with this property, that's

6

something else we could think about.

7

SUPERVISOR ROMAINE: I think his light

8

may have gone out.

9

MR. SHEA: I just spoke to my client.

10

We'll withdraw our objections.

11

COUNCILMAN PANICO: Okay.

12

SUPERVISOR ROMAINE: So then let's --

13

is there any other questions from board

14

members on this application?

15

(No response.)

16

SUPERVISOR ROMAINE: If not, I make a

17

motion to close this public hearing.

18

COUNCILWOMAN BONNER: I'll 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 to close carries.

6

COUNCILMAN LOGUERCIO: Mr. Supervisor,

7

I have a SEQRA negative declaration granting

8

the application of 7 Eleven convenience store

9

with gas for a change of zone from L

10

Industrial 1 to J Business 5, special permit

11

for a motor vehicle fueling station, special

12

permit for a convenience store accessory to a

13

motor vehicle fueling station and waivers of

14

special permit criteria on property located on

15

Farber Drive in Bellport, New York.

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

COUNCILMAN LOGUERCIO: Mr. Supervisor,

6

I have a resolution of adoption granting the

7

application of 7 Eleven convenience store with

8

gas for a change of zone from L Industrial 1

9

to J Business 5, special permit for a motor

10

vehicle fueling station, special permit for a

11

convenience store accessory to a motor vehicle

12

fueling station and waivers of special permit

13

criteria on property located on Farber Drive,

14

again, in Bellport, 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?

1

2

(No response.)

3

MS. LENT: Motion carries.

4

5

SUPERVISOR ROMAINE: Okay. We're onto public hearing number five.

6

MR. SHEA: Thank you.

7

8

SUPERVISOR ROMAINE: Thank you, Mr. Shea.

9

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MS. LENT: Public hearing number five is to consider the application known as Centereach Storage for a change of zone from J Business 2 and A Residence 1 to L Industrial 1 and amendment of restrictive covenants on property located in Centereach, New York.

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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.

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

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2

determination. We are also in receipt of a letter from Centereach Civic Association in support of the application and the applicant was required to post the property as well as notify all property owners within a 500-foot radius of the subject property.

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My office is in receipt of the affidavits of mailing and posting.

9

10

The letter from Suffolk County Planning is dated September 17, 2020.

11

12

Dear Ms. Lent:

13

14

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.

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Signed Very truly yours,

25

Andrew P. Freleng

1

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Chief Planner

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5

SUPERVISOR ROMAINE: Okay. And we have Joe Sanzano from Planning to briefly explain what this is about.

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MR. SANZANO: Thank you, Mr. Supervisor.

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This site, I will share my screen, is located at the southwest corner of Middle Country Road, State Route 25 and South Coleman Road in Centereach. The subject property is a total of 9.88 acres and it's currently vacant and wooded. The subject site is currently split zoned J2 Business and A1 Residential by a change of zone application that was approved by the Town board with restrictive covenants in 2013.

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25

The existing 2013 CNR's, specifically covenant number two, requires that the Planning board consider a land division application separating the J2 Business parcel from the residential parcel. The applicant currently seeks a change of zone application to L1 Industrial. In order to -- and an amendment to the 2013 restrictive covenants

1

2

that were adopted by the Town board.

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The proposed concept plan shows a new 161,214 square foot two and a half story mini-storage warehouse with associated site improvements. The site -- it should be noted that the current proposal also includes the preservation of 6.3 acres of the site that was originally envisioned in the 2013 restrictive covenants and here's what the site would look like if it was developed with the preservation of the six acres in the rear and here's the elevations that the applicant has submitted along with a rendering of the proposal.

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Variances may be required at the time of site plan review. The 1996 comprehensive plan designates this site for commercial use and for the record, we have identified an error in our conditions. The land use intensification mitigation fee, we will be recalculating that fee and adjusting the condition accordingly.

23

24

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

25

MR. WEBER: Thank you.

1

2

Bram Weber, Weber Law Group, 290

3

Broadhollow Road, Suite 200E, Melville, for

4

the applicant.

5

Thank you very much, Mr. Supervisor,

6

members of the board, Planning Department and

7

Law Department.

8

As Mr. Sanzano said, this is a change

9

of zone application for what is currently a

10

split zone property from J2 and Residential 1

11

to Industrial 1 to permit a mini-storage

12

warehouse with 6.34 acres to be preserved.

13

It's consistent with the existing

14

covenants on the property, as Mr. Sanzano

15

said, the only amendment being to not have to

16

file a land division application between the

17

residential zone, which would no longer exist,

18

but mostly important I think for this board,

19

the covenants that were placed on this

20

property previously pursuant to the previous

21

J2 approval will remain in full including that

22

conservation easement.

23

As the Town Clerk said, we've worked

24

with the Centereach Civic Association.

25

Centereach Civic Association has submitted a

1

2

letter of support dated October 20, 2020 and

3

this application has been before this Town for

4

a couple of years now. Through that time,

5

we've worked with the Planning Department and

6

the Civic Association and Councilman LaValle's

7

office to lower the height of the building

8

from what it was originally proposed, also to

9

make the building smaller. The height of the

10

building is now consistent with the current J2

11

zoning.

12

COUNCILMAN LaVALLE: L1 zoning.

13

MR. WEBER: No, the height would be --

14

COUNCILMAN LaVALLE: Oh, okay.

15

MR. WEBER: Yeah. So we're not going

16

for the L1 zoning. We tried, but that was --

17

you were adamant about not letting us do that.

18

COUNCILMAN LaVALLE: Yes.

19

MR. WEBER: So the height is only going

20

to be for the J2 zoning. Like I said, we

21

reduced the size of the building. As you saw

22

from the renderings, it's -- we've

23

significantly upgraded the aesthetics. I say

24

this with no level of hyperbole or bravado,

25

this will be the nicest storage facility on

1

2

all of Long Island.

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Mr. Sanzano can show you the renderings. Again, there's no storage facility on Long Island that looks like that and that was a request of the Civic Association and we worked with them to really have that significantly enhanced design building.

Mini-storage, which I know this board is very familiar with, is the lowest intensity commercial use, it has minimal daily use and the lowest traffic of any commercial use. This project has no IDA benefits.

Right now you'll -- you might be surprised, but right now the property pays \$10,000 in property taxes in total. Upon construction, this property will pay 310 -- estimated to pay \$310,000 per year in property taxes, which is a net benefit of \$300,000.

As the plan shows, the vast majority of existing vegetation will remain. In addition, the site, itself, will be nicely landscaped and professionally maintained and as some of you may know, certainly the Supervisor knows

1

2

and the Councilman knows, this property has

3

unfortunately been used as a homeless

4

encampment and been used for dumping. The

5

previous property owner worked very hard with

6

Suffolk County Police and the Town to clean

7

the property and also address the homeless

8

problem. This development will eliminate the

9

possibility of that in the future and what

10

will replace it is a not intense commercial

11

use, tax positive with minimal impacts.

12

I have Jeffrey Martell from Stonefield

13

Engineering, who's a principal and the project

14

engineer, for a presentation if the board

15

would like; otherwise, we certainly can just

16

be available for questions.

17

SUPERVISOR ROMAINE: Why don't we hear

18

from the public at this point?

19

First of all --

20

COUNCILMAN LaVALLE: Let me,

21

Supervisor, if I could jump in and just, I

22

have a couple of questions that I just want to

23

talk with Bram about.

24

Just a few things because I know this

25

site has been a controversial site over the

1

2

past years, I know a lot of the residents down

3

South Coleman Road and the off streets have

4

talked a lot about what's going on and I do

5

want to thank the applicant, this is now I

6

think the third or the fourth public hearing

7

that you've had about this. I know you had

8

invited all the residents in the area to

9

Starbucks for the initial plan, then you went

10

to the Centereach Civic and then I think there

11

was another meeting possibly in between that

12

that you've been going through, so there's

13

been a lot of questions.

