RESOLUTION NO. 418 JUNE 15, 2019
AUTHORIZING SECURING, BOARD UP AND SITE CLEAN UP OF UNSAFE STRUCTURE LOCATED AT 5 GLEN LANE, COPIAGUE, NY 11726 - SFTM No. 0100-180.00-04.00-040.000

The following resolution was offered by Supervisor Schaffer and seconded by Councilman Mannette.

WHEREAS, a certain structure, located at 5 Glen Lane, Copiague, NY, bearing Suffolk County Tax Map No. 0100-180.00-04.00-040.00 is open and accessible to the public and threatening the health, safety and welfare of the surrounding community residents, and

WHEREAS, pursuant to Local Law No. 1 of 1981 and Local Law No. 1 of 1978 all necessary proceedings have been completed in connection with the removal/securing of the aforementioned unsafe structure, and

WHEREAS, the inspector’s report dated April 5, 2019, indicates windows and doors are open and accessible, the roof should be repaired, therefore the securing/board up of the premises is the most likely and prudent course of action,

WHEREAS, a hearing was held this day; and

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order the securing/board up of the unsafe structures located on the premises at 5 Glen Lane, Copiague, NY, AKA SFTM No. 0100-180.00-04.00-040.000, in accordance with the Conclusions and Recommendations set forth in the inspector's report on file in the Department of Code Enforcement, and be it further

RESOLVED, that the department shall undertake the securing and cleanup and be it further

RESOLVED, that the Town shall notify all utility companies to shut off utility service at this location and the same may not be reinstated without Town approval, and be it further

RESOLVED, that the Assessor is hereby authorized to assess the property owner(s), for all costs incurred in connection with the proceedings to secure the subject premises, including the cost of actual securing and repairing.

VOTES: 5 YEA'S: 0 NAY'S: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 427 JUNE 15, 2019
AUTHORIZING THE EMERGENCY DEMOLITION, BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 88 CARLIS PATH, NORTH BABYLON 11703 SFTM NO. 0100-112.00-02.00-027.000

The following resolution was TABLED by Supervisor Schaffer and seconded by Councilman McSweeney.

WHEREAS, a certain rear structure(s) located at 88 Carlis Path, N. Babylon, New York, bearing SCTM# 0100-112.00-02.00-027.000 has become so out of repair as to be dangerous, unsafe, unsanitary and unfit for human habitation, thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

WHEREAS, it appears that, unless the structure is demolished and removed, 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 rear 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 the demolition and removal of the structure, including the deck located at 88 Carlis Path, North Babylon, New York, bearing SCTM# 0100-112.00-02.00-027.000 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 architect/professional engineer’s report attached hereto; and be it further

RESOLVED, that the Code Inspector is hereby authorized to pay the architect/professional engineer the cost of the inspection report in the amount of One Hundred and Fifty Dollars ($150.00) for said premises from the appropriate fund, 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.

David Gesanter
16 West Hoffman Avenue
Lindenhurst, NY 11757
516-935-9053, fax: 631-991-3857
davidgesanter@ad.com

Representative for property owner Pete Valles 516-667-3194. Not sure why his client’s property is scheduled to be demolished. Submitted a FOIL requesting an engineer’s report.

Supervisor Schaffer: Here is the problem with your client’s property. Have you been there? What I suggest that you do as an attorney, is that you should go to the property today, and then you come back here and tell me whether or not you believe your client’s property should be demolished. Your client should not be living there. There are obviously serious things going on there that we have turned over to adult protective services. We are going to have them deal with it. My understanding is, and we have been given all sorts of stories about the fact that this is, and has been in an estate process before the Suffolk County segregates court. We have also been told that now there is a real estate agent who wants to purchase it and do work on it. We have come up to a game plan, this property has been like this for a long time and we are not going to tolerate it anymore. I need you to go visit the property and then you are going to speak with Joe Wilson, the Town Attorney. You will work on coming up with a game plan that has a time limit on it. The neighbors have been subjected to tarps over the roof and all sorts of things going on. There are structural problems, it’s not cared for and someone is going to get hurt.

On July 10 we are going to act on this.

The resolution was thereupon declared duly TABLED to July 10, 2019 Meeting.
RESOLUTION NO. 444 JUNE 15, 2019
TOWN BOARD ENVIRONMENTAL DETERMINATION ON THE REZONING APPLICATION OF PARKWAY VILLAGE ESTATES, LLC FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-147-03-015.001 LOCATED ON THE W/S/O DEER PARK AVE., 113’ N/O BROOKSIDE AVE., NORTH BABYLON

The following resolution was offered by Supervisor Schaffer and seconded by Councilwoman Gordon.

WHEREAS, Parkway Village Estates, LLC (the "Petitioner") has heretofore petitioned this Board for a change of zone of the property which is located at SCTM No. 0100-147-00-03-00-015.001, further described on Schedule A attached hereto, located in the SC003 School District, from E Business District and B Residence District to MR Multiple Residence District, in order to construct 4 buildings for a total of forty (40) one-bedroom units and a 1,134 sq. ft. community/recreation space, along with associated site improvements. The site total 86,025 sf (1.97 ac.), and WHEREAS, the Department of Environmental Control is assessing the Town on Environmental Control; and WHEREAS, a public hearing was held on said petition on June 12th, 2019; and WHEREAS, in accordance with Section 637.5(c)(9) State Environmental Quality Review (SEQR), this proposal involves the construction 4 buildings for a total of forty (40) one-bedroom units and a 1,134 sq. ft. community/recreation space, along with associated site improvements and the Board has adopted a Negative Declaration and no further action is required pursuant to SEQQR; 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 Parkway Village Estates, LLC, (the “Petitioner”) for a change of zone of a certain property which is located at SCTM No. 0100-147-00-03-00-015.001, further described on Schedule A attached hereto, located in the SC003 School District, from E Business District and B Residence District to MR Multiple Residence District 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 SCPIC referral.
3. Subject to SCDDPW approval for any work conducted in the County ROW.
4. Subject to ZBA approval for any associated variances.
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 off-site to Engineering requirements.

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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. Fuel gas and natural gas shall be controlled by appropriate measures such as watering.

9. Fire and smoke detection systems and carbon monoxide detectors shall 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 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 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 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 6pm 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 156-80 of the Noise Code of the Town of Babylon.

18. Subject to the requirements of Highway, Engineering, and the Fire Marshal.

19. An automatic/manual fire detection/notification system shall be installed.

20. Audio/visual notifications for all alarms should be installed in all units.

21. Applicant to pay $8,000.00 toward the installation of decorative street light fixtures in right-of-way in front of property.

22. Subject to the submittal of documentation of no further action from Suffolk County Department of Health Services regarding subsurface tank removals.

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 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 permanent signs, 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 duly installed and inspected according to 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 preventative/corrective maintenance program for all critical facilities and systems of treatment and control (or related components) and guarantees to be 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 §189-8 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 siltation is causing excessive flow.
   d. Drainage structures must be routinely monitored for the non-erosive surface sediment and removed for the non-erosive surface sediment and removed for the non-erosive surface sediment.
   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 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. All units to have central air conditioning or through the wall air-conditioning units, no window units to be permitted.

15. The use of inorganic fertilizers, pesticides, and herbicides shall be minimized as standard operating procedure for the landscape maintenance of the site.

16. Twenty percent of units (8) shall be designated as workforce/affordable housing. Units to be spaced equally throughout the site. Affordable/affordable 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.

17. Dens shall not have closets or doors. Openings to the room shall exceed 4’ in width.

18. Lofts shall not contain sleeping quarters.

19. 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 covenants by the owners or their lessees and failure of the owners to remedy any such violation within thirty (30) days after written notice by the Town, the Town shall have the right, in its opinion and after notice, to rescind said change of zone and the subject premises shall revert from MR Multiple Residence District to E Business District and B residence District, and be it further

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 covenants or conditions 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, and any remedies chosen by the Town Board to enforce the covenant 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 electing 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.
The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Mernetti Voting Abstain
Councilman Martinez Voting Yeaa
Councilman McSweeney Voting Yeaa
Councilwoman Gordon Voting Yeaa
Supervisor Schaffer Voting Yeaa

The resolution was therupon declared duly adopted.

SCHEDULE A

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

BEGINNING at a monument set in the Westerly side of Deer Park Avenue, distant 101.28 feet Northerly from the corner formed by the intersection of the aforesaid Deer Park Avenue and the Northerly side of Brooks Road; and

RUNNING THENCE South 84 degrees 39 minutes 00 seconds West along the Northerly line of Map of Liberty Farms addition, 400.00 feet to land formerly of Dougler.

THENCE along said last mentioned line, North 3 degrees 46 minutes 30 seconds East and parallel to the Westerly side of Deer Park Avenue, 217.82 feet to a monument and land of Union Free School District No. 3;

THENCE along land last mentioned, North 84 degrees 39 minutes 00 seconds East, 400 feet to a monument set in the Westerly side of Deer Park Avenue;

THENCE along the Westerly side of Deer Park Avenue, South 3 degrees 46 minutes 30 seconds West, 217.82 feet to the point or place of BEGINNING.

