

**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:**

<b>Supervisor</b>	<b>Frank P. Petrone</b>
<b>Councilwoman</b>	<b>Susan A. Berland</b>
<b>Councilman</b>	<b>Eugene Cook</b>
<b>Councilman</b>	<b>Mark A. Cuthbertson</b>
<b>Councilman</b>	<b>Mark Mayoka</b>
<b>Town Clerk</b>	<b>Jo-Ann Raia</b>
<b>Town Attorney</b>	<b>John J. Leo</b>

**AGENDA FOR TOWN BOARD MEETING DATED AUGUST 14, 2012**

**7:00 P.M. – TOWN HALL**

Opened: 7:07 P.M. Recessed: 8:45 P.M. Resumed: 8:57 P.M. Closed: 9:37 P.M.

(Resolutions #2012-367 to 2012-394)

**HEARINGS:**

**ACTION**

1. Consider awarding a license agreement for lease of private locker room space at Dix Hills Ice Rink with Long Island Rebels.  
(2012-M-29)

**DECISION RESERVED**

2. Consider the execution of a license agreement for the construction of a portion of a timber style bulkhead and providing access for construction of such bulkhead via the Town of Huntington's Hobart Beach.  
**(Re: Applicant: Steven Lamberg, 36 West View Road, Northport, NY SCTM # 0400-002.00-01.00-051.000)**  
(2012-M-30)

**DECISION RESERVED**

3. Consider the issuance of a special use permit under Chapter 137 (Marine Conservation) for the construction of a timber style bulkhead.  
**(Re: Applicant: Steven Lamberg, 36 West View Road, Northport, NY SCTM # 0400-002.00-01.00-051.000)**  
(2012-M-31-Ch. 137)

**DECISION RESERVED**

**HEARINGS (Continued):**

**ACTION**

4. Consider authorizing various actions be taken upon certain properties designated as blighted in accordance with Chapter 156, Article VII, §156-60 (Blighted Property).

**(Re: 0400-277.00-01.00-021.000, 0400-190.00-02.00-083.000, 0400-142-03-013.000, 0400-239.00-02.00-023.005, 0400-284.00-03.00-172.000, 0400-138.00-01.00-051.000, 0400-71-2-84, 0400-055.00-02.00-121.000, 0400-137-3-11) (2012-M-28)**

**DECISION RESERVED**

5. Consider adopting Local Law Introductory No. 13-2012 amending the Code of the Town of Huntington to add Chapter 38 (Highway Superintendent, elective office abolished, appointive office of Highway Superintendent created) subject to mandatory referendum.

(Local Law Introductory No. 13-2012)

**DECISION RESERVED**

6. Consider adopting Local Law Introductory No. 14-2012 amending the Code of the Town of Huntington so as to repeal Chapter 32 (General Services, Department of).

(Local Law Introductory No. 14-2012)

**DECISION RESERVED**

7. Consider adopting Local Law Introductory No. 15-2012 amending the Code of the Town of Huntington to add Chapter 58 (Public Works, Department of).

(Local Law Introductory No. 15-2012)

**DECISION RESERVED**

**AGENDA FOR TOWN BOARD  
MEETING DATED: AUGUST 14, 2012**

RESOLUTIONS:	OFF.	SEC.	VOTE
<b>ABBREVIATIONS FOR PURPOSE OF AGENDA:</b>			
	Supervisor Frank P. Petrone	-	FP
	Councilwoman Susan A. Berland	-	SB
	Councilman Eugene Cook	-	EC
	Councilman Mark A. Cuthbertson	-	MC
	Councilman Mark Mayoka	-	MM
<b>2012-367.</b>	<b>AUTHORIZE</b> the Supervisor to execute an amendment to the Town's Master Developer agreement with Renaissance Downtowns LLC and with the Town of Huntington Economic Development Corporation. <b>(Re: Huntington Station Revitalization)</b>		<b>3-AYES 2-NOES (EC) (MM)</b>
	<u>FP</u>	<u>MC</u>	
<b>2012-368.</b>	<b>AUTHORIZE</b> the Supervisor to execute an extension to the traffic signal maintenance and requirements contract for the Town of Huntington, New York with Welsbach Electric Corp. of L.I. <b>(Re: Extension one year effective 10/25/2012)</b>		<u>5</u>
	<u>MM</u>	<u>EC</u>	
<b>2012-369.</b>	<b>AUTHORIZE</b> the Supervisor to execute a requirements contract for the hydraulic repairs and parts with P & G Fleet Services, Inc. <b>(Re: Period one year)</b>		<u>5</u>
	<u>MC</u>	<u>FP</u>	
<b>2012-370.</b>	<b>AUTHORIZE</b> the Supervisor to execute a requirements contract for the townwide requirements contract for pavement repair with Rosemar Contracting, Inc. <b>(Period: One year)</b>		<u>5</u>
	<u>MM</u>	<u>EC</u>	
<b>2012-371.</b>	<b>AUTHORIZE</b> the Supervisor to authorize the Huntington Harbor Master and Suffolk County Police to enforce a temporary 5 mph zone, one mile in radius to the Huntington Lighthouse during the Lighthouse Musicfest. <b>(Re: 9/1/2012 from 11:00 am to 10:00 pm; raindate-9/2/2012 from 11:00 am to 10:00 pm)</b>		<u>5</u>
	<u>MC</u> <u>SB</u>	<u>FP</u> <u>EC</u>	
<b>2012-372.</b>	<b>AUTHORIZE</b> the Supervisor to execute an agreement for the use of the property located on the N/E corner of Broadhollow Road (Route 110) and Pinelawn Road (CR3) for use for Fall Festival daytime parking under terms and conditions acceptable to the Town Attorney. <b>(SCTM#0400-257-03-009.005) (Re: Agreement between BDG 115 Land LLC, the Villages at Huntington Homeowners Association and the attorney/representative for Schmitts Farm-temporarily waving the covenants and restrictions of aforementioned parcel for the 2012 Schmitts' Farm Fall Festival)</b>		<u>5</u>
	<u>FP</u> <u>SB</u>	<u>MM</u>	
<b>2012-373.</b>	<b>AUTHORIZE</b> the Huntington Township Chamber of Commerce to hold the Long Island Fall Festival at Huntington events and authorizing the Supervisor to execute a license agreement in conjunction with same. <b>(Dates/Times: 10/5/2012: 3:00 pm – 11:00 pm; 10/6/2012: 11:00 am – 11:00 pm; 10/7/2012: 11:00 am – 11:00 pm; 10/8/2012: 11:00 am – 5:00 pm)</b>		<u>5</u>
	<u>FP</u>	<u>SB</u>	

**AGENDA FOR TOWN BOARD  
MEETING DATED: AUGUST 14, 2012**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2012-374.</b> AUTHORIZE the Town of Huntington to settle the matter of Eva Henderson-Thomas v. The Town of Huntington Community Development Agency, Town of Huntington and Doug Aloise. (Re: Suffolk County Supreme Court Index No. : 11-27087)	<u>MC</u>	<u>MM</u>	<u>5</u>
<b>2012-375.</b> AUTHORIZE the Town of Huntington to settle the matter of Laura Mehl v. The Town of Huntington. (Suffolk County Supreme Court Index No: 06-28587)	<u>MM</u>	<u>MC</u>	<u>5</u>
<b>2012-376.</b> AUTHORIZE the Comptroller to amend the 2012 Operating Budget for the Town of Huntington and its special districts.	<u>MM</u>	<u>FP</u>	<u>5</u>
<b>2012-377.</b> AUTHORIZE the Comptroller to amend the 2012 Operating Budget for the Town of Huntington and its special districts-various departments.	<u>FP</u>	<u>MM</u>	<u>5</u>
<b>2012-378.</b> AUTHORIZE the Town Attorney to retain the services of Mark Twentyman, an expert in the field of Agricultural Tax Exemption. (Re: Eatons Neck LLC vs. Town of Huntington)	<u>MC</u>	<u>EC</u> <u>MM</u> <u>FP</u>	<u>5</u>
<b>2012-379.</b> AUTHORIZE the correction of Code Violations at various locations pursuant to the Code of the Town of Huntington. (Re: Kimberly Giglione, 53 Alton Avenue, Greenlawn, SCTM# 0400-162.00-02.00-041.000, Chapter 87; James/Judith/Neal Lovell, 26 Rustic Gate Lane, Dix Hills, SCTM# 0400-277.00-02.00-062.000, Chapters 87, 133, 156, 191; Diego/Ana Luisa Ramos, 4 Stell Lane, East Northport, SCTM# 0400-184.00-01.00-009.000, Chapters 87, 133; Geraldine/Craig Thomas, 6 Elman Place, East Northport, SCTM# 0400-172.00-02.00-033.000, Chapters 133, 156 (sections 45A & 46A), 191; Alfred Cozine, 24 Oxford Avenue, Melville, SCTM# 0400-258.00-01.00-116.000, Chapter 133; Kenneth Sell, 59 Verleye Avenue, East Northport, SCTM# 0400-172.00-02.00-015.000, Chapter 156 (sections 45A & 46A); Grace Kotsinadelis, 3 Courtney Court, Huntington, SCTM# 0400-213.00-01.00-060.003, Chapter 156; Philip/Deborah McLaughlin, 1 Denton Court, Huntington, Chapter 156; Michelle Manin, 6 Fowler Place, Dix Hills, SCTM# 0400-284.00-02.00-211.000, Chapter 156; Kathryn/Eric Pelletier, 102 Fort Salonga Road, Centerport, SCTM# 0400-081.00-01.00-040.000, Chapter 156; Marcia Bahamonde/Barbara McDougald, 5 Gerri Road, East Northport, SCTM# 0400-126.00-02.00-016.000, Chapters 156, 191; Harmon/Barbara Lee Walker, 22 Hearthstone Drive, Dix Hills, SCTM# 0400-250.00-03.00-023.000, Chapter 156; Country Cadillac, Buick, Pontiac & GMC Truck, LLC, 311 West Jericho Turnpike, Huntington, SCTM# 0400-192.00-01.00-044.000, Chapter 156; Babul Malik, 18 Kelsey Avenue, Huntington Station, SCTM# 0400-147.00-03.00-048.000, Chapter 156; Shirley Tannenbaum (Estate of; Rev Family Trust), 2 Kevin Road, Commack, SCTM# 0400-222.00-02.00-044.000, Chapter 156; Mohammed Sabur, 24 Lorraine Court, Northport, SCTM# 0400-055.00-01.00-048.003, Chapter 156; Raymond/Sheila Thomas, 16 Stuyvesant Street, Huntington, SCTM# 0400-161.00-03.00-104.000, Chapter 156; Douglas Cassar/Laura Gunther, 80 Tamarack Street, East Northport, SCTM# 0400-182.00-01.00-006.002, Chapter 156)	<u>SB</u>	<u>FP</u>	<u>5</u>

**AGENDA FOR TOWN BOARD**  
**MEETING DATED: AUGUST 14, 2012**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2012-380.</b> ACCEPT a donation of the use of hydraulic extractor and manpower for demolition of Boxer Court old refuse vehicle maintenance building from E-Z Drainage.	<u>EC</u>	<u>FP</u>	<u>5</u>
<b>2012-381.</b> ADOPT the findings and determinations of the Administrative Hearing Officer and authorizing action(s) in accordance with Huntington Town Code Chapter 156 Property Maintenance; Nuisances. (Re: SCTM #'s – 0400-33-1-15, 0400-146-01-034.000, 0400-71-2-65, 0400-214.00-03.00-003.000)	<u>SB</u>	<u>MM</u>	<u>5</u>
<b>2012-382.</b> APPOINT a Director of the Department of Engineering Services. (Re: Joseph F. Cline)	<u>FP</u> <u>MC</u>	<u>EC</u> <u>SB</u>	<u>5</u>
<b>2012-383.</b> DECLARE September 16 <sup>th</sup> to be American Legion Day. (U.S. Senate Resolution 260)	<u>MM</u>	<u>EC</u> <u>SB</u>	<u>5</u>
<b>2012-384.</b> EXTEND the time to make a determination regarding the adoption of Local Law Introductory Number 9-2012, amending Town Board Resolutions No. 1967-46 and 1998-124 to revoke and reestablish the Covenants and Restrictions recorded as part of Zone Change Application #180, Warren and Theodore Bittner, for the property located on the north side of Fort Salonga Road, East of Little Neck Road, Centerport (SCTM#0400-044-03-021). (Re: Thatched Cottage and Jellyfish) (Time extended to 11/18/2012)	<u>FP</u>	<u>EC</u> <u>MM</u>	<u>5</u>
<b>2012-385.</b> URGE the State of New York, the Long Island Power Authority, the Town of Smithtown and the Suffolk County Legislature to reject a proposal by Competitive Power Ventures, Inc. for construction of a gas powered generating plant in Kings Park, NY.	<u>MC</u>	<u>MM</u> <u>SB</u> <u>FP</u>	<u>5</u>
<b>2012-386.</b> AUTHORIZE appropriate action (s) in accordance with Huntington Town Code Chapter 156 Property Maintenance; Nuisances, Article VII, Blighted Property, §156-67, action by Town Board for failure to comply or abate violations. (Re: SCTM#'s 0400-209.00-01.00-020.000, 0400-278.00-02.00-044.000, 0400-099.00-05.00-007.000, 0400-200.00-02.00-101.000, 0400-115.00-02.00-028.000)	<u>SB</u>	<u>MM</u>	<u>5</u>
<b>2012-387.</b> ENACTMENT: AMEND the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Kennedy Lane, Turkey Lane, Cold Spring Harbor – Parking Restrictions.	<u>MC</u> <u>MM</u>	<u>EC</u>	<u>5</u>
<b>2012-388.</b> ENACTMENT: AMEND the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II §3-3, Schedule J. Re: Kennedy Lane, Cold Spring Harbor – Parking Restrictions.	<u>MM</u>	<u>SB</u>	<u>5</u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: AUGUST 14, 2012**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2012-389. ENACTMENT: APPROVE</b> the issuance of a Certificate of Approval in a Historic District Re: 32 East Carver Street, Huntington – Old Huntington Village Carver Street Historic District. ( <b>Applicant: Erica West</b> ) (SCTM# 0400-096.00-01.00-023.000)	<u>MM</u>	<u>EC</u>	<u>5</u>
<b>2012-390. ENACTMENT: ADOPT</b> Local Law Introductory Number 12-2012, amending Local Law No. 18-2010 so as to revoke all of the Covenants and Restrictions previously recorded as part of Zone Change Application #2006-ZM-364 of East Northport Venture, LLC, and reestablishing Covenants and Restrictions for property located on the north side of Jericho Turnpike, west of Larkfield Road, Elwood, SCTM #0400-217-03-(082,083,084).	<u>MM</u>	<u>FP EC</u>	<u>5</u>
<b>2012-391. SCHEDULE A PUBLIC HEARING: September 12, 2012 at 2:00 PM</b> To consider authorizing various actions be taken in accordance with Chapter 156, Article VII, §156-60 (Blighted Property). (Re: SCTM#'s 0400-206-1-29, 0400-140-02-133.000, 0400-099-05-081.000)	<u>SB</u>	<u>MM</u>	<u>5</u>
<b>2012-392. SCHEDULE A PUBLIC HEARING: September 12, 2012 at 2:00 PM</b> To consider issuing a Certificate of Approval in an 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>SB MM</u>	<u>FP</u>	<u>5</u>
<b>2012-393. AUTHORIZE</b> the Supervisor to execute a contract with Emergency Communications Network (CODERED) for Public Emergency Notification Services. ( <b>Period: Three years</b> )	<u>FP</u>	<u>MM</u>	<u>5</u>
<b>2012-394. DESIGNATE</b> September 15 <sup>th</sup> to be “Huntington Hometown Heroes’ Day”, celebrating “Mission Accomplished” and honoring Captain James Byler as Huntington’s Hometown Hero. (Re: 11 Broadview Drive, Huntington at 1:00 PM)	<u>MM</u>	<u>FP</u>	<u>5</u>



