

PUBLIC HEARING AGENDA

TOWN BOARD MEETING

1. PUBLIC HEARING APPLICATION OF KRISHIV, LLC. FOR PERMISSION FOR ALTERATIONS TO AN EXISTING MOTEL FOR THE PREMISES IDENTIFIED BY SCTM#: 0100- 099-01-047.003 & 047.004 LOCATED ON THE S/S/O NYS RTE. 109, 164.36' W/O THE SOUTHERN STATE PARKWAY, EAST FARMINGDALE
2. PUBLIC HEARING ON THE REZONING APPLICATION FOR SCTM#: 100-099-01-003 AND SPECIAL PERMISSION FOR MH-MOTEL/HOTEL RELATED SERVICE USES AND EXCEEDING PERMITTED HEIGHT, FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-099-01- 047.005 & 003, LOCATED ON THE S/S/O NYS RTE. 109, 164.36' W/O THE SOUTHERN STATE PARKWAY, EAST FARMINGDALE
3. PUBLIC HEARING ON THE SPECIAL EXCEPTION USE PERMIT APPLICATION OF VL 10 1620 NEW HIGHWAY, LLC (PB JOB #18-30ABH *MODIFIED) FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-035-01-017.011, 017.012, & 031.004 LOCATED ON THE W/S/O NEW HIGHWAY, 721' N/O CONKLIN ST, EAST FARMINGDALE
4. PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 133 (SOLID WASTE MANAGEMENT)
5. PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER A217 (RECREATIONAL FEES)
6. PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 213 (ZONING)
7. PUBLIC HEARING REGARDING A CERTAIN FIRE PROTECTION CONTRACT

TOWN BOARD MEETING

MARCH 1, 2022

AGENDA

190. ACCEPTING TOWN BOARD MINUTES
191. AWARDING BID NO. 22G13 - REQUIREMENTS CONTRACT FOR FURNISH AND INSTALL ASPHALT CONCRETE ON VARIOUS TOWN ROADWAYS
192. AWARDING BID NO. 22G14 - REQUIREMENTS CONTRACT FOR ROAD RECONSTRUCTION
193. AWARDING BID NO. 22G15 - PURCHASE OF ORIGINAL GENERAL MOTORS PARTS
194. AUTHORIZING A CONTRACT WITH ABHY GUPTA
195. AUTHORIZING A CONTRACT WITH WHENTOWORK, INC.
196. AUTHORIZING EXTENTION OF CONTRACT WITH LABOR EDUCATION & COMMUNITY SERVICES AGENCY, INC. (LECSA)
197. AUTHORIZING THE SUPERVISOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN SUFFOLK COUNTY DEPARTMENT OF LABOR, LICENSING & CONSUMER AFFAIRS AND THE TOWN OF BABYLON
198. AUTHORIZING PAYMENT TO DEVO & ASSOCIATES
199. AUTHORIZING THE GRANT OF AMERICAN RESCUE PLAN MONEY TO QUALIFIED HOUSEHOLDS
200. AUTHORIZING 2021 BUDGET MODIFICATION
201. AUTHORIZING 2022 BUDGET MODIFICATION
202. AUTHORIZING RELEASE OF BOND
203. SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 85 (PUBLIC ASSEMBLY PERMITS)
204. SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 213, OF THE CODE OF THE TOWN OF BABYLON (SPRINKLER SYSTEMS)

205. TOWN BOARD ENVIRONMENTAL DETERMINATION GRANTING SPECIAL EXCEPTION USE PERMIT APPLICATION OF VL 10 1620 NEW HIGHWAY, LLC (PB JOB #18-30ABH *MODIFIED) FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-035-01-017.011, 017.012, & 031.004 LOCATED ON THE W/S/O NEW HIGHWAY, 721' N/O CONKLIN ST, EAST FARMINGDALE
206. GRANTING SPECIAL EXCEPTION USE PERMIT APPLICATION OF VL 10 1620 NEW HIGHWAY, LLC (PB JOB #18-30ABH *MODIFIED) FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-035-01-017.011, 017.012, & 031.004 LOCATED ON THE W/S/O NEW HIGHWAY, 721' N/O CONKLIN ST, EAST FARMINGDALE
207. TOWN BOARD ENVIRONMENTAL DETERMINATION APPLICATION OF KRISHIV, LLC. FOR GRANTING REZONING FOR SCTM#: 100-099-01-003 AND SPECIAL PERMISSION FOR MH-MOTEL/HOTEL RELATED SERVICE USES AND EXCEEDING PERMITTED HEIGHT, FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-099-01-047.005 & 003, LOCATED ON THE S/S/O NYS RTE. 109, 164.36' W/O THE SOUTHERN STATE PARKWAY, EAST FARMINGDALE
208. GRANTING APPLICATION OF KRISHIV, LLC. FOR PERMISSION FOR ALTERATIONS TO AN EXISTING MOTEL FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-099-01-047.003 & 047.004 LOCATED ON THE S/S/O NYS RTE. 109, 164.36' W/O THE SOUTHERN STATE PARKWAY, EAST FARMINGDALE
209. GRANTING REZONING FOR APPLICATION OF KRISHIV, LLC. FOR SCTM#: 100-099-01-003 AND SPECIAL PERMISSION FOR MH-MOTEL/HOTEL RELATED SERVICE USES AND EXCEEDING PERMITTED HEIGHT, FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-099-01-047.005 & 003, LOCATED ON THE S/S/O NYS RTE. 109, 164.36' W/O THE SOUTHERN STATE PARKWAY, EAST FARMINGDALE
210. TOWN BOARD ENVIRONMENTAL DETERMINATION REZONING APPLICATION OF 304 COMMACK ROAD, LLC FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-091-01-112 LOCATED ON THE W/S/O COMMACK RD, 553' N/O TELL AVE, DEER PARK
211. GRANTING REZONING APPLICATION OF 304 COMMACK ROAD, LLC FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-091-01-112 LOCATED ON THE W/S/O COMMACK RD, 553' N/O TELL AVE, DEER PARK
212. APPROVING VARIANCE REQUEST FOR COASTAL EROSION HAZARD AREA APPLICATION NO. 2021-05, MICHAEL AND KAREN GLICKMAN, 82 HAWSER DRIVE, OAK BEACH SCTM NO. 0100-243.00-01.00-227.000
213. AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR MICHAEL & KAREN GLICKMAN OUTER BEACH APPLICATION NO. 136886 SCTM #0100-243-1-227
214. AUTHORIZING THE WAIVING OF FIRE MARSHALL, ZONING, PLANNING, BUILDING, PLUMBING AND ALL ASSOCIATED FEES FOR THE UNITED WAY OF LONG ISLAND, INC.

215. AUTHORIZING THE ADDITIONAL GRANT OF AMERICAN RESCUE PLAN MONEY TO QUALIFIED SMALL BUSINESSES
216. AUTHORIZING THE ADDITIONAL GRANT OF AMERICAN RESCUE PLAN MONEY TO QUALIFIED SMALL BUSINESSES
217. AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 14 N. 11TH ST., WHEATLEY HEIGHTS, NY 11798
218. AUTHORIZING THE SUPERVISOR TO ENTER INTO A FIRE PROTECTION CONTRACT
219. AUTHORIZING EMERGENCY PROCUREMENT OF MATERIALS, SUPPLIES, SERVICES AND CONSTRUCTION IN ORDER TO RESPOND TO FIRE AT THE TANNER PARK SENIOR CENTER LOCATED AT BAYLAWN AVENUE & KERRIGAN ROAD, COPIAGUE, NEW YORK

**RESOLUTION NO. 190 MARCH 1, 2022
ACCEPTING TOWN BOARD MINUTES**

The following resolution was offered by
and seconded by

BE IT RESOLVED, by the Town Board of the Town of Babylon that the minutes of the
following Town Board Meeting be and the same are hereby accepted:

February 16, 2022

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 191 MARCH 1, 2022
AWARDING BID NO. 22G13, REQUIREMENTS CONTRACT FOR FURNISH AND
INSTALL ASPHALT CONCRETE ON VARIOUS TOWN ROADWAYS

The following resolution was offered by
and seconded by

WHEREAS, the following bids for Bid No.22G13, Requirements Contract for Furnish and Install Asphalt Concrete on Various Town Roadways, was received, opened and publicly read:

<u>BIDDER</u>	<u>TOTAL BID COMPARISION PRICE</u>
Suffolk Paving Corp.	\$8,721,752.00
Rosemar Contracting Inc.	\$9,374,500.00
H & L Contracting, LLC	\$9,593,070.00

NOW THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services and the Commissioner of the Department of Public Works and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 22G13 be and is hereby awarded to the low bidder, Suffolk Paving Corp., for a total bid comparison price EIGHT MILLION SEVEN HUNDRED TWENTY ONE THOUSAND SEVEN HUNDRED FIFTY TWO (\$8,721,752.00) DOLLARS; and be it further

RESOLVED, that the aforementioned Bid Comparison price is for award purposes only and does not represent the actual contract amount; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a contract with Suffolk Paving, Corp., which expires December 31, 2022, and that the form and content of said contract shall be subject to the approval of the Town Attorney; and be it further

RESOLVED, that said contract may be extended for two (2) additional one (1) year periods at the discretion of the Commissioner of General Services and the Commissioner of the Department of Public Works.

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 192 MARCH 1, 2022
AWARDING BID NO. 22G14, REQUIREMENTS CONTRACT FOR ROAD
RECONSTRUCTION

The following resolution was offered by
and seconded by

WHEREAS, the following bids for Bid No.22G14, Requirements Contract for Road Reconstruction, was received, opened and publicly read:

<u>BIDDER</u>	<u>TOTAL BID COMPARISION PRICE</u>
Rosemar Contracting, Inc.	\$23,228,025.00
Suffolk Paving Corp.	\$24,514,855.00

NOW THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services and the Commissioner of the Department of Public Works and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 22G14 be and is hereby awarded to the low bidder, Rosemar Construction, Inc., for a total bid comparison price TWENTY THREE MILLION TWO HUNDRED TWENTY EIGHT THOUSAND TWENTY FIVE (\$23,228,025.00) DOLLARS; and be it further

RESOLVED, that the aforementioned Bid Comparison price is for award purposes only and does not represent the actual contract amount; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a contract with Rosemar Construction, Inc., which expires December 31, 2022, and that the form and content of said contract shall be subject to the approval of the Town Attorney; and be it further

RESOLVED, that said contract may be extended for two (2) additional one (1) year periods at the discretion of the Commissioner of General Services and the Commissioner of the Department of Public Works.

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 193 MARCH 1, 2022
AWARDING BID NO. 22G15 - PURCHASE OF ORIGINAL GENERAL MOTORS PARTS

The following resolution was offered by
and seconded by

WHEREAS, the following bids for Bid No. 22G15 were received, opened and publicly read:

<u>BIDDER</u>	<u>PERCENTAGE OFF</u> <u>GENERAL MOTORS PRICE LIST</u>
Eagle Auto Mall Sales, Inc. Nesenger 112 Chevrolet	36% Cost Plus 5%

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of Department of Public Works and Commissioner of General Services and upon their finding the aforementioned bids to be fair and reasonable, Bid No.22G15 be and is hereby awarded to the bidder with the highest percentage off, Eagle Auto Mall Sales, Inc. ; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute one (1) year contract with Eagle Auto Mall Sales, Inc. and that the form and content of said contract shall be subject to the approval of the Town Attorney; and be it further

RESOLVED, that said contract may be extended for two (2) additional one (1) year periods at the discretion of the Commissioner of General Services.

