

PUBLIC HEARING  
OF THE  
TOWN BOARD  
TOWN OF BABYLON

Held via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P>, on Wednesday, the 24th day of March 2021 at 6:00 P.M., Prevailing Time.

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**I. PUBLIC HEARING AMENDING CHAPTER 213 OF THE BABYLON TOWN CODE  
(GRAND CANAL BOAT BERTH DISTRICT)**

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PRESENT:

ANTHONY MANETTA	COUNCILMAN
ANTONIO A. MARTINEZ	COUNCILMAN
TERENCE MC SWEENEY	COUNCILMAN
DUWAYNE GREGORY	COUNCILMAN
RICHARD SCHAFFER	SUPERVISOR
GERALDINE COMPITELLO	TOWN CLERK
JOSEPH WILSON	TOWN ATTORNEY
JENNIFER TAUS	RECORDING SECRETARY

ABSENT: NO ONE

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The Town Clerk read the Notices of Public Hearing

PLEASE TAKE NOTICE, that the Town Board of the Town of Babylon will hold a Public Hearing on the 24<sup>th</sup> day of March, 2021 at 6:00 p.m., prevailing time, at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, or held via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P> provided Governor Cuomo 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](http://townofbabylon.com) and click on the "How Do I..." link, and then "Participate in a Public Hearing" to order to participate), to consider Chapter 213 of the Babylon Town Code (Grand Canal Boat Berth District) as set forth in the annexed Exhibit "A".

EXHIBIT "A"

AMEND

§ 213-562 Purpose and Intent

It has been brought to the Town Board's attention that the over intensification of deeded waterfront parcels is occurring in the Grand Canal area of American Venice in Town of Babylon. This Section seeks to regulate the use of these parcels to promote the more orderly use of this property and to limit allowable improvements to those specifically related to boat dockage and waterfront use and access. These parcels do not meet the minimum lot area requirements for a principal dwelling. In many cases these parcels have been transferred from the original owner and are no longer associated with a larger parcel with a dwelling. The permitted use of these parcels as set forth in this Article, is primarily for a boat berth and access to the water. Excessive outside storage and improvements on deeded waterfront parcels may also increase debris fields and the potential release of pollutants and damage during storm events thereby increasing recovery needs and costs for the Town of Babylon.

§213-563 Geographic Area-The geographic area of the Grand Canal Boat Berth District shall be identified on the amendment to the Official Town Zoning Map titled; Grand Canal Boat Berth District, filed in the Town Clerk's Office on \_\_\_\_\_.

§213-564 Definitions

Deeded Waterfront Parcels-Small vacant parcels of waterfront land intended for the purpose to provide access to the water and boat dockage. Many of these parcels were created along canals and waterways of the Town subordinate to larger parcels with dwellings.

Derelict Vessel-Any vessel, boat barge, or floating structure left, stored or abandoned in a sunk, listing, adrift, wrecked, junked, non-operable or dismantled condition or made fast along the frontage of a deeded waterfront parcel in an inoperable condition. Vessels stored in an inoperable condition continuously on a deeded waterfront parcel or made fast to a deeded waterfront parcel for three or more years shall also be considered a Derelict Vessel. A Derelict Vessel shall be subject to all enforcement actions and procedures of Chapter 133-25 Outdoor deposit or Storage of Waste.

Floating Home- Any vessel designed or, in fact, used or occupied as a dwelling unit, living and sleeping quarters, business office or source of any occupation or for any private or social club of any nature, including but not limited to a structure constructed upon a barge primarily immobile and out of navigation or which functions substantially as a land structure while the same is moored or docked, whether such vessel is self-propelled or not.

Pervious Surface-A treatment that allows water to percolate through the subsoil, such as gravel, stone and paver systems with a pervious subbase.

§ 213-565 Allowable Uses and Improvements

A. On deeded waterfront parcels in the Grand Canal Boat Berth District only the following improvements and uses are permitted without meeting the minimum lot area requirements, the existence of a principal structure on the lot and any and all dimensional requirements of the A, B, and C Residential Zoning districts:

- (1) Bulkhead. Stabilized rip-rap. Floating docks parallel along a bulkhead.
- (2) Boatlifts for the purpose of storing vessels.
- (3) Jet-Ski floats/docks.
- (5) A shed not greater than 100 square feet or
- (6) Gazebo not greater than 100 square feet or
- (7) A pergola with a footprint not greater than 140 square feet. The footprint is calculated by the area created by perimeter of the outer structural members of the pergola.
  - (a.) The maximum height of a shed, pergola or gazebo shall be 10' as measured by the average adjacent grade from the four corners of the structure.

(8) Boats, watercraft and trailers.

(a.) Registered boats and trailers. For boats not required to display a current registration number and sticker, this documentation shall be provided by the owner of record of the subject parcel at the request of any Town of Babylon inspector.

(b.) Storage of registered boats and watercraft on blocks.

(c.) The docking of registered boats and watercraft.

(d.) Storage and the docking of canoes, dinghies, kayaks and other similar non-motorized craft and registered duck boats.

(e.) Boats must be docked parallel to the deeded waterfront parcel.

(9) At grade decks, pavers and concrete slab. At grade is defined as 12" or less finished height above the adjacent grade from as measured from the four corners of the improvement. Pervious treatments such as stone, gravel and pavers are encouraged and may cover up to 50% of the entire parcel. Slabs and decks shall not exceed a maximum of 100 square feet. Up to a 4' wide dock platform running parallel and abutting along a bulkhead is not included in this calculation.

(9) Fences up to 4' in height. Perimeter fencing shall not be of solid construction; with the exception of the fencing separating parcels or facing a side yard.

(10) Uses and minor improvements ancillary to the harvest of shell or finfish. This includes the storage of minnow pots, crab pots, cast nets and similar fishing gear.

(11) All structures and decking must be suitably anchored to prevent floatation and lateral movement during flood events in accordance with Chapter 125 of the Code of the Town of Babylon Flood Damage Control and applicable State and Federal building codes and regulated in connection with floodplain management.

- B. Only one accessory structure is permitted on a deeded waterfront parcel, including but not limited to sheds, pergolas and gazebos. All improvements including but not limited to sheds, pergolas, gazebos, fences, electric power and lighting, and boat lifts shall require a building permit. The addition of a pervious surface and or landscaping does not require a building permit.
- C. The lot coverage inclusive of both the accessory structure and any impervious surfaces shall not exceed 50% in any case. Up to a 4' wide dock platform running parallel over the land and abutting a bulkhead shall be exempt from the lot coverage calculation.

#### § 213-565 Prohibited Uses and Improvements

A. On deeded waterfront parcels the following improvements and uses are prohibited:

(1) Storage of motor vehicles or commercial equipment or vehicles or docking of commercial vessels as defined in Section 86-8 C. of the Code of the Town of Babylon.

(2) Commercial uses, except those ancillary to the harvest of shell or finfish. All other provisions of Chapter 86 and the Town of Babylon Zoning Code not in conflict with this Chapter apply.

(3) Floating Homes or the use of a boat or vessel for live aboard occupancy.

(4) Installation of perpendicular docks and or poles to allow perpendicular docking of vessels.

(5) The installation of above and below ground tanks and any fuel or chemical storage.

(6) No improvements or placement of objects shall be constructed within the Town of Babylon right of way (ROW).

(7) Any uses prohibited in the A, B and C Residence Districts pursuant to Chapter 213 of the Zoning Code of the Town of Babylon.

(8) Installation of sanitary facilities.

(9) Habitable space and or occupancy of any type.

(10) Campers and Motor Homes.

(11) Tents, canvas or fabric garages or shelters, or other similar pop up structures erected for greater than 24 hours.

(12) No docked watercraft or permanent or temporary, float, dock or pier or other structure can encroach in the authorized navigation channel.

#### § 213-566 Other Approvals Required

A. The following is required for any construction or electrical work:

(1) As applicable New York State Department of Environmental Conservation and United States Army Corp of Engineers.

(2) Underwriters Certificate for any electrical Improvements such as dock power, electrical outlets and lighting in connection with any duly authorized Town of Babylon Building Permit.

(3) Town of Babylon Department of Public Works Engineering Division approval for any bulkhead work if a drainage easement exists on site or for any work above a drainage easement.

#### § 213-567 Property Maintenance and Upkeep

A. At all times the owner of a deeded waterfront parcel shall keep its premises and improvements in a safe, sightly, clean, neat and wholesome manner. All improvements and landscaping and turf shall be maintained, including fences, bulkheads, sheds in a manner mindful and respectful of the community. Bulkheads shall be properly maintained to remain in a functional state and not be allowed to rot and-or deteriorate or and-so as to create allow for erosion into the Grand Canal or an adjacent parcel.