14

Bram, just a couple of things. We're

15

preserving, this is a 9.88 acre parcel, we're

16

preserving -- we're developing 3.54 acres and

17

then along with the previous zoning, we are

18

preserving the back 6.34 acres right now,

19

Bram, am I correct in saying that?

20

MR. WEBER: That is entirely correct.

21

Two thirds of the property are being

22

preserved.

23

COUNCILMAN LaVALLE: Okay.

24

You know, the other thing that was a

25

very big question is switching from J2 to L1,

1

2

a big concern on the South Coleman Road

3

corridor was the traffic going up and down the

4

road, we have Suffolk Community College right

5

near this particular parcel. I felt a lot of

6

residents were very upset.

7

J2 zoning is our, you know, as quickly

8

as you could put it, is our kind of strip mall

9

zoning that we have here. With L1, this is

10

now we're restricting all uses under L1 zoning

11

besides storage, that's the only thing you can

12

do, no other industrial uses.

13

Can you just talk a little bit about

14

the traffic counts and the difference between

15

what J2 would be and what L1 is?

16

MR. WEBER: Sure, I'll let Mr. Martell

17

from Stonefield do that, but before I do, just

18

wanted to just enhance that point.

19

Previously approved on this site was

20

both a pharmacy and a bank with drive-thru, so

21

those more intensely used uses, those more

22

intense uses, are being eliminated by this

23

proposal where as I said before, the lowest

24

intense commercial use and we do have

25

Mr. Martell, who can certainly testify to the

1

significant reduction in traffic impacts.

2

3

COUNCILMAN LaVALLE: Sure.

4

MS. LENT: Mr. Martell, would you please raise your right hand?

5

6

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

7

8

9

MR. MARTELL: I do.

10

MS. LENT: Thank you.

11

MR. MARTELL: Good evening.

12

Yeah. As stated, it's -- this is one of, if not the lowest commercial traffic generated uses that really is developed in the current day.

13

14

15

16

So we did look at, you know, the proposed self-storage or mini-storage warehouse versus the prior approval or you know, a similar type development and at the end of the day, morning and the peak hour, it would be a reduction of approximately 64 trips and in the weekday evening peak hour it would a reduction in approximately 178 trips. Those are trips going on and off the property. So significant reduction. We looked at it versus

17

18

19

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21

22

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1

2

the prior approval, it could be other

3

hypothetical developments, but we thought that

4

was kind of a middle of the road assessment,

5

but no matter what, you know, other type of

6

development, it would be located, it would

7

certainly be a reduction. It's minimal, it

8

doesn't have heavy peaks that would keep

9

normal business hours, this facility, you

10

wouldn't be able to get into it after ten

11

p.m., so it keeps general normal business

12

hours and would certainly be a reduction.

13

COUNCILMAN LaVALLE: Okay.

14

We're talking the only people, you

15

know, generally once people go in and out,

16

drop off their stuff, the people that are

17

really going in and out of there on a daily

18

basis are the people that work there, which

19

how many people, Bram, on site at any given

20

time?

21

MR. WEBER: Three at the most.

22

COUNCILMAN LaVALLE: Three at the most.

23

Okay. I just wanted to get out there, I don't

24

know if any of my other colleagues, I just

25

wanted to get some of that out, maybe we can

1

2

go over and listen to some of the public

3

comment and see some of their questions.

4

5

MS. EADERESTO: Mr. Supervisor, members

6

of the board, there are five, possibly five

7

speakers, four for sure. We're going to bring

each one in one at a time.

8

SUPERVISOR ROMAINE: Okay.

9

10

MS. EADERESTO: If that person, when we

bring you in, please make sure you turn on

11

your microphone and camera.

12

SUPERVISOR ROMAINE: Okay.

13

MS. EADERESTO: So the monitors, please

14

let the first speaker in.

15

MS. VROULOS: Good evening. My name

16

is --

17

MS. LENT: Before you begin, please,

18

would you please raise your right hand?

19

Do you swear to tell the truth, the

20

whole truth and nothing but the truth so help

21

you God?

22

MS. VROULOS: Yes.

23

MS. LENT: Please state your name for

24

the record.

25

MS. VROULOS: Tammy Vroulos.

1

2

MS. LENT: Thank you.

3

You can begin.

4

MS. VROULOS: Good evening.

5

I am not in favor of the storage facility for many of the reasons that you already mentioned; traffic being a big concern. Also, I'm concerned with crime on this block. We have about 40 to 50 houses and majority of us have younger children. I know that the storage facility might be closed, but it could also end up being like a hang-out spot. If you've driven down Middle Country Road at any time of the day or night, you see kids on bikes with backpacks, so I'm very concerned about that being like a hang-out spot and possibly, you know, drugs being traded there while the facility is closed.

19

20

21

22

23

24

25

Another thing is like you said, the traffic with the Suffolk County College and now with the 7 Eleven across the street, you know, it's like the big -- it's the only main road that connects Nicolls to Middle Country, it's very active, you know, noise is another big thing for us; like you said, trucks going

1

2 in and out, whether it be early in the morning
3 or even at 10:00 at night, majority of us are
4 the working class, we're working, we're
5 possibly in bed by like nine p.m., so for a
6 truck or cars to come in after nine p.m. to
7 dump stuff or pick up stuff, I mean noise is
8 like a big concern of mine and so for many of
9 those reasons -- and I am with the majority of
10 the block; unfortunately most of us are older,
11 they can't either log onto a computer or
12 they're ill, so they could not join this
13 meeting, but I tried to get as many of us as
14 possible and like you said, I believe there's
15 five of us, who are not for this facility, so
16 . . .

17 SUPERVISOR ROMAINE: What would you
18 recommend on this site?

19 MS. VROULOS: Honestly, I can't give
20 you any recommendations, I just know that a
21 storage facility is not right for this area.

22 SUPERVISOR ROMAINE: I ask that because
23 obviously some gentleman owns this property,
24 like you bought your property and the house
25 was built there, et cetera, he has a right to

1

2

use his property. There's nine acres, he's

3

talking about saving a little bit more than

4

six acres and putting a storage facility. All

5

I know is that storage facilities has the

6

lowest traffic impact of anything that could

7

be built.

8

MS. VROULOS: But Supervisor --

9

SUPERVISOR ROMAINE: Very few people go

10

there.

11

MS. VROULOS: -- I also have another

12

point.

13

Within a three-mile radius, we already

14

have two other storage facilities in the area.

15

I mean how much storage facilities does

16

Centereach need? There's --

17

COUNCILWOMAN BONNER: People don't want

18

to get rid of their stuff, George Carlin did a

19

whole comedy skit about it.

20

MS. VROULOS: I understand, but within

21

a three-mile radius to have two other storage

22

facilities and now to request a third, I

23

just -- I don't see the logic in that, I

24

really just don't.

25

COUNCILMAN LaVALLE: Ma'am, I --

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SUPERVISOR ROMAINE: Obviously there's been a market study. I live in Center Moriches, we have two very large storage facilities in East Moriches, they're both full, both full, so I guess people are building there because there's a need, but in terms of traffic, it has the lowest traffic impact. If I put one store there, it would have more impact than the storage facility.

MS. VROULOS: Okay, but what about your thoughts about at night?

COUNCILMAN LaVALLE: Ma'am, let me chime in, let me chime in right here as far as your concerns about crime.

Number one, this is a gated facility that has cameras all around it. Secondly, this isn't an outdoor storage facility, this is an indoor storage facility, so people won't be hanging around at night. Thirdly, as Mr. Weber said earlier, they'll be nobody going in and out of the place at . . . 10:00 is when they close down, so nobody's going in there dropping anything off after 10:00 at night and I believe they open up, what was

1

2

that, eight a.m., Mr. Weber?

3

MR. WEBER: Six a.m.

4

COUNCILMAN LaVALLE: Six a.m.