VOTES: _____ YEAS: _____ NAYS: _____

RESOLUTION NO. 194 MARCH 1, 2022
AUTHORIZING A CONTRACT WITH ABHY GUPTA

The following resolution was offered by
and seconded by

WHEREAS, a proposal for Information Technology consulting services for the Tax Office was solicited from Abhy Gupta, Inc.; and

WHEREAS, the Professional Consultant Evaluation Committee convened on February 16, 2022 with the Deputy Supervisor, the Chief of Staff, Deputy Chief of Staff, the Town Attorney, the Comptroller, the Commissioner of General Services, the Commissioner of the Department of Public Works and the Commissioner of Planning & Development in attendance to review the aforementioned proposal; and

WHEREAS, after a thorough review of the proposal, the Committee recommends the award of a contract to Abhy Gupta at an hourly rate of ONE HUNDRED (\$100.00) DOLLARS not to exceed FOUR HUNDRED (400) HOURS PER ANNUM; and

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Professional Consultant Evaluation Committee, the Supervisor be and he is hereby authorized to execute a contract with Abhy Gupta at an hourly rate of ONE HUNDRED (\$100.00) DOLLARS not to exceed FOUR HUNDRED (400) HOURS PER ANNUM and that said contract shall be subject to the approval of the Town Attorney as to form and content; and be it further,

RESOLVED, that said contract may be extended for four (4) additional one (1) periods at the discretion of the Commissioner of Public Safety.

VOTES: YEAS: NAYS:

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 195 MARCH 1, 2022
AUTHORIZING A CONTRACT WITH WHENTOWORK, INC.

The following resolution was offered by
and seconded by

WHEREAS, a proposal to for an online scheduling service for Public Safety was solicited from WhenToWork, Inc.; and

WHEREAS, the Professional Consultant Evaluation Committee convened on February 16, 2022 with the Deputy Supervisor, the Chief of Staff, Deputy Chief of Staff, the Town Attorney, the Comptroller, the Commissioner of General Services, the Commissioner of the Department of Public Works and the Commissioner of Planning & Development in attendance to review the aforementioned proposal; and

WHEREAS, after a thorough review of the proposal, the Committee recommends the award of a contract to WhenToWork, Inc. at an annual fee not to exceed THREE HUNDRED SIXTY (\$360.00) DOLLARS; and

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Professional Consultant Evaluation Committee, the Supervisor be and he is hereby authorized to execute a contract with WhenToWork, Inc. at an annual fee not to exceed THREE HUNDRED SIXTY(\$360.00) DOLLARS and that said contract shall be subject to the approval of the Town Attorney as to form and content; and be it further

RESOLVED, that said contract may be extended for two (2) additional one (1) year periods at the discretion of the Commissioner of Public Safety.

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 196 MARCH 1, 2022
AUTHORIZING EXTENTION OF CONTRACT WITH LABOR EDUCATION
& COMMUNITY SERVICES AGENCY, INC. (LECSA)

The following resolution was offered by

and seconded by

WHEREAS; a proposal for Employee Assistance Services was solicited from Labor Education & Community Services Agency, Inc. (“LECSA”), and

WHEREAS, the Professional Consultant Evaluation Committee convened on February 25, 2020 with the Deputy Supervisor, the Chief of Staff, the Town Attorney, Comptroller, the Commissioner of General Services, the Commissioner of Planning & Development and the Commissioner of the Department of Public Works in attendance to review the aforementioned proposal; and

WHEREAS, after a thorough review of the proposals, the Committee recommends the award of a contract to LECSA for an annual contract amount of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS

WHEREAS, resolution No.191 of the year 2020 was passed by the Town Board authorizing the Supervisor to execute a contract between LECSA and the Town of Babylon, and it was resolved that said contract may be extended for two (2) additional one (1) periods at the discretion of the Commissioner of General Services, the Commissioner of Human Services, and the Town Attorney; and

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Professional Consultant Evaluation Committee, the Supervisor be and he is hereby authorized to extend the contract with LECSA for a total contract amount not to exceed TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS per ANNUM and that said contract shall be subject to the approval of the Town Attorney as to form and content.

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 197 MARCH 1, 2022
AUTHORIZING THE SUPERVISOR TO EXECUTE A MEMORANDUM OF
UNDERSTANDING BETWEEN SUFFOLK COUNTY DEPARTMENT OF LABOR,
LICENSING & CONSUMER AFFAIRS AND THE TOWN OF BABYLON

The following resolution was offered by and seconded by:

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the Supervisor be and he hereby is authorized to execute an agreement on behalf of the Town of Babylon with Suffolk County Department of Labor, Licensing & Consumer Affairs for Suffolk Works Employment Program (SWEP), and the Youth Program funded by the Workforce Innovation & Opportunity Act (WIOA); and be it

RESOLVED, that said agreement is subject to the approval of the Town Attorney as to form and content.

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 198 MARCH 1, 2022
AUTHORIZING PAYMENT TO DEVO & ASSOCIATES

The following resolution was offered by

and seconded by

BE IT RESOLVED, by the Town Board of the Town of Babylon, based upon the recommendations of the Town Attorney and Commissioner of General Services, that the Comptroller is hereby authorized to issue payment to DEVO & Associates for the purchase of two Monthly SmartFolio and two Blank Ticket BNA.

INVOICE NO. /DATE	AMOUNT
60811812 of February 1, 2022	\$250.68

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 199 MARCH 2, 2022
AUTHORIZING THE GRANT OF AMERICAN RESCUE PLAN MONEY
TO QUALIFIED HOUSEHOLDS

The following resolution was offered by Councilman
and seconded by Councilman

WHEREAS, the COVID-19 pandemic continues to cause a significant public health emergency in the Town of Babylon (“Town”) affecting the economic vitality of the Town; and

WHEREAS, the United States Congress, recognizing the impact of the pandemic on local government and the communities that those governments serve, passed the American Rescue Plan Act of 2021 (“ARPA”) which was signed into law by President Joseph R. Biden, Jr. on March 11, 2021; and

WHEREAS, ARPA delivers eligible localities money to respond to the pandemic and bring back jobs through the Coronavirus State and Local Fiscal Recovery Funds (“SLRF”) to provide a substantial infusion of resources to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery; and

WHEREAS, pursuant to statute and regulations promulgated by the United States Department of the Treasury the Town of Babylon is a Metropolitan City entitled to \$27,770,292.00 in SLRF to be distributed to the Town in two equal installments in 2021 and 2022; and

WHEREAS, SLRF provides the Town with a substantial infusion of resources to meet pandemic response needs to rebuild a stronger, and more equitable economy as the country recovers, the Town may use SLRF funds to address negative economic impacts caused by the public health emergency, including economic harms to households and the impact of and resilience to climate change; and

WHEREAS; the Town has determined that the owners of boat berths along Grand Canal in Lindenhurst must secure surveys and an electrical underwriters inspection of the boat berths and improvements thereto as a necessary investment and project that is required to maintain a level of service that, at least, meets applicable standards, taking into account resilience to and impact of climate change, and the need to ameliorate the effects on households; and

WHEREAS, the Town Board has determined that boat berth owners must submit an application seeking reimbursement, along with proof of payment in an amount not to exceed \$1,500.00 per boat berth parcel before December 30, 2022; and

WHEREAS, the Town now wishes to allocate SLRF funds to reimburse boat berth owners the costs associated with securing surveys and an electrical underwriters inspection of the boat berths and improvements thereto because the project will reduce the impact of climate change and increase the resiliency of the Grand Canal in American Venice, and affects the services the Town renders and the impact on households; and

WHEREAS, the Town Board designates three (3) members to a review committee to be selected by the Town Supervisor and that the committee, without additional Board approval, shall have the authority to award

individual grants that comply with the standards set by this resolution and which grants will not to exceed an amount of \$1,500.00 for each application and an aggregate amount of \$290,000.00 for all grants awarded; and

WHEREAS, that committee has reviewed and approved the following applications:

Name	Amount
1) Stephan Damato	\$990.000

WHEREAS, the Town will require every grant recipient provide a form W-9 and sign a conditional letter and any other necessary documentation and failure by the recipient to do so will mean the grant money will be withheld, denied or claw-backed in the Town's discretion; and

NOW, THEREFORE BE IT

RESOLVED, that the Comptroller of the Town be and hereby is authorized to provide grant funds from the SLRF allotment not to exceed \$290,000.00 to the boat berth owners approved by the committee above not in excess of the amounts so established for the purposes applied for and is authorized to transfer such funds from the American Rescue Plan Act bank account to the appropriate Town Fund and associated bank account; and be it further

RESOLVED, that the Comptroller shall make such funds available upon presentation to her, or her designee, all documentation she may deem necessary to confirm the lawful and proper use of the funds, with invoices which sufficiently demonstrate that the funds were used for proper purposes; and be it further

RESOLVED, that such documentation shall include a statement by the applicant accepting the grant, stating that the applicant agrees that in the event the Federal Government determines that the expenditure of the funds, or any part thereof, was in any manner improper and determines to demand the return of the funds, or any part thereof, the applicant shall be legally responsible for reimbursement of the Town of the amount equal to the amount of funds obligated to be returned, and the applicant shall hold the Town harmless and that the Director of DSP is hereby authorized to execute any and all documents on behalf of the Town; and be it further,

RESOLVED, that the Town Board, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(6)(26), and (33) of the Title 6 of the New York Code of Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County council of Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution

RESOLVED, that this resolution shall take effect immediately.

VOTES: YEAS: NAYS:

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 200 MARCH 1, 2022
AUTHORIZING 2021 BUDGET MODIFICATION**

The following resolution was offered by

and seconded by

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Town Comptroller, that the following 2021 Budget Modification is hereby authorized:

	<u>Increase</u>	<u>Decrease</u>
<u>General Fund</u>		
Clerk		
Professional and technical services		
A.1410-44	\$ 9,100	
Administrative		
A.1410-13		\$ 2,149
Part time clerical		
A.1410-16		\$ 4,655
Overtime		
A.1410-19	\$ 3,229	
Program operations		
A.1410-47		\$ 250
Miscellaneous		
A.1410-49		\$ 1,225
Records Management		
Equipment		
A.1620-20		\$ 3,500
Office supplies		
A.1620-41		\$ 50
Repair and maintenance		
A.1620-46		\$ 500
Control of Animals		
Program operations		
A.3510-47	\$ 25,000	
Professional and technical services		
A.3510-44		\$ 25,000

VOTES: YEAS: NAYS:
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 201 MARCH 1, 2022
AUTHORIZING 2022 BUDGET MODIFICATION

The following resolution was offered by
and seconded by _____ :

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Town Comptroller, that the following 2022 Budget Modification is hereby authorized:

	<u>Increase</u>	<u>Decrease</u>
<u>General Fund</u>		
Clerk		
Part time clerical A.1410-16		\$ 15,000
Overtime A.1410-19	\$ 15,000	
<u>Part Town Fund</u>		
Fire Prevention		
Full time clerical B.3410-14	\$ 30,000	
Professional and Technical Services B.3410-44		\$ 30,000

VOTES: YEAS: NAYS:
The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 202 MARCH 1, 2022
AUTHORIZING RELEASE OF BOND**

The following resolution was offered by
and seconded by:

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Town Clerk that the following BOND for street excavation be released:

PERMIT	DATE	NAME & ADDRESS	TYPE	AMOUNT
10401	11/13/2019	David & Yonathan 26, LLC 27 Hickory Drive Great Neck, NY 11021	BOND	\$2,400.00

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 203 MARCH 1, 2022
SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 85
(BLOCK PARTIES; PUBLIC ASSEMBLY PERMITS; USE OF SOUND EQUIPMENT)

The following resolution was offered by
and seconded by:

BE IT RESOLVED, by the Town Board of the Town of Babylon, that a Public Hearing be held via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P> provided Governor Hochul extends Executive Order 202.1 regarding the “Open Meetings Law”, authorizing public meetings to be held remotely by conference call or similar service (If you wish to address the board at the public hearing, visit townofbabylon.com and click on the “How Do I...” link, and then “Participate in a Public Hearing” to order to participate), on the 30th day of March, 2022, at 3:30 p.m., prevailing time, to consider amending of the Town Code as set forth in Exhibit “A” annexed hereto; and be it further

RESOLVED, that the Town Clerk of the Town of Babylon is directed to publish notice of said public hearing in one of the official newspapers of the Town.

