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

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

PRELIMINARY AND FINAL AGENDA AVAILABLE: http://town.huntington.nv.us

PRESENT:

Supervisor
Councilwoman
Councilman
Councilwoman
Councilwoman
Councilman
Mark Mayoka
Jo-Ann Raia
John J. Leo

AGENDA FOR TOWN BOARD MEETING DATED MAY 17, 2010

BOARD OF TRUSTEES' MEETING FOLLOWING

Opened: 10:05P.M. Closed: 10:06P.M.

7:00P.M. – TOWN HALL

Opened: 7:15P.M. Recessed: 9:05P.M. Resumed: 9:10P.M. Closed: 10:05P.M. (Resolutions #2010-253 to 2010-288)

HEARINGS: ACTION

Consider issuing a Certificate of Approval in an Historic District re: 9
 Country Meadow Court, Melville, NY - Sweet Hollow Road Historic
 District. (Applicant: David D'Agate) (SCTM#0400-256.00-01.00 019.005)
 (2010-ZC-11-Ch.198)

HEARING INVALID -AFFIDAVIT OF SERVICE NOT RECEIVED FROM APPLICANT

2. Consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J re: Wolf Hill Road, Huntington Station, NY - No Stopping Restrictions. (2010-TC-11-Ch.3)

DECISION RESERVED

3. Consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J re: Tilden Lane, Greenlawn, NY - No Parking Restriction.

(2010-TC-12-Ch.3)

DECISION RESERVED

HEARINGS (Continued):

ACTION

4. Consider the increase and improvement of facilities of the Consolidated Refuse District, in the Town of Huntington, in the County of Suffolk, New York, pursuant to Section 202-b of the Town Law, consisting of construction of a new building at the Town's Boxer Court facility. (2010-M-18)

ENACTMENT #2010-263

5. Consider comments on the Draft Environmental Impact Statement (DEIS) and to consider adopting Local Law Introductory No, 7-2010, considering Zone Change Application No. 2006-ZM-363, Triangle Equities (Kensington Estates), to change the zoning from R-40 Residence District to R-RM Retirement Community District, for property located on the south side of Jericho Turnpike, east of Plainview Road, West Hills, and determining that the DEIS is acceptable for commencing public review. (Applicant: Triangle Equities) (SCTM #0400-226-01-001) (Local Law Intro No.7-2010 & Zone Change Application No. 2006-ZM-363)

DECISION RESERVED

6. Consider adopting Local Law Introductory No. 8-2010, considering Zone Change Application No. 2009-ZM-379, East Northport Venture, LLC II, to change the zone from I-4 Light Industry District to C-6 General Business District for property located on the north side of Jericho Turnpike, east of Verleye Avenue, Elwood. (Applicant: East Northport Venture, LLC) (SCTM #0400-217--03-076 & 077) (Local Law Intro No. 8-2010 & Zone Change Application No. 2009-ZM-379)

DECISION RESERVED

RESOLUT	IONS:	OFF.	SEC.	VOTE
	ABBREVIATIONS FOR PURPOSE OF AGENDA: Supervisor Frank P. Petrone - FP Councilwoman Susan A. Berland - SB Councilman Mark A. Cuthbertson - MC Councilwoman Glenda A. Jackson - GJ Councilman Mark Mayoka - MM			
2010-253.	AUTHORIZE the Supervisor to apply for and receive additional funding from the National Oceanographic and Atmospheric Administration (NOAA) <i>Save the Sound Program</i> for the Betty Allen Pond Restoration Project.	•	<u>FP</u>	5
2010-254.	AUTHORIZE the Supervisor to execute a letter of continuation of services and request for funding in 2011 for the Town's Drug and Alcohol treatment and prevention program with the Suffolk County Department of Health Services.	1	SB	_5_
2010-255.	AUTHORIZE the Supervisor to execute an extension to the contract with Drive Train Truck Parts, Corp. for Allison Transmission Parts and Service and Atlantic Detroit Diesel-Allison LLC for Detroit Diesel Engine Parts and Service. (Re: Final Extension effective for one year commencing July 1, 2010)	e S	<u>FP</u>	_5_
2010-256.	AUTHORIZE the Supervisor to execute a contract with Welsbach Electric Corp. of L.I. for the requirements contract for streetlighting and electrical work. (Period: Two years commencing upon execution)		SB	_5_
2010-257.	AUTHORIZE the Supervisor to execute a contract with Laser Industries, Inc. for the requirements contract for General Construction. (Period: Two years commencing upon execution)	<u>MC</u>	<u>SB</u>	4-AYES 1- NO (MM)
2010-258.	AUTHORIZE the Supervisor to enter into an agreement with J.J. Stanis & Company, Inc., for the Administration of the Town's Flexible Benefits Plan.		<u>GJ</u>	5
2010-259.	AUTHORIZE the Supervisor to execute a license agreement with the Huntington Manor Fire Department for the use of Peter Nelson Park for its annual Fireman's Fair and further authorizing the Supervisor to execute a New York State Liquor Authority special event permit application. (Permit valid from 9:00 AM on July 11, 2010 until 5:00 PM on July 18, 2010)	3	SB	_5_
2010-260.	AUTHORIZE the Supervisor to execute a license agreement with the Art League of Long Island for use of Heckscher Park for their annual Art in the Park Fine Art and Crafts Festival event on June 5, 2010 and June 6, 2010. (Time: 10:00 AM – 5:00 PM)		FP	_5_