**INFORMATIONAL SHEET FOR TOWN BOARD MEETING**

**DATED: August 14, 2012**

**COMMUNICATION**

**ACTION**

1. Letters received Certified Mail – Applying for Liquor Licenses:  
From: Yu Mei Zheng for Ting; Xiao Fei Zheng for New Precious Chinese Cuisine Corp.;
  2. Letters received Certified Mail – Renewal for Liquor Licenses:  
From: Ting Chen for Tomo Hibachi; From: Ting Chen for Samuri Hibachi; From: Nader Gebrin for Bravo Nader, Inc; From: Michael Alfano for Chefs of New York;
  3. Letter received from Herbert L. Haas, Esq., attorney for CBPI Realty, LLC, Waterside Seafood Corp. d/b/a Jellyfish and Thatched Cottage, LP. Mr. Haas is requesting a time extension for the decision for the zone change (revoking all prior covenants and restrictions previously recorded, as well as amended covenants and reestablishing covenants and restrictions for property bearing SCTM# 0400-044-03-021) submitted on behalf of his client. (Re: Local Law Introductory # 9-2012).
  4. Letters received from Denise Rossi, Financial Secretary for the Commack Volunteer Ambulance Corps, included was a copy of the Preliminary Budget for 2013.
  5. Copy of a flyer titled “Let’s Hear From You About the Deshon Drive Housing Development and Temple” received from Danny Bluestein. He is against the rezone of this property.
  6. Copy of Public Notice received from the Town of Oyster Bay, regarding a Public Hearing to be held on August 14, 2012 at 10:00 am in Town Hall regarding revision, repealing and amending various chapters of the Oyster Bay Town Code.
  7. Copy of a Notice for a Town of Babylon Town Board Hearing to be held on August 14, 2012 at 10:00 am at Town Hall regarding property located at the s/w/c/o Deer Park Avenue and Rutland Street, Deer Park for a change of zone from Residence B to Business E, was received from applicant, James Gaughran.
- Supervisor  
Town Board  
Town Attorney  
Public Safety  
Fire Inspector  
Engineering Services  
Planning & Environment  
cc: Sewage Treatment Facility
- Supervisor  
Town Board  
Town Attorney  
Public Safety  
Fire Inspector  
Engineering Services  
Planning & Environment  
cc: Sewage Treatment Facility
- Supervisor  
Town Board  
Town Attorney  
cc: Planning & Environment
- Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Development
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment

8. Notification received from the Town of Babylon, regarding two Zoning Board of Appeals Public Hearings to be held on August 16, 2012 at 6:00 PM and 6:15 PM regarding the following properties which are located within 500' of the Town of Huntington property: A) Property located at 29 Acadia Drive, Dix Hills – permission to increase total building area from 20% to 21.5% B) 1815 Broadhollow Road, Farmingdale – permission to diminish rear yard setback from 50' to 5' in connection with the erection of a one story retail building. Maps and applications were included.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
9. Copies of the Cold Spring Hills Civic Association Inc. Newsletter sent to us by Gayle Snyder, Chairperson, for distribution.
- Supervisor  
Town Board  
cc: Town Attorney
10. Letter received from Edward C. Flynn, District Treasurer for the Melville Fire District. Attached was the Financial Statements and Independent CPA Auditors' Report of the Melville Fire District for the year ended December 31, 2012.
- Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
11. Email received from Huntington Wines, regarding the application for a liquor store to be located at 295 West Jericho Turnpike, Huntington Station. The writer, along with the names of 11 other liquor store owners are requesting that the Town protest this application. The letter indicates that there are a total of 16 liquor stores in a 3 ½ mile area of the applicant. The location is also 130 feet from Walt Whitman High School.
- Supervisor  
Town Board  
Town Attorney  
Public Safety  
Fire Inspector  
Engineering Services  
cc: Planning & Environment
12. Notification received from Lynn Pincomb, Village Administrator for Huntington Bay, regarding a Zoning Board of Appeals Hearing to be held on August 16, 2012 at 7:30 PM for property located at 25 Sydney Road – pending subdivision approval to construct additions and alterations to an existing garage and chauffer's cottage-variances are required.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
13. Notifications received from Lynn Pincomb, Village Administrator for Huntington Bay, regarding Board of Trustee Hearings to be held on August 13, 2012 at 7:30 PM for the following properties: A) 27 Heckscher Drive – to construct additions and alterations; as an existing bulkhead, three sets of steps and retaining walls were built in a steep slope area, their legalization will require a steep slope permit. B) 54 Bay Crest – to construct a reconfigured driveway, new masonry front walk and retaining wall and to construct additions and alterations including an accessory caretaker's apartment above an existing detached garage – site plan review required.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
14. Certified letter received from Kerri O'Brien, Deputy Commissioner of the New York State Liquor Authority, regarding a Notice of Hearing to be held on August 28, 2012 at 11:00 AM at 317 Lenox Avenue, New York, NY (4<sup>th</sup> Floor) for the following premises located in Huntington, Bin 56 Inc. (56 Stewart Ave). The hearing is being held because the premises is located within a 500 foot radius of at least three other licensed and operating on-premises liquor establishments.
- Supervisor  
Town Board  
Town Attorney  
Fire Inspector  
Public Safety  
Engineering Services  
Planning & Environment  
cc: Sewage Treatment Facility
15. Email, forwarded by Councilman Cook's Office, received from Arlene and Barry Fell, Christine Biernacki, Kerry Neira, Edward Franz, Jennifer LaVertu and Tom DiGiacomo regarding the position of Highway Superintendent. The email expresses their opposition to this proposed change (from elected official to an appointed position).
- Town Attorney  
cc: Highway

16. Email, forwarded by Councilman Cook's Office, received from Adam Levine regarding the position of Highway Superintendent. The writer states, "let the decision be data driven not political with voters having the final say."  
cc: Town Attorney
17. Emails, many forwarded by Councilman Cook's Office, received from William McCabe, Karen Sullivan, Robert & Patricia Rockelein, Donna Wanser, Lawrence Narici, Peter Kelly, John Claasen and Catherine Mullahy regarding the position of Highway Superintendent. The writers all indicate that this position should remain as an elected title.  
Supervisor  
M. Cuthbertson, Councilman  
S. Berland, Councilwoman  
Town Attorney  
cc: Highway
18. Emails, many forwarded by Councilman Cook's Office, received from Donald Zimmet, Fredric Saunders, Bill Kiley, Dr. Janine Holthusen-Burns, Mary Malerba Art DiScala, Mr. & Mrs. Hugh Barton, Mike & Julia Earley, Paul Izumi, Roseanne Faltings, Linda Wood, Linda & Jim Himberger, Juanita Lobianco, Felix & Emma Riccardo, Erin Anderson Katzman, Russell Salerno, Robert McEntee, D. Lewis, Frank D., Deborah Masterson, and Michael Houze regarding the position of Highway Superintendent. The writers indicates the position should remain as an elected title.  
Supervisor  
M. Cuthbertson, Councilman  
S. Berland, Councilwoman  
M. Mayoka, Councilman  
Town Attorney  
cc: Highway
19. Email, forwarded by Councilman Cook's Office, received from Richard Frauenglass regarding proposed departmental changes. The writer opposes changing the position of Highway Superintendent from an elective to appointed position, opposes the elimination of General Services Department and replacement with Department of Public Works and also requests that more time be given to study the situation.  
Supervisor  
Town Attorney  
cc: Highway
20. Another email from Catherine Franznick regarding flooding on Central Street in Huntington.  
Supervisor  
Town Board  
Town Attorney  
cc: Highway
21. Email received from William Herrold, regarding the subject of Highway Consolidation. The writer is requesting that the officials not support these resolutions. Email received from Claudine DiScala indicating that the Town of Huntington Highway Supervisor's position remain an elected one.  
Supervisor  
M. Cuthbertson, Councilman  
M. Mayoka, Councilman  
E. Cook, Councilman  
Town Attorney  
cc: Highway
22. Email, addressed to Jo-Ann Raia, Town Clerk, from Matt Harris. The writer indicates that he "does not want the elected office of Highway Superintendent abolished." Email also received from Catherine Giuffré, Bob Pisani, Robert & Debbie Ervolino, George Thompson and Russell McCormick indicating the Highway Superintendent should be an elected position.  
Supervisor  
Town Board  
Town Attorney  
cc: Highway
23. Email received from Walter Lahmann is requesting that the office of Highway Superintendent, remain an elected position.  
E. Cook, Councilman  
Town Attorney  
cc: Highway

2012-367

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AMENDMENT TO THE TOWN'S MASTER DEVELOPER AGREEMENT WITH RENAISSANCE DOWNTOWNS LLC AND WITH THE TOWN OF HUNTINGTON ECONOMIC DEVELOPMENT CORPORATION

Resolution for Town Board Meeting Dated: August 14, 2012

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town of Huntington entered into a Master Developer Agreement with Renaissance Downtowns At Huntington Station LLC and with the Town of Huntington Economic Development Corporation, dated April 26, 2012, authorized by Town Board Resolution No. 2011-330, dated July 12, 2011; and

WHEREAS, the Master Development Agreement requires the adoption of a Milestone Outline and Governance Model to be incorporated by reference in the Master Developer Agreement pursuant to its terms; and

WHEREAS, the execution of an agreement is classified Type II pursuant to 6 NYCRR 617.5(c)(18) and (21) thus, no further review is required pursuant to SEQRA;

NOW, THEREFORE

THE TOWN BOARD, hereby authorizes the Supervisor to approve the Milestone Outline and Governance Model to be incorporated by reference in the Master Developer Agreement, dated April 26, 2012 *nunc pro tunc*, and further authorized the Supervisor to execute any and all other documents required in connection with the Master Developer Agreement with Renaissance Downtowns At Huntington Station LLC, 9 Gerhard Road, Plainview, New York 11803 and the Town of Huntington Economic Development Corporation in connection with the next phase of Huntington Station's Revitalization.

VOTE:           AYES: 3   NOES: 2   ABSENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE TRAFFIC SIGNAL MAINTENANCE AND REQUIREMENTS CONTRACT FOR THE TOWN OF HUNTINGTON, NEW YORK WITH WELSBACH ELECTRIC CORP. OF L.I.

Resolution for Town Board Meeting Dated: August 14, 2012

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town of Huntington utilizes an outside contractor to provide maintenance for the town's traffic signals. The traffic signal maintenance and requirements contract is for all traffic signals which includes all electrically operated traffic control devices and associated equipment under the jurisdiction of the Town of Huntington. The Contractor shall furnish all transportation, labor, materials, supplies, equipment, tools and appurtenances necessary to ensure that the Town's traffic signals are maintained in good working order; and

WHEREAS, Town Board Resolution 2011-418 authorized the execution of a contract with Welsbach Electric Corp. of L.I. for traffic signal maintenance and requirements contract for the Town of Huntington, New York, Contract No. TTTS 2011-02.

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

WHEREAS, Welsbach Electric Corp. of L.I., 300 Newton Road, Plainview, New York 11803 has requested the first 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 Welsbach Electric Corp. of L.I. for traffic signal maintenance and requirements contract for the Town of Huntington, New York. The extension period shall be effective for one (1) year commencing on October 25, 2012 to be charged to account B3310.4560 and/or TT3397-RS309-2775, 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	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-369

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A REQUIREMENTS CONTRACT FOR THE HYDRAULIC REPAIRS AND PARTS WITH P & G FLEET SERVICES, INC.

Resolution for Town Board Meeting Dated: August 14, 2012

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, Federal regulations require annual inspection, testing and certification of Hydraulic Bucket Trucks to assure safe operation and performance and 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 June 14, 2012, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the hydraulic repairs and parts, Bid No. TOH 12-06R-038 and the same were opened publicly and read aloud; and

WHEREAS, P & G Fleet Services Inc., 40 Corporate Drive, Holtsville, New York 11742 is the sole 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 (c)(2), 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 P & G Fleet Services, Inc. for hydraulic repairs and parts. 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	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-370

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A REQUIREMENTS CONTRACT FOR THE TOWNWIDE REQUIREMENTS CONTRACT FOR PAVEMENT REPAIR WITH ROSEMAR CONTRACTING, INC.

