

**. TOWN OF NORTH HEMPSTEAD
TOWN BOARD PUBLIC HEARING
SEPTEMBER 10, 2024 10:00 P.M.**

COUNCILMEMBERS PRESENT:

JENNIFER DESENA- Town Supervisor
ROBERT J. TROIANO - District 1 Councilman
EDWARD SCOTT- District 2 Councilman
DENNIS J. WALSH- District 3 Councilman
CHRISTINE LIU- District 4 Councilwoman
DAVID A. ADHAMI- District 5 Councilman
MARIANN DALIMONTE- District 6 Councilwoman

ALSO PRESENT:

RAGINI SRIVASTAVA - Town Clerk
NISHI SEHGAL - Deputy Town Clerk
NANCY SHAHVERD - Planning Commissioner
RICHARD NICOLELLO, ESQ. - Town Attorney

SUPERVISOR DESENA: If everyone would please stand and place their right hand over their heart.

(Whereupon, the Pledge of Allegiance was recited.)

SUPERVISOR DESENA: Welcome, everybody. Madam Clerk, would you please call the roll?

CLERK SRIVASTAVA: Good morning, everybody. Town of North Hempstead, Town Board meeting, September 10, 2024. Councilman Troiano?

COUNCILMEMBER TROIANO: Present.

CLERK SRIVASTAVA: Councilman Scott?

COUNCILMEMBER SCOTT: Here.

CLERK SRIVASTAVA: Councilman Walsh?

COUNCILMEMBER WALSH: Here.

CLERK SRIVASTAVA: Councilman Liu?

COUNCILMEMBER LIU: Present.

CLERK SRIVASTAVA: Councilman Adhami?

COUNCILMEMBER ADHAMI: (Not present).

CLERK SRIVASTAVA: Councilman Dalimonte?

COUNCILMEMBER DALIMONTE: Here.

CLERK SRIVASTAVA: Supervisor DeSena?

SUPERVISOR DESENA: Here.

CLERK SRIVASTAVA: Thank you. We have just one card today for public comment; Charles Idol.

SUPERVISOR DESENA: Before you begin, Mr. Idol, is this about an agenda item or --

MR. IDOL: No. Well, agenda item for next week. I just wanted to speak two minutes on it and then -- in case I don't make it next week. It's not on the agenda.

SUPERVISOR DESENA: This is --

COUNCILMEMBER WALSH: What is next week?

SUPERVISOR DESENA: This is just -- yeah, we don't have anything next week. You mean the next meeting.

MR. IDOL: Yes, the drone issue.

SUPERVISOR DESENA: Yes.

CLERK SRIVASTAVA: Yes.

SUPERVISOR DESENA: But this -- we're starting with general public comment, not any agenda item. Is there any general public comment? I guess, no. Okay, so now we have to call the items so if you can just -- until we call it. Sorry.

CLERK SRIVASTAVA: Thank you.

SUPERVISOR DESENA: Actually, before we do, I would like to move to call out of order Item #5, so that our representatives of the fire service can be free for the rest of their day. Madam Clerk, can you call the roll?

CLERK SRIVASTAVA: Councilman Troiano?

COUNCILMEMBER TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Scott?

COUNCILMEMBER SCOTT: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMEMBER WALSH: Yes.

CLERK SRIVASTAVA: Councilman Liu?

COUNCILMEMBER LIU: Aye.

CLERK SRIVASTAVA: Councilman Dalimonte?

COUNCILMEMBER DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena?

SUPERVISOR DESENA: Aye.

CLERK SRIVASTAVA: Item #5. A public hearing to consider approval of tax exempt financing for the lease/purchase of new fire trucks by the Albertson Hook & Ladder, Engine & Hose Company No. 1, Inc.

SUPERVISOR DESENA: Would anybody like to be heard on this item?

UNIDENTIFIED SPEAKER: Unless you have questions, I'm here.

SUPERVISOR DESENA: Any questions?

BOARD MEMBERS: (No response given).

SUPERVISOR DESENA: Thank you for being here, and I -- seeing no questions, I move to close the public hearing and offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano?

COUNCILMEMBER TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Scott?

COUNCILMEMBER SCOTT: Aye.

CLERK SRIVASTAVA: Councilman Walsh?

COUNCILMEMBER WALSH: Yes.

CLERK SRIVASTAVA: Councilman Liu?

COUNCILMEMBER LIU: Aye.

CLERK SRIVASTAVA: Councilman Dalimonte?

COUNCILMEMBER DALIMONTE: Aye, and thank you for your service.

CLERK SRIVASTAVA: Supervisor DeSena?

SUPERVISOR DESENA: Aye. Thank you for your service.

UNIDENTIFIED SPEAKER: I'm just going to leave this with Rich because I need you to sign something.

SUPERVISOR DESENA: Thank you.

Supervisor DeSena offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 443 - 2024

A PUBLIC HEARING TO CONSIDER APPROVAL OF TAX EXEMPT FINANCING FOR THE LEASE/PURCHASE OF NEW FIRE TRUCKS BY THE ALBERTSON HOOK & LADDER, ENGINE & HOSE COMPANY NO. 1, INC.

WHEREAS, the Albertson Hook & Ladder, Engine & Hose Co., No. 1, Inc., Albertson, New York (the "Fire Company") provides firefighting services within specific areas of the Town of North Hempstead; and

WHEREAS, the Fire Company has entered into a lease/purchase agreement for one (1) new 2024 Pierce Enforcer 100-foot ladder truck and one (1) 2026 Pierce Enforcer 1500 gallons pumper truck that provides for \$1,044,811.00 in financing provided by PNC Equipment Finance, 155 E. Broad Street, Columbus, Ohio 43215 at a total lease/purchase cost not to exceed \$2,644,811 over 5 years; and

WHEREAS, the Fire Company wishes to obtain tax-exempt financing pursuant to the provisions of Sections 147(f) and 150 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, such provisions of the Code require that a public hearing be held by the Town Board to give all interested persons an opportunity to be heard concerning the proposed purchase transaction by the Fire Company; and

WHEREAS, pursuant to Resolution No. 385-2024 duly adopted at its meeting held on August 13, 2024, the Town Board set September 10, 2024 at 10:00 AM as the date to hold a public hearing to consider the approval of tax-exempt financing for the lease/purchase of the aforesaid fire truck; and

WHEREAS, the lease shall be the sole obligation of the Fire Company, and nothing in the lease, nor in this Resolution, shall bind the Town directly or as a principal or guarantor; and

WHEREAS, a public hearing has been duly held by this Board to consider approval of said lease/purchase and all interested persons were afforded an opportunity to be heard concerning same; and

WHEREAS, said lease/purchase requires approval by the municipal subdivision in order to qualify for tax-exempt financing; and

WHEREAS, this Board finds that by using tax-exempt financing the Fire Company can save substantial sums of money in interest payments; and

WHEREAS, this Board finds it to be in the best interests of public health and safety that the aforesaid fire truck be leased and acquired by the Fire Company.

NOW, THEREFORE BE IT

RESOLVED that the Town Board hereby approves the lease/purchase agreement that was entered into by the Fire Company for one (1) new 2024 Pierce Enforcer 100-foot ladder truck and one (1) 2026 Pierce Enforcer 1500 gallons pumper truck that provides for \$1,044,811.00 in financing provided by PNC Equipment Finance, 155 E. Broad Street, Columbus, Ohio 43215 at a total lease/purchase cost not to exceed \$2,644,811 over 5 years; and be it further

RESOLVED that the Supervisor or her designee is hereby authorized to certify the aforesaid approval in the form(s) required by PNC Equipment Finance and applicable law.

Dated: Manhasset, New York

September 10, 2024

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Troiano, Councilperson Scott, Councilperson Walsh, Councilperson Liu, Councilperson Adhami, Councilperson Dalimonte, Supervisor DeSena.

Nays: None.

cc: Town Attorney, Comptroller, Albertson Hook & Ladder

STATE OF NEW YORK)
) SS. :
COUNTY OF NASSAU)

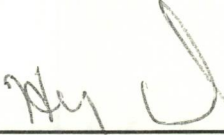
Henry Krukowski, being duly sworn, deposes and says that on the 27th day of August, 2024, he posted the attached Notice of Hearing to discuss the proposed plan of financing for the acquisition of two fire trucks (the "Project") by the Albertson Hook & Ladder, Engine & Hose Co., No. 1, Inc., Albertson, New York, a New York not-for-profit corporation (the "Company"). As part of the proposed plan of financing for the Project, the Company proposes to execute and deliver, from time to time, a tax-exempt obligation or obligations (the "Loan") and to use the proceeds of the Loan to provide funds for the Project. The Loan will be an obligation of the Company payable from the Company's general revenues. The Project will be owned and operated by the Company, which is a "qualified volunteer fire department" within the meaning of Section 150(e) of the Code and will be housed within the facilities of the Company. The amount of the Loan is not to exceed \$1,044,811.00. At the hearing, members of the public may make or give oral or written comments in favor of or in opposition to the execution and delivery of the Loan by the Company or the nature of the Project. The Project will be located at 100 I.U. Willets Road, Albertson, NY 11507, at the following locations:

Town Clerk Bulletin Board

Albertson Post Office

I U Willets Rd & Willis Ave

I U Willets Rd & Roslyn Rd



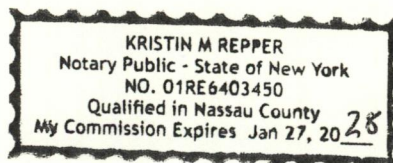
Henry Krukowski

Sworn to me this

27th day of August, 2024



Notary Public



Schneps
MEDIA

To: Town Of North Hempstead - Town Clerk - RACHEL NABAVIAN
200 Plandome Rd
Manhasset, NY, 11030

State of NY }
 } SS:
County of Nassau }

Sworn to me on this 29th day of August 2024

Robert J. [Signature]

Shai M. Egrasto

Notary Public, State of NY
No. 01EG6119807
Qualified in Nassau County
My commission expires on
December 6, 2024

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NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Town of North Hempstead (the "Town"), in the

County of Nassau, State of New York, will hold a public hearing pursuant to Section 147(f) of

the Internal Revenue Code of 1986, as amended (the "Code") at 10:00 A.M. (Local Time) on the

10th day of September, 2024 at Town Hall, 220 Plandome Road, Manhasset, New York, to

discuss the proposed plan of financing for the acquisition of two fire trucks (the "Project") by the Albertson Hook & Ladder, Engine & Hose Co., No. 1, Inc., Albertson, New York, a New York not-for-profit corporation (the "Company"). As part of the proposed plan of financing for the Project, the Company proposes to execute and deliver, from time to time, a tax-exempt obligation or obligations (the "Loan") and to use the proceeds of the Loan to provide funds for the Project. The Loan will be an obligation of the Company payable from the Company's general revenues. The Project will be owned and operated by the Company, which is a "qualified volunteer fire department" within the meaning of Section 150(e) of the Code and will be housed within the facilities of the Company. The amount of the Loan is not to exceed

\$1,044,811.00. At the hearing, members of the public may make or give oral or written

comments in favor of or in opposition to the execution and delivery of the Loan by the Company or the nature of the Project. The Project will be located at 100 I.U. Willets Road, Albertson, NY 11507.

PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning such financing/purchase at the time and place advertised.

PLEASE TAKE FURTHER NOTICE that approval of the Loan to finance the Project

by the Supervisor of the Town is necessary in order for the interest on the Loan to be excluded

from gross income for federal income tax purposes. The Loan will not be a debt or liability of

the Town, the State of New York, or any other political subdivision thereof. None of the Town,

the State of New York or any other political subdivision thereof shall have any obligations

whatsoever with respect to the Loan. This public hearing described herein

is to be held solely for the purpose of complying with the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended.

Dated: Manhasset, New York

August 13, 2024
BY ORDER OF THE
TOWN BOARD OF
THE TOWN OF
NORTH HEMPSTEAD
RAGINI SRIVASTAVA
TOWN CLERK
IX/ROS #958195

CLERK SRIVASTAVA: Item #1. A public hearing to consider the application of 9 Powerhouse Road, LLC for a special use permit for the premises located at 9 Powerhouse Road, Roslyn Heights, and designated on the Nassau County Land and Tax Map as Section 7, Block 72, Lots 71, and 72.

COUNCILMEMBER SCOTT: At this point, I'd like to move to continue this for the October 8th.

MR. LIEBERMAN: I have -- is this the Starbucks?

SUPERVISOR DESENA: Yes.

COUNCILMEMBER SCOTT: Right.

MR. LIEBERMAN: I have a statement to make.

COUNCILMEMBER SCOTT: Okay.

SUPERVISOR DESENA: You're welcome to come up and speak, but just so you know, this hearing is going to be continued until our next meeting, but since you're here, we will --

MR. LIEBERMAN: We live in Russell Street, right behind where they want to put the Starbucks.

SUPERVISOR DESENA: Can you first state your name and address?

MR. LIEBERMAN: Barry Lieberman, 16 Russell Street, Roslyn Heights and my wife is Barbara Lieberman. She's here also.

COUNCILMEMBER WALSH: Thank you.