5

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So there will be -- they will abide by our noise ordinances with this facility and as the Supervisor said, as of right now, without any approval from this board, which was approved by a board many years ago, this area would be able to have a strip mall use on it, which will be a lot more intense with traffic and a lot more intense with people hanging out, doing everything that you're worried about, so this is something and I know you're saying that you have people with you tonight; my staff and myself were at two separate meetings with the Civic that they hosted where dozens of neighbors were out, dozens and they all said if it has to be developed, this is what we're looking to be developed there, lower traffic, there'll be security there, there'll be people there and that's what this came back to at the Centereach Civic and like I said, there were dozens of residents from that area, from the South Coleman area there

1

2 specifically for this, just to alleviate some
3 of your concerns.

4

MS. VROULOS: Councilman, you talk
5 about security, but security you're talking
6 about is cameras and that's already after the
7 fact.

8

COUNCILMAN LaVALLE: Ma'am, there's
9 fencing around this. I mean they would have
10 to climb the fences to get into the place.

11

MS. VROULOS: Correct and is that
12 impossible, has that been done before? Yes,
13 it has.

14

COUNCILMAN LaVALLE: But with cameras
15 around the -- we -- I have to tell you, you're
16 talking about two storage facilities in
17 Centereach. I cannot remember seven years
18 being here -- and I grew up in Centereach --
19 of any major incident ever happening at a
20 storage facility with crime or drugs or
21 anything because that's exactly where people
22 that make crimes and do drugs and deal drugs
23 don't want to be, around cameras in a secure
24 location.

25

MS. VROULOS: Councilman, things have

1

2 changed since you grew up here, I'm sorry to
3 say.

4

COUNCILMAN LaVALLE: Ma'am, I still
5 live in the community, ma'am, so I'm here.

6

MS. VROULOS: Good, the taxes that we
7 pay, you know, we try to keep up our houses.
8 We have homeless people. I mean it's like,
9 you know, with the amount of money that we're
10 paying, you wouldn't even expect that. I was
11 driving down Middle Country --

12

COUNCILMAN LaVALLE: There are homeless
13 people issue right in that area where this
14 facility will go, we'll have it broken down
15 and we'll help alleviate that problem because
16 we'll have a secured location with cameras
17 around it where people don't want to be around
18 cameras and we'll be able to see what's going
19 on there.

20

MS. VROULOS: I beg to differ.

21

SUPERVISOR ROMAINE: Okay.

22

23

Are there other people who wish to
23 speak?

24

MS. EADERESTO: Yes.

25

The monitors, can you bring, please,

1

2

the next person in and also, just so the board

3

knows, there's one person that doesn't have

4

video, so we're going to let him in just to

5

speak.

6

SUPERVISOR ROMAINE: Yes.

7

MS. EADERESTO: I believe it may be

8

this speaker, let me just check that out.

9

SUPERVISOR ROMAINE: Okay.

10

MS. LENT: Gagliano is the last name?

11

MS. EADERESTO: Yeah.

12

MS. GAGLIANO: Yes.

13

MS. LENT: So although I can't see, I

14

will verbally ask you to take an oath.

15

Would you please raise your right hand?

16

MS, GAGLIANO: It is raised.

17

MS. LENT: Do you swear to tell the

18

truth, the whole truth and nothing but the

19

truth so help you God?

20

MS. GAGLIANO: Yes, I do.

21

MS. LENT: You will have five minutes.

22

You can begin.

23

MS. GAGLIANO: I do actually vote yes

24

for this facility, it is the least of the

25

traffic issues that we would have. My only

1

2

concern was basically the trucks and the

3

noise, but again, if it's not going to be

4

during the overnight hours, it will be gated,

5

it will be secure.

6

I did want to ask, will there be a

7

person on staff 24/7 at the facility?

8

MR. WEBER: I can answer that question.

9

There won't be someone there 24/7 for

10

security, but as has been said, there is

11

extensive camera security as well as gate and

12

fencing for the property --

13

MS. GAGLIANO: Okay.

14

Will there be --

15

MR. WEBER: -- and appropriate security

16

lighting.

17

MS. GAGLIANO: Will there be any type

18

of signage put up on South Coleman near the

19

Simon Avenue intersection with regards to

20

trucks?

21

There is a sign that was down by

22

Nicolls Road and the college about no trucks

23

over a certain poundage to come down the road,

24

I just wanted to know if there would be a sign

25

like that up near the -- between Simon Avenue

1

2

and Middle Country.

3

4

MR. WEBER: Thank you for raising the question about the trucks and certainly the engineer can support this statement.

5

6

7

8

9

10

This is for residential purposes, generally these storage facilities are used for -- by residents. It's not a commercial facility, so there is no need for trucks to access this facility.

11

MS. GAGLIANO: Excellent. Thank you.

12

13

14

15

MS. LENT: Excuse me, ma'am, Ms. Gagliano, could you state your full name for the record before you leave the room, please?

16

MS. GAGLIANO: Lori Gagliano.

17

MS. LENT: Thank you.

18

MS. GAGLIANO: Thank you.

19

20

MS. LENT: You're from Centereach; is that right?

21

MS. GAGLIANO: Correct.

22

MS. LENT: Thank you.

23

24

SUPERVISOR ROMAINE: Okay. Why don't we bring the next speaker in?

25

MS. EADERESTO: We are, Mr. Supervisor.

1

2

(Pause.)

3

MS. EADERESTO: There we go.

4

MS. REYES: Hi.

5

MS. LENT: Hi.

6

Could you please raise your right hand?

7

Do you swear to tell the truth, the

8

whole truth and nothing but the truth so help

9

you God?

10

MS. REYES: I do.

11

MS. LENT: Would you please state your

12

full name for the record and your hamlet?

13

MS. REYES: Ingrid Reyes.

14

MS. LENT: Where are you from?

15

MS. REYES: Centereach.

16

MS. LENT: Centereach, thank you.

17

Go head, you'll have five minutes.

18

MS. REYES: I'm also concerned, same

19

concern as everybody has spoken to, traffic,

20

crime and the trucks was a good thing to know

21

that we don't have to worry about them being

22

driven all the time. Especially during school

23

hours, the traffic on the street is

24

ridiculous. I have to drive my child to the

25

bus stop because I'm afraid of them walking

1

2

two blocks because people don't adhere to the

3

rules. They drive like this is a part of

4

Nicolls Road and stop signs are optional, so

5

that's a really big concern to me and I'm sure

6

to everybody else around here because, you

7

know, the kids, they need to be safe, the

8

amount of traffic that would be created is a

9

concern and the type of traffic that would be

10

created as well.

11

MS. LENT: Is that all, ma'am?

12

MS. REYES: I guess yeah, that's all.

13

MS. LENT: Thank you.

14

SUPERVISOR ROMAINE: Thank you.

15

MS. EADERESTO: All right.

16

The monitors, please bring the next

17

speaker in.

18

(Pause.)

19

MS. EADERESTO: Okay.

20

MS. LENT: Who is the next speaker?

21

MS. EADERESTO: There you go, right

22

there, Karl, Mr. Karl.

23

MR. FRIDENBERGER: Everybody hear me?

24

MS. LENT: Well, we can hear you, sir,

25

but please raise your right hand.

1

2

3

4

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

5

MR. FRIDENBERGER: Yes.

6

7

MS. LENT: You'll have five minutes to speak.

8

9

Can you please state your name and the hamlet --

10

11

MR. FRIDENBERGER: Karl Fridenberger from South Coleman Road, Centereach.

12

MS. LENT: Repeat the name, please.

13

MR. FRIDENBERGER: Karl Fridenberger.

14

15

MS. LENT: Could you spell that last name?

16

17

MR. FRIDENBERGER: F-R-I-D-E-N-B-E-R-G-E-R.

18

MS. LENT: Thank you.

19

You can begin.

20

21

MR. FRIDENBERGER: I am for the planning of this storage facility.

22

23

24

25

My main thing was preserving that six acres that you guys talked about doing when we did that thing, I think it was over at what, the coffee shop over there.

1

2

3

4

5

6

7

8

9

10

11

12

13

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21

22

23

24

25

My other question is, removing the homeless from over by Middle Country Road there, how are we going to stop them from coming closer to the houses because my house borders where you guys are going to start, you know, leaving it alone?

COUNCILMAN LaVALLE: That's something we'll be working with the police and we have been removing, as you've seen.

The key with this is the area where they are right now is a split area between the County and the State where we've had problems up near the front of this property.

When they were in the back where the applicant is, we were able to quickly remove them because we worked with the applicant, we have to get a document signed saying they're on our property illegally. When they're in that area, we're able to get them off the property quickly. When it's a public property, it's a little bit more difficult to maneuver them out, but when they were in the back area, because the applicant owned the property, he signed a document very quickly,

1

2

the police went and acted and did what they

3

had to do. So that would be -- it would

4

probably be a little bit easier if they come

5

to your house, you can obviously call my

6

office or legislator -- the next legislator

7

that's in the area's office or the police and

8

we'd be able -- more than willing to help you

9

try to take care of that problem.

10

MR. FRIDENBERGER: Okay. Thank you.

11

COUNCILMAN LaVALLE: No problem.

12

MS. EADERESTO: Okay.

13

Monitors, can you bring the next

14

speaker in, please?

15

(Pause.)

16

SUPERVISOR ROMAINE: Okay.

17

MS. CAUDULLO: Hi, can you see me?

18

MS. LENT: No.

19

SUPERVISOR ROMAINE: Okay. We can hear

20

you, Diane.

21

MS. CAUDULLO: Bear with me one second,

22

I was not joining on for anything.

23

Hello everybody.

24

MS. LENT: Would you please raise your

25

right hand?

1

2

MS. CAUDULLO: Of course.

3

4

MS. LENT: Do you swear to tell the truth, the whole truth and nothing but the

5

truth so help you God?

6

MS. CAUDULLO: So help me God.

7

MS. LENT: Thank you.

8

9

MS. CAUDULLO: Diane Caudullo. I am in Centereach. I am also the president of the

10

Centereach Civic Association, I was the one

11

who authored the letter of support.

12

13

I just want to add that one, we've been

14

working on this for about three years, we've

15

had -- and I certainly mean no disrespect for

16

the people who speak out against it because I

17

can completely understand when something seems

18

so large and so -- just so large and it's

19

literally right down the block from you. I

20

know the thoughts of traffic and you know,

21

crime and all those things, they -- it's a

scary thought, the unknown.

22

23

However, I've been the Centereach Civic

24

president for 20 years and land use is

25

something I'm pretty familiar with, so I just

want to show that one, we've done the studies.

1

2 For the things that -- it is private property,
3 it's going to become something and some of the
4 uses that have been proposed and we have
5 fought against would have been horrific.

6 You want to talk about traffic and
7 crime and problems. Retail, banks,
8 pharmacies, horrible suggestions, gas
9 stations.

10 So the storage facility and it sounds a
11 little trite, I guess, but it is literally the
12 best possible use if it has to be something.
13 So if it can't remain green -- and we don't
14 have that option because again, it's private
15 property, they have the right to do with it
16 what they will or what they can at least ask
17 for -- it is the least intense use.

18 We do have two facilities. Funny
19 enough, when the one on Middle Country Road
20 came in, we opposed that because it sounded
21 too big and too industrial and we opposed that
22 and we actually had lost on that issue and
23 it's turned out to be a great asset to the
24 neighborhood. It's very clean, it's well
25 kept, there are no issues. It is on Middle

1

2

Country Road. It is used by individuals, it's

3

not like 18-wheelers are bringing things in,

4

so I hope everybody understands that. Large

5

trucks are not, you know, the norm there, it's

6

everyday people stopping and they have small

7

units for the couch that they didn't get rid

8

of.

9

We've had no problems and the two -- we

10

also said the same thing, why would Centereach

11

need a third in such a small area. The other

12

two are -- they were 92 or 95 or 96 percent

13

full, so apparently they are well used.

14

They -- for whatever reason, they are a

15

necessity and again, we deemed it being the

16

best possible use for the least amount of

17

traffic, the least amount of issues, the

18

largest gain to the tax base.

19

I mean I just hope everybody realizes

20

we did do our homework on this, we did not do

21

it flippantly and I just want to tell everyone

22

that the Civic and a good portion of the

23

neighborhood in the immediate area and around

24

the immediate area because we do take the

25

immediate area's voice under consideration,

1
2 they're the ones that live the closest, but we
3 have not had any pushback and generally it is,
4 I don't want to say people are like thrilled
5 about it, nobody's like running around going
6 oh, great, a storage facility, but there are
7 some good things that will come from it and
8 again, it's going to stay very green. The
9 company that we're dealing -- the company
10 that's coming in to build this is leaving a
11 lot of the trees not only in the back section,
12 but it's really a very small footprint
13 considering it's ten acres and there's tons of
14 trees that will be left around the back and
15 then on the side and the frontage, so it will
16 be not hidden, but it shouldn't be an in your
17 face type of facility. It's an attractive
18 looking building and again, we're for it,
19 we're actually looking forward to it happening
20 because again, we see some benefits and then
21 we also don't have to worry about another
22 pharmacy, gas station, bank, strip mall trying
23 to get on that spot, so that's what I'd like
24 to add.

25 COUNCILMAN LaVALLE: Diane, just

1

2

secondly, I know you've been dealing with this

3

property for a very, very long time and it's

4

been very controversial going back and forth,

5

you know, there were attempts to try to

6

purchase the property, which nobody really

7

wanted to do because the value commercially to

8

what a developer can get for the property

9

selling it for open space was very drastic; as

10

we all know, Middle Country Road properties

11

are very valuable.

12

MS. CAUDULLO: Right.

13

Let me just, if I may interrupt you.

14

The way you say that sentence, though,

15

that it's very controversial. All the

16

projects prior to this one were very

17

controversial. This project was not

18

controversial at all.

19

COUNCILMAN LaVALLE: Yeah. It was

20

actually -- this is one of the things once the

21

residents -- and I give the applicant

22

credit -- once the residents heard what the

23

traffic was going to be like and everything

24

else, I think everybody kind of said all

25

right, we know it's going to get developed,

1

2 this is probably what we can do and I think
3 the woman who had spoke earlier kind of
4 drummed up that sentiment. We know it's going
5 to be developed, but this is probably the
6 least intensive use that we can have on this
7 site, be able to satisfy a lot of needs and I
8 think the preservation of the six acres in the
9 back is a great addition, too.

10 MS. CAUDULLO: Yeah. It makes very
11 good sense and I totally get it. Listen,
12 every time something comes to the
13 neighborhood, our reaction is always like oh,
14 no, not that, you know.

15 A storage facility sounds very
16 industrial and then, of course, you call it
17 industrial, you know, it's in the name of the
18 zoning and then it also is two and a half
19 stories, which sounds enormous, but I don't
20 think -- I think people, once they see it,
21 will realize that it is not as big and scary
22 as it sounded --

23 MS. LENT: I'm sorry, but your time has
24 expired, Diane, I'm sorry.

25 MS. CAUDULLO: Absolutely.

1

2

MS. LENT: Thank you.

3

4

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MS. EADERESTO: The other speaker does not wish to speak, but some of the people that spoke had a couple of questions and most of those questions are about curbing and bus stops, so I just wanted to make an announcement that there will be another hearing on this if the board adopts the zoning and that will be at the Planning board and that is the board that would get into the actual site planning of curbs, buses, et cetera and also, Ms. Gagliano wanted to tell -- just say to the board, she wanted to come back in, which we can't do, but she just wanted to say thank you to you all for entertaining the residents and setting their minds at ease.

SUPERVISOR ROMAINE: And let's make it clear and just follow up with what Annette says.

We're the Town board, we're elected. We determine land use, which is called zoning.