Resolution for Town Board Meeting Dated: August 14, 2012

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, under this contract, the Contractor shall provide all necessary labor, equipment and materials to prepare & repair various pavement courses in accordance with Town of Huntington requirements and construction specifications; and

WHEREAS, sealed bids were received on August 2, 2012, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the townwide requirements contract for pavement repair, contract no. HWY 2012-08/O-E (Rebid) and the same were opened publicly and read aloud; and

WHEREAS, Rosemar Contracting, Inc., P.O. Box 16, Patchogue, New York 11772 is the low bidder; and

WHEREAS, townwide requirements contract for pavement repair is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and (c)(2), 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 Rosemar Contracting, Inc. for the townwide requirements contract for pavement repair. The contract period shall be effective for a one (1) year term commencing upon execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for two (2) additional one (1) year periods under the same prices, terms and conditions, to be charged to HW 5197-2776-12502, 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	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-371

RESOLUTION AUTHORIZING THE SUPERVISOR TO AUTHORIZE THE HUNTINGTON HARBOR MASTER AND SUFFOLK COUNTY POLICE TO ENFORCE A TEMPORARY 5 MPH ZONE, ONE MILE IN RADIUS TO THE HUNTINGTON LIGHTHOUSE DURING THE LIGHTHOUSE MUSICFEST

Resolution for Town Board Meeting Dated: August 14, 2012

The following resolution was offered by: **COUNCILMAN CUTHBERTSON, COUNCILWOMAN BERLAND**

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

WHEREAS, the Huntington Town Board is supportive of a Musicfest sponsored by the Huntington Lighthouse Preservation Society; and

WHEREAS, the Musicfest will be held at the Huntington Lighthouse on September 1, 2012 from 11:00 am to 10:00 pm - rain date is September 2, 2012 from 11:00 am to 10:00 pm; and

WHEREAS, the Musicfest will be attended by a large contingent of boats and boaters; and

WHEREAS, the Huntington Town Board, in the interest of safety, establishes a temporary 5 MPH zone, one (1) mile in radius to the Huntington Lighthouse in all waters controlled by the Town of Huntington on September 1<sup>st</sup> 2012 from 11am to 10pm or a rain date of September 2<sup>nd</sup> from 11am to 10pm; and

WHEREAS, the Huntington Town Board authorizes the Huntington Harbor Master and Suffolk County Police to strictly enforce such a speed zone and;

WHEREAS, the execution of this agreement is not an action 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 Department of Maritime Services Senior Harbor Master to establish and enforce a temporary 5 MPH zone, one (1) mile in radius to the Huntington Lighthouse on September 1, 2012 from the hours of 11:00 am to 10:00 pm and, if necessary, on the RAIN DATE of September 2, 2012 from 11:00 am to 10:00 pm

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VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT FOR THE USE OF THE PROPERTY LOCATED ON THE N/E CORNER OF BROADHOLLOW ROAD (ROUTE 110) AND PINELAWN ROAD (CR 3) FOR USE FOR FALL FESTIVAL DAYTIME PARKING UNDER TERMS AND CONDITIONS ACCEPTABLE TO THE TOWN ATTORNEY

Resolution for Town Board Meeting Dated: August 14, 2012

The following resolution was offered by: Supervisor Petrone, **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, by Resolution 2008-571 the Town Board first resolved to temporarily waive the covenants and restrictions upon the R-40 five acre portion of the split-zone parcel designated on the Suffolk County Tax Map as parcel number 0400- 257-03-009.005 also known as the BDG 115 Land LLC parcel, subject to conditions to minimize any impact of parking upon the abutting residential neighbors; and

WHEREAS, since 2008, the temporary waiver of the covenants and restrictions, subject to conditions minimizing the impact of parking on the abutting residential neighbors, has yielded no complaints from either the Villages at Huntington Homeowners Association or the abutting residential neighbors; and

WHEREAS, in 2011 via Town Board Resolution 2011-371 the Town Board recognized that a request to permanently modify the same covenants and restrictions was pending; and

WHEREAS, a written request has been made to schedule a public hearing in the near future to consider a permanent modification to the covenants and restrictions to allow the seasonal temporary Fall Festival Parking; and

WHEREAS, in order to extend the terms of the prior temporary waivers of the covenants and restrictions to apply to the use of the BDG 115 Land, LLC parcel in conjunction with the 2012 Schmitts' Farm Fall Festival, the Town Board desires to authorize the execution of an agreement between BDG 115 Land, LLC, Schmitts' Farm and the Villages at Huntington HOA; and

WHEREAS, the Town Board wishes to have the terms of such an Agreement approved by the Town Attorney and memorialized in writing and signed by the attorney or management agent for BDG 115 Land, LLC, the Villages at Huntington Homeowners Association and the attorney or representative for Schmitts' Farm before its execution by the Supervisor; and

WHEREAS, temporarily waiving Covenants and Restrictions to permit limited parking is classified as a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c) (15) and (27) and, therefore, no further SEQRA review is required.



## 2012-373

### RESOLUTION AUTHORIZING THE HUNTINGTON TOWNSHIP CHAMBER OF COMMERCE TO HOLD THE LONG ISLAND FALL FESTIVAL AT HUNTINGTON EVENTS AND AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT IN CONJUNCTION WITH SAME

Resolution for Town Board Meeting Dated: August 14, 2012

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Huntington Township Chamber of Commerce (the "Chamber") has requested permission to hold The Long Island Fall Festival at Huntington events on Friday, October 5, 2012, between the hours of 3pm and 11:00 pm; Saturday, October 6, 2012 between the hours of 11:00 a.m. and 11:00 p.m.; Sunday, October 7, 2012, between the hours of 11:00 a.m. and 11:00 p.m.; and Monday, October 8, 2012 between the hours of 11:00am and 5 pm; and

WHEREAS, the Chamber has requested permission to open the festival with a carnival, live band entertainment, Corporate Sponsors, Food Court, and a Beer & Wine Tasting on Friday, October 5, 2012, with the use of the Harry Chapin Rainbow Stage for live performances through Sunday, October 7, 2012 for the Festival live band entertainment; and

WHEREAS, in conjunction with the festival events and carnival, the Chamber has requested permission to use certain town facilities; and

WHEREAS, the Chamber has also requested an extension of all tent permits to allow for extra time; and

WHEREAS, such permission is contingent upon the execution of a license agreement which includes provisions requiring the Chamber to hold harmless and indemnify the Town of Huntington; and

WHEREAS, the authorization of the Long Island Fall Festival at Huntington events and execution of a license agreement in conjunction with same 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, BE IT

RESOLVED, that the Town Board of the Town of Huntington hereby authorizes the Huntington Township Chamber of Commerce to hold The Long Island Fall Festival at Huntington events on Friday, October 5, 2012, between the hours of 3:00 pm and 11:00 pm; Saturday, October 6, 2012 between the hours of 11:00 a.m. and 11:00 p.m.; Sunday,

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October 7, 2012, between the hours of 11:00 a.m. and 11:00 p.m.; and Monday, October 8, 2012 between the hours of 11:00am and 5:00pm; and be it further

RESOLVED, that the Town Board of the Town of Huntington hereby authorizes the Chamber to open the festival with a carnival, live band entertainment, Corporate Sponsors, Food Court, and a Beer and Wine Tasting on Friday, October 5, 2012, with the use of the Harry Chapin Rainbow Stage for live performances through Sunday, October 7, 2012 for the Festival live band entertainment; and be it further

RESOLVED, that the Town Board of the Town of Huntington hereby authorizes the following actions in order to facilitate the Chamber in relation to these events:

1. Authorizes the use of the Harry Chapin Rainbow Stage in conjunction with the Huntington Arts Council on Friday, October 5, 2012, beginning at 3 pm and ending at 11:00 p.m.; Saturday, October 6, 2012, beginning at 11:00 a.m. and ending at 11:00 p.m.; Sunday, October 7, 2012, beginning at 11:00 a.m. and ending at 11:00 p.m.; and
2. Authorizes the use of the cottage at Heckscher Park as a command center and the exterior grounds thereof as a first aid station, beginning at 11:00 a.m. on Friday, October 5, 2012 through Monday, October 8, 2012 at 5:00 p.m., inclusive; and
3. Grants permission for restricted parking by special pass for the disabled issued by the Chamber for Saturday, October 6, 2012 and Sunday, October 7, 2012, beginning at 11:00 a.m. and ending at 11:00 p.m., at the following Town parking fields:
  - A. 150 parking spaces in the lot of the John J. Flanagan Center (Village Green Parking Lot).
  - B. Town Hall Lot.
  - C. Lot west of the Elks Club.
4. The roads will be closed to vehicular traffic on Saturday, October 6, 2012, and Sunday, October 7, 2012, beginning at 8:30 a.m. and ending at 7:00 p.m. The Chamber will coordinate with the Department of Engineering Services and the Department of Highways, and abide by all applicable Town, County and State laws and regulations. All necessary permits and approvals shall be acquired and provided to the Huntington Town Clerk prior to September 28, 2012; and
5. Extends all permits for tents by 48 hours to a total of 120 hours, beginning on Thursday, October 4, 2012 at 11:00 am and ending on Tuesday, October 9, 2012 at 11:00 a.m. All tents erected or maintained shall be in compliance with Chapter 111, Article 29 of the Town of Huntington Fire Prevention Code and all permits shall be acquired and provided to the Huntington Town Clerk prior to September 28, 2012; and

6. Authorizes the Department of Engineering Services and the Department of General Services to run shuttle buses, at a cost of \$1.00 round trip per person to defray the cost of the service. Said shuttle schedule shall accommodate the needs of the participants and/or attendees for the duration of these events; and
7. Waives the fees currently being charged by the Bureau of Fire Prevention for tents and propane gas; and
8. Grants permission for the use of the Heckscher Park Pond for remote control speedboat races on Saturday and Sunday October 6 and 7, 2012 from 11:00 a.m. to 6:00 p.m. The dock on Madison Street will be used for launching purposes; and
9. The Huntington Township Chamber of Commerce and any and all vendors and/or organizations participating in the Food Court shall obtain any and all permits required by the Suffolk County Department of Health and any and all other agencies having jurisdiction and shall present same to the Town Clerk prior to September 28, 2012. The Huntington Township Chamber of Commerce and any and all vendors and/or organizations participating in the Food Court shall defend, indemnify and hold the Town, its agents, servants and/or employees harmless from and against all claims, including defense costs, reasonable attorney fees, liability arising out of or in connection with the aforesaid Food Courts, and/or the failure to obtain said proper permits.
10. The Chamber shall obtain, or cause the appropriate organizations to obtain any and all necessary permits and licenses required to provide a beer and/or wine tasting area in Heckscher Park and shall present same to the Town Clerk prior to September 28, 2012. Such area shall be self-contained and subject to strict rules and regulations. The Chamber, and any and all vendors and/or organizations participating in the beer/wine tasting area shall defend, indemnify and hold the Town, its agents, servants and/or employees harmless from and against all claims, including defense costs, reasonable attorney fees, liability arising out of or in connection with the aforesaid beer/wine tasting area, and/or the failure to obtain said proper permits.
11. The Chamber shall be restricted from using certain areas of Heckscher Park, as directed by the Town of Huntington for the purpose of maintaining the beauty and nature of the park. Prior to submitting the site plan as required by Huntington Town Code, said site plan shall be approved by the Director of the Town of Huntington Department of General Services or his designee.
12. The Huntington Township Chamber of Commerce shall be responsible for restoring Heckscher Park to its pre-festival condition, especially the area where the carnival takes place. They shall be required to accompany the Director of the Town of Huntington Department of General Services or his designee on an inspection of the park prior to and following the festival. Following the post festival inspection, the

Director of General Services will notify the Chamber of restoration work required to be undertaken by the Chamber. Said restoration work shall be completed within a reasonable timeframe agreed upon between the Chamber and the Town. Any and all costs associated with such restoration work shall be the sole responsibility of the Chamber.

13. The Town Board again reiterates that the use of Heckscher Park will continue to be subject to various restrictions and limitations to be determined by the Town of Huntington.

and be it further

RESOLVED, all costs incurred by the Town of Huntington for labor, services and materials in connection with or resulting from the festival events, excluding restoration work as outlined in item 13 above, shall be fully reimbursed by the Chamber, however, said amount shall not exceed the sum of \$12,500.00 and shall be paid to the Town of Huntington on or before November 1, 2012. All such labor, services and materials provided by the Town shall, to the best of the ability of the parties, be agreed upon in advance, by the Chamber and the Town; and be it further

RESOLVED, that the Town of Huntington shall be named as a festival sponsor; and be it further

RESOLVED, that the Chamber shall provide insurance coverage for property damage, personal injury, breach of agreement/contract and lost profit naming the Town of Huntington, its officers and employees as additional insured by endorsement and the insurance coverage must be provided prior to the commencement of the work or the use of the premises by providing the Town with a copy of the insurance policy including the endorsement naming the Town as additional insured. The insurance must be unrestricted and primary coverage. The Chamber shall be required to sign a license agreement, including the procurement of insurance, hold harmless and indemnity provisions to defend the Town regarding any personal injury, property damage, breach of contract, violation of civil rights and discrimination in a form and on terms acceptable to the Town Attorney.

The failure to procure insurance in accordance with the requirements of the above and the terms and conditions of an insurance procurement agreement acceptable to Town Attorney will constitute a breach of any agreement with the Town for use and operation at the premises and the entities may be held liable for such breach and will be held responsible for costs, expenses and attorney fees.

The policies of insurance shall be in a minimum of \$1,000,000 per occurrence for bodily injury and \$2,000,000 in aggregate and bodily injury including death and \$1,000,000 for property damage. The Town shall be named by endorsement as a beneficiary on any excess policies that any of the entities may have. The insurance which names the Town by endorsement shall be provided to the Huntington Town Clerk and the Town

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Attorney's Office by September 28, 2012. Any and all insurance agreements shall be entered that are acceptable in terms and conditions by the Town Attorney's Office; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a license agreement in conjunction with the festival events and carnival, on such terms and conditions as may be acceptable to the Town Attorney.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.





