

PLANNING BOARD MEETING MINUTES  
TOWN OF BABYLON  
200 EAST SUNRISE HIGHWAY  
LINDENHURST, NEW YORK  
MONDAY JANUARY 29, 2018  
7:00 P.M.

PRESENT: PATRICK HALPIN, CHAIRPERSON  
MICHAEL CAFARO  
JULIANNE NOLAN  
GERALD O'NEILL  
FRANK SANTOS  
DANIEL TRUCHAN III  
EDWARD WYNN

ABSENT:

PRESENT: RICHARD CASEY, COUNSEL FOR THE TOWN  
RICH GROH, CHIEF ENVIRONMENTAL ANALYST  
MATTHEW ESPOSITO, PLANNER, PLANNING AND DEVELOPMENT  
DENISE GRAZIANO, SECRETARY

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**A. WORK SESSION/SITE PLAN REVIEW**

1. JOB #14-44ABE; ENGEL BURMAN AT DEER PARK, LLC.  
Location: e/s/o Washington Av, 100' n/o Sammis Av, Deer Park  
Proposes: to subdivide a Residence B parcel into two (2); rezone parcel one to SCMR to construct 200 units, and to construct a community facility on parcel two which shall remain as Residence B  
Zone: Parcel #1 to be rezoned to SCMR, Parcel #2 to remain B Residence  
SEQRA Status: Type I Action  
2<sup>nd</sup> Public Hearing 4/24/17  
PB Recommendation to TB 05/15/17  
Record Extended to 01/29/18

**Record Closed**

**B. RESOLUTION/NEGATIVE DECLARATION**

1. JOB #14-44ABE; ENGEL BURMAN AT DEER PARK, LLC.  
Location: e/s/o Washington Av, 100' n/o Sammis Av, Deer Park  
Proposes: to subdivide a Residence B parcel into two (2); rezone parcel one to SCMR to construct 200 units, and to construct a community facility on parcel two which shall remain as Residence B  
Zone: Parcel #1 to be rezoned to SCMR, Parcel #2 to remain B Residence

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SEQRA Status: Type I Action  
2<sup>nd</sup> Public Hearing 4/24/17  
PB Recommendation to TB 05/15/17  
Record Extended to 01/29/18

**Approved. With 4 votes.**

RESOLUTION NO. 2018-019  
DETERMINING THAT PLANNING BOARD JOB NO. 14-44ABE  
ENGEL BURMAN AT DEER PARK, LLC  
WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT  
MONDAY, JANUARY 29, 2018

WHEREAS, the Planning Board of the Town of Babylon hereby declares its intent to be the lead agency for the application of Engel Burman at Deer Park, LLC, to subdivide a B Residence parcel into two (2); rezone parcel one to SCMR to construct a community facility on parcel two which shall remain as B Residence, located on the east side of Washington Avenue; 100' north of Sammis Avenue, in the hamlet of Deer Park identified by Suffolk County Tax Map Nos. 0100-091-03-070.002 and 0100-092-02-023 in accordance with the State Environmental Quality Review Act (SEQRA) and the Town of Babylon Environmental Quality Review Act (TOBEQRA); and

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

WHEREAS, in accordance with the requirements of 6NYCRR Sections 617.6 and 617.7, and Sections 114-6 and 114-7 of Chapter 114 of the Code of the Town of Babylon, the Department of Environmental Control has reviewed the Environmental Assessment Form with respect to the site plan, prepared by Thomas C. Dixon, Licensed Professional Engineer License No. 080973, dated December 14, 2017; and

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

WHEREAS, the Planning Board has reviewed the available information and the recommendation of the Department of Environmental Control; and

WHEREAS, that the Planning Board classifies the action as an unlisted action with an uncoordinated review having been conducted; and

WHEREAS, that the Planning Board hereby independently determines the following:

1. The proposal will not create a significant adverse impact on traffic conditions of the surrounding roadway network based on the April 18, 2017 Traffic Safety Memorandum. Notwithstanding, the applicant shall fund the cost of further traffic studies to be conducted by Suffolk County for the intersection of Commack Road and Suburban Avenue and the intersection of Bayshore Road and Skidmore Road and if approved by Suffolk County, the applicant shall fund

PLANNING BOARD MEETING MINUTES

the installation and all related costs of up to two (2) traffic signals at the intersection of Commack Road and Suburban Avenue and/or the intersection of Bayshore Road and Skidmore’s Road.

2. The project site does not contain any sensitive environmental resources or habitat. The subject location is an improved former school site.

3. The project will not adversely impact groundwater resources. The project will connect to the Southwest Sewer District for wastewater disposal.

