

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TOWN OF HEMPSTEAD

TOWN HALL PAVILION

One Washington Street

Hempstead, New York 11550

March 14, 2023

10:30 A.M.

BEFORE: DONALD X. CLAVIN, JR.

SUPERVISOR



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

DEPUTY SUPERVISOR GOOSBY (ABSENT)

COUNCILMAN CARINI

COUNCILMAN DUNNE

COUNCILWOMAN MILLER

COUNCILMAN MUSCARELLA

TOWN CLERK MURRAY

DEPUTY TOWN CLERK POKALSKY

TOWN ATTORNEY MACCARONE

CHEIF OF STAFF LIBERT

TOWN COMPTROLLER MASTROMARINO

RECEIVER OF TAXES DRISCOLL



1 SUPERVISOR CLAVIN: I'd like to welcome
2 everybody to Hempstead Town's March 14th Hempstead Town
3 Board Meeting.

4 Madam Clerk, would you please call the roll?

5 CLERK MURRAY: Supervisor Clavin?

6 SUPERVISOR CLAVIN: I am here.

7 CLERK MURRAY: Councilman Carini?

8 COUNCILMAN CARINI: I'm here.

9 CLERK MURRAY: Councilman Dunne?

10 COUNCILMAN DUNNE: Here.

11 CLERK MURRAY: Councilwoman Miller?

12 COUNCILWOMAN MILLER: Here.

13 CLERK MURRAY: Councilman Muscarella?

14 COUNCILMAN MUSCARELLA: Here.

15 SUPERVISOR CLAVIN: I am now going to ask
16 Councilwoman Miller to lead us in the Pledge of
17 Allegiance.

18 COUNCILWOMAN MILLER: Place your hand over your
19 heart. I pledge - -

20 (Whereupon, Councilwoman Miller led the Assembly
21 in the Pledge of Allegiance. After, the following
22 ensued.)

23 SUPERVISOR CLAVIN: All right, Madam Clerk,
24 would you please call the first Public Hearing?

25 CLERK MURRAY: Yes, Supervisor. We have a

1 Petition of Commissioner of Buildings to demolish and
2 remove a two-story wood frame, one-family dwelling with
3 detached garage and debris from premises located on the
4 South side of Second Avenue, 40 feet West of Second
5 Street, Section 35, Block 170 and Lots 3, 4 (a/k/a 975
6 2nd Avenue located in Franklin Square - Department of
7 Buildings.

8 SUPERVISOR CLAVIN: All right. Now, I'm going
9 to call you in a minute.

10 I know I have Deputy Commissioner did you want
11 to - - there you go.

12 If you could - - I know I have Eric Vallely -
13 - but if you identify yourself and tell the Board what
14 it's in relation to before Mr. Vallely speaks, that'd be
15 great. Get that mic up there. Thanks, Joe.

16 DEPUTY COMMISSIONER LEO: Dan Leo, Deputy
17 Commissioner, Building Department.

18 SUPERVISOR CLAVIN: Good morning. If you
19 would give your name an address for the record. Thank
20 you.

21 ATTORNEY VALLELY: Erick Vallely, 6851 Jericho
22 Turnpike, Syosset, New York.

23 SUPERVISOR CLAVIN: All right, Mr. Vallely.

24 ATTORNEY VALLELY: We represent the mortgagee.
25 We understand that the property is slated for

1 demolition.

2 Just, my client is actively pursuing a
3 foreclosure against this property and would like the
4 opportunity to potentially complete the demolition
5 themselves.

6 We understand that the process is going to
7 continue and have no objection to that but would like to
8 speak with Mr. John Pinsky about potentially taking over
9 the project and doing it ourselves.

10 DEPUTY COMMISSIONER LEO: We'd like to
11 recommend going forward with the Chapter 90 process and
12 work with the attorney to give him an extension of time
13 to demo the property.

14 And, we also had a conversation if his
15 contractor doesn't come through, we'll go forward with
16 the demolition.

17 SUPERVISOR CLAVIN: Okay, all right. Thank
18 you. Mr. Valley.

19 I do not have any other slips of this.

20 Any Member of the Public wish to be heard on
21 Item Number one?

22 (Whereupon, no comments were heard. After, the
23 following ensued.)

24 SUPERVISOR CLAVIN: If not, may I please have a
25 motion.

1 COUNCILMAN MUSCARELLA : I move that the Public
2 Hearing be closed and the Board adopt the item.

3 COUNCILWOMAN MILLER: Second.

4 CLERK MURRAY: Supervisor Clavin?

5 SUPERVISOR CLAVIN: Aye.

6 CLERK MURRAY: Councilman Carini?

7 COUNCILMAN CARINI: Aye.

8 CLERK MURRAY: Councilman Dunne?

9 COUNCILMAN DUNNE: Aye.

10 CLERK MURRAY: Councilwoman Miller?

11 COUNCILWOMAN MILLER: Aye.

12 CLERK MURRAY: Councilman Muscarella?

13 COUNCILMAN MUSCARELLA: Aye.

14 SUPERVISOR CLAVIN: Mr. Vallely, just going to
15 ask you to make sure you give your contact information to
16 the Deputy Commissioner of the Building Department to
17 coordinate, you know, if you guys can work it out.

18 All right.

19 ATTORNEY VALLELY: Thank you so much.

20 SUPERVISOR CLAVIN: Thank you very much.

21 Madam Clerk, please call the next item.

22 CLERK MURRAY: We have the Petition of the

23 Commissioner of Buildings to demolish and remove a one

24 story wood frame, one family dwelling with attached

25 garage and debris from premises located on the West side

1 of Cornelius Avenue 96 feet South of Valentine Place,
2 Section 56, Block 411 and Lots 408, a/k/a 1728 Cornelius
3 Avenue, Wantagh - Department of Buildings.

4 SUPERVISOR CLAVIN: Okay. Any Member of the
5 Board wish to be heard on this?

6 (Whereupon, no comments were heard. After, the
7 following ensued.)

8 SUPERVISOR CLAVIN: I do not have any slips on
9 Item Number two.

10 Does anybody likes to be heard on Item Number two
11 that did not sign in?

12 (Whereupon, no comments were heard. After, the
13 following ensued.)

14 SUPERVISOR CLAVIN: If not, may I please have a
15 motion.

16 COUNCILMAN CARINI: I move the Public Hearing be
17 closed and the Board adopt the item.

18 COUNCILMAN DUNNE: Second.

19 CLERK MURRAY: Supervisor Clavin?

20 SUPERVISOR CLAVIN: Aye.

21 CLERK MURRAY: Councilman Carini?

22 COUNCILMAN CARINI: Aye.

23 CLERK MURRAY: Councilman Dunne?

24 COUNCILMAN DUNNE: Aye.

25 CLERK MURRAY: Councilwoman Miller?

1 COUNCILWOMAN MILLER: Aye.

2 CLERK MURRAY: Councilman Muscarella?

3 COUNCILMAN MUSCARELLA: Aye.

4 SUPERVISOR CLAVIN: Madam Clerk, please call the
5 next item.

6 CLERK MURRAY: We have a Petition of the
7 Commissioner of Buildings to demolish and remove a two
8 story wood frame, one family dwelling with two car
9 attached garage and debris from the premises located on
10 the southeast corner of Bayport Court and Bayview Avenue,
11 Section 63, Block 172 and Lots 1 & 2 (a/k/a 3020 Bayport
12 Court) - Wantagh - Department of Buildings.

13 SUPERVISOR CLAVIN: Okay. Any Member of the
14 Board wish to be heard?

15 (Whereupon, no comments were heard. After, the
16 following ensued.)

17 SUPERVISOR CLAVIN: If not, I do not have any
18 slips on Item Number three.

19 Does anybody wish to be heard on Item Number
20 three that did not sign in?

21 (Whereupon, no comments were heard. After, the
22 following ensued.)

23 SUPERVISOR CLAVIN: If not, may I please have a
24 motion?

25 COUNCILMAN CARINI: I move the Public Hearing be

1 closed and the Board adopt the item.

2 COUNCILMAN MUSCARELLA: Second.

3 CLERK MURRAY: Supervisor Clavin?

4 SUPERVISOR CLAVIN: Aye.

5 CLERK MURRAY: Councilman Carini?

6 COUNCILMAN CARINI: Aye.

7 CLERK MURRAY: Councilman Dunne?

8 COUNCILMAN DUNNE: Aye.

9 CLERK MURRAY: Councilwoman Miller?

10 COUNCILWOMAN MILLER: Aye.

11 CLERK MURRAY: Councilman Muscarella?

12 COUNCILMAN MUSCARELLA: Aye.

13 SUPERVISOR CLAVIN: Thank you, Deputy
14 Commissioner. You've been a busy.

15 Madam Clerk, please call the next item.

16 CLERK MURRAY: We have a Proposed Local Law
17 regarding "Arterial Stops," in Oceanside - (To amend
18 Section 197-5 of the Code of the Town of Hempstead.)

19 SUPERVISOR CLAVIN: Okay.

20 Any Member of the Board wish to be heard?

21 (Whereupon, no comments were heard. After, the
22 following ensued.)

23 SUPERVISOR CLAVIN: I do not have any slips on
24 Item Number four.

25 Anybody wish to be heard on Item Number four

1 that did not sign in?

2 (Whereupon, no comments were heard. After, the
3 following ensued.)