#### § 213-568 Outside Storage

B. Excessive outside storage of materials defined as greater than 30% lot coverage and 70% lot coverage for boat storage on the parcels shall be prohibited. Only boating, watersport and marine related items shall be stored on a deeded waterfront parcel. With the exception of boats, storage of materials shall not exceed 4' in height. Derelict or abandoned vessels, barges or floating structures shall not be docked or stored on deeded waterfront parcels as defined in this Chapter.

Dated: March 3, 2021, Town of Babylon

BY ORDER OF THE TOWN BOARD, TOWN OF BABYLON  
GERALDINE COMPITELLO, TOWN CLERK

Kathy Gullo  
290 West Riviera Drive  
Lindenhurst, NY 11757  
516-946-1555  
[shipshape@optonline.net](mailto:shipshape@optonline.net)

I'm still concerned about this new code with the sheds, even though you're trying to keep them at 100 square feet it seems that I still feel that anyone who needs storage can do that with a dock box, a lower one so you're not blocking your neighbor's view. It's we just don't want it to look like you know shed city on these small properties we believe they should be open and clean just like a front yard and a storage dock box is you know three feet, four feet high is plenty high enough and you know I'm sticking to my guns on that one, and the other thing is the derelict boats. I'm loving that we're getting rid of them, but I was hoping that the boats that have been here for you know 16, 17, 20 years they're not getting three more years that's one of our worries.

Supervisor Schaffer: Got it, so you want those to be dealt with, right?

Kathy Gullo: Yeah, right away. Three or four years of them and they have trees growing out of them.

Supervisor Schaffer: Okay good point, anything else?

Kathy Gullo: I think we're pretty happy with the rest of what's going on.

Supervisor Schaffer: Great. So yeah, we're not going to take action on this tonight, we're just going to accept the comments again, and then we'll get back to everybody. Once again and I want to thank you Kathy because I know you've put up with a lot of grief as a result of this, but I wanted to make it clear to anybody who's watching, that this initiative was based on my actions as the Town Supervisor. Working with staff and making the presentation to the town board. Kathy or any of her fellow civic members did not initiate this, they did not demand this, they did not want to target anyone in particular, all they wanted from their perspective, because they live in the community, is to have a community that people could be proud

of and that those who ignored past actions or did whatever they wanted on these properties that was on us as a town government to deal with, and so we are dealing with it, so if anybody's angry with anybody, they can be angry with me and not be angry with Kathy or any of her fellow civic members who are just trying to do the right thing by the community.

Kathy Gullo: Thank you Rich.

Supervisor Schaffer: You're welcome.

Anthony Serravillo  
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You know with the sheds and the boats as Kathy just stated, I'm sure everybody else will. Rich my understanding is the original deed was sent to the town?

Supervisor Schaffer: Yes

Anthony Serravillo: Where it stated, you know the code which is the code now, you have to be you know 40 feet from the road, you need a primary dwelling before you could have a shed and yet you know you're changing that to allow sheds to be put on the property.

Supervisor Schaffer: Well we're going to send you information. So we did research on the original deed and those covenants and restrictions expired sometime in the 40s, but we're going to send that information over to the civic, because we've been doing the title searches on the property, so Mary Cascone, in particular has been very helpful on this point, and she did a lot of her own research as well, so we'll send that over to John and to the board members of the civic so we can show you exactly what the status of that was that you had sent us originally.

Anthony Serravillo: All right, but also Rich isn't the existing town code where you need a primary dwelling before you can put a shed on a property and it has to be so many feet from the road, now this is going to change that code?

Supervisor Schaffer: Yeah this is creating special zoning district for these parcels.

Anthony Serravillo: Right. Now for what reason would the town want to do that, outside of worrying about the existing sheds that are there, which are you know, most of them you know if they kept them up it would still be a problem, but half of them are falling apart, but my question is, why would the town even want to initiate this to allow sheds?

Supervisor Schaffer: Well this is based on all the input that we've received.

Anthony Serravillo: Rich most of the input that I know that the town has received was they didn't want sheds.

Supervisor Schaffer: Right.

Anthony Serravillo: So, I was just curious why the town would try to initiate a code change to allow it.

Supervisor Schaffer: Well that's why we're having the public hearing.

Anthony Serravillo: Right, okay and also the boats as Kathy stated and also the cars parked on the properties. Does anybody drive up and down in this area, you know inspectors, there's cars parked on a property and I think it's causing a problem with the bulkhead, you know it puts undue weight on the end and it just doesn't make sense.

Supervisor Schaffer: The goal is to have the code in place and then we can begin working with each of the property owners to bring them into compliance.

Anthony Serravillo: Okay, and is there any time frame on this?

Supervisor Schaffer: We'd like to have it done by May.

Anthony Serravillo: Okay.

Supervisor Schaffer: Yeah, we'd like to have something adopted, we're having this public hearing tonight, we're going to gather all the additional input, we'll review it, we'll send it back out to everybody, and then we'll have a final review of what we're going to do.

Anthony Serravillo: Okay and again the maintenance of the sheds.

Supervisor Schaffer: Yep, that's included under our general maintenance code.

Anthony Serravillo: Okay, I just wanted to make sure, okay thank you I appreciate it that's great.

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Thanks for the explanation you had Rich on some of that. I'll give a brief introduction about basically how we got where we are tonight. There was a civic association down here if you recall 20, 30 years ago whatever, and it collapsed, whatever reason, lack of money for taxes or something to that effect. Then when the neighbors came to me, wanted me to start it up, and I said why did it collapse, and of course when you hear money you realize it wasn't really a strong organization, they didn't have the proper safeguards in place and so you know someone took the ten dollars and that's the end of it. So I said well what's your purpose with the civics a few people said to me the beaches, well I would be the first person to tell you, you don't want them as a civic, you don't want property, you don't want the liability, you don't want to be involved. About the same time Bellone was working on a deal trying to buy the marina and he got the beaches back from Suffolk County and it was going to be part of grandiose plan for whatever reason Terry wouldn't sell and that deal fell apart and then the beaches were put up and auctioned off which was, my opinion it as fine as long as they did what they were supposed to do. Mary Walsh on the east side put up a partial bulkhead which protected her beach the guy that bought our side the name will be not mentioned didn't do, it and all that sand washed into the Grand Canal and that's creating problems now, but during that time I figured let me bother myself enough and go to town hall and ask what the status of the beaches are and I went to the legal department, now we're going back about 20 years, and that's when you know I was informed well they you know the County took them over then the town and that's about time Bellone was working on his plan and somebody and I can't tell you who in town in the legal department told me, he said well you know those waterfront properties aren't supposed to be sold separate from the houses, I said well I don't know anything about that, I don't own one, and I don't know, he said well they're not supposed to be and I said well they are, what can I tell you. So I started looking into the property didn't realize we're in the Zone C looked the rules on Zone C and so now the sheds don't even belong on those properties you can't build them on Zone C as per town code, so personally as a private citizen not a civic, not anybody, private citizen I sent information to citizen services several times with addresses identifying where the shed was being across the street or whatever because that property wasn't necessarily owned by the house across the street and that happened I did that several times throughout the years and nothing was ever done about it. I know because no one gets back to you on that. So now we get the civic association going I want to bore you with this long story short. We get the civic association going and we have neighbors that don't necessarily live on the Grand Canal they would come up and they would ask about the waterfront properties and we tell everybody, look we're not an enforcement entity, if people come to me with problems, I direct them towards either the online form, the phone

number or citizen services directly, to put in their complaints and they can do that as a private citizen. You know Rich in the past I have put in complaints as a private citizen, not the civic, all right, again I don't want the civic I didn't want the civic to be viewed as you know, we're the big bad guy in the neighborhood we're trying to address some homeowners concerns that suffered from Sandy, we're just trying to clean the area, make it look nice, that was really our total mission statement. So again, with the people asking about the sheds, well let's look into that again and then we started pushing that well they shouldn't be there let's get rid of them because it's starting to look like a shanty town. Since then, I wish my other computer didn't die I could probably pull out the paperwork where we had counted sheds, since then I say a ton of sheds have grown overnight they drop they know they're not legal because they put up a concrete pad then they come in the middle of the night they drop off a completed shed and then they run. I guess from then I forget the number, we have but tons of them, there's more concrete pads already in and I guess they're waiting for the town's approval on this, so what we expect to see by the end of the summer this gets passed you'll just have shed city all the way down the canal on either side and it's unfortunate. The guy that's you know Angelo Costanza is doing a fantastic job at the marina you know we're working on the West Beach to make that a living shoreline with a kayak launch and it's going to become a part of the blue trail for Suffolk County for kayakers. There's some other things we're trying to do, so again trying to enhance it, and then you know like say people come in and they look and they say well what's all this about, so well what can I tell you, like Kathy's goal said you know, she's got waterfront property, she's a big time boater, everything she needs for her boats are kept in a couple of small deck boxes that are lower than the height of the fence, looks attractive, everything you need is right there. The people that are putting the sheds are starting to empty out their garage, the basement, their backyard or if they live in another town, things that they really don't need to go boating and they're dragging them over. Like we point out before there's a shed with an air conditioner in it and if I can get pictures which I will try this summer, there are people living in there on the weekend. You know that's certain parts of the country that's allowed, I don't think that's allowed on the Grand Canal. So again that's where we're against the sheds, I know you said you're going to get us some information on the deeds because somebody gave us a deed of 1925 and it basically mirrors current town code for Zone C properties it's just not spelled out that way so, that's why we're against that, I know there's even some of the neighbors that do live here that have sheds.

