

RESOLUTIONS AND LEGAL NOTICES OF HEARING LISTED ON THE PRELIMINARY AGENDA ARE AVAILABLE AT THE TOWN CLERK'S OFFICE ONE DAY PRIOR TO THE TOWN BOARD MEETING.

IF YOU ATTEND THE TOWN BOARD MEETING AND WISH TO READ ANY LEGAL NOTICE OF PUBLIC HEARING OR RESOLUTION SCHEDULED, PLEASE SEE THE WHITE BINDER LOCATED ON THE TABLE TO THE RIGHT OF THE DAIS NEXT TO THE TOWN CLERK. IF YOU HAVE ANY FURTHER QUESTIONS PLEASE SEE TOWN CLERK JO-ANN RAIA.

**PRELIMINARY/ADOPTED AGENDA AND ADOPTED RESOLUTIONS ARE AVAILABLE AT:
<http://HuntingtonNY.gov>**

PRESENT:

Supervisor	Frank P. Petrone
Councilwoman	Susan A. Berland
Councilman	Eugene Cook
Councilman	Mark A. Cuthbertson
Councilman	Mark Mayoka
Town Clerk	Jo-Ann Raia
Town Attorney	John J. Leo
Deputy Town Attorney	Thelma Neira

AGENDA FOR TOWN BOARD MEETING DATED SEPTEMBER 24, 2012

7:00 P.M. – TOWN HALL

Opened: 7:04 P.M. Closed 8:07 P.M.

(Resolutions #2012-429 to 2012-441)

HEARINGS:

1. Consider adopting Local Law Introductory No. 16-2012, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article III (Residence Districts), Section 198-20.1 (R-HS Residential Health Services District).
(Local Law Introductory No. 16-2012)

ACTION

DECISION RESERVED

**AGENDA FOR TOWN BOARD
MEETING DATED: SEPTEMBER 24, 2012**

RESOLUTIONS:	OFF.	SEC.	VOTE
ABBREVIATIONS FOR PURPOSE OF AGENDA:			
		Supervisor Frank P. Petrone - FP	
		Councilwoman Susan A. Berland - SB	
		Councilman Eugene Cook - EC	
		Councilman Mark A. Cuthbertson - MC	
		Councilman Mark Mayoka - MM	
2012-429. AUTHORIZE the Supervisor to execute a requirements contract for the hydraulic repairs and parts-selected items with Dependable Repair Inc. (Period: One year)	<u>MM</u>	<u>FP</u> <u>EC</u>	<u>5</u>
2012-430. AUTHORIZE the Supervisor to execute an extension to the requirements contract for the lawn and landscape maintenance for the Highway Department with Looks Great Services, Inc. (Extension Period: One year)	<u>MC</u>	<u>FP</u> <u>EC</u>	<u>5</u>
2012-431. REMOVED FROM AGENDA AT WORKSHOP.			
2012-432. AUTHORIZE the Comptroller to amend the 2012 Operating Budget for the Town of Huntington and its Special Districts.	<u>MC</u>	<u>FP</u>	<u>5</u>
2012-433. AUTHORIZE the Comptroller to distribute interest earned on tax revenue to the various taxing districts within the Town of Huntington.	<u>MM</u>	<u>EC</u>	<u>5</u>
2012-434. AUTHORIZE the Town Attorney to continue the retention of an expert in Engineering (Conrad F. Pohlmann, P.E.).	<u>MC</u>	<u>FP</u> <u>MM</u>	<u>5</u>
2012-435. AUTHORIZE the correction of Code Violations at various locations pursuant to the Code of the Town of Huntington. Re: Rudy/Linda Bohland, 13 Croton Street, Melville, SCTM# 0400-234.00-01.00-084.000, Chapters 133, 156 [Sections 45A & 46A]; Wilhelm/Marianne Baldaeus, 34 Evergreen Avenue, Huntington Station, SCTM# 0400-205.00-01.00-086.000, Chapters 133, 156 [Section 46A]; William Giacone/Cynthia Nance, 39 Laurel Hill Road, Northport, SCTM# 0400-114.00-03.00-025.003, Chapters 133, 156 [Section 46A]; Sean/Roseanne Keegan, 57 Brennan Street, Huntington, SCTM# 0400-211.00-03.00-109.000, Chapter 156 [Section 45A]; Nanci Zornberg (Family Trust), 30 Gallatin Drive, Dix Hills, SCTM# 0400-264.00-01.00-045.000, Chapter 156 [Section 45A]; David/Debra Cortina, 7 Mangin Road, Commack, SCTM# 0400-222.00-03.00-051.000, Chapter 156 [Section 46A]; Gregory Rowland/Yvette Stone-Rowland, 18 8th Avenue, Huntington Station, SCTM# 0400-142.00-01.00-092.000, Chapter 191; Stephen/Christobelle Silva, 98 West 9th Street, Huntington Station, SCTM# 0400-141.00-05.00-095.000, Chapter 191)	<u>SB</u>	<u>FP</u> <u>MM</u>	<u>5</u>
2012-436. ACCEPT the dedication of a widening of Woodbury Road, an access easement, a utility easement and two natural and scenic buffers for the subdivision known as Haines Plat.	<u>SB</u>	<u>FP</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: SEPTEMBER 24, 2012**