4 SUPERVISOR CLAVIN: If not, may I please have a
5 motion?

6 COUNCILWOMAN MILLER: I move the Public Hearing
7 be closed and the Board adopt the item.

8 COUNCILMAN MUSCARELLA: Second.

9 CLERK MURRAY: Supervisor Clavin?

10 SUPERVISOR CLAVIN: Aye.

11 CLERK MURRAY: Councilman Carini?

12 COUNCILMAN CARINI: Aye.

13 CLERK MURRAY: Councilman Dunne?

14 COUNCILMAN DUNNE: Aye.

15 CLERK MURRAY: Councilwoman Miller?

16 COUNCILWOMAN MILLER: Aye.

17 CLERK MURRAY: Councilman Muscarella?

18 COUNCILMAN MUSCARELLA: Aye.

19 SUPERVISOR CLAVIN: Madam Clerk, please call the
20 next item.

21 CLERK MURRAY: We have a proposed "Handicapped
22 Parking On Public Streets" in Elmont, Franklin Square,
23 near Lynbrook and Roosevelt - (Hillsboro Avenue, Barbarae
24 Boulevard, Union Avenue, Decatur Street, Belmont
25 Boulevard.)

1 SUPERVISOR CLAVIN: Any Member of the Board wish
2 to be heard?

3 (Whereupon, no comments were heard. After, the
4 following ensued.)

5 SUPERVISOR CLAVIN: I do not have any slips on
6 this Item, does anybody wish to be heard on this item
7 that did not sign in?

8 (Whereupon, no comments were heard. After, the
9 following ensued.)

10 SUPERVISOR CLAVIN: If not, may I please have a
11 motion.

12 COUNCILMAN MUSCARELLA: I move the Public
13 Hearing be closed and adopt the matter.

14 COUNCILMAN CARINI: Second

15 CLERK MURRAY: Supervisor Clavin?

16 SUPERVISOR CLAVIN: Aye.

17 CLERK MURRAY: Councilman Carini?

18 COUNCILMAN CARINI: Aye.

19 CLERK MURRAY: Councilman Dunne?

20 COUNCILMAN DUNNE: Aye.

21 CLERK MURRAY: Councilwoman Miller?

22 COUNCILWOMAN MILLER: Aye.

23 CLERK MURRAY: Councilman Muscarella?

24 COUNCILMAN MUSCARELLA: Aye.

25 SUPERVISOR CLAVIN: Madam Clerk, please call the

1 next item.

2 CLERK MURRAY: We have a Proposed Local Law
3 regarding, "Abandoned Vehicles" in relation to replacing
4 Superintendent of Highways with Commissioner of Highways
5 (To amend Section 173-2 of Chapter 173 of the Code of
6 the Town of Hempstead.)

7 SUPERVISOR CLAVIN: All right.

8 Any Member of the Board wish to be heard on
9 this?

10 (Whereupon, no comments were heard. After, the
11 following ensued.)

12 SUPERVISOR CLAVIN: I do not have any slips on
13 this item, Anybody who wishes to be heard that did not
14 sign in?

15 (Whereupon, no comments were heard. After, the
16 following ensued.)

17 SUPERVISOR CLAVIN: If not, may I please have a
18 motion.

19 COUNCILMAN DUNNE: I move the Public Hearing be
20 closed and the Board adopt the item.

21 COUNCILMAN CARINI: Second.

22 CLERK MURRAY: Supervisor Clavin?

23 SUPERVISOR CLAVIN: Aye.

24 CLERK MURRAY: Councilman Carini?

25 COUNCILMAN CARINI: Aye.

1 CLERK MURRAY: Councilman Dunne?

2 COUNCILMAN DUNNE: Aye.

3 CLERK MURRAY: Councilwoman Miller?

4 COUNCILWOMAN MILLER: Aye.

5 CLERK MURRAY: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: Aye.

7 SUPERVISOR CLAVIN: Madam Clerk, please call the
8 next item.

9 CLERK MURRAY: We have a Proposed Local Law
10 regarding "Abandoned Vehicles" in relation to increasing
11 the value of an abandoned vehicle in order for title to
12 immediately vest in the Town of Hempstead - (To amend
13 Section 173-4 (A) of Chapter 173 of the Code of the Town
14 of Hempstead.)

15 SUPERVISOR CLAVIN: Okay, any Member the Board
16 wish to be heard?

17 (Whereupon, no comments were heard. After, the
18 following ensued.)

19 SUPERVISOR CLAVIN: I do not have any slips.

20 Anybody wishes to be heard on Item Number 7
21 that did not sign in?

22 (Whereupon, no comments were heard. After, the
23 following ensued.)

24 SUPERVISOR CLAVIN: If not, may I please have a
25 motion?

1 COUNCILMAN MUSCARELLA: I move that the Public
2 Hearing be closed and the Board adopt the item.

3 COUNCILMAN DUNNE: Second.

4 CLERK MURRAY: Supervisor Clavin?

5 SUPERVISOR CLAVIN: Aye.

6 CLERK MURRAY: Councilman Carini?

7 COUNCILMAN CARINI: Aye.

8 CLERK MURRAY: Councilman Dunne?

9 COUNCILMAN DUNNE: Aye.

10 CLERK MURRAY: Councilwoman Miller?

11 COUNCILWOMAN MILLER: Aye.

12 CLERK MURRAY: Councilman Muscarella?

13 COUNCILMAN MUSCARELLA: Aye.

14 SUPERVISOR CLAVIN: Madam Clerk, please call the
15 next item.

16 CLERK MURRAY: Determining parcels benefited by
17 Construction or Reconstruction of sidewalks in - Baldwin,
18 Bellmore, near Bethpage, East Meadow, Elmont, Franklin
19 Square, Inwood, Levittown, Merrick, North Baldwin, North
20 Bellmore, Oceanside, Seaford, Uniondale, Wantagh, West
21 Hempstead, near Westbury, Woodmere - Town of Hempstead,
22 Nassau County, New York, Adopting proposed Assessment
23 Roll for the cost thereof.

24 SUPERVISOR CLAVIN: All right. Any Member of
25 the Board wish we heard on this?

1 (Whereupon, no comments were heard. After,
2 the following ensued.)

3 SUPERVISOR CLAVIN: Okay. I don't have any
4 slips.

5 Anybody not sign in that wish to be heard on
6 Item Number 8?

7 (Whereupon, no comments were heard. After,
8 the following ensued.)

9 SUPERVISOR CLAVIN: If not, may I, please,
10 have a motion?

11 COUNCILMAN DUNNE: I move the Public Hearing
12 be closed and the Board adopt the item.

13 COUNCILMAN CARINI: second.

14 CLERK MURRAY: Supervisor Clavin?

15 SUPERVISOR CLAVIN: Aye.

16 CLERK MURRAY: Councilman Carini?

17 COUNCILMAN CARINI: Aye.

18 CLERK MURRAY: Councilman Dunne?

19 COUNCILMAN DUNNE: Aye.

20 CLERK MURRAY: Councilwoman Miller?

21 COUNCILWOMAN MILLER: Aye.

22 CLERK MURRAY: Councilman Muscarella?

23 COUNCILMAN MUSCARELLA: Aye.

24 SUPERVISOR CLAVIN: Madam Clerk, please, call
25 the next time.

1 CLERK MURRAY: We have a Proposed Local Law
2 Re: Amend Section 19-3 of Chapter 19, Section 52-1 of
3 Chapter 52, Paragraph A of Section 53-1 of Chapter 53,
4 Section 54-1 of Chapter 54, Section 57-2 of Chapter 57,
5 Section 58-1 of Chapter 58, Section 59-1 of Chapter 59,
6 Section 63-1 and Paragraph A of Section 63-2 of Chapter
7 63, Section 64-1 and Paragraph B of Section 64-2 of
8 Chapter 64, Section 66-2 of Chapter 66, Section 67-1 of
9 Chapter 67, Section 68-1 of Chapter 68 and Section 69-1
10 of Chapter 69 all in relation to Deputy Department Heads
11 - Town of Hempstead.

12 SUPERVISOR CLAVIN: All right. Any Member of
13 the Board wish to be heard on this?

14 (Whereupon, no comments were heard. After,
15 the following ensued.)

16 SUPERVISOR CLAVIN: All right. I do not have
17 any slips, does any Member of the Public that did not
18 sign in wish to be heard on Item Number 19?

19 If not, may I, please, have a motion?

20 CLERK MURRAY: Number 9.

21 SUPERVISOR CLAVIN: I'm sorry, Item Number 9?

22 (Whereupon, no comments were heard. After,
23 the following ensued.)

24 SUPERVISOR CLAVIN: If not, may I have a motion
25 on Number 9.

1 COUNCILMAN DUNNE: I move the Public Hearing be
2 closed and the Board adopt the item.

3 COUNCILMAN MUSCARELLA: Second.

4 CLERK MURRAY: Supervisor Clavin?

5 SUPERVISOR CLAVIN: Aye.

6 CLERK MURRAY: Councilman Carini?

7 COUNCILMAN CARINI: Aye.

8 CLERK MURRAY: Councilman Dunne?

9 COUNCILMAN DUNNE: Aye.

10 CLERK MURRAY: Councilwoman Miller?

11 COUNCILWOMAN MILLER: Aye.

12 CLERK MURRAY: Councilman Muscarella?

13 COUNCILMAN MUSCARELLA: Aye.

14 SUPERVISOR CLAVIN: Madam Clerk, please, call
15 the next item.

16 CLERK MURRAY: We have the Application of Leon
17 Petroleum, LLC., for a variance from provisions of the
18 GSS ordinance in Merrick.