RESOLUTION NO. 446 JUNE 15, 2019


The following resolution was TABLED by Supervisor Schaffer and seconded by Councilman Martinez

WHEREAS, Gustave J. Wade, Carol E. Wade, Gustave J. Wade Family 2012 Irrevocable Trust and Colonial Springs Farms, 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 n/e/c/o Colonial Springs Rd. & N. 28th St., Wheatley Heights; and

WHEREAS, the proposal involves a change of zone from A Residence District to Multiple Residence District (MR) and construction of 264 multiple residence rental units and a 6,475 square foot community building upon a 16.09-acre portion of the site. In addition, relief of certain covenants and restrictions imposed on the subject site proposed for development will be necessary. The northerly portion of the premises (i.e. the remaining 15.87 acres) may be developed with single family homes pursuant to a previously approved and filed subdivision map known as Willoughby Commons. A connection to the Wyandanch Sewer Infrastructure utilizing a pump station and force main is proposed for wastewater disposal. The proposal may also include a future subdivision or road abandonment; and

WHEREAS, the Town Board of the Town of Babylon has classified the proposal as a Type I Action and a full coordinated review was conducted that included all Involved Agencies, Interested Agencies and Interested Organizations in accordance with Section 114-6B.2(a) and (3) the Town of Babylon Environmental Quality Review Act (TOBEQRA); and

WHEREAS, the Town Board of the Town of Babylon declared itself Lead Agency for the proposal by Petitioners in accordance with the TOBEQRA 114-6B.2(a) and (3); and adopted a Positive Declaration to require a Draft Supplemental Environmental Impact Statement (DSEIS) on April 26, 2017; and

WHEREAS, the Town Board of the Town of Babylon accepted the DSEIS on May 17, 2017 by Town Board Resolution No. 411 and conducted a SEQRA Public Hearing on the subject application on June 14, 2017 at 6:00 PM at the Babylon Town Hall Board Room, 210 E. Sunrise Highway, Lindenhurst, NY; and

WHEREAS, the Town Board of the Town of Babylon accepted verbal and written comments at the June 14, 2017 SEQRA Public Hearing and written comments were accepted by the Lead Agency until June 26, 2017; and

WHEREAS, the Town Board of the Town of Babylon accepted the Final Supplemental Environmental Impact Statement (FSEIS) for public review on November 14, 2018 and circulated the FSEIS to all Involved and Interested Agencies and Interested Organizations to consider the document; and

WHEREAS, the proposed action was the subject of a comprehensive, exhaustive SEQRA review; and

WHEREAS, the Town Board of the Town of Babylon, as Lead Agency for the proposal, has adequately addressed and considered all of the relevant public and agency comments made on the DSEIS and FSEIS in accordance with SEQRA; and

WHEREAS, the Town Board of the Town of Babylon, as Lead Agency, has determined that the environmental analysis prepared through the DSEIS and FSEIS will provide sufficient information to make a reasoned decision on the project that is consistent with the requirements of Section 617.11 State Environmental Quality Review (SEQR); and

WHEREAS, potential adverse environmental impacts are minimized or avoided by the proposed Action to the greatest extent practicable as determined by the Lead Agency, the Town Board of the Town of Babylon; and

WHEREAS, the Town Board of the Town of Babylon, as Lead Agency, has carefully considered the proposed action analyzed in the relevant DSEIS and FSEIS review in accordance with the requirements of SEQRA and TOBEQRA and determined the following: See Findings Exhibit “A”, Gustave J. Wade, Carol E. Wade, Gustave J. Wade Family 2012 Irrevocable Trust and Colonial Springs Farms, LLC. Environmental Findings; and

WHEREAS, the Town Board of the Town of Babylon has considered the relevant environmental impacts, facts and conclusions disclosed in the DSEIS, FSEIS for the proposal; and

WHEREAS, the Town Board of the Town of Babylon has weighed and balanced relevant environmental impacts with social, economic and other considerations; and

WHEREAS, Exhibit A has further identified the rationale for the Town Board of the Town of Babylon’s decision; and

WHEREAS, the Town Board of the Town of Babylon hereby certifies that the requirements of Chapter 114 of the Code of the Town of Babylon have been met;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon hereby certifies that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action by Gustave J. Wade, Carol E. Wade, Gustave J. Wade Family 2012 Irrevocable Trust and Colonial Springs Farms, LLC is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable as required by the SEQRA AND TOBEQRA.

The resolution was thereupon declared duly TABLED to July 10, 2019 Meeting.

EXHIBIT A

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

TOWN BOARD OF THE TOWN OF BABYLON ENVIRONMENTAL FINDINGS STATEMENT APPLICATION FOR CHANGE OF ZONE AND SITE PLAN APPROVAL FOR WILLOUGHBY COMMONS HAMLET OF WHEATLEY HEIGHTS,
TOWN OF BABYLON, COUNTY OF SUFFOLK

Date: June 15, 2019

This Findings Statement is issued pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act – SEQRA) and the implementing regulations therefor at 6 NYCR Part 617.

Name of Action: Application of Change of Zone and Site Plan Approval for Willoughby Commons

Applicants: Gustave J. Wade, Carol E. Wade, Gustave J. Wade Family, 2012 Irrevocable Trust, and Colonial Springs Farms, LLC
c/o Cerilman Balian
100 Motor Parkway, Suite 156
Hauppauge, NY 11788

Contact: John M. Wagner, Esq. (631) 979-3000

6/15/2019 Minutes
Location: 16.09± acres located at 201 Main Avenue, hamlet of Wheatley Heights, Town of Babylon, Suffolk County, New York

Lead Agency: Town Board of the Town of Babylon
200 Sunrise Highway
Lindenhurst, New York 11757

Contact: Richard Groh, Chief Environmental Analyst
Telephone No.: (631) 422-7640 E-mail: rgroh@townofbabylon.com

SEQR Status: Type I

The Town Board of the Town of Babylon (Town Board), as lead agency, subsequent to review of the Draft Supplemental Environmental Impact Statement (DSEIS), accepted and dated May 17, 2017, and the Final Supplemental Environmental Impact Statement (FSEIS), dated August 2018 and accepted and filed November 14, 2018, hereby certifies that:

It has considered the relevant environmental impacts, facts and conclusions disclosed in the relevant DSEIS and FSEIS; It has weighed and balanced relevant environmental impacts with social, economic and other considerations; The requirements of 6 NYCRR Part 617 have been met; and Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action described below is one that avoids, or minimizes adverse environmental impacts to the maximum extent practicable, and adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating, as conditions on decision, those mitigative measures that were identified as practicable during the environmental review process, and as set forth herein.

Description of Proposed Action

The Proposed Action involves the development of the Willaughby Commons residential community on the subject property. As part of the Proposed Action, the subject Applicants will rezone a portion of the Residence A to the Multiple Residence (MR) Zoning District. Furthermore, in connection with the request for site plan approval, the proposed action involves a request for relief from Town Planning Board covenants associated with the previously filed and approved subdivision for the subject property and contiguous property to the north owned by the Applicants to allow for development of the subject property with a multi-family rental residential community with the following components:

- 600± SF community building for residents
- a 25±-foot outdoor swimming pool for residents
- 560± paved parking spaces (including 38 handicapped-accessible spaces, driveways and garages)
- Site access from two points, each with an entrance booth, as follows:
  - The main access is proposed to be located at North 23rd Street and Lee Avenue on the east side of the subject property, with an easement provided to secure site access from Lee Avenue via the Applicants’ adjacent property north of the subject property
  - A secondary/service entrance would be located on the west side of the subject property on North 28th Street

Additional site amenities, including landscaped common areas.

The proposed project would include 54 affordable units, or 20.5 percent of the total 264 units. In addition, the proposed project would set aside 10 of the 54 affordable units for post 9-11 combat veterans, subject to compliance with applicable fair housing regulations and specific program terms. The selection criteria for the 10 veterans’ units shall be determined by a Town of Babylon-designated agency or individual. Furthermore, the Applicants have committed to the following local community benefits/improvements and mitigation measures:

1. Funding in the amount of $20,000 for local community benefits/improvements to be disbursed as follows: $5,000 to the Wyandanch Fire Department; $5,000 to the Wheatley Heights Ambulance Corps; $5,000 to the Wheatley Heights Taxpayers Civic Association (to provide $1,000 each; to 5 individuals); and $5,000 to the Wheatley Heights Football League “The Chiefs.”

2. Installation of lighting on the south side of Colonial Springs Road from Conklin Street to North 27th Street.

3. Installation of sidewalk on the south side of Colonial Springs Road from Conklim Street to North 27th Street.

4. Dedication of 10 feet of land along the east side of 28th Street and the north side of Colonial Springs Road for a distance of 40 feet in the northerly and easterly direction from the corner of North 28th Street and Colonial Springs Road.

5. Installation of two Radar Driver Feedback signs and any associated thermal striping along Colonial Springs Road at locations to be determined by the Town of Babylon Planning Department, subject to approval of the Town of Babylon Division of Traffic Safety.

6. Construction of a bypass lane on the project site at the southwest guard booth.

7. Installation of four inverted “U” bicycle racks on the project site at locations to be determined by the Town Planning Department.

Summary of SEQRA Process

The subject property has been the focus of previous applications and associated SEQRA process, including a Draft Environmental Impact Statement (DEIS) that was prepared in 2004 (the “2004 DEIS”), and a Final Environmental Impact Statement (FEIS) prepared in 2005 (the “2005 FEIS”), which resulted in the issuance of a Findings Statement by the Town Board that, among other things, supported the approval of a 54-lot single-family subdivision at the subject property. The current application for change of zone and site plan approval (JOB #17-04E) was submitted to the Town Board by Applicants, Gustave J. Wade, Carol E. Wade, Gustave J. Wade Family, 2012 Irrevocable Trust, and Colonial Springs Farms, LLC., along with a Voluntary Supplemental Draft Environmental Impact Statement (VDEIS) dated August 2015. Following a review of the VDEIS and other materials before the Board, the Town Board determined that there still existed the potential for significant adverse environmental impacts to occur upon implementation of the proposed action that were not addressed or not adequately addressed, and, therefore, issued a Positive Declaration on April 26, 2017, requiring the preparation of a Draft Supplemental Environmental Impact Statement (DSEIS). The Positive Declaration set forth the following reasons supporting the determination of significance:

The proposal involves a significant increase in land use density over the existing land use district. Traffic impacts need to be fully analyzed in connection the significant increase in land use density proposed. Potential stormwater, flooding and drainage issues need to be fully analyzed and addressed by the applicant. Potential impacts on services including the local school district to be evaluated.

1 The Proposed Action may involve a subdivision of a portion of SCTX No. 0100-013.00-02.00-039.051 located on the subject property, as well as abandonment of the portion of the previously-filed subdivision that covers the subject property. The Applicants also own: an adjacent 15.87-acre parcel of agricultural land north of the subject property; and two adjacent parcels totaling approximately 3.00 acres located south of the subject property, along Colonial Springs Road/Main Avenue, that contain a single-family residence (SCTX No. 0100-013.00-02.00-009.000) and the Colonial Springs Farms and Nursery, which consists of a barn and associated appurtenances (SCTX No. 0100-013.00-02.00-039.050). These lands are out-parcels and not included as part of the proposed development.
The impact of the proposed development on groundwater resources including the Special Groundwater Protection Area (SGPA) needs to be examined. Potential impacts on the regulated New York State Department of Environmental Conservation Regulate Freshwater Wetlands needs to be evaluated.