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

EXHIBIT "A"

AMEND

§ 85-4 Public assembly permits.

Provided that a request meets the criteria set forth in this section, the Town Board hereby delegates to the Town Clerk the authority to issue public assembly permits.

A. The request must be made at least four weeks before the proposed date.

B. The request must be made by an individual resident of the Town and include that resident's address and both a home telephone number and a telephone number where the individual can be reached during regular business hours.

C. The request will list the club or organization requesting the permit, if any, and the purpose for the requested public assembly permit. The Town Clerk may not issue permits for commercial purposes.

D. The request shall include the date and rain date.

E. The request shall state the hours of operation, but in no event shall a permit be granted for the conduct of a public assembly commencing before 10:00 a.m. or terminating after 9:00 p.m.

F. The request shall include the location or area where the public assembly will be held and whether any streets, highways or roadways will be blocked by the public assembly. No request may be granted by the Town Clerk which requires the blocking of any state or county roads or other major thoroughfares in the Town which, in the opinion of the Town Clerk, would be severely disruptive of traffic in or about the proposed sites.

G. The request shall include a sketch of the area involved showing the various intersections.

RESOLUTION NO. 204 MARCH 1, 2022
SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 213,
OF THE CODE OF THE TOWN OF BABYLON (SPRINKLER SYSTEMS)

The following resolution was offered by
and seconded by:

BE IT RESOLVED, by the Town Board of the Town of Babylon, that a Public Hearing be held via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P> provided Governor Hochul extends Executive Order 202.1 regarding the “Open Meetings Law”, authorizing public meetings to be held remotely by conference call or similar service (If you wish to address the board at the public hearing, visit townofbabylon.com and click on the “How Do I...” link, and then “Participate in a Public Hearing” to order to participate), on the 30th day of March, 2022, at 3:30 p.m., prevailing time, to consider amending of the Town Code as set forth in Exhibit “A” annexed hereto; and be it further

RESOLVED, that the Town Clerk of the Town of Babylon is directed to publish notice of said public hearing in one of the official newspapers of the Town.

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

Exhibit "A"

AMEND as follows:

§213-235 of the Code of the Town of Babylon shall be amended to read as follows (additions/changes to the Code are underlined):

§ 213-235 Sprinkler systems.

- A. All buildings constructed, or which incur 40% or more reconstruction, alteration, or change in use after the effective date of this section and located in either the MR Multiple Residence District, E Business District, EA Business District, EB Business District, MH Planned Motel-Hotel District, G Light Industrial District, GA Light Industrial District, GB Light Industrial District, H Industrial District, PIP Planned Industrial Park District, DC Downtown Copiague District, or WFBC Wyandanch and Straight Path Corridor Form Based Code District shall have such sprinkler system or systems fully installed in accordance with the National Fire Protection Association 13 (NFPA13) Standards for the Installation of Sprinkler Systems (as amended from time to time and adopted by the State of New York).

- B. In the event the provisions of NFPA 13 conflict with the International Fire Code (IFC), the more restrictive provision shall apply.

RESOLUTION NO. 205 MARCH 1, 2022
TOWN BOARD ENVIRONMENTAL DETERMINATION
GRANTING SPECIAL EXCEPTION USE PERMIT APPLICATION OF VL 10 1620 NEW
HIGHWAY, LLC (PB JOB #18-30ABH *MODIFIED) FOR THE PREMISES IDENTIFIED
BY SCTM#: 0100-035-01-017.011, 017.012, & 031.004 LOCATED ON THE W/S/O NEW
HIGHWAY, 721' N/O CONKLIN ST, EAST FARMINGDALE

The following resolution was offered by
and seconded by:

WHEREAS, VL 10 1620 New Highway, LLC (the "Petitioner") has heretofore petitioned this Board for a special exception use permit, in accordance with Chapter 213, Article XXXII, in order to construct a compressed natural gas input facility (winter supply facility) to be operated by National Grid (a public utility); and

WHEREAS, said use is located on the w/s/o New Highway, 721' n/o Conklin St, East Farmingdale, New York, SCTM No. 0100-035-01-017.011, 017.002, & 031.004; and

WHEREAS, the Department of Environmental Control is assisting the Town Board of the Town of Babylon in fulfilling its responsibilities under SEQRA and TOBEQRA as an Involved Agency; and

WHEREAS, the Planning Board of the Town of Babylon classified the Proposal as a Type I Action pursuant to SEQRA and conducted a full coordinated review and as the Lead Agency, the Planning Board of the Town of Babylon adopted a Negative Declaration on February 28, 2022; and

WHEREAS, the Town Board of the Town of Babylon was identified as an Involved Agency in the SEQRA review for this proposal and does need to take any further action to meet the requirements of SEQR;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Babylon agency hereby determines that the proposal by VL 10 1620 New Highway, LLC requires no further action pursuant to SEQRA; and.

AND FURTHER, be it

RESOLVED, that based upon the foregoing determination, the Town Board of the Town of Babylon hereby determines the requirements of the SEQRA AND TOBEQRA have been fully addressed.

VOTES: YEAS: NAYS:

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 206 MARCH 1, 2021
GRANTING SPECIAL EXCEPTION USE PERMIT APPLICATION OF VL 10 1620 NEW HIGHWAY, LLC (PB JOB #18-30ABH *MODIFIED) FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-035-01-017.011, 017.012, & 031.004 LOCATED ON THE W/S/O NEW HIGHWAY, 721' N/O CONKLIN ST, EAST FARMINGDALE

The following resolution was offered by
and seconded by

WHEREAS, VL 10 1620 New Highway, LLC (the "Petitioner") has heretofore petitioned this Board for a special exception use permit, in accordance with Chapter 213, Article XXXII, in order to construct a compressed natural gas input facility (winter supply facility) to be operated by National Grid (a public utility); and

WHEREAS, said use is located on the w/s/o New Highway, 721' n/o Conklin St, East Farmingdale, New York, SCTM No. 0100-035-01-017.011, 017.002, & 031.004; and

WHEREAS, a public hearing was held on said petition on the 15th day of January, 2021; and

WHEREAS, in accordance with Section 617.5(c)(9) State Environmental Quality Review (SEQR), this proposal involves a modification of a previously approved site plan in order to construct a compressed natural gas input facility, along with associated site improvements, and the Board has adopted a Negative Declaration and no further action is required pursuant to SEQR; and

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the application of VL 10 1620 New Highway, LLC PB Job No. 18-30ABH MODIFIED for a special exception use, be hereby granted, subject to the following conditions:

Conditions:

1. Subject to modified site plan approval from the Planning Board.
2. Subject to SCPC referral.
3. Subject to ZBA approval for any associated variances.
4. Subject to SWPPP approval.
5. Subject to the requirements of Highway Engineering, Engineering, and the Fire Marshal.

BE IT FURTHER RESOLVED, that in case of any violation or attempted violation of any of the conditions of approval or covenants and restrictions by the owners or their lessees, heirs, successors, and assigns and failure of said parties to remedy any such violation within thirty (30) days after written notice by the Town, the Town shall have the right, on its own motion and after notice, to rescind any approvals, building permits, or Certificates of Occupancy;

RESOLVED, that if the owners hereto, or any owner, its lessees, heirs, successors, or assignees shall violate or attempt to violate any of the conditions or covenants and restrictions required by the granting of this permit, it shall be lawful for the Town of Babylon to prosecute any proceedings at law or in equity, including but not limited to enforcement by way of injunctive relief; any remedies chosen by the Town Board to enforce any condition, covenant, or restriction herein shall be cumulative and at the discretion of the Town Board as to how best to enforce such condition, covenant, or restriction; the pursuit of one method of enforcement shall not constitute a bar to pursuing any other method of enforcement permitted by law.

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 207 MARCH 1, 2022
TOWN BOARD ENVIRONMENTAL DETERMINATION APPLICATION OF KRISHIV, LLC. FOR GRANTING REZONING FOR SCTM#: 100-099-01-003 AND SPECIAL PERMISSION FOR MH-MOTEL/HOTEL RELATED SERVICE USES AND EXCEEDING PERMITTED HEIGHT, FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-099-01-047.005 & 003, LOCATED ON THE S/S/O NYS RTE. 109, 164.36' W/O THE SOUTHERN STATE PARKWAY, EAST FARMINGDALE

The following resolution was offered by
and seconded by:

WHEREAS, Krishiv, LLC (the "Petitioner") has heretofore petitioned this Board for a change of zone of certain property which is located on the s/s/o NYS Rte. 109, 384.72' w/o the Southern State Parkway, East Farmingdale, New York, SCTM No. 0100-099-01-003, and further described on the annexed Schedule A, from G-Industrial District to M/H-Planned Motel-Hotel District; and

WHEREAS, Krishiv, LLC further requests special permission from this Board to operate related service uses, including a fitness center and continental breakfast, and to exceed the permitted height from 3 stories/35' allowed to 4 stories/43.75' (roof height) and 51.25' (parapet height), all in connection with a proposed 4 story, 84 room Fairfield hotel; and

WHEREAS, the Town Board of the Town of Babylon hereby declares its intent to be the lead agency for the application of Krishiv, LLC in accordance with the State Environmental Quality Review Act (SEQRA) and the Town of Babylon Environmental Quality Review Act (TOBEQRA); and

WHEREAS, the Department of Environmental Control is assisting the Town Board of the Town of Babylon in fulfilling its responsibilities under SEQRA and TOBEQRA; and

WHEREAS, based upon review of the information submitted, the Department of Environmental Control has recommended a NEGATIVE DECLARATION be adopted; and

WHEREAS, the Town Board of the Town of Babylon has independently reviewed the available information and the recommendation of the Department of Environmental Control; and

WHEREAS, that the Town Board of the Town of Babylon has classified the proposal as an Unlisted Action with an uncoordinated review having been conducted; and

WHEREAS, Town Board of the Town of Babylon hereby independently determines the following:

1. The proposal will not create a significant increase in traffic.
2. The project will be developed in conformance with Chapter 189 of the Code of the Town of Babylon Stormwater Management and Erosion and Sediment Control requirements. A full Stormwater Pollution Prevention Plan (SWPPP) will be prepared. Post construction stormwater management will address long term maintenance of the stormwater infrastructure on the subject site.
3. The project site does not contain any sensitive environmental resources.
4. Solid waste service and disposal can be accommodated by the Town of Babylon Commercial Garbage District.
5. The applicant will obtain a No Hazard Letter to Air Navigation from the Federal Aviation Administration (FAA) prior to construction on the subject site.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Babylon as lead agency hereby determines that the proposal by Krishiv, LLC will not have a significant adverse impact on the environment.