19 SUPERVISOR CLAVIN: Good morning.

20 If you identify yourself for the record, that'd
21 be awesome.

22 ATTORNEY SAHN: Good Morning, Supervisor,
23 Members of the Board:

24 Michael Sahn, Sahn Ward, Braff & Koblenz. 333
25 Earl Ovington Boulevard, Uniondale, New York representing

1 the petitioner in this application.

2 Thank you for the opportunity to present the
3 case to the Town Board today.

4 I have with me Mr. Alan Leon, who is the
5 managing member and principal of Leon Petroleum,
6 Chris Tartaglia from High Point Engineering and Mr. Barry
7 Nelson of Nelson Realty Group.

8 If you'll allow me, I'll make a few brief
9 remarks and then briefly, our consultants who are present
10 will also make some remarks to the Board.

11 SUPERVISOR CLAVIN: Okay, Mr. Sahn, thank you.

12 ATTORNEY SAHN: The petition, as noted, concerns
13 the premises situated at the northwest corner of Merrick
14 Road and Central Boulevard in Merrick.

15 This is Section 55, Block 181, Lots 18 through
16 29, 25 through 28 and 36 through 37.

17 The petition before the Board is for a variance of
18 the "GSS" Zoning District to allow the conversion of the
19 existing building from an auto repair facility to a
20 convenience store.

21 The premises are rectangular in shape with a
22 frontage of 220 feet on Merrick Road and 100 feet on
23 Central Boulevard.

24 The premises are in the Business "X" District with
25 a "GSS" Overlay.

1 The "GSS" Overlay was granted in 1994 by the
2 Town Board under Resolution 306-1994.

3 Subsequently, in 1999, the Town Board granted a
4 variance of the "GSS" zoning to allow for the
5 construction of a canopy over the existing pump islands,
6 and that canopy is in place today.

7 As shown on the plan submitted, the premises
8 are improved with the BP gasoline service station, four
9 pump islands with multi dispensers, three underground
10 tanks.

11 All are in compliant with the requirements of
12 the Nassau County Fire Marshal and the Town of Hempstead.

13 There is a one-story building that is presently
14 used as an automobile repair shop.

15 It has two thousand one hundred and sixty square
16 feet.

17 Again, the proposal is to convert that use to a
18 convenience store for a BP-To-Go.

19 I will note that the premises are now open seven
20 days a week, 24 hours, and the premises have full service
21 for the gasoline service station.

22 And, this proposal contemplates the continuation
23 of the same hours and a continuation of the full service
24 at all times for the gasoline pumps.

25 The petition also contemplates, as shown on the

1 plans, a number of improvements, such as new LED lighting
2 fixtures, landscaping improvements at the perimeter of
3 the premises, including at the entire length of the rear
4 lot line, a new monument sign at the corner of a very
5 tasteful design and there will be a new trash enclosure
6 at the rear at the westerly side for the proposed
7 convenience store.

8 The premises actually exceed the required
9 parking.

10 There are eleven parking spaces required.

11 As noted on the plan, eighteen spaces will be
12 provided, including one ADA-compliant stall.

13 The applicant also contemplates installing a
14 new flagpole for the United States flag.

15 I will also note, for the record, that Nassau
16 County Planning Commission has indicated local
17 determination, and the application has received a waiver
18 of 239-F submissions from the Nassau County Department of
19 Public Works.

20 Lastly, I must acknowledge that the Building
21 Department has issued a report to the Board dated March 1
22 of this year.

23 The Building Department noted several open
24 permits.

25 Mr. Leon will address those with his

1 professional staff and his building contractors.

2 Likewise, the report noted that there is now
3 the illegal use at the premises of automobiles for
4 storage and sale.

5 I believe that there are presently
6 approximately five vehicles.

7 The entire thrust and purpose of this
8 application is to remove that use from the site.

9 There is a subtenant that was in place prior
10 to the current operator taking over.

11 The contemplation is that, that subtenant
12 will be removed from the premises by the early Fall and
13 hopefully, at that point, if the Board deems it
14 appropriate and grants the application, the property can
15 be converted to the convenience store, and that tenancy
16 removed.

17 SUPERVISOR CLAVIN: I got to grab you on this
18 one. I got to grab you on this one.

19 So, you get a subtenant there who's selling
20 cars and he's not supposed to be selling cars?

21 ATTORNEY SAHN: Right.

22 SUPERVISOR CLAVIN: Yeah, maybe you can get
23 rid of that a little quicker, you know what I'm saying?

24 ATTORNEY SAHN: Mr. Leon is here and is going
25 to do his best.

1 SUPERVISOR CLAVIN: Yeah, I'm not going to
2 wait till November.

3 You know what?

4 ATTORNEY SAHN: I understand.

5 SUPERVISOR CLAVIN: Thanks.

6 ATTORNEY SAHN: And, again, we want to bring
7 that up as part of our presentation.

8 With that said, I'd like to ask Mr. Tartaglia
9 to come forward and briefly review those improvements
10 that I mentioned.

11 SUPERVISOR CLAVIN: If you just give your name
12 and address for the record, thanks.

13 ENGINEER TARTAGLIA: Good morning, Mr.
14 Supervisor, Member of the Board:

15 For the record, Chris Tartaglia from High
16 Point Engineering, 1860 Walt Whitman Road, Melville, New
17 York.

18 My colleague, Mr. Sahn, has done a great job
19 of describing the proposed improvements.

20 Just a couple of things I'd like to highlight,
21 specifically, behind the building, to the North side of
22 the building, currently, there's about a three foot wide
23 curved area, and it's primarily behind the building and
24 it's primarily asphalt.

25 What we're doing is removing that curb and an

1 entire green strip that you see on that site rendering,
2 there will be densely landscaped with Evergreens.

3 We're also going to be supplementing the
4 landscaping along all of either side of the property and
5 along the property frontage where the new sign is going
6 at the corner.

7 With that, there's not really a lot of other
8 site work here.

9 We're going to be repairing some of the
10 pavement, repairing the sidewalks, and just basically
11 giving the site a general aesthetic upgrade.

12 And, as Mr. Sahn mentioned, the existing
13 building will have the repair bays removed and the entire
14 building will be converted to a convenience store.

15 We are compliant as to parking, so no variance
16 is needed for that.

17 And, that's really the substance of it.

18 I'm certainly here to answer any questions on
19 the site plan or any of the proposed improvements.

20 SUPERVISOR CLAVIN: Just really, really quick,
21 you are abutting a couple of residential houses, just so
22 I know, on the back, I guess that would be the North side
23 of it.

24 You have, 1, 2, 3, 4 houses back there.

25 You are going to have fencing.

1 And what else are you going to have?

2 Any kind of buffer?

3 Any kind of green?

4 ENGINEER TARTAGLIA: Yes.

5 So we've got a six foot high solid fence going
6 across the entire length.

7 And we will have very dense Evergreen plantings
8 in that new landscape area that I discussed.

9 It's about two thousand square feet more of
10 landscaping going in as compared to what's there today.

11 SUPERVISOR CLAVIN: Okay. Did you communicate
12 that to the neighbors?

13 ATTORNEY SAHN: Supervisor, yes, prior to the
14 Hearing, I communicated in writing to all the neighbors,
15 invited them to call me, had no responses.

16 SUPERVISOR CLAVIN: Okay, thank you.

17 ATTORNEY SAHN: I'll ask Mr. Nelson, if the
18 Board will allow me, to give a very brief overview.

19 BARRY NELSON: I'm sorry, is it Mr. Nelson or
20 is it Mr. Brief?

21 Good morning. All right, it's always good to
22 see you. If you give your name and address for the
23 record.

24 BARRY NELSON: Good morning. It's Barry
25 Nelson. 220 Pettit Avenue, Belmont, New York, 11710.

1 I do have some photographs I'd like to submit.

2 They include the subject property and the
3 surrounding uses.

4 Counsel has gone over the case substantially
5 as far as the subject property.

6 The property does abut residences, fine single
7 family homes that are to the North on the South side of
8 Westmoreland Street.

9 The application today focuses on the change of
10 use for the building from automotive repairs to a
11 convenience store in conjunction with the gasoline.

12 This location is on the North side of Merrick
13 Road.

14 It's the westbound traffic.

15 There is a substantial divider in the center
16 for the eastbound.

17 Opposite the subject property on the eastbound
18 would be the Town of Hempstead Sanitation Department.

19 There's a similar use and it was before this
20 Board recently at the northeast corner opposite the
21 subject property on Merrick Road and Central, a similar
22 application, "GSS," change of use from automotive to a
23 convenience store with gas.

24 This use has been found and has changed from
25 automotive to "C" stores throughout the Town of Hempstead

1 and throughout Nassau County and Suffolk County in many
2 locations.

3 Merrick Road is a main arterial road.

4 Just to the West would be a fencing company.

5 And, then you have the entrance to the
6 Meadowbrook State Parkway.

7 As far as Merrick Road, basically, from Babylon
8 Turnpike, which is within a mile East to the subject
9 property and the Meadowbrook Parkway, will have similar
10 uses.