The DSEIs contained analyses on the various potential impacts of the Proposed Action, pursuant to the Positive Declaration, including: water resources; land use, zoning, and community character, transportation, community services and facilities; construction impacts; and energy.

The DSEI was accepted as complete and adequate for public review by the Town Board on May 17, 2017. A Notice of Completion was filed with the New York State Department of Environmental Conservation’s (NYSDEC’s) Environmental Notice Bulletin (ENB) dated May 18, 2017.

A public hearing on the DSEI was held at Town Hall on June 14, 2017. The written comment period was held open through June 26, 2017.

In accordance with 6 NYCRR §617.9(b)(8), all substantive written comments received from the public and involved and interested agencies during the public comment period, as well as all substantive verbal comments entered into the record at the June 14, 2017 public hearing were addressed in the Final Supplemental Environmental Impact Statement (FSEIS), dated August 2018. The FSEIS was filed by the Town Board on November 14, 2018, and a Notice of Completion was filed with the ENB for posting dated November 14, 2018.

**Facts, Conclusions and Mitigation Measures Contained within the DSEI and FSEI Relied Upon to Support the Lead Agency Decision**

In accordance with 6 NYCRR §617.11, the Town Board has considered the DSEI and FSEI for the Proposed Action and certifies that it has met the requirements of 6 NYCRR Part 617. The commentary received from involved agencies, interested parties and public comments was used in the environmental impact analysis to evaluate potentially significant adverse impacts. This Findings Statement contains the facts and conclusions from the DSEI and FSEI that the lead agency relied on to support its decision and indicates those factors that formed the basis of the decision.

Upon due consideration and among the reasonable alternatives available, the Town Board, as lead agency, has determined that the following represents its findings with respect to the environmental impacts of the proposed action, and that based on the potential significant environmental impacts identified in the DSEIS and FSEIS, the following additional mitigation measures will be incorporated into the decision on the proposed action to ensure that such impacts will be avoided or minimized to the maximum extent practicable, to wit:

**Water Resources**

**Groundwater**

1. The subject property is within the West Hills/Melville Special Groundwater Protection Area (SGPA) which is a designated Critical Environmental Area (CEA) pursuant to 6NYCR 617.14(g). The Proposed Action would be consistent with the proposed recommendations of the Long Island Comprehensive Special Groundwater Protection Area Plan (SGPA Plan). Measures to preclude potential impacts to the SGPA that have been incorporated into the Proposed Action include:
   a. Prior to commencement of construction, a SWPPP would be prepared and implemented, and would include erosion and sedimentation controls as well as post-development stormwater management. Conditions and restrictions for post-construction stormwater management would be applied by the Applicant to ensure long-term maintenance of the drainage infrastructure.
   b. The proposed development would use low maintenance (low fertilizer- and low water-dependent) vegetation in the landscaping to the maximum extent practicable.
   c. The proposed development would connect to the Southwest SD. Therefore, there would not be any on-site discharge of wastewater to groundwater resources.
   d. The proposed action involves the redevelopment of a property containing an agricultural use to a residential use. As farm activities would cease prior to commencement of construction of the proposed development, agricultural chemicals would no longer be used at the subject property. A Soil Management Plan (SMP) will be prepared to categorize the environmental quality of existing agricultural soils on the site and residential land use. The SMP will be submitted to the Suffolk County Department of Health Services for review to ensure that the residential development will not be impacted by any levels of contaminants exceeding applicable New York State Department of Environmental Conservation (NYSDEC) and or SCDMH regulations/guidelines.

2. The proposed project would be consistent with other relevant groundwater management plans, including the Final Long Island Groundwater Management Program (LI Groundwater Management Program), the Suffolk County Comprehensive Water Resources Management Plan (Comprehensive Water Resources Plan), the Nonpoint Source Management Handbook (the Handbook), and the Long Island Segment of the Nationwide Urban Runoff Program (NURP Study).

3. The proposed project would be consistent with the prevailing codes and regulations, of the Suffolk County Sanitary Code Articles 6, 7, and 12, whereas:
   a. The Proposed Action would connect to the public water supply (i.e. Suffolk County Water Authority) and public sewers as required pursuant to Article 6.
   b. The Proposed Action would adhere to the restrictions associated with deep recharge areas in accordance with Article 7.
   c. With respect to Article 12, no on-site heating or fuel storage is proposed, and permits would be obtained for the storage of any other regulated materials (e.g. landscaping or pool related materials).

**Sewage Disposal**

1. The Proposed Action is expected to generate approximately 63,300 gallons per day (gpd) of sanitary waste to be discharged Suffolk County Southwest Sewer District 3 via proposed sewer line extension. The Suffolk County Department of Public Works (SCDPW) has confirmed pursuant to a response dated September 18, 2014 that there is sufficient capacity to accommodate the out-of-district connection. The proposed extension would be subject to review and approval by the Suffolk County Sewer Agency.

**Water Supply**

1. The Proposed Action would be supplied by the Suffolk County Water Authority (SCWA) and is expected to utilize approximately 65,300 gpd of potable water for domestic purposes (83,300 gpd during irrigation season), which represents 0.03 percent of SCWA’s annual pumping.

2. The Proposed Action will incorporate native and low-maintenance plant species to the maximum extent practicable in order to reduce water demand for irrigation purposes.

3. The Proposed Action will incorporate to the extent practicable low-flow, water-saving fixtures within the proposed buildings.

**Stormwater Runoff**

1. The Proposed Action will include an on-site drainage system, designed in conformance with Town and State stormwater management requirements. The proposed drainage system has been designed to accommodate all stormwater runoff from a minimum two-inch rainfall, on-site.

2. A Stormwater Pollution Prevention Plan (SWPPP) and Erosion and Sediment Control Plan has been developed and would be implemented prior to and during construction in accordance with NYS Stormwater Manual and the General Permit for Stormwater Discharges from Construction Activity (GP-0.15-002).

**Wetlands**

1. Located north of the subject property is a NYSDEC-regulated freshwater wetland (designated as wetland G-1).
2. Prior to implementation of the proposed action, a wetland delineation will be conducted to determine the exact, current extent of the NYSDEC wetland and associated 100-foot regulated area (which was previously delineated by the NYSDEC).

3. The Proposed Action would be subject to NYSDEC requirements, and would not result in clearing, grading or disturbance of any NYSDEC wetlands or the associated 100-foot regulated adjacent areas.

4. Additionally, the Proposed Action will not in any stormwater runoff to the nearby wetland.

Based on the foregoing, including the mitigation measures to be implemented, the proposed action will minimize potential impacts to water resources to the maximum extent practicable.

Land Use, Zoning and Community Character

Land Use

1. The Proposed Action would result in a change of use on the subject property from existing agricultural uses and accessory structures to a residential multi-family use, consisting of 264 residential rental one- and two-bedroom apartments and various amenities. A total of 3.13 acres of landscaping would be created throughout the subject property. A pump station would also be located on-site near the southeastern corner of the subject property to transmit sanitary waste to the Southwest SD for treatment.

2. The Proposed Action would increase the number of rental units in the hamlet of Wheatley Heights, which has proportionately fewer such units than in the overall Town.

3. The density of the proposed development would be compatible with and/or less than the density of the existing multi-family developments in the surrounding neighborhood.

4. The Proposed Action would not affect the surrounding land uses, as the proposed project would be a self-contained, well insulated residential community and would be entirely situated within the 16.09± acres subject property and would not encroach onto nearby properties.

Zoning

1. The proposed project has been designed in conformance per Town Code §213-117 and the standards and requirements of the Multiple Residence (MR) zoning district, although, it would require variances from the Town Board of Appeals for density (i.e., 1,992.00 ± SF of site area required, 780.969± SF provided) and front and rear yard setbacks (i.e., 40 feet required and 30 feet provided [front] and 50 feet required and 30 feet provided [rear]). Screen plantings would be required to minimize potential impacts to adjoining properties in accordance with a plan to be approved by the Town of Babylon

2. The proposed project would also conform to additional provisions in §213 of the Town Code with respect to landscaping, buffers, lighting, building materials, and overall site design.

3. The Proposed Action will further comply with the requirements of the MR zoning district as follows:
   a. The proposed buildings would be finished with wood surfaces, with all painted surfaces in a color approved by the Planning Board, as required by §213-219 of the Town Code.
   b. The smallest proposed residential unit would be 900± SF, which is greater than the 500 SF minimum allowed by §213-120 of the Town Code.
   c. Per §213-121 and §213-128 of the Town Code, a landscaped buffer strip of at least five feet in width would be provided at the rear and side property lines and abutting any residentially-zoned parcels. Landscaping would also be provided throughout the site, as determined by the Planning Board.
   d. There would be a minimum distance of 50± feet provided between all proposed buildings, per §213-122 of the Town Code.
   e. Public water would be provided by the SCWA and a stormwater management system would be installed, in conformance with §213-123 and §213-124, respectively, of the Town Code, and with the NYSDEC and New York SPDEP program.
   f. Utility areas for laundry and garbage associated with the residential units would be provided, in accordance with §213-126 of the Town Code.
   g. The lighting plan would provide adequate lighting for all common areas of Willoughby Commons, and fixtures would be adjusted such that light would not shine onto adjacent properties, as required by §213-127 of the Town Code.

4. The proposed project would connect to the Southwest SD, as an out-of-district connection.

5. The proposed development would provide 20 percent of its units for affordable housing, as defined by the Suffolk County Code, §740-45(C) (as amended), which exceeds the minimum requirement established thereby.

Community Character

1. The development of the subject property with condominium units would be characteristic of the density patterns that have already been established in the surrounding area, including, but not necessarily limited to, the existing Wheatley Commons and Wheatley Hollow Commons developments.

2. The Proposed Action would consist of traditional architectural features and landscaping throughout the property, which would be consistent with the existing surrounding developments.