MEETING DATED: MAY 17, 2010				
RESOLUT	TIONS:	OFF.	SEC.	VOTE
2010-261.	AUTHORIZE the execution of a contract with Alessio Pipe and Construction Co. Inc. for installation of water sampling stations for the Dix Hills Water District.		<u>GJ</u>	_5_
2010-262.	AUTHORIZE the execution of a settlement agreement and release in the matter of certain lawsuits related to Methyl Tertiary Butyl Ether ("MTBE") nunc pro tunc. (Re: Amerada Hess Corporation; Atlantic Richfield Company; BP Products North America (Amoco); Chevror U.S.A.; Citgo Petroleum Corporation and Citgo Refining and Chemical Company; Coastal; ConocoPhilips; El Paso Merchant Energy-Petroleum Company; Equilon Enterprises; Equistar Chemicals; Exxon Mobil Corporation; Huntsman Petrochemical Corporation; Lyondell Chemical Company; Lyondell-Citgo Corporation; Motiva Enterprises; The Premcor Refining Group: PDV Midwest Refining; Sabic America; Shell Oil Company, Shell Oil Products Company, Shell Oil Products Company, LLC, Shell Petroleum, Inc., Shell Trading (US) Company; Sunoco, Inc., Sunoco, Inc. (R & M); Texaco, Inc.; Texas Petrochemical; TMR Company; osco Corporation; Total Petrochemicals USA, Inc.; Valero Energy Corporation, Valero Marketing and Supply Company, Valero Refining – Texas, Valero Refining and Marketing; Gulf Oil Limited Partnership; Lukoil Americas)	r : : : : : : : : : : : : : : : : : : :	<u>FP</u>	3-AYES 1-ABST (MC) 1-NO (MM)
2010-263.	ENACTMENT: APPROVE the increase and improvement of Facilities of the Consolidated Refuse District, in the Town of Huntington, in the County of Suffolk, New York, pursuant to Section 202-b of the Town Law.	<u>GJ</u>	<u>MC</u>	RC 4-AYES 1-NO (MM)
2010-264.	APPROPRIATE \$721,000 for the increase and improvement of facilities of the Consolidated Refuse District, and authorizing the issuance of \$721,000 Serial Bonds of said town to finance said appropriation.	GJ	<u>FP</u>	RC 4-AYES 1-NO (MM)
2010-265.	AUTHORIZE the Supervisor to execute an Intermunicipal Agreement with the Town of Smithtown for the provision of engineering services and legal services in connection with the Service Agreement between Covanta Huntington Limited and the Town of Huntington.	l	GJ SB	5
2010-266.	AUTHORIZE the retention of outside counsel, Beveridge and Diamond P.C. for the provision of legal services, and Henningson, Durham and Richardson, Architecture & Engineering, P.C. for the provision of Engineering Services in connection with the service agreement between Covanta Huntington Limited and the Town of Huntington.	i	SB GJ	