11 You have fast food type of operations, a Wendy's
12 on the South side, McDonald's on the North side, Taco
13 Bell. These uses all have drive thrus.

14 They abut residences.

15 There's a Mobil gas station to the East.

16 At the southeast corner of Merrick Road and
17 Beach Drive, you have a 7-Eleven at the northwest corner
18 of Babylon Turnpike and Merrick Road.

19 And they've all become part of the community,
20 part of the landscape, as far as Merrick Road adjacent
21 to residences.

22 It's my opinion the granting of this application
23 for a change of use, which will include a substantial
24 increase of mitigation to the residential community as
25 far as landscaping and fencing, on the North side,

1 removing a Town Board approved automotive use that has
2 been there since the 1970's.

3 In fact, I think this location was originally a
4 CITCO gas station back in the 70's.

5 Nevertheless, it's my opinion it's a reasonable
6 request.

7 It's been granted throughout many locations in
8 the Town of Hempstead, Town of North Hempstead, and
9 throughout Nassau County.

10 Again, it protects the residential to the North
11 because of the landscaping and fencing.

12 SUPERVISOR CLAVIN: Okay. Thanks, Mr. Nelson.

13 BARRY NELSON: Thank you,

14 SUPERVISOR CLAVIN: Mr. Sahn, anything else you
15 want to add up there before we take questions?

16 ATTORNEY SAHH: Nothing further. We will take
17 your questions, of course.

18 SUPERVISOR CLAVIN: I got a quick question.

19 I know we addressed the concerns about the cars
20 there with the current tenant.

21 Does the current tenant have a dog there? A
22 dog, like a security dog or a dog on the premises? Just
23 a quick note.

24 ATTORNEY SAHN: Mr. Leon says not to his
25 knowledge.

1 SUPERVISOR CLAVIN: Great. Okay, that's fine.

2 Let me see if any of the Board Members have
3 any questions.

4 COUNCILMAN CARINI: I got a quick question,
5 how many of these current spaces is the used cars
6 occupying right now?

7 It looks like in Photo Number 5, it's two rows
8 deep.

9 Is that accurate?

10 ATTORNEY SAHN: Mr. Tartaglia was there
11 recently, so, he can speak to that.

12 ENGINEER TARTAGLIA: Yes, thank you.

13 The number of cars seems to vary based on any
14 given week, but I think they are occupying primarily the
15 left side of the property.

16 Sometimes it's a single row, sometimes it's a
17 few, sometimes it's double row.

18 COUNCILMAN CARINI: And you don't expect to get
19 them out of there until November, is that correct?

20 ENGINEER TARTAGLIA: Yeah, I believe, as Mr.
21 Sahn indicated, so there's a tenant issue.

22 Mr. Leon is trying to get him out.

23 It's the same tenant that operates the service
24 bays.

25 Once the Convenience Store goes, that tenant is

1 out.

2 That's what we're trying to get done.

3 ATTORNEY SAHN: We're hopeful that early Fall
4 and Mr. Leon is going to do his very best to - -

5 COUNCILMAN CARINI: That is a little bit of a
6 concern there, because the problem is we have a
7 Convenience Store.

8 There's maybe like twelve cars here in Number
9 5, double deep, so that's a problem.

10 SUPERVISOR CLAVIN: I think the Councilman
11 hit it right, like you're coming to us asking for a
12 little relief.

13 We want to make that community better.

14 I know this location all too well.

15 By their own admission, you have this guy
16 selling like two dozen cars illegally.

17 He has been given a citation.

18 Like I said, residents deserve a little
19 respect.

20 So, I think there has to be some good faith,
21 kind of demonstrated that there's a willingness and
22 waiting ten months down the road is not the sort of
23 willingness we're looking to embrace here in the Town of
24 Hempstead.

25 Am I right about that, Councilman?

1 COUNCILMAN CARINI: I agree. Overall, I
2 mean, a lot of positives to this project, but that's a
3 hold up for me right now.

4 ATTORNEY SAHN: We understand and respect
5 exactly what you're saying, and Mr. Leon and I will
6 confer and we will redouble those efforts to accomplish
7 compliance as soon as we can.

8 SUPERVISOR CLAVIN: I appreciate that.

9 ATTORNEY SAHN: Thank you.

10 SUPERVISOR CLAVIN: Councilman, any other
11 questions?

12 COUNCILMAN CARINI: No.

13 COUNCILMAN MUSCARELLA: I have a question.

14 So, is it a BP Gas Station there now? Is it
15 British Petroleum?

16 ATTORNEY SAHN: Yes, it is a BP.

17 COUNCILMAN MUSCARELLA: And now, the sub-
18 lessee, does he control the gas operation?

19 ATTORNEY SAHN: No, just the body shop - -
20 the auto repair shop.

21 COUNCILMAN MUSCARELLA: So the gas operator
22 is going to take over the whole premises, correct?

23 ATTORNEY SAHN: Correct.

24 COUNCILMAN MUSCARELLA: And is that the same
25 owner?

1 Is it subleased to somebody as a gas operator
2 or is the owner of the property going to be the operation
3 of the gas?

4 ATTORNEY SAHN: There is an underlying owner
5 of the land who then leases it to Leon Petroleum.

6 And Leon Petroleum has put in a new operator
7 for the premises.

8 When the new operator came in, that operator
9 took over, unfortunately, the sublease for the body or
10 repair shop that is there, and the new operator is an
11 established operator at other BP stations for Leon
12 Petroleum.

13 And that operator will operate the
14 Convenience store and the gas station if the Board deems
15 it appropriate, too.

16 COUNCILMAN MUSCARELLA: So how many
17 operations does the BP owner that's taking over have
18 right now?

19 ATTORNEY SAHN: I believe they have two other
20 locations.

21 COUNCILMAN MUSCARELLA: Okay.

22 And the Convenience store is looking to be 24
23 hours.

24 ATTORNEY SAHN: It would be a 24-hours BP
25 Convenience store.

1 COUNCILMAN MUSCARELLA: Okay.

2 ATTORNEY SAHN: Yes.

3 SUPERVISOR CLAVIN: I don't have any slips
4 other than who has already spoken.

5 Does anybody who did not sign in wish to be
6 heard on this?

7 (Whereupon, no comments were heard. After,
8 the following ensued.)

9 SUPERVISOR CLAVIN: Okay, then I appreciate
10 the presentation.

11 Great. If you give your name and address
12 for the record, that'd be great.

13 META MEREDAY: Meta J. Mereday, resident in
14 a unfortunate District that has a still segregated map.

15 Just wanted to ask with regard to this gas
16 station, this location, as far as the representation for
17 handicapped parking, for Veterans, for the community
18 outreach component, we seem to be forming a trend in
19 certain communities in the Town where we have a
20 proliferation of gas stations and 24-hours Convenience
21 stores.

22 But, unfortunately, it does not provide too
23 much economic benefit for the neighboring community or
24 literally those residents that live nearby.

25 So, we had a situation similar to that in

1 Uniondale, where the residents, literally, who abutted
2 the property weren't properly notified.

3 So, what is different with this situation?

4 And what about all the other empty gas
5 stations that were before this Body that made all these
6 promises?

7 Ironically, we have one in Baldwin that's - -

8 SUPERVISOR CLAVIN: Ms. Mereday, do you have
9 a question regarding this gas station?

10 META MEREDAY: That is my question.

11 If you let me finish.

12 SUPERVISOR CLAVIN: I don't know. You were
13 talking about a lot of other gas stations.

14 I'm saying you had the handicapped question.

15 What was your other one in relation to this
16 one?

17 META MEREDAY: Can I finish?

18 SUPERVISOR CLAVIN: Well, if you can keep it to
19 this topic, please.

20 Thank you, Ms. Mereday.

21 SUPERVISOR CLAVIN: And I can freely interrupt
22 you if that's going to how it's going to be today, it's
23 fine.

24 Shake your head all you want to.

25 It's fine with me.

1 So, again, as it pertains to this application
2 in this gas station, has the interaction with the local
3 community changed?

4 And, what is the guarantees for those
5 residents that this gas station is not going to shut down
6 and become an eyesore like the one we have in Baldwin
7 that's ironically called Veterans Gas Station?

8 That is my question.

9 That ties to the handicap parking and the
10 accessibility with ADA requirements, Sir, thank you.

11 SUPERVISOR CLAVIN: Thanks, Ms. Mereday.

12 If you want to address the handicapped parking
13 at the location.

14 ATTORNEY SAHN: As I mentioned, in the
15 proposal, there will be 18 spaces provided.

16 Eleven are required.

17 One of those spaces will be ADA compliant in
18 accordance with the Town Code.

19 We have full service 24 hours so that no one
20 who comes, whatever their situation is, has to pump their
21 own gas.

22 And again, the Leon Petroleum line of gasoline
23 service stations is well established.

24 This station has been in existence as a
25 station since 1947, and the whole purpose is to improve

1 it so it can continue to be economically viable and an
2 asset to the community.

3 SUPERVISOR CLAVIN: Okay, thanks, Mr. Sahn.

4 ATTORNEY SAHN: Thank you.

5 SUPERVISOR CLAVIN: All right. Any other
6 person that didn't sign in that wishes to be heard?

7 (Whereupon, no comments were heard. After,
8 the following ensued.)