3. Design elements that would enhance the community character include:
   a. Well-landscaped public areas to include native plant species
   b. A variety of architectural design and styles
   c. Buildings facing out toward North 235 Street that integrate Willoughby Commons into the surrounding community

Relevant Comprehensive Plans

1. The Proposed Action would be consistent with the Suffolk County Comprehensive Master Plan 2035, Principles of Smart Growth and Livability, and Town of Babylon Draft Comprehensive Plan Summary, whereas:
   a. The proposed project would include rental apartments units with a 20-percent affordable component and would connect to the Southwest SD with an out-of-district connection to ensure proper wastewater treatment connection.
   b. The proposed project would connect to the public water supply system and include low-flow fixtures, low-flow toilets, and limiting areas to be irrigated to the extent practicable, to minimize the water demand.
   c. The proposed project promotes a pedestrian friendly development (walking distance to the Wheatley Heights Post Office, a retail strip shopping area and existing public transportation networks) with housing options for a range of demographics.
   d. The proposed project would manage stormwater through collection and recharging on-site, via the installation of leaching basins on-site, such that stormwater runoff would not be expected to adversely affect surface water or groundwater resources.

2. The proposed project would involve the conversion of 16.09± acres of farmland to a multi-family residential use, and agricultural activities would cease at the subject property. There is no offer from the County to preserve the subject property or any land contiguous to the subject property that is owned by the Applicants.

Based on the foregoing, the Proposed Action will have no significant adverse impacts on land use and zoning, and would complement and enhance the existing community character.

Transportation

1. Detailed traffic analyses were conducted to assess potential impacts of the Proposed Action and were presented in the DSEIS and further supplemented in the FSEIS. These analyses evaluated the existing traffic conditions and the future conditions, the summer (i.e., camp) and non-summer seasons, including detailed analysis of conditions at the following key intersections within the study area. Both “Build” (with the Proposed Action) and “No Build” (without the Proposed Action) conditions were evaluated for each of the intersections.
Conklin Avenue and North 23rd Street (Unsignalized)

Colonial Springs Road and North 28th Street (Unsignalized, Summer Only)

Main Avenue and Conklin Avenue (Unsignalized)

Conklin Avenue and Lee Avenue (Unsignalized)

2. The Proposed Action is projected to generate approximately 135 trips (27 entering and 108 exiting) during the weekday AM peak hour, 164 trips (107 entering and 57 exiting) during the weekday PM peak hour and 137 trips (68 entering and 69 exiting) during the Saturday midday peak hour.

3. Traffic control changes are proposed along Lee Avenue east of the site from North 23rd Street to Conklin Avenue to allow two-way traffic, as part of the proposed action.

4. Based on the detailed capacity analyses contained in the TIS, the proposed project would not result in any significant degradation of traffic operations during any of the time periods and seasons studied, given the proposed access plan and the proposed traffic control changes along Lee Avenue.

5. After completion of the proposed project, at the newly formed intersection of the Site Access/ Lee Avenue and North 23rd Street, additional signing and geometric changes to eliminate the possibility of cut through traffic via North 23rd Street would be implemented, including:
   a. "Stop" signs would be installed on the eastbound and northbound legs of the Lee Avenue at North 23rd Street intersection
   b. "No Left Turn" signs would be installed on the westbound Lee Avenue approach eastbound and the northbound North 23rd Street approaches
   c. The northbound North 23rd Street approach would be channelized to allow only right turns onto Lee Avenue
   d. "Do Not Enter" and "One Way" signs would be installed at the North 23rd Street northbound approach to the intersection to prohibit southbound travel
   e. A "No Outlet" warning sign with a "No Access to North 23rd Street" supplemental sign would be installed westbound on Lee Avenue just west of Conklin Avenue

f. A raised median would be installed, which would divide the site access entering and exiting lanes and prevent vehicles from making a left-turn into the site from North 23rd Street.

6. The off-street parking provided as part of the Proposed Action complies with Town Code requirements and would be adequate to accommodate the anticipated parking demand for the proposed use.

7. The proposed project site plan provides adequate on-site circulation, the parking layout, site access points and internal roadways and drive aisles.

Based upon the foregoing analyses, the Proposed Action would not have a significant adverse traffic or parking impact.

Community Services

Property Taxes

1. The increased market value of the subject property with the proposed residential rental apartment development would result in an increase in annual property tax revenues of approximately $1,269,766, with a projected increase in school district taxes of approximately $763,924, as well as higher revenues to all of the various taxing jurisdictions serving the subject property, as compared to the current condition.

School District

1. The subject property is located within the Half Hollow Hills Central School District (CSD). The Proposed Action is expected to result in the generation of 38% school-aged children. The projected 38 additional students will result in approximately 6,69,950 in school district expenditures per academic year. The estimated school district tax revenues generated by the proposed project are $763,924. This results in a net increase in revenue of approximately $123,491 per year in school district property revenue.

2. Due to declining student enrollment within the CSD over the last decade (i.e., a decrease of over 1,900 students over the time period studied), the projected addition of 38% public school-aged children resulting from the proposed development is not expected to adversely impact capacity within this district.

Solid Waste

1. The Proposed Action would generate an estimated 18± tons of solid waste per month.

2. Solid waste generated at the subject property by the proposed project would be collected by the Town-contracted cartier and disposed of at a licensed facility, pursuant to the licensing agreement between the Town and the solid waste contractor, and in accordance with all applicable Town procedures.

3. Through the Community Gas GHG District Division of the Town of Babylon Department of Environmental Control, costs would be determined for the proposed residential units for providing solid waste collection service, thus offsetting the cost to the Town.

Construction Related Impacts

1. The proposed development would be constructed over a 24-month period and would be completed in two phases.

2. Development of the proposed project would require removal of existing site appurtenances, typical clearing and grading activities across the 16.90±-acre subject property, and installation of underground utility infrastructure.

3. Construction of the sewer line extension would occur within existing public rights-of-way.

4. The subject property is bounded by a wooded buffer, large camp property, agricultural land, and existing roadways.

5. As the Proposed Action would disturb more than one acre, a SWPPP would be prepared and submitted to the Town and NYSDEC, prior to construction.

6. The SWPPP would be prepared in accordance with GP-05.15-002 and would include documentation of existing soil types and drainage capacities at the subject property, and would detail measures for minimizing erosion, sedimentation, and stormwater runoff.

7. The proposed project would implement a Soil Erosion & Sediment Control Plan prior to construction (as required by Chapter 189 of the Town Code), which would include erosion and sedimentation control measures and Best Management Practices (BMPs) to be employed during construction.

8. Proposed construction activities may result in temporary increases to ambient noise levels in connection with clearing, earth moving, and construction of the proposed project.

9. Construction activities would be performed in accordance with Town Code §156-9 and would cease upon project completion. Mitigation measures would be implemented during construction to minimize or preclude potential impacts, as follows:

   a. Strategic grading and application of topsoil (as needed) to address potential soil limitations.
   b. Protection of existing vegetation to remain.
   c. Scheduling of clearing and grading activities to minimize the total area of land disturbed at any one time.
   d. Limiting the length of time areas are exposed by establishing pavement and plantings at exposed areas as soon as practicable.
   e. Installation of sediment barriers (e.g., silt fence, hay bales) along the limits of disturbance for the duration of the work. No sediment from the site would be permitted to wash onto adjacent properties, wetlands or roads.
   f. Stabilization of graded and stripped areas and stockpiles via temporary seeding or other effective cover.
   g. Protection of drainage inlets through the use of sediment barriers, sediment traps, etc., to prevent sediment buildup.
   h. Control of fugitive dust (e.g., covering of stockpiles, temporary seeding, use of a water truck during extended dry periods).
   i. Establishment of a stabilized construction entrance to prevent soil and loose debris from being tracked onto local roads.
   j. Construction equipment would be required to install and properly operate noise muffler systems.
   k. Emission controls for construction vehicles and equipment would include, as appropriate, emissions of all motor vehicles, machinery, and equipment associated with construction activities, such as, the maintenance of manufacturer’s muffler equipment or other regulatory required emissions control devices.
   l. Construction vehicles and equipment would include and properly maintain their emission control equipment and, where appropriate, vehicles would reduce idling on site.
The Applicant owns a 15.87±-acre, 25-lot residential subdivision immediately contiguous to the north of the subject property (the “northern property”), which has been filed and approved, but has yet to be developed. While there is no current plan to develop the northern property, same has been approved by the Town of Babylon for development with 25 single-family residences in accordance with the use and dimensional requirements of the existing Residence A District.

2. Willoughby Commons and the 25-lot single-family residential subdivision on the northern property would generate a cumulative demand for additional water (domestic) of 70,500± gpd.

3. The cumulative quantity of sewage effluent generated by both the Willoughby Commons development and the 25-lot subdivision would be 70,500± gpd. Sanitary waste from the 25 potential homes would discharge either to the Southwest SD (if capacity exists, etc.), or to individual onsite sanitary systems, which would meet the density restrictions set forth at Article 6 of the SCD.

4. Any increased volume of stormwater runoff would be accommodated via a system of leaching basins, which would be developed in compliance with Town and State stormwater management requirements. Further, as with the Proposed Action, development of the northern property would be required to comply with GP-0-15-002 and a SWPPP would be prepared to mitigate potential erosion and sedimentation impacts.

5. Any development would occur entirely outside of the 100-foot NYSDEC-regulated area for the adjacent freshwater wetland. Development of the northern property would require mitigation measures and a permit from the NYSDEC prior to construction to avoid any potential for significant impacts.

6. The cumulative impact of development of the northern property with single-family residences would not be out of character with surrounding land uses and zoning.

7. The cumulative impact of the development of the northern property was evaluated within the Traffic Impact Study under the Build Condition. Therefore, with the implementation of the recommended traffic mitigation measures for the Proposed Action, no further measures would be required as a result of the cumulative impact.

8. The development of the northern property would result in a cumulative increase in tax revenues. A range of approximately 6.5-26 school aged children (dependent on bedroom counts in each unit, which is unknown at this time) would be generated should the northern property be development. The cumulative increase in school aged children is not expected to adversely impact the Half Hollow CSD due to the enrollment trend in the district and the anticipated increase in revenue.

9. Cumulatively, the proposed project and development of the northern property would generate 23± tons/month of solid waste. Solid waste at both properties would be expected to be collected by the Town-contracted carter and disposed of at a licensed facility. The Town of Babylon Commercial and Garbage District Division of the Department of Environmental Control would bill the residential units for providing solid waste collection service.