RESOLUTIONS:	OFF.	SEC.	VOTE
2012-437. URGE the New York State Commissioners of the Departments of Environmental Conservation and Agriculture and Markets and the New York State Invasive Species Council to add invasive bamboo to the invasive species regulations being adopted pursuant to Environmental Conservation Law, Section 9-1709, as amended.	<u>SB</u>	<u>EC</u> <u>FP</u>	<u>5</u>
2012-438. URGE the N.Y.S. Liquor Authority to conduct a Public Hearing on whether a license should be granted or denied to a new retail store to be located at 295 W. Jericho Turnpike, Huntington Station, NY.	<u>MC</u>	<u>FP</u>	<u>5</u>
2012-439. ENACTMENT: APPROVE the issuance of a Certificate of Approval in a Historic District Re: 4 Terrace Place, Cold Spring Harbor – Cold Spring Harbor Historic District. (Applicant: Anthony Rosato) (SCTM# 0400-064.00-01.00-030.000)	<u>MM</u> <u>MC</u>	<u>SB</u>	<u>5</u>
2012-440. SCHEDULE A PUBLIC HEARING: October 16, 2012 at 6:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article I, §2-1, Schedule A Re: Traffic Signal – Park Avenue at Cliftwood Drive, Huntington.	<u>MM</u>	<u>EC</u>	<u>5</u>
2012-441. URGE the Governor and New York State Legislature to place limits on the number of retail liquor store licenses that can be issued within a geographic area and to set forth standards defining “saturation” of said area for the purpose of limiting the number of retail liquor store licenses which may be issued.	<u>MC</u>	<u>FP</u>	3-AYES 2-NOES (EC) <u>(MM)</u>

INFORMATIONAL SHEET FOR TOWN BOARD MEETING

DATED: SEPTEMBER 24, 2012

COMMUNICATION

ACTION

1. Letters received Certified Mail – Applying for Liquor Licenses:
NONE RECEIVED
2. Letters received Certified Mail – Renewal for Liquor Licenses:
From: Xiao Fei Zheng for Precious Chinese Cuisine Corp;
Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
3. Email received from James Cameron regarding the Elwood Tax Payers Association meeting held on 9/13/2012, regarding Oak Tree Dairy Development. Mr. Cameron was writing about the incidents that occurred at the meeting.
Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
4. Letter received from Anthony Vaccaro, in support of Kensington Estates.
Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
5. Notifications received from Lynn Pincomb, Village Administrator for Huntington Bay regarding a Zoning Board of Appeals hearing to be held on 9/20/2012 at 7:30 PM. The following hearings will be held: A) 25 Sydney Road – pending sub-division approval, in order to construct additions and alterations to existing garage and chauffer’s cottage (lot 1); lot area coverage front yard permitted structures, setbacks and compliance issues (lot 2)
B) 164 East Shore Road – finish a basement with bathroom, closet and additional finished space; variance required for lot area coverage, front yard, rear yard and items permitted in setback areas and compliance of driveways.
Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
6. Letter received from the Department of State with an attached copy of an authenticated statement of population of each town whose population is 5,000 or more (located in New York) as shown in the decennial Federal census.
cc: File
7. Copy of the Melville Fire District 2013 Proposed Budget was hand delivered on September 19, 2012.
Supervisor
Town Board
Town Attorney
Comptroller
cc: Fire Prevention
8. Hand delivered letter received from Thomas Corrigan, Chairman-Annual Election for the Greenlawn Fire District. Included was a Certificate of the Fire District Secretary and Certificate of Election Inspectors (Ballot Proposition-For: 108 Against: 3).
Supervisor
Town Board
Town Clerk
cc: Comptroller