4. Environmental remediation of the site shall be undertaken including but not limited to asbestos removal an any subsurface tanks or other adverse environmental conditions that may need to be addressed. The work will be in conformance with applicable environmental regulations and standards of the New York State Department of Environmental Conservation, Suffolk County Department of Health Services, New York State Department of Labor and any other agencies having jurisdiction in the cleanup work.

5. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared for this project in accordance with Chapter 189 of the Code of the Town of Babylon Stormwater Management and Erosion and Sediment Control of the Code of the Town of Babylon. Stormwater runoff will be contained onsite in conformance with Town of Babylon requirements and erosion and sediment control will be employed during construction. Post construction stormwater management measures are required for long term management and proper maintenance of the stormwater management system.

Now, therefore, be it resolved that the Planning Board as lead agency hereby determines that the proposal by Engel Burman at Deer Park, LLC will not have a significant adverse impact on the environment.

AND FURTHER BE IT,

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

VOTES: (7)                      AYES: (4)      NAYS: (0)      ABSTAINED (3)

Patrick Halpin			X
Edward Wynn	X		
Frank Santos			X
Michael Cafaro	X		
Daniel Truchan	X		
Gerald O’Neill	X		
Julianne Nolan			X

The resolution was thereupon declared duly adopted.  
Dated January 29, 2018, Town of Babylon New York.

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**C. RESOLUTION/SITE PLAN REVIEW**

1. JOB #14-44ABE; ENGEL BURMAN AT DEER PARK, LLC.  
Location: e/s/o Washington Av, 100' n/o Sammis Av, Deer Park  
Proposes: to subdivide a Residence B parcel into two (2); rezone parcel one to SCMR to construct 200 units, and to construct a community facility on parcel two which shall remain as Residence B  
Zone: Parcel #1 to be rezoned to SCMR, Parcel #2 to remain B Residence  
SEQRA Status: Type I Action  
2<sup>nd</sup> Public Hearing 4/24/17  
PB Recommendation to TB 05/15/17  
Record Extended to 01/29/18

**Approved as amended. With 4 votes.**

RESOLUTION NO. 2018-020  
APPROVAL OF SITE PLAN  
ENGEL BURMAN AT DEER PARK, LLC  
P.B. JOB NO. 14-44ABE  
MONDAY, JANUARY 29, 2018

WHEREAS, pursuant to the Code of the Town of Babylon, Chapter 186, Sections 1-17, a formal application site plan review, Engel Burman at Deer Park, LLC , was submitted to the Planning Board of the Town of Babylon, December 23, 2014 and an application fee of \$ 600.00 was paid; and

WHEREAS, said proposal is to to subdivide a B Residence parcel into two (2); rezone parcel one to SCMR (Senior Citizen Multiple Residence) to construct a residential complex of fourteen (14), two (2) story mutli-family buildings with a total of 200 units, in addition to a resident clubhouse and pool. Parcel two on Washington Avenue will remain zoned B-Residene and will remain owned by the Deer Park School District and used for a school district administrative building. Parcel one totals 9.77 acres while Parcel two totals 0.91 acres. A third parcel totaling 10,000sf and located on Bowling Lane will remain zoned B-Residence and will be developed with a new single-family home under a separate permit. All surrounding parcels are zoned B-Residence and is located on the east side of Washington Avenue; 100' north of Sammis Avenue in the hamlet of Deer Park, and is identified by Suffolk County Tax Map No. 0100-091-03-070.002 & 0100-092-02-023, and

WHEREAS, public hearings were held on said site plan application at Babylon Town Hall in North Lindenhurst, New York on August 8, 2016 and April 24, 2017; and

WHEREAS, upon the recommendation of the Department of Environmental Control, it has been determined that in accordance with the State Environmental Quality Review Act (SEQRA) and the Town of Babylon Environmental Quality Review Act (TOBEQRA), the proposed action is

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a Type I – Coordinated Review and a Negative Declaration was adopted by the Planning Board on by Resolution No. 2018-19; and

WHEREAS, the Planning Board has reviewed the site plan and requirements and recommendations of the Department of Public Works, Divisions of Engineering, Building, Environmental Control, Fire Prevention, Traffic Safety and the Department of Planning and Development at the meetings of August 8, 2016, April 24, 2017 and January 29, 2018; and

WHEREAS, the property must be maintained pursuant to Babylon Town Code Section 213-367, Property Maintenance, and Signs, Article XXXIII must be complied with;

NOW, THEREFORE, be it

RESOLVED that the application of Engel Burman at Deer Park, LLC, for approval of the site plan prepared by Thomas C. Dixon, Licensed Professional Engineer, License No. 080973 dated December 14, 2017, is hereby APPROVED and that the applicant be advised that a building permit must be obtained within one hundred and eighty (180) days of FINAL approval and that the Chairperson of the Planning Board be authorized to endorse approval on said site plan subject to the following conditions;

The following declaration of COVENANTS and RESTRICTIONS must be filed in the Suffolk County Clerk's Office:

1. No further development of the site without Planning Board approval.
2. All site lighting to be contained on site must conform to dark-sky lighting regulations.
3. The owner/developer is responsible for maintaining all site development improvements including, but not limited to the following: fire and smoke detection system, automatic fire sprinkler system, building, drainage, curbs, sidewalks (including pavers), fencing, asphalt, landscaping, etc.
4. All buildings, structures, signs, fences and landscaping (including streetscape and pavers) shall be maintained in accordance with all applicable codes and ordinances of the Town of Babylon, and violations thereof may be prosecuted and enforced in the same manner as provided therein.
5. All units to have central air conditioning or through the wall air-conditioning units, no window units to be permitted.
6. The use of inorganic fertilizers, pesticides, and herbicides shall be minimized as standard operating procedure for the landscape maintenance of the site.
7. SWPPP maintenance access shall be in accordance with Section 189-8 of the Code of the Town of Babylon. The Town of Babylon shall be provided with access to the stormwater infrastructure at reasonable times for periodic inspection by the Town of Babylon and its officers to ensure that the infrastructure is maintained in proper working condition to meet design standards and any other provisions established by Chapter 189. This agreement shall be binding on all subsequent landowners.
8. SWPPP maintenance after construction shall be in accordance with Section 189-8 of the Code of the Town of Babylon. Stormwater management practices installed in accordance with Chapter 189 shall be operated and maintained to ensure that the goals of Chapter

## PLANNING BOARD MEETING MINUTES

189 are fully achieved. Proper operation and maintenance includes, at minimum, the following:

- a. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of Chapter 189. A written record of stormwater management system maintenance activities shall be established and maintained on site and be available for review by the Town of Babylon upon request.
  - b. Written procedures for operation and maintenance and training new maintenance personnel shall be prepared and maintained on site and will be available for review by the Town of Babylon upon request.
  - c. Discharges from the SMPs shall not exceed design criteria or contribute to water quality standard violations in accordance with § 189-8B of the Code of the Town of Babylon.
  - d. Upon completion of construction, any stormwater control structures impacted during construction shall be cleaned by the owner or operator.
9. Routine maintenance of the storm water infrastructure on the site will include the following:
- a. Monitoring of the drainage inlets (catch basins) will be completed routinely, particularly after large storm events and must be kept free from obstruction by leaves trash and other debris.
  - b. Drainage grates must be kept free from obstruction by leaves, trash and other debris.
  - c. Drainage structures shall be inspected annually to determine if sediment removal is necessary to ensure that the drainage structures are properly functioning and that they permit adequate conveyance throughout the system. If applicable, the manufacturer's specifications for maintenance procedures and frequency must be strictly followed.
  - d. The drainage structures must be routinely monitored for the removal of surface sediment and trash.
  - e. Street sweeping of the parking areas shall be conducted at least four times annually to remove sediment that may impact the drainage infrastructure and additionally, as necessary due to storm events.
  - f. The grounds and parking area shall be inspected for litter monthly and any litter shall be removed as necessary.
10. Twenty percent of units (40 units) shall be designated as workforce/affordable housing. Units to be scattered equally throughout the site. Affordable/workforce units shall be targeted to qualified households making 80% or less than the Suffolk County HUD income limits, which are updated annually. A recognized affordable housing provider shall be engaged by the owner/applicant to oversee the affordable component.
11. Any attic and basement space is not for habitable space and is for storage and utilities only
12. Dens shall not have closets.

RESOLVED, that the approval of this site plan is subject to the following conditions:

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1. The applicant shall fund the cost of traffic studies to be conducted by Suffolk County for the intersection of Commack Road and Suburban Ave. and the intersection of Bayshore Road and Skidmore's Road.
2. If approved by Suffolk County, the applicant shall fund the installation and all related costs of up to two (2) traffic signals at the intersection of Commack Road and Suburban Ave. and/or the intersection of Bayshore Road and Skidmore's Road;
3. Subject to Board of Health approval;
4. Subject to the Zoning Board of Appeals for any associated variances.
5. Owner/applicant shall comply with the Town of Babylon Stormwater Code (Chapter 189).
6. Mitigation measures required in connection with the site development are as follows:
  - a. Fugitive dust generation shall be controlled by appropriate means such as watering.
  - b. Erosion control shall be utilized during construction.
  - c. A rodent control plan will be implemented prior to construction in order to remove rodent populations from the site. Additionally, the adjacent landowners will be notified prior to the commencement of construction.
  - d. Construction will be conducted between the hours of 7am and 8pm on weekdays and between the hours of 9am and 4pm on Saturdays. No exterior construction will be permitted on Sundays, only interior construction. Construction activities on the site shall be in strict conformance with Chapter 156-9D of the Noise Code of the Town of Babylon.
  - e. During construction, owner/applicant is responsible to sweep access streets and keep the roadways free of dirt and mud.
7. Owner/applicant shall comply with all NYS regulations for accessibility including but not limited to access ramps and accessible parking spaces. Accessible parking spaces, signs, and other details shall be indicated using the accessibility symbol adopted by New York State.
8. Sewer district and water-saving plumbing fixtures must be utilized.
9. The buildings shall have fully automatic fire sprinkler systems installed pursuant to NFPA and Section 213-235 of the Town Zoning Code.
10. Fire and smoke detection system to be installed in accordance with NFPA 72.
11. Address number, building number or approved building identification to be placed in position visible from the street.
12. Subject to Highway and Engineering requirements.
13. Owner to contribute to the fund for the installation and maintenance of emergency vehicle optical pre-emption equipment on traffic signals in the area in the amount of \$1,500.
14. All on site signage shall conform to the Manual of Uniform Traffic Control Devices for Streets and Highways (MUTCD) specifications for both highway and on-site traffic controls and must conform to the federal MUTCD and the NYS Supplement to the manual of Uniform Traffic Control Devices. All signs must be fabricated using high-intensity retro-reflective sheeting.
15. The location of all HVAC, air handlers transformers and RPZ shall be approved by the Town of Babylon Planning Department prior to installation.
16. Final landscaping plan is subject to approval of the Town of Babylon Planning Department.

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17. Subject to the applicant providing a completed LEED checklist or the local variant of a green building project checklist acceptable to the Commissioner of Planning & Development.

<u>VOTES: (7)</u>	<u>AYES: (4)</u>	<u>NAYS: (0)</u>	<u>ABSTAINED (3)</u>
Patrick Halpin			X
Edward Wynn	X		
Frank Santos			X
Michael Cafaro	X		
Daniel Truchan	X		
Gerald O’Neill	X		
Julianne Nolan			X

The resolution was thereupon declared duly adopted.  
Dated January 29, 2018, Town of Babylon New York.

**ACCEPTANCE OF MINUTES**

January 22, 2018      **Approved**

**RESERVED CALENDAR**

August 13, 2012

1.      JOB #11-33ACE; RANDY LAGONTERIE – ALBANY AVE. APARTMENTS  
Location: w/s/o Albany Ave., 314.78’ s/o Schlegel Blvd., N. Amityville  
Proposes: to subdivide & rezone Parcel 1 to SCMR for 85 senior rentals  
Zone: Residence B to SCMR  
SEQRA Status: Unlisted Action – Coordinated Review  
Record Extended to 02/26/18

August 8, 2016 (April 24, 2017)

1.      JOB #14-44ABE; ENGEL BURMAN AT DEER PARK, LLC.  
Location: e/s/o Washington Av, 100’ n/o Sammis Av, Deer Park  
Proposes: to subdivide a Residence B parcel into two (2); rezone parcel one to SCMR to construct 200 units, and to construct a community facility on parcel two which shall remain as Residence B  
Zone: Parcel #1 to be rezoned to SCMR, Parcel #2 to remain B Residence  
SEQRA Status: Type I Action  
2<sup>nd</sup> Public Hearing 4/24/17  
PB Recommendation to TB 05/15/17



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Record Extended to 01/29/18

**Record Closed**

May 1, 2017

1. JOB#17-04ADE; Gustave J. Wade, Carol E. Wade, Gustave J. Wade Family  
2012 Irrevocable Trust and Colonial Springs Farms, LLC  
Location: n/e/c/o Colonial Springs Rd & N 28<sup>th</sup> St. W.H.  
Proposes: Change of zone from A residence to Multiple Residence to construct  
264 (228 one-bedroom, 36 two-bedroom) rental units, a 6,475sf community  
building, a 228sf pump station, two (2) 750sf entrance booths, an outdoor  
recreation area with a 25'x45' pool along with associated site improvements,  
to amend previously imposed covenants and restrictions  
Zone: A Residence to MR  
SEQRA Status: Type I Action-coordinated review  
PB Recommendation to TB on 5/8/17  
Record Extended to 01/29/18

**Record Extended to 3/5/18**

May 8, 2017

1. JOB # 16-24AEF; UE 713-715 Sunrise, LLC  
Location: n/s of Sunrise Hwy., approximately 1500' e/o Belmont Ave, West  
Babylon  
Proposes: To rezone a split-zone parcel to EB Business and construct a  
10,849sf 4-tenant retail and restaurant building with drive through.  
Zone: Eb Business/C Residence to Eb Business  
SEQRA Status: Unlisted Action-Uncoordinated Review  
PB Recommendation to TB on 6/26/17  
TB Approved Change of zone on 9/6/17  
Record Extended to 01/29/18

**Record closed**

2. JOB#16-36AE; Bunt Development Corp.  
Location: w/s of Albany Av., 154.62' n/o Steele Pl., North Amityville  
Proposes: To rezone seven (7) B Residence parcels to Multiple Residence to  
construct 13 buildings for 98 one-bedroom rental apartments, a caretakers  
building with a one-bedroom unit, an office and storage along with associated  
site improvements  
Zone: B Residence to Multiple Residence  
SEQRA: Type I Action-Coordinated Review  
Planning Board Recommended a Change of zone 6/5/17  
Record Extended to 02/28/18

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June 12, 2017

1. JOB # 16-47A; PIPING ROCK HEALTH PRODUCTS, LLC  
Location: s/s/o Executive Bl., 653' w/o of Broadhollow Rd., Farmingdale  
Proposes: To maintain 52,381gfa of an existing industrial building, to construct a 25,322sf 1<sup>st</sup> floor addition, a 15,297sf 2<sup>nd</sup> floor addition for a total 93,000gfa and to construct three (3) 14'x70' loading bays  
Zone: G Industry  
SEQRA: Unlisted Action-Uncoordinated Review  
Record Extended to 02/05/18

June 26, 2017

1. JOB # 17-16A; DAVID NUNEZ  
Location: n/s of Oak Street, and east of Pine Street, Copiague  
Proposes: To demolish an existing 808sf 1-story vinyl house with office use and construct a new 1,016sf 2-story frame building with office use.  
Zone: DC Zoning District  
SEQRA: Type II Action  
Record Extended to 02/26/18

November 20, 2017

1. JOB # 16-38AE; WAGSTAFF PARTNERS, LTD.  
Location: n/e/c of Old Country Road & Deer Park Av., Deer Park  
Proposes: Change of zone to E Business and to construct a 3,719.75sf office building along with associated site improvements.  
Zone: B Residence to E Business  
SEQRA: Unlisted Action, Uncoordinated Review  
Open: Comments from Traffic Safety. Revisions needed for planning and engineering – Have public safety look into illegal fencing area. Correct square footage for rec. to TB  
Record Extended to 02/26/18

December 18, 2017

1. JOB # 17-01A; GAVA PROPERTIES UNLIMITED, LLC  
Location: e/s of Little East Neck Rd., 87.48' n/o Windmill Av., West Babylon  
Proposes: To maintain an existing site and uses along with interior alterations and associated site improvements.  
Zone: E Business  
SEQRA: Type II Action  
Open items: Revisions needed for eng, t/s and planning. Traffic to check on area in the front for 3 point turn instead of backing out onto LEN Road.  
Record Extended to 02/05/18

PLANNING BOARD MEETING MINUTES  
ADDENDUM

**A. WORK SESSION/ SITE PLAN REVIEW/CHANGE OF ZONE/  
BAR/RESTAURANT**

1. JOB # 16-24AEF; UE 713-715 Sunrise, LLC  
Location: n/s of Sunrise Hwy., approximately 1500' e/o Belmont Ave,  
West Babylon  
Proposes: To rezone a split-zone parcel to EB Business and construct a  
10,849sf 4-tenant retail and restaurant building with drive through.  
Zone: Eb Business/C Residence to Eb Business  
SEQRA Status: Unlisted Action-Uncoordinated Review

**Record Closed**

**B. RESOLUTION/NEGATIVE DECLARATION/ SITE PLAN  
REVIEW/CHANGE OF ZONE/BAR/RESTAURANT**

1. JOB # 16-24AEF; UE 713-715 Sunrise, LLC  
Location: n/s of Sunrise Hwy., approximately 1500' e/o Belmont Ave,  
West Babylon  
Proposes: To rezone a split-zone parcel to EB Business and construct a  
10,849sf 4-tenant retail and restaurant building with drive through.  
Zone: Eb Business/C Residence to Eb Business  
SEQRA Status: Unlisted Action-Uncoordinated Review

**Approved. With 4 votes.**

RESOLUTION NO. 2017-017  
DETERMINING THAT PLANNING BOARD JOB NO. 16-24AEF  
UE 713-715 SUNRISE, LLC  
WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT  
MONDAY, JANUARY 29, 2017

WHEREAS, the Planning Board of the Town of Babylon hereby declares its intent to be the lead agency for the application of UE 713-715 Sunrise, LLC, to rezone a split zone parcel to EB-Business and construct a 10,936sf, four (4) tenant retail and restaurant building with a drive thru is located north side of Sunrise Highway, approximately 1,500' east of Belmont Avenue, in the hamlet of West Babylon identified by Suffolk County Tax Map Nos. 0100-159-01-29, 0100-159-01-30, 0100-159-01-33 and 0100-159-01-34 in accordance with the State Environmental Quality Review Act (SEQRA) and the Town of Babylon Environmental Quality Review Act (TOBEQRA); and

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

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WHEREAS, in accordance with the requirements of 6NYCRR Sections 617.6 and 617.7, and Sections 114-6 and 114-7 of Chapter 114 of the Code of the Town of Babylon, the Department of Environmental Control has reviewed the Environmental Assessment Form with respect to the site plan, prepared by Joseph A. Deal, Licensed Professional Engineer License No. 087122, dated July 11, 2017; and

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

WHEREAS, the Planning Board has reviewed the available information and the recommendation of the Department of Environmental Control; and

WHEREAS, that the Planning Board classifies the action as an unlisted action with an uncoordinated review having been conducted; and

WHEREAS, that the Planning Board hereby independently determines the following:

1. The proposal will not create a significant adverse impact on traffic conditions of the surrounding roadway network.
2. The project site does not contain any sensitive environmental resources or habitat.
3. The subject location is an improved former retail site.
4. The project will not adversely impact groundwater resources. The project will connect to the Southwest Sewer District for wastewater disposal.
5. A Storm Water Pollution Prevention Plan (SWPPP) will be prepared for this project in accordance with Chapter 189 of the Code of the Town of Babylon; Storm water Management and Erosion and Sediment Control. Storm water runoff will be contained on site in conformance with Town of Babylon requirements and erosion and sediment control will be employed during construction. Post construction storm water management measures are required for long term management and proper maintenance of the storm water management system.

Now, therefore, be it resolved that the Planning Board as lead agency hereby determines that the proposal by UE 713-715 Sunrise, LLC will not have a significant adverse impact on the environment.

AND FURTHER BE IT,

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

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VOTES: (7)                      AYES: (4)    NAYS: (0)    ABSTAINED (3)

Patrick Halpin			X
Edward Wynn	X		
Frank Santos			X
Michael Cafaro	X		
Daniel Truchan	X		
Gerald O’Neill	X		
Julianne Nolan			X

The resolution was thereupon declared duly adopted.  
Dated January 29, 2018, Town of Babylon New York.

**C. RESOLUTION/ SITE PLAN REVIEW/CHANGE OF ZONE/  
BAR/RESTAURANT**

- JOB # 16-24AEF; UE 713-715 Sunrise, LLC  
Location: n/s of Sunrise Hwy., approximately 1500’ e/o Belmont Ave,  
West Babylon  
Proposes: To rezone a split-zone parcel to EB Business and construct a  
10,849sf 4-tenant retail and restaurant building with drive through.  
Zone: Eb Business/C Residence to Eb Business  
SEQRA Status: Unlisted Action-Uncoordinated Review

**Approved as amended. With 4 votes.**

RESOLUTION NO. 2018-018  
APPROVAL OF SITE PLAN/BAR/RESTAURANT  
UE 713-715 SUNRISE, LLC  
P.B. JOB NO. 16-24AEF  
MONDAY, JANUARY 29, 2017

WHEREAS, pursuant to the Code of the Town of Babylon, Chapter 186, Sections 1-17, a formal application for site plan review, entitled UE 713-715 Sunrise, LLC, was submitted to the Planning Board of the Town of Babylon on June 21, 2016, and an application fee of \$ 600.00 was paid; and

WHEREAS, pursuant to the Code of the Town of Babylon, Chapter 213-347, Article XXVI, a formal application for bar/restaurant, entitled, UE 713-715 Sunrise, LLC, was submitted to the Planning Board of the Town of Babylon on June 21, 2016, and an application fee of \$ 1000.00 was paid; and

WHEREAS, said proposed site development, more specifically, to rezone a split zone parcel to EB-Business and construct a 10,936sf, four (4) tenant retail building and restaurant

## PLANNING BOARD MEETING MINUTES

including a drive thru is located on the north side of Sunrise Highway, approximately 1,500' east of Belmont Avenue in the hamlet of West Babylon, and is identified by Suffolk County Tax Map No. 0100-159-01-029, 0100-159-01-030, 0100-159-01-033 and 0100-159-01-034 and

WHEREAS, a public hearing was held on said bar/restaurant application at Babylon Town Hall in North Lindenhurst, New York on May 8, 2017 and

WHEREAS, upon the recommendation of the Department of Environmental Control, it has been determined that in accordance with the State Environmental Quality Review Act (SEQRA) and the Town of Babylon Environmental Quality Review Act (TOBEQRA), the proposed action is Type I Action and a coordinated review was conducted and a Negative Declaration was adopted on January 29, 2018 by Resolution No. 2018-017; and

WHEREAS, the Planning Board has reviewed the site plan and requirements and recommendations of Department of Public Works, Department of Planning and Development, Divisions of Engineering, Building, Fire Prevention, Traffic Safety and the Department of Environmental Control at the meetings of May 8, 2017 and January 29, 2018;

NOW, THEREFORE, be it

RESOLVED that the application of UE 713-715 Sunrise, LLC, for approval of the site plan and bar/restaurant pursuant to the plans prepared by Joseph A. Deal, Licensed Professional Engineer, License No.087122, dated July 11, 2017 (revised), is hereby APPROVED and that the Chairperson of the Planning Board be authorized to endorse approval on said site plan subject to the following:

The following covenant and restriction must be filed in the Suffolk County Clerk's Office:

1. No further development of the site without Planning Board approval.
2. A cross-access easement and parking agreement shall be filed on this property and the adjacent property.
3. Landbanked parking spaces shall be constructed at the owner's expense as required by the Commissioner of Planning and Development.
4. All tenants and their employees shall park in the rear parking area behind the building. A 5' wide sidewalk shall be maintained from the rear parking area to the front entrances.
5. No truck idling is permitted at any time. Owner to post signs in the delivery areas "No idling of Engines – No Exceptions".
6. Hours of operation shall be limited to 5am – 11pm.
7. Owner/applicant shall comply with all NYS regulations for accessibility including but not limited to access ramps and accessible parking spaces. Accessible parking spaces, signs, and other details shall be indicated using the accessibility symbol adopted by New York State.
8. The buildings shall have fully automatic fire sprinkler systems installed pursuant to NFPA and Section 213-235 of the Town Zoning Code.
9. All site lighting to be contained on site must conform to dark-sky lighting regulations.

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10. The owner/developer is responsible for maintaining all site development improvements including, but not limited to the following: fire and smoke detection system, automatic fire sprinkler system, building, drainage, curbs, sidewalks (including pavers), fencing, asphalt, landscaping, etc.
11. All buildings, structures, signs, fences and landscaping (including streetscape and pavers) shall be maintained in accordance with all applicable codes and ordinances of the Town of Babylon, and violations thereof may be prosecuted and enforced in the same manner as provided therein.
12. The use of inorganic fertilizers, pesticides and herbicides shall be minimized as standard operating procedure for the landscape maintenance of the site.
13. SWPPP maintenance access shall be in accordance with Section 189-8 of the Code of the Town of Babylon. The Town of Babylon shall be provided with access to the stormwater infrastructure at reasonable times for periodic inspection by the Town of Babylon and its officers to ensure that the infrastructure is maintained in proper working condition to meet design standards and any other provisions established by Chapter 189. This agreement shall be binding on all subsequent landowners.
14. SWPPP maintenance after construction shall be in accordance with Section 189-8 of the Code of the Town of Babylon. Stormwater management practices installed in accordance with Chapter 189 shall be operated and maintained to ensure that the goals of Chapter 189 are fully achieved. Proper operation and maintenance includes, at minimum, the following:
  - a. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of Chapter 189. A written record of stormwater management system maintenance activities shall be established and maintained on site and be available for review by the Town of Babylon upon request.
  - b. Written procedures for operation and maintenance and training new maintenance personnel shall be prepared and maintained on site and will be available for review by the Town of Babylon upon request.
  - c. Discharges from the SMPs shall not exceed design criteria or contribute to water quality standard violations in accordance with § 189-8B of the Code of the Town of Babylon.
  - d. Upon completion of construction, any stormwater control structures impacted during construction shall be cleaned by the owner or operator.
15. Routine maintenance of the storm water infrastructure on the site will include the following:
  - a. Monitoring of the drainage inlets (catch basins) will be completed routinely, particularly after large storm events and must be kept free from obstruction by leaves trash and other debris.
  - b. Drainage grates must be kept free from obstruction by leaves, trash and other debris.
  - c. Drainage structures shall be inspected annually to determine if sediment removal is necessary to ensure that the drainage structures are properly

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functioning and that they permit adequate conveyance throughout the system. If applicable, the manufacturer's specifications for maintenance procedures and frequency must be strictly followed.

d. The drainage structures must be routinely monitored for the removal of surface sediment and trash.

e. Street sweeping of the parking areas shall be conducted at least four times annually to remove sediment that may impact the drainage infrastructure and additionally, as necessary due to storm events.

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

RESOLVED, that the approval of this site plan is subject to the following conditions:

18. Subject to NYSDOT approval for any associated permits.
19. Subject to approval of the SWPPP. All SWPPP requirements shall be in place prior to the start of construction and followed for all construction activities until a notice of termination (NOT) is approved. All required SWPPP inspections shall be undertaken during construction and records shall be kept on site along with the SWPPP. Note: The qualified inspector on the site will be required to provide certifications on the NOT once construction is complete.
20. Owner/applicant shall comply with the Town of Babylon Stormwater Code (Chapter 189).
21. Mitigation measures required in connection with the site development are as follows:
  - f. Fugitive dust generation shall be controlled by appropriate means such as watering.
  - g. Erosion control shall be utilized during construction.
  - h. A rodent control plan will be implemented prior to construction in order to remove rodent populations from the site. Additionally, the adjacent landowners will be notified prior to the commencement of construction.
  - i. Construction will be conducted between the hours of 7am and 8pm on weekdays and between the hours of 9am and 4pm on Saturdays. No exterior construction will be permitted on Sundays, only interior construction. Construction activities on the site shall be in strict conformance with Chapter 156-9D of the Noise Code of the Town of Babylon.
  - j. During construction, owner/applicant is responsible to sweep access streets and keep the roadways free of dirt and mud.
22. Sewer district and water-saving plumbing fixtures must be utilized.
23. Fire and smoke detection system to be installed in accordance with NFPA 72.
24. Address number, building number or approved building identification to be placed in position visible from the street.
25. Subject to Highway and Engineering requirements.
26. Owner to contribute to the fund for the installation and maintenance of emergency vehicle optical pre-emption equipment on traffic signals in the area. Estimated cost to be \$1,500.00
27. All on site signage shall conform to the Manual of Uniform Traffic Control Devices for Streets and Highways (MUTCD) specifications for both highway and on-site traffic controls and must conform to the federal MUTCD and the NYS Supplement to the



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manual of Uniform Traffic Control Devices. All signs must be fabricated using high-intensity retro-reflective sheeting.

28. The location of all HVAC, air handlers transformers and RPZ shall be approved by the Town of Babylon Planning Department prior to installation.
29. Final landscaping plan is subject to approval of the Town of Babylon Planning Department.
30. Subject to the applicant providing a completed LEED checklist or the local variant of a green building project checklist acceptable to the Commissioner of Planning & Development.
31. Lots 100-159-01-29, 30, 33, & 34 shall be merged into a single tax-parcel once developed.
32. The applicant shall submit plans for the tenant of the 98 seat restaurant for approval from the Planning Board
33. The following conditions have been requested by the Fire Marshal:
  - a. The final location of the fire hydrant shall be coordinated with the office of the Fire Marshal
  - b. Buildings require full NFPA 13 sprinkler system. Plans and permits required from the office of the Fire Marshal prior to installation
  - c. Buildings require full NFPA 72 automatic and manual fire alarm system with smoke detection and CO detection. Plans and permits required from the Office of the Fire Marshal
  - d. Buildings shall comply in all respects with the NYS Fire & Building Code of the Town of Babylon

VOTES: (7)                      AYES: (4)    NAYS: (0)    ABSTAINED (3)

Patrick Halpin		X
Edward Wynn	X	
Frank Santos		X
Michael Cafaro	X	
Daniel Truchan	X	
Gerald O’Neill	X	
Julianne Nolan		X

The resolution was thereupon declared duly adopted.  
 Dated January 29, 2018, Town of Babylon New York.

**D. ARCHITECTURAL REVIEWS**

1. APPLICATION # 119542; THOMAS & CHERYL WALSH  
 RAISING OF AN EXISTING HOUSE  
 SCTM # 0100-186-01-141.001

**Approved. Julianne Nolan abstains.**

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2. APPLICATION # 124232; JC EMPIRE HOLDINGS  
EXPANSION OF AN EXISTING HOUSE  
SCTM # 0100-14-03-026

**Approved**

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There being no further business to appear before the Board, a motion was made by Ms. Nolan, seconded by Mr. O'Neill, all members present voting aye, to adjourn the meeting 7:10 p.m.