SUPERVISOR DESENA: Thank you.

MR. LIEBERMAN: We live in Russel Street right behind where they want to put Starbucks. It used to be a Cirello. We have lived there for 47 years and a -- speaking to my son the other day, we were talking about this installing of Starbucks in the -- where the gas station used to be, and we told him we were very concerned about the noise when the people order the coffee. They're gonna start saying, one cup of cappuccino and blast out all over Russel Street. In the lawyer's letters to us, they said that they want to -- the microphone is gonna face Russell Street, and we object to that and we suggest putting up a sound barrier between Starbucks and the houses on Russell Street, and -- otherwise, it's gonna be unconscionable. It's not gonna be very pleasant to live there. According to the lawyer's letters that he sent us, they indicated that this is gonna be a real problem, audio problem. I think in a previous meeting you might have -- they might have asked for a variance. Well, I object to the variance, and I would like a sound barrier put up there to protect us. Otherwise, nobody's gonna want to live on Russell Street anymore. I sent a letter to Supervisor DeSena. I don't know if you saw the letter.

SUPERVISOR DESENA: I believe you sent an email.

MR. LIEBERMAN: Yes, an email and I also certificated a letter too. So that's basically my point. I mean, if Starbucks is concerned about their neighbors, they would put up a sound barrier. If Starbucks doesn't care about their neighbors, they're just gonna go ahead, and I think -- we've been living there for 47 years. We paid our taxes on time, and my two children went to the schools, and I think it would be only right that they put up sound barrier to protect us from the sound. They were just talking about putting up a plas -- a vinyl fence on top of the existing stone fence, which was there because we needed protection from the gas station. I'm not objecting to

Starbucks. I'm just objecting to Starbucks not putting up a sound barrier to protect us from the audio. Any questions or anybody?

COUNCILMEMBER WALSH: The hearing is going to be continued, so.

MR. LIEBERMAN: What?

COUNCILMEMBER WALSH: The hearing is going to be continued to next month, so.

MR. LIEBERMAN: All right. Thank you.

COUNCILMEMBER SCOTT: Mr. Lieberman, if you want, I'm your councilmember for the area.

MR. LIEBERMAN: Yes.

COUNCILMEMBER SCOTT: My aide will give you my card, and if you want to sit down and express some of your concerns, you can call my office.

MR. LIEBERMAN: Okay. This is the letter I sent to

SUPERVISOR DESENA. You can make it part of this -- the --

DEPUTY TOWN CLERK: I will take that.

SUPERVISOR DESENA: Are we continuing?

COUNCILMEMBER SCOTT: Yes, until the -- what is it? The 12th of October?

COUNCILMEMBER DALIMONTE: November.

COUNCILMEMBER SCOTT: November, I'm sorry.

MR. MIGATZ: May I be heard?

SUPERVISOR DESENA: We were just talking about the date. I'm sorry. Okay, Counsel.

MR. MIGATZ: Bruce W. Migatz. The law firm Albanese Albanese, 1050 Franklin Avenue, Garden City, New York. I'm the attorney for the applicant, Starbucks, and the property at 9 Powerhouse Road. We object to the continuance of this hearing.

COUNCILMEMBER WALSH: Can I ask you to raise your voice a little bit?

MR. MIGATZ: We object to the continuance of this hearing without first having us be heard. Back in August, August 15th, I had communication with the Planning Department, who -- they have been very helpful throughout this process, and I was advised for the first time that the Town Board wanted to either continue or adjourn this hearing because they wanted to have an independent traffic study done, and we were given two choices. I'm reading from the email that - - "Don't send out notices for the September 10th hearing and don't post a sign, and the hearing will be adjourned, and when we have a new date, you send out your notices or send certified mail the notice of public hearing and place signage on the property as required by Town Code for the September 10th hearing. The Town Board will open the hearing and hear testimony from you and possibly other members of the applicant's team. Then the meeting will be continued to a later date." Essentially, there'd be two public hearings. We -- I informed the Planning Department that we would like to proceed on September 10th. Why? Because people like Mr. Lieberman might have concerns. The Town Board members might have concerns. I don't know how much each of you know about this application. So we wanted -- we want -- we brought our team here because

we prepared for -- we sent out the notices. We posted the signs. Planning Department checked with me to make sure I sent the affidavits in. We sent in the affidavits. We met with our consultants. We prepared for the hearing, and we're all here. So we would like to make a presentation. We would like to hear whatever concerns Mr. Lieberman or anybody else that shows up, what concerns the Board has, so we can come back at November 12th and address those concerns. Otherwise, -- I've been doing this a long time, Madam Supervisor, I know what's gonna happen. Things are gonna be said on November 12th. We're going to be asked to look into this, look into that, like a sound barrier, and then there'll be another hearing, and this is not fair to the applicant or the owner who paid a lot of money, a lot of taxes. I get a call yesterday at 2:20 from your town attorney for the first time saying the Town Board doesn't want to hear the testimony. Why don't you want to hear the testimony so that you can express your concerns, and we can address those concerns at the next meeting?

COUNCILMEMBER SCOTT: I think it comes down to we're waiting on the traffic study, our own traffic study, so until we get that traffic study, how do I turn around comment on the -- or approve anything that this site wants to do?

MR. MIGATZ: Well, am I to understand you, Councilman, that your only concern is the traffic study? You have no other concerns? If that's the case, then great.

COUNCILMEMBER SCOTT: Are there gonna be other concerns? I don't know at this point. I still have constituents reaching out to me, and we're waiting for the traffic study, and I'm waiting about, you know, what other constituents have to say.

MR. MIGATZ: Well, why don't you hear what we have to say and express your concerns to us? You know that I asked several --

COUNCILMEMBER SCOTT: Well, like you just said, sir, I want to have some of the other people that are here and that can give me -- they might have more concerns. What am I gonna do, wait for the next one to give you more concerns? To your point, right?

MR. MIGATZ: Yeah, there will be more concerns from the public at the board meeting -- next board meeting, but we want to hear your concerns, and I've offered to meet with you several times, Councilman.

COUNCILMEMBER SCOTT: Right.

MR. MIGATZ: And you have refused to meet with me. Why?

COUNCILMEMBER SCOTT: Refused? Or we haven't -- we never set up a date, Bruce. Let's not do that.

MR. MIGATZ: You have --

COUNCILMEMBER SCOTT: Let's not do that.

MR. MIGATZ: You have not agreed to meet with me.

COUNCILMEMBER SCOTT: We both have very busy schedules, and we have said yes, you know. I'll agree to meet with you. We haven't set it up so don't say refuse; do me that favor.

MR. MIGATZ: You -- I sent you three emails asking -- offering to meet with you. You do not reply. I ask you, again, on the record, we're happy to meet with you, address your concerns, but

we'd like to hear concerns of the other board members also, so we can respond at the next meeting.

SUPERVISOR DESENA: Counsel, since you are here and your team is here, you can proceed with your presentation.

MR. MIGATZ: Thank you.

SUPERVISOR DESENA: And I also would like to note for the record that Councilmember David Adhami is here.

COUNCILMEMBER ADHAMI: Yes, good morning, everyone.

MR. MIGATZ: Thank you.

CLERK SRIVASTAVA: Thank you.

MR. MIGATZ: As you know, this is an application for a special use permit for a driveway for a Starbucks at 9 Powerhouse Road in Roslyn Heights, which is the north service road of the expressway. It is a 986 square foot -- no seats, it is strictly a drive-thru. This is the second drive-thru application that this Board has heard for Starbucks. The first one being in Greenvale. That was a drive-thru-only Starbucks. The first one in North Hempstead, and that was approved, and that is under construction presently.

COUNCILMEMBER WALSH: Did you just say that -- I'm sorry. Did you just that the only drive-thru Starbucks in North Hempstead is in Greenvale.

COUNCILMEMBER DALIMONTE: Drive-thru.

MR. MIGATZ: Drive-thru only.

COUNCILMEMBER WALSH: Oh, drive-thru only.

MR. MIGATZ: All the other Starbucks have seats, which adds to --

COUNCILMEMBER WALSH: I got it.

MR. MIGATZ: I will summarize the application for you and address the points of law in the Town Code. With me to answer questions is Mike Rant. He's the project engineer from Northcoast Civil. Tom Whitney, project engineer for Starbucks from Catapano Engineering. Ed Butt the project architect, and Aaron Machtay, M-A-C-H-T-A-Y, traffic engineer to VHB Engineering, and Bill Contro, who is the owner's representative, and Cory Bertram, who is the Starbucks representative. The standard for review for a drive-thru whether it be for a coffee shop or a bank or a pharmacy is set forth in the Town Code and it specifies that the standard of review is set forth in 70-255B of the Town Code, which is the same standard and review for conditional use permit. Let me address those standards. (A) the purpose of zoning as set forth in the town law of the State of New York and uses permitted in the district in which the property is located. The subject project is located in Business A Zone, in which as a coffee shop is a permitted use as a conditional use. In Appeal #21505, decided March 20, 2024, the zoning board granted a conditional use permit for Starbucks. We still have to come to the this Board for the drive-thru aspect for it. Standard (B), whether the proposed use is of such character, size, location, design, or site layout as to the appropriate to and in harmony with the surrounding property. Established case law says that the inclusion of a special use or a conditional use in a zoning district can't amount to a legislative finding that the use is in harmony with the general zoning plan, and will

not adversely affect the neighborhood. That's the Offshore Steakhouse case. I'm sure, Counsel, you're aware of that case. The subject property fronts on the service road of the Long Island Expressway. Landscape plans show a 4.5-foot landscape buffer planting with 6-foot to 8-foot arborvitae that will grow to mature height of 10 feet to 15 feet. The drive-thru and bypass lanes are not visible from the adjacent property due to the existing 5-foot high wall on which we received a variance to put a 7-foot stockade fence. So in answering Mr. Lieberman's -- addressing his concern hopefully, there will be a 12-foot high sound barrier between the drive-thru window where the orders are taken and where the property line of the residences begin. Standard (C), whether the purposed use will provide a desirable service, facility, or convenience to the area or otherwise contribute to the property growth and development of the community and to its general welfare. No one can doubt that a Starbucks is not a desired service. Its location on the north service road is a convenience to the motorists on the expressway and on the service road. Case law also holds and I quote, "This Board cannot deny a special use based on a finding that it creates a burden on the adjacent residential area since it's contrary to the legislative finding implicit in the code that the use will not adversely affect the neighborhood. Coal Pizza, Inc. versus Hershon, 61, 82nd, 210, second department in a case 78. Standard (D), whether the purposed use will be hazardous, conflicting, or in congress to the immediate neighborhood by reason of excessive traffic, assembly of persons or vehicles proximity to travel routes, or congestion of children or pedestrians. This is where the traffic study is relevant. All traffic entering this Starbucks will enter from the service road, not from any residential street, and all traffic exiting the Starbucks will exit onto the service road, no residential streets. One-way flow of traffic from east to west. The Town Code requires three vehicle standing stations for inbound vehicles and one for outbound vehicles. That's your standard in your code. This Starbucks is providing 13 spaces. Thirteen standard spaces for inbound vehicles and one for outbound vehicles, which meets or exceeds your code requirement.

COUNCILMEMBER TROIANO: Mr. Migatz, I don't mean to interrupt you, but can you just explain to me what a standard space is?

MR. MIGATZ: Yes. Do you have a mounted mic? Standard space are people waiting to go up to the order line, ordering station.

COUNCILMEMBER TROIANO: So there could be as many as 14, 13 cars queueing, ordering their coffee?

MR. MIGATZ: No, there will be -- there is seven spaces before the ordering station. Then there are six spaces between ordering station and the pickup window, and then one exit space, so. Starbucks has been doing this for a long time, and they know how long it takes to make the order for the customer. So that's why they have six spaces in between, so they know that by the time that car gets to the pickup station, their coffee is ready, and that keeps traffic moving.

COUNCILMEMBER TROIANO: So that's the seven plus six is 13.

MR. MIGATZ: Right.

COUNCILMEMBER TROIANO: I haven't had my coffee yet, but I can figure that out. When you said there's one --

MR. MIGATZ: Exit space. There has to be -- code requires it has to be one space, one -- room for one car to be able to exit.

COUNCILMEMBER TROIANO: Thank you.

COUNCILMEMBER WALSH: Just so I can understand. In other words, people that are waiting to get up to the area where you order coffee, there can only be seven cars in a row waiting to do that.

MR. MIGATZ: Yes.

COUNCILMEMBER WALSH: On your property.

MR. MIGATZ: Yes.

COUNCILMEMBER WALSH: Okay, and then any other excess cars will be on the service road; is that correct?

COUNCILMEMBER TROIANO: I don't think that's correct.

COUNCILMEMBER WALSH: No.

COUNCILMEMBER TROIANO: It's seven that are waiting to order.

COUNCILMEMBER WALSH: Yes.

COUNCILMEMBER TROIANO: And then six more that after they ordered, they're waiting pick up.

COUNCILMEMBER WALSH: They're waiting to pick up, right?

COUNCILMEMBER DALIMONTE: So it's 13.