9. Emails received from: A) Frances Lundstrom presenting her views on bamboo. The writer indicates bamboo is highly invasive and extremely difficult to get rid of. B) Len Urban indicating other towns that have passed legislation and also requesting that the proposal be passed in Huntington. C) Kathy Zimmerman and Mark Fogarty supporting the bamboo resolution and requesting that it be passed.
- Supervisor
Town Board
Town Clerk
Engineering Services
cc: Planning & Environment
10. Email received from Heinz Rosen, advising that his family is opposed to passage of the bamboo legislation. Years ago a neighbor planted bamboo on his property. If this legislation is passed, it would cost him thousands of dollars. He states, "Let each situation, different as it may be, be resolved by those involved in it".
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
11. Email received from Kevin J. O'Brien, of Murphy, Bartol and O'Brien, LLP regarding the AP Commack Road Service Station Corporation, Citgo Service Station located at 230 Commack Road, Commack. The office represents the service station in connection with an application to rezone the premises from C-6 to C-11 and would like the case to be scheduled for a public hearing.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

2012-429

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A REQUIREMENTS CONTRACT FOR THE HYDRAULIC REPAIRS AND PARTS-SELECTED ITEMS WITH DEPENDABLE REPAIR INC.

Resolution for Town Board Meeting Dated: September 24, 2012

The following resolution was offered by: **COUNCILMAN MAYOKA**

and seconded by: **SUPERVISOR PETRONE, COUNCILMAN COOK**

WHEREAS, in order to assure safe operation and performance of hydraulic equipment, the Town of Huntington is committed to maintaining safe and efficient vehicles and equipment that utilizes these specialty services; and

WHEREAS, sealed bids were received on September 6, 2012, 2012, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the hydraulic repairs and parts, Bid No. TOH 12-09R-053 and the same were opened publicly and read aloud; and

WHEREAS, Dependable Repair Inc., 18 Ranick Drive West, Amityville, New York 11701 is the sole responsive, responsible bidder; and

WHEREAS, hydraulic repairs and parts is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a requirements contract, and any documents in connection and related therewith, with Dependable Repair, Inc. for hydraulic repairs and parts-selected items. The contract shall be for a one (1) year period commencing from the date of execution, but not prior to September 26, 2012 upon mutual agreement of the vendor and the Town, the contract may be extended for an additional one (1) year period under the same prices, terms and conditions, to be charged to various operating budgets, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR THE LAWN AND LANDSCAPE MAINTENANCE FOR THE HIGHWAY DEPARTMENT WITH LOOKS GREAT SERVICES, INC.

Resolution for Town Board Meeting Dated: September 24, 2012

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **SUPERVISOR PETRONE, COUNCILMAN COOK**

WHEREAS, the Town of Huntington Highway Department is responsible for the lawn and landscape maintenance of various Town rights of ways; and

WHEREAS, Town Board Resolution 2011-247 authorized the execution of a contract with Looks Great Services, Inc. for lawn and landscape maintenance for the Town of Huntington Highway Department, Bid No. TOH 11-05R-041 and Town Board Resolution 2011-456 authorized the first one (1) year extension; and

WHEREAS, said requirements contract provides for two (2) additional one (1) year periods, with no increase in the bid price or change in the terms and conditions; and

WHEREAS, Looks Great Services, Inc., 7 Lawrence Hill Road, Huntington, New York 11743 has requested the final one (1) year extension; and

WHEREAS, the authorization to extend a contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with Looks Great Services, Inc for lawn and landscape maintenance for the Town of Huntington Highway Department. The extension period shall be effective for one (1) year commencing on January 1, 2013 to be charged to Operating Budget Item No. DB-5140-4420, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2012 OPERATING BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS

Resolution for Town Board Meeting Dated: September 24, 2012

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town Board would like to increase the part time expense from higher recreation volume that has resulted in higher recreation fees revenue; and

WHEREAS, the Town Board would like to increase the Outside Professional Expenses for expert witnesses for Fair Housing and LIPA law suits;

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power and duties as are conferred or imposed upon it and one such power and duty is to approve all budgetary amendments; and

WHEREAS, the funding of these capital projects in lieu of bonding is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(1), (c)(25) and (c)(4) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to amend the 2012 Operating Budget as follows:

Increase the following appropriations:

A7115-1150	Permanent Part Time	\$ 30,000
A7115-4555	Instructional Services	\$ 5,000
A1420-4550	Outside Professional	\$ 25,000

Decrease the following appropriations:

A1930-4160	Judgments & Claims	\$ 25,000
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Increase the following appropriations:

A2065	Skating Fees	\$ 35,000
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2012- 432

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilwoman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-433

RESOLUTION AUTHORIZING THE COMPTROLLER TO DISTRIBUTE INTEREST EARNED ON TAX REVENUE TO THE VARIOUS TAXING DISTRICTS WITHIN THE TOWN OF HUNTINGTON.