AND FURTHER, be it

RESOLVED, that based upon the foregoing determination, the Town Board of the Town of Babylon hereby adopts a NEGATIVE DECLARATION, as required by the SEQRA AND TOBEQRA.

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

SCHEDULE A

Description SCTM# 100-099-01-003 (Parcel to be Rezoned)

ALL that certain plot, piece or parcel of land situate, lying, and being at Farmingdale, the Town of Babylon, County of Suffolk and State of New York, being bounded and described as follows:

BEGINNING at a point on the southerly side of Babylon-Farmingdale Road (S.R. 109) said point being distant 384.72 feet westerly from the intersection of the southerly side of Babylon-Farmingdale Road (S.R. 109) and the westerly line of land owned by the State of New York (Southern State Parkway);

RUNNING THENCE South 22 Degrees 36 Minutes 50 Seconds West 205.67 feet to the land of Long Island Railroad;

THENCE along the northerly side of the Long Island Railroad North 67 Degrees 13 Minutes 32 Seconds West 75.00 feet;

THENCE North 22 Degrees 36 Minutes 50 Seconds East 204.08 feet to the southerly side of Babylon-Farmingdale Road (S.R. 109);

THENCE along the southerly side of Babylon-Farmingdale Road (S.R. 109), along an arc of a curve bearing to the left, having a radius of 5,761.60 feet a length of 75.02 feet to **THE POINT OR PLACE OF BEGINNING.**

RESOLUTION NO. 208 MARCH 1, 2022
GRANTING APPLICATION OF KRISHIV, LLC. FOR PERMISSION FOR
ALTERATIONS TO AN EXISTING MOTEL FOR THE PREMISES IDENTIFIED BY
SCTM#: 0100-099-01-047.003 & 047.004 LOCATED ON THE S/S/O NYS RTE. 109, 164.36'
W/O THE SOUTHERN STATE PARKWAY, EAST FARMINGDALE

The following resolution was offered by
and seconded by:

WHEREAS, Krishiv, LLC requests special permission from the this Board to alter an existing Motel-Hotel in order to renovate the façade, demolish illegal site features and encroachments, and develop a compliant site plan to present day Town of Babylon specifications; and

WHEREAS, a public hearing was held on said petition on the 1st day of March, 2022; and

WHEREAS, in accordance with Section 617.5(c)(9) State Environmental Quality Review (SEQR), this proposal involves the renovation of an existing motel for a new façade and site improvements and the Town Board has adopted a Negative Declaration and no further action is required pursuant to SEQR; and

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the application of Krishiv, LLC, for Job No. 20-34AGE for special permission to alter an existing motel be hereby granted subject to the following conditions:

1. Subject to final site plan approval from the Planning Board.
2. Subject to ZBA approval for any associated variances.
3. Subject to SCPC referral.
4. Subject to NYSDOT approval for any work conducted in the NYS ROW.
5. Subject to SWPPP approval.
6. Owner/applicant shall comply with the Town of Babylon Stormwater Code (Chapter 189).
 - a. An Industrial Agreement must be signed.
 - b. Stormwater application fee must be submitted.
 - c. Contain all stormwater runoff on-site to Engineering requirements.
7. A rodent control plan will be implemented prior to construction in order to remove rodent populations from the site. Additionally, the adjacent landowners will be notified prior to the commencement of construction.
8. Fugitive dust generation shall be controlled by appropriate means such as watering.
9. Fire and smoke detection systems and carbon monoxide detectors should be installed in accordance with NFPA 72.

10. Address number, building number, or approved building identification to be placed in a position visible from the street.
11. As a minimum measure to reduce noise levels, applicant/owner to install sound insulation panels around all air-conditioning units, chillers, refrigeration units and sound insulation blankets around all air-handling units if required by the Town.
12. During construction, owner/applicant is responsible to sweep access streets and keep the roadways free of dirt and mud.
13. The location of new transformers and water service devices shall be approved by the Town of Babylon Planning Department prior to installation and shall not be located adjacent to any roadways.
14. Sewer district connection required and water saving plumbing fixtures to be utilized.
15. All regulatory warning signs are to adhere to the Manual of Uniform Traffic Control Devices for Streets and Highways Specifications. All signs must also be fabricated using high-intensity retro reflective sheeting.
16. Owner to contribute to the fund for the installation and maintenance of emergency vehicle optical pre-emption equipment on traffic signals in the area. Estimated cost to be \$1,000.00.
17. Construction will be conducted between the hours of 7am and 8pm on weekdays and between the hours of 9am and 4pm on Saturdays. No exterior construction will be permitted on Sundays, only interior construction. Construction activities on site shall be in strict conformance with Chapter 156-9D of the Noise Code of the Town of Babylon.
18. Subject to the requirements of Highway Engineering, Engineering, and the Fire Marshall.
19. Audio/visual notifications for all alarms should be installed in all units.
20. Any site signage proposed must be located so as to not adversely impact site plan functionality and is subject to further review by the Town of Babylon Planning Department.
21. Cigarette disposal receptacles near the hotel entrances should be provided and maintained.
22. SCTM #'s 100-099-01-047.003 & 100-099-01-047.004 shall be merged.

RESOLVED, that the aforementioned approval shall not be effective until there has been filed with the County Clerk of Suffolk County the following Covenants and Restrictions to run with the land, subject to the approval of the Town Attorney:

1. No exterior-mounted steel security gates or shutters permitted. Only interior-mounted mesh type security gates permitted.
2. All site lighting to be contained on site and must conform to dark-sky lighting regulations.
3. The owner/developer is responsible for maintaining all applicable site development improvements including, but not limited to, the following: fire and smoke detection system, automatic fire sprinkler system, building, drainage, curbs, sidewalks, fencing, asphalt, landscaping, etc.
4. Owner/applicant shall comply with all NYS regulations for handicapped accessibility including, but not limited to, handicapped ramps and handicapped parking spaces.
5. All noise generating equipment on-site including, but not limited to, heating ventilation and air conditioning (HVAC), chillers, refrigeration units, and compressors shall operate

in conformance with Chapter 156 Town of Babylon Noise Code. In the event that any such equipment exceeds Chapter 156 standards immediate steps shall be taken to mitigate those noise levels.

6. All buildings, structures, signs, fences, and landscaping shall be maintained in accordance with all applicable codes and ordinances of the Town of Babylon, and violations thereof may be prosecuted and enforced in the same manner as provided therein.
7. No further development of the site without Planning Board approval.
8. All refuse shall be contained within the perimeter and height of the refuse enclosure as approved by the site plan.
9. Maintenance access shall be in accordance with Section 189-9 of the Code of the Town of Babylon. The Town of Babylon shall be provided with access to the stormwater infrastructure at reasonable times for periodic inspection by the Town of Babylon and its officers to ensure that the infrastructure is maintained in proper working condition to meet design standards and any other provisions established by Chapter 189. This agreement shall be binding on all subsequent landowners.
10. Maintenance after construction shall be in accordance Section 189-9 of the Code of the Town of Babylon. Stormwater management practices installed in accordance with Chapter 189 shall be operated and maintained to ensure that the goals of Chapter 189 are fully achieved. Proper operation and maintenance includes, at minimum, the following:
 - a. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of Chapter 189. A written record of stormwater management system maintenance activities shall be established and maintained on site and be available for review by the Town of Babylon upon request.
 - b. Written procedures for operation and maintenance and training new maintenance personnel shall be prepared and maintained on site and will be available for review by the Town of Babylon upon request.
 - c. Discharges from SMPs shall not exceed design criteria or contribute to water quality standard violations in accordance with §189-8B of the Code of the Town of Babylon.
11. Upon completion of construction, any stormwater control structures impacted during construction shall be cleaned by the owner or operator. Routine maintenance of stormwater infrastructure on the site will include the following:
 - a. Monitoring of drainage inlets (catch basins) will be completed routinely, particularly after larger storm events and must be kept free from obstruction by leaves, trash, and other debris.
 - b. Drainage grates must be kept free from obstruction by leaves, trash, and other debris.
 - c. Drainage structures shall be inspected annually to determine if sediment removal is necessary to ensure that the drainage structures are properly functioning and that they permit adequate conveyance throughout the system. If applicable, the manufacturer's specifications for maintenance procedures and frequency must be strictly followed.
 - d. The drainage structures must be routinely monitored for the removal of surface

sediment and trash.

- e. Street sweeping of the parking areas shall be conducted at least four times annually to remove sediment that may impact the drainage infrastructure and additionally, as necessary due to storm events.
 - f. The grounds and parking area shall be inspected for litter monthly and any litter shall be removed as necessary.
12. The Town of Babylon is not responsible for any damage to the curbs or light poles on site in connection with solid waste pick up.
13. By virtue of this site plan approval, SCTM #'s 100-099-01-047.003 & 100-099-01-047.004, are effectively merged. No parcel shall operate independent of the other parcel(s), since they only function conjointly as one contiguous site.

BE IT FURTHER RESOLVED, that in case of any violation or attempted violation of any of the conditions or covenants and restrictions by the owners or their lessees, heirs, successors, or assigns and failure of said parties to remedy any such violation within thirty (30) days after written notice by the Town, the Town shall have the right, on its own motion and after notice, to rescind any approvals, building permits, or Certificates of Occupancy;

RESOLVED, that if the owners hereto, or any of them, their lessees, their heirs, successors, or assignees shall violate or attempt to violate any of the conditions, covenants, or restrictions required by the granting of this permit, it shall be lawful for the Town of Babylon to prosecute any proceedings at law or in equity, including but not limited to enforcement by way of injunctive relief; any remedies chosen by the Town Board to enforce any covenant, restriction or condition herein shall be cumulative and at the discretion of the Town Board as to how best to enforce such covenant, restriction or condition; the election of one method of enforcement shall not constitute a bar to pursuing any other method of enforcement permitted by law.

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

Schedule A

ALL that certain plot, piece or parcel of land situate, lying, and being at Farmingdale, the Town of Babylon, County of Suffolk and State of New York, being bounded and described as follows:

BEGINNING at a point on the southerly side of Babylon-Farmingdale Road (S.R.109) said point being distant 384.72 feet westerly from the intersection of the southerly side of Babylon-Farmingdale Road (S.R. 109) and the westerly line of land owned by the State of New York (Southern State Parkway);

RUNNING THENCE South 22 Degrees 36 Minutes 50 Seconds West 205.67 feet to land of Long Island Railroad;

Thence along the northerly side of the Long Island Railroad North 67 Degrees 13 Minutes 32 Seconds West 75.00 feet;

Thence North 22 Degrees 36 Minutes 50 Seconds East 204.08 feet to the southerly side of Babylon-Farmingdale Road (S.R.109);

Thence along the southerly side of Babylon-Farmingdale Road (S.R.109), along an arc of a curve bearing to the left, having a radius of 5,761.60 feet a length of 75.02 feet to **THE POINT OR PLACE OF BEGINNING.**

RESOLUTION NO. 209 MARCH 1, 2022
GRANTING REZONING FOR APPLICATION OF KRISHIV, LLC. FOR SCTM#: 100-099-01-003 AND SPECIAL PERMISSION FOR MH-MOTEL/HOTEL RELATED SERVICE USES AND EXCEEDING PERMITTED HEIGHT, FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-099-01-047.005 & 003, LOCATED ON THE S/S/O NYS RTE. 109, 164.36' W/O THE SOUTHERN STATE PARKWAY, EAST FARMINGDALE

The following resolution was offered by
and seconded by:

WHEREAS, Krishiv, LLC (the "Petitioner") has heretofore petitioned this Board for a change of zone of certain property which is located on the s/s/o NYS Rte. 109, 384.72' w/o the Southern State Parkway, East Farmingdale, New York, SCTM No. 0100-099-01-003, and further described on the annexed Schedule A, from G-Industrial District to M/H-Planned Motel-Hotel District; and

WHEREAS, Krishiv, LLC further requests special permission from this Board to operate related service uses, including a fitness center and continental breakfast, and to exceed the permitted height from 3 stories/35' allowed to 4 stories/43.75' (roof height) and 51.25' (parapet height), all in connection with a proposed 4 story, 84 room Fairfield hotel; and

WHEREAS, a public hearing was held on said petition on the 1st day of March, 2022; and

WHEREAS, in accordance with Section 617.5(c)(9) State Environmental Quality Review (SEQR), this proposal involves the construction of 4-story, 84 room hotel and the Board has adopted a Negative Declaration and no further action is required pursuant to SEQR; and

WHEREAS, this proposed change of zone conforms to the Town of Babylon Comprehensive Plan,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the application of Krishiv, LLC, for Job No. 20-34AGE for special permission to operate hotel-related service uses, including a fitness center and continental breakfast, and to exceed the permitted height from 3 stories/35' allowed to 4 stories/43.75' (roof height) and 51.25' (parapet height), all in connection with a proposed 4 story, 84 room Fairfield hotel, be granted; and

BE IT FURTHER RESOLVED, by the Town Board of the Town of Babylon that the application of Krishiv, LLC, for Job No. 20-34AGE for a change of zone from G-Industrial District to MH-Planned Motel-Hotel District for the premises identified as SCTM#: 100-099-01-003 and further described in the attached Schedule A, be and the same hereby is granted, and

further that the Zone Map of the Town of Babylon be and the same hereby shall be amended to reflect the zone change subject to the following conditions:

1. Subject to final site plan approval from the Planning Board.
2. Subject to ZBA approval for any associated variances.
3. Subject to SCPC referral.
4. Subject to NYSDOT approval for any work conducted in the NYS ROW.
5. Subject to SCDHS approval.
6. Subject to SWPPP approval.
7. Subject to FAA determination of “No Hazard to Air Navigation.”
8. Applicant required to file a “Notice of Proposed Construction or Alteration” Form 7460-1 with FAA.
9. Owner/applicant shall comply with the Town of Babylon Stormwater Code (Chapter 189).
 - a. An Industrial Agreement must be signed.
 - b. Stormwater application fee must be submitted.
 - c. Contain all stormwater runoff on-site to Engineering requirements.
10. A rodent control plan will be implemented prior to construction in order to remove rodent populations from the site. Additionally, the adjacent landowners will be notified prior to the commencement of construction.
11. Fugitive dust generation shall be controlled by appropriate means such as watering.
12. Fire and smoke detection systems and carbon monoxide detectors should be installed in accordance with NFPA 72.
13. Address number, building number, or approved building identification to be placed in a position visible from the street.
14. As a minimum measure to reduce noise levels, applicant/owner to install sound insulation panels around all air-conditioning units, chillers, refrigeration units and sound insulation blankets around all air-handling units if required by the Town.
15. During construction, owner/applicant is responsible to sweep access streets and keep the roadways free of dirt and mud.
16. The location of new transformers and water service devices shall be approved by the Town of Babylon Planning Department prior to installation and shall not be located adjacent to any roadways.
17. Sewer district connection required and water saving plumbing fixtures to be utilized.
18. All regulatory warning signs are to adhere to the Manual of Uniform Traffic Control Devices for Streets and Highways Specifications. All signs must also be fabricated using high-intensity retro reflective sheeting.
19. Owner to contribute to the fund for the installation and maintenance of emergency vehicle optical pre-emption equipment on traffic signals in the area. Estimated cost to be \$1,000.00.

20. Construction will be conducted between the hours of 7am and 8pm on weekdays and between the hours of 9am and 4pm on Saturdays. No exterior construction will be permitted on Sundays, only interior construction. Construction activities on site shall be in strict conformance with Chapter 156-9D of the Noise Code of the Town of Babylon.
21. Subject to the requirements of Highway Engineering, Engineering, and the Fire Marshall.
22. Audio/visual notifications for all alarms should be installed in all units.
23. Any site signage proposed must be located so as to not adversely impact site plan functionality and is subject to further review by the Town of Babylon Planning Department.
24. Cigarette disposal receptacles near the hotel entrances should be provided and maintained.
25. SCTM #'s 100-099-01-047.005 & 100-099-01-003 shall be merged.

RESOLVED, that the aforementioned change of zone shall not be effective until there has been filed with the County Clerk of Suffolk County the following Covenants and Restrictions to run with the land, subject to the approval of the Town Attorney:

1. No exterior-mounted steel security gates or shutters permitted. Only interior-mounted mesh type security gates permitted.
2. All site lighting to be contained on site and must conform to dark-sky lighting regulations.
3. The owner/developer is responsible for maintaining all applicable site development improvements including, but not limited to, the following: fire and smoke detection system, automatic fire sprinkler system, building, drainage, curbs, sidewalks, fencing, asphalt, landscaping, etc.
4. Owner/applicant shall comply with all NYS regulations for handicapped accessibility including, but not limited to, handicapped ramps and handicapped parking spaces.
5. All noise generating equipment on-site including, but not limited to, heating ventilation and air conditioning (HVAC), chillers, refrigeration units, and compressors shall operate in conformance with Chapter 156 Town of Babylon Noise Code. In the event that any such equipment exceeds Chapter 156 standards immediate steps shall be taken to mitigate those noise levels.
6. All buildings, structures, signs, fences, and landscaping shall be maintained in accordance with all applicable codes and ordinances of the Town of Babylon, and violations thereof may be prosecuted and enforced in the same manner as provided therein.
7. No further development of the site without Planning Board approval.
8. All refuse shall be contained within the perimeter and height of the refuse enclosure as approved by the site plan.
9. Maintenance access shall be in accordance with Section 189-9 of the Code of the Town

of Babylon. The Town of Babylon shall be provided with access to the stormwater infrastructure at reasonable times for periodic inspection by the Town of Babylon and its officers to ensure that the infrastructure is maintained in proper working condition to meet design standards and any other provisions established by Chapter 189. This agreement shall be binding on all subsequent landowners.

10. Maintenance after construction shall be in accordance Section 189-9 of the Code of the Town of Babylon. Stormwater management practices installed in accordance with Chapter 189 shall be operated and maintained to ensure that the goals of Chapter 189 are fully achieved. Proper operation and maintenance includes, at minimum, the following:
 - a. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of Chapter 189. A written record of stormwater management system maintenance activities shall be established and maintained on site and be available for review by the Town of Babylon upon request.
 - b. Written procedures for operation and maintenance and training new maintenance personnel shall be prepared and maintained on site and will be available for review by the Town of Babylon upon request.
 - c. Discharges from SMPs shall not exceed design criteria or contribute to water quality standard violations in accordance with §189-8B of the Code of the Town of Babylon.
11. Upon completion of construction, any stormwater control structures impacted during construction shall be cleaned by the owner or operator. Routine maintenance of stormwater infrastructure on the site will include the following:
 - a. Monitoring of drainage inlets (catch basins) will be completed routinely, particularly after larger storm events and must be kept free from obstruction by leaves, trash, and other debris.
 - b. Drainage grates must be kept free from obstruction by leaves, trash, and other debris.
 - c. Drainage structures shall be inspected annually to determine if sediment removal is necessary to ensure that the drainage structures are properly functioning and that they permit adequate conveyance throughout the system. If applicable, the manufacturer's specifications for maintenance procedures and frequency must be strictly followed.
 - d. The drainage structures must be routinely monitored for the removal of surface sediment and trash.
 - e. Street sweeping of the parking areas shall be conduct at least four times annually to remove sediment that may impact the drainage infrastructure and additionally, as necessary due to storm events.
 - f. The grounds and parking area shall be inspected for litter monthly and any litter

shall be removed as necessary.

12. The entire building is to have a fully automatic fire sprinkler system installed pursuant to NFPA 13 and Section 213-235 of the Town Zoning Code and as required by the Fire Marshal.
13. The Town of Babylon is not responsible for any damage to the curbs or light poles on site in connection with solid waste pick up.
14. By virtue of this site plan approval, SCTM #'s 100-099-01-047.005 & 100-099-01-003, are effectively merged. No parcel shall operate independent of the other parcel(s), since they only function conjointly as one contiguous site.

BE IT FURTHER RESOLVED, that in case of any violation or attempted violation of any of the conditions of approval or covenants and restrictions by the owners or their lessees, heirs, successors, and assigns and failure of said parties to remedy any such violation within thirty (30) days after written notice by the Town, the Town shall have the right, on its own motion and after notice, to rescind said change of zone and the subject premises shall revert from MH-Planned Motel-Hotel District to G-Industrial District, and be it further

RESOLVED, that if the owners hereto, or any owner, its lessees, heirs, successors, or assignees shall violate or attempt to violate any of the conditions or covenants and restrictions required by the granting of this permit, it shall be lawful for the Town of Babylon to prosecute any proceedings at law or in equity, including but not limited to enforcement by way of injunctive relief; any remedies chosen by the Town Board to enforce any condition, covenant, or restriction herein shall be cumulative and at the discretion of the Town Board as to how best to enforce such condition, covenant, or restriction; the pursuit of one method of enforcement shall not constitute a bar to pursuing any other method of enforcement permitted by law; and be it further,

RESOLVED, that the Town Clerk of the Town of Babylon be and hereby is authorized to publish a notice of said change of zone in one of the official newspapers of the Town of Babylon.

VOTES: YEAS: NAYS:

The resolution was thereupon declared duly adopted.

SCHEDULE A

Description SCTM# 100-099-01-003 (Parcel to be Rezoned)

ALL that certain plot, piece or parcel of land situate, lying, and being at Farmingdale, the Town of Babylon, County of Suffolk and State of New York, being bounded and described as follows:

BEGINNING at a point on the southerly side of Babylon-Farmingdale Road (S.R. 109) said point being distant 384.72 feet westerly from the intersection of the southerly side of Babylon-Farmingdale Road (S.R. 109) and the westerly line of land owned by the State of New York (Southern State Parkway);

RUNNING THENCE South 22 Degrees 36 Minutes 50 Seconds West 205.67 feet to the land of Long Island Railroad;

THENCE along the northerly side of the Long Island Railroad North 67 Degrees 13 Minutes 32 Seconds West 75.0 feet;

THENCE North 22 Degrees 36 Minutes 50 Seconds East 204.08 feet to the southerly side of Babylon-Farmingdale Road (S.R. 109);

THENCE along the southerly side of Babylon-Farmingdale Road (S.R. 109), along an arc of a curve bearing to the left, having a radius of 5,761.60 feet a length of 75.02 feet to **THE POINT OR PLACE OF BEGINNING.**

RESOLUTION NO. 210 MARCH 1, 2022
TOWN BOARD ENVIRONMENTAL DETERMINATION
REZONING APPLICATION OF 304 COMMACK ROAD, LLC FOR THE PREMISES
IDENTIFIED BY SCTM#: 0100-091-01-112 LOCATED ON THE W/S/O COMMACK RD,
553' N/O TELL AVE, DEER PARK

The following resolution was offered by
and seconded by:

WHEREAS, 304 Commack Road, LLC (the "Petitioner") has heretofore petitioned the Town Board of the Town of Babylon for a change of zone of certain property which is located on the w/s/o Commack Rd, 553' n/o Tell Ave, Deer Park, New York, SCTM No. 0100-091-01-112, and further described on the annexed Schedule A, from B-Residence District to MR-Multiple Residence; and

WHEREAS, this proposal involves a change of zone in order to construct three (3) two-story apartment buildings for a total of 34 one-bedroom along with associated site improvements on a 2.03 acre parcel currently zoned B Residence District; and

WHEREAS, the Town Board of the Town of Babylon hereby declares its intent to be the lead agency for the application of 304 Commack Road, LLC in accordance with the State Environmental Quality Review Act (SEQRA) and the Town of Babylon Environmental Quality Review Act (TOBEQRA); and

WHEREAS, the Department of Environmental Control is assisting the Town Board in fulfilling its responsibilities under SEQRA and TOBEQRA; and

WHEREAS, based upon review of the information submitted, the Department of Environmental Control has recommended a NEGATIVE DECLARATION be adopted; and

WHEREAS, the Town Board of the Town of Babylon has independently reviewed the available information and the recommendation of the Department of Environmental Control; and

WHEREAS, that the Town Board of the Town of Babylon has classified the proposal as an Unlisted Action with an uncoordinated review having been conducted; and

WHEREAS, that the Town Board of the Town of Babylon hereby independently determines the following:

1. The proposal will not create a significant increase in traffic.
2. The project will be developed in conformance with Chapter 189 of the Code of the Town of Babylon Stormwater Management and Erosion and

Sediment Control requirements. A full Stormwater Pollution Prevention Plan (SWPPP) has been prepared to prevent potential adverse environmental impacts from sediment releases and to also protect surface and groundwater quality.

3. Post construction stormwater management will address long term maintenance of the stormwater infrastructure on the subject site.
4. The project site does not contain any sensitive environmental resources.
5. Solid waste service and disposal can be accommodated by the Town of Babylon Commercial Garbage District.
6. The development will connect to the Southwest Sewer District 3 for sewage disposal which will mitigate impacts to groundwater resources from wastewater discharge.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Babylon as lead agency hereby determines that the proposal by 304 Commack Road, LLC will not have a significant adverse impact on the environment.

BE IT FURTHER RESOLVED, that based upon the foregoing determination, the Town Board of the Town of Babylon hereby adopts a NEGATIVE DECLARATION, as required by the SEQRA AND TOBEQRA.

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being at Deer Park in the Town of Babylon, County of Suffolk and State of New York, known and described as Plot No. 2, on the Map of Commack Park, filed in the office of the Suffolk County Clerk on March 14, 1935, as file No. 1177, said property being more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Commack Road (Commack Road, C.R. 4) distant 553.69 feet northerly from the corner formed by the westerly side of said Commack Road and the northerly side of Tell Avenue;

RUNNING THENCE South 86 degrees 50 minutes 00 seconds West, 504.72 feet;

THENCE North 11 degrees 51 minutes 23 seconds East, 175.76 feet;

THENCE North 86 degrees 50 minutes 00 seconds East, 543.74 feet to said westerly side of Commack Road;

THENCE along the westerly side of said Commack Road, the following two (2) courses and distances:

- 1) South 28 degrees 28 minutes 20 seconds West, 57.70 feet; and
- 2) South 21 degrees 04 minutes 10 seconds West, 132.30 feet to the point or place of BEGINNING.

Containing 88,498 Square Feet or 2.0316 Acres, more or less.

Reference SCTM 100-01-01-112

RESOLUTION NO. 211 MARCH 1, 2022
GRANTING REZONING APPLICATION OF 304 COMMACK ROAD, LLC FOR THE
PREMISES IDENTIFIED BY SCTM#: 0100-091-01-112 LOCATED ON THE W/S/O
COMMACK RD, 553' N/O TELL AVE, DEER PARK

The following resolution was offered by
and seconded by:

WHEREAS, 304 Commack Road, LLC (the "Petitioner") has heretofore petitioned this Board for a change of zone of certain property which is located on the w/s/o Commack Rd, 553' n/o Tell Ave, Deer Park, New York, SCTM No. 0100-091-01-112, and further described on the annexed Schedule A, from B-Residence District to MR-Multiple Residence; and

WHEREAS, a public hearing was held on said petition on the 1st day of March, 2022; and

WHEREAS, in accordance with Section 617.5(c)(9) State Environmental Quality Review (SEQR), this proposal involves a change of zone in order to construct three (3) two-story apartment buildings for a total of 34 one-bedroom with dens and loft or basement space for each, along with associated site improvements and the Board has adopted a Negative Declaration and no further action is required pursuant to SEQR; and

WHEREAS, this proposed change of zone conforms to the Town of Babylon Comprehensive Plan,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the application of 304 Commack Road, LLC, for Job No. 21-05AE for a change of zone from B-Residence District to MR-Multiple Residence District for the premises described in the attached Schedule A, be and the same hereby is granted, and further that the Zone Map of the Town of Babylon be and the same hereby shall be amended to reflect the zone change subject to the following conditions:

Conditions:

1. Subject to final site plan approval from the Planning Board.
2. Subject to ZBA approval.
3. Subject to SCPC approval.
4. Subject to SCDHS approval.
5. Subject to SCDPW approval.
6. Subject to SWPPP approval.
7. Owner/applicant shall comply with the Town of Babylon Stormwater Code (Chapter 189).
 - a. An Industrial Agreement must be signed.
 - b. Stormwater application fee must be submitted.
 - c. Contain all stormwater runoff on-site to Engineering requirements.
8. A rodent control plan will be implemented prior to construction in order to remove rodent populations from the site. Additionally, the adjacent landowners will be notified prior to the commencement of construction.
9. Fugitive dust generation shall be controlled by appropriate means such as watering.
10. Fire and smoke detection systems and carbon monoxide detectors should be installed in accordance with NFPA 72.
11. Address number, building number, or approved building identification to be placed in a position visible from the street.
12. As a minimum measure to reduce noise levels, applicant/owner to install sound insulation panels around all air-conditioning units, chillers, refrigeration units and sound insulation blankets around all air-handling units if required by the Town.
13. Owner to contribute to the fund for the installation and maintenance of emergency vehicle optical pre-emption equipment on traffic signals in the area. Estimated cost to be \$2,500.00.
14. All regulatory and warning signs are to adhere to the Manual of Uniform Traffic Control Devices for Streets and Highways specifications. All signs must also be fabricated using high-intensity retro reflective sheeting.
15. Construction will be conducted between the hours of 7am and 8pm on weekdays and between the hours of 9am and 4pm on Saturdays. No exterior construction will be permitted on Sundays, only interior construction. Construction activities on the site shall be in strict conformance with Chapter 156-9D of the Noise Code of the Town of Babylon.
16. The location of new transformers and water service devices shall be approved by the Town of Babylon Planning Department prior to installation and shall not be located adjacent to any roadways.
17. Sewer district and water saving plumbing fixtures to be utilized.
18. Subject to Highway, Engineering, and Fire Marshal requirements.
19. Subject to the requirements of Highway, Engineering, and the Fire Marshall.
20. An automatic/manual fire detection/notification system shall be installed.
21. Audio/visual notifications for all alarms should be installed in all units.

RESOLVED, that the aforementioned change of zone shall not be effective until there has been filed with the County Clerk of Suffolk County the following Covenants and Restrictions to run with the land, subject to the approval of the Town Attorney:

1. No exterior-mounted steel security gates or shutters permitted. Only interior-mounted mesh type security gates permitted.
2. All site lighting to be contained on site and must conform to dark-sky lighting regulations.

3. The owner/developer is responsible for maintaining all applicable site development improvements including, but not limited to, the following: fire and smoke detection system, automatic fire sprinkler system, building, drainage, curbs, sidewalks, fencing, asphalt, landscaping, etc.
4. Fire and smoke detection systems and carbon monoxide detectors should be installed in accordance with NFPA 72.
5. Owner/applicant shall comply with all NYS regulations for handicapped accessibility, including but not limited to handicapped ramps and handicapped parking spaces.
6. All noise generating equipment on-site including but not limited to heating ventilation and air conditioning (HVAC), chillers, refrigeration units, and compressors shall operate in conformance with Chapter 156 Town of Babylon Noise Code. In the event that any such equipment exceeds Chapter 156 standards immediate steps shall be taken to mitigate those noise levels.
7. All buildings, structures, signs, fences, and landscaping shall be maintained in accordance with all applicable codes and ordinances of the Town of Babylon, and violations thereof may be prosecuted and enforced in the same manner as provided therein.
8. No further development of the site without planning board approval.
9. No truck idling is permitted at any time. Owner to post signs “No idling of Engines – No Exceptions”.
10. All refuse shall be contained within the perimeter and height of the refuse enclosure as approved by the site plan.
11. Maintenance access shall be in accordance with Section 189-8 of the Code of the Town of Babylon. The Town of Babylon shall be provided with access to the stormwater infrastructure at reasonable times for periodic inspection by the Town of Babylon and its officers to ensure that the infrastructure is maintained in proper working condition to meet design standards and any other provisions established by Chapter 189. This agreement shall be binding on all subsequent landowners.
12. Maintenance after construction shall be in accordance with Section 189-8 of the Code of the Town of Babylon. Stormwater management practices installed in accordance with Chapter 189 shall be operated and maintained to ensure that the goals of Chapter 189 are fully achieved. Proper operation and maintenance includes, at minimum, the following:
 - a. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of Chapter 189. A written record of stormwater management system maintenance activities shall be established and maintained on site and be available for review by the Town of Babylon upon request.
 - b. Written procedures for operation and maintenance and training new maintenance personnel shall be prepared and maintained on site and will be available for review by the Town of Babylon upon request.
 - c. Discharges from SMPs shall not exceed design criteria or contribute to water quality standard violations in accordance with § 189-8B of the Code of the Town of Babylon.
13. Upon completion of construction, any stormwater control structures impacted during construction shall be cleaned by the owner or operator. Routine maintenance of the stormwater infrastructure on the site will include the following:
 - a. Monitoring of the drainage inlets (catch basins) will be completed routinely, particularly after larger storm events and must be kept free from obstruction by leaves, trash, and other debris.
 - b. Drainage grates must be kept free from obstruction by leaves, trash, and other debris.
 - c. Drainage structure shall be inspected annually to determine if sediment removal is necessary to ensure that the drainage structures are properly functioning and that they permit adequate conveyance throughout the system. If applicable, the manufacturer’s specifications for maintenance procedures and frequency must be strictly followed.