COUNCILMEMBER WALSH: But I'm saying that if 20 cars are waiting to get coffee, and they didn't get to, you know, seven cars or, you know, they could -- what happens if there's more than seven cars? What happens if there's 20 cars waiting to order coffee?

MR. MIGATZ: Well, you know --

COUNCILMEMBER WALSH: I only say that because in Mineola on the corner of Willis Avenue and Jericho Turnpike, especially during COVID and even post-Covid, there are cars lined up on Jericho Turnpike on Willis Avenue taking up a lane, and I don't know why but people -- you can walk into Starbucks. There's plenty of parking, but people tend to remain in their cars. So I have seen, personally, almost on a daily basis a lot of traffic getting blocked on both Jericho and Willis attempting to get on a much longer line than seven cars to pick up their coffee.

MR. MIGATZ: That's correct, and after I get done, I'll have Aaron Machtay address that 'cause that's a different animal altogether. That is a Starbucks that has seating.

COUNCILMEMBER WALSH: Yeah.

MR. MIGATZ: So you have traffic coming in there also to park, drive out, and go inside. That has, I think, seven spaces. It's on the busy intersection. Different animal, poor comparison.

COUNCILMEMBER WALSH: Not really because I don't know what if you make these observations, but people drive in there and park, but then other people, way more than seven every morning are waiting on line inside their cars, so there's two separates groups of people; one that park and go inside and the other ones just stay in their car, and there's a considerable amount of them because people like Starbucks and causes a traffic problem.

MR. MIGATZ: I'm not a traffic expert with all due respect.

COUNCILMEMBER WALSH: Nor am I. I just -- I'm an observation person that I live right there.

COUNCILMEMBER SCOTT: So we'll wait for the --

MR. MIGATZ: I'll have Adam explain it.

COUNCILMEMBER SCOTT: Okay.

MR. MIGATZ: But getting to your --

COUNCILMEMBER TROIANO: Did you approve that? I'm just kidding.

COUNCILMEMBER WALSH: I'll reserve that comment.

MR. MIGATZ: That -- you know, that I'm dating myself. That used to be a Jack in the Box.

COUNCILMEMBER WALSH: Yeah, it was a Jack in the Box, that and several other things. It was a Jack in the Box a long time ago.

MR. MIGATZ: I said I'm dating myself.

COUNCILMEMBER SCOTT: What's a Jack in the Box?

COUNCILMEMBER WALSH: It's something that when you order a taco, and it gets cold, the sauce on the bottom turns orange. If that's helpful.

MR. MIGATZ: And that's when we had the ordering station where they couldn't hear you because you have to yell, and you say, what do you want? I can't hear. It's not that way anymore.

COUNCILMEMBER WALSH: Yeah, no, no.

MR. MIGATZ: It's not that way anymore. I'll have Aaron --

COUNCILMEMBER WALSH: Good.

MR. MIGATZ: -- address your concern. But I also want to point out Nassau County Department of Public Works has concurrent jurisdiction over the service road with New York State DOT. Nassau County DPW unlike North Hempstead, they do have their requirement for standing spaces before the ordering station. Their requirement is five to seven spaces before the ordering station. They maintain this road. We have the six spaces -- seven spaces. Six before and one at seven spaces. Nassau County DPW that has jurisdiction over the service road has approved this site plan. New York DOT has jurisdiction over this service road as well. Let me quote to you from Highway Law, Section 52. "It provides that the commissioner of transportation shall establish regulation governing the issuance of highway work permits on state road." That section states, and I quote, "With respect to drive-thru entrance permits, the regulation shall take into consideration the prospective character of the development, the traffic, which will be generated by the facility within the reasonably foreseeable future, the design and frequency of access to the facility, the effect of facility upon drainage adding to existing drainage system, the extent to which such facility may impair the safety and traffic carrying capacity of the existing state highway, if any proposed improvement thereto within the reasonable foreseeable future and any standards govern access, non-access, or limited access, which has been established by the Department of Transportation." The Department of Transportation has reviewed the site plan, and

they have no objection to the queueing that is being provided. DPW and DOT are the entities that have jurisdiction over Powerhouse Road, not the Town, and they're the ones who are responsible for keeping the traffic moving on the service road. They both are of the opinion that this drive-thru is not an impediment that the traffic move. And to respond a little bit to Councilman Walsh's comment, at the Zoning Board hearing, this was discussed, and one of the Zoning Board Members, who is a big Starbucks fan said, "If there are seven cars ahead of me, I'm driving by. I'm not waiting. I'm not going to stand in line any longer than seven cars to get my coffee." So as a practical matter, we all know that. If you go to a Starbucks or Dunkin Donuts, and there's a long line, and you're on your way to work, you go, you don't stop. You keep going. You're not gonna back up on the service road.

COUNCILMEMBER WALSH: That's not necessarily true.

COUNCILMEMBER SCOTT: That's one person's opinion.

COUNCILMEMBER WALSH: You see the Dunkin Donuts that's in Mineola that's on Jericho Turnpike heading west, there's people on Jericho Turnpike lining up, way more than seven cars, so perhaps the BZA guy feels that way, but not everybody feels that way.

MR. MIGATZ: Fair enough.

COUNCILMEMBER WALSH: People are willing to sit there -- so I'm not -- but people will sit in their cars for long periods of time to get this thing. Me neither. I wouldn't wait either, but apparently, people do.

MR. MIGATZ: Well, apparently, DPW and DOT do not believe that --

COUNCILMEMBER WALSH: Yeah, I heard you say that. Thank you.

MR. MIGATZ: The traffic impact study prepared by VHB projects that during the weekday A.M. peak hour will be 34 vehicles entering this Starbucks.

COUNCILMEMBER SCOTT: When was the traffic study done?

MR. MIGATZ: Done last year.

COUNCILMEMBER SCOTT: Do you have a date? Month or anything like that?

MR. MIGATZ: August 2023.

COUNCILMEMBER SCOTT: August.

COUNCILMEMBER WALSH 2022.

COUNCILMEMBER SCOTT: 2023.

MR. MIGATZ: And conservatively, 26 of those trips are what's called pass-by trips. I trust this Board has heard that expression before. Those that are not, pass-by trip is a vehicle that is already on the road. They're going to work in the morning. They're going to an appointment. They're going someplace else, and they pass by the Starbucks, and they stop for coffee, so those 26 cars are not generating traffic. Traffic is already there. I said conservatively because the Institute of Transportation Engineers Trip Generation Manual indicates that 30 of the 34 trips are pass-by trips that don't generate new traffic on the service road.

COUNCILMEMBER TROIANO: I'm sorry, Bruce. Over what period did you say there'd be 34?

MR. MIGATZ: The A.M. peak hour, and the -- during the week, and the weekday P.M. peak hour, VHB Traffic Report says it'd be 27 vehicles entering the Starbucks, and conservatively 20 of them will be pass-by trips, not new traffic on the service road. The ITE Manual says 26 of the 27 trips are pass-by, but the VHB was conservative in their report. I'd like to refer to the law, so here I go again. Absent evidence that a proposed special use or conditional use but for the greater traffic congestion than as-of-right use, it is an abuse of discretion to deny a permit or any objection the Town Board Oyster Bay 244-AB-2nd-336. An office building can be constructed on this site as-of-right, and not come before you. Medical office building could be constructed on this site as-of-right. Think about -- and again, you don't have to be a traffic engineer to realize that in the A.M. peak hour, if you have an office building, you're going to have a lot more traffic on Powerhouse Road entering this site, and in the P.M. peak hour, when the office people leave, you're going to have a lot more traffic exiting from this property onto the service road. Far more traffic than what the Starbucks would generate. The next factor, whether the purposed use will be of such nature as to be objectionable to nearby residential dwellings by reason of noise, lights, vibration, or other factors of impact. Now, the Town Code provides that an ordering station cannot face a residential property. The Zoning Board granted a variance to permit this ordering station to face the residential property. They actually heard that twice because at the first public hearing, the Building Department neglected to site a variance was needed for this, but it was discussed at the hearing. Then we had re-advertise specially for a variance of it. I sent out -- when I send out notices of hearings, Mr. Lieberman referred to the lawyer's letter, I include a letter. I say here's the notice. This is what this is about. You have any questions, please call me, email me. I have the plans in my office. I'll be happy to discuss with you. The first two Zoning Board hearings, nobody contacted me from the residents.

COUNCILMEMBER SCOTT: Let me just inject for a second, I'm sorry. The letters that went out, were they just in English?

MR. MIGATZ: Yes.

COUNCILMEMBER SCOTT: Okay, thank you.

MR. MIGATZ: Nobody responded to those letters. Nobody showed up at either of those two hearings and voiced any concern about noise. And I checked to make sure that everybody -- every house that lived behind there got the notice. It wasn't returned, and they all did except for one at the far west end that barely backs up to this property. Everybody else got the notice. Nobody voiced any concern. I sent the same letter for this hearing, and I'm glad Mr. Lieberman is here. I wish he had contacted me as I asked to discuss this with me. The basis for the Zoning Board giving the variance was evidence that we presented that this speaker is 28 feet away from the rear property line, and then the houses are setback much further. There will be a row of arborvitaes that will grow to 10 to 15 feet high. There is an existing 5-foot high concrete wall on top of which will be a 7-foot solid stockade fence, which provides a 12-foot high sound barrier. It was the Zoning Board's opinion as they discussed at the hearing that that is sufficient to mitigate any noise from that speaker. There's also explained that the speakers today have automatic volume control systems. They're all computerized, and they adjust automatically to the background noise, the speaker noise, so that unlike Jack in the Box, we don't have somebody yelling, do you want one hamburger with cheese? No cheese? That's how it used to be back in those -- it's not that way now.

COUNCILMEMBER SCOTT: Do you know how many decibels it is?

MR. MIGATZ: We do not.

COUNCILMEMBER SCOTT: Oh.

MR. MIGATZ: So the Zoning Board granted --

COUNCILMEMBER TROIANO: If I may? Where will the arborvitae be planted?

MR. MIGATZ: In the 4.5-foot landscape zone between the pass-by lane and the 5-foot wall.

COUNCILMEMBER TROIANO: And the 5-foot wall?

MR. MIGATZ: Yeah, and the 7-foot fence on top.

COUNCILMEMBER TROIANO: So it'll be in front of --

MR. MIGATZ: A 12-foot barrier.

COUNCILMEMBER TROIANO: So what will Mr. Lieberman see from his property?

MR. MIGATZ: He's going to see a fence on -- right now, there are fences there now. A lot of these properties have fences. He's going to see a fence. That's what he's gonna see, and eventually, arborvitae will --

COUNCILMEMBER TROIANO: This fence will probably be taller though than what's there presently? At 12 feet?

MR. MIGATZ: Well, some of them they're -- some of the properties there now have fences, but they're not on the wall. They're behind the wall, so this would be higher, yes. Right now, there's not a 12-foot sound barrier.

COUNCILMEMBER TROIANO: How tall will the arborvitae be that are going to be planted in -- how tall will they be when they're planted?

MR. MIGATZ: Let me go back to the -- I don't want to misquote. I believe they're 5 to 8-feet when planted.

MR. RANT: It's 6 to 8-feet.

MR. MIGATZ: It's 6 to 8-feet when planted, and will grow to --

MR. RANT: Grow to 15-plus feet.

MR. MIGATZ: Grow to 15-plus feet.

COUNCILMEMBER SCOTT: Since we're talking about the barrier, seems -- I was gonna wait for the other gentlemen to come up.

COUNCILMEMBER TROIANO: So can I?

COUNCILMEMBER SCOTT: Oh, I'm sorry.

COUNCILMEMBER TROIANO: That's okay. And I guess the arborvitae they are there to absorb sound?

MR. MIGATZ: Yes.

COUNCILMEMBER TROIANO: And will be 6 to 8 feet when they're planted, is that sufficient to absorb, or does it have to take until they're full grown to accomplish that?

MR. MIGATZ: But that's higher than the car that is ordering at the ordering station, so it will be sufficient in our opinion.

COUNCILMEMBER TROIANO: Are there materials that the 7-foot fence on top of the 5-foot wall, are there material that can be built with that have special sound absorbing capability?

MR. MIGATZ: I'm sure there is. We can look into that it.

COUNCILMEMBER TROIANO: So if we -- this is to the Town Attorney, if we go forward and approve the plan, can we make that a requirement? The condition of the --

ATTORNEY NICOLINO: Yes.

COUNCILMEMBER TROIANO: I just ask that we make note of that, and that the Board consider that when we come to vote.

MR. MIGATZ: Well, we'll investigate that between now and next the hearing. This is why I wanted to have this conversation.

COUNCILMEMBER TROIANO: I understand.

MR. MIGATZ: Yeah.

COUNCILMEMBER WALSH: Material that's sound-resistant.

COUNCILMEMBER TROIANO: Well, you know, no material is going to absorb the sound, but will do a better job than maybe some plaster -- plastic.

COUNCILMEMBER SCOTT: Are you finished?

COUNCILMEMBER TROIANO: I'm done.

COUNCILMEMBER SCOTT: The border that's up against the residents' property, it's still -- they're gonna have 4.5-feet, I think you said, between when there're cars going through.

MR. MIGATZ: No.