Resolution for Town Board Meeting Date: September 24, 2012

The following resolution was offered by **COUNCILMAN MAYOKA**

And seconded by **COUNCILMAN COOK**

WHEREAS, interest earned on tax monies received and held in interest bearing accounts by the Receiver of Taxes is required to be distributed to the taxing districts; and

WHEREAS, the distribution of interest earned on tax accounts is not an action under SEQRA as defined by 6 N.Y.C.R.R. Section 617.2 (b), and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD HEREBY AUTHORIZES the Comptroller to distribute the earned interest on tax revenue to the various taxing districts within the Town of Huntington pursuant to the schedule attached hereto and made a part of this resolution.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-433

**TOWN OF HUNTINGTON
HUNTINGTON, NEW YORK
INTEREST EARNINGS ON TAX MONIES: 2011-2012**

Interest to be distributed: \$18,027.98

<u>Town</u>	<u>2011-2012 Tax Distribution</u>	<u>Percentage of Total</u>	<u>Interest Earned</u>
General Fund - Whole Town	\$28,725,489.00	3.1269%	\$563.71
Gen. Fund-Unpaid Property Clean-up	\$17,991.02	0.0020%	\$0.36
General Fund - Part Town	\$9,149,809.00	0.9960%	\$179.56
Highway 1 & 2	\$31,693,663.00	3.4500%	\$621.97
Environmental Open Space Bond	\$2,403,634.00	0.2616%	\$47.16
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	\$71,990,586.02	7.8365%	\$1,412.76
 <u>County</u>			
County of Suffolk	\$127,327,089.92	13.8600%	\$2,498.68
	<hr/>		
	\$127,327,089.92	13.8600%	\$2,498.68
 <u>School Districts</u>			
Cold Spring Harbor C.S.D.	\$42,206,530.85	4.5943%	\$828.26
Commack U.F.S.D.	\$46,199,252.69	5.0290%	\$906.63
Elwood Library	\$1,403,477.23	0.1528%	\$27.55
Elwood U.F.S.D.	\$35,162,140.81	3.8275%	\$690.02
Half Hollow Hills C.S.D.	\$149,078,124.14	16.2277%	\$2,925.53
Harborfields Public Library	\$4,472,520.48	0.4868%	\$87.76
Harborfields U.F.S.D.	\$49,801,641.92	5.4211%	\$977.31
Huntington U.F.S.D.	\$92,125,377.59	10.0282%	\$1,807.88
Northport/E. Nport U.F.S.D.	\$130,581,623.85	14.2143%	\$2,562.55
South Huntington U.F.S.D.	\$92,774,218.18	10.0988%	\$1,820.61
Syosset C.S.D.	\$8,071.04	0.0009%	\$0.16
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	\$643,812,978.78	70.0814%	\$12,634.26
 <u>Fire Districts</u>			
Centerport	\$1,719,619.77	0.1872%	\$33.75
Cold Spring Harbor	\$1,538,889.78	0.1675%	\$30.20
Commack	\$1,508,846.36	0.1642%	\$29.60
Dix Hills	\$4,685,390.07	0.5100%	\$91.94
East Northport	\$3,572,416.20	0.3889%	\$70.11
Eatons Neck	\$572,564.34	0.0623%	\$11.23
Greenlawn	\$2,478,384.94	0.2698%	\$48.64
Halesite	\$1,508,286.75	0.1642%	\$29.60
Huntington	\$2,622,058.41	0.2854%	\$51.45
Huntington Manor	\$4,739,315.62	0.5159%	\$93.01
Melville	\$4,766,507.61	0.5189%	\$93.55
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	\$29,712,279.85	3.2343%	\$583.08
 <u>Special Districts</u>			
Street Lighting	\$3,782,502.00	0.4117%	\$74.22