- d. The drainage structures must be routinely monitored for the removal of surface sediment and trash.
 - e. Street sweeping of the parking areas shall be conducted at least four times annually to remove sediment that may impact the drainage infrastructure and additionally, as necessary due to storm events.
 - f. The grounds and parking area shall be inspected for litter monthly and any litter shall be removed as necessary.
14. The entire building is to have a fully automatic fire sprinkler system installed pursuant to NFPA 13 and Section 213-235 of the Town Zoning Code and as required by the Fire Marshal.
 15. The Town of Babylon is not responsible for any damage to the curbs or light poles on site in connection with solid waste pick up.
 16. All units to have central air conditioning or through the wall air-conditioning units, no window units to be permitted.
 17. The use of inorganic fertilizers, pesticides, and herbicides shall be minimized as standard operating procedure for the landscape maintenance of the site.
 18. Twenty percent of units (8) shall be designated as workforce/affordable housing. Units to be scattered equally throughout the site. Affordable/workforce units shall be targeted to qualified households making 80% or less than the Suffolk County HUD income limits, which are updated annually. A recognized affordable housing provider shall be engaged by the owner/applicant to oversee the affordable component. Proof of such engagement shall be provided to the Planning Department.
 19. Dens shall not have closets or doors. Openings to the room shall exceed 4' in width.
 20. Lofts shall not contain sleeping quarters.
 21. Basements shall be unfinished space used for storage and utilities only.

BE IT FURTHER RESOLVED, that in case of any violation or attempted violation of any of the conditions of approval or covenants and restrictions by the owners or their lessees, heirs, successors, and assigns and failure of said parties to remedy any such violation within thirty (30) days after written notice by the Town, the Town shall have the right, on its own motion and after notice, to rescind said change of zone and the subject premises shall revert from MR-Multiple Residence to B-Residence, and be it further

RESOLVED, that if the owners hereto, or any owner, its lessees, heirs, successors, or assignees shall violate or attempt to violate any of the conditions or covenants and restrictions required by the granting of this permit, it shall be lawful for the Town of Babylon to prosecute any proceedings at law or in equity, including but not limited to enforcement by way of injunctive relief; any remedies chosen by the Town Board to enforce any condition, covenant, or restriction herein

shall be cumulative and at the discretion of the Town Board as to how best to enforce such condition, covenant, or restriction; the pursuit of one method of enforcement shall not constitute a bar to pursuing any other method of enforcement permitted by law; and be it further,

RESOLVED, that the Town Clerk of the Town of Babylon be and hereby is authorized to publish a notice of said change of zone in one of the official newspapers of the Town of Babylon.

VOTES: YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being at Deer Park in the Town of Babylon, County of Suffolk and State of New York, known and described as Plot No. 2, on the Map of Commack Park, Park, filed in the office of the Suffolk County Clerk on March 14, 1935, as file No. 1177, said property being more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Commack Road (Commack Road, C.R. 4) distant 553.69 feet northerly from the corner formed by the westerly side of said Commack Road and the northerly side of Tell Avenue;

RUNNING THENCE South 86 degrees 50 minutes 00 seconds West, 504.72 feet;

THENCE North 11 degrees 51 minutes 23 seconds East, 175.76 feet;

THENCE North 86 degrees 50 minutes 00 seconds East, 543.74 feet to said westerly side of Commack Road;

THENCE along the westerly side of said Commack Road, the following two (2) courses and distances:

- 1) South 28 degrees 28 minutes 20 seconds West, 57.70 feet; and
- 2) South 21 degrees 04 minutes 10 seconds West, 132.30 feet to the point or place of BEGINNING.

Containing 88,498 Square Feet or 2.0316 Acres, more or less.

Reference SCTM 100-01-01-112

RESOLUTION NO. 212 MARCH 1, 2022
APPROVING VARIANCE REQUEST FOR COASTAL EROSION HAZARD AREA
APPLICATION NO. 2021-05, MICHAEL AND KAREN GLICKMAN, 82 HAWSER
DRIVE, OAK BEACH SCTM NO. 0100-243.00-01.00-227.000

The following resolution was offered by

and seconded by

WHEREAS, pursuant to the Code of the Town of Babylon, Chapter 99, a permit for construction in the Coastal Erosion Zone was submitted to the Department of Environmental Control on August 10, 2021; and

WHEREAS, said proposed site development, more specifically, demolish a two (2) story dwelling and construct a three (3) story dwelling, located at 82 Hawser Drive, Oak Beach, and is identified by Suffolk County Tax Map No. 0100-243.00-01.00-227.000,

WHEREAS, said improvements are prohibited under Chapter 99 – Coastal Erosion Hazard Areas; and

WHEREAS, the applicant is requesting a variance from the Code of the Town of Babylon, Chapter 99, Section 12(B)(1)(e) to allow new construction in a primary dune area; and

WHEREAS, the Department of Environmental Control has reviewed the building plan prepared by Michael Marinis, Professional Engineer, License No. 072285, dated January 4, 2022, and has determined that the granting of the variance will not result in significant environmental impacts; and

WHEREAS, the granting of an area variance is a Type II Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board of the Town of Babylon has been designated as the Coastal Erosion Hazard Board of Review and has the authority to hear, approve, approve with modifications,

or deny requests for variances or other forms of relief from the requirements of the Code of the Town of Babylon, Chapter 99.

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon, that upon the recommendation of the Commissioner of Environmental Control, the variance request for Coastal Erosion Hazard Area Application No. 2021-05 of Michael and Karen Glickman to construct a new dwelling at 82 Hawser Drive, Oak Beach, SCTM #0100-243.00-01.00-227.000, be and the same is hereby approved; and be it further

RESOLVED, that the granting of relief to Section 99-12(B)(1)(e), in accordance with the plans and application presently on file, be and the same is hereby approved.

VOTES: YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 213 MARCH 1, 2022
AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR
MICHAEL & KAREN GLICKMAN
OUTER BEACH APPLICATION NO. 136886
SCTM #0100-243-1-227

The following resolution was offered by Council
and seconded by Council

WHEREAS, the Building Division of the Department of Planning and Development of the Town of Babylon has reviewed Outer Beach Application No. 136886 of Michael & Karen Glickman, for the premises located at SCTM #0100-243-1-227 (82 Hawser Drive, Oak Beach) to demo existing dwelling and construct a new dwelling; and

WHEREAS, the application is a Type II action under the Town of Babylon Environmental Quality Review Act and as such no determination of significance is required; and

WHEREAS, the Department of Environmental Control has reviewed the drawings and has determined that this project will not result in significant environmental impacts,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that upon the recommendation of the Commissioner of Planning and Development, Outer Beach Application No. 136886 of Michael & Karen Glickman, for the premises located at SCTM #0100-243-1-227 (82 Hawser Drive, Oak Beach), to demo existing dwelling and construct a new dwelling; and be it further

RESOLVED, that the issuance of the Building Permit, in accordance with the plans and the application presently on file, be and the same is hereby approved, subject to the terms and conditions of New York State Department of Environmental Conservation's, Suffolk County Board of Health and/or the United States Army Corps of Engineers' approval, where applicable.

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 214 MARCH 1, 2022
AUTHORIZING THE WAIVING OF FIRE MARSHALL, ZONING, PLANNING,
BUILDING, PLUMBING AND ALL ASSOCIATED FEES FOR THE UNITED WAY OF
LONG ISLAND, INC

The following resolution was offered by

and seconded by

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Commissioner of the Planning Department that all Fire Marshall, Zoning, Planning, Building, Plumbing fees and all associated fees, including renewals, for United Way of Long Island, Inc. a 501C3 to be waived.

Applicant	Address	SCTM #
United Way of Long Island, Inc.	819 Grand Blvd Deer Park 11729	100-68-1-46.017 & 46.018

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 215 MARCH 1, 2022
AUTHORIZING THE ADDITIONAL GRANT OF AMERICAN RESCUE PLAN MONEY
TO QUALIFIED SMALL BUSINESSES

The following resolution was offered by Councilman
and seconded by Councilman

WHEREAS, the COVID-19 pandemic continues to cause a significant public health emergency in the Town of Babylon (“Town”) affecting the economic vitality of the Town; and

WHEREAS, the United States Congress, recognizing the impact of the pandemic on local government and the communities that those governments serve, passed the American Rescue Plan Act of 2021 (“ARPA”) which was signed into law by President Joseph R. Biden, Jr. on March 11, 2021; and

WHEREAS, ARPA delivers eligible localities money to respond to the pandemic and bring back jobs through the Coronavirus State and Local Fiscal Recovery Funds (“SLRF”) to provide a substantial infusion of resources to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery; and

WHEREAS, pursuant to statute and regulations promulgated by the United States Department of the Treasury the Town of Babylon is a Metropolitan City entitled to \$27,770,292.00 in SLRF to be distributed to the Town in two equal installments in 2021 and 2022; and

WHEREAS, SLRF provides the Town with a substantial infusion of resources to meet pandemic response needs to rebuild a stronger, and more equitable economy as the country recovers, the Town may use SLRF funds to address negative economic impacts caused by the public health emergency, including economic harms to small businesses; and

WHEREAS; the Town has determined that assisting small businesses is a vital issue and that such funding is a lawful and proper use of the SLRF, and in the public interest; and

WHEREAS, the Town Supervisor has designated seven (7) members of a Direct Support Program committee to create, review and score applications from the Town’s small businesses and appointed Viscel C. Moore as Director of such program; and

WHEREAS, that committee has reviewed the applications of the following Town small businesses and upon review denied the applicants requests:

The Welding Expert/National Welding Procedures and Inspection Consultants

West Babylon Parents of sports Assoc.

East Shore Marine Repairs

Knights of Columbus

Pitchin’ Tents Party Rentals

JWC Construction

Kiwanis Club of Copiague

Constantino Brumidi Lodge 2211

Limos of Long Island

Lyft/Uber

Grand Champion International Karate

CIC Associates, LLC

Gigi Baby Design

Metamorphosis Mental Health Counseling

GMC Realty Corp

WHEREAS, pursuant to the procedures of the Direct Support Program applicants denied by the committee are entitled to and requested an appeal to the Town Board; and

WHEREAS, the Town Board received the denied applications and reviewed them in light of the requested appeal; and,

WHEREAS, the Town Board after review found that certain applicants were entitled to funding in accordance with SLRF’s purpose; and,

WHEREAS, COVID-19 had a severe negative impact on small businesses in the Town of Babylon and this funding is vital to their survival; and,

WHEREAS, the Town Board has reviewed the committee’s denials, and have given full consideration to those applications, agrees in part with the determination of the committee but reverses the denial of the committee and awards for the following Town small businesses:

The Welding Expert/National Welding Procedures and Inspection Consultants	\$19,800.00
West Babylon Parents of sports Assoc.	\$10,000.00
East Shore Marine Repairs	\$29,700.00
Knights of Columbus	\$5,000.00
Pitchin’ Tents Party Rentals	\$9,900.00
JWC Construction	\$29,700.00
Kiwanis Club of Copiague	\$12,600.00
Constantino Brumidi Lodge 2211	\$35,000.00

WHEREAS, the Town will require every grant recipient provide a form W-9 and sign a conditional letter and any other necessary documentation and failure by the business to do so will mean the grant money will be withheld, denied or claw-backed in the Town’s discretion; and

NOW, THEREFORE BE IT

RESOLVED, that the Comptroller of the Town be and hereby is authorized to provide grant funds from the SLRF allotment not to exceed \$6,000,000.00 to the businesses listed above not in excess of the amounts so established for the purposes applied for and is authorized to transfer such funds from the American Rescue Plan Act bank account to the appropriate Town Fund and associated bank account; and be it further

RESOLVED, that the Comptroller shall make such funds available upon presentation to her, or her designee, all documentation she may deem necessary to confirm the lawful and proper use of the funds, with invoices which sufficiently demonstrate that the funds were used for proper purposes; and be it further

RESOLVED, that such documentation shall include a statement by the applicant accepting the grant, stating that the applicant agrees that in the event the Federal Government determines that the expenditure of the funds, or any part thereof, was in any manner improper and determines to demand the return of the funds, or any part thereof, the applicant shall be legally responsible for reimbursement of the Town of the amount equal to the amount of funds obligated to be returned, and the applicant shall hold the Town harmless and that the Director of DSP is hereby authorized to execute any and all documents on behalf of the Town; and be it further,

RESOLVED, that the Town Board, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(6)(26), and (33) of the Title 6 of the New York Code of Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County council of Environmental Quality (CEQ) is hereby directed to

circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution

RESOLVED, that this resolution shall take effect immediately.