RESOLUTIONS: OFF. SEC. VOTE

2010-267.	AUTHORIZE the correction of Code Violations at various locations pursuant to the Code of the Town of Huntington and/or the Uniform Codes of the State of New York. (Re: Thomas Story, Jr., 32 East 5 th Street, Huntington Station, SCTM# 0400-146.00-03.00-014.000, Chapter 87, 156; Steven Zammit/Bourget's Bike Works, Inc., 2066 Jericho Turnpike, East Northport, SCTM# 0400-215.00-02.00-010.000, Chapter 119; Indu Realty Corp, 145 W. Pulaski Road, Huntington Station, SCTM# 0400-141.00-02.00-006.001, Chapter 119; Robert and Theresa Atkins, 6 Fairfields Lane, Huntington Station, SCTM# 0400-150.00-02.00-002.000, Chapter 156; Manuel Cordero, 71 Tower Street, Huntington Station, SCTM# 0400-140.00-02.00-			
	133.000, Chapter 156)	<u>SB</u>	GJ	5
2010-268.	AUTHORIZE the Comptroller to appropriate monies from the	FP		4-AYES
	Environmental Open Space and Park Improvement Fund for recommended neighborhood enhancement (Gateway Park Garden).	GJ SB	<u>MC</u>	1-NO (MM)
2010-269.	AUTHORIZE the Comptroller to amend the 2010 Operating Budget for the Town of Huntington and its special districts-various departments.	<u>FP</u>	SB	4-AYES 1-NO (MM)
2010-270.	ACCEPT recovery monies and authorizing the Comptroller to amend the 2010 Operating Budget for the Town of Huntington and its special districts-Transportation Department. (Re: GEICO)	<u>SB</u>	<u>MC</u>	_5_
2010-271.	ACCEPT the dedication of Cherub Court and a parcel for curbs and sidewalks for the subdivision known as Cherub Estates.	<u>MC</u>	<u>SB</u>	_5_
2010-272.	PURSUANT to Eminent Domain Procedure Law adopting the findings and determinations of the Town Board to acquire certain real property located at the southwest corner of New York Avenue and Lowndes Avenue, Huntington, New York 11743 for public purposes. (SCTM# 's 0400-094.00-03.00-045.000 and 0400-094.00-03.00-046.000)	FP SB GJ	<u>MC</u>	4-AYES 1-NO (MM)
2010-273.	ADOPT an "Identity Theft Prevention Program" for the Town of Huntington, also known as the "Red Flags Rule" as required by the Federal Trade Commission. (Re: Dix Hills Water District)	<u>SB</u>	<u>GJ</u>	_5_

RESOLUTIONS: OFF. SEC. VOTE

2010-274.	EXTEND the time to make a determination regarding the adoption of Local Law Introductory No. 4-2010, amending the Code of the Town of Huntington, Chapter 198 (Zoning) and Chapter A202 (Subdivision regulations and site improvement specifications), to create the Huntington Station Transit Oriented District (HSTOD) Zoning Classification, and considering Zone Change application 2008-ZM-378, Avalon Bay Communities, Inc., to change the zone from R-7 Residence District to the Huntington Station Transit Oriented District (HSTOD) for property located on the North side of East Fifth Street, 1,130.97 feet west of Park Avenue, Huntington Station, SCTM#0400-104.04-01-(001-109, 112-114 and 116-118). (Time extended to September 5, 2010)	•	<u>MC</u>	4-AYES 1-NO (MM)
2010-275.	GRANT permission to the Cold Spring Harbor Main Street Association to sponsor 2010 Sidewalk Sale Events. (Dates: May 29, 30 & 31, June 20, July 17 & 18, August 14 & 15, September 24, 25 & 26, October 2 & 3; Time: noon until 5:00 PM)		<u>SB</u>	_5_
2010-276.	RETAIN a special investigator, nunc pro tunc (JLS Service Bureau).	<u>MC</u>	SB	_5_
2010-277.	ENACTMENT: APPROVE awarding a franchise agreement to the Huntington YMCA for the provision of an instructional sailing and kayaking program at Centerport Beach. (Period: June 1 – September 30, 2010 - 2012)		GJ	_5_
2010-278.	ENACTMENT: GRANT a franchise agreement to Long Island Kayak Academy and Outfitters, LLC to conduct a kayaking program for the Town of Huntington Department of Parks and Recreation. (Period: One year)	SB	GJ FP	_5_
2010-279.	ENACTMENT: AMEND the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article II, Section 2-2, Schedule B Re: New York Avenue, No Turn on Red.		<u>MC</u>	5
2010-280.	ENACTMENT: AMEND the Uniform Traffic Code of the Town of Huntington, Chapter 5, Commercial and Construction Vehicles; Weight Limits; Section 5-1, Commercial Vehicle and Truck Exclusions; Weight Limits; Schedule M Re: Truck exclusion - Norview Court.		<u>GJ</u>	_5_
2010-281.	ENACTMENT: ADOPT Local Law Introductory No. 9-2010 amending the Code of the Town of Huntington Chapter 21 (Environmental Open Space and Park Funds), Section 6 (Management of Environmental Open Space and Park Funds).	<u>MC</u>	<u>FP</u>	4-AYES 1-NO (MM)
2010-282.	ENACTMENT: ADOPT Local Law Introductory No. 10-2010 amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article VI (Administration and Enforcement).		<u>FP</u>	_5_