10. As there is no current plan to develop the northern property, it is not likely that construction would occur at the same time as Willoughby Commons. As such, no adverse cumulative construction-related impacts are expected.

11. Prior to development, both the proposed project and the northern property subdivision would be required to demonstrate that utilities (i.e., electric, gas) are available to service the development. As development of the northern property would be single-family homes, energy efficiency design measures would be dependent on individual home owners.

Based on the foregoing, the Proposed Action would not have a significant adverse impact on cumulative impacts.

Use and Conservation of Energy

1. PSSEG Long Island and National Grid provide electricity and natural gas service to the subject property.

2. The proposed project would comply with the Town’s Green Building Certification requirements for multi-family dwellings in §89 of the Town Code, and each unit would be ENERGY STAR Certified. Furthermore, the use of additional energy efficiency and sustainability measures would be examined including, but not limited to:
   a. the use of recycled and/or local materials in the development’s construction
   b. installation of high-efficiency HVAC systems
   c. low-flow plumbing fixtures.

With the incorporation of the above-mentioned energy and sustainability measures, the Proposed Action would have no significant impact on energy resources or on the applicable energy service provider.

No Action Alternative

1. The No Action Alternative involves leaving the subject property in its present state. Under this alternative, the subject property would remain as an agricultural and residential use, consisting of predominantly cleared fields for agricultural use, with several small accessory structures, machine piles and equipment.

2. The No Action Alternative would forego the provision of additional rental and affordable housing stock to provide housing for, and retain, working residents and students on Long Island, and to ensure that a variety of demographic groups have access to quality housing. In addition, under the No Action Alternative a new out-of-district connection would not be made to the Southwest SD.

3. The No Action Alternative would not expand wastewater infrastructure to support new development, nor would it establish residential development that would result in a significant increase in property tax revenues and achieve several goals of Town and County comprehensive planning documents.

Overall, among the reasonable alternatives available, the Proposed Action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, while providing infrastructure, tax revenues, and achieving goals set forth in Town and County comprehensive planning documents.

RESOLUTION NO. 447 JUNE 15, 2019
GRANTING THE REZONING APPLICATION OF GUSTAVE J. WADE, CAROL E. WADE, GUSTAVE J. WADE FAMILY 2012 IRRIGABLE TRUST AND COLONIAL SPRINGS FARMS, LLC FOR THE PREMISES LOCATED AT SCTM NOS. 0100-013000-02.00-039.020 TO 039.049 AND PART OF LOT 039.051, PLANNING BOARD JOB 017-0448;

The following resolution was TABLED by Supervisor Schaffer and seconded by Councilman Martin.

WHEREAS, GUSTAVE J. WADE, CAROL E. WADE, GUSTAVE J. WADE FAMILY 2012 IRRIGABLE TRUST AND COLONIAL SPRINGS FARMS, LLC, (collectively the “Petitioner”) has heretofore petitioned this Board for a change of zone of the properties identified by SCTM Nos. 0100-013000-02.00-039.020 TO 039.049 AND PART OF LOT 039.051, further described on Schedule A, attached hereto, located in the SCD16 School District, from a Residence District to MR Multiple Residence District, in order to construct 264 rental units of which 228 will contain one (1) bedroom and 36 will contain two (2) bedrooms, a 6,475 sq. ft. community building, a 228 sq. ft. pump station, two 750 sq. ft. entrance booths and an outdoor recreation area with a 225 sq. ft. swimming pool.

WHEREAS, a public hearing was held on said petition on June 14th, 2017; and

WHEREAS, the Town Board of the Town of Babylon has classified the proposal as a Type I Action and a full coordinated review was conducted that includes NYSDEC, Nassau County, IP, and the proposed project is a Type I Action.

WHEREAS, the Town Board of the Town of Babylon has classified the proposal as a Type I Action and a full coordinated review was conducted that includes NYSDEC, Nassau County, IP, and the proposed project is a Type I Action.

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WHEREAS, the Town Board of the Town of Babylon has classified the proposal as a Type I Action and a full coordinated review was conducted that includes NYSDEC, Nassau County, IP, and the proposed project is a Type I Action.

RESOLVED, by the Town Board of the Town of Babylon that the application of the “Petitioner” for a change of zone of a certain property which is located at SCTM No. 0100-013000-02.00-039.020 TO 039.049 AND PART OF LOT 039.051, further described on Schedule A attached hereto, located

RESOLVED, by the Town Board of the Town of Babylon that the application of the “Petitioner” for a change of zone of a certain property which is located at SCTM No. 0100-013000-02.00-039.020 TO 039.049 AND PART OF LOT 039.051, further described on Schedule A attached hereto, located
in the SC016 School District, from A Residence District to MR Multiple Residence District. The residential use shall be prepared and maintained on site and will be available for review by the Town of Babylon upon request.

Subject to final site plan approval from the Planning Board.

Audio/visual notifications for all alarms to be installed in all units.

All units to have central air conditioning or through the wall air-conditioning units, no window units to be permitted.

Subject to the applicant, installing two Radar Driver Feedback signs and any associated thermal striping along Colonial Springs Road at

Owner/applicant will maintain the Town of Babylon recharge basin as per the approved site plan.

The applicant/owner shall maintain the Town of Babylon recharge basin as per the approved site plan.

Erosion control shall be utilized during construction.

As a minimum measure to reduce noise levels, applicant/owner to install sound insulation panels around all air-conditioning units, chillers, in- and exterior equipment, customer parking, fire hydrants, and handicapped parking spaces.

Written Erosion control shall be utilized during construction.

Fugitive dust generation shall be controlled by appropriate means such as watering.

The applicant/owner shall maintain the Town of Babylon recharge basin as per the approved site plan.

Way, Do Not Enter signage to be installed to the west of the site and Colonial Springs Road.

Colony Springs Road for a distance of 40

The location of all HVAC, air handlers’ transformers and RPZ shall be approved by the Town of Babylon Planning Department prior to installation.

Subject to the proposed development connecting to the Southwest sewer District.

Subject to SWPPP approval.

As a minimum measure to reduce noise levels, applicant/owner to install sound insulation panels around all air-conditioning units, chillers, refrigeration, and sound insulation on all air-conditioning units installed by the Town.

During construction, owner/applicant is responsible to sweep access streets and keep the roadways free of dirt and mud.

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.

Subject to the requirements of Highway, Engineering, and the Fire Marshal.

Subject to the applicant providing funding in the amount of $20,000 for local community benefits/improvements to be disbursed as follows:

The location of the south side of Colonial Springs Road from Conklin Street to North 27th Street.

Subject to the applicant installing sidewalk on the south side of Colonial Springs Road from Conklin Street to North 27th Street.

The applicant will construct a bypass lane on the project site at the southwest guard booth.

Subject to the applicant installing four in-ground “U” bicycle racks on the project site at locations to be determined by the Town of Babylon Planning Department, subject to approval of the Town of Babylon Division of Traffic Safety.

Subject to the applicant constructing a bypass lane on the project site at the southwest guard booth.

Subject to the applicant installing four in-ground “U” bicycle racks on the project site at locations to be determined by the Town of Babylon Planning Department.

Subject to the applicant’s submittal of and the Suffolk County Department of Health Services acceptance of a Soil Management Plan (SMP).

Subject to any New York State Department of Environmental Conservation permits as may be required.

Subject to Suffolk County Department of Health Services requirements (including those applicable for deep recharge zones) for any regulated materials storage.

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 further development of the site without Planning Board approval.

2. The development shall comply with all federal, state and local fair housing and ADA requirements.

3. Twenty percent (20%) units shall be designated as work force/affordable housing. The site shall be scattered equally throughout the site.

4. The work force/affordable housing units shall be equally distributed throughout the site.

5. Affordable/workforce units shall be targeted to the 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.

6. The applicant/owner shall maintain the Town of Babylon recharge basin as per the approved site plan.

7. Owner/applicant shall comply with all NYS regulations for handicapped accessibility including but not limited to handicapped ramps and handicapped parking spaces.

8. 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.

9. All central air conditioning or through the wall air-conditioning units, no window units to be permitted.

10. The use of inorganic fertilizers, pesticides and herbicides shall be minimized as standard operating procedure for the landscape maintenance of the site.

11. SWPPP maintenance access 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. SWPPP maintenance access 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.

13. SWPPP maintenance access in accordance with Section 189-8 of the Code of the Town of Babylon. Stormwater management practices installed in Chapter 189 shall be operated and maintained to ensure that the goals of Chapter 189 are fully achieved. Proper operation and maintenance includes, but is not limited to:

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.

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.

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c. Discharges from the SMPs shall not exceed design criteria or contribute to water quality standard violations in accordance with § 189-BB of the Code of the Town of Babylon.

14. Upon completion of construction, any stormwater control structures impacted during construction shall be cleaned by the owner or operator. Routine maintenance of the storm water infrastructure on the site will include the following:
   a. Monitoring of the drainage inlets (catch basins) will be completed routinely, particularly after large storm events and must be kept free from obstruction by leaves and trash or 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.

The grounds and parking area shall be inspected for litter monthly and any litter shall be removed as necessary

15. The proposed project would include 205 units, or 20.5 percent of the total 264 units. In addition, the proposed project would set aside 10 of the 54 affordable units for post 9-11 combat veterans, subject to compliance with applicable fair housing regulations and specific program terms. The selection criteria for the 10 veterans’ units shall be determined by a Town of Babylon-designated agency or individual.

BE IT FURTHER RESOLVED, that in case of any violation or attempted violation of any of the covenants by the owners or their lessees and failure of the owners to remedy any such violation within thirty (30) days after written notice by the Town, the Town shall have the right, in its own motion and after notice, to rescind said change of zone and the subject premises shall revert from MR Multiple Residential District to A Residential District, and be it further 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 covenants or conditions 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 electing 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.

Concerns by email:

From: Jeff Cumberbatch <jcumberbatch@cloud.com> Sent: Wednesday, June 12, 2019 1:35 PM, Subject: Wade property
Hello my name is Jeff Cumberbatch I reside in Wheatley Heights and I oppose the addition of the 264 proposed new apartments. The area can sustain the additional congestion that would create were Conklin Ave and Colonial Springs Rd are only one way. Our community already has a congested Colonial Springs during peak times. Also, the nearby Wyandanch train station area has already and continues to add additional affordable apartments. The Wade apartment would destroy the suburban look and feel of the Wheatley Heights footprint. I have spoken to several of my neighbors who feel the same and you will also be hearing from them. Again, please consider rejecting the apartments. Thank you.