If this passes, how this looks, how it's going to be laid out, the curbing, the

1

2

sidewalks, fencing, lighting, all of that, the

3

site plan, is determined by the Planning

4

board, which is appointed to long terms. The

5

Planning board will have another hearing on

6

this, so check in with them and they'll let

7

you know when the hearing is and you can come

8

and talk about things like the bus stop, the

9

curbing, the sidewalks, the lighting, the

10

fencing, the landscaping and the architecture

11

and that's the appropriate board to speak in

12

front of. We just do land use. But you will

13

have another shot at this.

14

MS. EADERESTO: Right.

15

We have no other speakers,

16

Mr. Supervisor.

17

SUPERVISOR ROMAINE: All right. I move

18

to end this public hearing.

19

COUNCILMAN LaVALLE: Second.

20

SUPERVISOR ROMAINE: Close this public

21

hearing.

22

MS. LENT: Making a motion to close.

23

Do I have a second?

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 to close carries.

12 COUNCILMAN LaVALLE: I'll make a motion
13 for the SEQRA granting the application of
14 Centereach Storage, LLC for a change of zone
15 from J Business 2 and A Residence 1 to L
16 Industrial 1 and amend restrictive covenants
17 on property located on Middle Country Road in
18 Centereach, New York.

19 So moved.

20 COUNCILWOMAN BONNER: I'll second that.

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 COUNCILMAN LaVALLE: I'll do the motion
9 to adopt granting the applicant of Centereach
10 Storage, LLC for a change of zone from J
11 Business 2 and A Residence 1 to L Industrial 1
12 and amendment of restrictive covenants on
13 property located on Middle Country Road in
14 Centereach, New York.

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

SUPERVISOR ROMAINE: Thank you.

5

6

We're onto public hearing number six,
but before we go, let me address myself to
Councilwoman Cartright.

7

8

9

10

11

I never received correspondence from
the NAACP, so please ask them to direct it to
my email or at least mail to my address so I
can respond to them, okay?

12

13

COUNCILWOMAN CARTRIGHT: Absolutely,
Supervisor.

14

15

SUPERVISOR ROMAINE: I never received
anything.

16

17

18

19

COUNCILWOMAN CARTRIGHT: I could have
sworn I saw an email that had you and myself
on it, but I'll re-forward it and also ask
them to contact you directly.

20

21

22

23

24

SUPERVISOR ROMAINE: Thank you.

Okay. We're onto public hearing number
six and I'm going to make a motion to adjourn
this public hearing to December 3rd of 2020 at
5:30.

25

COUNCILMAN FOLEY: Second.

1

2

MS. LENT: I didn't see who the second

3

was.

4

COUNCILWOMAN BONNER: Neil.

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

SUPERVISOR ROMAINE: Okay. We're onto

17

public hearing number seven.

18

MS. LENT: Public hearing number seven,

19

determination of a premises located at Six

20

Burney Boulevard, Mastic, New York, to be

21

unsafe as defined by Chapter 73 pursuant to

22

the engineer's report of Cashin, Spinelli &

23

Ferretti, LLC.

24

The owner or other persons having an

25

interest in the premises may be heard with

1

2

respect to the condition of the premises and

3

the actions necessary to remove same. I'm

4

sorry, necessary to secure or remove same.

5

Legal notices for public hearings are

6

published no less than ten days, no more than

7

20 days prior to a public hearing in one of

8

the legal Town newspapers. My office has

9

received the affidavit of publication from the

10

newspaper. Should the board render a

11

decision, this has been deemed a SEQRA Type II

12

action.

13

SUPERVISOR ROMAINE: Okay. We have

14

Brendan Sweeney to tell us a little bit about

15

this home.

16

MR. SWEENEY: Yes, Mr. Supervisor.

17

Good evening, Town board.

18

Six Burney Boulevard in Mastic, the

19

owner is a Paul and Janet Dato, they've owned

20

it since March 25th of 1974. There's a

21

mortgage on the property with Sunrise Federal

22

Savings & Loan Association since March 25th of

23

1974. The taxes are unpaid this year, the

24

County would be eligible to take it for back

25

taxes after December of 2023.

1

2

It's verified vacant with us, asbestos is present and two inspections were conducted, one on July 27th and one on October 21st.

3

4

5

SUPERVISOR ROMAINE: Brendan, that mortgage was taken out in 1974?

6

7

MR. SWEENEY: There was a --

8

SUPERVISOR ROMAINE: I don't know any mortgage that goes 46 years.

9

10

MR. SWEENEY: There was a comment on the title that said there was some kind of adjustment made, but it still shows up on the title as being active, so I'm not sure the specifics of it.

11

12

13

14

15

SUPERVISOR ROMAINE: I think they failed to file a mortgage satisfaction is what I think.

16

17

18

MR. SWEENEY: We contacted the Datos at their address in Kings Park and we also contacted a Reliance Federal Savings Bank in Garden City.

19

20

21

22

SUPERVISOR ROMAINE: And?

23

MR. SWEENEY: This was requested by the council office on July 13th of 2020. We received no correspondence from the owner or a

24

25

1

2

representative; however, Senator Martinez's

3

office did reach out to us because the owner

4

contacted them requesting a stopping of the

5

demolition. I explained the situation to the

6

senator's office and Senior Inspector

7

Incagliato had said to me that he's had a

8

history dating with this property going back

9

ten years and that there seems to be a dispute

10

between the husband and the wife.

11

The subject building is a 30 by 45 foot

12

wood frame two-story high ranch residential

13

structure on concrete foundation and slab.

14

It's clad with wood and asbestos shingle

15

siding and an asphalt shingle roof and is in

16

extremely poor condition. The roof is old and

17

worn and has multiple large holes through the

18

interior.

19

The siding and fascia on the building

20

are dilapidated, soffits are missing around

21

the perimeter, leaving the top of the exterior

22

walls open to the interior. Gutters are

23

broken, missing and hanging in areas. The

24

chimney has missing and hanging bricks at the

25

top. The concrete supports for the trellis at

1

2 the front appear to be compromised. The
3 exterior property, itself, per the grounds
4 have been reasonably maintained; however,
5 there was trash and debris in some parts.

6

7 The interior is also in a poor
8 condition, as you can see by these images.
9 Most of the ceilings have been removed
10 exposing many holes through the roof. Trash
11 debris, suspect mold and unsanitary conditions
12 were found throughout the interior. The wood
13 flooring is water damaged and it's many areas
14 due to prolonged exposure to moisture.
15 There's also peeling paint. Extensive amounts
16 of animal feces that they suspect were raccoon
17 are found on the upper levels and the stairs.
18 The heating unit on the lower level does not
19 appear to be in a serviceable condition.

19

20 This building has not been boarded up
21 by us at any point and the site is not secure,
22 constituting a public safety hazard,
23 especially due to the advanced state of decay
24 of the building.

24

25 Senior Inspector Incagliato on his
October 21st inspection said that conditions

1

2

have remained the same since the Cashin

3

report.

4

Violations observed including the

5

following:

6

From the 2020 Property Maintenance Code

7

of New York State, chapters one and

8

chapters -- sections 101 and 107, Chapter 3,

9

sections 301, 302 and 304; from the 2020 Fire

10

Code of New York State we have violations of

11

Chapter 3, sections 301 and 311 and from the

12

code of the Town of Brookhaven, chapters 49

13

and 73.

14

Pursuant to the above definition, the

15

building is considered unsafe, lacks

16

maintenance, is in an advanced state of

17

disrepair, unsanitary and unfit for human

18

occupancy.

19

Due to its extremely poor condition and

20

rapid deterioration, they believe the site

21

poses a threat to the health, safety and

22

general welfare of the public.

23

Based on prior mentioned inspections,

24

the owner has not corrected the existing

25

defects nor made required repairs to the

1

2

structure.

3

4

5

6

Due to the dilapidated and unsafe conditions, rate of deterioration and violations of State and Town codes, it's recommended it be demolished.

7

SUPERVISOR ROMAINE: Okay.

8

Do we have any speakers on this?

9

(No response.)

10

11

SUPERVISOR ROMAINE: Are there any speakers listed for this?

12

MS. LENT: We can't hear you, Jen.

13

(No response.)

14

15

SUPERVISOR ROMAINE: Do we have any speakers on this?

16

MS. LUTZER: Yes, we do have one.

17

18

SUPERVISOR ROMAINE: Please let them in.

19

20

MS. EADERESTO: Monitor, can you please let the speaker in?

21

22

MS. LUTZER: Oh, they indicated they're not going to be speaking.

23

MS. EADERESTO: Okay.

24

25

MS. LUTZER: It was just a new comment. The owner will not be speaking this

1

2

evening.

3

SUPERVISOR ROMAINE: Okay.

4

5

He should realize that with the reports that we have, this is something that the board

6

takes seriously, so I'll make a motion to

7

close the public hearing then if there's no

8

speakers.

9

COUNCILMAN PANICO: 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 to close carries.

21

COUNCILMAN PANICO: We're sure the

22

owner does not want to speak?

23

MS. EADERESTO: Yes, he just put up in

24

the chat . . . his name is Mr. Dato, I will

25

not be speaking tonight.

1

2 SUPERVISOR ROMAINE: Okay.

3 MS. EADERESTO: Oh, wait a minute. Now
4 he says I will speak.

5 SUPERVISOR ROMAINE: Okay. Let's put
6 him on.

7 COUNCILMAN PANICO: I'll make a motion
8 to reopen the hearing.

9 COUNCILWOMAN BONNER: 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. EADERESTO: Monitors, please let
19 him in.

20 MR. SWEENEY: He's in.

21 MR. DATO: Hello, can you hear me?

22 MS. EADERESTO: Yes.

23 SUPERVISOR ROMAINE: The clerk has to
24 swear you in.

25 MS. LENT: Before you begin, sir, I

1

2 need to swear you in.

3

4 MR. DATO: All right. I'm going to be
5 speaking on behalf of Paul Dato; I'm his son,
6 Gianpaolo.

6

SUPERVISOR ROMAINE: Okay.

7

MS. LENT: Hold on one second.

8

9 SUPERVISOR ROMAINE: We need to swear
10 you in.

10

MS. LENT: Yes.

11

MR. DATO: All right.

12

13 MS. LENT: Raise your right hand,
14 please.

14

15 Do you swear to tell the truth, the
16 whole truth and nothing but the truth?

16

MR. DATO: I do.

17

18 MS. LENT: Let me just set the clock
19 because you will have five minutes.

19

Go ahead.

20

21 MR. DATO: First of all, on behalf of
22 my father, I'm making a personal statement.

22

23 I, Paul Dato, object to your unlawful
24 and unjustified violation of my protected
25 rights as a senior citizen and disabled
veteran under the Fair Housing Act. Also, the

1

2

information that has been provided to you is extremely inaccurate. One, regarding the mortgage; two, regarding the supposed dispute with his wife and three, the unpaid taxes.

3

4

5

6

That is all I have to say.

7

SUPERVISOR ROMAINE: Okay.

8

9

10

11

Well, I have no comment about the mortgage, it's just listed that you had one from '74. I questioned that because usually mortgages don't run that long.

12

13

14

15

The second thing, I know nothing about any dispute between your father and your mother and it certainly doesn't come into any account as far as the Town is concerned.

16

And your third concern was what, sir?

17

18

MR. DATO: You claim that there are unpaid taxes.

19

20

21

SUPERVISOR ROMAINE: We got that from the County of Suffolk, yes and from our tax receiver.

22

23

24

25

MR. DATO: I pay the taxes, the taxes have been paid, what are you talking about? How could the taxes be unpaid on the property; I also have a receipt?

1

2

SUPERVISOR ROMAINE: You paid the taxes
for this --

3

4

MR. DATO: For this year, yes, correct.

5

SUPERVISOR ROMAINE: Okay.

6

This is what I'm -- not that that make
any difference --

7

8

MR. DATO: Regardless, you have
erroneous information.

9

10

What is the Town board looking to do?

11

SUPERVISOR ROMAINE: Well, the Town
board, based on the engineering report and the
inspections that have been done multiple times
by our senior building inspector, consider
this to be a hazardous structure and in nature
because --

16

17

MR. DATO: All right, all right.

18

Let me --

19

MS. LENT: Excuse me. One person at a
time, please, somebody's taking minutes.

20

21

SUPERVISOR ROMAINE: Okay.

22

So that's for those reasons, when we
receive reports like this, we have an absolute
Constitutional right to demolish unsafe
structures.

23

24

25

1

2 MR. DATO: Okay.

3 SUPERVISOR ROMAINE: So --

4 MR. DATO: Who sent you this report,

5 sir?

6 SUPERVISOR ROMAINE: Well, first of
7 all, we had a private firm, Cashin, Spinelli &
8 Ferretti, who are professional engineers and
9 we've had our senior building inspector,
10 Robert Incagliato, who is a senior member of
11 the Town, worked for many years inspecting
12 buildings.

13 MR. DATO: And how did they gain access
14 to the property?

15 SUPERVISOR ROMAINE: Apparently it's
16 open.

17 MR. DATO: Apparently it's not because
18 the property has been locked several times and
19 somebody keeps on breaking the lock to this
20 property.

21 Also, how --

22 MS. EADERESTO: All right. Let me --

23 MR. DATO: -- did you gain access to
24 the interior of the facility?

25 MS. EADERESTO: Let me just jump in

1

2

here.

3

4

Under the law, if there's an unsafe structure, the Town is allowed to enter upon the property.

5

6

MR. DATO: That's criminal trespass.

7

8

MS. EADERESTO: Okay. We're not going to talk about this.

9

10

11

MR. DATO: Criminal trespass. You can spin it however you want. You just admitted to the fact that you broke into my property.

12

13

MS. LENT: No, what she said was that --

14

15

MR. DATO: You picked the lock or you kicked in the door.

16

17

18

19

20

21

MS. EADERESTO: First of all, the Town Attorney doesn't make inspections, number one. Number two, the senior building inspector does and that is done to protect the life, safety and welfare of the residents of the Town of Brookhaven.

22

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25

MR. DATO: What about my welfare, my family's welfare and the fact that this is malicious, arbitrary, you know, I don't even know where to begin with all this?

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The fact of the matter is that I filed police reports the two times that people broke into that property, I also filed a police report regarding kicking in the door, so I don't know what kind of tactics and what kind of law or firm you're employing to do these things, but last I remember, you know, I even have a sign out there, no trespassing and still, this goes on.

11

12

13

14

You know, I'm trying to remediate the property, I'm trying to get it back on track and you know, you people are bearing down on my back and it's ridiculous.

15

16

SUPERVISOR ROMAINE: Well, let me just conclude here by telling you how this works.

17

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If this board votes to demolish your home, we will not do anything for 30 days. In those 30 days, if you truly are looking to fix up this home, you have to come in and get a building permit and show at some point and at that point we're not interested in demoing any property, we're always interested in seeing properties fixed up because this property is in pretty bad shape and for you to argue

1

2 otherwise, I mean you're asking us to make a
3 judgment between our ears and our eyes.

4

MR. DATO: Yeah and history tells us
5 Rome wasn't built in a day, we know.

6

SUPERVISOR ROMAINE: So you'll be given
7 an opportunity for 30 days to come in and file
8 a building permit. Thereafter, if you have
9 one and you're making progress on improving
10 the building, that's great. Town has no
11 interest in doing anything to your house
12 except seeing it improved.

13

However, if you do nothing in 30 days,
14 sometime thereafter, the Town will have the
15 legal right to go in and demolish the property
16 and charge your taxes.

17

The other option you have is you can
18 come to the conclusion -- and I think you
19 would based on what I've seen -- that it's
20 going to be very expensive to fix up this
21 house and it might be actually better for you
22 to demolish it -- it's cheaper for you to do
23 it than for us -- and build something on its
24 foundation, on the slab that's there, but
25 that's your choice, just so you understand

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what choices you have.

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MS. EADERESTO: And I would just like to say that the Law Department, Brendan Sweeney, the Building Department, will work with you, tell you what you need to do if you truly want to rebuild or if you want to yourself demolish and then build something back here.

The Town Clerk just checked and it looks like the taxes are paid as Mr. Dato said, so I'd like to just correct that.

MR. SWEENEY: The County was delayed with processing things, they were issuing receipts to people and then would process it after the fact. It does show in our tax receiver that it's not paid, but the County, like I said, they don't tell us if somebody pays to them later on.

MR. DATO: And the mortgage was satisfied several years ago.

SUPERVISOR ROMAINE: Did you file a mortgage satisfaction with the County Clerk?

MR. DATO: I have to file that with the County Clerk?

1

2

SUPERVISOR ROMAINE: Yup because until
3 you do that, it's an open mortgage on her
4 records.

5

MR. DATO: Is there any way to get more
6 than 30 days extension to deal with the Town?

7

SUPERVISOR ROMAINE: Yeah, there is.

8

There's a guy here on the screen called
9 Brendan Sweeney, I don't know if you can see
10 him; give a wave, Brendan.

11

MR. DATO: Yeah.

12

SUPERVISOR ROMAINE: Stay in touch with
13 him, let him know your progress on this house.

14

Again, I just want to say, the Town is
15 not interested in demoing houses, but we don't
16 want to see houses in this condition. So if
17 you're going to fix up, we're all for you and
18 if need a little time, not a lot of time,
19 that's fine. Getting a building permit
20 doesn't take much time at all, you walk in and
21 you get the building permit, okay and that's
22 the first sign of good faith and after that,
23 you really have to demonstrate that you are
24 now beginning to seriously fix some of the
25 problems and I would say try to get a roof on

1

2 it so it stops leaking because the more water
3 that goes in the house, the more damage that's
4 going to get done.

5 MR. DATO: While I'm working on the
6 property, will the gate be cut again, you
7 know, will the premises be entered again?

8 SUPERVISOR ROMAINE: No, not by the
9 Town, no.

10 MR. DATO: Okay.

11 SUPERVISOR ROMAINE: So I would expect
12 that we're probably going to vote to demolish
13 this house tonight, but that doesn't mean
14 anything if you're fixing it up because that
15 stops everything, but you know what, in case
16 you choose not to fix it up, delay it, drag it
17 out because this house didn't get this way, as
18 you said, overnight, took a lot of years to
19 get there and no one fixed it up during those
20 years, but we're going to pass a resolution
21 tonight and after those 30 days, if you don't
22 have a building permit, if you're not making
23 some progress in fixing up this house, you
24 understand and that's why we pass these
25 things, to either get the house fixed up or

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demolished, one or the other.

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MR. DATO: I understand the position that you're coming from, but you also have to understand my position, you know, it didn't get there, like you said, overnight, you know because of the nice people that lived in the area, it got there because of, you know, years of vandalism and dealing with the situations, you know, I lived it growing up as a kid, so I saw what went on and quite honestly, between the Town and also the police department out there, they failed my family miserably, you know, with having to deal with the situations that were out there and I'm trying my best to get that house back in order.

17

18

SUPERVISOR ROMAINE: The Town doesn't do police, that's Suffolk County Police.

19

20

COUNCILWOMAN BONNER: We want you to succeed, so stay in touch with Brendan.

21

MR. DATO: Okay. Thank you.

22

23

SUPERVISOR ROMAINE: I'll make a motion to close this public hearing.

24

COUNCILMAN PANICO: 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 to close carries.

12 COUNCILMAN PANICO: For public hearing
13 number seven of August 22, 2020 (sic), I have
14 a resolution of adoption determining the
15 premises at Six Burney Boulevard, Mastic, New
16 York, to be unsafe as defined by Chapter 73
17 pursuant to the engineer's report of Cashin,
18 Spinelli & Ferretti, LLC and Mr. Supervisor
19 and Town board, I have no problem doubling in
20 this case, letting the Town Attorney know that
21 it is this Town board's will to give 60 days
22 to this owner. As the Supervisor said, as
23 Councilwoman Bonner said, we don't want to
24 demolish properties, we want to see the
25 properties become safe, so to Mr. Dato and his

1

2 family and whomever owns the property, I have
3 no problem if it is the will of this Town
4 board to give double the amount of time, 60
5 days.

6

SUPERVISOR ROMAINE: Why don't we
7 reflect that?

8

MS. EADERESTO: I just changed the
9 resolution.

10

SUPERVISOR ROMAINE: Okay.

11

COUNCILMAN PANICO: Okay, so moved.

12

COUNCILWOMAN BONNER: Second.

13

MS. EADERESTO: So he'll have till
14 December 20, 2020.

15

COUNCILMAN PANICO: Okay.

16

COUNCILWOMAN BONNER: I seconded it,
17 Donna.

18

MS. LENT: I hear.

19

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.

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SUPERVISOR ROMAINE: Aye.

3

MS. LENT: Opposed?

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(No response.)

5

MS. LENT: Motion carries.

6

SUPERVISOR ROMAINE: Okay.

7

We're onto the last hearing of the

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night and that is public hearing number eight.

9

MS. LENT: Public hearing number eight

10

is determination of the premises located at 48

11

Green Avenue, Patchogue, New York, to be

12

unsafe as defined by Chapter 73 pursuant to

13

the engineer's report of Cashin, Spinelli &

14

Ferretti, LLC.

15

The owner or other persons having an

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interest in the premises may be heard with

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respect to the condition of the premises and

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the actions necessary to secure or remove

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same.

20

Legal notices for public hearings are

21

published no less than ten days, no more than

22

20 days prior to the public hearing in one of

23

the legal Town newspapers. My office has

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received the signed affidavit of publication

25

from the newspaper and should the board render

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2 a decision, this has been deemed a SEQRA Type
3 II action.

4 SUPERVISOR ROMAINE: Okay.

5 Brendan, let us know a little bit
6 this --

7 MS. LENT: Thank goodness, this has
8 been . . .

9 SUPERVISOR ROMAINE: Yeah.

10 MR. SWEENEY: So the property is 48
11 Green Avenue in Patchogue. It's owned by the
12 Canaan Lake Beach Community Club since July
13 3rd of 1947. No mortgage is on the property.
14 Taxes are unpaid through the title report that
15 we obtained and the tax receiver's office
16 since at least 2016, 2017, the County is
17 eligible to take the property; as I've noted
18 in previous times, they are backlogged in
19 taking properties that are unpaid taxes.

20 It's not on our vacant registry. No
21 asbestos per the report that we had.

22 We had two inspections done, one by
23 Cashin, Spinelli & Ferretti on September 4th
24 and one by Inspector Incagliato on
25 October 21st.

1

2

We've initially boarded this November of 2019 and we reboarded it in August of 2020.

3

4

For this property there are four permits that were obtained for this property, all fire prevention permits for a place of assembly. They've been renewed four times in the system with the most recent looked -- appeared to be in 2015, but it never looked like that permit and process was completed.

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We contacted three locations, the address, itself, we contacted the club at Mindy Mattick (phonetic) in North Patchogue and then another one, a Paula Rodriguez in a different street in Patchogue.

12

13

14

15

16

There has been no correspondence with the owner or any representative of the organization since opening the demolition process.

17

18

19

20

SUPERVISOR ROMAINE: Is this at Canaan Lake?

21

22

MS. LENT: Yes.

23

SUPERVISOR ROMAINE: I've been in that clubhouse a couple of times. Unfortunately I've had a long tenure in my life; earlier I

24

25

1

2

was in the clubhouse.

3

MR. SWEENEY: This is that clubhouse.

4

5

SUPERVISOR ROMAINE: I guess the property owners or whoever for Canaan Lake must have disbanded and no one took it over.

6

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MR. SWEENEY: Yeah. They have not been in contact and like I said, we sent it to two people who seemed to be associated with the club that we could find on file and we mailed it to their addresses, but we didn't -- I at least up until now have not received any correspondence.