2012-433

Huntington Sewer District	\$4,571,191.00	0.4976%	\$89.71
Centerport Sewer District	\$115,957.00	0.0126%	\$2.27
Consolidated Refuse District	\$23,099,153.00	2.5144%	\$453.30
Huntington Comm. Ambulance	\$2,252,713.00	0.2452%	\$44.20
Commack Ambulance	\$527,622.00	0.0574%	\$10.35
Fire Protection Dist. # 1	\$1,482,472.00	0.1614%	\$29.10
Dix Hills Water District	\$3,199,539.00	0.3483%	\$62.79
Dix Hills-Unpaid Water Bills	\$193,591.99	0.0211%	\$3.80
Huntington-BID	\$87,500.00	0.0095%	\$1.71
Huntington Station-BID	\$90,000.00	0.0098%	\$1.77
Cold Spring Harbor-BID	\$9,000.00	0.0010%	\$0.18
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	\$39,411,240.99	4.2900%	\$773.40
<u>Water Districts</u>			
So. Huntington Water Dist.	\$3,693,041.00	0.4020%	\$72.47
South Huntington-Unpaid Water Bills	\$209,495.22	0.0228%	\$4.11
Greenlawn Water District	\$2,302,500.00	0.2506%	\$45.18
Greenlawn-Unpaid Water Bills	\$206,176.11	0.0224%	\$4.04
	<hr/>		
	\$6,411,212.33	0.6978%	\$125.80
Total	\$918,665,387.89	100.0000%	\$18,027.98

2012 - 434

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO CONTINUE THE
RETENTION OF AN EXPERT IN ENGINEERING
(CONRAD F. POHLMANN, P.E.)

Resolution for Town Board Meeting Dated: September 24, 2012

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

And seconded by: **SUPERVISOR PETRONE, COUNCILMAN MAYOKA**

WHEREAS, Conrad F. Pohlmann, P.E. was previously retained by Town Board Resolution 2009-454 and 2010-81 as an expert in the construction of a road runoff drainage system related to the matter of Modica v. Town of Huntington; and

WHEREAS, it has become necessary, due to the complexity of the case, to continue the professional engineering services in this matter; and

WHEREAS, the Town Attorney has indicated that the use of such expert services may be required to re-design engineering plans in accordance with settlement agreement; and/or to adequately defend the claim at trial of this action; and/or for further settlement negotiations; and

WHEREAS, the extension of a retainer for engineering services is not an action as defined by 6 N.Y.C.R.R. §617.2(b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Town Attorney to continue the retention of Conrad F. Pohlmann, P.E., Consulting Engineer, located at 15 Highwood Drive, Northport, NY 11768, at an hourly rate of ONE HUNDRED FIFTY AND NO/100 (\$150.00) DOLLARS, for an amount not to exceed FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS to be charged to A-1420-4550 (Outside Professional) and on such other terms as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION AUTHORIZING THE CORRECTION OF CODE VIOLATIONS AT VARIOUS LOCATIONS PURSUANT TO THE CODE OF THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: September 24, 2012

The following resolution was offered by: **COUNCILWOMAN BERLAND**

And seconded by: **SUPERVISOR PETRONE, COUNCILMAN MAYOKA**

WHEREAS, violations of the Code of the Town of Huntington and/or the Uniform Codes of the State of New York exist at the locations set forth in Schedule "A", attached hereto and made part of this Resolution, which constitute an attractive nuisance, negatively affect the aesthetic appearance of our neighborhoods, and jeopardize the health and safety of residents in close proximity to these properties; and

WHEREAS, the owner(s) of properties listed in Schedule "A" have failed and/or refused to bring their properties into compliance after a Notice of Violation has been issued by the Department of Public Safety; and

WHEREAS, the correction of code violations by the Town of Huntington is a Type II action pursuant to 6 N.Y.C.R.R. 617.5 c. (33) and, therefore, no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY DIRECTS the Town Attorney to provide each property owner listed in Schedule "A" with a copy of this Resolution, and notice that such violation must be rectified to the satisfaction of the Town within ten (10) days of mailing of the Notice, and upon the failure to remedy the same on a timely basis, the Town shall take all steps necessary to rectify the hazard or nuisance at the property owner's expense; and

HEREBY AUTHORIZES, the Director of the Department of General Services and other Town departments having jurisdiction, to take all actions necessary to correct the violations on these properties upon the failure of the owners to do so, and charge all costs incurred by the Town against the owners of the properties in the same manner and at the same time as real property taxes in accordance with the applicable provisions of the Code of the Town of Huntington or other applicable law.

