

Appendix A-2
Special Exception Application



Town of Babylon Zoning Board of Appeals
200 East Sunrise Highway, Lindenhurst, NY 11757
Phone (631) 957-3011 Fax (631) 957-4254

FILE COPY

APPLICATION TO THE ZONING BOARD OF APPEALS

FOR OFFICE USE ONLY

ZBA Number _____ Date/Time received _____

Type of Application:

<input type="checkbox"/> Residential	<input type="checkbox"/> Multiple Residence	<input type="checkbox"/> Public Garage
<input type="checkbox"/> Business	<input type="checkbox"/> Sr. Citizen MR	<input type="checkbox"/> Sign Permit
<input type="checkbox"/> Industrial	<input type="checkbox"/> Variance(s)	<input type="checkbox"/> Special Exception Use
		<input type="checkbox"/> Subdivision - number of plots _____

1. Property Address: 1610 New Highway, Farmingdale, NY
 Suffolk County Tax Map: 100-35-1-17.7, p/o17.9, 17.10
 Zone: G PTS Appl. Number: _____

2. Applicant's Name: DMJ Realty Associates, LLC
 Address: 1610 New Highway, Farmingdale, NY
 Phone Number: 631-249-1872 Fax Number: 631-752-3008

3. Property Owner's Name: Same as applicant

4. Contact Persons Name (for correspondence): Stephen W. Kretz, Esq.
 Address: 36 East Montauk Hwy. Lindenhurst, NY 11757
 Phone Number: 631-957-2000 Fax Number: 631-957-3443

5. Complete statement of relief, variance and/or special exception use requested:
To maintain existing asphalt plant, office building and existing related improvements as a special exception, with set back and height variances, pursuant to sections (§) 213-473 through section §213-487 of the Babylon Town Code. Building height of Silos §213-478(B) from 55' to maintain 79.83', rear yard §213-219 from 50' to maintain 7.0', modifications in landscaping, fencing and buffer strips §213-486, Street Frontage §213-215 from 200' required to maintain 26.94. In lieu of the aforesaid special exceptions, applicant seeks to renew and extend the use variance for the site, as well as a variance for more than one building on site.

6. A Summary statement of the practical difficulty or unnecessary hardship created or existing because of the existing zoning regulations as applied to the subject premises is as follows:
The premises has been in operation as an asphalt plant for over 30 years. The set backs and height do not adversely impact any neighbor. The height variance is necessary

for the proper operation of the plant. Applicant operates in compliance with all emissions, standards, and permits. The lot configuration and street frontage was approved by the Town of Babylon over 30 years ago. The site conforms to the special exception standards in the law.

7. Has Variance or Special Exception ever been applied for on this property?

Yes No

If yes, indicate Board of Appeals number, date of decision, and attach copies of all decisions if available:

ZBA #2427 granted:1/24/80, Two applications are currently pending (App 00-353) (App 01 submitted 1/05/01)

8. Has Application ever been made to any of the following Boards?

Town Board Yes No

Planning Board Yes No

Accessory Apartment Review Board Yes No

If yes, explain the nature of the application and the disposition thereof and attach copies of all decisions if available

PB JOB# 96-102 AL approved 12/6/99

9. Name of the School District and address of the Administrative office which the subject property is located within:

#15 Farmingdale School District, 50 Van Cott Avenue, Farmingdale, NY

10. Is the property located within 500' of any of the following?
(If applicable, check one or more)

[a] Town or Village boundary line (if yes, indicate which Town or Village): _____

[b] State parkway, road, park or other recreational facility (existing or proposed)

[c] County road or right-of-way

[d] Stream or drainage channel owned by the County or for which the County has established channel lines

[e] State or County owned parcel on which a public building is situated

[f] Federal owned property

[g] The Atlantic Ocean, any bay in Suffolk County or estuary of any of the foregoing bodies of water

11. Is the property within one mile of Republic Airport? Yes approx. 1.3 mi. No

Sworn to me this 1st day of

August 2006

By: DMJ REALTY ASSOCIATES, LLC

Michael J. Casella

Stephen W. Kelly
Notary Public

FULL DISCLOSURE AFFIDAVIT

In the matter of the Application of: DMJ REALTY ASSOCIATES, LLC

Address: 1610 New Highway, Farmingdale, NY 11735

to the Town of Babylon Zoning Board of Appeals

State of New York

County of Suffolk

Paul Perillizo, being duly sworn, deposes and says:

1. This Affidavit is made by your deponent and intended to be filed with the above Board of the Town of Babylon to fulfill requirements of the appropriate sections of the Babylon Town Code with respect to the above-entitled application made or intended to be made affecting property located and described as follows:

1610 New Highway, Farmingdale, NY 11735 SCTM#100-35-1-17.7,17.9 & 7.10 ; w/s of New Highway, 333.98' n/o LIRR Center Line

2. Name and address of the person making and signing this Affidavit:

Paul Perillizo

3. If the person making this Affidavit is not the applicant, state relationship to the applicant:

Member

- 4. List the names and addresses of ALL persons who have any interest whatsoever in the project and properties described in this application, direct or indirect, vested or contingent. This includes but is not limited to owner, partner, contract vendor, contract vendee, lessor, sub-lessor, contract lessor, lessee, sub-lessee, contract lessee, mortgager, mortgagee, holder or contract holder of any beneficial interest, holder or contract holder of any encumbrance or lien, guarantor, assignee, agent or broker. List such person(s) even if the interest arises as the result of providing funds for acquiring or developing the property, and whether or not the interest arises from or is affected by the decision of these municipal Board(s). Please state of any of these are, or are related to, officers or employees of the Town of Babylon and state the nature of relationship and extent of interest. If any of the above is a corporation, list all principles of said corporation.

See attached answer to Question #4

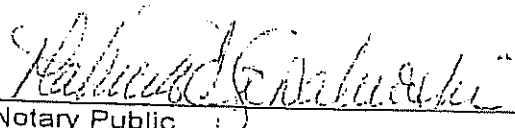
- 5. List the names and addresses of ALL persons who will receive any benefit of any kind as a result of their work, effort or services in connections with this application. Please state the nature of relationship and extent of interest, and note if any of those mentioned are officers or employees of the Town of Babylon.

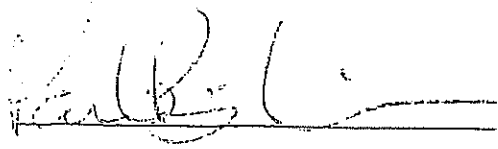
Attorneys: Donohue, Kretz and Garabrant, Stephen W. Kretz Esq. 36 E. Montauk Hwy.
Lindenhurst, NY 11757, spouse of Denise M. Kretz member of the Town of
Babylon Zoning Board of Appeals;
Farrell & Fritz, PC, John Armento, Esq., EAB Plaza, Uniondale, NY 11556
Architects: Stephen Ray Fellman, 570 Broadway Amityville, NY 11701
Engineer and Surveyor: Jerome D'Amaro PO Box 1783, West Babylon, NY 11704
Nelson & Pope, 572 Walt Whitman Road, Melville, NY 11747

The undersigned affirms the truth and completeness of the above under penalty of perjury.

Sworn to before me this

24th day of April 2006


 Notary Public



PATRICIA E. KOWALEWSKI

Notary Public State of New York
 Qualified in Suffolk County
 Commission N. 01K06072012
 My Commission Exp. 03/25/2010

9-24-07, 3:20PM.
Answer to Question #4

Owners	%
<u>DMJ Associates, LLC</u>	
Michael J. Posillico	33.34%
Dominic J. Posillico (1998) Limited Partnership	33.33%
Katherine McGowan	5.56%
Joseph D. Posillico, III	5.56%
Paul Posillico	5.56%
Wendy Posillico	5.55%
Francis Posillico	5.55%
Thomas Posillico	5.55%
	<u>100.00%</u>

Farmingdale Properties

Michael J. Posillico	25.00%
Joseph K. Posillico	25.00%
Joseph D. Posillico, III	12.50%
Paul Posillico	12.50%
Francis Posillico	12.50%
Thomas Posillico	12.50%
	<u>100.00%</u>

Posillico Bros. Asphalt Co., LLC

Mario A. Posillico	33.34%
Dominic J. Posillico 2006 LTT	33.33%
Paul Posillico	16.66%
Joseph D. Posillico, III	16.67%
	<u>100.00%</u>