9 SUPERVISOR CLAVIN: If not, may I please have
10 a motion?

11 COUNCILMAN CARINI: I moved the Public
12 Hearing be closed and the Board reserve decision at this
13 time.

14 COUNCILMAN DUNNE: Second.

15 CLERK MURRAY: Supervisor Clavin?

16 SUPERVISOR CLAVIN: Aye.

17 CLERK MURRAY: Councilman Carini?

18 COUNCILMAN CARINI: Aye.

19 CLERK MURRAY: Councilman Dunne?

20 COUNCILMAN DUNNE: Aye.

21 CLERK MURRAY: Councilwoman Miller?

22 COUNCILWOMAN MILLER: Aye.

23 CLERK MURRAY: Councilman Muscarella?

24 COUNCILMAN MUSCARELLA: Aye.

25 SUPERVISOR CLAVIN: All right, Mr. Sahn.

1 Thanks for the reserved decision on that.

2 I'm going to ask you to follow up with the
3 Building Department on a couple of those concerns,
4 primarily with the illegal sale of the used vehicles.
5 Okay. Thank you all.

6 Madam Clerk, please call the next item.

7 CLERK MURRAY: We have a proposed Local Law
8 regarding, "Extending the temporary Moratoria for an
9 additional year in the Transit Oriented Development
10 District Neighborhood Business Overlay District and
11 Residential Townhouse Rowhouse Overlay District for North
12 Lawrence and Inwood.

13 SUPERVISOR CLAVIN: Okay. Any Member of the
14 Board have any questions?

15 TOWN ATTORNEY MACCARONE: Mr. Supervisor?

16 SUPERVISOR CLAVIN: Yeah.

17 TOWN ATTORNEY MACCARONE: And Members of the
18 Board, I would recommend that this Board move to amend
19 the proposed Local Law to also include the Inwood Urban
20 Renewal Resident "C" District in the one year moratorium,
21 as it also permits high density zoning near the TOD and
22 related Districts of North Lawrence and Inwood.

23 The proposed change is on the Town's website
24 for today's Meeting for the public to see.

25 SUPERVISOR CLAVIN: Thank you, Mr. Town

1 Attorney.

2 All right, any Member of the Board wish to be
3 heard?

4 (Whereupon, no comments were heard. After,
5 the following ensued.)

6 SUPERVISOR CLAVIN: I have one slip on this,
7 Felix Procacci.

8 Good Morning, Mr. Procacci.

9 If you would give your name and address for
10 the record. Thanks.

11 FELIX PROCACCI: Felix Procacci, Franklin
12 Square.

13 Instead of doing this moratorium, why doesn't
14 the Town just repeal these zoning ordinances?

15 SUPERVISOR CLAVIN: Okay, we appreciate that
16 thought.

17 Any other questions? Okay.

18 FELIX PROCACCI: Yes, I do.

19 Was the work done by Cameron Engineering on
20 these building zones flawed?

21 SUPERVISOR CLAVIN: Mr. Procacci, that's sort
22 of speculation and assumption, so can't answer that kind
23 of question.

24 FELIX PROCACCI: Has any building permits been
25 issued that take advantage of these building zones

1 affected by these moratoriums?

2 SUPERVISOR CLAVIN: Not that I'm aware.

3 FELIX PROCACCI: In the six months since this
4 moratorium, what work has the Town done to bring this
5 moratorium to a close?

6 SUPERVISOR CLAVIN: I don't know if you - -
7 John, what do you think about that?

8 TOWN ATTORNEY MACCARONE: We've been reviewing
9 the consultant's reports that we received in the past,
10 and we're formulating a plan in the future now that we've
11 got the extra year of the moratorium to come out with a
12 report and some ideas for the Town Board and the
13 Supervisor to consider with regard to making a decision.

14 FELIX PROCACCI: Were any outside firms hired
15 to do this work?

16 TOWN ATTORNEY MACCARONE: At this point, no.

17 FELIX PROCACCI: Who decided that this
18 moratorium had to go on for another year?

19 SUPERVISOR CLAVIN: Well, I think you might
20 have been here at the one Meeting where we had 400 people
21 from the area saying that they had concerns about it.

22 So, we were respectful of their concerns, and
23 we made the decision to make the review.

24 FELIX PROCACCI: But, a moratorium, as I
25 learned from the Woodmere Club, moratorium has to have a

1 specific purpose.

2 It can't just go on indefinitely, because
3 that's what the Town Board tried to do back then, three
4 months after three months after three months kept on
5 extending the moratorium.

6 And, the Judge - - there was a Summary
7 Judgment that it was an illegal moratorium, if you
8 remember that case.

9 But that's what happened there.

10 So, we just waste a lot of money on legal
11 fees if you don't have a specific purpose.

12 Because if I was here and the 400 people all
13 didn't want this zone, period.

14 So I'm not sure how changing approval
15 process, as the legislation says, is going to change how
16 many people could possibly live in that zone.

17 If there's allowed 50 housing units per
18 acre, no matter how much you analyze that, unless you
19 change the zone completely, that fact is not going to
20 change.

21 So going to the first question is, why not
22 just repeal it?

23 Since reviewing it doesn't change it,
24 reviewing someone's status doesn't change their status.

25 You have to change something.

1 And the only way to change the status of
2 this is to change the law.

3 And that's why I asked that first question.

4 What is wrong with the current approval
5 process approved by the Town Board that it needs to be
6 changed?

7 It indicated that it was flawed and it needs
8 a good, hard look.

9 What was wrong with it?

10 TOWN ATTORNEY MACCARONE: I don't think that
11 anything in the approval process needs to be changed.

12 This is a basic question about whether or
13 not the Town Board and the Supervisor wants high density
14 zoning in those areas.

15 It's a review of those districts and the
16 zoning that was approved.

17 FELIX PROCACCI: That's not what the law
18 said back when I read it.

19 SUPERVISOR CLAVIN: Mr. Procacci, I get it.

20 I can't speak for what my predecessor - - my
21 predecessor put it into effect.

22 I'm a little respectful of the 400 residents
23 that came down here.

24 That's what we're looking at.

25 FELIX PROCACCI: You just want to change the

1 zone, though, that's not really the approval process.

2 Okay, um, I read this Kevin McAndrew's
3 statement.

4 I don't have time to read the whole thing,
5 but Cameron Engineering went on to say how a thorough
6 analysis they did a year's worth of work, all these
7 studies they did, and now we have a year and a half
8 moratorium that's on the brink.

9 I just don't understand that. Thank you.

10 SUPERVISOR CLAVIN: Okay. Always nice to
11 see you, Mr. Procacci.

12 Next, I have Meta Mereday.

13 Good morning. If you give your name and
14 address for the record, thank you.

15 META MEREDAY: Again, My name is Meta J.
16 Mereday, not "Meramay."

17 Again, people worked hard and struggled hard
18 for me to have this name and I stand on their shoulders,
19 and I respectfully request that it is said correctly.

20 To follow up with regard to Mr. Procacci's
21 questions and this moratorium coming from an area that
22 this Board thought, based upon no information from
23 residents, that it was going to put a moratorium on
24 Baldwin and now we have developments that are much needed
25 in our community.

1 There are thousands of residents in these
2 communities, how effectively, because I know there was
3 ineffective outreach to Baldwin,

4 And, we had to fight to get our developments
5 in place with our tax dollars that we had to fight to get
6 from New York State.

7 So, were these communities also awarded ten
8 million dollars from the State?

9 And, how much money has already been expended
10 from those resources, which are our tax dollars from the
11 State, which basically said that this Township has what
12 it deemed basically messy accounting when it audited this
13 Township?

14 SUPERVISOR CLAVIN: No.

15 META MEREDAY: There's no State funding that
16 was involved in this?

17 SUPERVISOR CLAVIN: No.

18 META MEREDAY: So the engineers and all these
19 reports that you based this moratorium on was based on
20 what?

21 What report?

22 What outreach?

23 There are thousands of residents in Inwood and
24 thousands of residents.

25 So, okay, respectfully, you said, we want to

1 respect the views of residents, the 400 residents.

2 But you and the rest of your Board and the
3 Town paid consultants didn't respect the views of
4 hundreds of residents who came here pleading for you to
5 not segregate our communities again with these maps.

6 So, you didn't respect those opinions, but
7 now all of a sudden, you're going to be respectful of
8 residents.

9 So, yes, before you ask me again to this area
10 right here, what is the impact on the residents who need
11 affordable housing to remain in those communities, the
12 rest of the residents?

13 SUPERVISOR CLAVIN: Ms. Mereday - -

14 META MEREDAY: What's the outreach?
15 Who's representing their districts?

16 SUPERVISOR CLAVIN: Ms. Mereday, you asked if
17 any State funding was used and the answer was no.

18 META MEREDAY: And I gave you another
19 question.

20 What was the answer to that?

21 Where did the funding come from?

22 What did you base your reports on?

23 The same click that sits around in the back
24 with your little cocktails and your appetizers.

25 What were these decisions based upon?

1 SUPERVISOR CLAVIN: Just so the record is
2 correct, we don't drink cocktails here.

3 META MEREDAY: Okay. Spiked coffee.

4 You come in here with cups.

5 We can't bring food in here, but you all bring
6 cups in here.

7 Yes, thank you for showing your cup, Mr.
8 Carini, but I can't bring a cup in here.

9 I can't bring food in here.

10 So, where was the decision-making done, sir?

11 If you said your usual donor-backed
12 consultants didn't bring the information.

13 I'm just asking where'd it come from?

14 SUPERVISOR CLAVIN: Ms. Mereday, as your early
15 question was, there was no State funding used.

16 META MEREDAY: I asked other questions, sir,
17 if you were listening as opposed to just - -

18 SUPERVISOR CLAVIN: Ms. Mereday, and perhaps
19 if you stop interrupting me, I'll answer it.

20 META MEREDAY: No, you can speak when I have
21 my time up.

22 So now you can speak. Go ahead.

23 SUPERVISOR CLAVIN: Ms. Meredith, the study was
24 done by the Town Board prior to my Administration and
25 that's where the funding came from.