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor Frank P. Petrone			AYE
Councilwoman Susan A. Berland			AYE
Councilman Eugene Cook			AYE
Councilman Mark A. Cuthbertson			AYE
Councilman Mark Mayoka			AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Schedule A

Chapter 133, Section 2A of the Code of the Town of Huntington
Authorizing the Removal of Litter and Debris

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
13 Croton St. Melville, NY 11747	0400-234.00-01.00-084.000	Rudy Bohland Linda Bohland	08/21/2012	N/A
34 Evergreen Ave. Huntington Sta., NY 11746	0400-205.00-01.00-086.000	Wilhelm E. Baldaeus Marianne Baldaeus	09/12/2012	35 Bunkerhill Dr. Huntington, NY 11743
39 Laurel Hill Rd. Northport, NY 11768	0400-114.00-03.00-025.003	William Giacone Cynthia Nance	09/04/2012	N/A

Chapter 156, Section 45A of the Code of the Town of Huntington
Authorizing the Removal of Stagnant Water

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
57 Brennan St. Huntington, NY 11743	0400-211.00-03.00-109.000	Sean Keegan Roseanne Keegan	08/28/2012	N/A
13 Croton St. Melville, NY 11747	0400-234.00-01.00-084.000	Rudy Bohland Linda Bohland	08/21/2012	N/A
30 Gallatin Dr. Dix Hills, NY 11746	0400-264.00-01.00-045.000	Nanci Zornberg (Family Trust)	09/10/2012	4 Highland Ave. Dix Hills, NY 11746

Chapter 156, Section 46A of the Code of the Town of Huntington
Authorizing the Removal of Overgrown Weeds and Grass

2012-435

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
13 Croton St. Melville, NY 11747	0400-234.00-01.00-084.000	Rudy Bohland Linda Bohland	08/21/2012	N/A
34 Evergreen Ave. Huntington Sta., NY 11746	0400-205.00-01.00-086.000	Wilhelm E. Baldaeus Marianne Baldaeus	09/12/2012	35 Bunkerhill Dr. Huntington, NY 11743
39 Laurel Hill Rd. Northport, NY 11768	0400-114.00-03.00-025.003	William Giacone Cynthia Nance	09/04/2012	N/A
7 Mangin Rd. Commack, NY 11725	0400-222.00-03.00-051.000	David Cortina Debra Cortina	09/04/2012	N/A

Chapter 191, Section 3 of the Code of the Town of Huntington
Authorizing the Securing of an Unsafe Structure

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
18 8 th Ave. Huntington Sta., NY 11746	0400-142.00-01.00-092.000	Gregory Rowland Yvette Stone-Rowland	09/13/2012	N/A
98 West 9 th St. Huntington Sta., NY 11746	0400-141.00-05.00-095.000	Stephen Silva Christobelle Silva	08/30/2012	N/A

2012-436

RESOLUTION ACCEPTING THE DEDICATION OF A WIDENING OF WOODBURY ROAD, AN ACCESS EASEMENT, A UTILITY EASEMENT AND TWO NATURAL AND SCENIC BUFFERS FOR THE SUBDIVISION KNOWN AS HAINES PLAT.

Resolution for Town Board Meeting Dated: September 24, 2012

The following resolution was offered by **COUNCILWOMAN BERLAND**

and seconded by **SUPERVISOR PETRONE**

WHEREAS, the application for the development of the subdivision map known as HAINES PLAT was granted Conditional Final Approval by the Huntington Planning Board on February 23, 2011; and

WHEREAS, conditions of the Planning Board approval included the dedication of a widening of Woodbury Road, an access easement, a utility easement and two natural and scenic buffers; and

WHEREAS, the Office of the Town Attorney is in possession of all necessary documentation and filing fees; and

WHEREAS, the subject of this resolution is a Type II action pursuant to 6 NYCRR 617.5 (c)(19), and therefore no further SEQRA review is required.

NOW THEREFORE BE IT

RESOLVED that the Town Board

HEREBY ACCEPTS the dedication of a widening of Woodbury Road, an access easement, a utility easement and two natural and scenic buffers for the subdivision known as HAINES PLAT.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION URGING THE NEW YORK STATE COMMISSIONERS OF THE DEPARTMENTS OF ENVIRONMENTAL CONSERVATION & AGRICULTURE AND MARKETS & THE NEW YORK STATE INVASIVE SPECIES COUNCIL TO ADD INVASIVE BAMBOO TO THE INVASIVE SPECIES REGULATIONS BEING ADOPTED PURSUANT TO ENVIRONMENTAL CONSERVATION LAW, SECTION 9-1709, AS AMENDED

Resolution for Town Board Meeting Dated: September 24, 2012

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN COOK, SUPERVISOR PETRONE**

WHEREAS, the New York State Environmental Conservation Law, Section 9-1709, as recently amended July 24, 2012 [effective January 20, 2013], directs the Departments of Environmental Conservation and Agriculture and Markets to work with the New York State Council on Invasive Species to develop and promulgate joint regulations restricting the sale, purchase, possession, propagation, introduction, importation, transport and disposal of invasive species within the State (herein "joint regulations"); and

WHEREAS, following public hearings joint regulations are to be completed on or before September 1, 2013; and

WHEREAS, the residents of the Town of Huntington have brought to the attention of the Town Board, at a public hearing, the fact that traveling or creeping bamboo has caused significant property damage; and, it is clear that the release of this type of bamboo into a suburban environment or in proximity to fragile habitats can cause significant damage to private landscapes and to precious natural resources; and, therefore there is a demonstrable need for stricter control of traveling or creeping bamboo as an invasive species; and

WHEREAS, a strategy to "permanently preserve Huntington's unique environmental resources" (Policy A.5) was established as part of the Town's Horizons 2020 Comprehensive Plan, which specifies that native species are to be protected and the introduction of invasive species is to be prevented and invasive species are to be removed (A.5.3 at page 3-15); and

WHEREAS, it is clearly in the best interests of the residents of the Town of Huntington and the State that the invasive creeping or traveling variety of bamboo be categorized as an invasive species, so that, it will no longer be introduced into the environment where it can cause significant damage to landscapes and fragile environmental resources; and

WHEREAS, it is in the best interests of the citizens of the State that the invasive creeping or traveling variety of bamboo be added to the State's invasive species list and that appropriate restrictions be adopted on its future possession, use, sale or dissemination; and

WHEREAS, this resolution is not an action pursuant of 6 N.Y.C.R.R. §617.2(b) and therefore no further SEQRA review is required;

NOW, THEREFORE, BE IT RESOLVED, that the TOWN BOARD hereby urges the Departments of Environmental Conservation and Agriculture and Markets in concert with the New York State Council on Invasive Species to categorize invasive, creeping and traveling bamboo as an invasive species under the joint regulations to be adopted pursuant to Environmental Conservation Law Section 9-1709, as amended, and that its use and dissemination into the natural environment be appropriately restricted to prevent the deleterious effects of the uncontrolled use and dissemination of this invasive species; and

HEREBY DIRECTS the Huntington Town Clerk to forward a certified copy of this resolution to the New York State Commissioners of the Departments of Environmental Conservation & Agriculture and Markets & the members of the New York State Invasive Species Council.

VOTE: AYES: 5 NOES: 0 ABSENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark L. Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-438

RESOLUTION URGING THE N.Y.S. LIQUOR AUTHORITY TO CONDUCT A PUBLIC HEARING ON WHETHER A LICENSE SHOULD BE GRANTED OR DENIED TO A NEW RETAIL LIQUOR STORE TO BE LOCATED AT 295 W. JERICHO TURNPIKE, HUNTINGTON STATION, NY

Resolution for Town Board Meeting Dated: September 24, 2012

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, an undue proliferation of liquor stores within the Town of Huntington is not in the public interest; and

WHEREAS, the Town of Huntington has been placed on notice by local residents that a license is being sought for a retail liquor store at 295 W. Jericho Turnpike, Huntington Station, NY from the New York State Liquor Authority; and

WHEREAS, the New York State Liquor Authority has the jurisdiction to decide whether or not a retail liquor store should be opened at this location; and

WHEREAS, pursuant to the *Alcohol Beverage Control Law, Section 17 (2)* and the New York Court of Appeals decision in *Hansen v. State Liquor Authority, 53N.Y.2d 693*, saturation of liquor stores is an issue which may be considered in the granting or denial of a retail store liquor license and specifically may be considered with respect to the proposed location of a retail liquor store at 295 W. Jericho Turnpike, Huntington Station, NY; and

WHEREAS, the request that the New York State Liquor Authority hold a hearing on whether or not to grant a liquor license is not an action as defined by 6 N.Y.C.R.R. 617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby requests that the New York State Liquor Authority conduct a public hearing on whether or not a retail liquor license should be issued for a retail liquor store at 295 W. Jericho Turnpike, Huntington Station, NY and directs the Town of Huntington Planning Department to prepare a factual report on the number and location of liquor stores within the area for submission to and consideration by the New York State Liquor Authority; and

HEREBY DIRECTS the Huntington Town Clerk to forward a certified copy of this resolution to: the State of New York, Executive Department, Division of Alcoholic Beverages, New York State Liquor Authority, 80 South Swan Street, Albany, New York 12210; and the State of New York, Executive Department, Division of Alcoholic Beverages, New York State Liquor Authority, 317 Lenox Avenue, #5, New York, NY 10027.

2012-438

VOTE: AYES: 5 NOES: 0 ABSENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012- 439

ENACTMENT: APPROVE THE ISSUANCE OF A CERTIFICATE OF APPROVAL
IN A HISTORIC DISTRICT
RE: 4 TERRACE PLACE, COLD SPRING HARBOR—COLD SPRING HARBOR
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: September 24, 2012

The following resolution was offered by: **COUNCILMAN MAYOKA, COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILWOMAN BERLAND**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 12th day of September, 2012, pursuant to Section 198, Article VI of the zoning code of the Town of Huntington, to consider the application of Anthony Rosato, 4 Terrace Place, Cold Spring Harbor, NY 11724, for a Certificate of Approval to remove an existing porch and erect first and second story additions, rear roofed over porch with balcony, and front porch at a one family dwelling located at 4 Terrace Place, Cold Spring Harbor, NY 11724, bearing Suffolk County Tax Map #0400-064.00-01.00-030.000, and located in the Cold Spring Harbor Historic District; and upon all the information presented on the application at the public hearing and due deliberation having been had,

HEREBY APPROVES the aforesaid application of Anthony Rosato for a Certificate of Approval.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-440

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE I, §2-1, SCHEDULE A

RE: TRAFFIC SIGNAL – PARK AVENUE AT CLIFTWOOD DRIVE, HUNTINGTON

Resolution for Town Board Meeting Dated: September 24, 2012

The following resolution was offered by: Councilman Mayoka

and seconded by: Councilman Cook

WHEREAS, amendments to the Uniform Traffic Code of the Town of Huntington regarding the installation of traffic control devices are classified as Type II actions pursuant to SEQRA, 6 N.Y.C.R.R. §617.5 (c)(16)(c)(20) and (c)(27), and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the 16th day of October, 2012, at 6:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Uniform Traffic Code of the Town of Huntington, as follows:

Under Chapter 2, Traffic Regulations; Article I, Traffic Control Signals; §2-1 Installation of Traffic Control Signals; Schedule A.

	<u>LOCATION</u>	<u>DESCRIPTION OF SIGNAL</u>
DELETE:	Park Avenue at Cliftwood Drive (HUN)	Flashing signal Red: North/South and East/West

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION URGING THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO PLACE LIMITS ON THE NUMBER OF RETAIL LIQUOR STORE LICENSES THAT CAN BE ISSUED WITHIN A GEOGRAPHIC AREA AND TO SET FORTH STANDARDS DEFINING "SATURATION" OF SAID AREA FOR THE PURPOSE OF LIMITING THE NUMBER OF RETAIL LIQUOR STORE LICENSES WHICH MAY BE ISSUED

Resolution for Town Board Meeting Dated: September 24, 2012

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, Section 17 of the Alcoholic Beverage Control Law requires the New York State Liquor Authority, to report biennially to the Governor and Legislature until July 2015 with respect to the duties, functions and powers of the Authority, including preparation of recommendations to reduce the number and types of licenses issued, standardize the process for review of license applications and ascertain how "quality of life" issues may appropriately inform licensing decisions; and

WHEREAS, the Huntington Town Board believes that the proliferation of retail liquor stores within a specific geographic area is a harmful trend that can adversely impact quality of life and health of a community; and

WHEREAS, the Town Board believes it is important that "saturation" be identified as an element of the Authority's review and that such term be defined in a manner that can be readily applied to the standardized processing of license applications and in a manner that can survive judicial review; and

WHEREAS, this memorializing resolution is a Type II action pursuant to 6 N.Y.C.R.R. §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY URGES the Governor and New York State Legislature to place limits on the number of retail liquor store licenses that can be issued within a geographic area and to set forth standards defining "saturation" of said area for the purpose of limiting the number of retail liquor store licenses which may be issued; and

HEREBY DIRECTS Huntington Town Clerk Jo-Ann Raia to forward certified copies of this resolution to the Governor of the State of New York, Andrew Cuomo; to the members of Huntington's delegation to the New York State Legislature: Senator Carl Marcellino, Senator John Flanagan, Assemblyman James Conte and Assemblyman Andrew Raia and to the Chairman, Dennis Rosen, and Jeanique Greene, Commissioner, of the New York Liquor Authority, Division of Alcohol Beverage Control.

2012-441

VOTE: AYES: 3 NOES: 2 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	NO
Councilman Eugene Cook	NO

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.