14

Subject building --

15

16

SUPERVISOR ROMAINE: What does the deed say, Brendan?

17

18

19

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21

22

23

MR. SWEENEY: The deed is in the Canaan Lake Beach Community Club Inc. since July 3rd of 1974, that was what we had in the title report. The most recent contacts were a Mindy Mattick and a Paula Rodriguez. I don't know if they were the president or vice president of the club or --

24

25

MS. LENT: It's a corporation, was it dissolved by proclamation?

1

2

SUPERVISOR ROMAINE: It was?

3

MS. LENT: I'm asking.

4

5

MR. SWEENEY: That -- I didn't see anything of that sort, I'm not sure of that.

6

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MS. LENT: Unless you check with the State on that.

8

MR. SWEENEY: Yeah.

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The subject building is 38 by 80 single story commercial structure consisting of a concrete block structure with wood frame roof on a concrete slab foundation. The exterior is clad with vinyl siding and an asphalt shingle roof and is in poor condition. The roof is damaged in the southwest corner where the siding is broken away and the fascia and roofer rafter are exposed. The exposed roof rafter shows signs of termite damage. The vinyl siding has graffiti in areas. Gutters are broken and missing. An asphalt paved parking lot is deteriorating and cracking throughout with vegetation growing out of the cracks. The rear of the property is densely overgrown with vegetation and access is limited.

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The interior is also in a poor condition, it's unsanitary with trash and suspect mold. There's extensive graffiti on the walls providing evidence of trespassers. There's water stained ceiling tiles in some locations and at the southwest corner the ceiling is open and a hole to the exterior is evident.

The heating on the ground floor and the HVAC system in the attic appear to be in serviceable condition, though.

The building is boarded up, but the site is not secure, constituting a public safety hazard, especially due to the deteriorating state.

Senior Building Inspector Incagliato noted that conditions have not changed since the inspection in September.

In terms of violations, we have from the 2020 Property Maintenance Code of New York State Chapter One, sections 101 and 107, Chapter 3, Section 301, 302 and 304; from the 2020 Fire Code of New York State we have Chapter 3, sections 301 and 311; from the code

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2 of the Town of Brookhaven, chapters 49 and 73.

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Pursuant to the above definition, the building is considered unsafe, lacks maintenance, is in a state of disrepair, unsanitary and unfit for human occupancy. Due to its poor condition and rapid deterioration, the engineers believe this site poses a threat to the health, safety and general welfare of the public.

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Based on prior mentioned inspections, the owner has not corrected existing defects nor made required repairs to the structure.

14

15

16

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18

It's the engineer's recommendation that it's unsafe and if it cannot be reasonably repaired to meet New York State and Town building codes in a timely manner, it should be demolished.

19

20

SUPERVISOR ROMAINE: Thank you, Brendan.

21

22

Now tell me, taxes, what's the tax status?

23

24

25

MR. SWEENEY: The taxes are unpaid, at least in the County's eyes through a title report and our tax receiver since 2016, 2017.

1

2

If you look at the portal for the tax

3

receiver's office in our system, it appears to

4

go back further, so for a couple of years they

5

might have paid the taxes late to the County.

6

MS. EADERESTO: Mr. Supervisor --

7

SUPERVISOR ROMAINE: This is what I

8

want you to do tomorrow, Brendan.

9

MS. EADERESTO: Mr. Supervisor, I just

10

can add to this and Councilman Foley knows

11

this, the Canaan Lake Association tried to

12

donate this to the Town and then we were going

13

to take this down, but what happened was when

14

we did the title search on it, every owner,

15

every land owner on the filed map, which is

16

quite extensive as the board knows, would have

17

had to sign the deed, so it was impossible to

18

convey title.

19

SUPERVISOR ROMAINE: I got it. This is

20

a quicker thing.

21

MS. EADERESTO: I think this is kind of

22

a friendly thing is what I'm trying to say.

23

SUPERVISOR ROMAINE: What I'm going to

24

do tonight is make a motion to adjourn this to

25

the November 19th meeting and instead, I'm

1

2

going to instruct Brendan to contact

3

Legislator Calarco, who's currently the

4

presiding officer of the legislature and say

5

that they haven't paid County taxes, you're

6

going to inherit this, the Town had it before

7

it to demolish it and we're going to wait till

8

November 19th to give you an opportunity; I

9

want you to prepare a letter for me, copy all

10

the board members and send it to Legislator

11

Calarco because I'd like to know -- and the

12

County Executive -- I'd like to know if the

13

County has any interest in what they're about

14

to inherit vis-a-vis nonpayment of taxes,

15

okay?

16

MR. SWEENEY: Absolutely, Supervisor,

17

I'm making a note of it now.

18

SUPERVISOR ROMAINE: So I'll make a

19

recommendation to the board as a courtesy and

20

I think Neil knows what I'm doing; hello, Rob.

21

MS. LENT: So you're going to make a

22

motion to close, sir?

23

SUPERVISOR ROMAINE: I'm making a

24

motion to adjourn this to November 19th. We

25

won't have to open it again, but what I am

1

2

doing in the interim is preparing a letter to

3

the County Executive and the County

4

Legislator, who's the presiding officer for

5

this area, he's very familiar with Canaan

6

Lake, it's on the tip of his tongue every day,

7

something he thinks about and this will give

8

him an opportunity to say look, you're going

9

to inherit this building for lack of taxes,

10

payment of taxes, it's before us for

11

demolition, what do you want us to do because

12

by the way, if we demolish it -- Annette,

13

question -- if we demolish this, we usually

14

try to recoup based on taxes.

15

MS. EADERESTO: Yes. It would be

16

placed on there and the County would pay that.

17

SUPERVISOR ROMAINE: So as a courtesy,

18

I'd like to let Legislator Calarco have an

19

opportunity to have a say in this.

20

Does anyone disagree with me; Neil?

21

(No response.)

22

SUPERVISOR ROMAINE: No, you're muted,

23

Neil.

24

Neil, how do you feel about it?

25

COUNCILMAN FOLEY: I was just going to

1

2 suggest maybe if we vote tonight, obviously
3 during our proceedings we still have 30 days.

4 SUPERVISOR ROMAINE: Absolutely, okay.
5 You're the councilperson, I'll defer to you.

6 Now I'll make a motion to close this
7 public hearing.

8 COUNCILMAN FOLEY: Second.

9 MS. LENT: Okay.

10 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 to close carries.

21 COUNCILMAN FOLEY: So I will have on
22 public hearing eight a resolution of adoption
23 determining the premises at 48 Green Avenue,
24 Patchogue, New York (see the Suffolk County
25 tax map) to be unsafe as defined by Chapter 73

1

2

pursuant to the engineer's report of Cashin,

3

Spinelli & Ferretti, LLC.

4

So moved.

5

COUNCILMAN LOGUERCIO: 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

COUNCILMAN FOLEY: I will agree with

18

Supervisor Romaine, I would like to hear from

19

the County Legislator and the County Executive

20

what their plan is for this parcel and the

21

future properties because the Town cannot

22

carry this burden of the County anymore.

23

SUPERVISOR ROMAINE: Why don't you

24

draft something and I'll sign it with you and

25

we can send it off?

1

2

COUNCILMAN FOLEY: It will be out
there -- I'll have it for you Monday,
Supervisor.

4

5

SUPERVISOR ROMAINE: Great, fantastic.

6

And with that, we have no further
business, I'll make a motion to adjourn.

7

8

COUNCILWOMAN BONNER: 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

SUPERVISOR ROMAINE: Stand adjourned.

20

MS. LENT: Motion to adjourn carries.

21

SUPERVISOR ROMAINE: Good night, be

22

well.

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I, JOANN O'LOUGHLIN, a Notary Public
for and within the State of New York, do hereby
certify that the above is a correct transcription
of my stenographic notes.

JOANN O'LOUGHLIN