From: Susan Thompson <stthompson9324@aol.com> Sent: Wednesday, June 12, 2019 2:54 PM, Subject: Wade’s building of 264 apartment.

Mr. Wade,

My name is Susan Thompson living at 3 Devon Ln, Wheatley Heights. I am opposed to Mr. Wade’s building of 264 apartment in Wheatley Heights. The road infrastructure cannot support an additional 500 cars. Additionally, with children living in the complex I anticipate an increase in school taxes for those of us living in Wheatley Heights.

Thank you, Susan Thompson

From: Shannon Bell <wbell1186@gmail.com> Sent: Wednesday, June 12, 2019 7:07 PM Subject: Wade property
Hello my name is Shannon Cumberbatch I reside in Wheatley Heights and I oppose the addition of the 264 proposed new apartments. The area cannot sustain the additional congestion. The unit would create massive congestion as Conklin Ave provides a single lane traffic. This would be detrimental to morning commuters especially for our Half Hollow Buses that need to transport the children of Wheatley to school each morning. In addition, the nearby Wyandanch train station area has already and continues to add additional affordable apartments. The Wade apartments would destroy the majestic look and the fabric of the Wheatley Heights community. I have spoken to several of my neighbors who feel the same and you will also be hearing from them. Again, please consider rejecting the apartment or risk destroying a highly functional suburban, tax paying community. We will not be silenced. Concerned Resident of Wheatley Heights

From: Jack Marshall <jmarshall.t06@gmail.com> From: Patricia Marshall <pmarshall@yahoo.com> Sent: Thursday, June 13, 2019 7:08 PM Subject: Wade’s building project
To whomsoever it may concern,

I OPPOSE Mr. Wade’s high-density building project of 264 apartments in Wheatley Heights.

Mr. Wade’s property is zoned for 50 or so, single family homes. If his apartments were to be built, they would not be in keeping with the aesthetics and essence of our community.

I join my neighbors in opposing the proposal for all of the reasons stated above: excessive traffic, noise, environmental ramifications, overstretching the capabilities of our fire/EMS/hospital and school services; leading to the eventual devaluing of our properties.

Wheatley Heights is small in acreage and residents. We do not have our own schools, bank, apartment complex, supermarket, mall or an industrial park - and we like it that way.

We enjoy the small-town feel of our community - single family homes, 2.5 kids, white picket fences and manicured lawns. What unites us is the like mindedness of people who own their own homes. We take pride in our homes, raise our children and care about our neighbors - We love our town and we want to preserve it. If this high-density rental project were to be built in our back yard, it would surely disquage our little Norman Rockwell community.

Thank you for hearing our concerns,

Jack & Patty Marshall - 45 Waterford Dr., Wheatley Heights, NY 11798

From: Lorraine Burke <burke6@optonline.net> Sent: Thursday, June 13, 2019 8:18 PM Subject: Wade Apartment Proposal
To Whom It May Concern.

As a 20 year resident of Wheatley Heights, I Oppose Mr. Wade’s building of a 264 unit apartment complex in the area. Colonial Springs Road as well as Bagatelle Road cannot handle any more traffic. I live on Colonial Springs Road. During the morning rush hour, west bound traffic backs up from Pinelawn Road to Clearview Drive. During the school year, this increases exponentially with buses not only going to our local schools but also busses going to BOCES, adult education and private schools. This reverse happens during the afternoon rush. When there happened an auto accident on a home emergency in that area, peoples’ lives are jeopardized due to increased wait time to get emergency service vehicles to the appropriate place to assist. Adding these apartments will severely impact the quality of our roads with increased wear and tear as well as the air and environmental quality.

Several years ago, Half Hollow Hills closed two of its elementary schools due to lower enrollment. The one school has been left sitting and is in disrepair, is Mr. Wade going to finance the repairs that are needed in order to re-open this school. Of perhaps he is planning on building a new school as the second elementary school will be housing the local library for a number of years. Building this complex will be nothing but a tragedy to the area that is already overcrowded.

Sincerely, Lorraine Burke

From: Georgette Herrmann <nrherrmann@yahoo.com> Sent: Thursday, June 13, 2019 9:45 PM Subject: Wade Apartment Proposal
I am strongly opposed to the 264 units for wade farms. The traffic will be worse than it is now and will greatly impact our schools.

From: Michael Herrmann <mikesherrmann@yahoo.com> Sent: Thursday, June 13, 2019 9:35 PM Subject: Wade Apartment Proposal
Opposed to the building of the 264 units at wade farms
Michael Herrmann - 23 Briarwood Rd., Wheatley Heights

From: Jennifer Eldmore <jennifereldmore@yahoo.com> Sent: Thursday, June 13, 2019 11:24 PM Subject: New Development
We are strongly opposed to the Wheatley Heights apartment complex development.

Jennifer Engel - 38 E Lyons St, Melville NY 11747

6/15/2019 Minutes
From: Marla Glick <glickm1@yahoo.com>  Date: June 14, 2019 at 1:57 AM  Subject: Wade farm
I oppose the building of 254 apartments in Wheatley Heights.

Marla Hans
From: Blot, Ella <Ella.Blot@nyulangone.org>  Subject: new construction

To: Mr. Wades building of 274-unit apartments in Wheatley heights.

From: KayAnn Wright <joyw651@gmail.com>  Subject: Wades proposed 264-unit apartments

Good Afternoon Mr. Schaffer,

I hope all is well. I am writing to let you know that we (Hopeton & KayAnn Wright) are oppose to Mr. Wades building of 264-unit apartments in Wheatley Heights as this would put a strain on the current resources available to residents.

Regards, Hopeton & KayAnn Wright - 22 Waterford Dr., Wheatley Heights NY 11798

From: Damon LeGare <dlegare@outlook.com>  Subject: Wheatley Heights Community

Good Afternoon

As an active member of the Civic and long-term resident of Wheatley Heights, I beg that you side with the community and vote NO to Wade farms request. We have fought a long battle, compromised, and dedicated our time/money/lives to better our community. His request does not fit within what Wheatley Heights is all about. Yes it worked in Farmingdale, Riverhead, and Patchogue. But those communities built a night life and store fronts that supported large apartment communities. Even Planview knew large stores before apartment.

We simply are a small, loving, and quiet community. And we want to keep it that way. Please VOTE FOR US.

Thank you! Damon LeGare

From: Glenn White <glennswhite@yahoo.com>  Date: June 14, 2019 at 3:49 PM Subject: Wade farms development

To whom it may concern,

Myself and my wife Cherron White, oppose the 264 Unit apartment development for obvious reasons. This would create even more traffic on Colonial Springs as well as Bagatelle Road.

I am a resident of Wheatley Heights for 18 years and enjoy a quality of life the I could not enjoy in Queens. We researched this community and made a great decision by raising our three sons here. A 264 Unit Apartment building will definitely affect our quality of life in a negative manner. We implore you and your voting members to vote NO! Thanking you in advance

From: M Golding <mgbetia1725@hotmail.com>  Date: June 14, 2019 at 5:15:51 PM Subject: Wade farm

We are opposed to apartments on the Wade farm property. Our area will not be able to handle the amount of traffic and population density for our small community. This will drain resources for our schools, increase our taxes, and impact our daily lives. Please vote NO!

Regards, Monique and Deron Golding

From: Georgia DeFillippo <defillippo8@gmail.com>  Date: June 15, 2019 at 5:37:41 AM Subject: BUILDING VOTE. NO

I oppose Mr. Wades Building of 264 unit apartments in Wheatley Heights. It will create a great amount of traffic on Bagatelle Rd. it’s already difficult for us to get in and out of our driveway.

Speakers from the meeting:

Erin Reilly - 167 North 20th Street, Wheatley Heights, NY 11798 - 631-848-7992 erri314@hotmail.com

Worried about increase of traffic and standards of the tenants to get an apartment and the safety of the community.

Additional email sent:

From: Erin Reilly <erri314@hotmail.com>  Date: June 14, 2019 at 5:12:46 PM Subject: Mr. Wade’s proposal

Dear town of Babylon,

Thank am writing to state that I oppose Mr. Wade’s proposal to build apartments on Bagatelle Road. I live on 167 N 20th St. Wheatley Heights. His proposal would increase traffic on the street and could potentially increase classroom sizes. Additionally, the apartments in Ipsip increased the number of gang members in the area. I do not want this to happen to our safe, quiet town.

Thank you for your attention and I hope you take into account my comments.

Sincerely, Erin Reilly

Lytra Constantine Gaddy - 30 Brown Blvd, Wheatley Heights, NY 11798 - 631-793-7547 lazedb47@yahoo.com

Oppose the proposal, she likes the community the way it is. A community of one family housing, and the traffic pattern for such a large project will be devastating to the area.

Phyllis Stewart - 4 Arrington Drive, Wheatley Heights, NY 11798 - 631-891-3779 phoblessed@gmail.com

Resident for over 60 years. Concerned about the possibility of these projects there already are many apartments in Wyandanch Village Square. Will negatively impact the quality of life. Traffic will be horrendous and a danger for children going to school.

Elaine Hinds - 11 Fairhaven Drive, Wheatley Heights, NY 11798 - 631-491-0512 hindo978@yahoo.com

Oppose the project for several reasons. She likes the quality of life that is in Wheatley Heights. A project of this size will negatively impact the community. Not opposed to a project, but a rental of 264 units is not a positive move, this will affect traffic in the area.

Adhambo Okumba - 8 Devon Lane, Wheatley Heights, NY 11798 (Westwood Village)

Opposed to the project. The scale is to large for the area. Traffic is already bad on Colonial Springs Road. Quality of life will be affected. Smaller scale ok, but the area can not support a large scale. Maybe one family homes with plenty of acreage.

Viktoria Roes - 105 Conklin Avenue, Wheatley Heights, NY 11798 - 631-897-1799

Has lived in her home for 37 years and appreciates the community and peacefulness. But doesn’t appreciate the traffic in the morning or rush hour on Colonial Springs Road. Opposes the project because of the density. Parents will move in just for the school district and might not stay for the duration of the child’s education. One family homes people are invested in living there.