Supervisor Schaffer: John can I ask you a question?

John Vogt: Sure of course.

Supervisor Schaffer: You would be in favor with what Kathy said about the deck boxes?

John Vogt: Oh definitely, yes you called them deck boxes anything you know even they sell those Rubbermaid sheds that are about three foot maybe four foot in height they're perfect, I got one of those in the backyard holds a lot of stuff.

Supervisor Schaffer: Those would be something suitable for that?

John Vogt: Yeah okay definitely. So that's it on the sheds, everything else like Kathy even pointed out that we're pretty much in favor of it. The other issue that we had and she touched on it, was the three-year limit on boats out of the water and here's the problem we have with that, we would like to see it six months only, off season people store boats on those properties that's wonderful. Season starts they clean them up they put them in the water. Now you have a boat on the property you have to do a motor job or something to it after the six months come around April whatever you go to the town you get a special exception for that summer that your boat's going to be on land and then when Code Enforcement comes around they see a boat there they check, so okay he's got it, she's got permission no problem we move on. The other thing and someone already told this I don't know who it is Kathy would have to tell you that says I'll just keep renewing just keep re-registering my boat every three years and leave it there, then we said well how is it going to be enforced, you know you're going to come by and put a piece of chalk on the boat like they do with tires when you oversee your welcome. You know it's a tough one and Code Enforcement doesn't have time to go around and say okay this is July 6th the boat's here come back September 6<sup>th</sup>, it's still here you know it's a tough one, so if it was the six-month deal would be just show itself come the boating season's boat's still there and it'd be easy enough to check if they have permission to keep it during the boating season and again there are people be it sickness be it the boat needs work or something that they need to do work. Other than that, if they need longer than it needs to go someplace else, they can get the boat on a trailer and move it to a yard, move it to their backyard and move it somewhere else. My boats I kept on my property, well I don't have a waterfront property in the front I got in the back, but everything was stored here so I could do work and big work I just moved it to marina and they did it so, that's all other than that, I appreciate the time everybody.

Supervisor Schaffer: Yeah, we appreciate the input on those two points, thank you John.

Joseph Calandrino  
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Lindenhurst, NY 11757  
[jcaland1@optonline.net](mailto:jcaland1@optonline.net)

You know for giving me the time. I just want to go over a few things, everything I pretty much read you know I was in agreement with, just a couple of things. The 50% of the property being covered by non-pervious, I have a small situation with, when I purchased my property there was stoned down, when we lifted the stone up, under the stone was concrete that was in disrepair. I was tripping over constantly in the stone so we tore it up, put down brand new pavers without changing the footprint that was there since I was a kid back in the 60s, so that's the way it was, they had only put stone on top of it, but what I did in difference, is I had drains put in into the stone into the stone itself, I had two drains put in and I had a separate piece put on the side with stones so I literally get virtually no runoff from rainwater into the canal it drains into these two drains, goes into tanks below it which is surrounded by stone, so I think you know, as much as I understand what the 50% rule is because I'm like more like two-thirds I think it should be also worded that as long as you have the drainage the proper drainage to now not allow anything to run into the canals or a minimal amount to the streets that that should be looked at as you know on an individual basis and say okay well you know this isn't too bad and we're okay with that.

Supervisor Schaffer: Yup, that was a good point that you brought up earlier Joe.

Joseph Calandrino: Then my second thing is the fencing. When I put my fencing up the lots to the north of me the two lots are just income they just, as it's been stated before, they've been using it as a dumping ground, it's garbage there, somebody cut a boat in half they were trying to make a bar out of it, I mean it just looks like hell.

Supervisor Schaffer: Joe this is next door to your property.

Joseph Calandrino: Yeah directly next door to my property.

Supervisor Schaffer: Okay, so could you just give us the location.

Joseph Calandrino: Yeah at the end of Kissimmee Road on the east side, as a matter of fact directly at the end of Kissimmee Road you'll see my dock is an American flag flying and you'll see the pavers so it's just north of that you can't miss it, I mean it's absolutely horrible.

Supervisor Schaffer: We'll send someone out there.

Joseph Calandrino: Thank you. I followed the town code and I went with the fencing on the side you know where it said you know basically town code said use a four foot fence in the front open slats and you can go with a solid fence in the back of your property and on the sides, so that's what I followed and it was "A" for privacy and "B" so I didn't have to see what was around me, but in no way shape or form does that impede on someone driving past the front of my property and being able to see the canal, it just prevents me from seeing the garbage that might be on the dock to the north of me which is absolutely horrible, so that's why I went with that, so those two conditions I just wanted to bring up, I think they're pretty important and listening to everybody else, I got to bring up something else. My parents purchased this house in 1958 not all the deeded property on the Grand Canal was purchased by the houses directly across the street, so my parents were literally around the block on the corner of Marine back in 1958 we live on Kissimee two houses in from the water, so we're not directly across the street, I just want to get that out there and make that known. Secondly they were some of the original members of the civic

association, my mom was a treasurer, my father was an attendee and yes the beaches whoever mentioned that before, the beaches are what truly hurt the civic association, it wasn't that they weren't strong, it wasn't that they didn't have the finances, but they didn't have the finances to maintain the beaches, so you know what had to happen to the beaches had to happen, that's really pretty much it. You know, we've gone over, you know I mean I'm not going to bring up the issue with the sheds, I think that everybody has their own need for a shed, you know whether you're putting a small box if that's your needs. I don't fish personally, but I see a lot of fishermen bringing their poles and their nets, well they're not going to fit that in a 2x3 box or a 2x4 box, so as long as you know my thing and I've said this before and I'm going to say it again, as long as you keep your dock, your house, your property, in good repair and good to look at, we should limit the amount of restrictions we're putting on people, because it's getting crazy. I do agree there's sheds that are like townhouses, they're monsters, shouldn't be, but however the ones that are there they should be in good repair, I don't care and it's not only a shed, I'm talking about everything that's on the dock. I'm talking about a gazebo, I'm talking about even those small containers that are on the ground, because they can get up and float away during a storm and end up in the canal then I'm out here and hit it with my gear case, I'm out four or five thousand dollars and everything should be secured. My shed on my property is secured with U-bolts to the back so even with the storm I have a rope that I can put over the top from pole to pole. I've taken every possible precaution because I was here during hurricane Sandy, here for hurricane Gloria and here for all of it. If people will take the proper precautions, maintain their property, I say we limit the amount of restrictions we're putting on them, that's all I got to say. I can't thank you all for enough for listening to me you guys have a wonderful night. Thank you.

Bruce Ramm  
38 Newark Street  
Lindenhurst, NY 11757  
516-292-2255  
[nyramm@gmail.com](mailto:nyramm@gmail.com)

I would like to submit a written comment below.

Hi,

I am in contract to purchase parcel 0100 186.00 03.00 096.000. Please keep me informed as to what I can or cannot do with this property. I am in favor of the shed. The land I would like to put down gravel stones. The property right not has not been maintained and doesn't look very appealing. I would like to make it nice, tasteful and appealing to the nearby land owners. Please keep me informed on these code changes. Thank you

Bruce Ramm

Supervisor Schaffer: I move that the hearing be **CLOSED** and decision reserved.

Councilman Martinez: Second

ALL IN FAVOR: AYE

HEARING **CLOSED** DECISION RESERVED.

/jt

PUBLIC HEARING  
OF THE  
TOWN BOARD  
TOWN OF BABYLON

Held via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P>,  
on Wednesday, the 24th day of March 2021 at 6:00 P.M., Prevailing Time.