COUNCILMEMBER SCOTT: How far?

MR. MIGATZ: There's -- between -- the order station is 28 feet from the rear property.

COUNCILMEMBER SCOTT: Okay.

MR. MIGATZ: We have --

COUNCILMEMBER SCOTT: How far is it from the -- so we don't -- how far is it from the passenger side door of where the vehicle is to my resident's backyard?

MR. MIGATZ: It would be 18 feet, but that drive-thru lane is 10 feet wide.

COUNCILMEMBER SCOTT: It's 10 feet wide.

MR. MIGATZ: Then there's the pass-by lane that goes behind it.

COUNCILMEMBER SCOTT: Right, so the pass-by -- how far is the pass-by lane to the rear?

MR. MIGATZ: It's 4.5-feet.

COUNCILMEMBER SCOTT: Okay, 4.5-feet, okay. I knew there was a 4.5-feet in there somewhere. The border that goes along the back, it's a step up; am I correct? So the way you

make it sound, it's like there's a wall, then there's going to be arborvitaes, and then there's going to be a fence all within 4.5-feet, or is it stepping upwards?

MR. MIGATZ: No, it's not all 4.5-feet. The wall -- the 4.5 landscape zone is in between the pass-by lane and the wall.

COUNCILMEMBER SCOTT: Okay.

MR. MIGATZ: Then you have the wall, 5 feet high, with a set of --

COUNCILMEMBER SCOTT: So it's on a flat surface then, right?

MR. MIGATZ: The wall is on a flat surface.

COUNCILMEMBER SCOTT: No, the whole thing. The whole buffer zone is on a flat service?

MR. MIGATZ: Yes. The last factor -- the last standard this Board has to apply to this application; whether the purposed use would be of such nature to be objectionable to the nearby residential dwelling by noise, light, vibration, or environmental impact, which is what we discussed. One other issue came up at the Zoning Board because the Building Department cited a section of the code that says headlights of vehicles cannot be visible from adjacent residential property. The plans examiner is of the opinion that the last two cars in the standing spaces, their headlights face the residential zone. We applied for a determination that we're not in violation of that section because those headlights cannot be visible from the adjacent residences because the car is roughly 4, maybe 6 feet high. If it's an SUV, and you have a 5-foot high wall and a 7-foot fence, you have 12 feet, and those headlights will not be shining over that 12-foot barrier. The Zoning Board agreed, and they granted a variance of that section. There are two other standards in the code that are really repetitive. Standard (F) says whether the proposed use will be harmonious in the district, which we already discussed. That was, like, the first standard, and (G) talks again about vehicular traffic, which is repetitive of the prior standard. So that's the legal criteria for this Board to apply. We feel we have met that criteria, and this is a good time to have Aaron Machtey explain the difference between Mineola and this location.

COUNCILMEMBER SCOTT: We're also comparing to Greenvale; am I correct? You brought that up.

MR. MIGATZ: Beg your pardon?

COUNCILMEMBER SCOTT: We're also comparing to Greenvale's drive-thru also.

MR. MIGATZ: No, I didn't --

COUNCILMEMBER SCOTT: Oh, you brought it up.

MR. MIGATZ: Well, I said that you were -- this -- you're familiar with a drive-thru. You were not on the Board at that time. Mr. Zuckerman was on the Board.

COUNCILMEMBER SCOTT: Right.

MR. MIGATZ: That was passed with no public comment whatsoever. I'm surprise you read that transcript, but I did not bring that as a comparison. Only that you're -- this Board has seen this application before -- this type of application before.

COUNCILMEMBER TROIANO: Before you sit. What will be the height of the building?

MR. MIGATZ: Height of the building? I didn't say that, but I'll know. It's one story. Ed?

MR. BUTT: I believe it's 13 feet.

MR. MIGATZ: It's a one-story building.

COUNCILMEMBER TROIANO: While they're looking for the exact measurements --

MR. BUTT: It's 19.6 feet.

MR. MIGATZ: Okay, 19.6 feet.

COUNCILMEMBER TROIANO: Do you know if anybody's checked to see if the building will be visible to the homeowners behind the building?

MR. MIGATZ: Well, it's 19.6 feet high, and the wall is 12 feet high, probably would be visible.

COUNCILMEMBER TROIANO: You know, it is 28 feet from the border so you --

MR. MIGATZ: I believe --

COUNCILMEMBER TROIANO: And you know that the 19 feet -- I'm sorry. Was there a building on this property before?

MR. MIGATZ: A service station before.

COUNCILMEMBER TROIANO: Does anyone know what the height of that building was?

MR. MIGATZ: No.

COUNCILMEMBER TROIANO: What are the hours of operation going to be?

MR. MIGATZ: They -- usually from -- let me double check. The longest hours of Starbucks has is from 5:00 A.M. to 9:00 P.M., but that varies based upon customer traffic. They just opened a Starbucks in Port Washington where I live and councilman lives, and it's not open at night. 6:00 it's dark when I come home, right? They adjust their hours depending upon traffic.

COUNCILMEMBER TROIANO: Is there any reason, maybe because of Starbucks' policy or practices that it is to close by 9:00. Is there any possibility that would be a particularly well-utilized site that Starbucks might decide to extend the hours beyond that?

MR. MIGATZ: You know, anything is possible.

COUNCILMEMBER TROIANO: So again, I'm going to ask this Board and I'm going to ask the Town Attorney, is it possible to site as a condition of approval, should the Board give approval, that we restrict operating hours between, I don't know what times; is that even possible?

ATTORNEY NICOLINO: The zoning counsel from my office, Deborah Algios says yes to both.

COUNCILMEMBER TROIANO: So on the front end and the back end.

ATTORNEY NICOLINO: Yes.

COUNCILMEMBER WALSH: So it can be an address -- it can be an agreement to the application.

ATTORNEY NICOLINO: Yes.

COUNCILMEMBER SCOTT: And that could also be for -- instead of going to 9:00 P.M., it can go to 7:00 P.M., also, right?

ATTORNEY NICOLINO: Deborah?

ATTORNEY ALGIOS: Yes.

MR. MIGATZ: Case law said you cannot restrict the hours of an operation. That's solid case law. It's been challenged many times. You can't restrict the hours of the operation of a business; however --

COUNCILMEMBER WALSH: You could agree.

COUNCILMEMBER TROIANO: Yeah.

MR. MIGATZ: We can agree. There you go. That's why I wanted to have -- we can discuss that to see if Starbucks is willing to agree to limit on hours.

COUNCILMEMBER SCOTT: You wouldn't happen to have the maps smaller, would you; that you can hand out to the Board?

MR. MIGATZ: I thought you had those.

COUNCILMEMBER DALIMONTE: It's in the --

MR. MIGATZ: It's all on the computer.

COUNCILMEMBER TROIANO: And some of us, me, may not have prepared fully because we didn't expect to have this hearing.

COUNCILMEMBER SCOTT: Right.

COUNCILMEMBER TROIANO: So I may have asked you questions that are already in our material. I apologize for that.

MR. MIGATZ: No problem. I'm glad to have this discussion. Want to hear from Aaron?

COUNCILMEMBER TROIANO: Just one more question.

MR. MIGATZ: Yes. You sound like Columbo; one more.

COUNCILMEMBER TROIANO: Yeah.

COUNCILMEMBER SCOTT: Another date.

MR. MIGATZ: One more thing.

COUNCILMEMBER TROIANO: They're too young to know who Columbo was.

COUNCILMEMBER SCOTT: I know who Columbo is.

COUNCILMEMBER TROIANO: Well, you're a cop, so. Have you tried to meet with the residents behind the building to talk about what their issues are and try to address them?

MR. MIGATZ: I sent a let -- I don't go door to door. If there is an active civic association, I contact them. Here, I sent letters to every resident two times before the Zoning Board hearing, and I got no response. Many times, the residents do call me, and they thank me. Thank you for giving me a letter and not just a legal notice. Nobody contacted us.

COUNCILMEMBER TROIANO: So I will just say, I found that having a community meeting, you know, even though the hearing here and the BZA hearing is meant to solicit community reaction to various proposals, but I found that a lot of times residents won't come. They don't understand the process. They have no idea what a town hall is, and now that we have hearings in

the daytime, it's especially hard for people to come. Bruce, no offense, they're not gonna call you because they're petrified talking to a very well-skilled attorney.

MR. MIGATZ: So it's me? It's me?

COUNCILMEMBER TROIANO: Well, you fit that qualification.

MR. MIGATZ: Thank you.

COUNCILMEMBER TROIANO: But you may consider working with Councilman Scott for a meeting in the locality to hear out everybody's issues and how you might be able to address them. I found that no matter how far the two sides may seem to be, by sitting around and talking about it, you worked out resolutions.

MR. MIGATZ: More than happy to do that.

COUNCILMEMBER TROIANO: No more questions.

SUPERVISOR DESENA: We're going to hold you to that. Well said, Councilman, all your suggestions. Good ideas.

COUNCILMEMBER LIU: I actually thought Councilman Troiano was going to ask my other question, but he stopped, and I'm surprised. When he went about the tree issues. So you had said that there will be a row of trees or arborvitae --

COUNCILMEMBER SCOTT: Arborvitae.

COUNCILMEMBER LIU: Arborvitae there, and they start at maybe 6-foot high up to 8-foot high. How long does it take to get up your potential 15-foot high?

MR. MIGATZ: They grow very fast.

COUNCILMEMBER LIU: See that's subjective because I have them, and they don't grow as fast in my yard, so.

COUNCILMEMBER WALSH: Me too.

MR. MIGATZ: Mike, can you comment on that? Just give your name.

MR. RANT: Good morning, Supervisor, Councilmembers --

COUNCILMEMBER SCOTT: So my -- we're gonna --

SUPERVISOR DESENA: He's going to answer the question.

MR. MIGATZ: He's going to answer the question.

MR. RANT: Good morning. Mike Rant, Northcoast Civil, 39 West Main Street, Oyster Bay, New York. The arborvitae will grow once they get established, which is about two feet a year, and really they need good sunlight to grow, and the limited space in the back is gonna allow them to grow to about 15-foot height. The more space, they can grow up to 20, 30 feet tall, but there is full sun along the back. The 6- to 8-foot is a good size. They'll establish quicker. A longer tree takes a longer time to really root and start growing, so we find that that's an appropriate size to plant and allow to grow, but they grow about two feet a year.

COUNCILMEMBER LIU: See, it will take about five years, if my math is correct to get like 15 feet or plus.

MR. RANT: Yes.

COUNCILMEMBER LIU: So is there any way that you can plant taller trees to begin with to help this process along 'cause that's five years for the residents to hit that. It seems kind of long.

MR. RANT: Yeah, there is a possibility. Like I said, the smaller, the 6- to 8-foot is the plant size that thrives the best. They establish quickly, so we can go to 8- to 10-foot, which sometimes could take a little longer for that plant to root and start growing, so you may lose a year of growth. The small ones will actually catch up with the eight to tens quicker.

COUNCILMEMBER SCOTT: Are you an arborist?

MR. RANT: I'm not an arborist.

COUNCILMEMBER SCOTT: Okay.

MR. RANT: But we're familiar planting material and things of that nature, and we prepare a lot of these plants. The fence in the back, which will be installed, you have a 5-foot wall that's there currently, so anybody on the site will visibly see a 5-foot wall, and on top of that will be another 7-foot, so that provides an immediate 12-foot high screening, so even after the arborvitae are established to 15-foot tall height, the neighbors in the back will only see that top 3 feet of the arborvitae, so you have the initial 12-foot of solid screening with the solid fence and the retaining wall.

COUNCILMEMBER LIU: Okay, thank you.

COUNCILMEMBER SCOTT: In regard to the arborvitae, I mean, look, mine grew that I have to keep cutting them down, and the -- but the arborvitae from what Bruce was saying is going to give something for noise reduction; is that correct?

MR. RANT: (Nonverbal response given).

COUNCILMEMBER SCOTT: Okay, I've planted my arborvitae, and I live on the side of Willets Road. Now, I'm sorry, arborvitae do not cut down on the noise. It stopped a lot of the dust from hitting my house. It stopped it from seeing unsightly traffic. To Councilman Troiano's point, I'd like to gather the information in regard to, like what you said, a fence, a vinyl fence that can mitigate more than noise. Remember, we're gonna have people that are going to be waiting in that drive-thru that are going to be playing their music loud. You have kids. When you did your traffic study in August, the school wasn't open, and you're gonna have kids and everybody else's noise pollution that's going to affect the residents. These are some of the concerns. That's why I waited before I met with you. I wanted to gather all my concerns and have all my facts before I sat down with you. So now we're talking about noise pollution that's going to affect my residents. So the arborvitae, that's not gonna stop it, and I thank you for bringing up the point about the fence. I didn't even know that was possible that something to be or would be considered, so I can bring them back to my residents in my area and tell them this is what they want to do. This is what, you know, find out what their issues were, and this is how we could mitigate things. So that's it on the arborvitae since we brought them up.

MR. RANT: Well, they do provide some type of buffer.

COUNCILMEMBER SCOTT: Sight buffer.