Karen Isaksen-Taylor - 40 Waterford Drive, Wheatley Heights, NY 11798 - 631-219-9462 kisaksen31@gmail.com

Feels like this is something that is just going to be past without giving consideration to the concerns. Ms. Gordon represents the community, and she feels the board is not listening to her. She knows what the community is about, it is a historic community.

Additional email sent:

From: Karen Isaksen <kisaksen31@gmail.com>  Date: 6/13/19 7:54 PM Subject: URGENT MESSAGE RE: WADE FARMS PROPOSAL - WHEATLEY HEIGHTS

Attached please find my letter addressing my comments and concerns regarding the Wade Farm Zoning Change and Apartment Complex Proposal. I welcome the opportunity to discuss this in greater detail with all of you at your earliest convenience. My contact number is 631.219.9462.

Thank you.

Wednesday, June 13, 2019

ATTN: Babylon Town Council VIA EMAIL

Antonio Martinez jgordon@townofbabylon.com; tonymartinez631@gmail.com

Jackie Gordon

Anthony Manetta amanetta@townofbabylon.com

Terence McWcney tmcwcnney@townofbabylon.com

I am writing in vehement opposition to the proposal, by Gustave Wade, for a CHANGE IN ZONING to his property in Wheatley Heights in order to approve a high-density building project of 264 apartments.

The community has been very vocal in its opposition to this project for many years and I am shocked to learn that a vote on this issue has been scheduled for 8AM on a Saturday morning, without sufficient notice to the community. It seems as though the Town Board is acting against the best interests of their constituents. Why hasn’t this matter been placed on the agenda of a regularly scheduled Board meeting where the community would expect an issue of such grave importance to be addressed?

The many objections of the community have been well documented and have not changed. They include:

1. Mr. Wade’s property is zoned for approximately 50 single family homes. He is well within his rights to develop his property in accordance with this zoning.

Residents rely on zoning rules to protect the community in which we have invested tremendous financial capital, chosen to build a life, and raise children. We expect our elected officials to protect US and OUR investment.

2. An apartment complex of this size is not in keeping with the aesthetics and essence of our community. We are a community of single family, owned occupied homes. This must not change!
3. Wheatley Heights is a historic, uniquely diverse middle-class community which deserves strengthening and support from its elected officials. This project will undermine the very foundation of this vibrant, cohesive community.

4. Environmentalists have consistently raised troubling questions regarding negative impacts to the area. Bagatelle Road/Conklin Avenue is already a dangerous road with excessive traffic conditions which endanger our residents, students and the commuting public in route to the Wyandanch train station. Increasing traffic in this area puts the community at increased risk and is completely unnecessary. I join my neighbors in vigorous opposition to this ill-advised proposal for the many reasons that have been consistently enumerated including increased traffic, congestion, excess noise, environmental ramifications (which have not been adequately mitigated), extreme negative impacts to the capabilities of our fire house/ambulance corps and schools; all ultimately leading to the devaluation of our properties and quality of life which you have been elected to protect.

Wheatley Heights is small both in acreage and number of residents. It is not the type of community that can support this type of big housing complex. We value the small-town, connected feel of our community - single family, owner occupied homes, 2-5 kids, white picket fences and manicured lawns. We take pride in our homes and care about our neighbors in this community where we have chosen to raise our children. We are dedicated to the preservation of Wheatley Heights and we expect you, our elected officials, to support us in this effort! I urge you to vote NO on this proposal.

Respectfully, Karen Iaskan-Taylor
ce: Richard Schaffer rschaffer@townofbabyton.com; riche@stofika@gmail.com; wheals@townofbabyton.com; stlcon@townofbabyton.com
The Concerned Taxpayers of Wheatley Heights/Drx Hills, Inc. concernedtaxpayers@wheatleyheightscc.org

Karen Turk - 32 Brookwood Drive, Wheatley Heights, NY 11787 - 631-491-1235 krnturk@aol.com
When was the traffic study done? Her understanding is that it was done in the middle of the day and not during rush hour. Too much traffic already therefore there have been many accidents. Redo the traffic study for the morning and also the afternoon/evening before this proposal is considered. Additional email sent:
From: Karen Turk <kturk@aol.com> Sent: Wednesday, June 12, 2019 10:57 AM Subject: Vote in Opposition to Wade Farms Proposal Dear Town of Babylon Board,
My name is Karen Turk and I live in Wheatley Heights (32 Brookwood Dr.). I am requesting that the board members vote NO on the proposal for the Wade Farms building of a 264-unit apartment complex in Wheatley Heights. I live in the development that is a few blocks west of the farm. The traffic now is very bad in the morning and afternoon/evening on the roads leading into and out of the area. For example, the traffic on Little East Neck Road bottles up in the morning and afternoon as this is a stop light for cars heading north or south. It can take 15 to 25 minutes to go one light (Colonial Springs to Long Island Avenue or vice versa)! A proposed road extending east on Roland Road from Pinelawn to Little East Road in the afternoon/evening is a nightmare as that can take 15 minutes to also go one light. In the summer, buses going to and coming from the camps on Colonial Springs Road (morning and afternoon) tie up traffic.
If the Wade Farms apartment complex is built as the proposal now stands, it will add 264 apartment units and 564 parking spaces. The additional traffic it will create will add significantly to the driving problems the people who live in this area are already experiencing. That is not fair. Wheatley Heights is a small, quiet family friendly place to live. My husband and I choose to live in Wheatley Heights because of the small-town atmosphere and excellent schools.
I urge that ALL members of our town board vote NO on the proposal for the Wade Farms apartment complex. Sincerely, Karen Turk

Sandra Thomas - 49 Sunset Avenue, Wheatley Heights, NY 11789 - 631-491-3214 skeshark@gmail.com
Read this letter from December 13, 2018: RE: Gustave J. Wade - FEIS 100-13-2 lots 39-49 Part 59.53
Dear Mr. Schaffer and Town Council,
I am writing to express my opposition to the proposed down zone and to express my concerns with the FEIS submitted by Vlb For Gustave Wade. The FEIS does not adequately address traffic congestion and its impact on surrounding streets such as 18th Street which is the access road to Straight Path and the Southern State Parkway both East and West. In addition, it does not address the impact of the proposed connection to the Southwest Sewer District down Nichols Road. This proposal will be a major impact on our community since Nichols Road is a major East West Road. Wheatley Heights is a small community measuring 1.4 miles wide. Wheatley Heights is dominated by single family homes with 85.5% of all 1,517 units occupied by owners and 90.3% single family. A 264-unit rental project would represent a 17.4% increase in the number of units and likely increase the population 10%-20% (Ken Ack's 5/2017). The Town Board previously ruled on this application and approved 56 single family homes. This is basically the same application with more density than the original on half the property. It is not the same as other projects permitted by the town since Wheatley Heights is in area is much smaller than surrounding hamlets within the town.
I respectfully request that this board deny the zoning change or request that this proposal be modified to a smaller project which will not impact on the character and quality of life within our small hamlet.
Sincerely, Sandra Thomas – 49 Sunset Avenue, Wheatley Heights, NY 11789

Jorge L. Rosario – VFW Commander, Post 2021 - 19 Colonial Springs Road, Wheatley Heights, NY 11789 - 631-358-8279
Residents of: 1 Waterford Drive, Wheatley Heights, NY 11789; rosarioj@ucahs.org
Concerned about the aging veterans who currently have difficulty making their way to the parking lot off 36th Street which separates the Post from Wade Farms was not measured and included in the environmental impact report and feels there will be a safety issue if not addressed. Need to find other solutions.

Mayor White - 42 Foothill Place, Wheatley Heights, NY 11789 - 646-234-2627 mwhite@yahoo.com
Resident for 18 years. Came from Queens. Moved out here for the beautiful neighborhood. Traffic is a problem.

Deborah Tselvington – 20 Waterford Drive, Wheatley Heights, NY 11789 - 631-253-0423 deborahdselvington28@gmail.com
Town of Babylon resident for over 30 years, 20 years in Wheatley Heights. Would like to see a proposal for single family homes instead of apartments. Keep the continued legacy.

Paul Gustafson - 187 Ridge Road, Wheatley Heights, NY 11789 - 631-643-6237 pjr3249@yahoo.com
In the community for about 45 years. 20% increase to population, 40% increase to traffic. Schools will be overtaxed and over burdened with more children. This will not be good for the environment, will create poor air quality due to the extra traffic. Please vote no.

William Rice - 11 Blye Place, Wheatley Heights, NY 11789 - 516-702-8602 wtrice@yahoo.com
Lives north of the proposal, traffic is already a problem. There are already apartments going up in the community we will have to absorb the traffic from that.

Tonja Black - 5 Barrington Drive, Wheatley Heights, NY 11789
Opposes the proposal. Not oppose to Mr. Wade building on his property, but opposed to the number of units he is asking for. Wants to keep Wheatley Heights the quiet community it is.

Linda Howell - 87 Bagatelle Road, Melville, NY 11747 - 516-455-7965 gilal10526@yahoo.com
Should seriously address the traffic study and the impact that will result from this development. Colonial Roads Road will not be able to absorb it and neither will Bagatelle Road.

Keith Archer - 12 Weinmann Blvd., Melville, NY 11747 - 631-393-6220 karcher@bba-law.com
The Bagatelle Civic Association is a sister community which is just adjacent to the Wheatley Heights community. This development is too intense, the proposal is not the appropriate level of development. Traffic is no good.
Judith Roth - 1 Raintree Road, Melville, NY 11747 - 631-988-6415 doberfan@aol.com
Belongs to both the Wheatley Heights Civic Association and the Bagatelle Civic Association. We have been through this same situation many times through-out the years. This property should stay single family homes or open space. Such apartments will bring traffic, noise, water pollution and would bring down the value of neighboring homes.