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 216 MARCH 1, 2022
AUTHORIZING THE ADDITIONAL GRANT OF AMERICAN RESCUE PLAN MONEY
TO QUALIFIED SMALL BUSINESSES

The following resolution was offered by Councilman
and seconded by Councilman

WHEREAS, the COVID-19 pandemic continues to cause a significant public health emergency in the Town of Babylon (“Town”) affecting the economic vitality of the Town; and

WHEREAS, the United States Congress, recognizing the impact of the pandemic on local government and the communities that those governments serve, passed the American Rescue Plan Act of 2021 (“ARPA”) which was signed into law by President Joseph R. Biden, Jr. on March 11, 2021; and

WHEREAS, ARPA delivers eligible localities money to respond to the pandemic and bring back jobs through the Coronavirus State and Local Fiscal Recovery Funds (“SLRF”) to provide a substantial infusion of resources to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery; and

WHEREAS, pursuant to statute and regulations promulgated by the United States Department of the Treasury the Town of Babylon is a Metropolitan City entitled to \$27,770,292.00 in SLRF to be distributed to the Town in two equal installments in 2021 and 2022; and

WHEREAS, SLRF provides the Town with a substantial infusion of resources to meet pandemic response needs to rebuild a stronger, and more equitable economy as the country recovers, the Town may use SLRF funds to address negative economic impacts caused by the public health emergency, including economic harms to small businesses; and

WHEREAS; the Town has determined that assisting small businesses is a vital issue and that such funding is a lawful and proper use of the SLRF, and in the public interest; and

WHEREAS, the Town Supervisor has designated seven (7) members of a Direct Support Program committee to create, review and score applications from the Town’s small businesses and appointed Viscel C. Moore as Director of such program; and

WHEREAS, that committee has reviewed the applications of the following Town small businesses and recommends the corresponding grant award:

Kabuki Restaurant Inc.	\$15,000.00
Eastline Players Corp. DBA EastLine Theatre	\$19,800.00
Hi-Tech Auto Care Inc.	\$9,900.00
Hermanas Kitchen and Cocktails (WMJ LLC)	\$29,700.00
BDK Restoration, Inc.	\$24,750.00
Nassau & Suffolk Hardwood Floors Corp.	\$19,800.00
Bhowmick Corp.	\$9,900.00

WHEREAS, the Town will require every grant recipient provide a form W-9 and sign a conditional letter and any other necessary documentation and failure by the business to do so will mean the grant money will be withheld, denied or claw-backed in the Town’s discretion; and

NOW, THEREFORE BE IT

RESOLVED, that the Comptroller of the Town be and hereby is authorized to provide grant funds from the SLRF allotment not to exceed \$6,000,000.00 to the businesses listed above not in

excess of the amounts so established for the purposes applied for and is authorized to transfer such funds from the American Rescue Plan Act bank account to the appropriate Town Fund and associated bank account; and be it further

RESOLVED, that the Comptroller shall make such funds available upon presentation to her, or her designee, all documentation she may deem necessary to confirm the lawful and proper use of the funds, with invoices which sufficiently demonstrate that the funds were used for proper purposes; and be it further

RESOLVED, that such documentation shall include a statement by the applicant accepting the grant, stating that the applicant agrees that in the event the Federal Government determines that the expenditure of the funds, or any part thereof, was in any manner improper and determines to demand the return of the funds, or any part thereof, the applicant shall be legally responsible for reimbursement of the Town of the amount equal to the amount of funds obligated to be returned, and the applicant shall hold the Town harmless and that the Director of DSP is hereby authorized to execute any and all documents on behalf of the Town; and be it further,

RESOLVED, that the Town Board, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(6)(26), and (33) of the Title 6 of the New York Code of Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County council of Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution

RESOLVED, that this resolution shall take effect immediately.

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 217 MARCH 1, 2022
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE
STRUCTURE, LOCATED AT 14 N. 11TH ST., WHEATLEY HEIGHTS, NY 11798

The following resolution was offered by Council
and seconded by Council

WHEREAS, a certain structure(s) located at **14 N. 11th St. Wheatley Heights, New York 11798**, bearing **SCTM# 0100-040.00-02.00-020.000** the doors and windows are wide open and accessible, the dwelling is in deplorable condition, thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

WHEREAS, said property is improperly secured and constitutes an attractive nuisance to children as well as other residents of the community; and

WHEREAS, it appears that, unless said structure is immediately secured and boarded a clear and imminent danger to the life, safety and health of the surrounding residents and the general public will exist; and

WHEREAS, §92-10 of the Town Code provides for the emergency correction of said unsafe structure and the assessment of the costs of said correction against the property,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order or ratify the emergency securing and board up of the premises located at **14 N. 11th St., Wheatley Heights, NY bearing SCTM # 0100-040.00-02.00-020.000** to eliminate safety hazard, in order to rectify the above noted problems and abolish any public nuisance resulting from the unsafe condition of said structure, in accordance with the Conclusions and Recommendations set forth in the inspector's report dated February 23, 2022 located in the Code Enforcement Department; and be it further

RESOLVED, that the Department of Public Works shall undertake the necessary securing, removal and cleanup; and be it further

RESOLVED, that the costs of securing be assessed against the premises in accordance with Town Code §92-9.

VOTES: YEAS: NAYS:

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 218 MARCH 1, 2022
AUTHORIZING THE SUPERVISOR TO ENTER INTO A
FIRE PROTECTION CONTRACT

The following resolution was offered by Councilman
and seconded by Councilman

WHEREAS, it has been previously determined that the Town Board of the Town of Babylon desires to enter into fire protection contract for fire protection and ambulance service to be furnished to North Amityville Fire Protection Districts #5 and #6; and

WHEREAS, pursuant to the provisions of law, notice of Public Hearing on such proposed contract was duly published; and

WHEREAS, said Public Hearing was duly held by the Town Board on March 1, 2022 at 3:30pm via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P> pursuant to Governor Hochul's Executive Order 202.1 regarding the "Open Meetings Law", authorizing public meetings to be held remotely by conference call or similar service, and at such time and place said Town Board duly considered the proposed contract and heard all persons interested therein.

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Babylon deems it to be in the best interest of the Town to enter into fire protection and ambulance service contract on behalf of North Amityville Fire Protection Districts #5 and #6, said districts being situated in the Town of Babylon, County of Suffolk and State of New York, and said contracts being upon the following terms and conditions:

1. North Amityville Fire Protection District #5:
A contract for a period of one year with the North Amityville Fire Company, Inc., said contract having an amount not to exceed \$1,171,962.00 for the year 2022.
2. North Amityville Fire Protection District #6:
A contract for a period of one year with the North Amityville Fire Company Inc., said contract having an amount not to exceed \$1,686,481.00 for the year 2022.

AND BE IT FURTHER, RESOLVED, that the aforesaid contract shall contain such other terms and conditions as shall be necessary and shall be approved by the Town Attorney; and be it further

RESOLVED, that the aforesaid fire protection district contract between the Town of Babylon and North Amityville Fire Company Inc. shall not be effective until the Town Supervisor and the North Amityville Fire Company Inc. enter into a Memorandum of Understanding pursuant to Resolution No. 182 of February 16, 2022 meeting of the Town Board; and be it further

RESOLVED, that provided that the aforesaid conditions are met, that the Supervisor of the

Town of Babylon be and he is hereby authorized on behalf of the Town of Babylon and the aforesaid fire protection districts to enter into a fire protection and ambulance service contract as aforesaid; and be it further

RESOLVED, that the consideration mentioned herein for each fire protection district, together with all expenses necessarily incurred or occasioned thereby, shall be affixed and levied upon taxable real property in the aforesaid fire protection districts in the North Amityville Fire Protection Districts #5 and #6, and collected in the same manner and at the same time as Town taxes are fixed and levied and the collected amounts thereof shall be paid to the Supervisor, who shall then pay to the aforesaid North Amityville Fire Protection Districts #5 and #6, the amount specified in said contracts.

VOTES: _____ YEAS: _____ NAYS: _____

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 219 MARCH 1, 2022
AUTHORIZING EMERGENCY PROCUREMENT OF MATERIALS, SUPPLIES,
SERVICES AND CONSTRUCTION IN ORDER TO RESPOND TO FIRE AT THE
TANNER PARK SENIOR CENTER LOCATED AT
BAYLAWN AVENUE & KERRIGAN ROAD, COPIAGUE, NEW YORK

The following resolution was offered by
seconded by

WHEREAS, on or about January 8, 2022, a fire occurred in the boiler room of the Tanner Park Senior Center located at Baylawn Avenue and Kerrigan Road, Copiague, New York causing severe damage and posing an imminent danger to public health, welfare and safety and endangering this property within the Town of Babylon;

WHEREAS, this event caused extensive damage to the boiler room, interior offices, attic space, chimney, electrical and HVAC systems and also smoke and soot damage throughout the building and personal property and the displacement of multiple programs of the Town housed at this locations; and

WHEREAS, the Commissioner of General Services has recommended to the Town Board that immediate action be taken to mitigate the damage caused and complete the restoration of these building as the damage seriously threatens the public health, welfare and safety and endangers the property; and

WHEREAS, as a result of the forgoing, an emergency exists and failure to take corrective action will result in further damage to this property within the Town of Babylon; and

WHEREAS, this property is owned by the Town of Babylon and is covered under insurance policies administered by New York Municipal Insurance Reciprocal (NYMIR) and said policy is in full force and effect; and

WHEREAS, NYMIR has advised the Town that RENU Restoration has a contractual relationship with NYMIR in which all rates for construction are pre-approved by NYMIR and NYMIR recommends to the Town that RENU Restoration be used to complete all the remediation, restoration and construction work at these locations, for a total amount of SEVEN HUNDRED EIGHTY THREE THOUSAND, FOUR HUNDRED SEVENTY TWO DOLLARS AND 66/100 (\$783,472.66).

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order that an emergency exists that seriously threatens the public health, welfare or safety, and endangers property, by reason of the fire, smoke and damage at the Tanner Park Senior Center located at at Baylawn Avenue and Kerrigan Road, Copiague, New York; and be it further

RESOLVED, that the Town Board of the Town of Babylon does hereby order that there is an immediate and serious need for materials, supplies, services, and/or construction, such that the need cannot be met through any other procurement methods; and be it further

RESOLVED, that the Town Board of the Town of Babylon does hereby order that the Department of Public Works or Department of General Services is authorized to procure materials, supplies, services, or construction necessary to meet the emergency and that the Supervisor is authorized, but not mandated, to execute any and all documents needed to effectuate this emergency procurement and such documents and or contracts shall be subject to the approval of the Town Attorney; and be it further

RESOLVED, that the Comptroller be and she is hereby authorized to issue payment to RENU Restoration as work progresses; and be it further

RESOLVED, that NYMIR, shall reimburse the Town of Babylon for said payments to RENU Restoration.

VOTES: YEAS: NAYS: _____

The resolution was thereupon declared duly adopted.