MR. RANT: As well as the noise. Once they grow in and they become solid hedge, they do provide some level of noise buffering, but again, the solid wall and the 7-foot fence is really

going to provide you that sound level barrier. We have no objection to looking into options that would create an additional level of noise protection.

COUNCILMEMBER SCOTT: That's fantastic.

MR. MIGATZ: We're not locked into arborvitaes either. If the Planning Department or the Board wants to see some other type, they're not locked into that, but the Planning Department review, so far, they're not making any comment about the arborvitaes.

COUNCILMEMBER DALIMONTE: Could you look into Skip Laurels? Because I agree with you, they grow, and then you get a heavy snow --

COUNCILMEMBER SCOTT: Oh, they split, yeah.

COUNCILMEMBER DALIMONTE: And they split because they cannot handle heavy snow. Unless the owner is gonna go out there like my husband and I used to do and take off all the snow, but eventually, they -- you should really look into Skip Laurels.

MR. RANT: Skip Laurels will not get to that height.

COUNCILMEMBER DALIMONTE: Mine are.

MR. RANT: Not in the tight space that --

COUNCILMEMBER DALIMONTE: Oh.

MR. RANT: Skip Laurels will have a larger width, so you need more space for them to fully mature. We're limited in our buffer area in the back so that's why --

COUNCILMEMBER SCOTT: What are you limited to?

MR. RANT: We have about 3.5 feet of planter area.

COUNCILMEMBER SCOTT: Three and a half feet.

MR. RANT: Skip Laurels will need much more space to get to taller height --

COUNCILMEMBER DALIMONTE: Mine are very high.

MR. RANT: -- so you need the width. Arborvitaes are fast growing, dense evergreen, that will -- yes, like any plant require maintenance to make sure that they're properly maintained and they will last, but for screening purpose, arborvitaes will typically be the ideal choice.

COUNCILMEMBER SCOTT: There's several different kinds of arborvitaes, also.

MR. RANT: Yes. We typically stake out a Green Giant arborvitae. I'm happy to answer any other site-related questions that the Board may have.

COUNCILMEMBER TROIANO: I just want to know that I'm getting texts saying it's pronounced arborvitae, three for four times.

COUNCILMEMBER WALSH: You know, I thought that was like plural.

SUPERVISOR DESENA: Who's doing that to you? They're distracting you.

COUNCILMEMBER DALIMONTE: I don't have a phone, so it's not me.

COUNCILMEMBER WALSH: I don't know who called, but I thought you were correct 'cause I thought you were referring to a bunch of them, and I didn't do that great in grammar, you know, so.

COUNCILMEMBER TROIANO: You're actually right. I was saying the plural form. Thank you.

COUNCILMEMBER SCOTT: So it's a -- I'd like to ask a question if you're -- I don't know. The turn radius. Since you brought up Greenvale and Starbucks. Is your turn radius the same as Greenvale Starbucks or less?

MR. RANT: I did not review the Greenvale turning radius, but we provided, and this is part of the Nassau County DPW guidelines requires to provide turning radiuses, not only for passenger vehicles but small delivery vehicles and traffic of dumpster -- garbage truck, so we provided the appropriate passenger vehicle that shows that they can navigate the site and exit as well as around the pass-by aisle. We provided turning radius --

COUNCILMEMBER SCOTT: I know what you provided. How big is the radius?

MR. RANT: The radius is -- well, every vehicle has --

COUNCILMEMBER SCOTT: Ten-foot.

MR. RANT: No, greater. It's about a 20-foot radius.

COUNCILMEMBER SCOTT: A 20-foot radius. How big is the space that it's going through?

MR. RANT: The space is -- the aisle width is 12-foot for the drive-thru aisle, and 10-foot for the pass-by aisle.

COUNCILMEMBER SCOTT: So you have 22 feet from what you're saying.

MR. RANT: Yes, 22 feet.

COUNCILMEMBER SCOTT: Okay, 'cause I know that Wendy's in particular, and they were approved by the DPW and everything like that. When I take my Dodge Ram into that, I can't turn my car, and I have to keep backing up, moving forward, backing it up, moving forward to get it through, and that was also approved by DPW to your point.

MR. RANT: So these drive aisles meet not only the DPW's requirements, the Town requirements for two-way traffic -- two vehicles to drive and pass by.

COUNCILMEMBER SCOTT: Right, so you're turning radius you said was?

MR. RANT: The outside radius is a good 20 feet.

COUNCILMEMBER SCOTT: Right, and in regard to the height of the roof, going back to Councilmember Troiano's question, which I'm glad as you were asking them, I was just checking them off because you got them. HVAC on the roof?

MR. RANT: I will defer to the architect on that.

COUNCILMEMBER SCOTT: You can just scream it out if you want

COUNCILMEMBER SCOTT: So that's gonna go on top of the, I think you said 19.6 feet, correct?

MR. WHITNEY: No.

COUNCILMEMBER SCOTT: Say that one more time?

MR. WHITNEY: The roof is at 16 --

SUPERVISOR DESENA: Hold on. Wait. Can you come up to the microphone and tell us? Thank you. Because we're not gonna be able to get this answer.

MR. WHITNEY: Sure. Thomas Whitney, Catapano Engineering. I'm the architect and project manager for Starbucks, and I've worked with Ed Butt on the design. The roofline is at 16 feet. The additional height is a power pit, which will screen the HVAC from any outside visibility from the street and from the residences, so it will be an additional height of the wall above the --

COUNCILMEMBER SCOTT: Okay, so --

MR. WHITNEY: To provide screening for the mechanicals.

COUNCILMEMBER SCOTT: So all of that together is 19.6 feet.

MR. WHITNEY: Correct, but the roof height itself is 16 and change so that the HVAC sits below that line so you don't get visual of the mechanical equipment from the residents from the street. So we're hiding the mechanicals.

COUNCILMEMBER SCOTT: Right, and gonna be putting something around that for sound barrier also because things up that high.

MR. WHITNEY: That will be a solid power pit along the perimeter of the walls that will be a solid wall that will have the sound barrier.

COUNCILMEMBER SCOTT: So you won't hear it at all?

MR. RANT: The utilities will be --

MR. WHITNEY: It meets all requirements.

COUNCILMEMBER SCOTT: I know it meets the requirements, and like I said before, for the Wendy's in Mineola, they met all the requirements, and I still can't turn my car in, so what I'm -- I'm just asking, it's -- I have to go back to my constituents. I have an obligation to my constituents to try to answer as many of the questions that I can for them, so I, you know, understand this. There won't be any noise from the HVAC system?

MR. WHITNEY: I think an absolute answer like that is impossible to say.

COUNCILMEMBER SCOTT: Okay, fair enough.

MR. WHITNEY: It will have the standard HVAC system. Starbucks tends to use a very consistent line of products on their roof, and they do not consistently, in my experience, get complaints from abutting properties of HVAC noise.

COUNCILMEMBER SCOTT: Okay.

MR. WHITNEY: They rotate their units regularly. Usually every five or six years. They replace units. They don't run old units, so they haven't had that problem in my experience. I've been project managing with them for years.

MR. RANT: The building is over 30 feet away from the rear property line. The units will be sunk in a power pit, which will greatly reduce any possibility of noise pollution in the area.

MR. MIGATZ: The building generally is less than 1,000 square feet.

SUPERVISOR DESENA: Get closer to the mic.

MR. MIGATZ: The building is less than 1,000 square feet. The homeowner has a 4,000-square-foot house, has an HVAC system in their backyard, so this will be, you know, a smaller system than a homeowner. Also, as-of-right, you can build a three-story, 40-foot-high office building on this site with HVAC equipment on top of the roof. So, you know, as case law dictates, you have to compare what can go there as-of-right of what we're asking for as a special use. I think the residents, we'll talk to them, I think they would be very happy not to see a three-story-high office building in height with lights on all night long shining down on their backyard. If I'm wrong, correct me, but I think this is a much less intensive use for this site.

COUNCILMEMBER TROIANO: Could you speak to other as-of-right

MR. MIGATZ: Well, any retail store, small strip shopping center, as-of-right. Medical office, as-of-right, and regular office, as-of-right. A restaurant is not as-of-right. I'm trying to think of the other uses as-of-right, but the most intense use as-of-right would be a three-story office building with how many workers coming to work every morning and then leaving every night. For a medical office, where people, patients come and go all day long. A law office, an accounting office, people come and go all day long.

COUNCILMEMBER TROIANO: Did you say earlier that a medical office building would generate more trips during peak hours than Starbucks.

MR. MIGATZ: I said certainly I -- I said any office building would 'cause you have all the office personnel coming into work at peak hours; 8:00, 9:00. They all come to work. It's not staggered. Starbucks, yes, they do have a peak hour, but they have customers coming during the course of the day. An office building you come in the morning, you know, for the most part, you leave at night.

COUNCILMEMBER TROIANO: Does Starbucks or any of its affiliates own the property now?

MR. MIGATZ: Beg your pardon?

COUNCILMEMBER TROIANO: Does Starbucks or any of its affiliates own the property now?

MR. MIGATZ: No.

COUNCILMEMBER TROIANO: So is there intent to buy it, or is it --

MR. MIGATZ: No, it's a lease. To lease.

COUNCILMEMBER TROIANO: Has that contract been entered into yet?

MR. MIGATZ: Oh, yes.

COUNCILMEMBER TROIANO: Has a study -- let me know if this question is on that paper or not, all right?

COUNCILMEMBER SCOTT: Yeah, well, I'm looking at the map, and I'm trying to figure out --

COUNCILMEMBER TROIANO: I didn't ask my question.

COUNCILMEMBER SCOTT: Oh, I'm sorry. Go ahead.

COUNCILMEMBER TROIANO: Has anybody looked at the effect on air quality from cars idling on the property?

MR. MIGATZ: No.

COUNCILMEMBER TROIANO: I assume that that's not a requirement?

MR. MIGATZ: Correct. That's not in the code as a requirement.

COUNCILMEMBER TROIANO: I yield to Councilmember Scott.

COUNCILMEMBER SCOTT: You took the air quality from me away.

COUNCILMEMBER TROIANO: I asked you first.

COUNCILMEMBER SCOTT: Well, yeah, you know. I'm just giving you what some of the concerns are. Like I said, I want to try and cover as much as I can. So we know that Starbucks in the past have gotten -- they get backed up. I don't -- it happens, so anybody that -- especially with, and I'm not saying, are that they do and I'm not saying they don't, but anybody smoking in the car, the people that are in the -- in their backyards would be smelling cigarettes, cigars, or anything like that, also, correct? Would possibly be hearing the music from the car. I know people don't play loud music out of their cars, but that would also play an effect on the noise pollution to my constituents, and when I do meet, and hopefully, you'll meet with me --

MR. MIGATZ: I offered to.

COUNCILMEMBER SCOTT: I know. You and I meet with my constituents, and we'll be able to discuss some of those things, so.

MR. MIGATZ: But Councilmember, there are -- people coming to an office. People coming to a retail store. People coming to a marijuana store that maybe this town hasn't --

SUPERVISOR DESENA: Not here.

MR. MIGATZ: -- approved yet.

COUNCILMEMBER SCOTT: No.

MR. MIGATZ: We can have radios playing from any car going to an office building, going to a retail store.

COUNCILMEMBER SCOTT: Right. I understand. I mean, you know, I'm just trying to -- this is a Starbucks. It's not a medical facility where most people that are visiting that facility they're going in to be seen, and I don't think most of them are going to be playing loud music from their cars that are there, so, but.

COUNCILMEMBER TROIANO: You have -- Nike retail store.

COUNCILMEMBER SCOTT: What did you say?

MR. MIGATZ: If you have a Nike retail store, you're gonna have young people coming in and playing their music.

COUNCILMEMBER LIU: I have another question about employee parking. So let's say you have, I don't know, have at any given time six or seven employees there at the drive-thru-only Starbucks, where will they be parking?

MR. MIGATZ: There's employee parking on both sides of the building and meets the Town Code requirement for the number of spaces.

COUNCILMEMBER LIU: And how many spaces will that be?

MR. MIGATZ: There are seven. And that, you know, that's strictly employees. There's no seating. There's no customers that are coming to park there.

COUNCILMEMBER LIU: On your property, you have seven spaces for employees?

MR. MIGATZ: Yes.

COUNCILMEMBER LIU: Thank you.

COUNCILMEMBER DALIMONTE: So I actually have a question for the resident.

SUPERVISOR DESENA: He would like to speak again, so that's perfect. Do you want to say anything else, or -- I think Mr. Lieberman wanted to speak.

MR. MIGATZ: No, perhaps, Aaron Machtey, but sure, Mr. Lieberman.

MR. LIEBERMAN: I just wanted to point out --

SUPERVISOR DESENA: Wait, until you get to the microphone, please.

MR. LIEBERMAN: I just wanted to point out that the fence that everybody's talking that they're gonna build a fence on top of it, a few years ago that fence crumbled, and a -- something like a 10-foot opening, which I guess Mobil or Cirello or one of the gas station people had to fix to replace it, so I don't -- fence has probably been there -- we've been living there 46 years. That fence has been there a long time. I don't know how strong it is to support another fence on top of it, and that's one question. And also Starbucks sent us letters. I should have come sooner to meetings. I agree to that, but I didn't think about the sound barrier 'cause Starbucks never mentioned in any of their letters to us that they were gonna go do sound barrier. They just said we want a variance because it's gonna be an audio problem, and, you know, I think it should be put in writing that they're gonna build a sound barrier, and I think they should also get engineering approval that the sound barrier is adequate, you know, like the sound barrier on Powerhouse Road between Powerhouse and the Long Island Expressway. That's a good sound barrier, and, you know, the saying sound barrier, sound barrier, but we don't know how competent they're gonna be. All I knew, they're gonna stick a -- I thought a vinyl fence on top of the fence, which is not even that secure, and I'm concerned that the -- it's really not gonna do the job, and once it's done, it's gonna be a big job to get Starbucks to do anything for us, so we really think there should be an engineering study on the sound barrier, and also, an engineering study on how secure that fence is 'cause like I said, it came down. I don't know what could've caused it. It might have been the next door neighbor who had a, maybe, a tree or a bush that undermined the fence, you know, that the roots destroyed it, but we don't really know, but it was a big to-do at that time. So that's -- I just think that there should be more consideration of the sound barrier, and the lawyer for the Starbucks has not said anything about it until I attended this meeting today. They sent us letters, and they said it's gonna be audio problems, and we want a variance on the audio problem, but they didn't bother to say we're putting up a sound barrier until it was brought up today. Thank you.

SUPERVISOR DESENA: Thank you.

COUNCILMEMBER DALIMONTE: Mr. Lieberman, I have a question for you.

MR. LIEBERMAN: Yes.

COUNCILMEMBER DALIMONTE: So right now, there's a gas station there?

MR. LIEBERMAN: Yes -- no, there's not a gas station there. The station been vacant for a while. Mobil -- first it was Cirello and then Mobil took over, and then it's been empty for about ten years, I guess.

COUNCILMEMBER DALIMONTE: Oh, okay.

COUNCILMEMBER SCOTT: It's not a gas station.

MR. LIEBERMAN: It's just an empty spot. I don't know. There's a spot -- part of the garage was taken over by, I don't know who, maybe the Town or something; they store vehicles there closer to Linden Street, but I don't really think that fence that concrete fence that they're talking about building another fence on top of it is secure, and like I said, it's been up probably 50 years. I don't know how many years it's been up and the roots from the trees grow under it and destroy it in the wintertime because the ice and the snow could have a -- make -- weaken it, so I don't think it's a good idea to rely on that, and as I said, I'm no electrical engineer myself, and I know that it really should have been an engineering study on the sound barrier and approved by the Town Board before they proceed. Once again, I say I never heard anything about a sound barrier until the lawyer for the --

COUNCILMEMBER SCOTT: Mr. Lieberman, we can have that discussion afterwards with --

MRS. LIEBERMAN: Barry, there's 76 on the corner. There's a gas station.

MR. LIEBERMAN: Oh, there is a gas station, 76 gas station on the corner of Powerhouse and Roslyn Road.

COUNCILMEMBER SCOTT: Yeah.

MR. LIEBERMAN: There's a gas station next to Cirello, which was there for about 20 or 30 years, and then they sold out or lease to Mobil. I don't even know who owns the property now.

SUPERVISOR DESENA: If you -- I'm sorry, if you want to a -- we need to hear you in the microphone.

MR. LIEBERMAN: I don't know who owns the property now. It's --

COUNCILMEMBER WALSH: It's a different property.

MR. LIEBERMAN: One time, they tried to store mobile homes there, and we called up the Town, and they took those away 'cause it was a fire hazard. The other thing, of course, when you have a restaurant like Starbucks, there's always a fire hazard, so that also could be in the study of the sound barrier that the proper barrier is put up. That's not only soundproof, but it's also fireproof, so we don't have any problems that way.

COUNCILMEMBER SCOTT: All right. Thank you, Mr. Lieberman.

COUNCILMEMBER DALIMONTE: Thank you.

MR. LIEBERMAN: Thank you.

MR. MIGATZ: There appears to be some confusion about this fence. The fence we're proposing is not on top of another fence. Some of the residents at the -- most of the residents, if you get out to the property, they have vinyl fences themselves. Some of them are falling down. There is a 5-foot high concrete wall that in part acts as a retaining wall as well because the property behind the wall are different elevations, but there's a five -- we measured from Starbucks side, there's a 5-foot-high concrete wall. The fence we're proposing will be on top of the concrete wall. Behind

that, there will be the fences of the other residents. Some of which are -- appear to be falling down.

SUPERVISOR DESENA: So, Mr. Migatz, is the concrete wall intact?

MR. MIGATZ: As far as we know, yes, absolutely. And all due respect, Mr. Lieberman, the notice I sent you, the second notice about the Zoning Board hearing, did talk about a variance for a 7-foot high fence on top of the wall, and that was the legal notice, and it was mentioned in my letter as well.

COUNCILMEMBER WALSH: In your letter to him, did it use the word soundproof?

MR. MIGATZ: No.

COUNCILMEMBER WALSH: Okay, so that's what he was saying.

MR. MIGATZ: Right, we did --

COUNCILMEMBER WALSH: Yeah, you sent him a letter --

MR. MIGATZ: The fence.

COUNCILMEMBER WALSH: But he just said -- what he said was that the soundproof wasn't brought up until you brought it up today.

MR. MIGATZ: You said --

COUNCILMEMBER WALSH: And that's not true. I get that.

MR. MIGATZ: You said there's no mention of the fence we brought up until today.

COUNCILMEMBER WALSH: No, he said the soundproof.

MR. LIEBERMAN: The sound barrier.

MR. MIGATZ: Well, the sound --

COUNCILMEMBER WALSH: I heard pretty clear he talked about soundproof.

MR. MIGATZ: Sound barrier.

COUNCILMEMBER WALSH: You sent him a letter --

MR. MIGATZ: Sound barrier.

COUNCILMEMBER WALSH: -- for what he was looking for. That's all.

SUPERVISOR DESENA: Okay.

COUNCILMEMBER SCOTT: And I said as a gas station that it was before, did you guys do the environmental study on it, or we'll have to wait for it?

MR. MIGATZ: That was done.

COUNCILMEMBER SCOTT: Phases one and two, and I guess they all passed?

MR. MIGATZ: Yes. Phase two was done. The tanks were removed. Got it all cleaned up. That was filed with the Planning Department.

COUNCILMEMBER TROIANO: I just want Councilman Scott to know that was my next question that he stole from me.

COUNCILMEMBER SCOTT: That's why we work as a team.

MR. MIGATZ: You want to hear from Aaron?

COUNCILMEMBER SCOTT: Yeah.

MR. MIGATZ: Okay, Aaron?

MR. MACHTEY: For the record, Aaron Machtey from VHB Engineering. Offices at 100 Motor Parkway in Hauppauge. Quickly, I'd just like to apologize. I'm suffering from an illness right now, and I'm awaiting surgery, which requires me to wear the mask in public, so if you have any trouble understanding me, please let me know.

COUNCILMEMBER WALSH: I can hear you.

MR. MACHTEY: I apologize for it. It's from my doctor's recommendation; otherwise, I wouldn't

COUNCILMEMBER DALIMONTE: Good luck with your surgery.

MR. MACHTEY: Thank you. Just one thing I want to clarify. You had mentioned that the traffic study was done in August. It was submitted. It was finalized in August. The data that was collected was from in June prior to school closing, so it's sort of like -- that's sort of like a pet peeve I have. I constantly have to deal with clients where I tell them, we have cutoff dates in late June, and we have like a start date in early September. We can't really do anything else in between that time because school is closed, people are on vacation, and there's buses that aren't there. So in this case, we collected data when school was open to make sure that we included those buses, people working, et cetera. Just to reassure you. I think the most -- the biggest thing that Mr. Migatz wanted me to address was the contrast for this site to the site in Mineola that was brought up. If you happen to go to the site in Mineola, take a look for just a little bit extra over this past weekend. There's two big differences between this site that we're proposing and the Mineola site. The Mineola site, obviously, the first difference is the presence of the indoor seating. There are two data sets that we utilize for these types of uses, whether it's Starbucks, Dunkin Donuts, et cetera. One is no indoor seating, and one is indoor seating. Actually, the data set with indoor seating is roughly two to three times busier than the no seating; just sight unseen, so just note this so-called cornfield site because this site out in the middle of nowhere. It will be roughly -- it will be 100 percent, 150 percent more active than the other property. So the Mineola site, right there, you would expect it to receive more activity than this site here in Roslyn. The other big difference is the character of the roadway that fronts on the property. As --

COUNCILMEMBER SCOTT: You're talking about the Long Island Expressway service road?

MR. MACHTEY: The service road of the Long Island Expressway, and specifically this section of the service road of the Long Island Expressway, which I'll try to explain a little bit more. But just to go back a second as Mr. Migatz alluded to, Starbucks is a pass-by use. The vast majority, our traffic study suggests 75 percent, but reality, it's probably closer to 90 to 100 percent of the traffic originates from the stream of traffic passing the site. The results of that is if there's more traffic passing the site, there's more potential patronage that can originate from that traffic. Jericho Turnpike and Willis Avenue combined over the course of a full 24-hour period, according to data that's curated by the New York State and normalized by the New York State DOT, receive 40,000 vehicles per day and as many as 3,500 per hour on a typical day. Again, it's normalized. It's adjusted in. This section of Powerhouse Road, it's kind of interesting because while it is the

service road of the expressway, if you look at the entrances and exits to the expressway, the previous off ramp is back before Glen Cove Road, and the subsequent off ramp is past this site, and as a result, there's an East Roslyn Road and several other off sections between the previous off ramp and this site, and as a result, Powerhouse Road for this section of roadway only receives about 9,000 vehicles a day. So right there, that's about a quarter of the amount of traffic passing by the Mineola site, which again, because of the pass-by nature of the use is where the patronage for these sites originates. Furthermore, if you look down into that data, the hourly volume on Powerhouse Road is close to five to 600 vehicles. So again, it's roughly a quarter to a fifth of the hourly traffic during the peak hours, which typically is during the A.M. period of passing the Mineola site. So just based on that factor as well as the factor that this is indoor -- this does not have the indoor seating as this Mineola site, you would expect there to be more activity at the Mineola than this location here. I don't --

COUNCILMEMBER SCOTT: So --

MR. MACHTEY: Oh, I'm sorry.

COUNCILMEMBER SCOTT: Let me ask a question since you're talking about the traffic. So the cars each queue 13, and we're saying that -- the reality is there's gonna be over -- there's two lanes on -- in front of it, correct?

MR. MACHTEY: Two lanes on Powerhouse Road you're talking about?

COUNCILMEMBER SCOTT: Yes.

MR. MACHTEY: There are two lanes.

COUNCILMEMBER SCOTT: And the percentile of cars and their speed, what was that percentile? Do you have that data?

MR. MACHTEY: I don't have the speed data.

COUNCILMEMBER SCOTT: Don't worry about that. How long does it take from the seven cars after placing their order? What's the time frame of them getting their order?

MR. MACHTEY: I would have to defer to the --

COUNCILMEMBER SCOTT: Defer to them real quick, if you can.

MR. BERTRAM: You want me to come up?

COUNCILMEMBER SCOTT: Yeah, come on up.

MR. BERTRAM: Good morning. Cory Bertram. I work for Starbucks offices in Garden City. Average is seven minutes to -- I'm sorry, seven cars. We do that because from the pickup window, the goal is to get that person to pull up to the window and to leave within 30 seconds. It takes three minutes to make an order, so putting it at the seven car, that's how we keep that moving.

COUNCILMEMBER SCOTT: So what's the total time of --

MR. BERTRAM: From when you give your order to picking it up, three minutes.

COUNCILMEMBER SCOTT: Three -- me getting my order and picking it up?

MR. BERTRAM: Yes.

COUNCILMEMBER SCOTT: Three minutes, so you figure that queue is just gonna keep on --

MR. BERTRAM: That's why we designed it that way.

COUNCILMEMBER SCOTT: And that -- the back spill on it. That's, you know, another concern. Like I said, you know, the noise pollution that's everybody waiting there. Waiting on line. Three minutes is a long time.

MR. BERTRAM: That's why it's at the seven car to keep the queue moving so you can pull up, order, and move.

COUNCILMEMBER SCOTT: Unless I came in with my RAM truck and I gotta navigate through 10-foot radius besides that I'll be -- by the aisle if I'm looking at it right.

MR. BERTRAM: The radius should be, I believe, 20 -- the width is 10.

COUNCILMEMBER SCOTT: Yeah, the width is 10. I'm sorry, 20 with the radius. I misspoke, so it's a 10-foot width, correct?

MR. BERTRAM: The lane is 10 feet wide per lane.

COUNCILMEMBER SCOTT: And the other Starbucks, you know, well, I guess, I gotta go back to somebody else. The other Starbucks are the lanes wider?

MR. BERTRAM: Starbucks' standard is 10 feet of a standard car.

COUNCILMEMBER SCOTT: Minimum, right?

MR. BERTRAM: Yes.

COUNCILMEMBER SCOTT: There's no 12 -- there's no Starbucks with 12-foot --

MR. BERTRAM: You know your car may be bigger than 97 percent. We can't account for --

COUNCILMEMBER SCOTT: I got that. I'm just asking a question.

MR. BERTRAM: It's a 10-foot wide.

COUNCILMEMBER SCOTT: Are there other Starbucks that have wider drive where they go through?

MR. BERTRAM: They're always 10 feet wide. The radiuses are different, but the lane is 10 feet.

COUNCILMEMBER SCOTT: Right. All Starbucks are 10 feet --

MR. RANT: Yes, it does get wider at the turn, so you have more ability to make those turns. The straight sections and the pass-thru and as you come around the turns, it does get wider there at the turn, and it does get wider in this area to allow for vehicles to maneuver around the property.

COUNCILMEMBER SCOTT: Okay.

COUNCILMEMBER TROIANO: Did you say it takes three minutes from the time you order until you pick up your order?

MR. BERTRAM: Yes.

COUNCILMEMBER TROIANO: Is there additional time from the time they enter the property?

MR. BERTRAM: To keep the traffic flow moving, we account for when you place your order to pick up your order.

COUNCILMEMBER TROIANO: So there could be additional time?

MR. BERTRAM: If you're waiting behind somebody to place their order, yes.

COUNCILMEMBER TROIANO: So I just want you to know that one standard should be applied to your other indoor stores. When I go to Starbucks, it's never just three minutes.

COUNCILMEMBER SCOTT: Never. But it's a goal.

MR. BERTRAM: Yeah, our Mineola, the Jericho, that menu order is at the fifth car. When that store was built, that was sort of the standard. As the brand has evolved, as we've grown, we've upped our standards to get better.

COUNCILMEMBER SCOTT: I'm sorry, thank you very much.

MR. MACHTEY: I didn't have time to get queueing data at the Mineola site. I did have data available from files of the HP, from some previous studies I did for another site that's on Hempstead Turnpike in West Hempstead. Hempstead Turnpike carries similar volume of traffic. So regarding queueing and regarding trips, what I saw at that site was that, again, the trips were roughly three times higher than what we predict here at this property, which is consistent with what the ITE data says. The maximum queueing we saw at that West Hempstead site, which again, more traffic on Hempstead Turnpike than this section of Powerhouse Road, is between nine and 12 vehicles at max. So, you know, the economy is scaled that even if you assume that there's gonna be some queueing. You wouldn't expect it to, you know, to extend past that 12 parked vehicles, so by that standard, by that observation, we would have no queueing on this particular site. I'm happy to talk about anything else or answer any questions regarding traffic. Again, I apologize for the mask.

SUPERVISOR DESENA: Not a problem at all.

MR. MACHTEY: The things we do for our own health as we get older.

SUPERVISOR DESENA: Of course. Is there anymore of the presentation?

MR. MIGATZ: No further direct presentation, but we are here to answer any further questions. I did make some notes that we're going to look into before the next hearing, and that would be the type of plantings, maybe some other plantings might be more appropriate. Some material for the wall that would help make it soundproof, and possible limit on hours. Are there any points that you want us to investigate?

COUNCILMEMBER SCOTT: I'm just hung up on the 10-foot and 12-foot width on the drive-thru. I'm sorry. I keep coming back to it because I keep hearing that Starbucks is a 12-foot opening for their drive-thru -- 12-foot wide for their cars. Are you saying that the --

MR. MIGATZ: You also have the extra 10-foot of pass-by lane, so the -- engineers are very technical, okay. That the actual driveway for the car coming up to the window is 10 feet, but there's an -- it's 12 feet. There's another 10 feet of asphalt that is the bypass lane.

COUNCILMEMBER SCOTT: No, I got that.

MR. MIGATZ: So, in reality, your big SUV has 22 feet to maneuver.

MR. BERTRAM: The drive aisle at the back of the building where the ordering is -- the pavement is 22 feet wide; 12 feet of it is dedicated to the vehicle on the drive-thru, and 10 feet of it is dedicated to a vehicle that if there is a line, they're able to either backup onto the service

road -- a vehicle is able to go around the -- back up, to reverse around the site. That's 10 feet wide.

COUNCILMEMBER DALIMONTE: I have a question. How wide is -- I'm asking the commissioner of planning. I don't know if you know this answer off the top of your -- how wide is a parking space?

MR. MIGATZ: Ten by 20.

MR. RANT: The Town allows 10 by 20 parking space --

SUPERVISOR DESENA: Can I just ask you to go back to the microphone and speak?

MR. RANT: Sure.

SUPERVISOR DESENA: So we have a better record.

MS. SHAHVERDI: I'm just going to look it up.

COUNCILMEMBER DALIMONTE: Okay, I just -- 'cause I park --

COUNCILMEMBER SCOTT: They're saying that Starbucks -- all of

Starbucks drive-thru is 10-foot wide. That's what you -- all of Starbucks drive-thru, and I'm repeating again, are 10-foot wide, or just your Starbucks?

MR. BERTRAM: The area for the car queueing is 10 -- it allows for a car queueing is 10 feet wide. The pavement width --

COUNCILMEMBER SCOTT: Yes, I understand that.

MR. BERTRAM: -- is 12 feet wide.

COUNCILMEMBER SCOTT: I got that. I'm asking you on the other Starbucks, is 12-foot wide, or is it 10-foot wide?

MR. BERTRAM: Starbucks standard is a 10-foot wide driveway. It's a -- could there be others, yes. The standard, I've been with the company 12 years --

COUNCILMEMBER SCOTT: Okay.

MR. BERTRAM: -- is 10 feet.

COUNCILMEMBER SCOTT: The standard is --

MR. BERTRAM: The standard is 10 feet on a straightaway. Radius turn is wider, but if you're driving straight, which is where you need less room --

COUNCILMEMBER SCOTT: So on a radius turn, it's wider you're saying.

MR. BERTRAM: Yes, when you're turning, much wider. It's a 20-foot radius.

MR. RANT: In the Town of North Hempstead, if you have a 10 by 20 parking space, two-way driveway -- two-way drive aisle is 20 feet wide. We have 22 feet wide, so we have more than the allowable 20-foot wide two way.

MR. MIGATZ: The Greenvale site is on a much smaller piece of property in between a Burger King and a gas station. It has two drive-thru ordering stations, and the bypass lane exits through the shopping center to the rear, which is under common ownership. So that site is a very poor

comparison to this site because it has -- it's on the most -- busiest intersection in Nassau County. It has two ordering stations and a bypass lane that exits through the shopping center, and it's next to a Burger King, which I also think has a drive-thru window. I only brought that up, Councilman Scott, with -- that you are -- you had heard that Starbucks now does drive-thru only. That is the only reason I mentioned the Greenvale site.

COUNCILMEMBER SCOTT: Oh, like I said, you brought up the Greenvale so I, you know, I wanted to compare to Greenvale, whatever it is.

MR. MIGATZ: No.

COUNCILMEMBER SCOTT: But again, I wanted to gather as much information I can get to bring back to my constituents, East Hills also, and try to have as many answers as I can you. You and I will get together as soon as we have to do here in Town with regard to the traffic study, and maybe we'll have a community meeting.

MR. MIGATZ: That'd be great. May I --

COUNCILMEMBER SCOTT: So I'm putting that on the record, so you don't say I refused.

MR. MIGATZ: May I request that we get a copy of your traffic report, so we can study that and respond to it before the hearing?

COUNCILMEMBER SCOTT: Is there any --

ATTORNEY NICOLINO: I don't see any.

SUPERVISOR DESENA: The Town Attorney sees no reason why not, so we'll try and do that.

MR. MIGATZ: Thank you. The next hearing is November 12th, correct?

SUPERVISOR DESENA: Yes.

MR. MIGATZ: November.

COUNCILMEMBER SCOTT: November 12th.

MR. MIGATZ: Thank you for your time.

SUPERVISOR DESENA: Thank you very much. We need to move to continue this? Okay. I move to continue the hearing until November 12th.

CLERK SRIVASTAVA: Councilman Troiano?

COUNCILMEMBER TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Scott?

COUNCILMEMBER SCOTT: Aye.

CLERK SRIVASTAVA: Councilman Walsh?

COUNCILMEMBER WALSH: Aye.

CLERK SRIVASTAVA: Councilman Liu?

COUNCILMEMBER LIU: Aye.

CLERK SRIVASTAVA: Councilman Adhami?

COUNCILMEMBER ADHAMI: Aye.

CLERK SRIVASTAVA: Councilman Dalimonte?

COUNCILMEMBER DALIMONTE: Aye, but I just want to make sure the applicant knows that the November 12th hearing is at 7:00 P.M., so it's not 10:00 A.M. Aye.

CLERK SRIVASTAVA: Supervisor DeSena?

SUPERVISOR DESENA: Aye.

CLERK SRIVASTAVA: Item #2 –

COUNCILMEMBER TROIANO: Mr. Butt?

MR. BUTT: Yes.

COUNCILMEMBER TROIANO: I know we've ended, but you said you had some renderings?

MR. BUTT: Yeah, we're just modifying it, and that's why --

COUNCILMEMBER TROIANO: So you're going to modify, so you're going to show them at November 12th?

MR. BUTT: Yes.

COUNCILMEMBER WALSH: Thank you.

SUPERVISOR DESENA: Thank you.

CLERK SRIVASTAVA: Item # 2. A public hearing to consider the adoption of a local law amending Chapter 57 of the Town Code entitled "Town Facilities."

COUNCILMEMBER DALIMONTE: I think we have a card on this item. Mr. Idol?

MR. IDOL: I'll be brief. I just want to say that in support of some form of a code enforcement --

CLERK SRIVASTAVA: Name, please.

MR. IDOL: Charles Idol, Port Washington. Some form of the code enforcement being put in for drones. I've been speaking to the councilwoman for quite some time. Actually, since -- I looked back in my notes, since 2021, about issues that I've seen with drones flying over my head when I'm trying to sit at parties at Port Washington dock, going down Main Street. I know people that think that they're fun, and they post them on Facebook. I've seen children feet from me flying drones that are close to me, and most recently, one was no more than 20 feet over my head, flew back out and played dodge with the cars if the cars were passing to go up and down for the cars that are passing by, and then flying in and out of the electrical lines. I brought today, and I'll hand in, and I send you by email, these are all of the towns that are putting in codes because of safety issue with these drones. The Sands Point Reserve has a code in now. Oyster Bay has codes in. Hicksville has codes in. Rockland County has codes in. These are all the E360 codes. You can look them up, and I'll give these to you. I don't need to belabor all of their reasoning. You can read them here. I'm going to add, though, that a lot of these codes were written some time ago, and they talk about the safety and the welfare of the residents. My real concern is that these drones that are taking off are very close to our infrastructure, substations, water towers, and everything else. I really think that we need some kind of code for launching -- private citizen launching and flying drones on Town of North Hempstead property, and I do realize there's a whole set of issues with the FAA, and what you can and cannot do with the FAA. I'm in full support of the police, firemen, and, you know, the EMS having drone capabilities. My focus is

on residents coming in and trying to fly drones. These are E360s that I'll hand in and I can send you all email because I didn't kill a tree. I'll let you read them. There's enough articles on E360 code here. Any questions for me?

COUNCILMEMBER DALIMONTE: So I just want to make sure that you're aware that this code is regarding town facilities. We can only -- and Town Attorney correct me if I'm wrong. We can only put codes in for takeoff and landing. That's it. Everything else up in the air is FAA. It's not us. We can't --

MR. IDOL: I'm saying -- you're saying town facility, I'm saying Town of North Hempstead property.

COUNCILMEMBER DALIMONTE: Property, that's all we can --

MR. IDOL: Property, yes, so that's consistent with the list I gave you. I'm aware of that, and as I said, I'm aware the FAA has its rules, but I still feel somebody coming to use Port Washington dock, but I know they fly them other places, coming to the dock, launching from the dock, and then flying them over the boats and flying them over gas stations, which I have seen done, and flying them out of sight range, which is against the law. Something needs to be done. Flying them back in when elderly people are trying to enjoy, you know, a walk on the dock, but, again, I've seen them holding ducks. I've seen them flying at events, such as Main Street and others. I know they're residents because they're posting them right up on Facebook. I know people who are doing it.

COUNCILMEMBER DALIMONTE: I just want -- just let you know --

MR. IDOL: I understand it's FAA rules.

COUNCILMEMBER DALIMONTE: It's only takeoff.

MR. IDOL: I'm going to say this. This is -- let me -- that's why I brought these. These are the examples what other people are doing, Town of Oyster Bay, Huntington, and everyone else. I'm aware there's limitations, but starting someplace is better than no place as we have nothing.

COUNCILMEMBER DALIMONTE: Right, but I also -- I want your -- which we are continuing this because there wasn't proper notice.

MR. IDOL: Right.

COUNCILMEMBER DALIMONTE: Because of Labor Day. There are a couple of things I feel that need to be change like the penalties and stuff, but I don't want you -- we're passing this, but the -- by you sending me a video of a person taking off; there's nothing I could do with that. The Town Code Enforcement needs to see it.

MR. IDOL: I understand.

COUNCILMEMBER DALIMONTE: So --

MR. IDOL: The other towns put in, as an example, they put in -- I sent these to you. They put in what looks like a stop sign, which says No Fly Zone, in theory, it's all in theory, if you're at the town dock or if you're on Main Street or wherever these signs are, people are aware that they're not supposed to be flying. If there's an inability to enforce it or call an officer, that's how you can stop it. At least even a citizen can say, hey, we have laws that say you're not supposed to be flying the drones here.

COUNCILMEMBER DALIMONTE: Right, they would have to apply for permit through the Parks Department.

MR. IDOL: Right.

ATTORNEY NICOLINO: You have to distinguish between taking off and landing and flying. The town -- any local municipality, has no ability to regulate the flight. That's -- the FAA has precluded that we -- local municipalities, so that flight zone sign, actually, has no effect. We simply can't regulate the flight.

MR. IDOL: You can regulate the -- correct me if I'm wrong. I'm gonna use Town Dock again because again -- bringing a drone into Manorhaven Beach, bringing into the town docks, lying it down and launching it, that part, we can have a law.

ATTORNEY NICOLINO: That's correct. That's what we're working on.

MR. IDOL: Hopefully that part will stop the part of, you know, them flying -- use as an example, flying over a gas station and boats and everything else they're doing. In some of those areas -- and I'll come back to what I said before. If you look, we got substations. We got water facilities. We got other things that are close to this, so if you stop the launching part, it's hopefully it's not an issue of infrastructure crashes.

ATTORNEY NICOLINO: I mean, the issue at the town dock is -- once we prohibit the drones being taken off and landing there, someone can just walk to Sunset Park and do the same thing.

COUNCILMEMBER DALIMONTE: Correct.

MR. IDOL: I understand. I've seen people literally out of the state pull up outside of the dock and launch from the street. That was the last example that I sent to Marianne. They were launching on the street, but nonetheless, the concern was, they were playing dodge with cars coming on Main Street, and they were playing dodge in and out of the wires. It's got limitations, but something is better than nothing. Right now, we have nothing.

COUNCILMEMBER WALSH: We're going to continue this.

SUPERVISOR DESENA: Yes.

COUNCILMEMBER DALIMONTE: Right, I just want --

COUNCILMEMBER WALSH: Yeah, I know.

MR. IDOL: I'm aware of the limitations.

COUNCILMEMBER DALIMONTE: Do you have anything else? And I'll take those if you don't mind? But I'll scan them and send them --

MR. IDOL: I can email them.

COUNCILMEMBER SCOTT: He was gonna email them to all of us.

COUNCILMEMBER DALIMONTE: Okay.

ATTORNEY NICOLINO: Thank you.

COUNCILMEMBER DALIMONTE: Thank you.

MR. IDOL: Any other questions for me?

SUPERVISOR DESENA: No.

MR. IDOL: Okay, thank you very much. What day –

COUNCILMEMBER DALIMONTE: We're moving it to October 8, 2024, so I move to continue this item to the October 8, 2024, Town Board meeting.

CLERK SRIVASTAVA: Councilman Troiano?

COUNCILMEMBER TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Scott?

COUNCILMEMBER SCOTT: Aye.

CLERK SRIVASTAVA: Councilman Walsh?

COUNCILMEMBER WALSH: Aye.

CLERK SRIVASTAVA: Councilman Liu?

COUNCILMEMBER LIU: Aye.

CLERK SRIVASTAVA: Councilman Adhami?

COUNCILMEMBER ADHAMI: Aye.

CLERK SRIVASTAVA: Councilman Dalimonte?

COUNCILMEMBER DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena?

SUPERVISOR DESENA: Aye.

CLERK SRIVASTAVA: Item #3. A public hearing to consider the adoption of a local law amending Chapter 70 of the Town Code entitled "Zoning."

COUNCILMEMBER DALIMONTE: So, we don't have any cards on this item?

CLERK SRIVASTAVA: No, we don't have any.

COUNCILMEMBER DALIMONTE: I was asked by the planning commissioner to move this item, so I move to continue this item to October 8, 2024, Town Board meeting.

CLERK SRIVASTAVA: Councilman Troiano?

COUNCILMEMBER TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Scott?

COUNCILMEMBER SCOTT: Aye.

CLERK SRIVASTAVA: Councilman Walsh?

COUNCILMEMBER WALSH: Aye.

CLERK SRIVASTAVA: Councilman Liu?

COUNCILMEMBER LIU: Aye.

CLERK SRIVASTAVA: Councilman Adhami?

COUNCILMEMBER ADHAMI: Aye.

CLERK SRIVASTAVA: Councilman Dalimonte?

COUNCILMEMBER DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena?

SUPERVISOR DESENA: Aye.

CLERK SRIVASTAVA: Item #4. A public hearing to consider the adoption of an ordinance affecting Stirrup Lane in Roslyn Heights, New York.

SUPERVISOR DESENA: Does anybody wish to be heard on this item?

CLERK SRIVASTAVA: We don't have any cards on this.

COUNCILMEMBER TROIANO: We have no cards, right?

CLERK SRIVASTAVA: No cards.

COUNCILMEMBER TROIANO: And there weren't any cards at any point today?

CLERK SRIVASTAVA: No.

COUNCILMEMBER TROIANO: Thank you. Seeing no one and hearing there are no cards, I move to close the public hearing and offer it for adoption.

CLERK SRIVASTAVA: Councilman Troiano?

COUNCILMEMBER TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Scott?

COUNCILMEMBER SCOTT: Aye.

CLERK SRIVASTAVA: Councilman Walsh?

COUNCILMEMBER WALSH: Aye.

CLERK SRIVASTAVA: Councilman Liu?

COUNCILMEMBER LIU: Aye.

CLERK SRIVASTAVA: Councilman Adhami?

COUNCILMEMBER ADHAMI: Aye.

CLERK SRIVASTAVA: Councilman Dalimonte?

COUNCILMEMBER DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena?

SUPERVISOR DESENA: Aye.

CLERK SRIVASTAVA: Thank you.

Councilperson Troiano offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

ORDINANCE NO. 13 - 2024

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING STIRRUP LANE IN ROSLYN HEIGHTS, NEW YORK.

NOTICE IS HEREBY GIVEN that, after a public hearing duly held by the Town Board of the Town of North Hempstead, the following ordinance was ordered adopted:

ORDINANCE NO. T.O. 13 - 2024

ROSLYN HEIGHTS, NEW YORK

Section 1. All motor or other vehicles of any kind shall comply with the following regulations:

PROPOSAL:

ADOPT:

1. STIRRUP LANE – STRAWBERRY LANE – FULL STOP

All traffic Northbound on Stirrup Lane shall come to a Full Stop at its intersection with Strawberry Lane.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. PENALTIES: "A violation of this ordinance shall be punishable by a fine, or when applicable, by imprisonment, not in the excess of the amount set forth in the Vehicle and Traffic Law of the State of New York, or by both such fine and imprisonment, plus any surcharge payable to other governmental entities, and late payment, if applicable.

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

Dated: Manhasset, New York

September 10, 2024

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
RAGINI SRIVASTAVA
TOWN CLERK**

STATE OF NEW YORK)
) SS. :
COUNTY OF NASSAU)

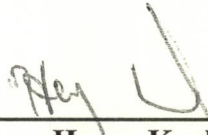
Henry Krukowski, being duly sworn, deposes and says that on the 27th
day of August, 2024, he posted the attached Notice of Hearing to consider the adoption of
ordinances affecting Stirrup Lane, Roslyn Heights, New York, at the following locations:

Town Clerk Bulletin Board

Roslyn Heights Post Office

Stirrup Lane & Strawberry Lane

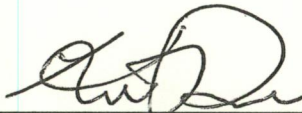
Stirrup La 100' north of Strawberry La



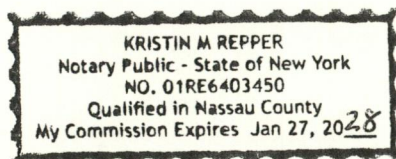
Henry Krukowski

Sworn to me this

27th day of August, 2024



Notary Public



The logo for Schneps Media, featuring the word "Schneps" in a large, stylized script font, with the word "MEDIA" in a smaller, bold, sans-serif font underneath it.

Page 1 of 2

NOTICE OF HEARING
PLEASE TAKE

NOTICE that a public hearing will be held by the Town Board of the Town of North Hempstead on the 10th day of September, 2024, at 10:00 o'clock in the morning for the purpose of considering the adoption of the following ordinance:

STIRRUP LANE,
ROSLYN HEIGHTS,
NEW YORK

L. All motor or other vehicles of any kind shall comply with the following:

PROPOSAL:

ADOPT:

STIRRUP LANE -
STRAWBERRY LANE
- FULL STOP All traffic Northbound on Stirrup Lane shall come to a Full Stop at its intersection with Strawberry Lane.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. PENALTIES:
"A violation of this ordinance shall be punishable by a fine not in excess of Thirty (\$30.00) Dollars, plus any surcharge payable to other governmental entities."

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

Dated: August 13, 2024
Manhasset, New York

BY ORDER OF THE
TOWN BOARD OF
THE TOWN OF
NORTH HEMPSTEAD
RAGINI SRIVASTAVA
TOWN CLERK

1X/ROS #958188

The Roslyn News
132 East Second Street
Mineola, NY, 11501
Phone: 5167478282 Fax: 5167426376



Affidavit of Publication

To: Town Of North Hempstead - Town Clerk - RACHEL NABAVIAN
200 Plandome Rd
Manhasset, NY, 11030

Re: Legal Notice 965421,
State of NY }
} SS:
County of Nassau }

The undersigned is the authorized designee of Victoria Schneps-Yunis/Publisher of The Roslyn News, a Weekly newspaper published in Mineola, NY. A notice was published in said newspaper once in each Day for 1 consecutive Days, commencing on 09/19/2024 and ending 09/19/2024. The text of the notice as published in said newspaper is as set forth below, or in the annexed exhibit. This newspaper has been designated by the Clerk of Nassau County for this purpose.

Sworn to me on this 19th day of September 2024

By

A handwritten signature in black ink, appearing to read "Ralph D'Onofrio".

Ralph D'Onofrio

Authorized Designee of the
Publisher

A handwritten signature in black ink, appearing to read "Shari M. Egnasko".

Shari M. Egnasko
Notary Public, State of NY
No. 01EG6119807
Qualified in Nassau County
My commission expires on
December 6, 2024

LEGAL NOTICE

NOTICE IS HEREBY
GIVEN that, after a public
hearing duly held by the
Town Board of
the Town of North
Hempstead, the following
ordinance was ordered
adopted:

ORDINANCE NO. T.O.
13 - 2024

ROSLYN HEIGHTS,
NEW YORK

Section 1. All motor or
other vehicles of any kind
shall comply with the
following
regulations:

PROPOSAL:

ADOPT:

1. STIRRUP LANE -
STRAWBERRY LANE
- FULL STOP All traffic
Northbound on Stirrup
Lane shall come to a Full
Stop at its intersection
with Strawberry Lane.

Section 2. All ordinances
or regulations heretofore
adopted in conflict with
this ordinance are hereby
repealed.

Section 3. **PENALTIES:** "A
violation of this ordinance
shall be punishable by a
fine, or when applicable,
by imprisonment, not in
the excess of the amount
set forth in the Vehicle
and Traffic Law of the
State of New York, or
by both such fine and
imprisonment, plus
any surcharge payable
to other governmental
entities, and late payment,
if applicable.

Section 4. This ordinance
shall take effect ten
days from the date of its
publication and posting
pursuant to Section 133 of
the Town Law of the State
of New York.

Section 5. This ordinance
shall be incorporated in
the Uniform Traffic Code
of the Town of North
Hempstead.

Dated: September 10,
2024

Manhasset, New York

BY ORDER OF THE
TOWN BOARD OF
THE TOWN OF NORTH
HEMPSTEAD

RAGINI SRIVASTAVA
TOWN CLERK

9-19-24 IT# 965421 ROS

SUPERVISOR DESENA: I move to adjourn.

CLERK SRIVASTAVA: Councilman Troiano?

COUNCILMEMBER TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Scott?

COUNCILMEMBER SCOTT: Aye.

CLERK SRIVASTAVA: Councilman Walsh?

COUNCILMEMBER WALSH: Aye.

CLERK SRIVASTAVA: Councilman Liu?

COUNCILMEMBER LIU: Aye.

CLERK SRIVASTAVA: Councilman Adhami?

COUNCILMEMBER ADHAMI: Aye.

CLERK SRIVASTAVA: Councilman Dalimonte?

COUNCILMEMBER DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena?

SUPERVISOR DESENA: Aye.

CLERK SRIVASTAVA: Thank you, everyone.

SUPERVISOR DESENA: Thank you, everybody.

COUNCILMEMBER TROIANO: Thank you.

(WHEREUPON, the Proceedings concluded at 11:50 A.M.)

A handwritten signature in black ink, reading "Regino Srivastava". The signature is written in a cursive, flowing style.

Town Clerk