2. ***PUBLIC HEARING ON THE REZONING APPLICATION OF GAETANO PINELLO FOR THE PREMISES IDENTIFIED BY  
SCTM#: 0100-193-04-55, 56, 57, & 58 LOCATED ON THE N/W/C/O MONTAUK HIGHWAY & HAWKINS BLVD, COPIAGUE***

PRESENT:

ANTHONY MANETTA	COUNCILMAN
ANTONIO A. MARTINEZ	COUNCILMAN
TERENCE MC SWEENEY	COUNCILMAN
DUWAYNE GREGORY	COUNCILMAN
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ABSENT: NO ONE

The Town Clerk read the Notices of Public Hearing

PLEASE TAKE NOTICE that the Town Board of the Town of Babylon will hold a Public Hearing, on the 24<sup>th</sup> day of March, 2021 at 6:00 p.m., prevailing time, at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, or held via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P> provided Governor Cuomo 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](http://townofbabylon.com) and click on the "How Do I..." link, and then "Participate in a Public Hearing" to order to participate), on the rezoning application of Gaetano Pinello for the premises identified by SCTM#: 0100-193-04-55, 56, 57, & 58 located on the N/W/C/O Montauk Highway & Hawkins Blvd, Copiague and further described as:

SCHEDULE A

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN COPIAGUE, IN THE TOWN OF BABYLON, COUNTY OF SUFFOLK AND STATE OF NEW YORK, BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING at a point on the northerly side of Montauk Highway (S.R. 27A) (Merrick Road) at the southerly end of a line connecting the northerly side of said Montauk Highway and the westerly side of Hawkins Boulevard;

RUNNING THENCE along the southerly side of said Montauk Highway, the following three (3) courses and distances:

1. South 83 degrees 00 minutes 02 seconds West, 52.35 feet;
2. North 13 degrees 07 minutes 20 seconds West, 3.03 feet;
3. South 83 degrees 00 minutes 02 seconds West, 151.37 feet;

THENCE North 13 degrees 07 minutes 20 seconds West, 88.61 feet;

THENCE North 76 degrees 52 minutes 40 seconds East, 210.50 feet to the westerly side of Hawkins Boulevard to the northerly end of said line connecting the northerly side of said Montauk Highway and the westerly side of said Hawkins Boulevard;

THENCE South 34 degrees 58 minutes 15 seconds West, 10.68 feet along said line to the northerly side of said Montauk Highway, at THE POINT OR PLACE OF BEGINNING.

Dated: February 17, 2021, Town of Babylon

BY ORDER OF THE TOWN BOARD, TOWN OF BABYLON  
GERALDINE COMPITELLO, TOWN CLERK

Nicole Blanda, Esq. Partner  
Buzzell Blanda & Visconti, LLP  
535 Broadhollow Rd. Suite B-4, Melville, NY 11747 - 631-49-1335  
Submitted the following petition via email.

**PETITION IN SUPPORT OF PHASE II OF THE PINELLO MULTI-RESIDENCE DEVELOPMENT IN COPIAGUE**

**WE, THE UNDERSIGNED RESIDENTS, HAVE REVIEWED THE SITE PLAN FOR PHASE II OF THE MULTI-RESIDENCE DEVELOPMENT AT THE NORTHWEST CORNER OF MONTAUK HIGHWAY AND HAWKINS BLVD. IN COPIAGUE, AND WE FULLY SUPPORT THE GRANTING OF THE CHANGE OF ZONE, SITE PLAN APPROVAL AND VARIANCES REQUESTED TO CONSTRUCT THE ADDITIONAL TWELVE (12) ONE-BEDROOM APARTMENTS**

(PLEASE SIGN AND PRINT NAME BELOW SIGNATURE - THANK YOU)

NAME:	ADDRESS:
1. <u>JOAN W CURTIN</u> PRINT NAME: <u>Joan Curtin</u>	<u>105 HAWKINS BLVD COPIAGUE NY</u>
2. <u>Frank Curtin</u> PRINT NAME: <u>Frank Curtin</u>	<u>105 Hawkins Blvd Copiague NY 11726</u> <u>106 Hawkins Blvd. Copiague NY 11726</u>
3. <u>Douglas Curtin</u> PRINT NAME: <u>Douglas Curtin</u>	<u>105 Hawkins Blvd Copiague NY 11726</u>
4. <u>HELEN MARIANA</u> PRINT NAME: <u>Emily Rios</u>	<u>20 BERGEN CT. COPIAGUE</u>
5. <u>Emily Rios</u> PRINT NAME: <u>Oliver Rios</u>	<u>20 BERGEN CT. COPIAGUE NY</u> <u>20 Bergen Court, Copiague NY 11726</u>
6. <u>FRANK CAMILLERI</u> PRINT NAME: <u>F. Camilleri</u>	<u>102 HAWKINS BLVD NY</u> <u>Copiague</u>
7. <u>JENNIFER CAMILLERI</u> PRINT NAME: <u>J. Camilleri</u>	<u>102 HAWKINS BLVD.</u> <u>Copiague</u>
8. <u>Henry Cortin</u> PRINT NAME: <u>Henry Cortin</u>	<u>110 Hawkins Blvd</u> <u>Copiague</u>

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(PLEASE SIGN AND PRINT NAME BELOW SIGNATURE - THANK YOU)

NAME:	ADDRESS:
1. <u>Amelia Barry</u> PRINT NAME: <u>Amelia Barry</u>	<u>115 Bergen Ct Copiague NY 11726</u>
2. <u>FRANK CAMILLERI</u> PRINT NAME: <u>Frank Camilleri</u>	<u>102 HAWKINS BLVD COPIAGUE NY 11726</u>
3. <u>PATTY HASLAM</u> PRINT NAME: <u>Patty Haslam</u>	<u>140 Bergen Ct. Copiague 11726</u>
4. <u>LARRY GREENFIELD</u> PRINT NAME: <u>Larry Greenfield</u>	<u>140 Bergen Ct Copiague NY 11726</u>
5. <u>JOHNNY RAJKUMAR</u> PRINT NAME: <u>JUSTIN RAJKUMAR</u>	<u>25 STERNS LANE. COPIAGUE NY</u> <u>25 STERNS LANE. COPIAGUE. 11726 NY 11726</u>
6. <u>JOEL RAJKUMAR</u> PRINT NAME:	<u>25 STERNS LANE. COPIAGUE NY</u> <u>11726</u>
7. _____ PRINT NAME:	_____
8. _____ PRINT NAME:	_____

9. Lilia Porcino  
 PRINT NAME: LILIA Porcino

10. Sarah Brenner  
 PRINT NAME: Sarah Brenner

11. Johnny Roldan  
 PRINT NAME: Johnny Roldan

12. Johnny Roldan  
 PRINT NAME: Johnny Roldan

180 CEBARCT. COPIAGUE  
 180 CEBARCT. Cop  
 Alina Brenner  
 105 Hawkins Blvd Cop  
 Sarah Brenner  
 115 Hawkins Blvd  
 Copiague NY 11726

13. Zaheer Ahmed 10 BERGLEN CT  
 Zaheer Ahmed  
 10 Bergen Ct

14. Nahleed Nuseem 10 BERGLEN CT  
 Nahleed Nuseem  
 10 Bergen Ct

15. Michael Huszary 10 BERGLEN CT  
 Michael Huszary  
 10 Bergen Ct

**PETITION IN SUPPORT OF PHASE II OF THE PINELLO MULTI-RESIDENCE DEVELOPMENT IN COPIAGUE**

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(PLEASE SIGN AND PRINT NAME BELOW SIGNATURE - THANK YOU)

NAME:	ADDRESS:
1. <u>[Signature]</u> PRINT NAME: <u>Jonathan Soyryda</u>	<u>407 Brookside Ct Copiague, NY, 11726</u>
2. <u>[Signature]</u> PRINT NAME: <u>Justine Schaefer</u>	<u>407 Brookside Ct Copiague, NY 11726</u>
3. <u>[Signature]</u> PRINT NAME: <u>Barbara Soyryda</u>	<u>407 Brookside Ct Copiague, NY 11726</u>
4. <u>[Signature]</u> PRINT NAME: <u>Margaret Voisey</u>	<u>228 Waldo St. Copiague, NY 11726</u>
5. <u>[Signature]</u> PRINT NAME: <u>Guy Schaefer</u>	<u>390 West Dr. Copiague, NY 11726</u>
6. <u>[Signature]</u> PRINT NAME: <u>Luca Mazzilli</u>	<u>297 WALDO ST. Copiague</u>
7. _____ PRINT NAME: _____	_____
8. _____ PRINT NAME: _____	_____

I'm here on behalf of the applicant and property owner regarding this proposed change of zone for four commercial parcels from Business E to MR. So what we're looking at right here (split screen of site plan is shown) is everything that you see in white that I'm going over with my icon is what we're going to call phase one and so this part of the site was previously approved it was rezoned to MR back in December of 2018 and it has all its approvals and it's presently under construction that was 16 one-bedroom units. What we're proposing tonight is to rezone this portion that I'm going over to multi-res

for 12 one-bedroom units all to be comprised within this two-story roughly 5000 square foot footprint building that would be in line with what's being constructed immediately to the west, and as you can see here, the shaded area would be parking for this building as well, but the site would have cross access. We're proposing to use the curb cut that exists on Montauk Highway and that was approved by the D.O.T. There's another curb cut already on Hawkins that was approved as part of the other site plan these are four tax lot parcels that are zoned commercial previously the board, I'm sure will recall that the Trifecta bar was in this corner which is the northwest corner of Hawkins and Montauk and the bar was quite close to the street, it was an eyesore and had many complaints and issues over the years. What we're proposing here is this would be pretty open, you could see it's a grass area, so there's great visibility on the corner and there would be attractive landscaping installed on this corner to really open it up and make it aesthetically pleasing. All the lighting would be dark sky compliant, drainage would be contained on site, between drainage leeching vaults and permeable pavers. We have the requisite parking with the exception of one space, we are short one space because the town DEC wanted us to have an extra refuse enclosure. You can see right here with my arrow there's a ten by ten, so that's really the only parking space that we lost, otherwise we do meet the parking requirement from the town. You can also see that there's going to be street trees installed and other additional landscaping along Montauk highway to make it attractive. The town DEC reviewed all the Fema requirements and the buildings comply with 2020 building codes and Fema requirements as well. There are no basements on this site, these are true one bedrooms, meaning that there's a kitchen, there's the open living room, bathroom, washer dryer and then one bedroom, there's no den or any other additional room. The units are each approximately 850 square feet, again it's been reviewed by the Planning Department and the various departments in the town and I did submit a petition (see above).