1 META MEREDAY: But they decided to move
2 forward with it.

3 (Whereupon, the three-minute bell rang.

4 After, the following ensued.)

5 SUPERVISOR CLAVIN: Okay, thank you, Ms.
6 Meredith.

7 I don't have any other slips.

8 Is there anybody else in the audience that
9 did not sign in that wished to be heard on this item?

10 (Whereupon, no comments were heard. After,
11 the following ensued.)

12 SUPERVISOR CLAVIN: If not, may I, please,
13 have a motion?

14 COUNCILWOMAN MILLER: I move to so amend the
15 proposed Local Law.

16 SUPERVISOR CLAVIN: This is the motion to
17 amend and to second it.

18 COUNCILMAN MUSCARELLA: Second.

19 CLERK MURRAY: Supervisor Clavin?

20 SUPERVISOR CLAVIN: Aye.

21 CLERK MURRAY: Councilman Carini?

22 COUNCILMAN CARINI: Aye.

23 CLERK MURRAY: Councilman Dunne?

24 COUNCILMAN DUNNE: Aye.

25 CLERK MURRAY: Councilwoman Miller?

1 COUNCILWOMAN MILLER: Aye.

2 CLERK MURRAY: Councilman Muscarella?

3 COUNCILMAN MUSCARELLA: Aye.

4 SUPERVISOR CLAVIN: Madam Clark, please call
5 the Decision Calendar.

6 CLERK MURRAY: Okay. And before I do, I do
7 want to note for the record and my oversight that our
8 Receiver of Taxes, Janine Driscoll, has been in
9 attendance since the inception of the Meeting.

10 SUPERVISOR CLAVIN: Listen, thank you very
11 much, Receiver of taxes.

12 CLERK MURRAY: Right. We should have another
13 motion now.

14 You did the motion to amend and now we'll
15 have a motion to adopt.

16 SUPERVISOR CLAVIN: So, why don't we have a
17 Motion to adopt the amended line item 11.

18 CLERK MURRAY: 11.

19 SUPERVISOR CLAVIN: Can I have a motion?

20 COUNCILWOMAN MILLER: I move the Public Hearing
21 be closed and the Board adopt, as amended, the item.

22 COUNCILMAN MUSCARELLA: Second.

23 CLERK MURRAY: Supervisor Clavin?

24 SUPERVISOR CLAVIN: Aye.

25 CLERK MURRAY: Councilman Carini?

1 COUNCILMAN CARINI: Aye.

2 CLERK MURRAY: Councilman Dunne?

3 COUNCILMAN DUNNE: Aye.

4 CLERK MURRAY: Councilwoman Miller?

5 COUNCILWOMAN MILLER: Aye.

6 CLERK MURRAY: Councilman Muscarella?

7 COUNCILMAN MUSCARELLA: Aye.

8 SUPERVISOR CLAVIN: All right, Madam Clerk,
9 now call the Decision Calendar.

10 CLERK MURRAY: Now, on the Decision Calendar,
11 we have a Resolution to review the recommendation of the
12 Town of Hempstead Landmarks Preservation Commission that
13 the Bristol and Mexico Monument and a portion of
14 surrounding property, also known as the Mariners Burial
15 Ground, located within Rockville Center Cemetery at 45
16 Merrick Road, Lynbrook be designated a Historical
17 Landmark.

18 SUPERVISOR CLAVIN: May I have a Motion.

19 COUNCILMAN MUSCARELLA: I move the Public
20 Hearing be closed and the Board adopt the item.

21 SUPERVISOR CLAVIN: Can I please have a
22 second.

23 COUNCILMAN DUNNE: Second.

24 CLERK MURRAY: Supervisor Clavin?

25 SUPERVISOR CLAVIN: I vote aye.

1 And I want to thank the good work of the Town
2 Clerk's office and our entire committee for the
3 presentation at the last meeting.

4 You did a tremendous job and the residents
5 that came and spoke about it, it was great.

6 And, Kate, to you and the team and to our
7 committee, again, kudos and well done.

8 And I proudly vote aye.

9 CLERK MURRAY: Thank you. All right.
10 Councilman Carini?

11 COUNCILMAN CARINI: Aye.

12 CLERK MURRAY: Councilman Dunne?

13 COUNCILMAN DUNNE: Aye.

14 CLERK MURRAY: Councilwoman Miller?

15 COUNCILWOMAN MILLER: Aye.

16 CLERK MURRAY: Councilman Muscarella?

17 COUNCILMAN MUSCARELLA: Aye.

18 CLERK MURRAY: Take a moment.

19 SUPERVISOR CLAVIN: Madam Clerk, please, call
20 the Administrative Calendar.

21 CLERK MURRAY: On the Administrative Calendar,
22 we have Items 13 through 55.

23 I also have three items that are of an
24 Emergency or Urgent Nature.

25 The first Emergency Resolution is entitled a

1 resolution granting the application of the Wantagh
2 Chamber of Commerce for a Parade Permit for a parade to
3 be held in Wantagh, New York, on March 19, 2023.

4 The second Resolution authorizes the award of
5 a bid for the roadway reconstruction of the Beltaw Avenue
6 area in Wantagh, New York.

7 And the third Resolution authorizes the
8 Commissioner of the Department of Water of the Town of
9 Hempstead to sign and execute all contracts, documents
10 and instruments required by the New York State Department
11 of Health Environmental Facilities Corporation in
12 conjunction with the Town's applications for grants to
13 fund water treatment facility improvements.

14 Those Emergency Items will be 56 through 58 on
15 the calendar.

16 SUPERVISOR CLAVIN: Okay. Any Member of the
17 Board wish to sever any items?

18 (Whereupon, no comments were heard. After, the
19 following ensued.)

20 SUPERVISOR CLAVIN: Any Member of the Board
21 wish to be heard any items on the Administrative
22 Calendar.

23 (Whereupon, no comments were heard. After,
24 the following ensued.)

25 SUPERVISOR CLAVIN: Okay, I have a couple of

1 slips here.

2 We'll start off with Felix Procacci.

3 Good Morning, again.

4 If you would just give your name and address.

5 Thanks, Mr. Procacci.

6 FELIX PROCACCI: Felix Procacci, Franklin
7 Square.

8 Number 48, the appointment of Laura Ryder,
9 Councilwoman.

10 SUPERVISOR CLAVIN: Okay.

11 FELIX PROCACCI: The following statement was
12 taken from the speech, modified accordingly that
13 Councilwoman Goosby used to give each time there was an
14 appointment to the Town Board.

15 I object to the process by which this Town
16 Board will be choosing a representative for the
17 Councilmanic District 4 without any input or vote from
18 the citizens of this district.

19 As a result of Goosby versus the Town of
20 Hempstead voting rights and litigation, the Town of
21 Hempstead was divided into six Councilmatic Districts
22 that give voters in their communities more direct
23 responsibility in their local town government.

24 We are now in the 23rd year of the
25 representation of Councilmanic Districts and this is not

1 the first time that a vacancy has arisen in Councilmanic
2 District.

3 Consider what we are doing here.

4 There is a vacancy in a position in
5 Councilmanic District 4, not counting Supervisor Clavin,
6 none of the Council Members who are voting on this
7 appointment represent any of the citizens of Councilmanic
8 District 4.

9 In other words, the Council Members from
10 every part of the Town of Hempstead are choosing the
11 Council Members who will represent the citizens of
12 Councilmanic District 4.

13 This is a very undemocratic process and that
14 is undemocratic with a small "D," for the citizens of
15 Councilmanic District 4.

16 I suggest the representatives of the Town
17 Board move to re-table the pending resolution and pass a
18 resolution changing the method on which the Town Board
19 fills a vacancy in Councilmanic Districts from
20 appointments by the Town Board to a Special Election.

21 Some may complain that a Special Election
22 costs money and appointment by the Town Board is less
23 expensive.

24 To that I respond, are we going to put a
25 price tag on the rights of our citizens to choose our

1 representatives?

2 Are we going to put a price tag on democracy
3 for political expediency?

4 Another important consideration should an
5 immediate term vacancy occur in a minority majority
6 district, the representative of this district would be
7 appointed by the Town Board.

8 This certainly would be contrary to the
9 intent of the Goosby versus Town of Hempstead court case
10 and is likely in violation of the Voting Rights Act in
11 which this law was based.

12 I guess we don't have to worry about that
13 because we still only have one minority/majority
14 district. Thank you.

15 SUPERVISOR CLAVIN: Thanks, Mr. Procacci.

16 Next, I'm going to call up James Jacob.

17 Good morning, Mr. Jacob. If you just give
18 your name and address for the record. Thank you.

19 JAMES JACOBS: Good Morning, Supervisor
20 Clavin.

21 And it's "James B. Jacobs, sir.

22 SUPERVISOR CLAVIN: Okay, James B. Jacob - -

23 JAMES JACOBS: And, also the Council persons,
24 good morning.

25 I just want clarification on Item Number 15

1 about the organization increase of 2023 Water Operation
2 Fund because I know there's an issue about water quality
3 in Uniondale, Garden City, Levittown, the rest of the
4 other things.