# 2012-376

## 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: August 14, 2012

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town Board would like to increase the revenue budget and increase in the expenses budget in the Waste Water budget due to higher volume of scavenger waste being processed at the Sewer Treatment Facility; and

WHEREAS, the Town has received an insurance recovery for property damage to a HART bus; and

WHEREAS, the Town would like to decrease the Trust and Agency account for Oil Spills for the raising of the Noli Eileen; and

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 revenue account:

SS32130	Waste Water Fees	\$ 95,000
A2680	Insurance Recoveries	\$ 35,400

Decrease the following appropriations:

TA0085-A3500	Oil Spills	\$ 25,000
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Increase the following appropriations:

A8790-4550	Outside Professional	\$ 25,000
A5630-4520	Vehicle Repairs	\$ 35,400
SS3-8133-4990	Refuse Disposal Charges	\$ 75,000

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SS3-8133-4510	Equipment, Supplies	\$ 10,000
SS38133-4610	Supplies	\$ 10,000

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

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 – VARIOUS DEPARTMENTS

Resolution for Town Board Meeting Dated: August 14, 2012

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, pursuant to Town Board Resolution 2008-569 each position listed below has been evaluated and deemed to be necessary for the continuation of essential Town services and for the safety and welfare of the community; and

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 elimination of full-time positions, including applicable funding, vacated by retirements and attrition to a general contingency account is not an action as defined 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 Comptroller to make the following budgetary amendments to the 2012 Operating Budget as follows:

Abolish the following position:

A-7182-1100	Automotive Equipment Operator	(\$22,287)
A-8565-1100	Automotive Equipment Operator	(22,287)
DB-5110-1100	Heavy Equipment Operator II	(24,138)

Create the following position:

A-7182-1100	Heavy Equipment Operator I	\$23,218
A-8565-1100	Heavy Equipment Operator II	24,138
DB-5130-1100	Automotive Mechanic III	15,749

Reinstate the following position:

A-1680-1100	Network & Systems Coordinator	\$29,720
B-1620-1100	Building Permit Examiner	15,776
DB-5110-1100	Labor Crew Leader I	14,489

Adjust the following Appropriations:

A-1990-1100	Contingency	(\$32,502)
B-1990-1100	Contingency	(15,776)
DB-1990-1100	Contingency	(6,100)

VOTE:            AYES:    5            NOES:    0            ABSTENTIONS:    0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO RETAIN THE SERVICES OF MARK TWENTYMAN, AN EXPERT IN THE FIELD OF AGRICULTURAL TAX EXEMPTION

Resolution for Town Board Meeting Dated: August 14, 2012

The following resolution was offered by: Councilman Cuthbertson

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

WHEREAS, the Town has the need to solicit professional expertise in the matter of Eatons Neck LLC vs. Town of Huntington; and

WHEREAS, Mark Twentyman is a retired employee of the New York State Real Property Tax Service (now known as "ORPTS"), where he ran the agricultural assessment program for over thirty (30) years. Mark Twentyman has also taught classes on the subject of agricultural assessment and possesses the expertise to provide the Town with defense of the above litigation; and

WHEREAS, the Town of Huntington Town Attorney and Tax Assessor have indicated that the use of such expert services is required in defense of this matter; and

WHEREAS, the appointment of an expert is not an action as defined by SEQRA in 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 authorizes the Town Attorney to retain the expert services of:

MARK TWENTYMAN  
P.O. Box 407  
Kinderhook, NY 12106

As an expert for an amount not to exceed EIGHT THOUSAND DOLLARS AND NO/100 CENTS (\$8,000) from Operating Budget A-1420-4551 (Outside Professionals) 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	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

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: August 14, 2012

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

And seconded by: **SUPERVISOR PETRONE**

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	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Schedule AChapter 87, Section 81 of the Code of the Town of Huntington  
Authorizing the Securing of a Pool Fence

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
53 Alton Ave. Greenlawn, NY 11740	0400-162.00-02.00-041.000	Kimberly Giglione	08/03/2012	100 Clay Piffs Rd. Greenlawn, NY 11740
26 Rustic Gate Ln. Dix Hills, NY 11746	0400-277.00-02.00-062.000	James Lovell Judith A. and Neal Lovell	08/03/2012	N/A
4 Stell Ln. East Northport, NY 11731	0400-184.00-01.00-009.000	Diego Ramos Ana Luisa Ramos	08/06/2012	N/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>
6 Elman Pl. East Northport, NY 11731	0400-172.00-02.00-033.000	Geraldine L. Thomas Craig Thomas	06/12/2012	N/A
24 Oxford Ave. Melville, NY 11747	0400-258.00-01.00-116.000	Alfred Cozine	06/29/2012	N/A
26 Rustic Gate Ln. Dix Hills, NY 11746	0400-277.00-02.00-062.000	James Lovell Judith A. and Neal Lovell	08/03/2012	N/A
4 Stell Ln. East Northport, NY 11731	0400-184.00-01.00-009.000	Diego Ramos Ana Luisa Ramos	08/06/2012	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>
6 Elman Pl. East Northport, NY 11731	0400-172.00-02.00-033.000	Geraldine L. Thomas Craig Thomas	06/12/2012	N/A
26 Rustic Gate Ln. Dix Hills, NY 11746	0400-277.00-02.00-062.000	James Lovell Judith A. and Neal Lovell	08/03/2012	N/A
59 Verleye Ave. East Northport, NY 11731	0400-172.00-02.00-015.000	Kenneth Sell	07/31/2012	N/A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
3 Courtney Ct. Huntington, NY 11743	0400-213.00-01.00-060.003	Grace Kotsinadelis	06/13/2012	N/A
1 Denton Ct. Huntington, NY 11743	0400-206.00-01.00-055.000	Philip T. Mc Lauchlin Deborah A. Mc Lauchlin	06/18/2012	N/A
6 Elman Pl. East Northport, NY 11731	0400-172.00-02.00-033.000	Geraldine L. Thomas Craig Thomas	06/12/2012	N/A
6 Fowler Pl. Dix Hills, NY 11746	0400-284.00-02.00-211.000	Michelle Manin	06/21/2012	N/A
102 Ft. Salonga Rd. Centerport, NY 11721	0400-081.00-01.00-040.000	Kathryn W. Pelletier Eric J. Pelletier	08/01/2012	N/A

2012-379

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
5 Gerri Rd. East Northport, NY 11731	0400-126.00-02.00-016.000	Marcia Bahamonde Barbara McDougald	08/06/2012	N/A
22 Hearthstone Dr. Dix Hills, NY 11746	0400-250.00-03.00-023.000	Harmon L. Walker Barbara Lee Walker	08/01/2012	N/A
311 W. Jericho Tpke. Huntington, NY 11743	0400-192.00-01.00-044.000	Country Cadillac, Buick, Pontiac & GMC Truck, LLC	07/17/2012	333 W. Jericho Tpke. Huntington, NY 11743
18 Kelsey Ave. Huntington Sta., NY 11746	0400-147.00-03.00-048.000	Babul Malik	07/13/2012	N/A
2 Kevin Rd. Commack, NY 11725	0400-222.00-02.00-044.000	Shirley Tannenbaum (Estate of) Shirley Tannenbaum (Rev Family Trust)	07/05/2012	N/A
24 Lorraine Ct. Northport, NY 11768	0400-055.00-01.00-048.003	Mohammed Sabur	07/19/2012	N/A
16 Stuyvesant St. Huntington, NY 11743	0400-161.00-03.00-104.000	Raymond Thomas Sheila Thomas	07/05/2012	N/A
80 Tamarack St. East Northport, NY 11731	0400-182.00-01.00-006.002	Douglas Cassar Laura P. Gunther	07/17/2012	N/A
59 Verleye Ave. East Northport, NY 11731	0400-172.00-02.00-015.000	Kenneth Sell	07/31/2012	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>
6 Elman Pl. East Northport, NY 11731	0400-172.00-02.00-033.000	Geraldine L. Thomas Craig Thomas	06/12/2012	N/A
26 Rustic Gate Ln. Dix Hills, NY 11746	0400-277.00-02.00-062.000	James Lovell Judith A. and Neal Lovell	08/03/2012	N/A
5 Gerri Rd. East Northport, NY 11731	0400-126.00-02.00-016.000	Marcia Bahamonde Barbara McDougald	08/06/2012	N/A

# 2012-380

## RESOLUTION ACCEPTING DONATION OF THE USE OF HYDRAULIC EXTRACTOR AND MANPOWER FOR DEMOLITION OF BOXER COURT OLD REFUSE VEHICLE MAINTENANCE BUILDING FROM E-Z DRAINAGE

Resolution for Town Board Meeting dated: August 14, 2012

The following resolution was offered by: Councilman Cook

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town of Huntington is desirous of demolishing an old refuse vehicle maintenance building located at 6 Boxer Court, Huntington; and

WHEREAS, E-Z Drainage, P. O. Box 168, Greenlawn, New York, wishes to donate the use of its hydraulic extractor and necessary manpower to utilize that equipment to assist the Town of Huntington in the demolition of the Town building at the Boxer Court location; and

WHEREAS, this policy is not an action as defined by 6 N.Y.C.R.R. §617.2(b) and therefore, no SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY ACCEPTS donation from E-Z Drainage who generously agrees to donate to the Town of Huntington the use of its hydraulic extractor and necessary manpower to utilize that equipment to assist the Town of Huntington in the demolition of the Town building at Boxer Court location; and :

VOTE:                      AYES: 5      NOES: 0      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION ADOPTING THE FINDINGS AND DETERMINATIONS OF THE ADMINISTRATIVE HEARING OFFICER AND AUTHORIZING ACTION (S) IN ACCORDANCE WITH HUNTINGTON TOWN CODE CHAPTER 156 PROPERTY MAINTENANCE; NUISANCES

Resolution for Town Board Meeting dated: August 14, 2012

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, by prior resolutions the Town Board has designated various properties as blighted and to be public nuisances: and

WHEREAS, each of the property owners listed on Schedule "A" to this resolution have received notices and have been given opportunities to be heard and to exercise their due process rights to object to the actions proposed to be taken by the Town or to correct the blight and nuisance conditions on their properties; and

WHEREAS, those properties whose owners have failed to enter into a Restoration Agreement with the Town or to take steps to remedy the conditions of blight upon their properties have been evaluated and considered for further action(s) to be taken at a public hearing and were referred by the Town Board to a hearing before an Administrative Hearing Officer; and

WHEREAS, after conducting Administrative Hearings, and hearing testimony and evidence the Administrative Hearing Officer has rendered findings and determinations which are attached hereto; and

WHEREAS, the Town Board wishes to adopt the findings and determinations of the Administrative Hearing Officer and to authorize the actions recommended by the Administrative Hearing Officer; and

WHEREAS, pursuant to it's authority under § 64 and §130 of New York State Town Law, Municipal Home Rule Law § 10, New York Executive Law § 382 and the Code of the Town of Huntington the Town Board wishes to authorize certain actions to remedy blight conditions; and

WHEREAS, the adoption of findings and determinations of an Administrative Hearing Officer and authorization of action(s) to remedy blight conditions upon properties within the Town of Huntington is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (29) and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD



**ADOPTING THE FINDINGS AND DETERMINATIONS OF THE ADMINISTRATIVE HEARING  
OFFICER AND AUTHORIZING ACTION**

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
Exhibit 19	3 Forest Court Huntington, NY 11743	0400-33-1-15	David & Jeanette Lagone 27 Cedarwood Road West Babylon, NY 11704	13-Sep-12	\$2,500.00
Exhibit 15	69 East 11th Street, Hunt. Stat. 11746	0400-146-01-034.000	NEW YORK EQUITY NOTE, LLC C/O HUBCO INCORPORATIONS 1715 N. Ocean Ave, Suite B Hicksville, NY 11801	18-Nov-11	\$2,500.00
Exhibit 17	24 Mill Lane Huntington NY 11743	0400-71-2-65	STEPHEN & RENEE DANSEGLIO 24 Mill Lane Huntington, NY 11743	9-Dec-11	\$2,500.00
Exhibit 21	6 Majestic Drive Dix Hills NY 11746	0400-214.00-03.00-003.000	JOHN BARON & MICHAEL BARON 6 Majestic Drive Dix Hills NY 11746	19-Jan-12	\$2,500.00

# **TOWN OF HUNTINGTON**

**Eric Sachs**  
**Administrative Law Judge**

## **DECISION**

Hearings held on:  
May 25 and June 7, 2012

3 Forest Court, Huntington, New York 11743

### **FINDINGS:**

This is an action brought by the Town of Huntington under the Blight Law and the Code of the Town of Huntington regarding the above referenced premises, to deem 3 Forest Court, Huntington, a Blighted Property and to take action thereunder.

I find that all appropriate notices were given to all the parties in interest. I further find that the property owners have failed or refused to appear at this hearing.

I find that under the Blight Law, the Town of Huntington properly noticed the property owners and all parties in interest, of the condition of the property and that the appropriate time limit was given to correct the conditions. I further find that the property owners have failed to remedy the condition.

### **DISPOSITION:**

I find that the Town of Huntington has met its burden under the Blight Law and deem the premises as blighted. As such, the structure, 3 Forest Court, should be dismantled, the oil tank removed, and the site graded to appropriate slopes. I do not find sufficient evidence to collapse the foundation walls.

The Town is authorized to place the costs and charges of the above on the Real Property Tax Bill of the subject premises.

The Town should take the appropriate steps to dismantle the premises as above and safeguard the lot from the general public.

ERIC SACHS



Administrative Law Judge

**TOWN OF HUNTINGTON**

100 Main Street, Huntington, New York 11743-6991 ☎Phone (631) 351-3042 ☎ Fax (631)351-3032

**SCHEDULE B**

# **TOWN OF HUNTINGTON**

**Eric Sachs**  
**Administrative Law Judge**

## **DECISION**

Hearing held on:  
July 10, 2012

24 Mill Lane, Huntington, New York 11743

### **FINDINGS:**

This is an action brought by the Town of Huntington under the Blight Law and the Code of the Town of Huntington regarding the above referenced premises, to deem 24 Mill Lane, Huntington, a Blighted Property and to take action thereunder.

I find that all appropriate notices were given to all the parties in interest. I further find that the property owners have failed or refused to appear at this hearing.

I find that under the Blight Law, the Town of Huntington properly noticed the property owners and all parties in interest, of the condition of the property and that the appropriate time limit was given to correct the conditions. I further find that the property owners have failed to remedy the condition.

### **DISPOSITION:**

I find that the Town of Huntington has met its burden under the Blight Law and deem the premises as blighted. As such, the structure 24 Mill Lane, Huntington, should be demolished and removed from the lot.

The Town is authorized to place the costs and charges of the above on the Real Property Tax Bill of the subject premises.

The Town should take the appropriate steps to safeguard and make the lot safe from the general public.

ERIC SACHS



Administrative Law Judge

**TOWN OF HUNTINGTON**  
100 Main Street, Huntington, New York 11743-6991 ☎Phone (631) 351-3042 ☎Fax (631)351-3032

**SCHEDULE B**

# **TOWN OF HUNTINGTON**

**Eric Sachs**  
**Administrative Law Judge**

## **DECISION**

Hearing held on:  
July 10, 2012

6 Majestic Drive, Dix Hills, New York 11746

### **FINDINGS:**

This is an action brought by the Town of Huntington under the Blight Law and the Code of the Town of Huntington regarding the above referenced premises, to deem 6 Majestic Drive, Dix Hills, a Blighted Property and to take action thereunder.

I find that all appropriate notices were given to all the parties in interest. I further find that the property owners have failed or refused to appear at this hearing.

I find that under the Blight Law, the Town of Huntington properly noticed the property owners and all parties in interest, of the condition of the property and that the appropriate time limit was given to correct the conditions. I further find that the property owners have failed to remedy the condition.

### **DISPOSITION:**

I find that the Town of Huntington has met its burden under the Blight Law and deem the premises as blighted. As such, the structure 6 Majestic Drive, Dix Hills, should be demolished and removed from the lot.

The Town is authorized to place the costs and charges of the above on the Real Property Tax Bill of the subject premises.

The Town should take the appropriate steps to safeguard and make the lot safe from the general public.

ERIC SACHS



Administrative Law Judge

**TOWN OF HUNTINGTON**  
100 Main Street, Huntington, New York 11743-6991 ☎ Phone (631) 351-3042 ☎ Fax (631)351-3032

**SCHEDULE B**

# **TOWN OF HUNTINGTON**

**Eric Sachs**  
**Administrative Law Judge**

## **DECISION**

Hearing held on:  
June 7, 2012

69 East 11th Street, Huntington, New York 11746

### **FINDINGS:**

This is an action brought by the Town of Huntington under the Blight Law and the Code of the Town of Huntington regarding the above referenced premises, to deem 69 East 11 Street, Huntington, a Blighted Property and to take action thereunder.

I find that all appropriate notices were given to all the parties in interest. I further find that the property owners have failed or refused to appear at this hearing.

I find that under the Blight Law, the Town of Huntington properly noticed the property owners and all parties in interest, of the condition of the property, and that the appropriate time limit was given to correct the conditions. I further find that the property owners have failed to remedy the condition.

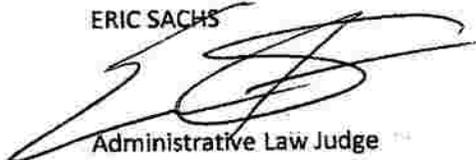
### **DISPOSITION:**

I find that the Town of Huntington has met its burden under the Blight Law and deem the premises as blighted. As such, the structure 69 East 11th Street, Huntington, should be demolished and removed from the lot. I do not find sufficient evidence to collapse the foundation walls.

The Town is authorized to place the costs and charges of the above on the Real Property Tax Bill of the subject premises.

The Town should take the appropriate steps to safeguard and make the lot safe from the general public.

ERIC SACHS



Administrative Law Judge

**TOWN OF HUNTINGTON**  
100 Main Street, Huntington, New York 11743-6991 ☎Phone (631) 351-3042 ☎Fax (631)351-3032

**SCHEDULE B**

2012-382

RESOLUTION APPOINTING A DIRECTOR OF THE DEPARTMENT OF  
ENGINEERING SERVICES

Resolution for Town Board Meeting Dated: August 14, 2012

The following resolution was offered by: Supervisor Petrone, **COUNCILMAN CUTHBERTSON**  
and seconded by: **COUNCILMAN COOK, COUNCILWOMAN BERLAND**

WHEREAS, the appointment of personnel is not an action as defined by 6  
NYCRR §617.2 (b) and therefore no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY APPOINTS

JOSEPH F. CLINE  
10 Thunder Rd.  
Miller Place, NY 11764

as Director of the Department of Engineering Services for the Town of Huntington at  
annual salary not to exceed the sum of ONE HUNDRED TWENTY FIVE THOUSAND  
AND NO/100 (\$125,000) effective August 20, 2012.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION DECLARING SEPTEMBER 16<sup>TH</sup> TO BE AMERICAN LEGION DAY

Resolution for Town Board Meeting Dated: August 14, 2012

The following resolution was offered by: Councilman Mayoka

And seconded by: **COUNCILMAN COOK, COUNCILWOMAN BERLAND**

WHEREAS, the American Legion was chartered by Congress in 1919 on September 16<sup>th</sup> as a wartime veterans organization based on the four pillars of Veterans Affairs & Rehabilitation, National Security, Americanism and Children & Youth; and

WHEREAS, over the years the American Legion has become a preeminent community-service organization which now numbers more than 2.5 million members – men and women – in over 14,000 American Legion posts worldwide working a variety of programs that support the four pillars and benefit our nation’s veterans, its service members, their families, the youth of America and its citizens; and

WHEREAS, the 2012 observance of American Legion Day provides an opportunity to recognize Legionnaires in our community for their many contributions to our community; and

WHEREAS, the resolution (U.S. S. Res. 260) was agreed to, UNITED STATES SENATE RESOLUTION 260--DESIGNATING SEPTEMBER 16, 2009, AS "THE AMERICAN LEGION DAY" -- (Senate - September 10, 2009)[Page: S9269], attached as Schedule A; and

WHEREAS, the subject of this resolution is a Type II action pursuant to 6 NYCRR 617.5 ( c )(20) and (29) therefore no further SEQRA review is required.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby recognizes the designation of September 16, as American Legion Day in the Town of Huntington.

THE TOWN BOARD

VOTE:                      AYES: 5      NOES: 0      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

## Schedule A

### U.S. Senate Passes Resolution making September 16, The American Legion Day

THE AMERICAN LEGION DAY -- (Senate - September 10, 2009)  
[Page: S9274] GPO's PDF

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 260, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 260) designating September 16, 2009, as "The American Legion Day." There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Mr. President, I rise to support this legislation I introduced with Senator LINCOLN, Senator COLLINS, and Senator CHAMBLISS, which would officially recognize this Nation's largest veterans' service organization, The American Legion, and its vital role in communities across the Nation, by designating September 16, 2009, as "The American Legion Day."

Nothing describes the role of The American Legion more beautifully than its preamble to its constitution which is recited by its members at the beginning of every official meeting.

For God and Country, we associated ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the Master of Might; to promote peace and good will on earth; to safeguard and transmit to Posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

I think we all would agree that these are extremely lofty goals for any organization, but amazingly The American Legion continues to work towards these objectives--not for themselves, but for America.

Most people are surprised to learn that The American Legion was actually founded in Paris, France. You see World War I veterans remembered the challenges facing other wartime veterans from previous generations and vowed not to let their fellow comrades face the same hardships, especially those with service-connected disabilities. They were concerned with employment opportunities for returning combat veterans. They were concerned about the survivors of combat

veterans who had paid the ultimate sacrifice in service to their country. They were concerned about medical care for the wounded and ill returning service members.

Now, as at its founding, The American Legion remains focused on supporting military service members and their families. Since December, The American Legion's Operation Comfort Warrior raised over \$170,000 to buy merchandise for Wounded Warriors in military treatment centers around the country. The American Legion also established the "Heroes to Hometowns" program which helps local communities prepare "welcome home" events when wounded warriors are finally released from military or veterans' affairs medical centers. Since the first Gulf War, The American Legion has maintained its Family Support Network which assists deployed service members and their families, especially members of the National Guard and Reserves. Some requests are for financial assistance, but other requests are simply for household chores, such as lawn work or car maintenance, that would normally be done by the soldier, sailor, airmen, Marine, were they not deployed. No request is too large or too small.

Many Legionnaires can be found in public schools on Veterans' Day or Memorial Day talking about their military service in periods of armed conflict to make sure the next generation of Americans understands the sacrifices and hardships of previous generations of wartime veterans. Legionnaires also teach students about the proper display and care of the Flag of the United States.

The American Legion works closely with the American Red Cross--the largest organization of blood donors and a working partner in disaster assistance. Many American Legion Posts serve as Red Cross and FEMA work centers in areas hit by natural disasters.

The American Legion is also proud of its membership's spirit of volunteerism. Each year, Legionnaires volunteer over a million hours of services in VA and military medical facilities, State veterans' homes, and other such community volunteer opportunities.

And one of the most solemn of functions is providing burial details for fallen comrades of every generation. The American Legion Color Guards, Buglers and Rifle Squads perform thousands of burials in veterans' and private cemeteries around the Nation.

As all of us in this chamber know, The American Legion remains today an active and vigorous advocate for service members, veterans and their families here on Capitol Hill. Among its greatest legislative achievements was the enactment of the Servicemen's Readjustment Act of 1944, the GI Bill of Rights. The initial draft of the GI Bill was written by Legionnaires at the Mayflower Hotel here in Washington, DC. Many consider the GI Bill as one of the greatest pieces of legislation ever enacted.

Congress presented The American Legion its Federal charter on September 16, 1919; therefore, I think it only fitting that we proclaim September 16, 2009, "The American Legion Day." I sincerely hope that my colleagues will join me in supporting this well-earned measure, demonstrating our mutual esteem and reverence for this outstanding organization.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 260) was agreed to.

SENATE RESOLUTION 260--DESIGNATING SEPTEMBER 16, 2009, AS ``THE AMERICAN LEGION DAY" -- (Senate - September 10, 2009)

[Page: S9269] GPO's PDF

Ms. SNOWE (for herself, Mrs. Lincoln, Ms. Collins, and Mr. Chambliss) submitted the following resolution; which was considered and agreed to:

**S. Res. 260**

Whereas, on September 16, 1919, Congress issued to the American Legion a Federal charter as a wartime veterans service organization;

Whereas the American Legion remains active in communities at the national, State, and local levels;

Whereas members of the American Legion (commonly referred to as ``Legionnaires") provide millions of hours of volunteer service to medical facilities of the Department of Veterans Affairs and State homes for veterans throughout the United States;

Whereas the American Legion continues to sponsor activities for children and youth, including the National Oratorical Contest, Boy Scouts, American Legion Baseball, Boys State, and Boys Nation;

Whereas the American Legion awards millions of dollars in college scholarships to young men and women;

Whereas the American Legion National Emergency Fund provides financial assistance to Legionnaires displaced by natural disasters;

Whereas the American Legion Family Support Network provides assistance to members of the Armed Forces of the United States and their families;

Whereas the American Legion Child Welfare Foundation has provided millions of dollars to programs focused on youth in the United States, including the Special Olympics and the Children's Miracle Network;

Whereas the American Legion Temporary Financial Assistance provides grants to veterans with children experiencing financial hardships;

Whereas the American Legion remains second to none in steadfast support of strong national defense;

Whereas the American Legion supports maintaining a viable and principled foreign relations agenda;

Whereas the American Legion is a staunch advocate for the principal missions of the Department of Veterans Affairs;

Whereas the American Legion wrote the original draft of the Servicemen's Readjustment Act of 1944 (58 Stat. 284, chapter 268), commonly referred to as the "G. I. Bill of Rights";

Whereas the American Legion continues to support employment programs and opportunities for veterans; and

Whereas Legionnaires believe that a veteran's service to the United States continues long after the veteran is honorably discharged from the Armed Forces of the United States: Now, therefore, be it

**Resolved, That the Senate designates September 16, 2009, as "The American Legion Day".**

RESOLUTION EXTENDING THE TIME TO MAKE A DETERMINATION REGARDING THE ADOPTION OF LOCAL LAW INTRODUCTORY NUMBER 9-2012, AMENDING TOWN BOARD RESOLUTIONS NO. 1967-46 AND 1998-124 TO REVOKE AND REESTABLISH THE COVENANTS AND RESTRICTIONS RECORDED AS PART OF ZONE CHANGE APPLICATION #180, WARREN AND THEODORE BITTNER, FOR THE PROPERTY LOCATED ON THE NORTH SIDE OF FORT SALONGA ROAD, EAST OF LITTLE NECK ROAD, CENTERPORT (SCTM# 0400-044-03-021).

Resolution for Town Board Meeting Dated: August 14, 2012

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN COOK, COUNCILMAN MAYOKA**

WHEREAS, Town Board Resolution 2012-202 scheduled a public hearing, and the same was held on the 22nd day of May, 2012, to consider adopting Local Law Introductory No. 9-2012, amending Town Board resolutions No. 1967-46 and 1998-124 to revoke and reestablish the covenants and restrictions recorded as part of zone change application #180, Warren and Theodore Bittner, on the property located on the north side of Fort Salonga Road, east of Little Neck Road, Centerport, SCTM# 0400-044-03-021; and

WHEREAS, the Town Board reserved decision; and

WHEREAS, pursuant to the Code of the Town of Huntington Chapter 54, the time period to make a determination on the application is set to expire on August 20, 2012; and

WHEREAS, a time extension is not an action pursuant to SEQRA as defined by 6 NYCRR §617.2(b) and therefore no SEQRA review is required;

NOW, THEREFORE

THE TOWN BOARD

HEREBY EXTENDS the time to make a determination concerning the above referenced change of zone application for an additional 90 day time period to November 18, 2012.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

## 2012-385

RESOLUTION URGING THE STATE OF NEW YORK, THE LONG ISLAND POWER AUTHORITY, THE TOWN OF SMITHTOWN AND THE SUFFOLK COUNTY LEGISLATURE TO REJECT A PROPOSAL BY COMPETITIVE POWER VENTURES, INC. FOR CONSTRUCTION OF A GAS POWERED GENERATING PLANT IN KINGS PARK, NY

Resolution for Town Board Meeting Dated: August 14, 2012

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILMAN MAYOKA, COUNCILWOMAN BERLAND, SUPERVISOR PETRONE**

WHEREAS, Competitive Power Ventures, Inc. (CPV) of Maryland has proposed the construction of 400-MegaWatt electric power generating facility in Kings Park, NY on property owned by the Carlson Associates; and

WHEREAS, the Carlson property is located in Groundwater Management Zone 1 as mapped by the County of Suffolk, where bulk storage of toxic and hazardous materials over 250 gallons is prohibited; and

WHEREAS, in addition to its primary natural gas fuel source, CPV's proposal would require on-site storage of 600,000 gallons of distillate petroleum, classifying it as a Major Oil Storage Facility under New York State law and subjecting it to authorization and regulation to the New York State Department of Environmental Conservation; and

WHEREAS, the Carlson property is zoned Residential and Light Industrial according to the Town Code of the Town of Smithtown and CPV's proposal is an incompatible Heavy Industrial use; and

WHEREAS, this area and its road network is already burdened with a resource recovery facility, a sand mine as well as cement and asphalt plants so that down zoning the Carlson property to permit this proposed Heavy Industrial use poses an unacceptable threat to groundwater aquifer and the well-being of residents living in or near Kings Park; and

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

NOW, THEREFORE, THE TOWN BOARD

HEREBY URGES the State of New York, the Long Island Power Authority, the Town of Smithtown and the Suffolk County Legislature to reject a proposal by competitive power ventures, Inc. for construction of a power generating plant in Kings Park, NY; and

HEREBY DIRECTS Huntington Town Clerk Jo-Ann Raia to forward a certified copy of this resolution to New York State legislators Senator John Flanagan, Assemblyman Andrew Raia and Assemblyman Michael Fitzpatrick; Michael D. Hervey, Chief Operating

# 2012-385

Officer of the Long Island Power Authority; Suffolk County legislators Lynne Nowick and Dr. William Spencer and the Supervisor and Town Board of the Town of Smithtown.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING APPROPRIATE ACTION (S) IN ACCORDANCE WITH HUNTINGTON TOWN CODE CHAPTER 156 PROPERTY MAINTENANCE; NUISANCES, ARTICLE VII, BLIGHTED PROPERTY, § 156-67, ACTION BY TOWN BOARD FOR FAILURE TO COMPLY OR ABATE VIOLATIONS

Resolution for Town Board Meeting dated: August 14, 2012

The following resolution was offered by: Councilwoman Berland

And seconded by: **COUNCILMAN MAYOKA**

WHEREAS, on June 19, 2012 by Town Board Resolution 2012-311 the Town Board designated certain properties as "blighted" and scheduled a public hearing to consider further action to remedy the conditions of blight thereon; and

WHEREAS, those properties whose owners have failed to enter into a Restoration Agreement with the Town or to take steps to remedy the conditions of blight upon their properties have been evaluated and considered for further action(s) to be taken at a public hearing held on July 24, 2012 ; and

WHEREAS, pursuant to it's authority under § 64 and §130 of New York State Town Law and the Code of the Town of Huntington the Town Board wishes to authorize certain actions to remedy blight conditions; and

WHEREAS, the authorization of the action(s) to remedy blight conditions upon properties within the Town of Huntington is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (29) and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY DESIGNATES the properties listed on Schedule "A" to this Resolution to be nuisances and that hereafter the Town shall be authorized to enter upon said properties where such nuisance and blight exists to remedy such nuisance and blight and to charge the cost or expense of such remediation against the property tax bill as a lien ; and

HEREBY DIRECTS the Receiver of Taxes to assess the annual registration fees upon the properties as listed in Schedule A to this Resolution; and

HEREBY DIRECTS the Director of General Services to maintain records of all costs and expenses in connection with the abatement of the blight conditions and to provide same reports to the Town Attorney for determination as to the amounts to be assessed against the properties listed on Schedule A to this Resolution; and



**Chapter 156 §67 - (A), (B) and (C) of the Code of the Town of Huntington Authorizing  
Actions by Town Board for Failure to Comply or Abate Violations**

PREVIOUS EXHIBITS- SCHEDULE A VIOLATION	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
Exhibit 44	24 Alyssum Avenue Huntington, NY 11743	0400-209.00-01.00-020.000	Margaret Eddy Estate L.O. of Fred J. Meagher 15 Hawley Street Binghamton NY 13901	30-Apr-12	\$2,500.00
Exhibit 45	199 Seaman Neck Road Dix Hills, NY 11746	0400-278.00-02.00-044.000	Bank of America 400 National Way simi Valley, CA 93065	4-May-12	\$2,500.00
Exhibit 46	138 Wyman Avenue Hunt. Station NY 11746	0400-099.00-05.00-007.000	GMAC Property Preservation 3451 Hammond Ave. Waterloo, IA 50702	15-May-12	\$2,500.00
Exhibit 47	17 Armell Street Hunt. Station NY 11746	0400-200.00-02.00-101.000	Norman & Constance Mrwik 17 Armell Street Hunt. Station NY 11746	21-May-12	\$2,500.00
Exhibit 49	502 10th Avenue East Northport, NY 11731	0400-115.00-02.00-028.000	Dennis Carrion 502 10th Avenue E. Northport, NY 11731	29-May-12	\$2,500.00

**Chapter 156 §67 - (A), (B) and (C) of the Code of the Town of Huntington Authorizing  
Actions by Town Board for Failure to Comply or Abate Violations**

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
Exhibit 44	24 Alyssum Avenue Huntington, NY 11743	0400-209.00-01.00-020.000	Margaret Eddy Estate L.O. of Fred J. Meagher 15 Hawley Street Binghamton NY 13901	30-Apr-12	\$2,500.00
Exhibit 45	199 Seaman Neck Road Dix Hills, NY 11746	0400-278.00-02.00-044.000	Bank of America 400 National Way simi Valley, CA 93065	4-May-12	\$2,500.00
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Exhibit 47	17 Armell Street Hunt. Station NY 11746	0400-200.00-02.00-101.000	Norman & Constance Mrwik 17 Armell Street Hunt. Station NY 11746	21-May-12	\$2,500.00
Exhibit 49	502 10th Avenue East Northport, NY 11731	0400-115.00-02.00-028.000	Dennis Carrion 502 10th Avenue E. Northport, NY 11731	29-May-12	\$2,500.00

2012-386

**PROPERTIES PREVIOUSLY CITED FOR BLIGHT; CURRENTLY IN COMPLIANCE OR PARTY TO RESTORATION AGREEMENT**

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE
Exhibit 50	35 Wildwood Drive Dix Hills NY 11746	0400-277.00-01.00-021.000	Robert & Mindy Bass 66 Willington Drive Melville, NY 11747	1-Jun-12
Exhibit 38	28 Columbia St. Hunt. Station NY 11746	0400-140.00-03.00-076.000	BROADWAY NY LLC PO BOX 552 East Northport, NY 11731	24-Oct-11
Exhibit 48	8 Swarthmore Lane Dix Hills, NY 11746	0400-215.00-01.00-093.000	Shahid Khan & Naheed Kahn 8 Swarthmore Lane Dix Hills, NY 117463	25-May-12
Exhibit 36	151 West Pulaski Rd. Hunt. Station, NY 11746	0400-141-01-078.004	Robert A. Guerrero 461 East Pulaski Rd. Hunt. Station, NY 11746	9-Mar-12
Exhibit 34	110 East 10th Street Hunt. Station NY 11746	0400-146-03-127.000	Stars Real Estate Holding, Inc. c/o A.K. Sharma P.O. BOX 721 Syosset, NY 11791- 0721	9-Mar-12

**SCHEDULE C**

ENACTMENT: AMEND THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.  
 RE: KENNEDY LANE, TURKEY LANE, COLD SPRING HARBOR– PARKING RESTRICTIONS.

Resolution for Town Board Meeting Dated: August 14, 2012

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

and seconded by: **COUNCILMAN COOK**

THE TOWN BOARD having held a public hearing on the 24th day of July, 2012, to consider amending the Uniform Traffic Code of the Town of Huntington, and due deliberation having been had,

HEREBY AMENDS

the Uniform Traffic Code of the Town of Huntington, Chapter 3, Parking Regulations; Article II, Parking, Standing and Stopping Regulations; §3-3, Designation of Areas and Restrictions; Schedule J.

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
ADD:	Kennedy Lane/North From 300 ft. east of Turkey Lane to Turkey Lane. (CSH)	No Stopping	-----
	Kennedy Lane/South From Turkey Lane east for 300 ft. (CSH)	No Stopping	-----
	Turkey Lane/East From 75 ft. south of Kennedy Lane To 75 ft. north of Kennedy Lane. (CSH)	No Stopping	-----
	Turkey Lane/West From 75 ft. north of Kennedy Lane To 75 ft. south of Kennedy Lane. (CSH)	No Stopping	-----

2012- 387

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ENACTMENT: AMEND THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.  
 RE: KENNEDY LANE, COLD SPRING HARBOR – PARKING RESTRICTIONS.

Resolution for Town Board Meeting Dated: August 14, 2012

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

and seconded by: **COUNCILWOMAN BERLAND**

THE TOWN BOARD having held a public hearing on the 24th day of July, 2012, to consider amending the Uniform Traffic Code of the Town of Huntington, and due deliberation having been had,

HEREBY AMENDS

the Uniform Traffic Code of the Town of Huntington, Chapter 3, Parking Regulations; Article II, Parking, Standing and Stopping Regulations; §3-3, Designation of Areas and Restrictions; Schedule J.

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
ADD:	Kennedy Lane/North From Woodleaf Court to 300 ft. East of Turkey Lane. (CSH)	No Parking	7:00am to 4:00pm; School Days
	Kennedy Lane/South From 300 ft. east of Turkey Lane to Woodleaf Court. (CSH)	No Parking	7:00am to 4:00pm; School Days

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012- 389

ENACTMENT: APPROVE THE ISSUANCE OF A CERTIFICATE OF APPROVAL  
IN A HISTORIC DISTRICT  
RE: 32 EAST CARVER STREET, HUNTINGTON—OLD HUNTINGTON VILLAGE  
CARVER STREET HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: August 14, 2012

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

and seconded by: **COUNCILMAN COOK**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 24th day of July, 2012, pursuant to Section 198, Article VI of the zoning code of the Town of Huntington, to consider the application of Erica West, 32 East Carver Street, Huntington, NY 11743, for a Certificate of Approval to remove a deck, erect a 10.2' x 5' side entry porch and other exterior alterations at a one family dwelling located at 32 East Carver Street, Huntington, NY 11743, bearing Suffolk County Tax Map #0400-096.00-01.00-023.000, and located in the Old Huntington Village Carver Street 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 Erica West for a Certificate of Approval.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-390

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 12-2012, AMENDING LOCAL LAW NO. 18-2010 SO AS TO REVOKE ALL OF THE COVENANTS AND RESTRICTIONS PREVIOUSLY RECORDED AS PART OF ZONE CHANGE APPLICATION #2006-ZM-364 OF EAST NORTHPORT VENTURE, LLC, AND REESTABLISHING COVENANTS AND RESTRICTIONS FOR PROPERTY LOCATED ON THE NORTH SIDE OF JERICHO TURNPIKE, WEST OF LARKFIELD ROAD, ELWOOD, SCTM# 0400-217-03-(082, 083, 084).

Resolution for Town Board Meeting dated: August 14, 2012

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

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

WHEREAS, the zone change application of East Northport Venture, LLC, #2006-ZM-364, for a change of zone from I-4 Light Industry District to C-6 General Business District was approved by the Town Board on March 18, 2008 subject to the filing of a Declaration of Covenants and Restrictions on the property; and

WHEREAS, a Declaration of Covenants and Restrictions was filed on February 27, 2009 in Liber 12581 Page 658 in accordance with the Town Board Resolution; and

WHEREAS, the current property owner has petitioned the Town Board to remove covenant #4, which placed the height, area, and bulk requirements of the C-5 zone on the C-6 zoned property, and prohibited an outdoor garden center at the rear of a building; and

WHEREAS, this amendment to the covenants is part of a proposal to build a self-storage facility on the property; and

WHEREAS, said application was forwarded to the Planning Board by the Town Board for study and recommendation under the applicable provisions of Huntington Town Code §198-127, and pursuant to the New York State Environmental Conservation Law, Article 8, State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617; and

WHEREAS, the applicant has submitted Part I of an Environmental Assessment Form (EAF) in connection with the application, and the Department of Planning and Environment has reviewed the information provided with the EAF, has duly classified the action Unlisted in accordance with the provisions of SEQRA, §6 NYCRR 617, and has coordinated the action which has established the Town Board, 100 Main St., Huntington, NY 11743, as Lead Agency and has prepared an EAF Parts II and III dated July 19, 2012, which analyzes the planning and zoning issues relative to the subject application as well as consistency with the Horizons 2020 Comprehensive Plan and evaluates potential project impacts in accordance with the SEQRA regulations, and these documents and additional information concerning the SEQRA process can be obtained from the Department of Planning and

Environment, 100 Main St., Room 212, Huntington, NY 11743, phone: (631) 351-3196, e-mail: [planning@huntingtonny.gov](mailto:planning@huntingtonny.gov); and

WHEREAS, by resolution dated July 11, 2012 the Planning Board recommended to the Town Board that the Town Board issue a Negative Declaration under SEQRA and approve the request to modify the covenants and restrictions as proposed;

NOW THEREFORE BE IT

RESOLVED, upon due deliberation of the completed Environmental Assessment Form on file in the offices of the Town Clerk and the Department of Planning and Environment, the Town Board finds that this Unlisted action will not have a significant effect upon the environment because it will incorporate measures, provided for in present town standards and regulations, to effectively mitigate potential impacts; and further finds that the proposed action to modify the covenants on the subject property is consistent with the Town of Huntington Comprehensive Plan and with long term planning policies and goals and is unlikely to pose significant adverse environmental impacts; and additionally finds that any subdivision or site plan resulting therefrom may require its own determination of significance, following SEQRA assessment of the specific project's environmental consequences based upon new information or revisions to the concept plans, the Town Board hereby:

(1) Issues a Negative Declaration in accordance with Article 8 of the Environmental Conservation Law based on the reasons outlined in the EAF, Parts II and III, which is hereby appended as Schedule "A" and made part of this resolution and Negative Declaration; and

(2) Finds that the requirements for a SEQRA review have been met; and

BE IT FURTHER RESOLVED, that the Town Board, having held a public hearing on the 24th day of July, 2012, to consider adopting Local Law Introductory No. 12-2012, amending Local Law No. 18-2010 so as to revoke all of the Covenants and Restrictions previously recorded against SCTM# 0400-217-03-(082, 083, 084) as part of zone change application #2006-ZM-364 of East Northport Venture, LLC, and reestablishing new Covenants and Restrictions for the property, and due deliberation having been had

HEREBY APPROVES the change of zone as set forth below, except that this Local Law shall not be filed with the Secretary of State by the Huntington Town Clerk or be deemed effective against the subject property until the Covenants and Restrictions identified in this Resolution are approved by the Town Attorney as to form and content, and the applicant provides proper proof of filing with the Suffolk County Clerk to the Department of Planning and Environment, Town Attorney, and Town Clerk; and

FURTHER RESOLVES that no subdivision or site plan shall be approved by the Planning Board or signed by the Director of Planning unless the plan is in full compliance

with the requirements of this Resolution, the Covenants and Restrictions, and any applicable condition, restriction, or limitation established by the Planning Board during subdivision or site plan review; and

HEREBY ADOPTS

Local Law Introductory No. 12-2012, amending Local Law No. 18-2010 as follows on the terms and conditions as set forth herein.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS FOLLOWS:

LOCAL LAW NO. \_\_\_\_ -2012

AMENDING LOCAL LAW NO. 18-2010 SO AS TO REVOKE ALL OF THE COVENANTS AND RESTRICTIONS PREVIOUSLY RECORDED AGAINST SCTM# 0400-217-03-(082, 083, 084) AS PART OF ZONE CHANGE APPLICATION #2006-ZM-364 OF EAST NORTHPORT VENTURE, LLC, AND REESTABLISHING COVENANTS AND RESTRICTIONS AS FOLLOWS:

Section 1. Amendment to Local Law No. 18-2010 deleting all of the existing Covenants and Restrictions and reestablishing new Covenants and Restrictions as follows:

- (1) The Covenants and Restrictions filed in the Office of the Suffolk County Clerk under Liber 12581 Page 658 are extinguished in their entirety; and
- (2) Buildings and parking will be prohibited within the rear 125 feet of the property, which may be landscaped (including berms, sound walls, and fences) or left natural at the discretion of the Planning Board to provide a buffer for residential neighbors; and
- (3) The front 30 feet of the property will be maintained as a landscaped area to enhance the site's visual appearance from the street, with the exception of the entrance/exit driveway, any necessary roadway and site improvements, and signs; and
- (4) The owner will provide cross access easements to neighboring properties upon request by the Town of Huntington in order to promote better traffic flow; and
- (5) The property will be restricted to the height, area, and bulk requirements of the C-5 Planned Shopping Center zoning district unless a self-storage facility is built, in which case these C-5 requirements will not apply, and no outdoor garden center will be located at the rear of any building; and

- (6) All HVAC and other noise-generating equipment on the roof of the building will have rear noise shields to reduce noise transmission toward neighboring residences; and
- (7) The developer will have to contribute their fair share of funds for the improvement of the Jericho Turnpike (NYS 25) and Larkfield Road intersection if requested by the New York State Department of Transportation; and
- (8) These covenants and restrictions shall run with the land and shall be binding upon the property owners, their heirs, successors and/or assigns; and
- (9) These covenants and restrictions shall enure to the benefit of, and be enforceable by the Town of Huntington; and
- (10) No portion of the Covenants and Restrictions may be modified, altered, amended, annulled or repealed except by action of the Huntington Town Board; and
- (11) If this property is ever further subdivided or the tax map lots altered in any fashion, the property owner shall file revised Covenants and Restrictions subject to the provisions contained herein and review by the Town Attorney to ensure that the covenants are properly attributed to the new tax map lot or lots.

These modifications are subject to the filing of revised Covenants and Restrictions as set forth herein. All such Covenants and Restrictions to be submitted to the Town Attorney by the applicant for approval as to form and substance prior to filing, and upon such approval, to be filed in the Office of the Suffolk County Clerk at the owner or applicant's sole cost and expense. Proof of such filing shall be provided by the applicant to the Town Attorney, Director of Planning and Huntington Town Clerk.

All such Covenants and Restrictions shall be in addition to such terms and conditions as deemed necessary by the Town Attorney to assure compliance with the Covenants.

## Section 2. Severability

If any clause, sentence paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

## Section 3. Effective Date



2012-390

SCHEDULE "A"

**ENVIRONMENTAL ASSESSMENT FORM  
PARTS II & III**

**EAST NORTHPORT VENTURE, LLC – AMENDED (#2006-ZM-364)  
MODIFICATION OF DECLARATION OF COVENANTS AND RESTRICTIONS**

**PROJECT DESCRIPTION:** The original East Northport Venture, LLC zone change request from I-4 Light Industry to C-6 General Business proposed the construction of a 36,815 sq. ft. retail building with a partial second story on 4.02 acres. The footprint of the building was 28,217 sq. ft. There was no specific tenant for the building at that time. The application proposed oversized landscaped buffers of 30 feet in the front and 130 feet in the rear of the property to match other recent rezoning applications in the neighborhood and the Delco Development Company zone change application from 1985, which was never brought to completion by that applicant. The tax map parcels involved are SCTM: 0400-217-03-(082, 083, 084).

The current development proposal by East Northport Project, LLC for the property is a 139,120 sq. ft self-storage facility that would occupy a single building on the front half of the property, with three stories above ground and a fourth usable story in the cellar. The footprint of the building is 34,774 sq. ft. Due to the limited traffic and parking demand of self-storage buildings, two-thirds of the required parking would be landbanked, resulting in no development of the rear half of the property, and no development or site activity behind the building. The parking lot in front of the building is designed to handle truck deliveries, and it has access to the traffic signal on Jericho Turnpike that serves the entrance driveway for Huntington Square Mall and the Stop & Shop/Best Buy shopping center. The oversized buffers from the retail proposal remain.

The application to the Town Board would remove one of the approval conditions found in the Declaration of Covenants and Restrictions that was filed to complete the original zone change. The condition in question limited the property to the height, area, and bulk requirements of the C-5 Planned Shopping Center District. This condition has been used in several zone change applications in this neighborhood to provide some building restrictions on new development, since the C-6 General Business zone lacks any setback requirements. The proposed self-storage facility would comply with the height limit in feet and the front and rear yard requirements of the C-5 zone. However, the proposed building does not meet the side yard setback requirement on one side (adjacent to another self-storage facility) and would have three stories where the C-5 zone only allows two stories.

Self-storage facilities require a special use permit from the Zoning Board of Appeals under Section 198-68(A)(25) of the Zoning Code. The Zoning Board approved this special use permit under Appl. #20459 on April 19, 2012, with the condition that the Town Board modify the covenants as proposed. The Zoning Board also granted area variances relating to the specific Code requirements for self-storage buildings in §198-68(A)(25) and for a parking lot buffer

reduction to enable an adjacent commercial lot to retain a driveway that encroaches onto the subject property (with the applicant's permission).

**COMPREHENSIVE PLAN:** The Horizons 2020 Comprehensive Plan Update Generalized Future Land Use Map shows the use of the property as Commercial, which matches the existing C-6 General Business zoning. It is also shown as part of the Jericho Turnpike Major Commercial Corridor and in a Major Commercial/Mixed Use Activity Center. This area is recommended for higher-density development, to be balanced by less development along Jericho Turnpike away from the activity centers. It is also suggested that public amenities be provided if additional development is allowed. Properties in this area should be linked by driveways and sidewalks to ease travel between stores and decrease traffic on the main roads. Aesthetic improvements are recommended to promote the commercial center, improve the appearance of development, and provide buffers for nearby residences. Traffic is a significant concern, and in addition to the internal property connections mentioned above, it is also recommended that traffic signal timing and access and left-turn movement design be thoroughly reviewed for every proposed project.

The proposed self-storage project is not a use that complements the other uses in a Major Commercial/Mixed Use Activity Center, as it is a use that only serves a set population (renters of units) and not on a regular basis. However, the extremely low traffic generation from the site reserves road capacity for other property owners to redevelop their properties. The shape of the property, with a depth four times greater than the width, had previously been identified as a potential obstacle to retail use, or to many other commercial uses where public visibility is considered a desirable or necessary trait. The project would provide the increased buffers that are recommended for the area.

**SURROUNDING LAND USE AND ZONING:** A self-storage facility lies on the adjacent parcel to the east in an I-4 Light Industry zone. A residential neighborhood lies to the north of the subject property. The residential area is zoned R-7. The adjacent lots to the west along Jericho Turnpike contain auto repair businesses that require special use permits in the I-4 and C-6 zones. Some of these were part of the East Northport Venture II zone change application, which was a similar application to establish C-6 zoning for future retail use. Across Jericho Turnpike to the south are two shopping centers zoned C-5, with anchor stores including Sears, Stop & Shop, and Best Buy. The property is not far from the intersection of Jericho Turnpike and Larkfield Road, one of the major commercial nodes of the Town of Huntington.

**SEQRA CLASSIFICATION:** **Unlisted.** The proposed action as a result of amending the covenants on the property does not qualify as a Type I or Type II action in accordance with SEQRA [§6 NYCRR 617.4 & 617.5]. The original application was also an Unlisted action. Should the Town Board determine the action will not be further entertained, then it may be reclassified as a Type II action per §6 NYCRR 617.5(c)(37) and no further SEQRA review shall be required.

**SEQRA RECOMMENDATION:** If the Town Board wishes to proceed with consideration of the application as proposed, it is recommended that such action be given a **Negative Declaration**. The original zone change application was classified as Unlisted and was granted a Negative Declaration. The site has been disturbed by prior industrial site uses and the area that has begun to re-naturalize is proposed to remain undisturbed. The proposed self-storage building produces more limited environmental impacts than most other types of land use. There are no environmental concerns identified in this review. Should the Town Board decline to hold a public hearing, thus not further entertaining the application, the action may be reclassified as Type II with no further SEQRA review required.

Since a SEQRA review was previously completed on this property and a Negative Declaration was issued, this review primarily focuses on the difference in impacts between the original retail development proposal and the current self-storage facility proposal. This includes any cumulative impacts and any impacts that are different than the impacts identified in the original review.

Even though the rezoning alone will not result in immediate impact to the land resource, the potential site impacts from the future development of the property have been considered. Should the Town Board approve the rezoning any future subdivision or site plan for the property will have to be consistent with this SEQRA document; therefore, this report has been prepared to serve both the Town Board and future Planning Board reviews. The review has been coordinated with the Planning Board, an identified involved agency. This review is based on an Environmental Assessment Form prepared by the applicant's environmental consultant, a conceptual site plan, and site visitation.

**IMPACT ON LAND:**

1. Will the proposed action result in a physical change to the project site?

\*Yes. The change from a retail to self-storage use will require a larger building footprint, and more of the ground will be disturbed for the foundation, especially since a usable cellar is planned. However, the amount of land cleared will be greatly reduced from the original proposal, mostly due to the large decrease in the size of the parking lot. This will also result in less site grading. Some of this impact would change should the property owner decide to develop the landbanked parking, but it is not expected to be needed for the self-storage use.

2. Will there be an effect to any unique or unusual land form(s) found on the subject site (i.e., cliffs, dunes, etc.)?

\*No.

**IMPACT ON WATER:**

3. Will the proposed action affect any body of water designated as protected under Articles 15, 24, or 25 of the NYS Environmental Conservation Law or Town of Huntington Marine Conservation Law?

\*No.

4. Will proposed action affect any non-protected existing or new body of water?

\*No.

5. Will the proposed action affect surface or groundwater quality or quantity?

Surface Water

\*No.

Groundwater

\*No. The change in use and the large decrease in the expected amount of employees and visitors should result in a large decrease in expected sanitary flow through the septic system.

6. Will proposed action alter drainage flow or patterns of surface water run-off?

\*Yes. The increase in the size of the building will result in a larger drainage system for the building, although that will be offset by the larger decrease in the size of the parking lot. The overall site drainage system will be smaller, even if the landbanked parking is developed.

**IMPACT ON AIR:**

7. Will proposed action affect air quality?

\*Yes. When the site is developed, construction vehicles will produce temporary, localized reductions in air quality due to more permissive emission standards and the large sizes of commercial vehicles. Most of these will be during business hours when residential neighbors are less likely to be home. This is not considered a significant impact. It is an unavoidable impact generated by all construction projects. It is not known how the change in building and parking lot size will effect the length of construction. Once developed, there should be a large decrease in traffic to the property compared with the originally proposed retail use, which should result in fewer air emissions. Truck activity will occur in front of the building close to Jericho Turnpike, unlike the earlier project that would have had delivery trucks at the rear of the building.

**IMPACTS ON PLANTS AND ANIMALS:**

8. Will the proposed action affect any threatened and/or endangered species? (as per Federal or State Law)

\*No.

9. Will proposed action substantially affect non-protected, non-threatened or non-endangered species?

\*No.

**IMPACT ON AGRICULTURAL LAND RESOURCES:**

10. Will the proposed action affect agricultural land resources?

\*No.

**IMPACT ON AESTHETIC RESOURCES:**

11. Will proposed action affect aesthetic resources?

\*Yes. The proposed self-storage building will have a different aesthetic impact from the retail building. The building will be taller and closer to the street. This will be a change from most of the other recent development along Jericho Turnpike, where large one-story buildings were built at the rear of the properties to allow parking in front. Only the PC Richard & Son building was built at the front of the property. This project will have the largest natural area at the rear of the property, and no planned activity at the rear of the building. Whether one project is better than another project from the neighbors' perspective is a matter of personal preference and cannot be quantified. Along Jericho Turnpike there is a variety of commercial development, and the fact that the building and site will be new and developed in accordance with current site development standards, as well as the oversized front buffer, will likely result in a positive impression when compared to some of the older and less well-maintained properties in the corridor, including the remaining auto repair properties to the west.

**IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES:**

12. Will the proposed action impact any site or structure of historic, prehistoric or paleontological importance?

\*No.

**IMPACT ON OPEN SPACE AND RECREATION:**

13. Will the proposed action affect the quantity or quality of existing or future open spaces or recreational opportunities?

\*No.

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS:**

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)?

\*No.

**IMPACT ON TRANSPORTATION:**

15. Will there be an effect to existing transportation systems?

\*Yes. The traffic signal at the proposed site entrance will still likely have to be modified to account for the new development. However, the change from retail to self-storage use will result in a significant decrease in projected site traffic. The new development would not be expected to have any impact on traffic flow on Jericho Turnpike.

**IMPACT ON ENERGY:**

16. Will the proposed action have an adverse effect on the community's sources of fuel or energy supply?

\*No. The retail use probably would have had a higher energy usage than the self-storage building.

**NOISE AND ODOR IMPACTS:**

17. Will there be objectionable odors, noise or vibration as a result of proposed action?

\*Yes. Construction activity on the site will utilize large trucks that will likely make noise and release fumes. This is a localized and short-term impact that is expected to last only during the construction phase of the project. No permanent impacts are expected. It is an unavoidable impact generated by all construction projects. It is not known how the change in building and parking lot size will effect the length of construction.

Once developed, there should be a large decrease in traffic to the property compared with the originally proposed retail use, which should result in fewer noise and odor impacts. Truck activity will occur in front of the building close to Jericho Turnpike, unlike the earlier project that would have had delivery trucks at the rear of the building. The proposed noise wall will no longer be needed as the building will provide a much better sound barrier, since it is taller and thicker. No activity is projected at the rear of the building, so there should be no noise.

**IMPACT ON PUBLIC HEALTH:**

18. Will proposed action adversely affect public health and safety?

\*No.

**IMPACT ON GROWTH & CHARACTER OF COMMUNITY OR NEIGHBORHOOD:**

19. Will the proposed action affect the character of the existing community?

\*No. The property is adjacent to an existing self-storage facility. The Jericho Turnpike corridor is developed commercially with a variety of uses and site layouts. A large buffer will be retained in the rear adjacent to residential neighbors.

Smart Growth Principles

See attached checklist. The principles are generally not applicable to a change from a more-intensive to less-intensive commercial use because the change in impacts is minimal.

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts that may result if the proposed action is implemented?

\*Unknown.

July 19, 2012

Huntington Town Department of Planning and Environment

**THE PRINCIPLES OF SMART GROWTH & LIVABILITY**  
**EAST NORTHPORT VENTURE, LLC - AMENDED REZONING (#2006-ZM-364)**

Town Board resolution 1999-610 of October 5, 1999 accepted *The Principles of Smart Growth & Livability*, as adopted by the Huntington Smart Growth Steering Committee, and advised Departments and Boards in the Town to consider these principles in their review of applications, land use decisions and amendments to the Town Code and regulations.

**Check if proposed action/project meets Smart Growth & Livability Principle(s). Otherwise, indicate if principle is not applicable (NA) to or inconsistent (IC) with the proposed action/project or if there is not sufficient information (NSI) to make a determination.**

- NA The proposed action/project encourages comprehensive land use planning that is ongoing, community-based and consistent with the needs and objectives of the local community, adjacent communities, and the region as a whole.
- NA The proposed action/project encourages development that contains a mix of uses essential to the daily life of its residents, which includes housing, shops, work places, schools, parks, and civic facilities ideally situated within easy walking distances of each other or otherwise within short travel distances.
- NA The proposed action/project encourages land uses that link economic development decisions with environment and quality of life, and protect the property values of its residents.
- NA The proposed action/project encourages efficient development that is pedestrian-friendly, is attractive, reduces automobile dependency, provides transportation alternatives, and is focused around existing or newly designed transportation centers.
- NA The proposed action/project encourages development that enhances existing communities, and which particularly targets downtown and neighborhood centers for expanded or new development. The proposed action/project is directed toward areas of existing infrastructure or where infrastructure can be upgraded or introduced to foster redevelopment, rather than toward areas of open spaces, and, when consistent with the community goals, include the recycling of existing structures.
- NA The proposed action/project encourages a sufficiency of housing to meet the needs of the residents of the Town, and which includes a natural diversity of housing types and facilities to enable citizens from a wide range of age groups, ethnic backgrounds, and economic levels to live within the neighborhood boundaries and interact.
- NA The proposed action/project encourages planning, decision-making, and development practices that emphasize extensive and broad-based community participation, dialogue, the use of visual models, consensus-building and envisioning.

Consistent with the principles of Smart Growth & Livability, the proposed action/project results in:

- NA Protection of open space and the environment
- NA Strengthening of the local economy
- NA An improved sense of community
- √ A decrease or stabilizing of traffic congestion
- NA A reduction in auto dependency
- NA Preservation of historic structures
- NSI Enhancement of the community character and aesthetics
- NA Efficient use of public money
- NA Safe and secure communities
- NA An improvement in the overall quality of life

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AUTHORIZING VARIOUS ACTIONS BE TAKEN IN ACCORDANCE WITH CHAPTER 156, ARTICLE VII, § 156-60 (BLIGHTED PROPERTY)

Resolution for Town Board Meeting Dated: August 14, 2012

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town Board by Resolution 2011-358 enacted Local Law No.21-2011 Amending the Code of the Town of Huntington to establish code provisions affecting Property Maintenance and Nuisances for structures and properties within the Town; and

WHEREAS, there are conditions existing upon the locations set forth in Schedule "A" attached hereto and made a part of this Resolution which constitute a Blighted Property as defined in Article VI of Chapter 156; and

WHEREAS, the owner(s) of the properties listed in Schedule "A" have failed to respond to the Notice(s) of Violation(s) issued by the Department of Public Safety and have not taken sufficient steps to correct the blighted conditions listed in the Notice of Violation(s); 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. (c) (33) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY DESIGNATES the properties listed on Schedule "A" as Blighted Properties as defined by Chapter 156, Article VII; and

HEREBY DIRECTS the Town Attorney to provide each property owner listed in Schedule "A" with a copy of this Resolution, and a notice stating that failure to enter into a Restoration Agreement or failure to correct such blighted conditions within ten (10) days of mailing of the Notice shall result in the Town taking all steps necessary to correct the blighted conditions existing upon their property at the property owner's expense; and

HEREBY DIRECTS the Director of Planning and Environment to place such blighted properties on the Blighted Property Inventory list; and

HEREBY SCHEDULES a public hearing to be held on the 12<sup>th</sup> day of September, 2012 at 2:00 p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider designating certain properties as listed on Schedule "A" to this Resolution to be Blighted Properties and to consider authorizing various actions to bring about compliance with Article VI, Chapter 56 of the Code of the Town of Huntington.

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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

**Chapter 156 §67 - (A), (B) and (C) of the Code of the Town of Huntington Authorizing**

**Actions by Town Board for Failure to Comply or Abate Violations**

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
Exhibit 59	5 Antoine Court Huntington, NY 11743	0400-206-1-29	Donald & Dian Karcher 5 Antoine Court Huntington, NY 11743	28-Jun-12	\$2,500.00
Exhibit 60	71 Tower Street Hunt. Station NY 11746	0400-140-02-133.000	Manuel Cordero 71 Tower Street Hunt. Station NY 11746	9-Jul-12	\$2,500.00
Exhibit 61	26 Corlett Place Station NY 11746 Hunt.	0400-099-05-081.000	Kevin M. Enright 26 Corlett Place Hunt. Station NY 11746	9-Jul-12	\$2,500.00

**SCHEDULE A**

2012- 392

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A  
CERTIFICATE OF APPROVAL IN AN HISTORIC DISTRICT  
RE: 4 TERRACE PLACE, COLD SPRING HARBOR—COLD SPRING HARBOR  
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: August 14, 2012

The following resolution was offered by: **COUNCILWOMAN BERLAND, COUNCILMAN MAYOKA**  
and seconded by: **SUPERVISOR PETRONE**

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by 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, in accordance with plans submitted with the building permit application and pursuant to regulations for historic districts, buildings and landmarks, Chapter 198, Article VI of the Code of the Town of Huntington, and

WHEREAS, said premises is located in the Cold Spring Harbor Historic District and bears Suffolk County Tax Map #0400-064.00-01.00-030.000, and

WHEREAS, the issuance of a Certificate of Approval in an historic district is a Type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(9) and, therefore no further SEQRA review is required.

NOW, THEREFORE, PURSUANT to Section 198-41 of the Code of the Town of Huntington,

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the **12th** day of **September**, 2012, at **2:00** p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of Anthony Rosato .

VOTE:    AYES: **5**    NOES: **0**    ABSTENTIONS: **0**

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH EMERGENCY COMMUNICATIONS NETWORK (CODERED) FOR PUBLIC EMERGENCY NOTIFICATION SERVICES.

Resolution for Town Board Meeting dated: August 14, 2012

The following resolution was offered by: Supervisor Petrone

And seconded by **COUNCILMAN MAYOKA**

WHEREAS, the Town has a need to relay important public safety information and instructions to the public during extreme weather events and other circumstances impacting public safety; and

WHEREAS, the Town recognizes the need to upgrade its centralized method for effectively and quickly communicating public safety information to the public; and

WHEREAS, the technology exists for the Town to upgrade its present system of transmitting information to the public by land-line, cell phone, email or text message; and

WHEREAS, upon review of the present system and other comparable systems available it has been determined that Emergency Notification Network CODERED has greater capability to provide this type of notification; and

WHEREAS, Emergency Notification Network (CODERED), with its place of business at 9 Sunshine Blvd., Ormond Beach, FL 32174 offers a communication system that provides a broader spectrum of technology and is compatible with the Town's GIS system

WHEREAS, the execution of this agreement 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 AUTHORIZES the Supervisor to execute a contract for public notification services with Emergency Notification Network (CODERED), and any and all documents in connection therewith, not to exceed THIRTY-TWO THOUSAND SIX HUNDRED SEVENTY-ONE DOLLARS AND EIGHTY-SEVEN CENTS (\$32,671.87), each year, to charge to A6410.4570. The contract period shall be effective for a three (3) year term, commencing upon execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for an additional three (3) year period, under the same prices, terms and conditions, and upon such other terms and conditions as may be acceptable to the Town Attorney.

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

2012-393

Decrease the following appropriations:

A7193-4559                      Kemper Incentive Fee                      \$            22,672

Increase the following appropriations:

A6410-4570                      Service Contracts                      \$            22,672

VOTE:                      AYES: 5      NOES: 0      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2012-394

RESOLUTION DESIGNATING SEPTEMBER 15<sup>TH</sup> TO BE "HUNTINGTON HOMETOWN HEROES DAY", CELEBRATING "MISSION ACCOMPLISHED" AND HONORING CAPTAIN JAMES BYLER AS HUNTINGTON'S HOMETOWN HERO

Resolution for Town Board Meeting Dated: August 14, 2012

The following resolution was offered by: Councilman Mayoka

and seconded by: SUPERVISOR PETRONE

WHEREAS, The Town of Huntington and Building Homes for Heroes invite all Huntington Residents near and far to 11 Broadview Drive, Huntington, N.Y. at 1:00 p.m. on September 15<sup>th</sup> to celebrate "Mission Accomplished, His House is Finished"; and

WHEREAS, Town of Huntington residents were amongst the tens of thousands of soldiers deployed to Afghanistan and the Middle East and severely injured as a result of serving in the United States Military and protecting our freedoms; and

WHEREAS, Captain James Byler, a Huntington Hometown Hero, sustained serious injuries resulting from his personal sacrifice and dedication to his country and community, and his circumstances called the attention of Huntington residents to the special accessibility requirements to accommodate his handicapped condition and other Huntington Heroes like him; and

WHEREAS, through the generous efforts of builders and donations from the public, renovations to make Captain Byler's home handicapped accessible were undertaken; and

WHEREAS, in recognition of, and to encourage, future efforts to support Huntington's Hometown Heroes who return home with handicaps requiring accessibility renovations the Town Board wishes to designate a day to honor our hometown heroes and the companies and individuals who donate time, services and monies to address the needs of handicapped Hometown Heroes; and

WHEREAS, designating a day to recognize Huntington's Hometown Heroes and encourage volunteer efforts to support them is not an action pursuant to SEQRA as it has no physical effect on the environment.

NOW THEREFORE ,

THE TOWN BOARD

HEREBY DESIGNATES, September 15<sup>th</sup> to be Huntington Hometown Heroes Day and recognizes the sacrifices of Captain James Byler and encourages the Huntington community to join in an effort to support all of Huntington's Hometown Heroes in need of housing accessibility assistance.

# 2012-394

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