Supervisor Schaffer: We made that petition part of the record.

Nicole Blanda: So, we did have some of the surrounding neighbors that were in support sign a petition and you know we're here tonight to answer any questions that the board members might have or that any members of the community might have as well.

Supervisor Schaffer: Great, I don't know if any of the board members have questions now or else we can go right to the speakers.

Councilman Gregory: Just a question quick question, who's the developer?

Nicole Blanda: The developer is I call him Tommy it's Gaetano Pinello, but it's Tommy Pinello, so the rest of the site that's under construction that's his site as well, so it's the same builder.

Michele Insinga  
94 Venetian Prom  
Lindenhurst, NY 11757  
631-957-0930  
[coopdup312@gmail.com](mailto:coopdup312@gmail.com)

It's the same conversation that we've had multiple times over the last couple of years regarding the various different apartments going up in a very short distance from each other. We are all well aware of specific issues with one on Baylawn. We're also aware of the possibility of apartments also diagonally across the street from this on Doges, so I'm speaking for the community because they are as you've heard before, and as we've seen on our community pages, not exactly thrilled with all the amounts of apartments in a very short compact area. Last week Newsday, now I know you're saying this is a one true bedroom and I get that, but last week Newsday did a whole piece on our schools in Copiague, because they're still not open full-time, in fact they don't even expect anything to happen on that level until September, so that's part of an issue. We will also as you know, we sent out a letter regarding moratoriums on apartments because which was also in Newsday, because we want to see if this need is actually there especially while we're in this pandemic how much of a need for apartments are actually there. We've seen people come out to Long Island looking for homes not apartments, especially small apartments. So that's another question that we're bringing, are we actually serving the community with needs that other people that are coming here because they're looking for open space and things to that effect. I don't know if you also saw on Friday, New York Times, Forbes magazine, a whole bunch of other news articles came out and that had a lot to do with Fema's risk 2.0. The reason why is because again we've been working with Chuck Schumer, we bought to Chuck our concerns regarding risk 2.0 because prices for flood insurance were due to go up on April 1st and be implemented on October 1<sup>st</sup>. We asked Chuck just like we did in 2019 to put this off again especially again during a pandemic because none of our families, not just in Long Island but across the country can afford massive increases and we don't really have a full understanding on Fema's risk 2.0. We are also working with Congresswoman Kathleen Rice who's writing legislation on this right now for us so that we can get more of an understanding of how this would affect everyone and that's not just single families, but that's also multi-family homes and or residential apartment buildings so we are still working on that and we do have our majority leader of the United States senate on our side which is fantastic, but again we are speaking on allowing building in a flood zone especially after a disaster that we're still not even fully recuperated from and we are also speaking with him on a bigger level on I guess the best way to put it, how do we de-insensitize communities or municipalities from building in flood zones because we know part of the Biden administration is to start preserving open land. So here we are working on a living shoreline and we're not even that far away and we're building multi-family apartments once again in a flood zone. So you know from my organization I have issues with that, so that is what I'm speaking about, the fact that we feel that we do have an overload of apartments and we don't know how necessary they all are at this particular point in time, especially in a pandemic, all these projects were started prior to that and we also don't appreciate all this building in flood zones in our area especially when we're now in a new administration who is literally working with us on this very, very thing. So that is exactly what my issues are regarding why I would oppose this and I think it's something that should really be thought out, we need more open space, there is a lake there, it would have been nice we are talking to the federal government on how do we get to preserve this open space when they're in flood zones and flood plains to serve the community in a whole other way which is exactly projects that we are working on at the end of our Grand Canal. So that's what we're looking at and how to actually make all of this more cohesive together because it seems so decompartmentalized and against what we're doing completely, so that's just basically what I wanted to say and I appreciate you guys listening, again it's not necessarily against a project per se, it's just, do we need this project, and do we need it in that spot.

Supervisor Schaffer: Got it, okay thank you Michele.

Frank Curtin  
105 Hawkins Blvd.  
Copiague, NY 11726  
561-254-1449  
[douglascurtis56@yahoo.com](mailto:douglascurtis56@yahoo.com)

Some interest people living out of the area, people living out of the area that seem to want to come in here and tell the residents of this area how they should be living and what they should do. I would like to speak for myself a resident of about 35 years and I'd like to speak for my neighbors and I have a little bit of a prelude here to tell you if you'll be patient with me it's not very pleasant so I just ask you to hang in with me if you can. We'll start with the bar; the bar was on the corner of Montauk Highway and Hawkins Boulevard and there was a restaurant Mason Ole' it must be gone about 10 years and went out of business. Mason Ole' had a big parking lot, a car company brought in hundreds of cars into this parking lot where they worked on them, they stored them and we had car alarms going off day and night. I live on Bergen Court which is right across from this parking lot. The bar on the corner of Montauk Highway it's open until four in the morning or even later. I'm going to have to read a little bit here. They've brought in loud music, they brought in live bands which was played all night into the early hours of the morning, it could be heard all over the neighborhood. Cars were coming from everywhere; they were parking everywhere the Bergen Court was a parking lot for the bar. There were mobs of people who would then come also from all over, they would hang out on the street making all kinds of noises and disturbances and they even had drinking parties in their car. The bar was known for drug dealing, even a shooting took place in there, police were constantly called. Police would go into the bar and have the illegally parking patrons get out and move their cars from the illegally parked spots. The bar was raided and closed down by the town code at least twice, but the bar always managed to open up again. When they closed it down, they arrested many with outstanding warrants. When police were unable to come

because they were occupied, I would go out to the corner of Hawkins Boulevard and Bergen Court and keep the cars from coming into the Bergen Point dead end. I would be out for one two in the morning but I wouldn't be sleeping anyhow so it really didn't matter.

Supervisor Schaffer: Frank, so I'm assuming that you're in favor of this application.

Frank Curtin: Yes of course.

Supervisor Schaffer: That's what I wanted to clarify, because I know that you're recounting for us some of the issues that you and your neighbors had experienced.

Frank Curtin: Yes, that's correct.

Supervisor Schaffer: I just wanted to make sure that was on the records that the board understood where you're coming from.

Frank Curtin: Yes, yes very much we're very much in favor of the development of the apartments. Now as far as the stores they're asking for stores there's no shortage of stores we have several stores right across the street they open and close they come and go.

Supervisor Schaffer: Frank I think this application is just for multi-res, it's a two-story multi-res, you would call it the second phase of this development. The first phase is already under construction and has been approved and this would be the second phase so there won't be any retail or any stores in this as part of this development.

Frank Curtin: Well when I was at the last hearing there were several people who had asked the board that they wanted stores there, that's what I'm concerned about.

Supervisor Schaffer: No this is a re-zone request to the town board. So whatever board meeting you probably attended a planning board meeting, and this application is for straight residence, it is 12 additional. The applicant is proceeding as he had originally submitted.

Frank Curtin: So, then they will go ahead with the 12 units is that what you're saying?

Supervisor Schaffer: Well what we're doing is we're having a public hearing now before the town board so we're taking all the comments and then this board will make a decision as to whether or not to grant the re-zone of the four parcels involved and if we do grant that, then they would be proceeding with their development. So, we appreciate your comments.

Frank Curtin: Well what you're saying is this still could stay commercial property out there.

Supervisor Schaffer: Only if we turn down the applicant's request.

Frank Curtin: Well that's what I was trying to present here.

Supervisor Schaffer: We appreciate it, we've received the petition that you and your neighbors signed, immediate neighbors to the property, and we've also received your comments and we are going to receive a couple more comments. We've already received Michele's comments and I think we have one other speaker who's signed up for tonight.

Frank Curtin: Well there are just some comments made previously that I'd like to respond, I mean we do need apartments, that's why we have so many illegal apartments that we don't have good quality apartments. We have people coming in from the city and we need we need apartments and that's very important I think

Supervisor Schaffer: We appreciate that, all right?

Frank Curtin: Yes sir, well then will there be another hearing?

Supervisor Schaffer: Tell your beautiful bride we said hello.

Frank Curtin: Well okay, but we still don't know what the settlement is here this was to settle whether it's going to be commercial or residential right?

Supervisor Schaffer: Correct. Well we have to have the public hearing which we're conducting tonight and then the board will close the public hearing and then we'll make a decision at a future board meeting.

Frank Curtin: Then there'll be another board meeting on this issue?

Supervisor Schaffer: No, we will make a decision based on the input that we receive tonight, so we'll be back in touch with you to let you know the decision.

Frank Curtin: Okay, well then, I can't finish what I had to say.

Supervisor Schaffer: We appreciate your comment's, we understand that you're in favor of this and you've given some good reasons why you're in favor of it, okay thank you Frank.

Frank Curtin: Okay you're welcome thank you.

Katherine Mallay  
55 Taylor Avenue  
Copiague, NY 11726  
kat.mallay20@gmail.com

Okay good evening everybody. So, I want to thank you guys for listening to my opinions today. First off I would like to continue based off on Mr. Curtin's concern on various issues. Most of all revolving the bar, as we all know there have been numerous complaints and I growing up being around the area the bar has really affected my life in a lot of ways and a lot of young adults and millennials in one various way it was always known for having notorious parties and there were rumors which were all basically true about drug trades and basically a lot of young adults were always brought into that bar and it took away a lot from the youth of the community. They were always involved in drug dealing or drinking, illegal stuff, so that bar has always been on the negative impact of a lot of youth lives. So, we are very happy that that's gone. There was always a lot of accidents revolving that area because the bar had no proper parking, there was like a lot of parking on the sides of the road and people getting drunk going into the middle of the highway there was a lot of accidents involving that particular area. So as a resident of Copiague and after discussing with a lot of other members we're very happy to see the enhancement of the community. As we all know a community is enhanced by its residents, and to see that someone's actually taking interest to enhance the neighborhood, making it beautiful, making it very appealing to the eye, with all the aesthetics of the buildings, it's very good. In reference to the whole part of having too many apartment buildings, I strongly disagree with that because there could never be too many, especially during this pandemic, because as we all know everyone is moving away from the city because of the whole pandemic situation and they're drifting towards Long Island and areas around Long Island. So, to avoid having illegal apartments and illegal dwellings it's very necessary to have apartment buildings, especially legalized apartment buildings for these people to come to. They need to come down to a place where it's beautiful and they're happy and they feel safe in a certain community and on another note too as well, in reference to the economy and the school with all these people coming down it enhances the economy of the community because as you all know within the rent the rental that these people will be paying, there's a certain part that is taken out from the tax of that complex that goes to enhance the community. For example, the schools, the schools get better payments from it and it enhances the community, so I don't see why we're

stopping the progress. I understand everybody's has a lot of concern about these big buildings and they're worried about flood zones and all that, but let's take into consideration all these things have been thoroughly reviewed by the engineers and the flood zone community and the architect, so it's not like they're just building apartments based on empty land. There's things that have been surveyed and been taken into consideration that it's safe enough to be built on, so I don't see why there's so many negative comments and so much negativity towards this, I think we should all be happy and join together to enhance our community, that's how we all grow together, so that's all I have to say, thank you for listening.

Supervisor Schaffer: Sure, we appreciate your comments thank you. Okay, Nicole did you want to add anything before we close the public hearing.

Nicole Blanda: No Mr. Supervisor, I think everything's been said thank you.

Councilman Manetta: I just have a quick question just for a point of reference from the site plan, the bar that's been mentioned several times, is that where that green space is proposed on the site plan.

Nicole Blanda: Yes, there is a large landscaped area on that corner

Councilman Manetta: Gotcha, thank you.

Lynda Lane  
508 Greenlawn Terrace  
Copiague, NY 11726  
631-225-0341  
[specialist514@yahoo.com](mailto:specialist514@yahoo.com)

I would like to submit a written comment below.

Variance upon variance in Copiague cannot be allowed. I heard at a previous meeting that a variance sets a precedent for other variance. This is appalling. One nice allowance burdens us forever. To many apartments on Merrick Road now for safety, traffic, environmental concerns and no hospital in Town of Babylon etc. These variances are degrading quality of life in the area. I suggest the builders live next door to each apartment complex they build. The schools are already having a problem and getting through town at rush hours is dangerous. NO shoulders already on Merrick Road, where do people walk and ride a bike? Baylawn's 3 story building (TOB was a two-story suburbia) is a disgrace as well as the Hawkins complex already built without enough room for parking, deliveries and guests. Now they want single apartments on the same property. Yeah! Also the variance on Hawkins, sold a single home now foundations for two homes, I disagreed with this also. It did not benefit the community, On the owners who got the variance. PLEASE STOP VARIANCES FOR PROFIT WHICH HARM THE LOCAL TAX PAYING COMMUNITY.

Councilman Manetta: I move that the hearing be **CLOSED** and decision reserved.

Councilman Gregory: Second

ALL IN FAVOR: AYE

HEARING **CLOSED** DECISION RESERVED.

/jt

A Special Meeting of the Town Board, Town of Babylon, was held via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P>, on Wednesday, the 24th day of March 2021 at 6:00 P.M., Prevailing Time.

**Supervisor Schaffer called the meeting to order with a salute to the flag.**

**Supervisor Schaffer:** Please remain standing for a moment of silence and I'd ask that you keep in your thoughts and prayers the brave servicemen and women serving our country both here and abroad, as well as those in our town who are still working as first responders and health care professionals in the Covid-19 Pandemic and particularly those families in our town who are either having a loved one suffer from Covid-19 or who has passed away from Covid-19.

Thank you, please be seated.

**The Town Clerk called the roll:**

Councilman Manetta	Present
Councilman Martinez	Present
Councilman McSweeney	Present
Councilman Gregory	Present
Supervisor Schaffer	Present

1. **PUBLIC HEARING AMENDING CHAPTER 213 OF THE BABYLON TOWN CODE (GRAND CANAL BOAT BERTH DISTRICT)**
2. **PUBLIC HEARING ON THE REZONING APPLICATION OF GAETANO PINELLO FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-193-04-55, 56, 57, & 58 LOCATED ON THE N/W/C/O MONTAUK HIGHWAY & HAWKINS BLVD, COPIAGUE**

**RESOLUTION NO. 184 MARCH 24, 2021  
ACCEPTING TOWN BOARD MINUTES**

The following resolution was offered by Councilman Manetta and seconded by Councilman Martinez

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:

March 17, 2021

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 185 MARCH 24, 2021  
AWARDING BID NO. 21G25 SOLIVIA POWERSPORTS D/B/A/ ISLAND POWERSPORTS**

The following resolution was offered by Councilman Martinez and seconded by Councilman Manetta

WHEREAS, the following bids for Bid No. 21G25 Solivia Powersports d/b/a Island Powersports received, opened and publicly read:

Item No. 1. Sea Doo Fish Pro or Equal Personal Watercraft	
<b>BIDDER</b>	<b>UNIT PRICE</b>
Solivia Powersports d/b/a Island Powersports	<b>\$18,700</b>
Item No. 2. Watercraft LT Series or equal Trailer	
Solivia Powersports d/b/a Island Powersports	<b>\$1,700.00</b>

NOW, THEREFORE, be it RESOLVED, that based upon the recommendations of the Commissioner of General Services, the Commissioner of Department of Public Works and the Director of Fleet Maintenance upon their finding the aforementioned bids to be fair and reasonable, Bid No. 21G25 be and is hereby awarded to the sole bidder, Solivia Powersports d/b/a Island Powersports and be it further

RESOLVED, that the Supervisor be and he is hereby authorize a one (1) year contract with Solivia Powersports d/b/a Island Powersports, and that the form and content of said contract shall be subject to the approval of the Town Attorney.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 186 MARCH 25, 2021  
AUTHORIZING THE PURCHASE OF VEHICLES FROM  
CONWAY BEAM MACK**

The following resolution was offered by Councilman Manetta and seconded by Councilman Martinez

WHEREAS, the County of Onondaga, through competitive bidding and procurement, awarded Contract No.8996 to Conway Beam Mack for the trucks (heavy duty class 8) Cab Chassis Type w/Dump Bodies, Snow Plows & Associated and

WHEREAS, pursuant to General Municipal Law 103 (16), a political subdivision is authorized to contract for services through the use of contracts let by any other political subdivision therein, and

WHEREAS, the Town of Babylon is desirous to purchase the following equipment

from Conway Beam Mack pursuant to County of Onondaga for the trucks (heavy duty class 8) Cab Chassis Type w/Dump Bodies, Snow Plows & Associate

EQUIPMENT DESCRIPTION/DEPARTMENT	COST
2022 Mack Granite 64F Allison 4500 RDS with ARM 14' Stainless Steel DumpBody with ARM 11'x42" plow & 13' Tarco Stainless Steel Spreader for Highway 10 wheeler	\$248,905.50
(2) 2022 Mack Granite 42F Allison 3000 RDS with ARM 11' Stainless Steel Body with ARM 11'x42" plow & 10' Tarco Stainless Steel Spreader for Highway 10 wheeler	\$435,903.80 (\$217,951.90)
2022 Mack Granite 64F Allison 4500 RDS with ARM 14' Stainless Steel DumpBody with ARM 11'x42" plow & 13' Tarco Stainless Steel Spreader for Highway 10 wheeler with optional swing tail gate	\$248,905.50 plus \$1,500 for swing tail gate

WHEREAS, the Commissioner of General Services recommends issuing Purchase Orders for Conway Beam Mack for the above equipment, NOW THEREFORE be it

RESOLVED, the Town Board of the Town of Babylon authorizes the Commissioner of General Services to issue Purchase Orders to Conway Beam Mack for the aforementioned equipment.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 187 MARCH 25, 2021  
AUTHORIZING THE PURCHASE OF VEHICLES FROM SMITHTOWN CHEVROLET**

The following resolution was offered by Councilman Martinez and seconded by Councilman Manetta

WHEREAS, the Town of Babylon entered into an agreement with Nassau County BOCES to participate in their cooperative bidding program for Bid No. 19/20-045, Passenger Cars, Vans & Trucks pursuant to Resolution 616 of September 23, 2020, and

WHEREAS, pursuant to General Municipal Law 103 (16), a political subdivision is authorized to contract for services through the use of contracts let by any other political subdivision therein, and

WHEREAS, the Town of Babylon is desirous to purchase the following equipment from Chevrolet of Smithtown, pursuant to Nassau County BOCES Bid No. 19/20-045, Passenger Cars, Vans & Trucks

<b>EQUIPMENT DESCRIPTION/DEPARTMENT</b>	<b>COST</b>
2021 Chevrolet Special Service Tahoe, Inc. Proliner Equipment for Fire Marshall	\$47,494.00
2021 Chevrolet 3500 Model CK31043 Dual Wheel Crew Cab, w/boss plow, R & W body suspension for B & G Mason and Plow	\$41,994.00
2021 Chevrolet 3500 Crew Cab Chassis with plow for B & G Mason and Plow	\$41,994.00
2021 Chevrolet 3500 Regular Cab Chassis & Body, Inc. drop sides, pintle hook, plates & d rings, 7 way trailer plug, tarp & roller, strobes, stop tail, reverse, strobe light in body, snow deflector, front grill and rear body strobe lights, fabricate rake & shovel holder for B & G Mason & Plow	\$56,584.00
2021 Chevrolet Model CK20903 Regular Cab includes R & W equipment, 8' boss plow & light Pkg. used for Foreman	\$44,294.00
2021 Chevrolet Model CK20953 Double Cab includes R & W equipment, 8' boss plow & light Pkg. used for Highway	\$44,244.00
(2) 2021 Chevrolet Model CK20943 Regular Cab includes R & W equipment, 8' boss plow & light Pkg. used for B & G	\$91,988.00(\$45,994.00 each)
(2) 2021 Chevrolet 2500 Model CG23405 6-cylinder van for Gen Svc & B & G	\$49,998.00 (\$24,994.00 each)

WHEREAS, the Commissioner of General Services recommends issuing Purchase Orders for Chevrolet of Smithtown for the above equipment, NOW THEREFORE be it

RESOLVED, the Town Board of the Town of Babylon authorizes the Commissioner of General Services to issue Purchase Orders to Chevrolet of Smithtown for the aforementioned equipment.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 188 MARCH 24, 2020  
AUTHORIZING THE SUPERVISOR TO SIGN AND SUBMIT THE FISCAL YEAR 2020  
CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT**

The following resolution was offered by Councilman Manetta and seconded by Councilman Martinez

WHEREAS, the Town of Babylon has prepared a draft of the Fiscal Year 2020 Housing and Community Development Plan (HCD Plan) Consolidated Annual Performance Evaluation Report (CAPER) for submittal to the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the draft document has been made readily available for all interested members of the public to review and provide comment; and

WHEREAS, submission of the Fiscal Year 2020 HCD Plan Consolidated Annual Performance Evaluation Report requires that the authorized official representative of the Town, the Supervisor, sign the document,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon, that the Supervisor be and he hereby is authorized to execute the CAPER signature requirements, subject to public comments, ending on March 30, 2021, and submit the Fiscal Year 2020 HCD Plan Consolidated Annual Performance Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development; and be it further

RESOLVED, that the CAPER is subject to the review of the Town Attorney as to form and content.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 189 MARCH 24, 2021  
AUTHORIZING ADOPTION AND THE FILING OF THE COMMUNITY DEVELOPMENT PROGRAM 2021 ANNUAL ACTION PLAN,  
WHICH INCLUDES THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP,  
PROGRAMS LISTING OF PROPOSED PROJECTS FOR FISCAL YEAR 2021**

The following resolution was offered by Councilman McSweeney and seconded by Councilman Gregory

WHEREAS, the Town of Babylon is an entitlement community under the Community Development Block Grant ("CDBG") Program and will receive a grant allocation of One Million One Hundred Thousand Five Hundred Sixty-Eight Dollars and 00/100 (\$1,100,568.00) from the U.S. Department of Housing and Urban Development ("HUD") for Fiscal Year 2021; and

WHEREAS, the Town of Babylon is an entitlement community under the HOME Investment Partnership Program and will receive a grant allocation of Four Hundred Thirty-One Thousand Two Hundred Thirty-Three Dollars and 00/100 (\$431,233.00) from the U.S. Department of Housing and Urban Development ("HUD") for Fiscal Year 2021; and

WHEREAS, HUD requires the Town, to submit its Annual Action Plan for Fiscal Year 2021; and

WHEREAS, public hearings were held on November 17, 2020 and March 16, 2021 to gather input for the plan and on activities to be carried out under the CDBG and HOME Programs and general housing and community development needs in the Town; and

WHEREAS, a draft of the Action Plan for Fiscal Year 2021, including a list of proposed uses of Fiscal Year 2021 CDBG and HOME funds was made available for citizen comments; and

WHEREAS, the Town Board deems it is in the best interest of the Town of Babylon to submit for federal funding in the amount of One Million One Hundred Thousand Five Hundred Sixty-Eight Dollars and 00/100 (\$1,100,568.00) for the CDBG program for 2021, and in the amount of Four Hundred Thirty-One Thousand Two Hundred Thirty-Three Dollars and 00/100 (\$431,233.00) for the HOME program for 2021; and

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and he is hereby authorized to sign and submit the Fiscal Year 2021 Annual Action Plan for Housing and Community Development and amendments thereto and all understandings and assurances contained therein, including grantee certifications to the U.S. Department of Housing and Urban Development, after review as to content and form by the Town Attorney; and

RESOLVED, that upon approval of said Annual Action Plan, the Supervisor be and he is authorized to enter into and execute a funding approval/grant agreement with the U.S. Department of Housing and Urban Development for such financial assistance to the Town of Babylon; and

RESOLVED, that the Town Board adopt the Town of Babylon 2021 Annual Action Plan; and

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 190 MARCH 24, 2021**  
**ADOPTING AMENDMENTS CHAPTER 3, ARTICLE II, SECTION 3-4 OF THE TOWN OF BABYLON UNIFORM CODE OF**  
**TRAFFIC ORDINANCES**

The following resolution was offered by Councilman Gregory and seconded by Councilman McSweeney

WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 17<sup>th</sup> day of March, 2020 at 3:30 p.m. prevailing time, upon the question amending Chapter 3, Article II, Section 3-4 of the Town of Babylon Uniform Code of Traffic Ordinances

RESOLVED AND ORDAINED that the amendments to the Uniform Code of Traffic Ordinances, as set forth herein as Exhibit "A", be and the same are hereby adopted effective immediately; and be it further

RESOLVED AND ORDAINED that the Director of Traffic Safety be authorized and directed to install, erect, remove or replace such signs or other traffic safety devices as may be required by these amendments or by the New York State Vehicle and Traffic Law.

VOTES: 5                      YEAS: 5                      NAYS: 0  
 The resolution was thereupon declared duly adopted.

**EXHIBIT "A"**  
**Chapter 3, Article II, Section 3-4**  
**[Parking, Standing, and Stopping Restrictions Designated]**

**Delete from Schedule K:**

<u>Name of Street/Side Location</u>	<u>Hamlet</u>	<u>Regulation</u>	<u>Hours/Days</u>
Parliament Place/West Side From a point 112 feet +/- North of Mohawk Drive for 53 feet +/- (To School Property)	NB	No Stopping	8:00 a.m. to 9:00 a.m. 2:30p.m.to North 3:30 p.m. / School Days
Parliament Place/East Side In front of house number 89 For the property frontage of 62 feet +/- (Next to School Property)	NB	No Stopping	8:00 a.m. to 9:00 a.m. 2:30p.m.to 3:30 p.m. / School Days

**ADD to Schedule K:**

<u>Name of Street/Side Location</u>	<u>Hamlet</u>	<u>Regulation</u>	<u>Hours/Days</u>
Parliament Place/West Side From a point 112 feet +/- North of Mohawk Drive North for 53 feet +/- (To School Property)	NB	No Stopping	8:00 a.m. to 9:30 a.m. 2:30p.m.to 4:00 p.m. / School Days
Parliament Place/East Side In front of house number 89 For the property frontage of 62 feet +/- (Next to School Property)	NB	No Stopping	8:00 a.m. to 9:30 a.m. 2:30p.m.to 4:00 p.m. / School Days

**RESOLUTION NO. 191 MARCH 24, 2021**  
**ADOPTING RESOLUTION TO LIFT TOWN BOARD COVENANT AND RESTRICTIONS**  
**FOR PLANNING JOB# 20-07ADIN**

The following resolution was offered by Councilman McSweeney and seconded by Councilman Manetta

BE IT RESOLVED, by the Town Board of the Town of Babylon, that a Public Hearing was held at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 17<sup>th</sup> day of March, 2021 at 3:30 p.m., prevailing time, on lifting covenants and restrictions imposed by the Town Board by resolution No.308 of 1992 and amended by resolution No.584 of 1996 for the property at SCTM No#: 0100-165-01-32, further described on Schedule A attached hereto. The applicant requested relief of these imposed covenants and restrictions in connection with the redevelopment of the property for a new gas station and convenience store. And be it;

RESOLVED, that a more detailed diagram of the property which is affected by the petition is on file in the office of the Department of Planning and Development and may be examined during regular office hours by any interested person, and be it further

RESOLVED, that covenants and restrictions imposed by the Town Board by resolution No.308 of 1992 and amended by resolution No.584 of 1996 for the property at SCTM No#: 0100-165-01-32, further described on Schedule A, for planning job# 20-07ADIN are hereby lifted.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Manetta	Voting	Yea
Councilman Martinez	Voting	Yea
Councilman McSweeney	Voting	Yea
Councilman Gregory	Voting	Abstain
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

**SCHEDULE A**

ALL THAT A CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ELECTED, SITUATE, LYING AND BEING IN NORTH AMITYVILLE, TOWN OF BABYLON, COUNTY OF SUFFOLK, STATE OF NEW YORK, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY SIDE OF BENTLEY ROAD (50' WIDE) IAT THE SOUTHERLY END OF AN ARC CONNECTING SAID NORTHERLY SIDE OF BENTLEY ROAD WITH THE WESTERLY SIDE OF BROADWAY (VARIABLE WIDTH ROW) AND FROM SAID BEGINNING POINT RUNNING, THENCE:

1. ALONG SAID NORTHERLY SIDE OF BENTLEY RD., NORTH 70° – 07 MINUTES- 102 WEST, A DISTANCE OF 103.24 FEET TO THE POINT OF CURVATURE, THENCE;
2. NORTH WESTERLY AND STILL ALONGSIDE NORTHERLY SIDE OF BENTLEY ROAD, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 242.85 FEET, IN ARC DISTANCE OF 46.76 FEET TO A POINT, THENCE;
3. NORTH 08 DEGREES -06 MINUTES AND 16 SECONDS EAST, A DISTANCE OF 179.03 FEET TO A POINT ON THE SOUTHERLY SIDE OF LANDS N/F THE STATE OF NEW YORK, THENCE;
4. ALONG SAID LANDS, SOUTH 72 DEGREES -05 MINUTES – 20 SECONDS EAST, A DISTANCE OF 127.77 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY SIDE OF BROADWAY, THENCE;
5. ALONG SAID WESTERLY SIDE OF BROADWAY, SOUTH 06 DEGREES – 20 MINUTES-2 SECONDS EAST, A DISTANCE OF 173.12 FEET TO A POINT OF CURVATURE ON THE NORTHERLY SIDE OF THE AFOREMENTIONED ARC, THENCE;
6. ALONG SET ARC IN A SOUTHWESTERLY DIRECTION, ALONG THE CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, AN ARC DISTANCE OF 40.57 FEET TO THE POINT AND PLACE OF BEGINNING.

**RESOLUTION NO. 192 MARCH 24, 2021**  
**SCHEDULING A PUBLIC HEARING REGARDING WATER SYSTEM IMPROVEMENTS FOR THE OAK BEACH COMMUNITY**  
**WATER SYSTEM PURSUANT TO TOWN LAW ARTICLE 12-C**

The following resolution was offered by Councilman Gregory  
and seconded by Councilman McSweeney

WHEREAS, a plan, report and map has been duly prepared in such manner and in such detail as heretofore has been determined by the Town Board of the Town of Babylon, New York (the "Town"), relating to the creation and construction, pursuant to Town Law Article 12-C of water system improvements to be known and identified as the Oak Beach Community Water System Improvement (the "Improvement"), to provide such water improvement including extensions, to the present Town water improvement, such water system improvement to be constructed and owned by the Town, and

WHEREAS, said map identifies parcels to be included within the Oak Beach Water System denoted Dougherty System, McCarren system and McCrodden system and parcels which are not included within the Oak Beach system but are eligible to be added to the Oak Beach Water System at the lease owners request due to their proximate location to the infrastructure comprising the Oak Beach Water system denoted Eligible Parcels; and

WHEREAS, said plan and report have been prepared by H2M Architects + Engineers a competent engineering firm duly licensed by the State of New York and have been filed as a permanent record in the vault of the Town Clerk where they are available for public inspection; and

WHEREAS, said map has been prepared by the Town of Babylon, and stamped by David Bligh, PE, a competent engineer duly licensed by the State of New York and have been filed as a permanent record in the vault of the Town Clerk where they are available for public inspection; and

WHEREAS, the proposed Improvement consists of the water improvements set forth below, and in the areas of the Town as set forth below, and as more particularly shown and described in said map, plan and report presently on file as a permanent record in the vault of the Town Clerk:

WHEREAS, construction of a new well, distribution system and a new centralized treatment and water storage building approximately +/- 2000 square feet from where treated water would be conveyed via a new distribution system comprised of approximately 6500 linear feet of 4 inch blue water main terminating at a water meter for each home in the assessment area; and

WHEREAS, the maximum proposed to be expended by the Town for the aforesaid improvement is \$8,800,000. The proposed method of financing to be employed by said Town consists of expenditure of current revenues of the Town and the issuance of general obligation bonds of the Town and the apportionment of costs of said improvements partly through a levy of taxes upon all of the property in the benefited area and partly through a levy of taxes upon the area of the Town outside of villages in each case without limit of rate or amount.

WHEREAS, the Town Board desires to call a public hearing for the purpose of considering said plan, report and map and the providing of the Improvement, and to hear all persons interested in the subject thereof, all in accordance with the provisions of [Town Law § 209-q](#);

NOW, THEREFORE, IT IS HEREBY ORDERED, by the Town Board as follows:

Section 1. A public hearing will be held on the 14<sup>th</sup> day of April, 2021 at 3:30 p.m., prevailing time, at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, or held via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P> provided Governor Cuomo 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](http://townofbabylon.com) and click on the "How Do I..." link, and then "Participate in a Public Hearing" to order to participate), to consider the aforesaid plan, report and map and the question of providing of the Improvement and to hear all persons interested in the subject thereof and concerning the same and to take such action thereon as is required by law.

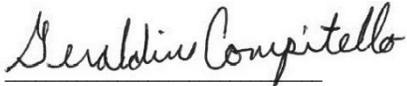
Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this order to be published once in an official newspaper of the Town, and also to post a copy thereof on the Town signboard maintained by the Clerk, not less than ten nor more than twenty days before the day designated for the hearing as aforesaid, all in accordance with the provisions of [Town Law § 209-q](#).

Section 3. This order shall take effect immediately.

VOTES: 5 \_\_\_\_\_ YEAS: 5 \_\_\_\_\_ NAYS: 0 \_\_\_\_\_

The resolution was thereupon declared duly adopted.

Being no further business before the Board, the meeting adjourned at 7:02 pm on the motion of Councilman McSweeney, seconded by Councilman Martinez.



Geraldine Compitello, Town Clerk

/jt