5 So, I wonder what is that pertaining to
6 better quality for the Town of Hempstead, for the
7 residents that live here or is that just something to
8 keep the place going?

9 Because I know the new appointment today is
10 coming from the Southern Water District and hopefully
11 they'll be able to address the issue to make sure we get
12 proper water care for hamlets in the Town.

13 Maybe the Town Attorney, Mr. John can answer
14 that or somebody, please.

15 SUPERVISOR CLAVIN: Mr. Reinhardt, if you
16 would identify yourself.

17 COMMISSIONER REINHARDT: Good morning,
18 Supervisor, Members of the Town Board:

19 John Reinhardt, Commissioner of the Town of
20 Hempstead Department of Water.

21 This Resolution establishes a Fund for us to
22 start a Conservation Program to partner with our
23 residents in order to get smart timers on irrigation
24 systems.

25 It's going to help conserve a lot of water.

1 It's going to help defer some of the costs
2 and some of the improvements that we make in water
3 quality.

4 JAMES JACOBS: Okay, when you say "smart,"
5 means that's for the house of residents or that's for the
6 Town, itself, using on their facilities?

7 Because my understanding, now, that there is
8 issue about water quality, for 1, 4 dioxane and other
9 contaminants.

10 And I also make sure that the hamlets and
11 people living in the Town of Hempstead get the proper
12 water care that they need.

13 COMMISSIONER REINHARDT: This Town Board and
14 the Department of Water has committed \$150,000,000 in the
15 past two years to addressing the 1, 4 dioxane issues.

16 We're constructing treatment at all of our
17 Wells where we do have presence of that compound.

18 This has nothing to do with that particular
19 work.

20 This is strictly conservation to reduce the
21 amount of usage for irrigation purposes of our residents.

22 JAMES JACOBS: Point of clarification, when
23 you spoke about the meters, that's for residents or
24 that's for the people like in office buildings and things
25 of that nature?

1 COMMISSISONER REINHARDT: These would be for
2 residents.

3 JAMES JACOBS: Oh, it will be at the
4 resident cost or the cost of the Town to have that done?

5 COMMISSIONER REINHARDT: I didn't follow the
6 question.

7 JAMES JACOBS: Do you want residents to use
8 these smart meters, right?

9 Do the residents have to pay for this
10 improvement or it'd be from the Town taking in the cost
11 of these meters?

12 COMMISSIONER REINHARDT: These aren't meters.
13 These are controllers for irrigation systems, to control
14 your sprinkler system at your house.

15 JAMES JACOBS: Oh, okay, I understand now.

16 So, if you have an in-ground sprinkler
17 system, they want to put a meter on it then, right?

18 COMMISSIONER REINHARDT: No, this is the
19 timers that control them.

20 These are smart timers that are connected to
21 the National Weather Service.

22 So you don't have people watering their lawns
23 when it's raining out, when we've had rain for two weeks
24 beforehand.

25 It greatly reduces a couple of other water

1 providers have started this program and it reduces water
2 usage by up to thirty percent in the Summer.

3 JAMES JACOBS: Okay. Now, I just want to
4 make sure because there are people already have the
5 system.

6 They have their own timers and things of
7 that nature and I just wanted a point of clarification.

8 Thank you for that, appreciate it.

9 COMMISSIONER REINHARDT: You're welcome.

10 SUPERVISOR CLAVIN: Thanks Mr. Jacobs.

11 Next, I have Pearl Jacobs.

12 Good morning. If you give me name and
13 address for the record, thanks.

14 PEARL JACOBS: Pearl Jacobs, Uniondale.

15 So, I'm just going to follow up a little bit
16 regarding the water.

17 So, the Water District that serves
18 Uniondale, Roosevelt Field, Bowling Green Estates, East
19 Meadow and most of Levittown, the water tests high levels
20 of 1.5 dioxane, well above the EPA cancer risk
21 guidelines.

22 And I just want to let you know about our
23 water here in Uniondale.

24 Residents in Uniondale frequently complain
25 about their water quality due to variations regarding

1 color and taste.

2 And we do not need another Flint, Michigan
3 story here in Nassau County, a story that cried out of
4 environmental injustice, a story that was broadcast
5 throughout our Country and around the World.

6 So, my question is, what criteria does the
7 Town of Hempstead use to determine the order in which
8 community's water qualities issues are addressed?

9 Given these facts that I just stated to you,
10 why do I see other hamlets, other communities, they have
11 new water towers, their water issues are addressed, but
12 Uniondale, We still languish?

13 SUPERVISOR CLAVIN: Do you have a question
14 regarding this Resolution?

15 PEARL JACOBS: My questions is what criteria
16 do you use?

17 SUPERVISOR CLAVIN: No, no, but right, now,
18 we're dealing with this resolution.

19 If you want to meet up with the Water cC-
20 Commissioner after and talk about my question.

21 PEARL JACOBS: Why can't you answer my
22 question, here?

23 SUPERVISOR CLAVIN: No, no, no, because we're
24 dealing with the resolution.

25 Ms. Jacobs, you've been to the meetings a

1 million times, you know we're dealing.

2 PEARL JACOBS: Listen, you answer everybody
3 else's question in the other communities.

4 SUPERVISOR CLAVIN: Actually, I just said to
5 you the Commissioner could talk to you after about it.

6 PEARL JACOBS: I'm asking him to answer my
7 question.

8 SUPERVISOR CLAVIN: But we're talking about
9 this resolution, right, now.

10 Ms. Jacob - - Mr. Reinhardt, Commissioner,
11 he'll be happy to meet with you.

12 PEARL JACOBS: I want it on public record
13 that you refuse to answer my question.

14 SUPERVISOR CLAVIN: No.

15 PEARL JACOBS: You want him to go in the
16 back and speak, you do not want the answer on the public
17 record.

18 SUPERVISOR CLAVIN: No, that's not true at
19 all. But that's okay.

20 PEARL JACOBS: Are you going to answer my
21 question?

22 SUPERVISOR CLAVIN: No, he's going to ask you
23 if it's regarding the resolution as he did Mr. Jacobs.

24 PEARL JACOBS: My question is what criteria
25 do you use?

1 SUPERVISOR CLAVIN : I know, but if you want
2 to stick around after, I'm happy - -

3 PEARL JACOBS: I want a public answer. So it
4 could be on public record. I'm saying that you refuse to
5 answer my question on public record because you want me
6 to go in the back so this will not be on public record.

7 SUPERVISOR CLAVIN: Ms. Jacob, we're dealing
8 with the resolution here.

9 PEARL JACOBS: Every community that comes up
10 here, you answer their questions, I can show you the
11 film.

12 SUPERVISOR CLAVIN: Okay, okay.

13 Do you have a question on this resolution or
14 anything on the Administrative Calendar?

15 PEARL JACOBS: What do you use to address
16 community's water criteria?

17 SUPERVISOR CLAVIN: Ms. Jacobs, we're dealing
18 with the Administrative Calendar right, now, please.

19 And on the record, I know you're trying to make
20 a point, but we've said we'd make the Commissioner
21 available to you.

22 PEARL JACOBS: And, probably because this is
23 a majority/minority community, you refuse to answer my
24 question on public record. Let that be stated. Thank you.

25 SUPERVISOR CLAVIN: Okay, thanks. Ms. Jacobs.

1 Meta Mereday? How you doing?

2 If you could give your name an address for the
3 record. Thank you.

4 META MEREDAY: Do you really want to know how
5 I'm doing?

6 I feel like I have all black for a reason,
7 since you asked me how I'm doing.

8 As it pertains to the Administrative Calendar,
9 first and foremost, I want it on the record, it's not
10 listed here yet, but I am opposed to anything like a
11 casino in the Uniondale Hub, which was the Nassau
12 Veterans Memorial Coliseum, put that on the record.

13 I concur with Felix Procacci with regard to Item
14 48, no offense to Ms. Ryder.

15 I see her record.

16 We kind of knew about her for the last couple of
17 months, but we figured everybody was waiting for the
18 furor to die down with the last two scenarios that have
19 put this Township and County on record, which is George
20 Santos and segregated maps.

21 But again, our voices are not being heard.

22 You represent the more financially endowed half
23 of my community since Baldwin is split in half with the
24 lack of representation or voice from the other half of
25 the lack of representation for Baldwin, which is the

1 missing link.

2 We continue to have lack of diversity on this
3 Board. No offense.

4 I'm glad we're kind of breaking up the
5 testosterone, but we continue to lack the diversity, as
6 far as, the ethnicity that is emerging in this region, we
7 have yet to have.

8 And it's sad that the Oscars have stepped up
9 ahead of the Town of Hempstead in finally recognizing the
10 important contributions of the Asian community because we
11 have yet to have Asian representation here.

12 And, at the rate we're going, that's not going
13 to, you know, unfortunately, the one minority who's given
14 three titles, so I guess that is supposed to appease the
15 census generated three minority/majority districts that
16 we should have in this Township since she's listed as the
17 Deputy Supervisor.