OFF. SEC. VOTE

RESOLUTIONS:

2010-283.	ENACTMENT: ADOPT Local Law Introductory No. 11-2010 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article XVIII (Administration and Enforcement) and Article XX (Accessory Apartments).		<u>FP 5</u>
2010-284.	SCHEDULE A PUBLIC HEARING: JUNE 15, 2010 at 7:00 PM To consider issuing a Certificate of Approval in an Historic District Re: 114 Old Country Road, Melville – Sweet Hollow Historic District. (Applicant: Stephen Weiss – SCTM# 0400-256.00-02.00-005.001)	<u>SB</u>	<u>GJ 5</u>
2010-285.	SCHEDULE A PUBLIC HEARING: JUNE 15, 2010 at 7:00 PM To consider adopting Local Law Introductory No. 13 – 2010, amending the code of the Town of Huntington to add Chapter 197 (Dix Hills Water District).		<u>FP 5</u>
2010- 286.	CLOSE the Labor Ready Site and amending Resolution 2010-4 and the 2010 Operating Budget.	<u>MM</u>	RESOLUTION FAILS – NO SECOND
2010-287.	BE PROACTIVE and to direct a five (5%) reduction in the Town of Huntington's 2010 General Fund Budget and to require that all Department Budget requests for the 2011 Budget not to exceed ninety-five (95%) of the 2010 budget appropriations. This resolution would also require that all budget requests to 2011 conform to this reduced expenditure level.		RESOLUTION FAILS – NO SECOND
	experience rever.		

AGENDA FOR BOARD OF TRUSTEES' MEETING DATED: MAY 17, 2010

RESOLUTIONS:

2010-BT11. AUTHORIZE the President of the Board of Trustees to execute a deed of conveyance and all necessary documents to transfer ownership of a beach parcel to the Huntington Beach Community Association, Inc. (HBCA).

(SCTM#'s 0400-38-5-65 and 0400-39-5-65)

(Subject to Permissive Referendum)

SB FP 5

2010-BT12. AUTHORIZE the President of the Board of Trustees to execute a deed of conveyance and all necessary documents to transfer ownership of a beach parcel to John and Angela DiMatteo.

(SCTM#'s 0400-38-5-65 and 0400-39-5-65)

(Subject to Permissive Referendum)

<u>MM</u> <u>FP</u> <u>5</u>

INFORMATIONAL SHEET FOR TOWN BOARD MEETING DATED: MAY 17, 2010

<u>COMMUNICATION</u> <u>ACTION</u>

1. Letters received Certified Mail – Applying for Liquor Licenses: **NONE**

Supervisor Town Board Town Attorney Public Safety Fire Inspector

Engineering Services
Planning & Environment
CC: Sewage Treatment Facility

cc: Sewage Treatment Facility

2. Letters received Certified Mail – Renewal for Liquor Licenses: From: Watcharee Escalera for Sri Thai; From: Thomas Cavolo for Sweet Mama's; From: George Makkos for Crestwood Manor LLC; From: Francisco Guevara for Deli Rinconcito Salvadoreno Corp; Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector

Engineering Services
Planning & Environment
cc: Sewage Treatment Facility

3. Letter from Lynn Pincomb, Village Administrator for Huntington Bay advising of a Planning Board hearing to be held on May 10, 2010 at 7:30 PM for 11 Beach Road – to construct walks, a hot tub, a partial above ground pool with a terrace and pool surround, driveway extension seawall repair, sports court and legalize a bluestone patio.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

4. Letter received from Vincent Puleo, Town Clerk for Smithtown regarding an amendment adopted by the Town Board regarding Chapter 322, Zoning as it relates to Wineries and Winery Events.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

5. Letters submitted by a) Kim D'Ambrosio, b) Ronald Gulmi, c) Claire Stein, d) Nancy Berg and e) Judith McElwain all in support of the proposed development, Avalon Bay at Huntington Station.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