Additional email sent:
I attended the above captioned board meeting concerning the vote on Mr. Wade's proposal to build a 264-unit apartment complex in Wheatley Heights. I went up to the microphone and voiced my opposition to this proposal. I belong both to The Concerned Taxpayers of Wheatley Heights/Dix Hills Civic Association and the Bagatelle Civic Association. I joined the former civic before the Bagatelle Civic was started, joining specifically to connect with my neighbors in the area. Constructing such dense housing would overcrowd our community. The area is approved for single family homes or open space. Such apartments would overburden our schools. They would bring safety concerns such as undue traffic, litter, noise and water pollution. It would bring down the value of neighboring homes. I bought my house 35 years ago to get out of the city and Queens. We need to preserve the quality of our neighborhood and keep it as it was. I am now retired after thirty years here. This house is my largest investment and an apartment complex just down the road would bring down its value. It is not in keeping with the neighborhood and I vehemently oppose this project.

In addition to the points I made at this morning's board meeting, I wish to point out another issue with the traffic study. It was mentioned that the traffic study of the area was done at mid-day, not during rush hours. Another consideration no one mentioned is the additional traffic during the summer, with at least three-day camps along Colonial Springs Drive, all bringing many busloads of children which add to safety issues and congestion on this two-lane thoroughfare.
It was shameful how Babylon Town Supervisor Rich Schaffer spoke to Chris Black, president of The Concerned Taxpayers of Wheatley Heights/Dix Hills Civic Association. Mr. Schaffer was rude and disrespectful and spoke with a condescending attitude. It seems like a cop-out to appoint a mediator to decide on this proposal. In a democracy with hundreds or thousands of residents opposed to a project, and a handful consisting of Mr. Wade & his associates in favor of it, why is this given to a mediator to decide? WHO is this mediator and who chooses him/her? This does not pass the smell test and it leads us to wonder who else stands to gain if the proposal to build 264 apartments goes through. What kind of democracy is this if money and power overrule the common good and the wishes of the vast majority?

Supervisor Schaffer's response:
Good afternoon Ms. Roth:
Thank you for your email regarding this morning's Town Board meeting. I appreciate your attendance, your comments and the additional information you submitted by way of this email. I especially appreciated your professional presentation and your respect for your fellow attendees and the members of the Town Board.
As to my way I spoke to Mr. Black, I wish to apologize to you if you felt I was condescending to him. That was not my intention as I was just responding to his theatrics after everyone before him presented him or herself in a professional manner and spoke to the application before the Board.
I especially was disappointed by his performance as I expected much more from the President of the civic association who should be acting as a leader. I am sure Mr. Black and I will speak in the near future and I will apologize if he felt I was condescending to him. In the meantime, please let me clear up your confusion about the role of the mediator. The mediator is being used to hopefully accomplish what I and others have tried to accomplish which is a conversation between the civic association and the applicant, a conversation that could result in changes to the application that the mediator does not have the authority to decide the application's decision on whether the application is approved or disapproved and in what form is left to the elected representatives of the Board. As I stated there will be a vote on this application (or whatever changes might be agreed to through mediation) at a meeting in July where the Town Board members will vote yes or no. The Town has successfully used a mediator in the past where both sides have appreciated the use of the person with no connection to either side.
I hope this responds to your concerns. Thanks for your input!

Debra Giaime – President of the Bagatelle Civic Association - 10 Sorel Hill Court, Melville, NY 11747 - 516-903-4673 deba_giaime@email.com
Bagatelle needs a traffic study. There are water drainage problems at this property. The water table is very high. School buses will have a hard time transporting children to and from school along with the difficulty of turning on some of the roads.

60 East 42nd Street. Suite 4600, New York, NY 10165 - 212-688-2400
733 Yonkers Avenue. Suite 200, Yonkers, NY 10704 - 914-476-0060 elupuf@bulllaw.com
General consul to 175 One Main Avenue, an 80-unit co-operative located directly next to the Wade property. They represent 5% of the community, a large portion. Her client is opposed to this project. It is running on for many different ways. There are many one lane roads in this community which are already congested. The project will overburden the schools.

Christopher Black - 5 Harrington Drive, Wheatley Heights, NY 11798 - 516-316-3853
Wheatley Heights is a wonderful place to live. 264-unit apartments is too much for the community. We have hard working residents that keep our community up. Wyandanch Rising will be hurts by this proposal. In 2006 the Town Board approved Mr. Wade's applications of 56 houses.

Supervisor Schaffer’s response:
Now, if I can have everyone take a seat so I can tell you what we are going to do this morning. I appreciate all the speakers, except Mr. Black. I will tell him because he and I have had many professional conversations, and that is what this is designed to do. Everyone came up and presented their concerns and I take the time to hear them. Now come what we are going to do is, I am going to make a motion to take both of these resolutions, which is what my intent was to do before I came in here. What I am going to ask Mr. Black to do, as the President of the Civic Association, is to provide me with 3 names from the Civic Association to meet with a mediator. The Town Board has a mediator on retainer. He is going to meet with 3 representatives from the Civic Association and representatives of the applicant. These two resolutions will be tabled until July 10th, the next meeting of the Town Board. You are going to meet with the mediator to see what exactly can be determined, and what is the best interest of both the applicant and the community. That was my intention this morning, and that is why you are all here this morning, so that we can have the conversation. I have tried many times over the years, and I have represented the Wheatley Heights community since I’ve been a County Legislator. I have tried many times to have the Civic and the applicant meet to no avail. Now, are you going to have it mandated by the Town Board with a professional outside mediator, someone who is a mediator to decide? WHO is this mediator and who chooses him/her? There can be no one can come up with conspiracy theories. That is why I don’t appreciate when you come in here and you think there is something going on, because I have a job to do as a Supervisor. I have to protect all of the town and that means an applicant who makes an application before this town board has to be given consideration. If he or she is not given that consideration, they can sue us and potential get damages which you all including me as tax payers have to pay. So, I can come in here and be your best friend and tell you that I am with you 150%, but I can’t do that. I have a job to do, that is what you have elected me to do. That is why I appreciate every speaker before Mr. Black, coming up and being respectful. I will continue to treat each and every one of you with the same respect that you expect me to do, and I request you to do with me. So, I ask Mr. Black if you would by 5 pm on Monday, provide me by email, a list of three names as representatives of the Civic Association with their contact email and contact phone numbers, and I will put them in touch with our mediator and he will convene a mediation and that means he has to mediate this between June 18th through July 10th that’s what we are going to do. I think the town board supersedes this idea in order to allow for a discussion to be had with someone from the outside who has no connection to this all.

The meeting will be sometime in July and a decision will be made.

The resolution was thereupon declared duly TABLED to July 10, 2019 Meeting.

SCHEDULE A
All that certain, piece or parcel of land situate, lying, and being at Wheatley Heights, in the Town of Babylon, County of Suffolk, and State of New York, being more particularly bounded and described as follows:
BEGINNING at the corner formed by the intersection of the northerly side of Colonial Springs Rd and the easterly side of North 28th Street, and from said point or place of Beginning;
Running thence northerly along the easterly side of North 28th Street North 7° 50’ 00” West 279.08 feet to the land now or formerly of the Federation of Jewish Philanthropies, Running thence northeasterly, along said Federation of Jewish Philanthropies land North 34° 25’ 37” East 538.19 feet to the land now or formerly of the Town of Babylon,
Running thence along land now or formerly of the Town of Babylon, northeasterly, easterly, northerly and easterly the following four courses and distances,
1. North 88° 59’ 37” East 286.64 feet to a point,
2. North 82° 00’ 00” East 385.23 feet to a point,
3. North 7° 58’ 00” West 40.00 feet to a point,
4. North 82° 02’ 00” East 71.48 feet to point,
Running thence southerly South 7° 58' 00" East 13.05 feet to a point,
Running thence easterly the following four courses and distances,
1. North 82° 02' 00" East 127.14 feet to a point,
2. Along the arc of a curve, bearing to the left, having a radius of 38.00 feet, a distance of 24.92 feet
3. Along the arc of a curve, bearing to the right, having a radius of 42.00 feet, a distance of 8.12 feet
4. North 82° 02' 00" East 21.39 feet to the westerly side of North 23rd Street Running thence southerly along the westerly side of North 23rd Street,
South 07° 58' 00" East 549.28 feet to a point,
Running thence westerly South 82° 02' 00" West 450.00 feet to a point,
Running thence southerly South 7° 58' 00" East 226.78 feet to a point
Running thence westerly, South 82° 02' 00" West 520.00 feet to the point,
Running thence southerly South 7° 58' 00" East 208.47 feet to the northerly side of Colonial Springs Road,
Running thence westerly along the northerly side of Colonial Springs Road North 71° 30' 48" West 279.24 feet to the easterly side of North 28th Street, to the point or place of BEGINNING.

Containing therein 700,969.35 Sq. Ft or 16.092 Acres

In response to Supervisor Schaffers’ closing statement:

However, we will only participate in the mediation if you confirm in writing that the mediation constitutes settlement discussions whose sole purpose is to attempt to settle disagreements between the applicant (Mr. Wade and others, collectively referenced as “Mr. Wade”) and The Concerned Taxpayers. As such, all statements made during the mediation must be deemed confidential, and not to be used for any purpose in any proceeding, including meetings of the Town Board or Planning Board or Board of Zoning Appeals, or any judicial proceeding regarding the Wade application. We also request that you confirm in writing that the mediator will not file any report following the mediation with any member of the Town Board, Planning Board, Board of Zoning Appeals, or any other person, unless Mr. Wade and The Concerned Taxpayers stipulate in writing to change in the project acceptable to Mr. Wade and The Concerned Taxpayers.

We would also appreciate receiving the CV of the mediator the Town intends to retain so we can determine whether he or she is acceptable to The Concerned Taxpayers. Assuming we accept whoever is proposed to serve as mediator, we request that the mediator propose a number of days and times, so we can agree on a day and time for the mediation that is acceptable to all.

Christopher Black, President
Cc: Executive Board, Concerned Taxpayers of Wheatley Heights
Frederick Eisenbud, Esq., Campolo, Middletown &; McCormick LLP

Attachment

Board Members Attending Mediation

Christopher Black-516-316-3853/ ciblack33@gmail.com
Sandra Thomas -631-523-3158/ deeshawk@aol.com
Debbie Yelvington-631-278-9314/deborah.yelvington29@aol.com
Ron Weisbroad-516-423-3558/ raiweisbroad@aol.com (Alternate)

Being no further business before the Board, the meeting adjourned at 9:10 a.m. on the motion of Councilman Munetta, seconded by Councilwoman Gordon.

Geraldine Comptiello, Town Clerk

6/15/2019 Minutes