18 But by State law, she's not allowed to vote.

19 So, anytime we might have to sue somebody, they
20 can always list that, since it's named, her name is
21 listed as Deputy Supervisor and the Deputy Supervisor is
22 an honorary title.

23 So, I object to 48.

24 The other issues that I have with these
25 community development issues 35,36, 37, 38 and 39, what

1 communities are being developed with this funding and
2 with these actions in those numbers?

3 My clock is at 28 seconds and I will count as
4 it keeps ticking down until it gets somebody to answer
5 the question as it pertains to the resolution.

6 Can someone step up and answer that question
7 for me?

8 And, as I said, my clock was at 28 seconds.

9 SUPERVISOR CLAVIN: Commissioner, perhaps you
10 could address Ms. Mereday's comments on those items.

11 COMMISSIONER RODTKAMP: Good morning,
12 Supervisor, Members of Town Board.

13 SUPERVISOR CLAVIN: Identify yourself.

14 COMMISSIONER RODTKAMP: John Rodtkamp,
15 Commissioner of Planning and Economic Development.

16 These resolutions are for Town-wide areas that
17 is paid through HUD money.

18 So it's not Town money.

19 We follow the Town rules, the State rules, and
20 HUD, as well.

21 And, any area within the Town that falls into
22 the HUD area, this is the engineers and architects that
23 we use to design streetscapes, facade, programs, things
24 like that.

25 META MEREDAY: Okay, so how much diversity is

1 involved in it?

2 What jobs are being created?

3 What small, Minority, Veteran, Disabled
4 businesses are being created and how are we improving the
5 aesthetics of those communities?

6 Because Baldwin looks the same.

7 Can you answer that?

8 COMMISSIONER RODTKAMP: Absolutely.

9 So, as far as the companies that are on Town
10 Board today, Impact Architecture is woman-based owned.

11 Elizabeth Biblia, landscape architect, is
12 women-based owned and Beetha Associates Engineer is
13 woman- based owned.

14 As far as, specifically, to Baldwin, what
15 we're currently doing, now, is with the DRI money, we
16 hired our experts to do the environmental impacts which
17 are done.

18 We have all the people that have decided to
19 come into the program, which, right, now, is currently
20 eleven.

21 We're having those buildings, the renderings
22 done of those eleven buildings.

23 They should be done probably next month.

24 And, then, once those are done, we're going
25 to meet with the owners and the tenants of the buildings.

1 We'll have a community meeting to go over
2 them.

3 And, then in the Spring, we'll start
4 construction on those buildings.

5 META MEREDAY: Okay.

6 You said, "women-based own," I didn't hear
7 "Minority."

8 I didn't hear, "Veteran."

9 (Whereupon, the three-minute bell rang.
10 After, the following ensued.)

11 META MEREDAY: On 43 and 44 - -

12 SUPERVISOR CLAVIN: Thank you, Ms. Mereday.

13 META MEREDAY: I still had time left.

14 SUPERVISOR CLAVIN: If you like to follow up
15 after the meeting, thank you as always.

16 Next, I am going to call - - if you'd like
17 to follow up with the Commissioner, he'll be delighted to
18 go over any other project.

19 (Whereupon, calling out from the audience was
20 heard. After, the following ensued.)

21 SUPERVISOR CLAVIN: Thank you so much, Ms.
22 Mereday.

23 I don't have any other slips, anybody else,
24 that did not sign in, wishes to be heard on the
25 Administrative Calendar?

1 Great, if you just go to the back and give
2 your name and address. Thank you so much.

3 META MEREDAY: Thank you so much.

4 SUPERVISOR CLAVIN: Name and address? Thank
5 you.

6 CHRIS JACOBS: Good morning. My name is
7 Chris Jacobs from Uniondale.

8 I just want to reference Items 33 through 44.
9 Is Uniondale included in any of the CDP
10 development projects?

11 SUPERVISOR CLAVIN: Commissioner, if you can
12 come back up and identify that, that'd be great.

13 Just re-identify yourself, thanks.

14 COMMISSIONER RODTKAMP: John Rodtkamp,
15 Commissioner of Planning and Economic Development.

16 In reference to Uniondale, yes, currently
17 we're waiting to start the intersection of Front Street
18 and Uniondale Avenue streetscape.

19 The electrician on the job, which is Elder
20 Electric, is waiting for the light poles to come in.

21 They've been back ordered for a long period
22 of time.

23 I spoke with them this morning, he said they
24 should be in within eight weeks, which will be the
25 beginning of the middle of May and then we'll start

1 construction there.

2 As far as the rest of Uniondale Avenue, we
3 received a Grant from Kathleen Rice for \$2 million.

4 The Federal Government said they're sending
5 us the Grant application, the certified contract, now.

6 We still have not received it.

7 However, what we have done is the Town,
8 using CDBG money, has hired the engineer.

9 The survey is already completed and they're
10 almost done drawing up the contract so that we could put
11 them out to bid, even though we did not receive the
12 contract for the money.

13 So, we are moving on that.

14 And, that one will probably start next year,
15 next Spring.

16 CHRIS JACOBS: Next Spring, thank you.

17 SUPERVISOR CLAVIN: Thanks, Mr. Jacobs.

18 All right. I haven't any other slips.

19 Anybody else who did not sign in that wishes
20 to be heard?

21 If you just go to the back and identify
22 yourself, that'd be great, thanks. Go over here, inside,
23 there you go.

24 Good Morning. If you would just give your
25 name and address for the record, thanks.

1 EMIRANCY FUNDERBERG: Yes, it's Emirancy
2 Funderberg. 139 East Clinton Avenue, Roosevelt, New
3 York.

4 And, I guess I'm piggybacking on the
5 others.

6 I want to know, is any of this community
7 development available or slated for Roosevelt?

8 SUPERVISOR CLAVIN: We're going to have
9 the Commissioner come back up here.

10 It's a good workout for you, John.

11 EMIRANCY FUNDERBERG: Getting all the
12 steps in.

13 SUPERVISOR CLAVIN: That's right. If you
14 could just, John, identify yourself one more time there.

15 COMMISSIONER RODTKAMP: Good morning.
16 John Rodtkamp, Commissioner of Economic Development.

17 SUPERVISOR CLAVIN: Good job.

18 COMMISSIONER RODTKAMP: So, yes, in
19 Roosevelt, right now, if you notice, on Nassau Road,
20 we're building a Dunkin Donuts there.

21 It's under construction.

22 And, we also have money in Roosevelt for a
23 streetscape project, as well as, a facade project that's
24 going to be happening.

25 EMIRANCY FUNDERBERG: At the end of the

1 Meeting, can I speak with you, as well, on some of those
2 projects?

3 COMMISSIONER RODTKAMP: Absolutely.

4 EMIRANCY FUNDERBERG: I want to say thank
5 you because I was going to come up and ask today, what
6 were you building on Nassau Road?

7 So you've answered that question.

8 COMMISSIONER RODTKAMP: Great. Thank you.

9 SUPERVISOR CLAVIN: Thank you very much.

10 And, like I said, John, will follow up in
11 the back. Thank you very much.

12 Anybody else that did not sign in that
13 wishes to be heard?

14 (Whereupon, no comments were heard.

15 After, the following ensued.)

16 SUPERVISOR CLAVIN: If not, may I, please,
17 have a motion on the Administrative Calendar with the
18 amendments.

19 COUNCILMAN DUNNE: I make the Motion to
20 accept the Administrative Calendar in its entirety
21 through Item 58.

22 COUNCILMAN MUSCARELLA: Second the motion.

23 CLERK MURRAY: Supervisor Clavin?

24 SUPERVISOR CLAVIN: Aye.

25 CLERK MURRAY: Councilman Carini?

1 COUNCILMAN CARINI: Aye.

2 CLERK MURRAY: Councilman Dunne?

3 COUNCILMAN DUNNE: Aye.

4 CLERK MURRAY: Councilwoman Miller?

5 COUNCILWOMAN MILLER: Aye.

6 CLERK MURRAY: Councilman Muscarella?

7 COUNCILMAN MUSCARELLA: Aye.

8 SUPERVISOR CLAVIN: All right. With that,
9 I'm going to make a motion to adjourn.

10 COUNCILMAN DUNNE: Second. Make the motion
11 to adjourn.

12 COUNCILMAN MUSCARELLAZ: Second.

13 CLERK MURRAY: Supervisor Clavin?

14 SUPERVISOR CLAVIN: Aye.

15 CLERK MURRAY: Councilman Carini?

16 COUNCILMAN CARINI: Aye.

17 CLERK MURRAY: Councilman Dunne?

18 COUNCILMAN DUNNE: Aye.

19 CLERK MURRAY: Councilwoman Miller?

20 COUNCILWOMAN MILLER: Aye.

21 CLERK MURRAY: Councilman Muscarella?

22 COUNCILMAN MUSCARELLA: Aye.

23 (Whereupon, the official meeting of the
24 Hempstead Town Board was concluded.)
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE BY COURT REPORTER

I do hereby certify that the foregoing Verbatim Transcript of the Town of Hempstead Town Board Meeting held on March 14, 2023 consisting of pages 1 through 70 pages is an accurate transcription of my cryptic notes.

IN WITNESS WHEREOF, I SET MY HAND THIS DAY.

CFM

CERTIFIED COURT REPORTER

NORTH SHORE COURT REPORTERS

NOTARY PUBLIC - STATE OF NEW YORK



NORTH SHORE
COURT REPORTERS