6. Email received from Nancy Gamby regarding the Community Garden to be located at the corner of New York Avenue and Lowndes Avenue. Writer states eminent domain should be the last resort to a situation and that this should not be used to build a park.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

7. Letter received from Gilbert and Sullivan Yiddish Light Opera Co. supporting the Kensington Estates project for the Dougal property.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

8. Letter received from Frank Marchetta expressing his strong support for the Avalon Bay at Huntington Station development.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

9. Letter received from Anton Shalinski, President of the Audubon Woods Civic Association, regarding the Zoning Board of Appeals hearing # 19998. The writer is requesting that the hearing be postponed and a meeting be set up with town official.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

10. Letter received from Peter Hans, Senior Planner for the Town of Smithtown, regarding the approval, with conditions, of the site plan for the Vanderbilt Shopping Center located at the southeast corner of Commack Road and Vanderbilt Motor Parkway.

n, Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

11. Letters from a) Kenneth Christensen and b) James Oszlak expressing their support of the Avalon Bay in Huntington Station development.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

12. Letter from Lynn Pincomb, Village Administrator for Huntington Bay, regarding a Zoning Board of Appeals Hearing to be held on May 20, 2010 at 7:30 PM at Village Hall for property located at 192 East Shore Road. Property is located in Waterfront Preservation District "D1" – to construct a new single family dwelling, a variance for area of lot, width of lot, front yard, permitted structures in front yard, side yards, items permitted in setback areas and compliance of driveways is required.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

13. Email received from Jerry K. regarding his agreement with the closing of the job hiring site.

Supervisor Town Board cc: Town Attorney

Supervisor

14. Letter received from Bram Weber, of Weber Law Group, with 90 letters of support for the Kensington Estates. Public Hearing for this change of zone application to be held on May 17, 2010.

Town Board
Town Attorney
Engineering Services

cc: Planning & Environment

15. Letter received from Richard Marino, Chairman of the Village of Laurel Hollow Zoning Board of Appeals regarding a Public Hearing to be held on May 26, 2010 at 7:30 PM at Village Hall for: 1) Glen Lane – appeal to install a swimming pool and tennis court; 2) 396 Ridge Road – disturbance of slope; 3) 25 Cedarfield Road – appeal for construction of a deck; 4) 80 Wildwood Drive – appeal to maintain a deck and hot tub; 5) 6 Moore's Hill Road – appeal to maintain a shed.

Supervisor
Town Board
Town Attorney
Engineering Services

cc: Planning & Environment

16. Letter received from Governor Paterson thanking Town Clerk, Jo-Ann Raia for sending Huntington Town Board Resolution #'s 2010-240 and 2010-241. Letter indicates that he and his staff will review and follow up if they need any additional information or clarification.

Supervisor Town Board cc: Town Attorney

17. Letter received from Arlene Forward expressing her strong support for the development known as Avalon Bay at Huntington Station.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

18. Email received from Alicia Brown, Legislative Aide for Suffolk County Legislature advising us of Resolution # 293-2010 – authorizing the sale, pursuant to Local Law No. 16-1976, of Real Property acquired under section 46 of the Suffolk County Tax Act Stephen Morgenstern.

Supervisor Town Board cc: Town Attorney

19. Letter received from Jennifer Brown of Humes & Wagner, LLP regarding a proposed Local Law which will amend the zoning chapter for permitted uses in the Village of Lloyd Harbor. Enclosed was also a copy of the legal notice and the actual copy of the amendment to the zone chapter. Zone change will limit number of horses to two per one acre and one horse or animal for each additional full acre.

Supervisor
Town Board
Town Attorney
Public Safety
Engineering Services
cc: Planning & Environment

20. Email received from Alicia Brown, Legislative Aide for Suffolk County Legislature advising us of Resolution # 318-2010 – authorizing a license agreement with the Town of Huntington to use certain space at Coindre Hall at West Neck Farm County Park, Huntington and Resolution # 347-2010 sale of county-owned real estate pursuant to Local Law No. 13-1976 Alcides Amaya (SCTM# 0400-148.00-02.00-060.000)

Supervisor Town Board cc: Town Attorney

21. Email received from Rob Ripp with a copy of a letter from the Town of Huntington Economic Development Corporation in support of the Transit Oriented Development District and Avalon Bay Development.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment