

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

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

PRELIMINARY/ADOPTED AGENDA AND ADOPTED RESOLUTIONS ARE AVAILABLE AT:  
<http://HuntingtonNY.gov>

**PRESENT:**

Supervisor	Frank P. Petrone
Councilwoman	Susan A. Berland
Councilman	Eugene Cook
Councilman	Mark A. Cuthbertson
Councilwoman	Tracey A. Edwards
Town Clerk	Jo-Ann Raia
Town Attorney	Cindy Elan-Mangano

**AGENDA FOR TOWN BOARD MEETING DATED AUGUST 19, 2014**

**BOARD OF TRUSTEES' MEETING FOLLOWING**

Opened: 9:55 P.M. Closed: 9:56 P.M.

**7:00 P.M. – TOWN HALL**

Opened: 7:04 P.M. Recessed: 8:00 P.M. Resumed: 8:25 P.M. Closed: 9:55 P.M.

(Resolutions #2014-386 to 2014-440)

**HEARINGS:**

**ACTION**

1. Consider adopting Local Law Introductory No. 32-2014, amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Pine Drive, Cold Spring Harbor – Parking Restrictions.

(Local Law Introductory No. 32-2014)

*Scheduled as per Resolution 2014-378 at 7-15-2014 Town Board Meeting*

**DECISION RESERVED**

2. Consider issuing a Certificate of Approval in an Historic District Re: 501 Sweet Hollow Road, Melville – Sweet Hollow Historic District. (Applicant: Ramin Rasuli) (SCTM #: 0400-256.00-01.00-013.000) (2014-ZC-3-Ch. 198)

*Scheduled as per Resolution 2014-383 at 7-15-2014 Town Board Meeting*

**DECISION RESERVED**

3. Consider authorizing various actions be taken upon certain properties designated as Blighted in accordance with Chapter 156, Article VII, §156-60 (Blighted Property). (SCTM #'S: 0400-039.00-01.00-023.000, 0400-250.00-02.00-068.000)

(2014-M-35)

*Scheduled as per Resolution 2014-382 at 7-15-2014 Town Board Meeting*

**DECISION RESERVED**

**HEARINGS (Continued):**

**ACTION**

4. Consider a Land and Tower License Agreement between Dix Hills Water District and New Cingular Wireless PCS, LLC for the installation, maintenance and use of cellular communications equipment at the Dix Hills Water District facility on Colby Drive.

(2014-M-36)

*Scheduled as per Resolution 2014-384 at 7-15-2014 Town Board Meeting*

**DEFEATED  
RESOLUTION 2014-431**

5. Consider a Land and Tower License Agreement between Dix Hills Water District and New Cingular Wireless PCS, LLC for the installation, maintenance and use of cellular communications equipment at the Dix Hills Water District facility on Wolf Hill Road.

(2014-M-37)

*Scheduled as per Resolution 2014-385 at 7-15-2014 Town Board Meeting*

**DEFEATED  
RESOLUTION 2014-432**

6. Consider adopting Local Law Introductory No. 31-2014, amending the Code of the Town of Huntington, Chapter 159 (Recreational Facilities), Article II (Use Regulations and Restrictions).

(Local Law Introductory No. 31-2014)

*Scheduled as per Resolution 2014-377 at 7-15-2014 Town Board Meeting*

**DECISION RESERVED**

7. Consider adopting Local Law Introductory No. 33-2014, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article VI (Historic Landmarks and Districts), Section 42 (Designation of Sites and Buildings), to revoke the designation as an Historic Landmark of the building and property known as The Cobb House, 17 Cherry Lane, Huntington, located at 19 Cherry Lane, Huntington, SCTM # 0400-077.00-02.00-026.002.

(Local Law Introductory No. 33-2014)

*Scheduled as per Resolution 2014-379 at 7-15-2014 Town Board Meeting*

**DECISION RESERVED**

8. Consider adopting Local Law Introductory No. 34-2014, amending the Code of the Town of Huntington, Chapter 166 (Shellfish Management), Article I (Title and Findings; Definitions), Article II (Taker's Permit Requirements), Article V (Refusal, Rescission and Appeals Procedures).

(Local Law Introductory No. 34-2014)

*Scheduled as per Resolution 2014-381 at 7-15-2014 Town Board Meeting*

**DECISION RESERVED**



**AGENDA FOR TOWN BOARD  
MEETING DATED: AUGUST 19, 2014**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2014-394.</b> <b>AUTHORIZE</b> the Supervisor to execute an agreement with the North Shore Veterinary Hospital and the League for Animal Protection for the purpose of conducting a free spaying and neutering program for pitbulls and pitbull mixes in recognition of National Pitbull Awareness Month. (Re: 10/1/2014-10/31/2014)	<b>FP</b> <b><u>SB</u></b>	<b>EC</b> <b><u>EC</u></b>	<b><u>5</u></b>
<b>2014-395.</b> <b>AUTHORIZE</b> the Town of Huntington Animal Shelter to waive the adoption fee for pitbulls and pitbull mixes in recognition of National Pitbull Awareness Month beginning October 1, 2014 and ending October 31, 2014.	<b>FP</b> <b><u>SB</u></b>	<b>EC</b> <b><u>EC</u></b>	<b><u>5</u></b>
<b>2014-396.</b> <b>AUTHORIZE</b> the Supervisor to execute various agreements for the continuation of a Youth Court Program for the 2014-2015 academic year. (Re: Harborfields Central School District, Huntington Union Free School District, South Huntington Union Free School District, Northport-East Northport Union Free School District; Period: 9/2014-8/2015)	<b>MC</b> <b><u>MC</u></b>	<b>TE</b> <b><u>TE</u></b>	<b><u>5</u></b>
<b>2014-397.</b> <b>AUTHORIZE</b> the Supervisor to accept a donation from the Junior Welfare League of Huntington to the Department of Parks and Recreation for various 2014 Summer Programs, nunc pro tunc.	<b>MC</b> <b><u>SB</u></b>	<b>EC</b> <b><u>EC</u></b>	<b><u>5</u></b>
<b>2014-398.</b> <b>AUTHORIZE</b> the use of Dix Hills Park pool by the children of Whitman Village Housing Development upon payment of a flat fee for the Summer of 2014, nunc pro tunc.	<b>SB</b> <b><u>MC</u></b>	<b>FP</b> <b><u>EC</u></b>	<b><u>5</u></b>
<b>2014-399.</b> <b>AUTHORIZE</b> the Huntington Township Chamber of Commerce to hold the Long Island Fall Festival at Huntington events and authorizing the Supervisor to execute a license agreement in conjunction with same. (Dates/Times: 10/10/2014-3:00 pm until 11:00 pm; 10/11/2014- 11:00 am – 11:00 pm; 10/12/2014 – 11:00 am – 11:00 pm; 10/13/2014 – 11:00 am – 5:00 pm)	<b>FP</b> <b><u>FP</u></b>	<b>EC</b> <b><u>SB</u></b>	<b><u>5</u></b>
<b>2014-400.</b> <b>AUTHORIZE</b> the change of name from Holzmacher, McLendon, & Murrell P.C. to H2M architects + engineers on the agreement to provide engineering services for the installation of water mains and appurtenances on Heller Court/Boces, Dix Hills, for the Dix Hills Water District. (Re: Resolution 2013-432 adopted at the 9/17/2013 meeting)	<b>SB</b> <b><u>SB</u></b>	<b>EC</b> <b><u>EC</u></b>	<b><u>5</u></b>
<b>2014-401.</b> <b>AUTHORIZE</b> the execution of an agreement with H2M architects + engineers to provide professional engineering services for an update of the sewer capacity usage study for the Huntington Sewer District.	<b>FP</b> <b><u>FP</u></b>	<b>SB</b> <b><u>SB</u></b>	<b><u>5</u></b>

**AGENDA FOR TOWN BOARD  
MEETING DATED: AUGUST 19, 2014**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2014-402.</b> AUTHORIZE the execution of a contract of sale and closing of title on a 7,841 square foot parcel of vacant land, located approximately 1,367 feet north of Ruland Road, on the easterly side of Walt Whitman Road, Melville, NY (SCTM #0400-267-1-57) to 569 Broadhollow Road LLC. (Subject to Permissive Referendum)	<u>MC</u>	<u>EC</u>	<u>5</u>
<b>2014-403.</b> AUTHORIZE a pilot use of the Woodbine Marina Parking Lot between Memorial Day and Labor Day in 2015 for temporary public parking.	<u>MC</u>	<u>EC</u>	<u>5</u>
<b>2014-404.</b> AUTHORIZE Masthead Cove Yacht Club to hold a recreational event at Gold Star Battalion Beach for the New York Special Olympics. (Re: 9/7/2014 – 8:00 AM – 5:00 PM)	<u>MC</u> <u>SB</u>	<u>EC</u>	<u>5</u>
<b>2014-405.</b> AUTHORIZE the correction of code violations at various locations pursuant to the Code of the Town of Huntington. (Re: Angel Solano, 89 East 9 <sup>th</sup> Street, Huntington Station, SCTM#0400-149.00-01.00-048.000, Chapters 133, 191; Stars Real Estate Holding, Inc C/O AK Sharma, 110 East 10 <sup>th</sup> Street, Huntington Station, SCTM#0400-146.00-03.00-127.000, Chapters 133, 156; Cory Brooks/Robin Wisch, 3 Burnham Lane, Dix Hills, SCTM#0400-263.00-01.00-003.000, Chapters 133, 156; Paul/Rosemary Gould, 516 Caledonia Road, Dix Hills, SCTM#0400-246.00-03.00-071.000, Chapter 133; Kyle Chaikin/Allison Vernick-Chaikin, 528 Caledonia Road, Dix Hills, SCTM#0400-246.00-03.00-073.000, Chapters 133, 156 [Section 45A & 46], 191; Karel Hibbert, 52 Cutting Street, Huntington, SCTM#0400-211.00-03.00-091.000, Chapters 133, 156; William/Gaetana Rattazzi, 29 Howe Street, Huntington Station, SCTM#0400-150.00-03.00-048.000, Chapters 133, 156; Carmine Allesandro, 17 Seward Drive, Dix Hills, SCTM#0400-264.00-02.00-019.000, Chapter 133; Roger/Susan Post, 198 Stony Hollow Road, Greenlawn, SCTM#0400-112.00-03.00-023.000, Chapters 133, 156; Teofil Kolodziejczyk, Washington Drive, Centerport, SCTM#'s 0400-039.00-01.00-022.000, Chapters 133, 156; Teofil Kolodziejczyk, 650 Washington Drive, Centerport, SCTM#0400-039.00-01.00-023.000, Chapter 133; Willie Burton, 8A 6 <sup>th</sup> Avenue, Huntington Station, SCTM#0400-142.00-02.00-039.000, Chapter 156; Stephen/Renee Danseglio, 24 Mill Lane, Huntington, SCTM#0400-071.00-02.00-065.000, Chapter 156; Tom/Benia Keogh, 19 Oakley Drive, Huntington Station, SCTM#0400-195.00-01.00-023.000, Chapter 156; Bank of New York/Mellon Trust Company, 222 West Pulaski Road, Huntington Station, SCTM#0400-138.00-03.00-046.000, Chapter 156; David McKay, 7 Sunset Drive, Huntington, SCTM#0400-098.00-02.00-035.000, Chapter 156)	<u>SB</u>	<u>EC</u>	<u>5</u>
<b>2014-406.</b> AUTHORIZE settlement of a lawsuit (Bouche, Judith v Town of Huntington, Index No.: 24200/2006).	<u>MC</u>	<u>TE</u>	<u>5</u>
<b>2014-407.</b> AUTHORIZE the settlement of a Lawsuit (McKenna v. Town of Huntington). (Supreme Court Index No.: 10-22595)	<u>MC</u>	<u>TE</u>	<u>5</u>
<b>2014-408.</b> AUTHORIZE the Town Attorney to commence a civil action against all responsible parties (Crown Castle NG East LLC).	<u>MC</u>	<u>SB</u>	<u>5</u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: AUGUST 19, 2014**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2014-409.</b> AUTHORIZE the Comptroller to appropriate monies from the Environmental Open Space and Park Improvement Fund for recommended Green Project (LIRR North Parking Garage). (Re: Purchase and install induction lighting fixtures)	<u><b>FP</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<b>2014-410.</b> AUTHORIZE the Comptroller to appropriate monies from the Environmental Open Space and Park Improvement Fund for recommended improvements (Mill Dam Park and Flanagan Center). (Re: Jox boxes and shade structure)	<u><b>FP</b></u> <u><b>SB</b></u>	<u><b>MC</b></u>	<u><b>5</b></u>
<b>2014-411.</b> AUTHORIZE the Comptroller to appropriate funds from the Parks and Recreation Capital Improvement Reserve for the purpose of funding the resurfacing of athletic courts-Department of General Services. (Subject to Permissive Referendum)	<u><b>FP</b></u> <u><b>SB</b></u>	<u><b>MC</b></u>	<u><b>5</b></u>
<b>2014-412.</b> AUTHORIZE the Comptroller to amend the 2014 Operating Budget for the Town of Huntington and its special districts – Highway Office.	<u><b>TE</b></u> <u><b>MC</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<b>2014-413.</b> AUTHORIZE the Comptroller to amend the 2014 Operating Budget for the Town of Huntington and its special districts-various departments.	<u><b>FP</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<b>2014-414.</b> ACCEPT the dedication of Reddy Place and a drainage easement for the subdivision known as Reddy Place Plat.	<u><b>EC</b></u>	<u><b>TE</b></u>	<u><b>5</b></u>
<b>2014-415.</b> ACCEPT a donation from Lisa Gaines for the donation of an Alco-Sensor FST to the Town of Huntington Maritime Services Department in honor and memory of Victoria Gaines.	<u><b>MC</b></u>	<b>EC</b> <b>TE</b> <b>FP</b> <u><b>SB</b></u>	<u><b>5</b></u>
<b>2014-416.</b> ACCEPT a donation from Reinwald’s Bakery for the donation of cookies to the Town of Huntington Senior Center, nunc pro tunc.	<u><b>TE</b></u> <u><b>SB</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2014-417.</b> ADOPT the recommendations of the Administrative Hearing Officer in the matter of the appeal of David J. Barrett (Re: Transportation for Hire Operator’s Permit). (Re: Approval)	<u><b>MC</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2014-418.</b> ADOPT the recommendations of the Administrative Hearing Officer in the matter of the appeal of Kevin S. Wagner (Re: Transportation for Hire Operator’s Permit). (Re: Approval)	<u><b>MC</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2014-419.</b> ADOPT the recommendations of the Administrative Hearing Officer in the matter of the appeal of Bryan K. Zapata, Jr. (Re: Transportation for Hire Operator’s Permit). (Re: Approval – Conditional permit for 90 days)	<u><b>MC</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2014-420.</b> REMOVED FROM THE AGENDA AT THE WORKSHOP.			

**AGENDA FOR TOWN BOARD  
MEETING DATED: AUGUST 19, 2014**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2014-421. REMOVED FROM THE AGENDA AT THE WORKSHOP.</b>			
<b>2014-422. APPROVE</b> the Marina Contract for summer storage at Town marinas for the year 2015.	<u><b>SB</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2014-423. DONATE</b> two (2) surplus 2002 Gem Electric Carts to the Greenlawn Civic Association to be used for Greenlawn Civic Association purposes.	<u><b>MC</b></u>	<u><b>FP</b></u> <u><b>EC</b></u>	<u><b>5</b></u>
<b>2014-424. REMOVED FROM THE AGENDA AT THE WORKSHOP.</b>			
<b>2014-425. AUTHORIZE</b> appropriate action(s) in accordance with Huntington Town Code Chapter 156 Property Maintenance; Nuisances, Article VII, Blighted Property, §156-67, action by Town Board for failure to comply or abate violations. (Re: Schedule A & B: Teofil S. Kolodziejczyk, 650 Washington Drive, Centerport, SCTM#0400-039.00-01.00-023.000; Joseph Cinquemani, 41 Hearthstone Drive, Dix Hills, SCTM#0400-250.00-02.00-068.000; Schedule D: Benjamin F. Hill, Sr., 93 West 11 <sup>th</sup> Street, Huntington Station, SCTM#0400-137.00-03.00-011.000; Delvis Arevalo/Elsa Bardales Banegas, 114 Columbia Street, Huntington Station, SCTM#0400-141.00-01.00-027.000; Robert Guerrero, 151 West Pulaski Road, Huntington Station, SCTM#0400-141.00-01.00-078.004)	<u><b>SB</b></u>	<u><b>FP</b></u> <u><b>EC</b></u>	<u><b>5</b></u>
<b>2014-426. ENACTMENT: ADOPT</b> Local Law Introductory Number 25-2014, considering Zone Change Application #2012-ZM-389, known as BK Elwood LLC (The Seasons at Elwood), to change the zoning from R-40 Residence District to R-RM Retirement Community District for the property located on the west side of Elwood Road, North of Fair Oaks Court, Elwood, SCTM# 0400-170-02-015.001. (Super Majority Vote required)	<u><b>FP</b></u>	<u><b>MC</b></u>	<u><b>FP-AYE</b></u> <u><b>MC-AYE</b></u> <u><b>SB-AYE</b></u> <u><b>TE-AYE</b></u> <u><b>EC-NO</b></u>
<b>2014-427. ENACTMENT: ADOPT</b> Local Law Introductory Number 26-2014 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Loret Lane, East Northport – Parking Restrictions.	<u><b>MC</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2014-428. ENACTMENT: ADOPT</b> Local Law Introductory Number 27-2014 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Holdsworth Drive, Huntington – Parking Restrictions.	<u><b>MC</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2014-429. ENACTMENT: ADOPT</b> Local Law Introductory Number 28-2014 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article I, §2-1, Schedule A. Re: Daly Road at Blacksmith Lane, Commack, Daly Road at Wicks Road and at Phyllis Drive/Willoughby Path, East Northport – Traffic Signal.	<u><b>TE</b></u> <u><b>SB</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: AUGUST 19, 2014**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2014-430. ENACTMENT: ADOPT</b> Local Law Introductory Number 29-2014 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article IV, §2-7, Schedule G. Re: Buhl Lane, Darrell Street, East Northport-Stop Signs.	<u>MC</u>	<u>EC</u>	<u>5</u>
<b>2014-431. ENACTMENT: AUTHORIZE</b> the Town Board to execute a land and tower license agreement between the Dix Hills Water District and Cingular Wireless PCS, LLC for the installation, maintenance, and use of cellular communications equipment at the Dix Hills Water District Facility on Colby Drive.	<b>Resolution Defeated</b>		
			MC-AYE
			FP-AYE
			SB-NO
			EC-NO
	<u>MC</u>	<u>FP</u>	<u>TE-ABST</u>
<b>2014-432. ENACTMENT: AUTHORIZE</b> the Town Board to execute a land and tower license agreement between the Dix Hills Water District and Cingular Wireless PCS, LLC for the installation, maintenance, and use of cellular communications equipment at the Dix Hills Water District Facility on Wolf Hill Road.	<b>Resolution Defeated</b>		
			MC-AYE
			FP-AYE
			SB-NO
			EC-NO
	<u>MC</u>	<u>FP</u>	<u>TE-ABST</u>
<b>2014-433. SCHEDULE A PUBLIC HEARING: September 16, 2014 at 2:00 PM</b> To consider adopting Local Law Introductory No. 35-2014, amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article IV, §2-7, Schedule G. Re: Locust Lane, Bayberry Road, Eatons Neck – Stop sign.	<u>FP</u>	<u>SB</u>	<u>5</u>
<b>2014-434. SCHEDULE A PUBLIC HEARING: September 16, 2014 at 2:00 PM</b> To consider adopting Local Law Introductory No. 36-2014, amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Broadway, Huntington Station-Parking Restrictions.	<u>FP</u>	<u>MC</u>	<u>5</u>
<b>2014-435. SCHEDULE A PUBLIC HEARING: September 16, 2014 at 2:00 PM</b> To consider adopting Local Law Introductory No. 37-2014, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions) and Article VI (Historic Landmarks and Districts).	<u>FP</u>	<u>MC</u>	<u>5</u>
<b>2014-436. SCHEDULE A PUBLIC HEARING: September 16, 2014 at 2:00 PM</b> To consider authorizing various actions be taken upon certain properties designated as blighted in accordance with Chapter 156, Article VII, §156-60 (Blighted Property). (Re: Schedule A - Estate of Shirley Kiesow, 413 2 <sup>nd</sup> Avenue W, East Northport, SCTM#0400-175.00-01.00-025.000; Irene/Ann Rostick, 14 Kirby Lane, Commack, SCTM#0400-222.00-01.00-097.000; Empire Property Solutions, LLC, 5 Kirby Lane, Commack, SCTM#0400-222.00-01.00-108.00; Robert/Lisa Cook, 4 Tuxedo Drive, Melville, SCTM#0400-253.00-02.00-055.000; Waterview Realty Properties, Inc, 349 Waterside Road, Northport, SCTM#0400-009.00-04.00-025.000; James/Judith/Neal Lovell, 26 Rustic Gate Lane, Dix Hills, SCTM#0400-277.00-02.00-062.000)	<u>SB</u>	<u>FP</u>	<u>5</u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: AUGUST 19, 2014**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2014-437. SCHEDULE A PUBLIC HEARING: September 16, 2014 at 2:00 PM</b> To consider authorizing the Supervisor to execute a license agreement for the use of a portion of Town of Huntington land identified as SCTM #0400-031.00-01.00-002.002 with 95 New York Avenue, LLC and Prime Events Inc. D/B/A The Harbor Club.	<b><u>FP</u></b>	<b><u>MC</u></b>	<b><u>5</u></b>
<b>2014-438. SCHEDULE A PUBLIC HEARING: September 16, 2014 at 2:00 PM</b> To consider issuing a Certificate of Approval in an Historic District Re: 20 East Main Street, Huntington – Old Huntington Green Historic District. (Applicant: Kelly DiVico; SCTM# 0400-073.00-02.00-005.001)	<b><u>SB</u></b>	<b><u>EC</u></b>	<b><u>5</u></b>
<b>2014-439. SCHEDULE A PUBLIC HEARING: September 16, 2014 at 2:00 PM</b> To consider issuing a Certificate of Approval at an individually designated site Re: 35 Greenlawn Road. (Applicant: Rene Neville-Conk; SCTM#0400-075.00-01.00-032.001)	<b><u>SB</u></b>	<b><u>FP</u></b>	<b><u>5</u></b>
<b>2014-440. URGE</b> the Long Island Power Authority (LIPA) and the Public Service Electric and Gas Company, Long Island (PSE&G Long Island) and the Department of Public Service – Long Island to evaluate and support the repowering of the Northport Power Plant as part of the overall evaluation of power needs on Long Island for the next decade and urging the Governor and the Long Island Delegations in Washington and Albany to support the effort to repower the Northport Power Plant.	<b><u>FP</u></b> <b><u>MC</u></b>	<b><u>EC</u></b> <b><u>SB</u></b>	<b><u>5</u></b>

**AGENDA FOR BOARD OF TRUSTEES'  
MEETING DATED: AUGUST 19, 2014**

**RESOLUTIONS:**

**OFF. SEC. VOTE**

**2014-BT6. SCHEDULE A PUBLIC HEARING: September 16, 2014 at 2:00 PM**  
To consider the issuance of a Special Use Permit pursuant to the Marine Conservation Law, Town Code Chapter 137, Applicant: Thomas Knutson Family Trust, Location: 17 Mill Dam Rd., Huntington, N.Y. S.C.T.M.  
#0400-031.00-01.00-011.000.

**FP**  
**EC      SB      5**

**INFORMATIONAL SHEET FOR:  
TOWN BOARD, BOARD OF TRUSTEES' AND COMMUNITY DEVELOPMENT  
MEETING DATED: August 19, 2014**

**COMMUNICATION**

**DISTRIBUTION**

1. Letters received Certified Mail – Applying for Liquor Licenses:  
From: Rookies (345 Main Street, Huntington); From: Patrick DeLuca for Zapata's (107 E. Jericho Turnpike, Huntington Station); From: Anthony Lanto for Huntington Hospitality Group LLC d/b/a to be determined (330 New York Avenue, Huntington);  

Supervisor  
Town Board  
Town Attorney  
Public Safety  
Fire Inspector  
Engineering Services  
Planning & Environment  
cc: Sewage Treatment Facility
2. Letters received Certified Mail – Renewal for Liquor Licenses:  
From: T. Cheng for Samurai Hibachi, Inc; From: T. Cheng for Tomo Hibachi;  
From: Xiao Fei Zheng for Precious Chinese Cuisine Corp.;  

Supervisor  
Town Board  
Town Attorney  
Public Safety  
Fire Inspector  
Engineering Services  
Planning & Environment  
cc: Sewage Treatment Facility
3. Letter received from Andrew Freleng, Chief Planner at the Suffolk County Department of Economic Development and Planning regarding BK Elwood LLC (The Seasons) zone change application. The commission adopted Resolution Number ZSR-14-14 regarding this project.  

Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
4. Public Notice received from Russell Mohr, Chairman of the Board of Zoning Appeals for the Incorporated Village of Laurel Hollow, regarding a meeting to be held on 7/30/2014 at 7:30 PM for the following properties: 1. 50 Wildwood Drive- lot line issues 2. & 3. 1685 Route 25A – disturb a steep slope, size and lot line issues 4. 1396 Ridge Road – disturb a steep slope.  

Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
5. Notice of Public Hearing from the Board of Zoning Appeals for the Village of Northport regarding a hearing to be held on 7/30/2014 at 7:00 PM for the following properties that require variances: 1. 31 Steers Avenue 2. 831 Fort Salonga Road 3. 11 Dolphin Lane 4. 73 Oak Street 5. 36 Chery Lawn Lane.  

Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
6. Letter received from Nancy Magno, District Treasurer for the Dix Hills Fire District, with a copy of their 2013 audited financial statements enclosed.  

Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
7. Letter received from Edward Flynn, District Treasurer for the Melville Fire District, with a copy of the Financial Statement and Independent Auditors' Report for 2013.  

Supervisor  
Town Board  
Town Attorney  
cc: Comptroller

8. Letters/emails received in opposition to the Seasons - BK Elwood from: Cheryl McGivney, Elyse Marino, Donna Wanser, MaryAnn Plump\*, Frank Petersen, Argy Koumas, Claire Sorg, Marybeth Tita, Lee Itzler, Dr. Victoria Siegel, James/Chae Talcott, Barbara Hermanns\*, Richard Donovan, Billy Donovan, Doreen Marino, Barbara Donovan, Lauren\*/ Dan Dieterich\*, Mary Silberstein, Mary Ellen Gambardella, Karen/Peter Steuerwalt, Richard/Patricia Klein, Theodore/Donna Diamond, Sherry Rabidou McNally, Richard/Charlotte Tortorici, Peter Hermanns, Agnes Musi, S. Brian Wilson, James Keck, Flore Family, Joseph Janas, Arlene/John Barker, Michael Statel, Agapi Bell\*, Alison Mitola, Katherine Aguirre, Joe Alicata, Liz Savitsky, Roni Yando, Richard Slesinski, Barbara /Paul Kirtcheff and Amanda/Jameson Moore, Lawrence Bilello, Rita/Michael D'Amato, K. Zureck (\*multiple submissions). cc: Planning & Environment
- Supervisor  
Town Board  
Town Attorney  
Engineering Services
9. Emails received in support of the Seasons – BK Elwood from: Michael Farasciano, Joyce Brathwaite, Jeffrey Lieberman, Barrie Gronbach, George Pincus, Richard Wurtz, Jeanne Pellicani, Louise Cunningham, Marie Esposito, Charida Budds, David Kent, Joyce Cali, Joyce Ann Bard, Ida Tobia-Russo, Nancy Karcz, Carol Nichol, Leona Miller, Carol Morisco, Maria Ryan, Edward Ryan, Theresa Schwab, Anthony Diorio, Eileen Maher-Lustig, Owen Caren, Marianne Beilfuss, Debbie Walton, Dorothy/Craig Selzer, Joel Kuppersmith, Nina Tomei, MD., Elisa Lumerman, Elaine Squillace, Eva Cinque, Charles Maccio, Gianfranco Martelloni, Maxine Hollander, Maryann Bilger, Randell Quigley, Roger Walmsley, Joseph Gambo, Marcy Bernstein, Joann Mauro, Albert Chew, Linda Healey, Kelly Rinaldi, Penny/George Martakis, John Savoca, Jack/Gail Schlein, Eugene Flynn, Holly/ Douglas Wohl, Carol Giambrone, Jessica Lafont, Denise Rivera-Conte, Barbara Buscaglia, Christine Kinhackl, Hector Lafont, Lorraine Levin, Harriet /Norman Garelick, Saverio DeRosa, Susan Wisoky, Jae Won Lee\*, Sun Whi Lee, Barbara Cavalier, Shelia Crane, Guan Hiok Yu, Samuel/Anne Marie Jones Andrew Matz, Linda Rusy, Bob/Angela Slingo, Michael Stella, Becky Nosel, Maria Florentin-Bove, Raymond Tucker, Gabriele Jones, Scott/Amy Pakes, William Topazio, Dale Lerner, Douglas/Roberta Erlagen, Janet Tortorella, Annette Brown, Lee Grebstein, Anna Hernandez, Carol/Ric Wicks, Blaine Stewart, Annette Pember, Mark Atchison, Ruth Resnick, Kathleen Fave, Deborah Jenks, Joan Pemrose-Borum, Antoninette Brown, Leonard Siper, Mary Ann Accardi, William Jantzen, Sean McGinty, Gabriel/Susan Zuckerman, Marcia Buonanno, Donald Vigliotti, Emilio De Turris, Marie Hardick\*, Ronald Pagano, Susan Zinner, Barbara Zas, James Einhorn, Cindy Schwartz, Nelson Hunter, Robert Sheehan, Allan Hoyt, Karen DelGiudice, Barbara Armstrong, Marie Peppard, Peter Carlin, Margaret/Frank Mannino, James/Dolores Alexander, Helen Buscemi, Colleen Boyle, Jessica Bariatti, April Mitzman, Joseph/Grace Werner, George Apuzzi, Scott Gilmore, Darlene Lukaszewicz, Bob/Rosemarie Brickman, Linda Ebaugh, Linda Greenwald, M. Manning, Sun Whi Lee, Douglas Smith, Donna Sanzeri, Susan Menditto, Myra Carlin, Sandra Behrman, Janet Osborne, Thomas Pasqua, Frances Bove, Louise/Joseph Verfenstein, William Schmidt, David Walsh, Maureen Herbst, Rosemarie Brickman, Heather Werthessen, Karen Adler, Arthur/Christine Ravella, Lois Giordano, Bernard Simoes, Alice Kazandjian, Mark Goldberg and Joanne Grib I, Pau D'Andrea, Robert/Barbara Weinberg, K. McCormack (\*multiple submissions) cc: Planning & Environment
- Supervisor  
Town Board  
Town Attorney  
Engineering Services
10. Letters received in support of the proposed Benchmark Senior Living Facility at 25A and Old Northport Road from: Merle Perlow, Robert/Lorraine Hofmann, Anthony Boccio, William Hondi, Jan Brenner, Donna Azzara and Angela Gobler. cc: Planning & Environment
- Supervisor  
Town Board  
Town Attorney  
Engineering Services
11. Emails received in opposition to the proposed Benchmark Senior Living Facility at 25A and Old Northport Road from: Barbara Lukacovic, Elisabeth Dreizen and Genevieve Dreizen. cc: Planning & Environment
- Supervisor  
Town Board  
Town Attorney  
Engineering Services

12. Email received regarding Marilyn McDermott's petition "Town of Huntington: Fund a road study for Woodbury Road, Town of Huntington" submitted by: Luiza Raab, Renee Borkenstein, Laura Broderick, Jeanne Turner, Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Traffic & Transportation
13. Email received from Wendi Stranieri requesting that the Town Board request another hearing be held by the Suffolk County Planning Commission on the Oak Tree Dairy/ Engel Burman project.\*(Multiple requests). Also submitted was an email in opposition of the proposed Engel Burman project for the Oak Tree Dairy Site. Included was a site plan for "The Meadows" located in West Hempstead. The writer indicates that discussions should be entered into with the owners of the Mediavilla property. Additional email submitted against this project; attached were copies of advertisements by Engel Burman. Email received stating the Newsday article was misleading. Also attached was a copy of the letter from the Law Offices of Ingerman Smith, LLP dated June 12, 2014. Email received from Wendi Stranieri regarding the Suffolk County Planning Commission and the Engel Burman project. Email received from Wendi Stranieri regarding an email she received from the Seasons at Elwood advising residents to show their support for the Elwood project at the August 19, 2014 Town Board meeting; the writer indicates this is the wrong place and the wrong developers. Additional email received regarding Calverton Enterprise Park fiasco by Jan Burman; writer indicates Jan Burman abandoned a project on industrial property he purchased. Additional email received from W. Stranieri in opposition to the BK Elwood project. The writer advises in the past two weeks 1320 letters against the build have been filed. Town Attorney  
Engineering Services  
cc: Planning & Environment
14. Letter received from Richard Koubek, President of the Huntington Township Housing Coalition in support of the Seasons at Elwood. Town Attorney  
Engineering Services  
cc: Planning & Environment
15. Email received from Carl/Marsha Wand in opposition to the re-zoning of property on Deer Park Avenue from residential to permit a housing complex for senior citizens. Town Attorney  
Engineering Services  
cc: Planning & Environment
16. Letter received from Tom Hogan, enclosed was a copy of the 2015 Budget for the Cold Spring Harbor Business Improvement Association, LTD. Supervisor  
Town Board  
cc: Town Attorney
17. Email received from Elissa Iannicello, the Northport Village Treasurer, with the website for the 2014/2015 adopted budget. Supervisor  
Town Board  
cc: Town Attorney
18. Email received from Marilyn McDermott regarding another fatality on Woodbury Road. Included were pictures of the accident. Supervisor  
Town Board  
Town Attorney  
cc: Traffic & Transportation
19. Letter received from Carol Albano, Director of the Harborfields Public Library, advising that the Harborfields Board of Trustees for the year 2014-2015 have taken their oaths and providing a list of the members and their titles. Supervisor  
Town Board  
cc: Town Attorney
20. Email received from Susan Matthews regarding the non-working Greenlawn Town Clock. The writer is requesting that the clock receive the electricity from the street light. S. Berland  
E. Cook  
Town Attorney  
cc: Traffic & Transportation
21. Letter received from Kristi Cartolano, District Secretary for the Eaton's Neck Fire District. Attached was a copy of the 2013 Year End Audit Report and Comments. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller

22. Email received from Liz Savitsky regarding the Engel Burman project at Oak Tree Dairy site. The writer is opposed to developing on potentially toxic soil. Town Attorney  
Engineering Services  
cc: Planning & Environment
23. Letters received from Andrew Freleng, Chief Planner for the Suffolk County Planning Commission regarding A) Town of Huntington Resolution #2014-379 and B) Town of Huntington Resolution # 2014-381. Both of these matters are to be considered a matter for local . This decision is not to be construed as either an approval or disapproval. Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
24. Email submitted from George Reisner, a resident and merchant in the Town of Huntington. The emails pertains to the current construction in the Gerard Street Parking Lot and also the need for a parking structure. Town Attorney  
Engineering Services  
cc: Planning & Environment
25. Email received from Jennifer Cheshire regarding a rat situation she encountered at the Oak Tree Dairy site, years ago. Town Attorney  
Engineering Services  
cc: Planning & Environment
26. Letter received from Kerri O'Brien, Deputy Commissioner for the NYS Division of Alcoholic Beverage Control, regarding a Public Hearing to be held on August 21, 2014 at 11:00 AM at 317 Lenox Avenue, New York, NY. The hearing is regarding a liquor license for venue located at 26 Clinton Avenue, Huntington d/b/a Char Grille, there are at least three other licensed and operating on-premises liquor establishments located within 500 foot radius of this establishment. Supervisor  
Town Board  
Town Attorney  
Public Safety  
Fire Inspector  
Engineering Services  
Sewage Treatment Facility  
cc: Planning & Environment
27. Letter received from Denise Rossi, Financial Secretary for the Commack Volunteer Ambulance Corps., included was a copy of the 2015 Budget. Supervisor  
Town Board  
cc: Town Attorney
28. Petition hand delivered on August 6, 2014 by Wendi Straneri. Petition is in opposition to the application for the re-zoning of the Oak Tree Dairy site by BK Elwood LLC d/b/a Engel Burman Group. There were 207 signed petitions delivered. The petition refutes S. Berland's statement that the developers " would be entitled to 14.5 units per acre and now this is under 7" such that it is a number that should be considered. On 8/14/2014, there was an additional 181 petitions hand delivered by Wendi Straneri. On 8/19/2014, there was an additional 131 petitions hand delivered by W. Straneri. Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
29. Letter hand delivered from Pam Schiel regarding the BK Elwood project. The letter is regarding source water. Attached were multiple maps. The writer requests that the Town Board members vote against the proposed project or extend the vote until a site specific source water assessment can be done Using Complex Source Water Assessment Program Tools to protect drinking water. Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
30. Email received from Rebecca Marcus regarding two Department of Justice suits against Seasons in the Town of Oyster Bay. Supervisor  
S. Berland  
M. Cuthbertson  
T. Edwards  
Town Attorney  
Engineering Services  
cc: Planning & Environment
31. Petition hand delivered on August 7, 2014, by Cheryl Silberman, Director of Public Affairs for the Engel Burman Group. Attached were 77 letters in support of the Seasons at Elwood. On August 19, 2014, an additional 38 letters of support were hand delivered by C. Silberman. Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment

32. Petition hand delivered on August 8, 2014, by Wendi Stranieri. Petition is in opposition to the application for the re-zoning of the Oak Tree Dairy site by BK Elwood LLC d/b/a Engel Burman Group. The letter references the environmental contaminants that have been found on the site. There were 125 signed petition letters submitted. On 8/14/2014, an additional 89 petitions were hand delivered by Wendi Stranieri. On 8/19/2014, an additional 226 petitions were hand delivered by W. Stranieri.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
33. Letter received from Shelli Silverstein advising that they want to go on record that they are in favor of valet parking in the municipal lots in town.
- Supervisor  
Town Board  
Town Attorney  
cc: Traffic & Transportation
34. Petition hand delivered on August 11, 2014, by Wendi Stranieri. Petition is in opposition to the application for the re-zoning of the Oak Tree Dairy site by BK Elwood LLC d/b/a Engel Burman Group. The petition references the quality of life for this area. There were 148 signatures on the petition. An additional 103 petitions were hand delivered by Wendi Stranieri on 8/14/2014. On 8/19/2014, an additional 110 petitions were hand delivered by W. Stranieri.
- Supervisor  
Town Board  
Town Clerk  
Engineering Services  
cc: Planning & Environment
35. Email submitted from Hannah Becker regarding the preservation of Pickle Park. The writer is in full support of preserving the park.
- Town Attorney  
cc: Parks & Recreation
36. Email forwarded from Eugene Cook's office, from Agapi Bell, thanking Mr. Cook for his support and his "no" vote on the Engel Burman project at the Oak Tree Dairy site.
- Supervisor  
S. Berland  
M. Cuthbertson  
T. Edwards  
Town Attorney  
Engineering Services  
cc: Planning & Environment
37. Email received from Edward Franz, addressed to the Planning Board, regarding the Dunkin Donuts located at 281 Walt Whitman Road and its request for relief of codes, interpretation of codes and a special use permit. The writer is requesting that the application be denied.
- Supervisor  
Town Board  
Town Attorney  
cc: Engineering Services
38. Letter received from Cheryl McGiveney, regarding an article in Newsday, "Step Forward for the Seasons". The writer indicates that the majority of the area residents are against the proposal and they are being ignored.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
39. Letter, hand delivered, signed by Edward McCarthy of the Law Offices of Ingerman Smith, LLP, the counsel for the Elwood Union Free School District. The letter reiterates the Elwood School Districts opposition to the zone change submitted for the Seasons at Elwood project submitted by BK Elwood. Also included was a copy of the letter submitted by the Law Office on behalf of the school district, dated June 12, 2014, which was also in opposition of this project.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
40. Email received from Lawrence Connelly, with a copy of a letter written by his wife, Angela Connelly, regarding Public Hearing #1 on the August 19, 2014 agenda. The writers are in opposition to the proposed parking restrictions on Pine Drive in Cold Spring Harbor. The writers indicate only their home will be impacted by this new regulation.
- Town Attorney  
cc: Traffic & Transportation

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR AND RECEIVE FINANCIAL ASSISTANCE FROM THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND, COUNCILMAN CUTHBERTSON**

WHEREAS, the State of New York provides financial aid for household hazardous waste programs, and

WHEREAS, the Town maintains a permanent household hazardous waste disposal facility at the Town's Recycling Center that allows residents to safely dispose of their household hazardous wastes thereby protecting the health and safety of our drinking water and the environment, and

WHEREAS, the operation of this facility qualifies the Town to apply for this aid from the state which will potentially reimburse fifty percent of the costs incurred with the disposal of items collected at the Town's facility, and

WHEREAS, submitting this application is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to apply for and receive financial assistance from the New York State Department of Environmental Conservation for the Household Hazardous Waste Program and to execute any documents in connection therewith upon such terms and conditions as are acceptable to the Town Attorney

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2014-387

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE RECONSTRUCTION OF HUNTINGTON TOWN DOCK WITH TERRY CONTRACTING & MATERIALS, INC.

Resolution for Town Board Meeting Dated: August 19, 2014

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the project entails removal and replacement of approximately 370 LF of existing timber bulkhead with an epoxy coated steel bulkhead. Other improvements include replacement of the existing sanitary pump out facility which discharges to the existing sewer main, drainage improvements, pedestrian lighting and parking lot/walkway restoration. The project is located on New York Avenue (Route 110) on Huntington Harbor between the Harbor Club Restaurant and the Ketewomoke Yacht Club; and

WHEREAS, sealed bids were received on August 14, 2014, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the reconstruction of Huntington Town Dock, Contract No. ES 2014-01/O-C and the same were opened publicly and read aloud; and

WHEREAS, Terry Contracting & Materials, Inc., 1146 Osborn Avenue, Riverhead, New York 11901 is the lowest responsive, responsible bidder; and

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power and duties as are conferred or imposed upon it and one such power and duty is to approve all budgetary amendments; and

WHEREAS, the Town Board has appropriated funds to be set aside for the purpose of funding future capital projects in a Parks and Recreation Capital Improvement Reserve Fund in accordance with Section 6-c of General Municipal Law; and

WHEREAS, this resolution is adopted subject to permissive referendum as set forth in Town Law Section 90 and shall take effect thirty (30) days after its adoption or, if a referendum is held, upon the affirmative vote of a majority of the qualified electors of the issuer voting on the referendum; and

WHEREAS, the reconstruction of the Town Docks is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(2), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Terry Contracting & Materials, Inc. for the reconstruction of Town Docks. The contract period shall be effective upon the execution of the contract for a period of one hundred and twenty (120) days, for an amount not to exceed the sum of ONE MILLION THREE HUNDRED NINETY NINE THOUSAND TWO HUNDRED FIFTY-NINE AND 30/100 (\$1,399,259.30) DOLLARS, and authorizes the Director of Engineering Services to execute change orders up to 5% of the proposed amount to be charged to EG7197-2103, and upon such other terms and conditions as may be acceptable to the Town Attorney.

FURTHER BE IT RESOLVED the Town Board authorizes the Comptroller to appropriate \$150,000 from the Parks & Recreation Capital Improvement Reserve for the purpose of funding the reconstruction of the Town Docks.

FURTHER BE IT RESOLVED THAT the Town Clerk is hereby authorized and directed to, within ten (10) days after the adoption of this resolution, cause this resolution to be (a) published in the official newspapers of the Issuer, and (b) posted on the sign board of the Town maintained pursuant to the Town Law, together with a notice of adoption thereof.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE COLLECTION, PROCESSING, DISPOSAL & MARKETING OF OLD CORRUGATED CARDBOARD (OCC) AND MIXED OFFICE PAPER (MOP) WITH DEMATTEO SALVAGE CO., INC.

Resolution for Town Board Meeting Dated: August 19, 2014

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

and seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, the Town of Huntington collects Old Corrugated Cardboard (OCC) and Mixed Office Paper (MOP) from various businesses and residences located within the Town which requires processing, disposing and marketing of same in an environmentally sound manner; and

WHEREAS, sealed proposals were received on July 25, 2014 by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the Collection, Processing, Disposal & Marketing of Old Corrugated Cardboard (OCC) and Mixed Office Paper (MOP), RFP No. 2014-07-011 and the same were opened and read aloud; and

WHEREAS, DeMatteo Salvage Co., Inc., 90 Gleam Street, West Babylon, New York 11704 is the successful responsive and responsible proposer; and

WHEREAS, the collection, processing, disposal & marketing of old corrugated cardboard (OCC) and mixed office paper (MOP) is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(20), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection therewith, with DeMatteo Salvage Co., Inc. for the collection, processing, disposal & marketing of old corrugated cardboard (OCC) and mixed office paper (MOP). The contract period shall be effective for a two (2) year term commencing upon execution of the contract but not prior to October 14, 2014 and upon mutual agreement of the vendor and the Town the contract may be extended for one (1) renewable option for an additional two (2) years upon mutual consent and, to be deposited into fund SR2651, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2014-389

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE CONTRACT FOR INSURANCE BROKERAGE SERVICES WITH BORG & BORG INC. AS THE BROKER OF RECORD

Resolution for Town Board Meeting Dated: August 19, 2014

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town sought proposals from qualified insurance brokers to provide broker and consulting services for the Town's insurance needs and requirements for the Town's various properties, operations and organizations; and

WHEREAS, various types and levels of insurance are needed to protect the Town while meeting the enhanced level of operational service required in an efficient and cost effective manner; and

WHEREAS, Town Board Resolution 2010-338 authorized the execution of a contract with Borg & Borg Inc. for insurance brokerage services, RFP 2010-04-005 and Town Board Resolution 2013-428 authorized the first one (1) year extension at the same prices terms and conditions; and

WHEREAS, said contract provides for two (2) one (1) year extensions with no increase in the price or change in the terms and conditions; and

WHEREAS, Borg & Borg Inc., 148 East Main Street, Huntington, New York 11743-2909 has requested the final one (1) year extension; and

WHEREAS, the authorization to extend a contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the contract, and any documents in connection and related therewith, with Borg & Borg Inc. for insurance brokerage services. The final extension period shall be effective for one (1) year commencing on September 21, 2014, for an amount not to exceed the sum of THIRTY THOUSAND AND NO/100 (\$30,000.00) DOLLARS to be charged A1910-4150, and upon such other terms and conditions as may be acceptable to the Town Attorney.

2014-389

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2014-390

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A REQUIREMENTS CONTRACT FOR THE DETROIT DIESEL ENGINE PARTS AND ALLISON TRANSMISSION PARTS AND SERVICE WITH DRIVE TRAIN TRUCK PARTS CORP.

Resolution for Town Board Meeting Dated: August 19, 2014

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

and seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, the maintenance of transmissions and engines on Town vehicles is required in order to facilitate efficiency of services and prolong the life expectancy of the vehicles; and

WHEREAS, sealed bids were received on July 10, 2014, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the Detroit diesel engine parts and Allison transmission parts and service, Bid No. TOH 14-07R-045 and the same were opened publicly and read aloud; and

WHEREAS, Drive Train Truck Parts Corp., 763 Blue Point Road, Holtsville, New York 11742 is the lowest responsive, responsible bidder; and

WHEREAS, the Detroit diesel engine parts and Allison transmission parts and service is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and (c)(25), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a requirements contract, and any documents in connection and related therewith, with Drive Train Truck Parts Corp. for the Detroit diesel engine parts and Allison transmission parts and service. The contract period shall be effective for a one year period commencing upon execution of the contract but not prior to September 2, 2014 and upon mutual agreement of the vendor and the Town, the contract may be extended for one (1) additional one (1) year period under the same prices, terms and conditions, to be charged to various department operating budgets under object code 4520, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR STORM RELATED FENCE REPAIR WITH THE LANDTEK GROUP, INC.

Resolution for Town Board Meeting Dated: August 19, 2014

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

WHEREAS, under this requirements contract, the Contractor shall provide all necessary labor, equipment and materials to perform fence repairs due to storm damage, typically in recharge basins. The items in this contract also include any clearing and subsequent restoration required to access the work site in accordance with Town of Huntington requirements and construction specifications; and

WHEREAS, Town Board Resolution 2013-424 authorized the execution of a contract with The Landtek Group, Inc. for storm related fence repair, Bid No. TOH 13-09R-053; and

WHEREAS, said requirements contract provides for three (3) one (1) year extensions with no increase in the bid price or change in the terms and conditions; and

WHEREAS, The LandTek Group, Inc., 235 County Line Road, Amityville, New York 11701 has requested the first one (1) year extension; and

WHEREAS, the authorization to extend a contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with The Landtek Group, Inc. for storm related fence repair. The extension period shall be effective for one (1) year commencing on October 10, 2014 to be charged to those budgets required to implement the work, on an as needed basis, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH GIBBONS, ESPOSITO & BOYCE ENGINEERS P.C HIRISE ENGINEERING, P.C. REGARDING TRAFFIC CALMING STUDY AND DEVELOPMENT OF RECOMMENDATIONS FOR WOODBURY ROAD

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by: Councilwoman Berland  
Councilman Cuthbertson

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Traffic Safety Division has received multiple request from residents concerned with frequent accidents and high vehicle speeds; and

WHEREAS, the Director of Transportation and Traffic Safety has determined that it is necessary for the Town to utilize a professional traffic engineering consultant to perform traffic calming study on Woodbury Road, make recommendations for improvements, prepare conceptual plans and preliminary cost estimates for discussion; and

WHEREAS, The Town of Huntington Department of Transportation and Traffic Safety requested Proposals from four qualified firms for Professional Traffic Engineering services; and

WHEREAS, The Director of Transportation and Traffic Safety evaluated the proposals and determined that Gibbons, Esposito & Boyce Engineers P.C. HiRise Engineering, P.C. submitted the lowest responsive, responsible proposal and is qualified to perform the services; and

WHEREAS, this contract for a traffic calming assessment and recommendation is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(18) and (c)(21), and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with Gibbons, Esposito & Boyce Engineers P.C. HiRise Engineering, P.C. located at 50 Charles Lindbergh, Suite 503, Uniondale, N.Y. 11553 to provide a traffic calming study on Woodbury Road, make recommendations for improvements, prepare conceptual plans and preliminary cost estimates for discussion as set forth in the Scope of Services, in an amount not to exceed TWENTY-FOUR THOUSAND EIGHT HUNDRED EIGHTEEN DOLLARS AND 52/100 (\$24,818.52) DOLLARS, and authorizes the Director of Transportation and Traffic Safety to execute change orders with an aggregate value up to

10% of the engineering services costs to be charged to the B3310-4550, and upon such other terms and conditions as may be acceptable to the Office of the Town Attorney.

FURTHER BE IT RESOLVED the Comptroller is authorized to amend the 2014 Operating Budget as follows:

Increase the following appropriation:

B3310-4550            Outside Professional            \$15,000

Decrease the following appropriation:

B1910-4150            \$15,000

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF HUNTINGTON AND LOCAL 342, LONG ISLAND UNITED MARINE DIVISION, INTERNATIONAL LONGSHOREMAN'S ASSOCIATION AFL-CIO FOR THE PROVISION OF A SALARY SCHEDULE FOR SUMMER SEASONAL PERSONNEL, NUNC PRO TUNC.

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILWOMAN BERLAND, COUNCILWOMAN EDWARDS

WHEREAS, the Town of Huntington and the Local 342, Long Island United Marine Division, International Longshoreman's Association AFL-CIO(Local 342), have entered into a collective bargaining agreement for the period January 1, 2011 and expiring December 21, 2015; and

WHEREAS, the parties agreed to negotiate a salary plan for summer seasonal personnel as part of that collective bargaining agreement; and

WHEREAS, the previous salary schedule for summer seasonal personnel represented by Local 342 expired on December 31, 2013; and

WHEREAS, the parties have engaged in negotiating a new salary schedule for summer seasonal personnel; and

WHEREAS, the execution of a collective bargaining agreement for summer seasonal personnel is not an action as defined by 6 N.Y.C.R.R Section 617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement between the Town of Huntington and Local 342, Long Island United Marine Division, International Longshoreman's Association AFL-CIO for the provision of as salary for summer seasonal personnel for the period January 1, 2014 expiring December 31, 2015, nunc pro tunc.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE NORTH SHORE VETERINARY HOSPITAL AND THE LEAGUE FOR ANIMAL PROTECTION FOR THE PURPOSE OF CONDUCTING A FREE SPAYING AND NEUTERING PROGRAM FOR PITBULLS AND PITBULL MIXES IN RECOGNITION OF NATIONAL PITBULL AWARENESS MONTH BEGINNING OCTOBER 1, 2014 AND ENDING OCTOBER 31, 2014.

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by: **SUPERVISOR PETRONE, COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town Board desires to promote the health, safety and welfare of the community; and

WHEREAS, the Town Board desires to improve the health of pitbulls and pitbull mixes in the Town of Huntington; and

WHEREAS, the Town Board in conjunction with North Shore Veterinary Hospital, 835 Fort Salonga Road, Northport, New York, and the League for Animal Protection, 4 Deposit Road, East Northport, New York desire to conduct a spaying and neutering clinic in an effort to improve the quality of health of pitbulls and pitbull mixes for the month of October 2014 at the North Shore Veterinary Hospital and the League for Animal Protection in recognition of National Pitbull Awareness Month;

WHEREAS, conducting a spaying and neutering clinic for pitbulls and pitbull mixes is not an action as defined by 6 NYCRR §617.2 (b) and therefore no further SEQRA review is required.

NOW THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with North Shore Veterinary Hospital and the League for Animal Protection to conduct a no cost spaying and neutering clinic for pitbulls and pitbull mixes for the Town of Huntington from October 1, 2014 to October 31, 2014 and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES: 5        NOES: 0        ABSTENTIONS: 0

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

THE RESOLUTION WAS THERE UPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE TOWN OF HUNTINGTON ANIMAL SHELTER TO WAIVE THE ADOPTION FEE FOR PITBULLS AND PITBULL MIXES IN RECOGNITION OF NATIONAL PITBULL AWARENESS MONTH BEGINNING OCTOBER 1, 2014 AND ENDING OCTOBER 31, 2014

Resolution for Town Board Meeting Dated: August 19, 2014

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

And seconded by: COUNCILMAN COOK

WHEREAS, under current Town Code, the adoption fee for a seized pitbulls and pitbull mixes is eighty dollars (\$80), which includes the spaying and/or neutering of an adopted dog; and

WHEREAS, the Town Board wishes to waive the adoption fee in recognition of National Pitbull Awareness Month for the period beginning October 1, 2014 and ending October 31, 2014; and

WHEREAS, the Town of Huntington wishes to waive the animal adoption fee due to the overcrowding at the Animal Shelter; and

WHEREAS, the implementation of the animal adoption fee waiver will allow families to adopt pitbull and pitbull mixes that are in desperate need of a home at this time of year, and

WHEREAS, the animal adoption fee waiver is not an action defined by 6 N.Y.C.R.R. § 617.2 (b), and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY WAIVES the Town of Huntington's Animal Shelter animal adoption fee from the period beginning October 1, 2014 and ending October 31, 2014.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisors Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Tracey Edwards	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2014-396

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE VARIOUS AGREEMENTS FOR THE CONTINUATION OF A YOUTH COURT PROGRAM FOR THE 2014-2015 ACADEMIC YEAR

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by: Councilman Cuthbertson

And seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, the Town of Huntington and Harborfields High School, Huntington High School, Walt Whitman High School, and Northport High School desire to continue a Youth Court Program through the Youth Bureau for the academic year commencing September 2014 and continuing through August 2015; and

WHEREAS, the Town, by its lawfully constituted Town Board, hereby agrees to allocate staffing and necessary resources for the Town's Youth Court Program; and

WHEREAS, the continuation of the Youth Court Program is contingent upon each participating school district entering into an agreement with the Town of Huntington; and

WHEREAS, due to the unique nature of the Youth Court Program, the Town of Huntington waives the requirement of insurance; and

WHEREAS, the execution of an agreement is not an action pursuant to 6 N.Y.C.R.R. §617.2 (B) and therefore no further SEQRA review is required.

NOW, THEREFORE BE IT RESOLVED

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute agreements with the following school districts:

Harborfields Central School District  
2 Oldfield Road  
Greenlawn, New York 11740

Huntington Union Free School District  
50 Tower Street  
Huntington Station, New York 11746

South Huntington Union Free School District  
60 Weston Street  
Huntington Station, New York 11746

2014-396

Northport-East Northport Union Free School District  
110 Elwood Road  
Northport, New York 11768

for the continuation of a Youth Court Program for the academic year commencing September 2014 and continuing through August 2015, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO ACCEPT A DONATION FROM THE JUNIOR WELFARE LEAGUE OF HUNTINGTON TO THE DEPARTMENT OF PARKS AND RECREATION FOR VARIOUS 2014 SUMMER PROGRAMS, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: August 19, 2014

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

WHEREAS, the Junior Welfare league of Huntington, P.O. Box 107 Huntington, New York 11743 has made a donation in the amount of EIGHT THOUSAND AND EIGHT HUNDRED AND FIFTY SIX DOLLARS (\$8,856) to the Department of Parks and Recreation for various Town summer programs in 2014; and

WHEREAS, the donation is to be used to provide a camp experience for as many needy children as possible in the Town; and

WHEREAS, the acceptance of this donation is not an action as defined by 6 N.Y.C.R.R. 671.2 (b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY ACCEPTS a donation from the Junior Welfare League of Huntington, nunc pro tunc, in the amount of \$8,856 to be deposited as follows: \$90 into Revenue Account A2001; \$512 into Revenue Account A2006; \$7,884 into Revenue Account A2008; \$370 into Revenue Account A2007, and thanks them for their generosity.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE USE OF DIX HILLS PARK POOL BY THE CHILDREN OF WHITMAN VILLAGE HOUSING DEVELOPMENT UPON PAYMENT OF A FLAT FEE FOR THE SUMMER OF 2014, NUNC PRO TUNC.

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by **COUNCILWOMAN BERLAND, COUNCILMAN CUTHBERTSON** and seconded by **SUPERVISOR PETRONE, COUNCILMAN COOK**

WHEREAS, Whitman Village Housing Development, 160A Lowndes Avenue, Huntington Station, New York 11746 has expressed a desire to provide an additional recreational outlet for the children in their community during the summer of 2014; and

WHEREAS, they have requested that the children in their housing community be allowed the use of Dix Hills Park Pool upon the presentation of proper identification for a flat fee of ONE HUNDRED AND NO/100 (\$100) DOLLARS per complex; and

WHEREAS, the use of Dix Hills Park Pool for this purpose is a Type II action, pursuant to 6 N.Y.C.R.R. Section 617.5 (c) (20) and therefore no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the use of Dix Hills Park Pool by the children of Whitman Village Housing Development upon payment of a flat fee of ONE HUNDRED AND NO/100 (\$100) DOLLARS per complex for the summer of 2014.

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor Frank P. Petrone			<b>AYE</b>
Councilwoman Susan A. Berland			<b>AYE</b>
Councilman Eugene Cook			<b>AYE</b>
Councilman Mark A. Cuthbertson			<b>AYE</b>
Councilwoman Tracey Edwards			<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2014-399

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

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, the Huntington Township Chamber of Commerce (the "Chamber") has requested permission to hold The Long Island Fall Festival at Huntington events on Friday, October 10, 2014, between the hours of 3pm and 11:00 pm; Saturday, October 11, 2014 between the hours of 11:00 a.m. and 11:00 p.m.; Sunday, October 12, 2014, between the hours of 11:00 a.m. and 11:00 p.m.; and Monday, October 13, 2014 between the hours of 11:00am and 5 pm; and

WHEREAS, the Chamber has requested permission to open the festival with a carnival, live band entertainment, Corporate Sponsors, Food Court, and a Beer & Wine Tasting on Friday, October 10, 2014, with the use of the Harry Chapin Rainbow Stage for live performances through Monday, October 13, 2014 for the Festival live band entertainment; and

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

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

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

WHEREAS, the authorization of the Long Island Fall Festival at Huntington events and execution of a license agreement in conjunction with same is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20), and therefore no further SEQRA review is required.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Huntington hereby authorizes the Huntington Township Chamber of Commerce to hold The Long Island Fall Festival at Huntington events on Friday, October 10, 2014, between the hours of 3:00 pm and 11:00 pm; Saturday, October 11, 2014 between the hours of 11:00 a.m. and 11:00 p.m.; Sunday, October 12, 2014, between the hours of 11:00 a.m. and 11:00 p.m.; and Monday, October 13, 2014 between the hours of 11:00am and 5:00pm; and be it further

RESOLVED, that the Town Board of the Town of Huntington hereby authorizes the Chamber to open the festival with a carnival, live band entertainment, Corporate Sponsors, Food Court, and a Beer and Wine Tasting on Friday, October 10, 2014, with the use of the Harry Chapin Rainbow Stage for live performances through Monday, October 13, 2014 for the Festival live band entertainment; and be it further

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

1. Authorizes the use of the Harry Chapin Rainbow Stage in conjunction with the Huntington Arts Council on Friday, October 10, 2014, beginning at 3 pm and ending at 11:00 p.m.; Saturday, October 11, 2014, beginning at 11:00 a.m. and ending at 11:00 p.m.; Sunday, October 12, 2014, beginning at 11:00 a.m. and ending at 11:00 p.m.; and Monday, October 13, 2014;
2. Authorizes the use of the cottage at Heckscher Park as a command center and the exterior grounds thereof as a first aid station, beginning at 2:00 p.m. on Friday, October 10, 2014 through Sunday, October 12, 2014 at 10:00 p.m., inclusive; and
3. Grants permission for restricted parking by special pass for the disabled issued by the Chamber for Saturday, October 11, 2014 and Sunday, October 12, 2014, beginning at 11:00 a.m. and ending at 11:00 p.m., at the following Town parking fields:
  - A. 150 parking spaces in the lot of the John J. Flanagan Center (Village Green Parking Lot).
  - B. Town Hall Lot.
  - C. Lot west of the Elks Club.
4. The roads will be closed to vehicular traffic on Saturday, October 11, 2014, and Sunday, October 12, 2014, beginning at 8:00 a.m. and ending at 7:00 p.m. The Chamber will coordinate with the Department of Engineering Services and the Department of Highways, and abide by all applicable Town, County and State laws and regulations. All necessary permits and approvals shall be acquired and provided to the Huntington Town Clerk prior to October 3, 2014; and
5. Extends all permits for tents by 48 hours to a total of 120 hours, beginning on Thursday, October 9, 2014 at 11:00 am and ending on Tuesday, October 14, 2014 at 11:00 a.m. All tents erected or maintained shall be in compliance with Chapter 111, Article 29 of the Town of Huntington Fire Prevention Code and all permits shall be acquired and provided to the Huntington Town Clerk prior to October 3, 2014; and

6. Authorizes the Department of Engineering Services and the Department of General Services to run shuttle buses, at a cost of \$1.00 round trip per person to defray the cost of the service. Said shuttle schedule shall accommodate the needs of the participants and/or attendees for the duration of these events; and shall run Saturday, October 11, 2014 and Sunday, October 12, 2014 from 11:00 a.m. to 10:00 p.m.;
7. Waives the fees currently being charged by the Bureau of Fire Prevention for tents and propane gas; and
8. The Huntington Township Chamber of Commerce and any and all vendors and/or organizations participating in the Food Court shall obtain any and all permits required by the Suffolk County Department of Health and any and all other agencies having jurisdiction and shall present same to the Town Clerk prior to October 3, 2014. The Huntington Township Chamber of Commerce and any and all vendors and/or organizations participating in the Food Court shall defend, indemnify and hold the Town, its agents, servants and/or employees harmless from and against all claims, including defense costs, reasonable attorney fees, liability arising out of or in connection with the aforesaid Food Courts, and/or the failure to obtain said proper permits.
9. The Chamber shall obtain, or cause the appropriate organizations to obtain any and all necessary permits and licenses required to provide a beer and/or wine tasting area in Heckscher Park and shall present same to the Town Clerk prior to October 3, 2014. Such area shall be subject to strict rules and regulations. The Chamber, and any and all vendors and/or organizations participating in the beer/wine tasting area shall defend, indemnify and hold the Town, its agents, servants and/or employees harmless from and against all claims, including defense costs, reasonable attorney fees, liability arising out of or in connection with the aforesaid beer/wine tasting area, and/or the failure to obtain said proper permits.
10. The Chamber shall be restricted from using certain areas of Heckscher Park, as directed by the Town of Huntington for the purpose of maintaining the beauty and nature of the park. Prior to submitting the site plan as required by Huntington Town Code, said site plan shall be approved by the Director of the Town of Huntington Department of General Services or his designee.
12. The Huntington Township Chamber of Commerce shall be responsible for restoring Heckscher Park to its pre-festival condition, especially the area where the carnival takes place. They shall be required to accompany the Director of the Town of Huntington Department of General Services or his designee on an inspection of the park prior to and following the festival. Following the post festival inspection, the Director of General Services will notify the Chamber of restoration work required to be undertaken by the Chamber. Said restoration work shall be completed within a reasonable timeframe agreed upon between the Chamber and the Town. Any and all

costs associated with such restoration work shall be the sole responsibility of the Chamber.

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

and be it further

RESOLVED, all costs incurred by the Town of Huntington for labor, services and materials in connection with or resulting from the festival events, excluding restoration work as outlined in item 13 above, shall be fully reimbursed by the Chamber, however, said amount shall not exceed the sum of \$12,500.00 and shall be paid to the Town of Huntington on or before November 1, 2014. All such labor, services and materials provided by the Town shall, to the best of the ability of the parties, be agreed upon in advance, by the Chamber and the Town; and be it further

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

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

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

The policies of insurance shall be in a minimum of \$1,000,000 per occurrence for bodily injury and \$2,000,000 in aggregate and bodily injury including death and \$1,000,000 for property damage. The Town shall be named by endorsement as a beneficiary on any excess policies that any of the entities may have. The insurance which names the Town by endorsement shall be provided to the Huntington Town Clerk and the Town Attorney's Office by October 3, 2014. Any and all insurance agreements shall be entered that are acceptable in terms and conditions by the Town Attorney's Office; and be it further

2014-399

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

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE CHANGE OF NAME FROM HOLZMACHER, McLENDON, & MURRELL P.C. TO H2M ARCHITECTS + ENGINEERS ON THE AGREEMENT TO PROVIDE ENGINEERING SERVICES FOR THE INSTALLATION OF WATER MAINS AND APPURTENANCES ON HELLER COURT/BOCES, DIX HILLS, FOR THE DIX HILLS WATER DISTRICT

Resolution for Town Board Meeting Dated: August 19, 2014

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, Town Board Resolution 2013-432 of September 17, 2013 authorized an agreement with Holzmacher, McLendon and Murrell P.C. to provide engineering services for the installation of water mains and appurtenances on Heller Court/BOCES, Dix Hills for the Dix Hills Water District; and

WHEREAS, the vendor notified the Town on January 2, 2014 that their vendor name had been changed to H2M architects + engineers; and

WHEREAS, the proposed action has been classified as a Type II Action pursuant to 6 NYCRR Part 617.5 (c) (20) and no further action is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the change of name from Holzmacher, McLendon and Murrell P.C. to H2M architects + engineers on the agreement for engineering services for the installation of water mains and appurtenances for the Dix Hills Water District, upon such terms and conditions acceptable to the Town Attorney.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2014- 401

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH H2M ARCHITECTS + ENGINEERS TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR AN UPDATE OF THE SEWER CAPACITY USAGE STUDY FOR THE HUNTINGTON SEWER DISTRICT

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, in February 2007 H2M architects + engineers completed a Sewer Capacity Usage Study for the Huntington Sewer District. The recommendations of this study were used to modify Town Code Chapter 164 for Sewer Use Management via Resolution 2007-435; and

WHEREAS, these Town Code updates addressed the increased sewage from the redevelopment of parcels within the Sewer District as well as criteria for parcel connections for properties outside of the Sewer District boundaries; and

WHEREAS, since the completion of the study a number of in-District parcels have been redeveloped and additional parcels have been approved for redevelopment with construction pending resulting in usage of a portion of the available permit capacity at the Sewage Treatment Plant; and

WHEREAS, H2M architects + engineers of 538 Broad Hollow Road, Melville, NY 11747 has submitted a proposal to provide professional engineering services in the form of an update to the study that will determine the remaining capacity and evaluate potential methods to allow an increase in flow beyond the current permit capacity; and

WHEREAS, the proposed action has been classified as a Type II Action pursuant to 6 NYCRR Part 617.5 (c) (21) and no further action is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of an agreement and any documents in connection and related therewith, with H2M architects + engineers for professional engineering services associated with an update to the Sewer Capacity Usage Study. The contract amount shall not exceed the sum of TWENTY FIVE THOUSAND NINE HUNDRED AND NO/100 (\$25,900.00) DOLLARS to be charged to H97 WM8197 2780 SM001, and upon such other terms and conditions as may be acceptable to the Town Attorney.

2014-401

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2014 - 462

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT OF SALE AND CLOSING OF TITLE ON A 7,841 SQUARE FOOT PARCEL OF VACANT LAND, LOCATED APPROXIMATELY 1,367 FEET NORTH OF RULAND ROAD, ON THE EASTERLY SIDE OF WALT WHITMAN ROAD, MELVILLE, NY (SCTM #0400-267-1-57) TO 569 BROADHOLLOW ROAD LLC

Resolution for Town Board Meeting Dated: August 19, 2014

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town of Huntington is the owner of a certain parcel of real property which is vacant land located on the easterly side of Walt Whitman Road, 1,367 feet north of Ruland Road, in Melville, NY and which is identified as SCTM District 400, Section 267, Block 1, Lot 57 (the "subject property"); and

WHEREAS, an entity known as 569 Broadhollow Road LLC has offered to purchase the subject property from the Town of Huntington, so that the subject property may be incorporated with adjacent property owned by 569 Broadhollow Road LLC and the Town of Huntington has no proposed present or future public use for the subject property and, therefore, it is deemed excess land; and

WHEREAS, the Town has obtained an independent appraisal from Brunswick Appraisal Corp. of the subject property which resulted in a determination of a value of ONE HUNDRED AND FIFTY THOUSAND (\$150,000.00) DOLLARS, and

WHEREAS, the action to sell the subject property is classified as an unlisted action pursuant to SEQRA and the Town Board is lead agency for this direct agency action and it is the only agency involved in releasing the property from the Town's inventory and the Department of Planning and Environment has drafted an Environmental Assessment Form (EAF) to facilitate completion of the SEQRA review in support of the Town's contemplated action.

NOW THEREFORE, BE IT,

RESOLVED, that the Town Board finds, on review of the EAF, that there shall be no significant adverse impacts associated with the release/sale of the subject property and hereby issues a negative declaration pursuant to SEQRA and directs the Department of Planning and Environment to file the negative declaration in accordance with SEQRA; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor or his representative to execute a contract, on such terms and conditions as may be acceptable to the Town Attorney, to sell the subject parcel for the sum of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00); and

BE IT FURTHER RESOLVED that the Town Board authorizes the Town Attorney's office to proceed to schedule a closing of title with the purchaser's attorney and authorizes the Supervisor or his designee to execute such documents related to the sale of the property including but not limited to the deed, transfer tax returns and such other documents as necessary and reasonably related to the transaction; and

BE IT FURTHER RESOLVED upon the sale of the subject premises that the proceeds of the sale shall be deposited to the account identified as Budget Line Item No. A2660-2660; and

BE IT FURTHER RESOLVED that this resolution is passed subject to a permissive referendum as set forth in Town Law, Section 90, and shall take effect thirty (30) days after its adoption or, if a referendum is held, upon the affirmative vote of a majority of the qualified electors of the issuer voting on the referendum; and, the Town Clerk is hereby directed within 10 days of adoption of this resolution to post and publish a notice which shall set forth the date of the adoption of the resolution and contain an abstract of such resolution concisely stating the purpose and effect thereof and specifying that such resolution was adopted subject to a permissive referendum.

VOTE:            AYES: 5        NOES: 0        ABSENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING A PILOT USE OF THE WOODBINE MARINA PARKING LOT BETWEEN MEMORIAL DAY AND LABOR DAY IN 2015 FOR TEMPORARY PUBLIC PARKING

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by: Councilman Cuthbertson

and seconded by **COUNCILMAN COOK**

WHEREAS, the Town Board has received letters from businesses in Northport requesting use of the underutilized Woodbine Marina parking lot for their patrons ; and

WHEREAS, the Town's Department of Maritime Services is desirous of implementing a pilot program to determine the correct number of parking spaces that can be designated for public use without impacting parking required by marina slip holders; and

WHEREAS, a 14 week pilot to amend parking restrictions on a portion of the lot is not an action pursuant to SEQRA as it involves no physical alteration of the parking lot,

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES a pilot program from Memorial Day (May 25<sup>th</sup>, 2015) to Labor Day (September 7<sup>th</sup>, 2015) amending parking restrictions at the Woodbine Marina lot in order to assess and determine the number of spaces that can be designated for public, 90 minute parking use without impacting contractual parking provided to marina slip holders, and directs the Department of Maritime Services to report back to the Town Board by November 1, 2015 with a recommendation on amending the Town Code to codify new parking regulations at the Woodbine Marina lot.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2014-404

RESOLUTION AUTHORIZING MASTHEAD COVE YACHT CLUB TO HOLD A RECREATIONAL EVENT AT GOLD STAR BATTALION BEACH FOR THE NEW YORK SPECIAL OLYMPICS.

Resolution for Town Board Meeting Dated: August 19, 2014

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

WHEREAS, the Masthead Cove Yacht Club has for many years provided a philanthropic "Day in the Sun" consisting of sailing and a picnic for members of the New York Special Olympics and their families based at the US Coast Guard Station in Eaton's Neck; and

WHEREAS, this year the Coast Guard is unable to accommodate the event, and Masthead Cove has requested use of Gold Star Battalion Beach dock for members of the Special Olympics to embark and disembark on sailboats, and later use the picnic grounds for a barbeque; and

WHEREAS, the event is scheduled for Sunday, September 7<sup>th</sup> which is after Labor Day and should not present an issue with the normal summer operation of the facility; and

WHEREAS, the proposed action is considered a SEQRA Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (15) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES Masthead Cove Yacht Club to utilize Gold Star Battalion Beach on Sunday, September 7<sup>th</sup> between the hours of 8am and 5pm to host the families of the NY Special Olympics for a "Day in the Sun" consisting of sailboat excursions followed by a picnic, with such authorization being contingent upon the following: 1) the execution of a Hold Harmless & Indemnification Agreement, by an authorized representative of the Masthead Cove Yacht Club; 2) the submission of insurance certificates in a form and in amounts acceptable to the Town Attorney; 3) application for and issuance of any and all required permits from the Town of Huntington and any other agency having jurisdiction; and 4) the submission of any and all documents requested by, and on such other terms and conditions as may be acceptable to the Town Attorney

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE CORRECTION OF CODE VIOLATIONS AT VARIOUS LOCATIONS PURSUANT TO THE CODE OF THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by: COUNCILWOMAN BERLAND  
And seconded by: COUNCILMAN COOK

WHEREAS, violations of the Code of the Town of Huntington and/or the Uniform Codes of the State of New York exist at the locations set forth in Schedule "A", attached hereto and made part of this Resolution, which constitute an attractive nuisance, negatively affect the aesthetic appearance of our neighborhoods, and jeopardize the health and safety of residents in close proximity to these properties; and

WHEREAS, the owner(s) of properties listed in Schedule "A" have failed and/or refused to bring their properties into compliance after a Notice of Violation has been issued by the Department of Public Safety; and

WHEREAS, the correction of code violations by the Town of Huntington is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c) (33) and, therefore, no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY DIRECTS the Town Attorney to provide each property owner listed in Schedule "A" with a copy of this Resolution, and notice that such violation must be rectified to the satisfaction of the Town within ten (10) days of mailing of the Notice, and upon the failure to remedy the same on a timely basis, the Town shall take all steps necessary to rectify the hazard or nuisance at the property owner's expense; and

HEREBY AUTHORIZES, the Director of the Department of General Services and other Town departments having jurisdiction, to take all actions necessary to correct the violations on these properties upon the failure of the owners to do so, and charge all costs incurred by the Town against the owners of the properties in the same manner and at the same time as real property taxes in accordance with the applicable provisions of the Code of the Town of Huntington or other applicable law.

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor Frank P. Petrone		AYE	
Councilwoman Susan A. Berland		AYE	
Councilman Eugene Cook		AYE	
Councilman Mark A. Cuthbertson		AYE	
Councilwoman Tracey A. Edwards		AYE	

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2014-406

RESOLUTION AUTHORIZING SETTLEMENT OF A LAWSUIT  
(Bouche, Judith v Town of Huntington, Index No.: 24200/2006)

Resolution for Town Board Meeting Dated: August 19, 2014

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

and seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, a lawsuit was filed against the Town of Huntington on behalf of Judith Bouche seeking to recover for personal injury sustained in an accident; and

WHEREAS, the Town Attorney has determined it to be in the Town's best interest to settle this matter for a total of three hundred thousand dollars and no cents for strategic purposes with no admission of liability on the part of the Town; and

WHEREAS, the claimant has agreed to accept in full settlement of her claim; and

WHEREAS, all parties have agreed to this settlement subject to the approval of the Town Board; and

WHEREAS, the settlement of this personal injury lawsuit is not an "action" as defined by 6 NYCRR §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller is hereby authorized to issue checks in settlement of this matter, not to exceed a total of three hundred thousand dollars and no cents (\$300,000.00) pending receipt of closing papers therein, applied against Operating Budget Item No. A1930.4160 and authorizes the Town Attorney to execute all documents required to effectuate this settlement.

VOTE:                      AYES: 5      NOES: 0      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SETTLEMENT OF A LAWSUIT  
(McKENNA v. TOWN OF HUNTINGTON)

Resolution for Town Board Meeting Dated: August 19, 2014

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

and seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, litigation is presently pending as and between Frances McKenna and James P. McKenna and the Town of Huntington in Suffolk County Supreme Court Index No.: 10-22595 and the parties are desirous to enter into a settlement and resolution of the above matter; and

WHEREAS, the Town Attorney has determined it to be in the Town of Huntington's best interest to settle this matter for a total of SEVENTY THOUSAND AND NO/100 (\$70,000.00) DOLLARS for strategic purposes; and

WHEREAS, Frances McKenna and James McKenna have agreed to accept SEVENTY THOUSAND NO/100 (\$70,000.00) DOLLARS in full settlement of the claim; and

WHEREAS, all parties have agreed to this settlement subject to the approval of the Town Board; and

WHEREAS, the settlement of this lawsuit is not an action as defined by SEQRA in 6 N.Y.C.R.R. 617.2(b), and therefore, no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to issue a check in settlement of this matter, not to exceed a total of SEVENTY THOUSAND AND NO/100 (\$70,000.00) DOLLARS pending receipt of closing papers therein, and upon such other terms and conditions as may be acceptable to the Town Attorney, to be applied against Operating Budget Item A1930-4160 and authorizes the Town Attorney to execute all documents required to effectuate this settlement.

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor Frank P. Petrone		<b>AYE</b>	
Councilwoman Susan A. Berland		<b>AYE</b>	
Councilman Eugene Cook		<b>AYE</b>	
Councilman Mark A. Cuthbertson		<b>AYE</b>	
Councilwoman Tracey Edwards		<b>AYE</b>	

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO COMMENCE A CIVIL ACTION AGAINST ALL RESPONSIBLE PARTIES (CROWN CASTLE NG EAST LLC)

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by: Councilman Cuthbertson

And seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, it has come to the attention of the Huntington Town Board that Crown Castle NG East LLC has installed and maintained its equipment and installations along the public rights-of-way without securing the consent and approval of the Huntington Town Board; and

WHEREAS, authorization to commence a lawsuit to recover financial damages is not an action in accordance with 6 N.Y.C.R.R. 617.2(b) and, therefore, no SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES, the Town Attorney to take all appropriate legal and equitable action to remove the installations and recover damages and/or seek other relief as deemed necessary by the Town Attorney against Crown Castle NG East LLC and all other responsible parties.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION AUTHORIZING COMPTROLLER TO APPROPRIATE MONIES FROM THE ENVIRONMENTAL OPEN SPACE AND PARK IMPROVEMENT FUND FOR RECOMMENDED GREEN PROJECT (LIRR NORTH PARKING GARAGE)

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, Resolution No. 2008-481 was adopted at a meeting of the Town Board on August 26, 2008 and said resolution authorized the issuance of \$15,000,000 serial bonds of the Town of Huntington for the Environmental Open Space and Park Improvement Fund, subject to mandatory referendum that was supported by Huntington voters, for which \$1 million was to be used for green renewable energy improvement projects, and

WHEREAS, the Town of Huntington Horizons 2020 Comprehensive Plan encourages implementation of green initiatives that promote desirable goals, such as reduced energy consumption and waste generation, and

WHEREAS, potential green projects are screened through the Huntington Advisory Committee on Energy Efficiency, Renewables and Sustainability (ACEERS, formerly Renewable Energy Task Force), as provided by the Town Board-adopted criteria for the EOSPA Green Renewable Energy Improvement Projects Program, and

WHEREAS, the Director of Transportation and Traffic Safety prepared a nomination for 248 induction lights to complete replacement of high pressure sodium fixtures at the Huntington Train Station North Parking Garage, for which the Town will apply for potential rebate from PSEG that may reduce overall project cost, and

WHEREAS, the nomination for funding was supported by the ACEERS Committee, and the EOSPA Committee reviewed and voted to support the green project nomination to provide funding in an amount not to exceed \$35,000, and

WHEREAS, the action is classified Type II pursuant to SEQRA 6 NYCRR 617.5(c) (2 and 25) as it involves rehabilitation of existing buildings and purchase of furnishings and equipment;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate funds on an as-needed basis to be transferred from A-0870 Open Space Land and Park Improvements Reserve Fund, in addition to funding that may have already been authorized for these projects, and charged to the appropriate capital budget account for the green project improvement recommended by the EOSPA Committee as listed below for implementation by the identified department/entity:

2014-409

**DEPARTMENT OF ENGINEERING SERVICES**

*Town North Parking Garage, Huntington (LIRR) Station, not to exceed \$35,000*

Purchase and install induction lighting fixtures

AND BE IT FURTHER

RESOLVED, that should additional funding be necessary to implement the above-listed project approved by the Town Board, including design and engineering of the specific improvements that may need to be contracted to outside consulting professionals, the EOWPA Committee may recommend additional funding to the Town Board.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2014-410

RESOLUTION AUTHORIZING COMPTROLLER TO APPROPRIATE MONIES FROM THE ENVIRONMENTAL OPEN SPACE AND PARK IMPROVEMENT FUND FOR RECOMMENDED IMPROVEMENTS (MILL DAM PARK AND FLANAGAN CENTER)

Resolution for Town Board Meeting Dated: August 19, 2014

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

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Environmental Open Space and Park Fund Advisory (EOSPA) Committee reviewed and voted to support a nomination from the Department of General Services at its meeting of August 12, 2014 for funding from the EOSPA Park Improvements Fund to install new jox boxes at Mill Dam Park ballfields for safety purposes and for funding from the EOSPA Neighborhood Enhancements Fund to install a shade structure at the rear entrance to the Flanagan Center for the benefit of the Adult Day Care Program, which can be removed during winter and inclement weather, and

WHEREAS, the jox boxes involve replacement in-kind and equipment purchase, which may be classified Type II pursuant to SEQRA 6 NYCRR 617.5(c)(2 and 25) and the shade structure may be classified Type II pursuant to SEQRA 6 NYCRR 617.5(7) as it involves construction of an accessory/appurtenant non-residential structure less than 4,000 square feet in size,

NOW THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate funds on an as-needed basis to be transferred from A-0870 Open Space Land and Park Improvements Reserve Fund, in addition to funding that may have already been authorized for these projects, and charged to the appropriate capital budget account for the park improvement and neighborhood enhancement recommended by the EOSPA Committee as listed below for implementation by the identified department/entity:

**DEPARTMENT OF GENERAL SERVICES**

*Jox boxes, Mill Dam Park, Huntington, not to exceed \$3,000*

Purchase and install jox boxes for safety at Mill Dam Park ballfields with EOSPA Park Improvement funding.

*Shade structure, Flanagan Center, Huntington, not to exceed \$11,200*

Purchase and install self-standing 11'x40' rectangular high-density polyethylene shade structure to benefit Adult Day Care Program at rear (west side) of Flanagan Center with EOSPA Neighborhood Enhancement funding.

AND BE IT FURTHER

RESOLVED, that should additional funding be necessary to implement the above-listed project approved by the Town Board, including design and engineering of the specific improvements that may need to be contracted to outside consulting professionals, the EOSPA Committee may recommend additional funding to the Town Board.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO APPROPRIATE FUNDS FROM THE PARKS & RECREATION CAPITAL IMPROVEMENT RESERVE FOR THE PURPOSE OF FUNDING THE RESURFACING OF ATHLETIC COURTS – DEPARTMENT OF GENERAL SERVICES

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by: Supervisor Petrone  
COUNCILWOMAN BERLAND

and seconded by: COUNCILMAN CUTHBERTSON

WHEREAS, various athletic courts located throughout the Town require resurfacing; and

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power and duties as are conferred or imposed upon it and one such power and duty is to approve all budgetary amendments; and

WHEREAS, the Town Board has appropriated funds to be set aside for the purpose of funding future capital projects in a Parks and Recreation Capital Improvement Reserve Fund in accordance with Section 6-c of General Municipal Law; and

WHEREAS, this resolution is adopted subject to permissive referendum as set forth in Town Law Section 90 and shall take effect thirty (30) days after its adoption or, if a referendum is held, upon the affirmative vote of a majority of the qualified electors of the issuer voting on the referendum; and

WHEREAS, the resurfacing of athletic courts is a Type II action pursuant to 6 N.Y.C.R.R. 617.5 (c)(20) and (c)(27) therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to appropriate \$150,000 from the Parks & Recreation Capital Improvement Reserve for the resurfacing of athletic courts for the Department of General Services.

FURTHER BE IT RESOLVED THAT the Town Clerk is hereby authorized and directed to, within ten (10) days after the adoption of this resolution, cause this resolution to be (a) published in the official newspapers of the Issuer, and (b) posted on the sign board of the Town maintained pursuant to the Town Law, together with a notice of adoption thereof.

2014-411

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE  
2014 OPERATING BUDGET FOR THE TOWN OF HUNTINGTON AND ITS  
SPECIAL DISTRICTS -- HIGHWAY OFFICE

Resolution for Town Board Meeting Dated: August 19, 2014

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

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power and duties as are conferred or imposed upon it; and

WHEREAS, funds are being requested to be transferred to Capital paving from the revenue account, due to Suffolk County Water Authority reimbursement checks for the paving restoration of Morahopa Road and Beach Plum Drive.

WHEREAS, amending the 2014 Operating Budget is not an action pursuant to SEQRA as defined by 6 N.Y.C.R.R. §617.2(b) and therefore no further review is required; and

NOW THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to make the following budgetary amendments to the 2014 Operating Budget as follows:

Increase the following revenue:

DB2770-2770	Unclassified Revenues	\$46,645
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Increase the following appropriation:

DB5110-2776	Roads and Drainage	\$46,645
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VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2014 OPERATING BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – VARIOUS DEPARTMENTS

Resolution for Town Board Meeting Dated: August 19, 2014

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

and seconded by: **COUNCILWOMAN BERLAND**

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

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power and duties as are conferred or imposed upon it and one such power and duty is to approve all budgetary amendments; and

WHEREAS, the elimination of full-time positions, including applicable funding, vacated by retirements and attrition to a general contingency account is not an action as defined 6 N.Y.C.R.R. 617.2(b), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to make the following budgetary amendments to the 2014 Operating Budget as follows:

Reinstate the following positions:

A-1330-1100	Account Clerk Typist	\$14,468
A-1330-1100	Tax Cashier	13,801
A-1680-1100	Media Development Specialist	15,088
DB-5110-1100	Maintenance Mechanic III	28,080

Create the following position:

A-1490-1100	Deputy Director	\$30,404
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Abolish the following position:

A-1490-1100	Executive Assistant	(\$30,404)
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Adjust the following Appropriations:

A-1990-1100	Contingency	(\$43,357)
DB-1990-1100	Contingency	(28,080)

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2014- 414

RESOLUTION ACCEPTING THE DEDICATION OF REDDY PLACE AND A DRAINAGE EASEMENT FOR THE SUBDIVISION KNOWN AS REDDY PLACE PLAT.

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by **COUNCILMAN COOK**

and seconded by **COUNCILWOMAN EDWARDS**

WHEREAS, the development known as REDDY PLACE PLAT was granted Conditional Final Approval by the Huntington Planning Board on July 22, 2009; and

WHEREAS, as a condition of approval the applicant is to dedicate Reddy Place and a drainage easement to the Town of Huntington; and

WHEREAS, the Office of the Town Attorney is now in possession of the necessary documents and filing fee in order to file the deed (the easement has previously been filed) with the Clerk of Suffolk County and

WHEREAS, the subject of this resolution is a Type II action pursuant to 6 NYCRR 617.5 (c)(19), and therefore no further SEQRA review is required.

NOW THEREFORE BE IT

RESOLVED that the Town Board

HEREBY ACCEPTS the dedication of Reddy Place and a drainage easement for the subdivision known as REDDY PLACE PLAT.

VOTE:                      AYES: 5    NOES: 0    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



# 2014-416

RESOLUTION ACCEPTING A DONATION FROM REINWALD'S BAKERY FOR THE DONATION OF COOKIES TO THE TOWN OF HUNTINGTON SENIOR CENTER, NUNC PRO TUNC.

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by: Councilwoman Edwards, **COUNCILWOMAN BERLAND**  
and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town of Huntington will be hosting a free raffle for a giveaway at the Senior Center, 423 Park Avenue, Huntington, on July 25, 2014; and

WHEREAS, Reinwald's Bakery made a generous donation of forty bags of cookies; and

WHEREAS, the acceptance of a donation of is not an action as defined by 6 N.Y. C.R.R. 617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD,

HEREBY ACCEPTS a donation of forty bags of cookies for the seniors of the Town of Huntington and expresses its sincere gratitude to Reinwald's Bakery for their generosity, nunc pro tunc.

VOTE:                    AYES: 5      NOES: 0      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION ADOPTING THE RECOMMENDATIONS OF THE ADMINISTRATIVE HEARING OFFICER IN THE MATTER OF THE APPEAL OF DAVID J. BARRETT (RE: TRANSPORTATION FOR HIRE OPERATOR'S PERMIT)

Resolution for Town Board Meeting dated: August 19, 2014

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the appellant, David J. Barrett, requested an appeal hearing regarding the denial of the renewal of his taxi operator's permit application pursuant to Huntington Town Code §180-31(A)(3), (4) and (5); and

WHEREAS, pursuant to Huntington Town Code §180-33, an appeal hearing was held on July 17, 2014, before an administrative hearing officer;

WHEREAS, subsequent to the hearing, Mr. Barrett submitted documentation to the Office of the Town Clerk that directly addresses the initial bases for denial of the taxi operator's permit in a manner satisfactory to both the Town Clerk and the hearing officer, and therefore, the hearing officer has recommended that the application to obtain a taxi operator's permit be granted; and

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

NOW THEREFORE BE IT

RESOLVED that the Town Board

HEREBY ADOPTS the recommendations of the administrative hearing officer in the matter of the appeal of David J. Barrett, as per Exhibit A attached hereto.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

# **TOWN OF HUNTINGTON**

**Andrew G. Cangemi**  
**Administrative Law Judge**

August 19, 2014

Members of the Town Board  
Town of Huntington  
100 Main Street  
Huntington, NY 11743

Re: David J. Barrett  
Appeal Hearing  
Operator's Permit/Taxicabs and Vehicles for Hire

Members of the Board:

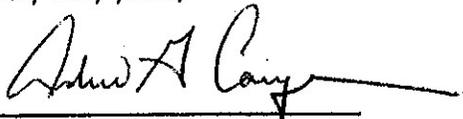
After hearing the testimony and reviewing the evidence presented by the Town Clerk's Office at the above referenced hearing conducted on July 17, 2014, I find that the Town Clerk was justified in her denial of Appellant's application for an Operator's Permit/Taxicabs and Vehicles for Hire. The denial was correctly based upon Mr. Barrett's 2013 conviction for petit larceny, which is a Class A misdemeanor, as well as a suspended license and several charges of operating with a license between 2010 and 2013. The misdemeanor conviction is dated December, 2013. Appellant submitted a Certificate of Relieve to Disabilities to the Town putting to rest these charges.

The petit larceny misdemeanor conviction in 2013 was admittedly based upon the Appellant being arrested in Macy's for theft of jewelry. Regarding the suspension of his license, Mr. Barrett's license was last suspended in February, 2014. Mr. Barrett was given the opportunity to present evidence that the suspension has been lifted. Appellant has also submitted clearance from the DMV showing all suspensions and violations are cleared.

Based upon these several clearances, it is my opinion that Appellant be granted his Operators Permit to operate a taxi within the Town.

Based upon all of the evidence presented at the hearing, it is my recommendation that the Town Board vote to issue an Operator's Permit to Appellant.

Very truly yours,



ANDREW G. CANGEMI

RESOLUTION ADOPTING THE RECOMMENDATIONS OF THE ADMINISTRATIVE HEARING OFFICER IN THE MATTER OF THE APPEAL OF KEVIN S. WAGNER (RE: TRANSPORTATION FOR HIRE OPERATOR'S PERMIT)

Resolution for Town Board Meeting dated: August 19, 2014

The following resolution was offered by: COUNCILMAN CUTHBERTSON

and seconded by: SUPERVISOR PETRONE

WHEREAS, the appellant, Kevin S. Wagner, requested an appeal hearing regarding the denial of the renewal of his taxi operator's license application pursuant to Huntington Town Code §180-31; and

WHEREAS, pursuant to Huntington Town Code §180-33, an appeal hearing was held on July 17, 2014 before an administrative hearing officer who has recommended, in a written decision dated August 5, 2014, that the application to obtain a taxi operator's license be granted; and

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

NOW, THEREFORE, BE IT

RESOLVED that the Town Board

HEREBY ADOPTS the recommendations of the administrative hearing officer in the matter of the appeal of Kevin S. Wagner, as per Exhibit A attached hereto.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

# **TOWN OF HUNTINGTON**

**Andrew G. Cangemi**  
**Administrative Law Judge**

August 5, 2014

Members of the Town Board  
Town of Huntington  
100 Main Street  
Huntington, NY 11743

Re: Kevin S. Wagner  
Appeal Hearing  
Operator's Permit/Taxicabs and Vehicles for Hire

Members of the Board:

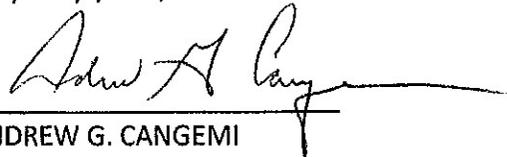
After hearing the testimony and reviewing the evidence presented by the Town Clerk's Office at the above referenced hearing conducted on July 17, 2014, I find that the Town Clerk was justified in her denial of Appellant's application for an Operator's Permit/Taxicabs and Vehicles for Hire. The denial was correctly based upon the fact that Mr. Wagner has a felony conviction in 1987, a misdemeanor in 1984 and a suspension/infraction in 1978.

While these violations may seem serious, it has been approximately 20 years since Mr. Wagner has had any problems with the law or operating a motor vehicle. Mr. Wagner has been hired as a taxi driver in Glen Cove as well as a tow truck operating in Sea Cliff. His personal, driving and work-related records are well-established and clean for quite some time now.

As such, I would recommend that Mr. Wagner be granted his license as requested.

Based upon all of the evidence presented at the hearing, it is my recommendation that the Town Board vote to overturn the denial of Appellant's application for the Operator's Permit and issue the Operator's Permit to Mr. Wagner.

Very truly yours,



ANDREW G. CANGEMI

RESOLUTION ADOPTING THE RECOMMENDATIONS OF THE ADMINISTRATIVE HEARING OFFICER IN THE MATTER OF THE APPEAL OF BRYAN K. ZAPATA, JR.(RE: TRANSPORTATION FOR HIRE OPERATOR'S PERMIT)

Resolution for Town Board Meeting dated: August 19, 2014

The following resolution was offered by: COUNCILMAN CUTHBERTSON

and seconded by: SUPERVISOR PETRONE

WHEREAS, the appellant, Brian K. Zapata, Jr., requested an appeal hearing regarding the denial of the renewal of his taxi operator's permit application pursuant to Huntington Town Code §180-18 and 180-19; and

WHEREAS, pursuant to Huntington Town Code §180-33, an appeal hearing was held on July 17, 2014 before an administrative hearing officer who has recommended, in a written decision dated August 5, 2014, that the application to obtain a taxi operator's permit be granted as a conditional Operator's Permit for a period of 90 days, with a follow-up hearing to be held at the end of such period to determine Brian K. Zapata Jr.s' compliance with the terms of his operator permit. The Town hereby reserves it right to revoke Brian K. Zapata Jr.'s Operator's permit in the event any relevant violation occurs within the 90 day period; and

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

NOW, THEREFORE, BE IT

RESOLVED that the Town Board

HEREBY ADOPTS the recommendations of the administrative hearing officer in the matter of the appeal of Bryan K. Zapata, Jr. as per Exhibit A attached hereto.

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor Frank P. Petrone			AYE
Councilwoman Susan A. Berland			AYE
Councilman Eugene Cook			AYE
Councilman Mark A. Cuthbertson			AYE
Councilwoman Tracey A. Edwards			AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

# **TOWN OF HUNTINGTON**

**Andrew G. Cangemi**  
**Administrative Law Judge**

August 5, 2014

Members of the Town Board  
Town of Huntington  
100 Main Street  
Huntington, NY 11743

Re: Bryan K. Zapata, Jr.  
Appeal Hearing  
Operator's Permit/Taxicabs and Vehicles for Hire

Members of the Board:

After hearing the testimony and reviewing the evidence presented by the Town Clerk's Office at the above referenced hearing conducted on July 17, 2014, I find that the Town Clerk was justified in her denial of Appellant's application for an Operator's Permit/Taxicabs and Vehicles for Hire. The denial was correctly based upon three (3) traffic summons issued to the Appellant from 2010 through 2013.

Moreover, the Appellant was observed and written up for "hacking" on the north side of the Huntington train station. Apparently, Mr. Zapata became abusive to members of Public Safety who asked him to move and warned him that he was in violation of Town Code. (See Town's Exhibit 6.)

These violations alone are sufficient to deny the application. I find particularly troubling Mr. Zapata's confrontation with Town employees from the Public Safety Department while they were pointing out to Mr. Zapata that he was in violation of the Town Code by soliciting riders on the railroad platform.

Mr. Zapata's testimony was that he has been a taxi driver within the town of the last eight (8) years through the end of this May. In 2010 his license was suspended for a period of time and he subsequently received a violation for operating a motor vehicle with a suspended license. In addition, Mr. Zapata's recently received three (3) parking violations while apparently operating a taxi. While these violations justify the denial of the Operator's permit (and I find particularly troubling that Mr. Zapata would confront members of Public Safety for enforcing the Town Code), in general Mr. Zapata's record over the past eight years has been marginally acceptable.

Based upon all of the evidence presented at the hearing, it is my recommendation that the Town Board vote to issue to Appellant a conditional Operator's Permit for 90 days. At the end of the 90-day period, I recommend a follow up hearing be conducted to ascertain Mr. Zapata's compliance with the terms of his Operator's Permit. I would recommend that the Town reserve its right to revoke Mr. Zapata's license if any relevant violations have occurred within the 90-day time period.

Very truly yours,

  
ANDREW G. CANGEMI

RESOLUTION APPROVING THE MARINA CONTRACT FOR SUMMER STORAGE AT TOWN MARINAS FOR THE YEAR 2015

Resolution for Town Board Meeting Dated: August 19, 2014

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, Town Board wants to update the marina contract for summer storage at Town Marinas for the year 2015; and

WHEREAS, the Department of Maritime Services has reviewed the current contract and recommends an update in the deposit fee; and

WHEREAS; the Department of Maritime Services Harbors and Boating Advisory Council concurs that an update deposit fee is appropriate for Summer Storage Town 2015 is appropriate; and

WHEREAS, pursuant to Sections 617.5 (c) (20) and (27) of SEQRA, regulation amending the Town Code are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connection with any Type II action" and therefore this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE, THE TOWN BOARD approves, upon the recommendation of the Department of Maritime Services Harbors and Boating Advisory Council, the Summer Storage at Town Marinas for the 2015 season, with the updated deposit fee, attached hereto and made part of this resolution.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

SCHEDULE A

TOWN OF HUNTINGTON  
DEPARTMENT OF MARITIME SERVICES  
MARINA CONTRACT  
PLEASURE BOATS ONLY

Sign and return along with total due on or before March 12, 2014.  
Photocopy will be sent to you when officially countersigned.

Marina and Berth Number:

FOR OFFICE USE ONLY	
Check # _____	
<input type="checkbox"/> Visa <input type="checkbox"/> Master Card <input type="checkbox"/> Am. Exp. <input type="checkbox"/> Discover:	
Amount _____	Date _____
Reviewed By: _____	Date: _____
Cashier: _____	Date: _____
<input type="checkbox"/> NEW <input type="checkbox"/> RENEWAL	
Ins. Exp. Date: _____	Boat Reg. Exp. Date: _____

Fee Per Foot (L.O.A.):

Deposit:

Bal. Due:

Owner's Name:

Home Address:

Business Address:

Home Phone:

Business / Emergency / Cell phone:

E-Mail Address:

Builder of Boat:

Type:

Reg. No. #

Marine Toilet:

Length Over All:

Beam:

Draft:

H.P.

Name of Boat:

Engines:

Have you completed a New York State approved Boater Safety Course:   YES \_\_\_\_\_   NO \_\_\_\_\_

THIS AGREEMENT between the Town of Huntington, County of Suffolk, State of New York, and  
residing at \_\_\_\_\_

as User

WITNESSETH: The Town of Huntington, hereby grants to the above named party, only, the right to use of the berth listed above, only for the boat described above, subject to the following conditions: User agrees to carry out and abide by the provision of Chapter 120 of the Code of the Town of Huntington, rules and regulations listed in Schedule "A", "Terms and Conditions", attached hereto and any other reasonable rules and regulations which may be adopted by the Department of Maritime Services from time to time for the comfort and safety of the Marina as a whole. User hereby acknowledges that he/she has read all of the rules and regulations listed in Schedule "A", "Terms and Conditions".

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Supervisor/Deputy Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

TOWN OF HUNTINGTON  
DEPARTMENT OF MARITIME SERVICES  
MARINA CONTRACT  
PLEASURE BOATS ONLY

SCHEDULE A

TERMS AND CONDITIONS

1. The granting of berthing hereunder is from April 1, 2015 to October 31, 2015. User warrants that he owns the boat and has Marine Insurance Coverage. It is agreed between the Town and the User that no responsibility is assumed by the Town for injuries to any persons on Marina property, nor for the safety of any boat in the Marina area, or fire, theft, or damage to boat or equipment howsoever arising. The User shall save the Town and the Board of Trustees harmless from any such loss or damage and the Town of Huntington and the Board of Trustees shall be under no obligation to insure the User's boat, equipment or other property against any such loss or damage. The Town reserves the right to assume control of any vessel for protection of life and property as deemed necessary by the Department of Maritime Services of the Town of Huntington. The Town of Huntington hereby expressly reserves the exclusive right to assign or reassign a berth other than the berth specified herein. User hereby agrees to abide by same.
2. All boats occupying berths shall comply with the Federal, State, Town and Board of Underwriters regulations. Filling of gas tanks shall not be permitted at any Town Marina. The Department of Maritime Services shall have the exclusive right to determine if a vessel is seaworthy and suitable for placement in the Marina.
3. Berthing spaces are assigned to the User for a specified boat and are non-transferable. No other boat other than the one under contract may use the assigned berth. User shall be prohibited from subleasing or otherwise renting of berth. No boat occupying a Town Marina berth shall be used for chartering or for commercial purposes. Adequate lines for berthing shall be provided by boat owner and shall be replaced if, in the opinion of the Department of Maritime Services, such lines are inadequate or unsafe. Spring lines shall be a minimum of 3/8-inch nylon or equivalent. The bow and stern lines shall be of sufficient size as to safely berth boat.
4. The Owner of any vessel using the Marina shall be responsible for conduct of guests or persons visiting the boat. Swimming or fishing within Marina areas is strictly forbidden. No signs shall be placed on piers, parking areas or on any floats without prior permission. Service area floats shall not be utilized for more than fifteen (15) minutes, and no boats shall be stored or left on any float, bulkhead, parking field or in any of the Marina waters except as assigned. Boats including dinghies on davits must be tied in such a manner so that the float is clear at all times. Waterhose equipped with self-closing nozzles of the handgrip type shall be supplied by boat owner. Waste of water shall not be permitted.
5. The Town may cancel this agreement at any time and for any reason upon five (5) days written notice to the User at the address listed herein above.
6. (a) No garbage, oil, sludge, sewage or refuse matter of any kind shall be thrown, deposited, or permitted to fall from any boat using the Marina.  
(b) Dumping of refuse overboard is prohibited. This includes, but is not limited to garbage, cans, bottles, paper products, dead fish, fish heads, or carcasses, and other substance or matter. Suitable containers are provided dockside, and shall be utilized for the above purpose.  
(c) Swimming or fishing or cleaning of fish on floats, docks or within the Marina area is prohibited.
7. (a) Any boat in the area, which shall become a menace to navigation or unseaworthy or sinks, grounds, or otherwise becomes disabled or incapable of navigation, the determination of which shall be made exclusively by the Town of Huntington, shall be removed or restored to navigable condition by the User herein upon notice by the Town or its designated agent, which notice shall be made by regular mail and/or certified mail addressed to the User's last known address as given by him in this contract. (§120.17)\*  
(b) If such boat is not removed or restored to navigable condition by the said User within one (1) week of said notice, this contract shall terminate without any refund of fee and the Town, or its designated agent, may direct the removal of the boat, and the cost of said removal, including any and all charges as a result thereof, shall attach to, and become a lien upon, said boat, and said boat may be sold upon direction of the Town Board at public auction to defray said expenses, with any surplus being returned to the user of record. The Town and Board of Trustees shall not be liable for any damage done to said boat during its removal, storage and sale. Nothing contained in this section shall be construed to restrict or prohibit earlier action by the Department of Maritime Services, with or without notice to the owner, if, in the judgment of the Department, such boat severely impedes or severely restricts navigation, or is in such condition so as to cause immediate an/or serious danger to either the health, safety and/or welfare of the public or to property.  
(c) Owners of boats which are not removed from the Town's marinas by October 31<sup>st</sup>, except those boats having a contract with the Town of Huntington for the same (identical) berth in the same marina for the immediately following winter storage season: 1) may be subject to a \$25.00 daily fee after October 31<sup>st</sup>; 2) user shall have their boat removed from the marina by the Town, and its designated agent may direct removal of the boat and the cost of said removal, including any and all charges as a result thereof, shall attach to, and shall become a lien upon said boat, and said boat may be sold upon direction of the Town Board at public auction to defray said expenses with any surplus therefrom being returned to the User of record. The Town or Board of Trustees

- shall not be liable for any damage done to said boat during its removal, storage and sale; 3) the User shall be prohibited from future participation in any Town of Huntington boat berthing or storage program.
8. The failure of the Town or Board of Trustees to insist upon a strict performance of the terms and conditions herein, shall not be deemed a waiver of any rights or remedies that the Town or Board of Trustees may have and shall not be deemed a waiver of any subsequent breach or default of the terms and conditions herein. This instrument may not be changed, modified, or altered orally.
  9. Provided the applicant has complied with the conditions set forth in this contract, Chapter 120 of the Town Code and the Marina Policy, the applicant shall have the option of renewal for the following season by depositing the non-refundable sum of \$250.00 with the Department of Maritime Services before the deadline date.
  10. Fees shall be payable on or before March 12<sup>th</sup>, or for late applicants, before the boat enters the Marina. No refunds will be made after March 15<sup>th</sup>.
  11. No boat shall be operated at a greater speed than five (5) miles per hour in the Marina, a channel or millpond. The term speed shall mean the speed of a boat measured in slack water in statute miles.
  12. Any violation of this contract, Chapter 120 of the Town Code or the Marina Policy may result in the revocation of berthing privileges and the forfeiture of any fees paid.
  13. Fees: seasonal fees are based upon length over all of boat at rate set forth by the Town Board. Boats with larger than normal beams will be charged at next higher category, i.e. 19' and under with beam in excess of 8' (eight feet) will be charged as 20' (twenty feet) boat.
  14. No change of berth may be made by User.
  15. No one shall, at any time during the term hereof, live aboard while the boat is in the Marina.
  16. Open flame fires, or grills or gasoline stoves are prohibited on boats, floats, or docks.
  17. All pets must be kept aboard boats. All pets being escorted to and from the boats must be on a suitable leash, at all times.
  18. Noise curfew is 11:00 PM to 7:00 AM. Halyards must be tied off. (§120-13)\*
  19. Dinghies, canoes or portable sailing craft may not be used as play craft within the Marina or stored on floats. No part of boat or appurtenances shall overhang the floats.
  20. The Marina floats shall be open to Town of Huntington Users and their guests. In the absence of the User, no one shall be permitted to board a boat without prior written permission.
  21. All problems shall be immediately reported to the Department of Maritime Services.
  22. User shall be responsible for damage to other boats in the Marina or structures or facilities thereof, caused by User, or User's guest.
  23. Users shall have their PRINCIPAL RESIDENCE (domicile) in the Town of Huntington, before a contract may be issued by the Department of Maritime Services, and such proof as is deemed necessary shall be produced upon request prior to the issuance of such contract.
  24. The User shall be the owner of a boat which is registered in New York State, which boat shall be the boat described in this contract. If the boat is owned jointly, or by a partnership, all owners or members or partners shall have their principal residence (domicile) in the Town of Huntington.
  25. Boat owners warrant that his/her boat meet all Federal, State, and town laws with regard to marine toilet and sanitary facilities, and complies with all requirements of the NO DISCHARGE ZONE where applicable.
  26. Any boat or watercraft which shall occupy a berth in the Town of Huntington Marina shall be maintained in a safe and seaworthy condition.
  27. Berths must be occupied continuously. If a berth will be vacant for the season, the User must notify the Department of Maritime Services and provide, in writing, the reason why it will be vacant. Any berth that is vacated for one (1) full season must be occupied the following season by June 1<sup>st</sup> or else it will be deemed abandoned, thereby forfeiting any rights or privileges of the user of that berth. The berth will then revert back to the Town of Huntington for future disposition.
  28. No major repairs are to be made in the Marina either by the User or his agent, as to cause unreasonable inconveniences or bother other Users of the Marina.
  29. The identification decal must remain on your boat until the conclusion of the berthing season on October 31<sup>st</sup>.
  30. The Town and Board of Trustees have no duty or obligation to keep User's boat under surveillance at any time and the failure to maintain a guard or watchman shall not be deemed to constitute negligence on their part. User acknowledges that the Town of Huntington or Board of Trustees shall not provide any guard or watchman service during the term hereof. Nor shall the employment of such guard or watchman be deemed to create any obligation on the part of the Town and Board of Trustees for the care or safety of User's boat or the equipment thereon.
  31. Summer tenants may extend their season through the months of November and December at a rate set yearly by the Town Board. All rules, regulations, and policies for the summer season will be in full force and effect during this period. All summer tenants must have their request for winter and the fall extension prior to September 1<sup>st</sup>, if they want to remain in their summer berths.
  32. No person under ten (10) years of age shall be admitted to, or permitted in, a Town Marina unless accompanied by an adult who show full responsibility for the child's safety and conduct.
  33. A prorated refund will only be granted if the tenant has not used their berth for the season. There will be absolutely no refunds granted after June 30<sup>th</sup>.

\*CODE OF THE TOWN OF HUNTINGTON

2014-423

RESOLUTION DONATING TWO (2) SURPLUS 2002 GEM ELECTRIC CARTS TO THE GREENLAWN CIVIC ASSOCIATION TO BE USED FOR GREENLAWN CIVIC ASSOCIATION PURPOSES

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by: Councilman Cuthbertson

and seconded by: SUPERVISOR PETRONE, COUNCILMAN COOK

WHEREAS, TBR 2014-318 declared these two (2) carts surplus and/or obsolete; and

WHEREAS, the Greenlawn Civic Association indicated to the Town of Huntington that they require these carts for civic association operations; and

WHEREAS, the subject of this resolution is not an action as defined by 6 N.Y.C.R.R. 617. 2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby donates two (2) surplus Gem Electric Carts (VIN #'s: 5ASAG27442F018498 and 5ASAG27442F20350) to the Greenlawn Civic Association, P.O. Box 332, Greenlawn, NY 11740, to be used for civic association purposes.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2014-425

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

Resolution for Town Board Meeting dated: August 19, 2014

The following resolution was offered by: Councilwoman Berland

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

WHEREAS, on April 8, 2014 the Town Board designated certain properties as "blighted" and scheduled a public hearing to consider further action to remedy the conditions of blight; and

WHEREAS, those properties whose owners failed to enter into a Restoration Agreement with the Town or to take steps to remedy the conditions of blight upon their properties have been evaluated and considered for further action(s) to be taken at a public hearing held on May 6, 2014; and

WHEREAS, pursuant to its authority under § 64 and §130 of New York State Town Law, New York State Executive Law § 382 and the Code of the Town of Huntington the Town Board wishes to authorize certain actions to remedy blight conditions; and

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

NOW THEREFORE,

THE TOWN BOARD

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

HEREBY DIRECTS the Receiver of Taxes to assess the annual registration fees upon the properties as listed in Schedule "A" and properties designated as persistent blighted properties pursuant to § 156-67(D) on Schedule "D" to this Resolution; and

HEREBY DIRECTS the Director of Planning and Environment and/or Engineering to maintain records of all costs and expenses in connection with the abatement of the blight conditions and to provide same reports to the Town Board for determination as to the amounts to be assessed against the properties listed on Schedule "A" and properties designated as persistent blighted properties pursuant to § 156-67(D) on Schedule "D" to this Resolution; and

2014-425

HEREBY DIRECTS AND AUTHORIZES the Town Attorney to provide each property owner listed in Schedule "A" and with a copy of this Resolution; and

FURTHER DIRECTS the Town Attorney to notify the property owners of properties listed on Schedule "B" to this Resolution that structure(s) upon their properties are being evaluated for further action to mitigate blight up to and including consideration for possible demolition at a hearing before an Administrative Hearing Officer; and

HEREBY DESIGNATES the properties listed on Schedule "C" as having corrected previously blighted conditions or entered into a Restoration Agreement and as such are currently in compliance; and

HEREBY DESIGNATES the properties listed on Schedule "D" as persistent or ongoing blighted properties and shall be assessed the annual blighted property assessment fee, whereas the Town will take any and all necessary actions to abate the blighted conditions; and

HEREBY DIRECTS AND AUTHORIZES the Town Attorney to provide each property owner listed in Schedule "D" with a copy of this Resolution, sent registered or certified mail return receipt to the last known address as shown by the records of the Town Assessor.

VOTE:            AYES: 5    NOES: 0    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2014-425

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

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
127	650 Washington Drive Centerport	0400-039.00-01.00-023.000	Teofil S. Kolodziejczyk 650 Washington Drive Centerport, NY 11721	6/23/2014	\$2,500.00
128	41 Hearthstone Drive Dix Hills	0400-250.00-02.00-068.000	Joseph Cinquemani 41 Hearthstone Drive Dix Hills, NY 11746-5032	6/9/2014	\$2,500.00

2014-425

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

PREVIOUS EXHIBITS-SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	DATE PUBLIC HEARING HELD
127	650 Washington Drive Centerport	0400-039.00-01.00-023.000	Teofil S. Kolodziejczyk 650 Washington Drive Centerport, NY 11721	6/23/2014	7/15/2014
128	41 Hearthstone Drive Dix Hills	0400-250.00-02.00-068.000	Joseph Cinquemani 41 Hearthstone Drive Dix Hills, NY 11746-5032	6/9/2014	7/15/2014

2014-425

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

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE
125	92 Columbia Street Huntington Station	0400-140.00-03.00-086.000	Paul Magny Paulette Magny 89 Columbia Street Huntington Sta., NY 11746	6/5/2014

-SCHEDULE C-  
IN COMPLIANCE

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

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	ORIGINAL NOTIFICATION DATE	ANNUAL REGISTRATION FEE
58	93 W. 11th Street Huntington Sta., NY	0400-137.00-03.00-011.000	Benjamin F. Hill, Sr. PO Box 248 Central Islip, NY 11722	5/11/2012	\$2,500.00
11	114 Columbia Street Huntington Sta., NY	0400-141.00-01.00-027.000	Delvis Arevalo Elsa Bardales Banegas 114 Columbia Street Huntington Sta, NY 11746	10/21/2011	\$2,500.00
36	151 W. Pulaski Rd Huntington Station	0400-141.00-01.00-078.004	Robert A. Guerrero 461 Pulaski Road Greenlawn, NY 11740	3/9/2012	\$2,500.00

**-SCHEDULE D-  
PERSISTENT BLIGHT**

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 25-2014, CONSIDERING ZONE CHANGE APPLICATION #2012-ZM-389, KNOWN AS BK ELWOOD LLC (THE SEASONS AT ELWOOD), TO CHANGE THE ZONING FROM R-40 RESIDENCE DISTRICT TO R-RM RETIRMENT COMMUNITY DISTRICT FOR THE PROPERTY LOCATED ON THE WEST SIDE OF ELWOOD ROAD, NORTH OF FAIR OAKS COURT, ELWOOD, SCTM# 0400-170-02-015.001.

Resolution for Town Board Meeting dated: August 19, 2014

The following resolution was offered by: Supervisor Petrone

and seconded by **COUNCILMAN CUTHBERTSON**

WHEREAS, BK ELWOOD, LLC, 67 Clinton Rd., Garden City, NY 11530, applicant, submitted application #2012-ZM-389 for a change of zone from R-40 Residence District to R-RM Retirement Community District for property located on the west side of Elwood Rd., north of Fair Oaks Ct., Elwood, designated as 0400-170-02-015.001 on the Suffolk County Tax Map; and

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

WHEREAS, this action meets the criteria of a Type I Action in accordance with SEQRA, 6 NYCRR Part 617.4(b)(5 & 10), for proposing the construction of 256 residential units that will not be connected to an existing public sewer system, on property listed on the Town of Huntington's Open Space Index and adjacent to a Town park; and

WHEREAS, the Town Board, 100 Main St., Huntington, NY 11743 established itself as Lead Agency on May 6, 2014; and

WHEREAS, the Department of Planning and Environment has prepared an EAF Parts II and III which analyzes the planning and zoning issues relative to the subject application as well as consistency with the Horizons 2020 Comprehensive Plan and evaluates potential project impacts in accordance with the SEQRA regulations, and the SEQRA documents and additional information concerning the SEQRA process can be obtained from the Department of Planning and Environment, 100 Main St., Room 212, Huntington, NY 11743, phone: (631) 351-3196, e-mail: [planning@huntingtonny.gov](mailto:planning@huntingtonny.gov); and

WHEREAS, the applicant has agreed to make every reasonable effort to work with the Town job resource center, the building trades and local contractors to promote the hiring of Huntington residents for construction activities related to the development of the senior housing project; and

WHEREAS, during construction, the applicant and the Elwood School District shall each make their best effort to coordinate activities to mitigate the possible adverse impact of construction traffic slowing down school bus routes to and from schools; and

WHEREAS, by resolution dated August 6, 2014 the Planning Board recommended to the Town Board that the Town Board issue a Negative Declaration under SEQRA and approve the application subject to the following conditions:

- (1) The property shall be limited to a yield of 256 residential senior units, and
- (2) Affordable housing units shall be provided in accordance with the standards set in Section 198-13(I) of the Huntington Town Code, and
- (3) Traffic improvements listed in the Expanded EAF/Traffic Study shall be provided by the applicant at their expense, and
- (4) The applicant shall install, at their own cost and expense, a traffic signal and related improvements at the main entrance to the development if required by Suffolk County Department of Public Works, and to the specifications set forth by the SCDPW; and
- (5) Building and parking lot setbacks shall not be less than the setbacks shown on the conceptual site plan submitted with the Supplement to the Expanded EAF dated August 14, and
- (6) A Soil Management Plan shall be provided that shall address all soil contamination issues in accordance with the cleanup standards used by the Town, and
- (7) The residential buildings shall be varied in appearance by using architectural design and treatments such as varied style, rooflines, orientation, setbacks, projections in the façade, materials, colors, fenestration, and/or trim, and
- (8) The open space area in the northeast portion of the development along Elwood Road, shown on the conceptual site plan submitted with the Supplement to the Expanded EAF dated August 2014, should be enhanced during site plan review. The expanded open area should be of sufficient size to preserve a significant scenic vista from this section of Elwood Road;

NOW THEREFORE BE IT

RESOLVED, upon due deliberation of the completed Environmental Assessment Form on file in the offices of the Town Clerk and the Department of Planning and Environment, the Town Board finds that the action will not have a significant effect upon the environment because the rezoning action incorporates measures and conditions of approval to effectively mitigate impacts; and further finds that the proposed action to rezone the property is

consistent with the Town of Huntington Comprehensive Plan and with long term planning policies and goals and is unlikely to pose significant adverse environmental impacts; and additionally finds that any subdivision or site plan resulting therefrom may require its own determination of significance, following SEQRA assessment of the specific project's environmental consequences based upon new information or revisions to the concept plans, the Town Board hereby:

(1) Issues a Negative Declaration based on the reasons outlined in the EAF, Parts II and III; and

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

BE IT FURTHER RESOLVED, that the Town Board, having held a public hearing on the 17th day of June, 2014, to consider adopting Local Law Introductory No.25-2014 amending the "Amended Zoning Map of the Town of Huntington", as referenced in Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), §198-7 of the Huntington Town Code, thereby rezoning from R-40 Residence District to R-RM Retirement Community District property designated on the Suffolk County Tax Map as 0400-170-02-015.001, and due deliberation having been had;

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

FURTHER RESOLVES that no subdivision or site plan shall be approved by the Planning Board or signed by the Director of Planning unless the plan is in full compliance with the requirements of this Resolution, the Covenants and Restrictions, and any applicable condition, restriction, or limitation established by the Planning Board during subdivision or site plan review; and

HEREBY ADOPTS

Local Law Introductory No. 25-2014, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts, Map, General Regulations), as follows on the terms and conditions as set forth herein.

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

LOCAL LAW NO. \_\_\_\_\_ - 2014  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 198 (ZONING)  
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)

## SECTION 7 (ZONING MAP)

Section 1. The Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), Section 7 (Zoning Map) is amended as follows:

## CHAPTER 198 (ZONING)

## ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)

\* \* \*

## § 198-7 Zoning Map

The boundaries of the districts enumerated in §198-6 of this Chapter are hereby established as shown on the map designated as the "Amended Building Zone Map of the Town of Huntington." The said map, together with all notations, references and every other detail shown thereon shall be as much a part of this chapter as if the map and every other detail shown thereon was fully described therein. Section 198-55 contains symbols on the map for the aforesaid districts.

The premises located on the west side of Elwood Road, north of Fair Oaks Court, Elwood, designated on the Suffolk County Tax Map as 0400-170-02-015.001, to be rezoned from R-40 Residence District to R-RM Retirement Community District, more particularly described as:

BEGINNING at a POINT on the westerly side of Elwood Road, distant 235.04 feet northerly along the westerly side of Elwood Road as measured from a curve connecting said road line with the northerly side of Fair Oaks Court, said curve having a radius of 20.00 feet and a length of 31.42 feet,

THENCE from said POINT OF BEGINNING North 43 degrees 21 minutes 10 seconds West, 108.91 feet,

THENCE North 70 degrees 51 minutes 00 seconds West, 71.26 feet,

THENCE South 46 degrees 57 minutes 50 seconds West, 97.80 feet,

THENCE North 42 degrees 58 minutes 30 seconds West, 443.74 feet,

THENCE North 45 degrees 07 minutes 10 seconds East, 288.40 feet,

THENCE North 47 degrees 14 minutes 40 seconds West, 818.55 feet,

THENCE North 36 degrees 02 minutes 24 seconds East, 618.47 feet,

THENCE North 38 degrees 08 minutes 44 seconds East, 77.19 feet,

THENCE North 37 degrees 37 minutes 35 seconds East, 543.51 feet,

THENCE South 53 degrees 51 minutes 39 seconds East, 131.45 feet,

THENCE South 01 degree 48 minutes 07 seconds East, 181.51 feet,

THENCE South 53 degrees 51 minutes 39 seconds East, 245.00 feet,

THENCE South 15 degrees 06 minutes 11 seconds East, 31.95 feet,

THENCE South 53 degrees 51 minutes 39 seconds East, 349.72 feet,

THENCE South 01 degree 17 minutes 30 seconds East, 455.47 feet,

THENCE southerly along the arc of a curve bearing right, having a radius of 1017.25 feet and a length of 592.55 feet,

THENCE South 32 degrees 05 minutes 00 seconds West, 330.05 feet,

THENCE South 32 degrees 48 minutes 10 seconds West, 204.84 feet, to the POINT OF BEGINNING.

Such change of zone shall be specifically conditioned upon the filing by the applicant of the following Covenants and Restrictions, to run with the land, in a form acceptable to the Town Attorney. Such deed and Covenants and Restrictions shall be filed at the applicant's own cost and expense in the Office of the Suffolk County Clerk. Proof of such filing shall be provided by the applicant to the Town Attorney, Director of Planning, and Huntington Town Clerk. All such Covenants and Restrictions shall be in addition to such terms and conditions as deemed necessary by the Town Attorney to assure compliance with the Covenants.

- (1) The property shall be limited to a yield of 256 two bedroom, residential senior units in conformance with the age restrictions set forth in Section 198-21 of the Huntington Town Code R-RM Retirement Community District; and
- (2) Affordable housing units shall be provided in accordance with the standards set in Section 198-13(I) of the Huntington Town Code; and
- (3) The applicant shall install at their own expense the following proposed on-site mitigation infrastructure improvements listed in the Expanded EAF/Traffic Study:
  - (a) Install sidewalks, curbing and drainage along the entire site's frontage
  - (b) Widen the west side of Elwood Road along the site's frontage to increase the radius of the present horizontal curve; and,
  - (c) Install a right turn deceleration lane and a left turn lane at the proposed site access; and

- (4) The applicant shall install, at their own cost and expense, any traffic related improvements required by Suffolk County Department of Public Works to the specifications as set forth by the SCDPW; and
- (5) The applicant shall make payments upon the issuance of the initial project building permit in the amounts of \$500,000 to the Elwood School District and \$50,000 to the Elwood Library District. The payment to the library district shall be earmarked for library materials and programming; and
- (6) Building and parking lot setbacks shall not be less than the setbacks shown on the conceptual site plan submitted with the Supplement to the Expanded EAF dated August 2014; and
- (7) A Soil Management Plan (SMP) shall be provided that shall address all soil contamination issues in accordance with the cleanup standards used by the Town, as set forth by the Suffolk County Department of Health Services. Further, the applicant shall be required to fund a third party, independent consultant selected by and working on behalf of the Town to monitor implementation through completion of the soil management plan to ensure its compliance with the adopted SMP; and
- (8) In addition to the required Recreation Fee of \$128,000 pursuant to Chapter A 202 - Schedule D of the Town of Huntington Code, the applicant shall make a payment of \$52,000 to the Park and Recreation fund to be dedicated for park improvements in the Elwood community; and
- (9) The residential buildings shall be varied in appearance by using varied orientation, setbacks, and colors; and
- (10) The open space area in the northeast portion of the development along Elwood Road, shown on the conceptual site plan submitted with the Supplement to the Expanded EAF dated August 2014 should be enhanced during site plan review. The expanded open area should be of sufficient size to preserve a significant scenic vista from this section of Elwood Road; and
- (11) Any building sited along Elwood Road shall be limited to four (4) residential units.

\*

\*

\*

## Section 2. Severability

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



2014 - 427

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 26-2014  
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON,  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

RE: LORET LANE, EAST NORTHPORT - PARKING RESTRICTIONS

Resolution for Town Board Meeting dated: August 19, 2014

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

and seconded by: **COUNCILMAN COOK**

THE TOWN BOARD having held a public hearing on the 15<sup>th</sup> day of July, 2014 at 2:00 p.m. to consider adopting Local Law Introductory No. 26-2014 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J., and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 26-2014 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

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

LOCAL LAW NO. 27- 2014  
AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

2014 - 427

<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
ADD: Loret Lane/North From the eastern terminus of Loret Lane for 220 feet west (ENP)	No Parking	-----

Section 2. Severability.

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

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2014 - 428

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 27-2014  
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON,  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.  
RE: HOLDSWORTH DRIVE, HUNTINGTON - PARKING RESTRICTIONS

Resolution for Town Board Meeting dated: August 19, 2014

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

and seconded by: **COUNCILMAN COOK**

THE TOWN BOARD having held a public hearing on the 15<sup>th</sup> day of July, 2014 at 2:00 p.m. to consider adopting Local Law Introductory No. 27-2014 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J., and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 27-2014 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

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

LOCAL LAW NO. 28- 2014  
AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

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	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
DELETE:	Holdsworth Drive/South From Oakwood Road east for 35 feet (HUS)	No Standing	-----
ADD:	Holdsworth Drive/South From Oakwood Road east for 95 feet (HUS)	No Standing	-----

Section 2. Severability.

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

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2014 - 429

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 28-2014 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE I, §2-1, SCHEDULE A.

RE: DALY ROAD AT BLACKSMITH LANE, COMMACK, DALY ROAD AT WICKS ROAD AND AT PHYLLIS DRIVE/WILLOUGHBY PATH, EAST NORTHPORT -- TRAFFIC SIGNAL

Resolution for Town Board Meeting dated: August 19, 2014

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

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 15<sup>th</sup> day of July, 2014 at 2:00 p.m. to consider adopting Local Law Introductory No. 28-2014 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE I, §2-1, SCHEDULE A., and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 28-2014 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE I, §2-1, SCHEDULE A.; as follows:

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

LOCAL LAW NO. 29 - 2014  
AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 2, ARTICLE I, §2-1, SCHEDULE A.

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE I, §2-1, SCHEDULE A.; as follows:

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 2, ARTICLE I, §2-1, SCHEDULE A.

2014 - 429

<u>LOCATION</u>	<u>DESCRIPTION OF SIGNAL</u>
ADD: Daly Road at Blacksmith Lane(CMK)	Full-Traffic Actuated
Daly Road at Wicks Road(ENP)	Full-Traffic Actuated
Daly Road at Phyllis Drive/Willoughby Path(ENP)	Full-Traffic Actuated

Section 2. Severability.

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

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

VOTE:            AYES: 5        NOES: 0        ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2014 - 430

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 29-2014  
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON,  
CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

RE: BUHL LANE, DARRELL STREET, EAST NORTHPORT – STOP SIGNS

Resolution for Town Board Meeting dated: August 19, 2014

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

and seconded by: **COUNCILMAN COOK**

THE TOWN BOARD having held a public hearing on the 15<sup>th</sup> day of July, 2014 at 2:00 p.m. to consider adopting Local Law Introductory No. 29-2014 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE IV, §2-7, SCHEDULE G., and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 29-2014 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE IV, §2-7, SCHEDULE G.; as follows:

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

LOCAL LAW NO. 30 - 2014  
AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE IV, §2-7, SCHEDULE G.; as follows:

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UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

	<u>SIGN ON</u>	<u>SIGN</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF:</u>
ADD:	Buhl Lane (ENP)	STOP	SOUTH	Compton Street
	Darrell Street (ENP)	STOP	NORTH	Compton Street

Section 2. Severability.

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

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

RESOLUTION DEFEATED

2014-431

ENACTMENT: AUTHORIZE THE TOWN BOARD TO EXECUTE A LAND AND TOWER LICENSE AGREEMENT BETWEEN THE DIX HILLS WATER DISTRICT AND CINGULAR WIRELESS PCS, LLC FOR THE INSTALLATION, MAINTENANCE, AND USE OF CELLULAR COMMUNICATIONS EQUIPMENT AT THE DIX HILLS WATER DISTRICT FACILITY ON COLBY DRIVE

Resolution for Town Board Meeting dated: August 19, 2014

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

And seconded by: **SUPERVISOR PETRONE**

WHEREAS, New Cingular Wireless, successor in interest to Cellular Telephone Company, currently has cellular antennas and equipment installed at the Dix Hills Water District facility on Colby Drive (the "Colby Drive Facility") pursuant to a license agreement dated April 1, 1991; and

WHEREAS, the aforementioned license agreement expired on or about March 31, 2014; and

WHEREAS, New Cingular Wireless desires to continue its use of the Colby Drive Facility by licensing a portion thereof for the construction, installation, maintenance, repair, and operation of cellular communications equipment and for uses incidental thereto, by entering into a new land and tower license agreement with the Dix Hills Water District; and

WHEREAS, such permission for use is contingent upon the execution of a license agreement which includes provisions requiring New Cingular Wireless to hold harmless and indemnify the Dix Hills Water District and the Town of Huntington; and

WHEREAS, the execution of a license agreement has been determined to be a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(11) and (c)(20), and, therefore, no further SEQRA review is required.

NOW, THEREFORE, BE IT

RESOLVED THAT, the Town Board having held a public hearing on the 19<sup>th</sup> day of August, 2014, at 7:00 p.m. and due deliberation having been had,

HEREBY AUTHORIZES members of the Town Board to execute a land and tower license agreement between the Dix Hills Water District and New Cingular Wireless, 575 Morosgo Drive NE, Suite 13-F, West Tower, Atlanta, Georgia, for the use of a portion of the Dix Hills Water District facility on Colby Drive for the construction, installation, maintenance, repair, and operation of cellular communications equipment and for uses incidental thereto, with an initial term of five (5) years beginning upon execution of the agreement and for an initial license fee due in the amount of THREE THOUSAND SIX

2014-431

HUNDRED ONE and 08/100 Dollars (\$3,601.08) per month, with an option to renew upon agreement of the parties for additional five (5) year terms at an increased monthly license fee of 115% of the amount due during the prior five (5) year term, and upon such other terms and conditions as may be acceptable to the Town Attorney's Office.

VOTE:                    AYES: 2        NOES: 2        ABSENTIONS: 1

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

THE RESOLUTION WAS THEREUPON DECLARED DULY **DEFEATED.**

2014-432

RESOLUTION DEFEATED

ENACTMENT: AUTHORIZE THE TOWN BOARD TO EXECUTE A LAND AND TOWER LICENSE AGREEMENT BETWEEN THE DIX HILLS WATER DISTRICT AND CINGULAR WIRELESS PCS, LLC FOR THE INSTALLATION, MAINTENANCE, AND USE OF CELLULAR COMMUNICATIONS EQUIPMENT AT THE DIX HILLS WATER DISTRICT FACILITY ON WOLF HILL ROAD

Resolution for Town Board Meeting dated: August 19, 2014

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

And seconded by: **SUPERVISOR PETRONE**

WHEREAS, New Cingular Wireless, successor in interest to Cellular Telephone Company, currently has cellular antennas and equipment installed at the Dix Hills Water District facility on Wolf Hill Road (the "Wolf Hill Road Facility") pursuant to a license agreement dated February 8, 1991; and

WHEREAS, the aforementioned license agreement expired on or about January 31, 2011; and

WHEREAS, New Cingular Wireless desires to continue its use of the Wolf Hill Road Facility by licensing a portion thereof for the construction, installation, maintenance, repair, and operation of cellular communications equipment and for uses incidental thereto, by entering into a new land and tower license agreement with the Dix Hills Water District; and

WHEREAS, such permission for use is contingent upon the execution of a license agreement which includes provisions requiring New Cingular Wireless to hold harmless and indemnify the Dix Hills Water District and the Town of Huntington; and

WHEREAS, the execution of a license agreement has been determined to be a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(11) and (c)(20), and, therefore, no further SEQRA review is required.

NOW, THEREFORE, BE IT

RESOLVED THAT, the Town Board having held a public hearing on the 19<sup>th</sup> day of August, 2014, at 7:00 p.m. and due deliberation having been had,

HEREBY AUTHORIZES members of the Town Board to execute a land and tower license agreement between the Dix Hills Water District and New Cingular Wireless, 575 Morosgo Drive NE, Suite 13-F, West Tower, Atlanta, Georgia, for the use of a portion of the Dix Hills Water District facility on Wolf Hill Road for the construction, installation, maintenance, repair, and operation of cellular communications equipment and for uses incidental thereto, with an initial term of five (5) years beginning upon execution of the agreement and for an initial license fee due in the amount of FOUR THOUSAND FIVE

2014-432

HUNDRED SIXTY-SIX and 92/100 Dollars (\$4,566.92) per month, with an option to renew upon agreement of the parties for additional five (5) year terms at an increased monthly license fee of 115% of the amount due during the prior five (5) year term, and upon such other terms and conditions as may be acceptable to the Town Attorney's Office.

VOTE:            AYES: 2      NOES: 2      ABSENTIONS: 1

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

THE RESOLUTION WAS THEREUPON DECLARED DULY **DEFEATED.**

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 35 -2014 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

RE: LOCUST LANE, BAYBERRY ROAD, EATONS NECK – STOP SIGN

Resolution for Town Board Meeting dated: August 19, 2014

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town Board wishes to amend the Uniform Traffic Code in order to comply with the applicable traffic regulations published by the Federal Highway Administration in order to establish intersection control and right-of-way compliance;

WHEREAS, pursuant to 6 N.Y.C.R.R. 617.5(c)(20) and (27) of SEQRA, regulations amending the Uniform Traffic Code of the Town of Huntington are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connection with any Type II action", and therefore, this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the 16th day of September, 2014 at 2:00 p.m., Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 35 -2014 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE IV, §2-7, SCHEDULE G.; as follows:

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

LOCAL LAW INTRODUCTORY NO. 35 -2014  
AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE IV, §2-7, SCHEDULE G.; as follows:

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

	<u>SIGN ON</u>	<u>SIGN</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF:</u>
ADD:	Locust Lane (ETN)	STOP	NORTH/SOUTH	Bayberry Road
	Locust Lane (ETN)	STOP	SOUTH	Cherrylawn Lane
	Bayberry Road (ETN)	STOP	WEST/EAST	Locust Lane
DELETE:	Bayberry Road (ETN)	STOP	WEST	Locust Avenue

Section 2. Severability.

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

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2014-434

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 36 -2014 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

RE: BROADWAY, HUNTINGTON STATION - PARKING RESTRICTIONS

Resolution for Town Board Meeting dated: August 19, 2014

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

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town Board wishes to amend the Uniform Traffic Code in order to change parking regulations due to the adoption of parking meters and prior changes to the parking regulations along Broadway in Huntington Station; and

WHEREAS, pursuant to 6 N.Y.C.R.R. 617.5(c)(20) and (27) of SEQRA, regulations amending the Uniform Traffic Code of the Town of Huntington are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connection with any Type II action", and therefore, this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the 16th day of September, 2014 at 2:00 p.m., Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 36 -2014 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

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

2014-434

LOCAL LAW INTRODUCTORY NO. 36 -2014  
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
DELETE: Broadway/North From 700 ft. west of Highview Ave. to 165 ft. east of New York Ave. (Rt. 110) (HUS)	No Parking	12:00 midnight to 4:00 a.m., Wed.

Section 2. Severability.

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

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

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VOTE:        AYES: 5        NOES: 0        ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 37 -2014, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE I (GENERAL PROVISIONS) AND ARTICLE VI (HISTORIC LANDMARKS AND DISTRICTS).

Resolution for Town Board Meeting dated: August 19, 2014

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town Board desires to streamline the process to secure Certificates of Approvals, and to fast track those applications that are not expected to impact historic landmarks and sites; and

WHEREAS, the Town Board, as the only agency authorized to amend the Huntington Town Code, is the Lead Agency pursuant to the SEQRA regulations; and

WHEREAS, pursuant to the SEQRA regulations, the scheduling of a public hearing to consider amending the Code of the Town of Huntington is not an action, so no SEQRA review is required at this time;

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the 16th day of September, 2014 at 2:00 p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 37 -2014 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions) and Article VI (Historic Landmarks and Districts), as follows:

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

LOCAL LAW INTRODUCTORY NO. 37 -2014  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 198 (ZONING) ARTICLE I (GENERAL PROVISIONS) AND  
ARTICLE VI (HISTORIC LANDMARKS AND DISTRICTS)

Section 1. Amendment to the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions) and Article VI (Historic Landmarks and Districts); as follows:

CHAPTER 198 (ZONING)  
ARTICLE I (GENERAL PROVISIONS)

\* \* \*  
§198-2. Definitions and word usage.

\* \* \*  
HISTORIC DISTRICT - A designated historic area within defined geographic boundaries containing multiple properties which contains one (1) or more historic landmarks and may also contain some non-contributing structures, where the collection of multiple properties or the inclusion of certain parcels of land contributes to and reinforces the historic, architectural, and/or aesthetic characteristics of individual historic landmarks and the historic district as a whole.

\* \* \*  
HISTORIC LANDMARK OR SITE - A parcel of land, whether or not developed, including its topographical features, earthworks and landscaping, or a structure designated as a "historic landmark".

\* \* \*  
NON-CONTRIBUTING STRUCTURE - A structure in a historic district or on property designated as a historic landmark which does not possess historic, architectural or aesthetic significance on its own but by its location or design may impact historic landmarks around it.

\* \* \*  
STRUCTURE –

(1) Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, without limitation, including signs. A "structure" shall include fences more than six (6) feet in height and retaining and freestanding walls more than four (4) feet in height.

(2) For the purpose of Article VI of this Chapter, the term "structure" shall include anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including but not limited to objects, buildings, outbuildings, fences, decks, statuary, pillars, columns, steps, stairways, gazebos, walls, sidewalks, walkways, pavements, signs, billboards, towers, swimming pools and other objects or improvements.

\* \* \*  
ARTICLE VI (HISTORIC LANDMARKS AND DISTRICTS)

§198-40. Legislative intent [; definitions].

[A.] The Town of Huntington was founded in 1653 and is rich in historical, architectural and cultural resources. It is the intention of the Huntington Town Board to preserve the Town's heritage by establishing a policy which will protect, enhance and perpetuate scenic landmarks, historic sites, structures and buildings; promote economic growth by attracting visitors to the community; enhance the cultural, educational and general welfare of the public; foster pride in the accomplishments of the past; and ensure the harmonious, orderly and efficient growth and development of the Town.

\* \* \*

[B.] [For the purpose of this article the following phrases shall have the following meanings:]

[HISTORIC DISTRICT] - [A designated area, small or large, which contains within definable geographic boundaries one (1) or more historic landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural and/or aesthetic significance or interest to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.]

[HISTORIC LANDMARK OR HISTORIC SITE] - [A parcel of land, whether or not developed, including its topographical features, earthworks and landscaping, or a structure designated as a "historic landmark" by action of the Town Board pursuant to this article.]

[PROPERTY OWNER] - [A person or business entity having an ownership interest in and to a parcel of land and/or structure.]

[STRUCTURE] - [Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including but not limited to objects, buildings, outbuildings, fences, decks, statuary, pillars, columns, steps, stairways, gazebos, walls, sidewalks, walkways, pavements, signs, billboards, towers, swimming pools and other objects or improvements.]

\* \* \*

§198-40.2. Historic Preservation Commission.

\* \* \*

D. Powers and duties. The Commission shall:

(3) Study all applications for the certificates of approval required under §198-[42] 41 of this article and issue written reports, decisions and/or recommendations stating the

reasons for the determination or recommendation in compliance with the stated purpose of this article, including a recommendation on any restriction or condition that should be established as a condition of approval.

\* \* \*

§198-41. Certificate of approval required; procedure.

A. Certificate of approval required; intent.

(1) Prohibition. No work shall be commenced and no Town department or Board shall grant, issue or release a building permit or other approval to erect, construct, reconstruct, repair, restore, renovate, rehabilitate or alter a structure designated as a historic landmark, or any structure within a historic district if it will change the exterior design or scenic or aesthetic appearance thereof unless a certificate of approval has been granted by the Town Board or Historic Preservation Commission, as the case may be; and no improvement or structure designated as a historic landmark or located within a district shall be moved, demolished or razed, in whole or in part, unless such certificate of approval has been approved. The provisions of this section shall apply equally to open spaces or parcels of land designated as historic landmarks or located within historic districts including any change or alteration to their aesthetic appearance, or topographical features, earthworks, streetscape and/or landscape. An owner, occupier or person with an interest in a historic landmark, or in any open space, parcel of land, place or structure within a historic district who causes, permits and/or allows any act prohibited by this section shall be in violation thereof, and in addition to any other penalty imposed be required to restore the open space, parcel of land, place or structure to its appearance prior to the violation.

\* \* \*

(4) This article is not intended to prevent the erection, construction, reconstruction, restoration, rehabilitation, repair, alteration or demolition of any part of an existing exterior feature, or facade which, in the opinion of the Director of Engineering Services or his designee, presents an immediate safety hazard and requires immediate emergency repair to preserve the historic landmark; or the open space or structure within a historic district; or to safeguard the health and safety of occupants or other persons. The term "emergency repair" shall not include major replacements/repairs, and is limited to the work necessary to stabilize the historic landmark; or the open space or structure within a historic district; or to protect the safety of occupants or the public. No additional work is to be performed until a certificate of approval has been requested by the applicant and granted by the Town Board or Historic Preservation Commission, and all other required approvals and permits are obtained.

\* \* \*

B. [An application for a certificate of approval shall not be accepted for filing by the Department of Engineering Services unless it is complete and accompanied by all required documents. An application fee in an amount determined by the Department of Engineering Services shall be payable at the time of application.] Blighted properties. Where a structure which has been designated as a historic landmark or is located within a historic district has been determined to be blighted and is being processed for non-compliance pursuant to §156-67 of the Town Code (Blighted Properties), the Town Attorney shall notify the Huntington Historic Preservation Commission of such action. The Commission shall act in an advisory capacity and shall submit its written findings and recommendations to the Town Board, Town Clerk, Department of Engineering Services, Town Attorney and property owner or person-in-charge of the property within forty-five (45) days of receipt of such notification. In the event the Town Board orders remedial work to be performed including demolition of a structure, it shall first consider the Commission's findings and may accept or reject, in whole or in part, with or without conditions any portion thereof. The Board may simultaneously approve the issuance of a Certificate of Approval for any work that is ordered if same is applicable. The provisions of this section shall apply equally to open spaces or parcels of land designated as historic landmarks or located within historic districts including any change or alteration to their aesthetic appearance, or topographical features, earthworks, streetscape and/or landscape.

C. Application. An application for a certificate of approval shall not be accepted for filing by the Department of Engineering Services unless it is complete and accompanied by all required documents. An application fee in an amount determined by the Department of Engineering Services shall be payable at the time of application. Each applicant shall submit an original and four (4) copies of a fully completed application form; five (5) sets of original plans and specifications of the work to be done; and five (5) sets of such other documentation deemed necessary by the Department of Engineering Services. The Department shall forward one (1) copy of the application form, an original set of plans and specifications and one (1) copy of each additional document submitted by the applicant to the Historic Preservation Commission for its review. The Historic Preservation Commission shall initially review the application to determine whether Town Board review in accordance with §198-41 (D), (E) & (F) is required. In all cases, the application shall be reviewed by the Town Board unless it clearly meets one of the following exceptions, in which case it shall be reviewed by the Historic Preservation Commission in accordance with §198-41(K).

- (1) Additions to a historic structure, as long as the structure as it existed on October 21, 2014 comprises at least 80% of the square footage of the completed structure, as determined by the Director of Engineering in his sole discretion. The burden of proof shall be on the applicant to prove that the standard has been met.

- (2) Partial demolition of a historic structure, as long as at least 75% of the square footage of the structure as it existed on October 21, 2014 remains in tact, as determined by the Director of Engineering in his sole discretion. The burden of proof shall be on the applicant to prove that the standard has been met.
- (3) Additions to non-contributing structures.
- (4) Demolition of non-contributing structures.
- (5) The construction of new structures on non-contributing properties in a historic district.
- (6) Moving any structure to a new location on the same property or to another property.
- (7) Installation of a swimming pool, hot tub, solar panels, decks, sheds of 200 sq. ft. or less, and fences (where a building permit is required).
- (8) Construction of accessory structures up to 200 square feet in size.

D. The Huntington Historic Preservation Commission, except as noted in (C) above, shall act in an advisory capacity to the Town Board and shall submit its written findings and recommendations to the Town Board, Town Clerk, Department of Engineering Services, Town Attorney and applicant within ninety (90) days of the date of its receipt of an application for a certificate of approval. The Commission's report shall describe the extent to which the proposed work meets the criteria in §198-41(G), (H) and/or (I). If the recommendation is for disapproval or approval with conditions, the Commission shall also state its reasons for such disapproval or conditioned approval of the work and may include suggested changes to the plan which if implemented would be accepted by the Commission.

\* \* \*

K. Building permit applications that do not have to be reviewed by the Town Board pursuant to §198-41(C) will be required to obtain certificates of approval from the Historic Preservation Commission. Public hearings will not be held, and applications may be approved or denied, in whole or in part, by the vote of a simple majority of the Commission. The Historic Preservation Commission shall review applications in accordance with the guidelines provided in §198-41(G, H and I). Any applicant aggrieved by the determination of the Historic Preservation Commission may appeal the determination in writing within twenty (20) days of receipt of the Commission's determination by filing an appeal with the Huntington Town Clerk together with an application fee of one hundred (\$100) dollars. The appeal shall be filed with a copy of the Commission's determination, any written objections the applicant may have to the determination, and any other information the applicant deems advisable or necessary. The applicant must also demonstrate that a true copy of the appeal has been mailed to the Huntington Historic Preservation Commission. The Town Clerk shall forward a copy of the appeal to the Town Attorney for further processing.

L. Administrative hearing. An administrative hearing on an appeal of the Commission's ruling shall be held before a duly appointed Administrative Hearing Officer. Hearings

may be adjourned only upon good cause shown. At the administrative hearing the applicant shall be entitled to be represented by legal counsel and provided with an opportunity to be heard. The applicant may present the testimony of witnesses, experts and other evidence in his or her own behalf as he or she deems advisable. The Commission may appear and give testimony in support of its determination if it deems necessary. All hearings shall be recorded. The Hearing Officer shall consider the written objections, the Commission's report, and other evidence or testimony and may adopt or reject, in whole or in part any portion thereof. The Hearing Officer shall submit his or her findings and recommendations to the Huntington Town Board for ultimate determination within thirty (30) days of the close of the hearing. A copy of the Hearing Officer's report shall be filed with the Town Clerk and mailed to the applicant and Historic Preservation Commission by regular mail, or registered or certified mail, return receipt requested. The Town Board may consider the report and accept or reject, in whole or in part, the findings and recommendations of the Hearing Officer with or without conditions as it deems advisable. A copy of the Town Board resolution shall be mailed by the Town Attorney to the applicant by regular mail, or registered or certified mail, return receipt requested. The decision of the Town Board shall be filed by operation of law with the Huntington Town Clerk and shall be final.

[K]M. In every case where a certificate of approval has been granted by the Town Board or Historic Preservation Commission, the Director of Engineering [Services] shall issue a building permit or other approval, provided that the proposed work complies in all respects with the conditions and modifications imposed by the [Town] approving Board; the applicable provisions of the Codes of the State of New York; and the Code of the Town of Huntington. No work shall commence until a building permit and all other necessary approvals are issued by the Town of Huntington and any other agency having jurisdiction. A person or business entity who commences work, or causes and/or permits the work to be commenced, without the issuance of a building permit and all other necessary approvals shall be in violation of this chapter.

\*

\*

\*

### Section 2. Severability.

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

### Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.



2014-436

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

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by: Councilwoman Berland

and seconded by: **SUPERVISOR PETRONE**

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

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

WHEREAS, the owner(s) of the properties listed in Schedule "A" have failed to respond to the Notice(s) of Violation(s) issued by the Department of Public Safety and have not taken sufficient steps to correct the blighted conditions listed in the Notice of Violation(s); and

WHEREAS, the correction of code violations by the Town of Huntington is a Type II action pursuant to 6 N.Y.C.R.R. (c) (33) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

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

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

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

HEREBY SCHEDULES a public hearing to be held on the **16th** day of **September**, 2014 at **2:00** p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider authorizing various actions be taken with regard to blighted properties to bring about compliance with Article VII, Chapter 156 of the Code of the Town of Huntington.

VOTE:            AYES: 5      NOES: 0      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2014-436

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

EXHIBIT NO.	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
129	413 2nd Ave. W. East Northport	0400-175.00-01.00-025.000	Estate of Shirley Kiesow 413 2nd Avenue W. East Northport, NY 11731	7/22/2014	\$2,500.00
130	14 Kirby Lane Commack	0400-222.00-01.00-097.000	Irene Rostick Ann Rostick Kirby Lane Commack, NY 11725-2716	7/28/2014	\$2,500.00
131	5 Kirby Lane Commack	0400-222.00-01.00-108.000	Empire Property Solutions, LLC Kirby Lane Commack, NY 11725	7/28/2014	\$2,500.00
132	4 Tuxedo Drive Melville	0400-253.00-02.00-055.000	Robert S. Cook Lisa S. Cook 4 Tuxedo Drive Melville, NY 11747-2409	8/1/2014	\$2,500.00
133	349 Waterside Road Northport	0400-009.00-04.00-025.000	Waterview Realty Properties, Inc. Lily Drive South Setauket, NY 11720	8/1/2014	\$2,500.00
134	26 Rustic Gate Lane Dix Hills	0400-277.00-02.00-062.000	James Lovell Judith A. & Neal Lovell 26 Rustic Gate Lane Dix Hills, NY 22746-6132	8/14/2014	\$2,500.00

**SCHEDULE A  
 Schedule Public Hearing**

2014-437

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT FOR THE USE OF A PORTION OF TOWN OF HUNTINGTON LAND IDENTIFIED AS SCTM 0400-031.00-01.00-002.002 WITH 95 NEW YORK AVENUE, LLC AND PRIME EVENTS INC. D/B/A THE HARBOR CLUB

Resolution for Town Board Meeting Dated: August 19, 2014

The following resolution was offered by: SUPERVISOR PETRONE

and seconded by: COUNCILMAN CUTHBERTSON

WHEREAS, the Town of Huntington is the owner of certain real property known as SCTM 400-31-1.0-2.002 located on New York Avenue in Halesite, NY which land is adjacent to 95 New York Avenue, Huntington NY; and

WHEREAS, 95 New York Avenue, LLC, as property owner, and Prime Events, Inc. d/b/a The Harbor Club, as tenant, (Licensees) are adjoining property owners and tenants of property identified as SCTM 0400-031.00-01.00-003.000 and are using a portion of Town land and the Town of Huntington desires to enter into a License Agreement with Licensees for the use of said land, specifically the license to use the south western portion comprised of 1,648 square feet as described in the License Agreement which is a garden area behind The Harbor Club; and

WHEREAS, the Town Attorney's office has caused an appraisal of the premises to be conducted by Brunswick Appraisal Services; and

WHEREAS, there are minor encroachments by the Town onto Licensee's property which are resolved by the proposed License Agreement; and

WHEREAS, the Town and proposed Licensees desire to enter into License Agreement for the use of the licensed land; and

WHEREAS, the subject of this license agreement is not an action as defined by 6 N.Y.C.R.R. Section 617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 16th day September, 2014, at 2:00 p.m. at Town Hall, 100 Main Street, Huntington, New York 11743, to consider authorizing the Supervisor to execute a license agreement for the use of a portion of Town of Huntington land identified as SCTM 0400-031.00-01.00-002.002 with 95 New York Avenue, LLC and Prime Events Inc. d/b/a The Harbor Club.

2014-437

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2014-438

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A  
CERTIFICATE OF APPROVAL IN AN HISTORIC DISTRICT  
RE: 20 EAST MAIN STREET, HUNTINGTON—OLD HUNTINGTON GREEN  
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: August 19, 2014

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by Kelly DiVico, 20 East Main Street, Huntington, NY 11743, for a Certificate of Approval to erect a six foot fence on top of a three foot retaining wall at a non-contributing one family dwelling located at 20 East Main Street, Huntington, NY 11743, pursuant to regulations for historic districts, buildings and landmarks, Chapter 198, Article VI of the Code of the Town of Huntington, and

WHEREAS, said premises is located in the Old Huntington Green Historic District and bears Suffolk County Tax Map #0400-073.00-02.00-005.001, and

WHEREAS, the issuance of a Certificate of Approval in an historic district is a Type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(10) and, therefore no further SEQRA review is required.

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

**THE TOWN BOARD**

HEREBY SCHEDULES a public hearing for the **16th** day of **September**, 2014, at **2:00** p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of Kelly DiVico.

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

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2014-439

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A  
CERTIFICATE OF APPROVAL AT AN INDIVIDUALLY DESIGNATED SITE  
RE: 35 GREENLAWN ROAD

Resolution for Town Board Meeting Dated: August 19, 2014

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by Rene Neville-Conk, 35 Greenlawn Road, Huntington, NY 11743, for a Certificate of Approval to erect a one story addition (5' x 25') to the rear of the one family dwelling located at 35 Greenlawn Road, Huntington, NY 11743 pursuant to regulations for historic districts, buildings and landmarks, Chapter 198, Article VI of the Code of the Town of Huntington, and

WHEREAS, said premises is an individually designated historic site and bears Suffolk County Tax Map #0400-075.00-01.00-032.001, and

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

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

**THE TOWN BOARD**

HEREBY SCHEDULES a public hearing for the **16th** day of **September**, 2014, at **2:00** p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of Rene Neville-Conk.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION URGING THE LONG ISLAND POWER AUTHORITY (LIPA), THE PUBLIC SERVICE ELECTRIC AND GAS COMPANY, LONG ISLAND (PSEG LONG ISLAND) AND THE DEPARTMENT THE OF PUBLIC SERVICE-LONG ISLAND (DPS-LI) TO EVALUATE AND SUPPORT THE REPOWERING OF THE NORTHPORT POWER PLANT AS PART OF THE OVERALL EVALUATION OF POWER NEEDS ON LONG ISLAND FOR THE NEXT DECADE AND URGING THE GOVERNOR AND THE LONG ISLAND DELEGATIONS IN WASHINGTON AND ALBANY TO SUPPORT THE EFFORT TO REPOWER THE NORTHPORT POWER PLANT

Resolution for the Town Board Meeting Dated: August 19, 2014

The following resolution was offered by: Supervisor Petrone  
Councilman Cuthbertson

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

WHEREAS, the Northport Power Plant, a 1500 MW power plant privately owned by National Grid, plc, situated on 270 acres of property in the Town of Huntington, supplies approximately 25% of the power used on Long Island each year; and

WHEREAS, the Town of Huntington has not increased its assessment on the Plant since it was completed in the early 1970's. Despite that fact, LIPA and National Grid instituted Tax Certiorari actions against the Town beginning in 2010 and each year thereafter, seeking a 90% reduction in the assessed value of the plant; and

WHEREAS, these Tax Certiorari actions were instituted despite the language in the original Power Supply Agreement (PSA) between LILCo and then Keyspan, now National Grid, which provided that LILCO, LIPA and their successors and assigns would not challenge any property tax assessments on their generating facilities unless the assessment was increased by the host municipality; and

WHEREAS, should LIPA and National Grid be successful in these actions, the Town of Huntington would be responsible for repaying all of the refunds due to LIPA and National Grid, and the Northport East/Northport School District would lose at least one-third of its operating revenue each year; and

WHEREAS, in order to avoid a draconian impact on the Town, the School District and other taxing jurisdictions within and without the Town, including the Northport/East Northport Library, Suffolk County, the Suffolk County Police and Fire Protection District No. 1, the Town and School District have made efforts over the last year to meet with LIPA and its attorneys and to propose solutions to these actions; and

WHEREAS, one such solution is the re-powering of the Northport Power Plant, in order to provide a more efficient source of power at the plant, the value of which improvements would maintain the present tax assessment, thus alleviating the need for LIPA/PSEG-Long Island and National Grid to pay additional property taxes, while still upgrading and improving the Plant; and

WHEREAS, a recent assessment by PSEG-Long Island found that the proposed Caithness II Plant in Yaphank is not needed, and PSEG-Long Island has expressed its intention to take a step back and a fresh look at the mid- to long-term power supply picture over the next 12 to 18 months, as it develops a broad integrated resource plan to negate near-term rate hikes, add renewables and reduce the need for additional power; and

WHEREAS, the Town would like to work with PSEG-Long Island to achieve these sensible and worthwhile goals, while also maintaining the economic stability of the Town and the Northport area; and

WHEREAS, the recently created Department of Public Service-Long Island office is charged with reviewing and making recommendations with regard to power supply needs on Long Island; and

WHEREAS, a request by the Town Board that the New York State Delegation in Congress, the Governor, and the New York State Legislature use its law making powers to resolve the matter of tax assessment challenges is a not an action pursuant as defined by 6 N.Y.C.R. R. Section 617.2(b) and therefore no further SEQRA review is required.

NOW THEREFORE THE TOWN BOARD,

HEREBY URGES LIPA, PSEG-Long Island and DPS-LI to include an assessment of the feasibility of repowering the Northport Power Plant as part of its integrated resource plan; and

HEREBY URGES the New York State Delegation in Congress, the Governor and the New York State Legislature to press for the repowering of the Northport Power Plant; and

HEREBY DIRECTS the Town Clerk, Jo-Ann Raia, to forward certified copies of this resolution to United States Senators Chuck Schummer and Kristen Gillibrand, Congressman Steve Israel, Governor Andrew Cuomo, Senate Majority Leader Dean G. Skelos, Speaker of the Assembly Sheldon Silver; to the members of Huntington's New York State Legislative Delegation: Senator Carl Marcelino, Senator John Flanagan, Assemblyman Andrew Raia and Assemblyman Chad Lupinaci; and to the Director of the DPS-LI, Julia Bovey.

VOTE:                      AYES: 5              NOES: 0                      ABSTENTIONS 0

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

THIS RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

# 2014-BT-6

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER THE  
ISSUANCE OF A SPECIAL USE PERMIT PURSUANT TO THE MARINE  
CONSERVATION LAW, TOWN CODE CHAPTER 137  
APPLICANT: THOMAS KNUTSON FAMILY TRUST  
LOCATION: 17 MILL DAM RD., HUNTINGTON, N. Y.  
S.C.T.M. #: 0400-031.00-01.00-011.000

Resolution for Board of Trustees Meeting Dated: August 19, 2014

The following resolution was offered by: **PRESIDENT PETRONE, TRUSTEE COOK**  
and seconded by: **TRUSTEE BERLAND**

WHEREAS, pursuant to Chapter 137, the Marine Conservation Law of the Town of  
Huntington, an application for a special use permit has been submitted by  
Torkel A. Knutson  
On behalf of  
Thomas A. Knutson Jr. Revocable Trust  
156 New York Ave.  
Huntington, N.Y. 11743

to perform maintenance dredging of the area set forth on the plan attached hereto as  
"Schedule A," stamped by Thomas D. Reilly, P.E., last revised on December 26, 2013,  
and approved by the New York State Department of Environmental Conservation  
(NYSDEC) on January 14, 2014. The maximum depth of dredging shall be limited to  
five (5) ft below Mean Low Water. All work shall conform to NYSDEC permit: 1-4726-  
01347/00007. Project located in a portion of and proximity to S.C.T.M. # 0400-031.00-  
01.00-011.000; and

WHEREAS, the scheduling of a public hearing is not an action as defined by 6 NYCRR  
§617.2(b) and therefore no further SEQRA review is required at this time for the  
scheduling said public hearing.

NOW, THEREFORE

THE BOARD OF TRUSTEES

HEREBY SCHEDULES a public hearing for the 16<sup>th</sup> day of September, 2014, at  
2:00 pm at Town Hall, 100 Main Street, Huntington, New York 11743, to consider the  
issuance of a special use permit to the Thomas A. Knutson Jr. Revocable Trust to perform  
maintenance dredging of the area set forth on the plan attached hereto as "Schedule A,"  
stamped by Thomas D. Reilly, P.E., last revised on December 26, 2013, and approved by  
the New York State Department of Environmental Conservation (NYSDEC) on January  
14, 2014. The maximum depth of dredging shall be limited to five (5) ft below Mean  
Low Water. All work shall conform to NYSDEC permit: 1-4726-01347/00007. Project  
located in a portion of and proximity to S.C.T.M. # 0400-031.00-01.00-011.000

2014-BT6

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

President Frank P. Petrone	AYE
Trustee Susan A. Berland	AYE
Trustee Eugene Cook	AYE
Trustee Mark A. Cuthbertson	AYE
Trustee Tracey A. Edwards	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

# SCHEDULE - A

**NOTES**

**DATUM:** ALW

**PURPOSE:** RESTORE USE OF BOAT DOCKAGE AREA

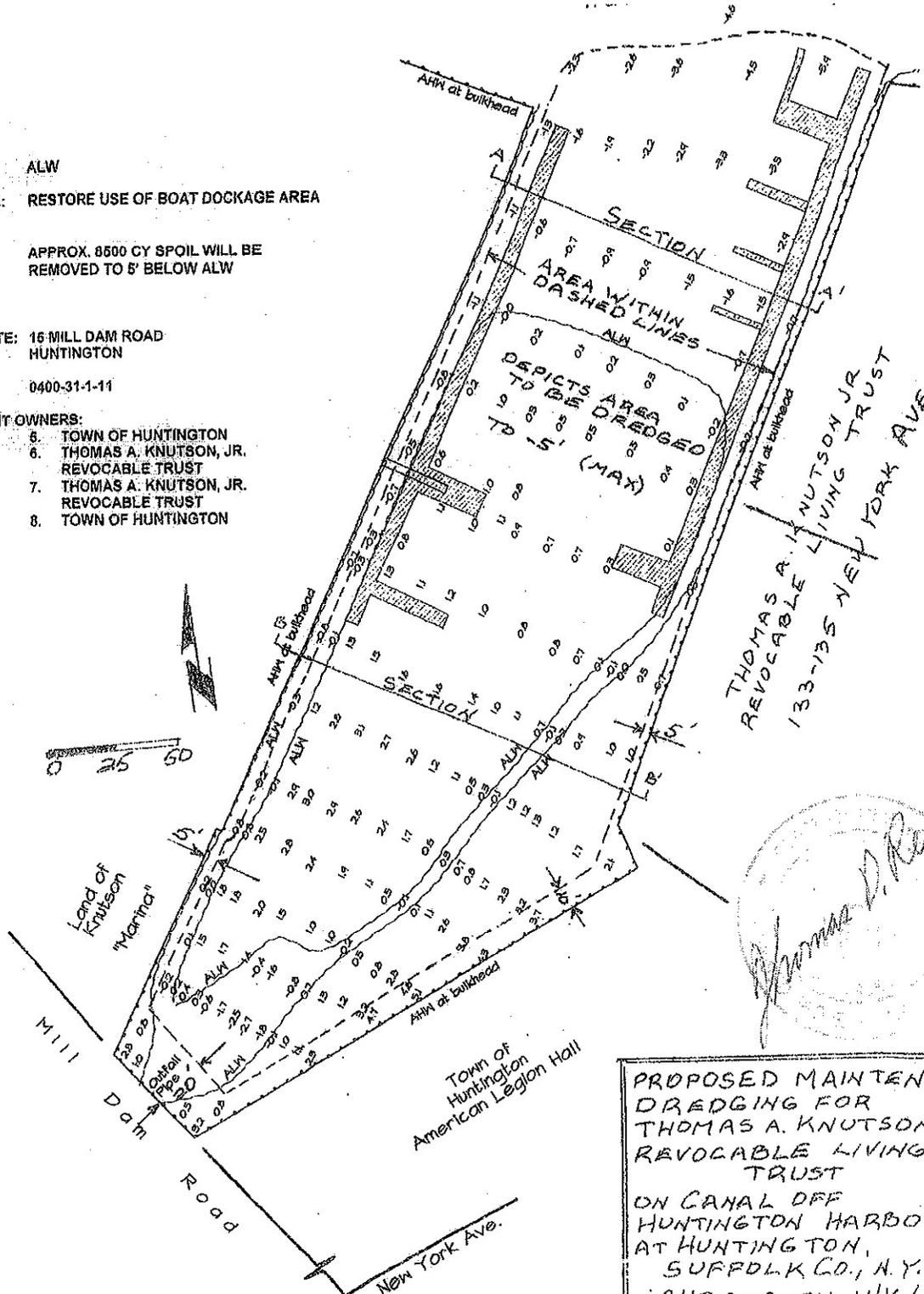
APPROX. 8500 CY SPOIL WILL BE REMOVED TO 5' BELOW ALW

**WORK SITE:** 16 MILL DAM ROAD HUNTINGTON

**§CTM #:** 0400-31-1-11

**ADJACENT OWNERS:**

5. TOWN OF HUNTINGTON
6. THOMAS A. KNUTSON, JR. REVOCABLE TRUST
7. THOMAS A. KNUTSON, JR. REVOCABLE TRUST
8. TOWN OF HUNTINGTON



THOMAS A. KNUTSON JR  
REVOCABLE LIVING TRUST  
133-135 NEW YORK AVE

*Thomas A. Knutson, Jr.*

PROPOSED MAINTENANCE  
DREDGING FOR  
THOMAS A. KNUTSON, JR  
REVOCABLE LIVING  
TRUST  
ON CANAL OFF  
HUNTINGTON HARBOR  
AT HUNTINGTON,  
SUFFOLK CO., N.Y.  
SHEET 2 OF 4 4/16/09  
9/11/09  
rev 7/8/13  
rev 12/26/13