

Meeting of January 19, 2016

WHEREAS, Maureen A. Fitzgerald, Commissioner of the Department of Community and Youth Services, and Mary T. Ryan, Director, Division of Senior Citizen Services, Department of Community and Youth Services, by memorandum dated January 5, 2016, request Town Board authorization to retain the professional services of Kristen M. Orsini, 10 Cedartree Place, Huntington Station, New York 11746, as a Yoga instructor at various Town facilities, nunc pro tunc from January 4, 2016 through December 31, 2016, at a cost of \$30.00 per hour, in an amount not to exceed \$6,000.00,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is granted, and Maureen A. Fitzgerald, Commissioner of the Department of Community and Youth Services, and Mary T. Ryan, Director, Division of Senior Citizen Services, Department of Community and Youth Services, are hereby authorized to retain Kristen M. Orsini, as a Yoga instructor at various Town facilities, nunc pro tunc from January 4, 2016 through December 31, 2016, at a cost of \$30.00 per hour, in an amount not to exceed \$6,000.00; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment upon presentation of a duly certified claim, after audit, with funds to be drawn from Account No. CYS A 7020 47660 000 0000, or any other appropriate account.

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Venditto	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilman Coschignano	Aye
Councilman Pinto	Aye
Councilwoman Alesia	Aye
Councilwoman Johnson	Aye

cc: Supervisor  
Town Attorney  
Comptroller (2)  
Community & Youth Services

Reviewed By  
Office of Town Attorney

WHEREAS, pursuant to public notice, bids were duly and regularly received for Surplus Vehicles in the Town of Oyster Bay, Nassau County, New York, in accordance with the specifications contained in Bid Proposal SE 010R-15, and said bids were publicly opened and read on December 4, 2015; and

WHEREAS, the highest responsible bid submitted was that of Richard F. Creeron, 148 East Oxford Street, Valley Stream, New York 11580, for item No. 033 in the amount of \$78.00 and Item No. 034 in the amount of \$86.00, and A.D.A.C. Inc., 11 Maxwell Avenue, Oyster Bay, New York 11771 for Item No. 003 in the amount of \$25.00, Item No. 024 in the amount of \$150.00, and Item No. 036 in the amount of \$31.00, for a total combined award of \$370.00; and

WHEREAS, Eric Tuman, Commissioner of the Department of General Services, by memorandum dated January 5, 2016, recommends that the abovementioned bids be accepted,

NOW, THEREFORE, BE IT RESOLVED, That upon the abovementioned recommendation, Bid Proposal SE 010R-15 is hereby awarded to Richard F. Creeron and A.D.A.C. Inc., in connection with the respective items and amounts as hereinabove set forth, in accordance with the terms and conditions of Bid Proposal SE 010R-15, for a total combined award of \$370.00.

*ML*  
Reviewed By  
Office of Town Attorney  
*Walter V. Alvord*

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Venditto	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilman Coschignano	Aye
Councilman Pinto	Aye
Councilwoman Alesia	Aye
Councilwoman Johnson	Aye

cc: Supervisor  
Town Attorney  
Comptroller (2)  
General Services

Meeting of January 19, 2016

Resolution No. 36-2016

WHEREAS, Frank V. Sammartano, Deputy Commissioner of the Department of Intergovernmental Affairs, and Gail Paraninfo, Director of the Division of Employment and Training, Department of Intergovernmental Affairs, by memorandum dated January 4, 2016, request Town Board authorization to retain Worker's Compensation Insurance for the youth enrolled in the Division's Youth Employment and Training Program, with Salerno Brokerage Corp., 117 Oak Drive, Syosset, New York 11791, in the amount of \$12,549.83, with a brokerage service fee of \$750.00, nunc pro tunc from January 1, 2016 through December 31, 2016,

NOW, THEREFORE, BE IT RESOLVED, That the hereinabove request is accepted and approved, and Frank V. Sammartano, Deputy Commissioner of the Department of Intergovernmental Affairs, and Gail Paraninfo, Director of the Division of Employment and Training, Department of Intergovernmental Affairs, are hereby authorized to renew Worker's Compensation Insurance for the youth enrolled in the Division's Youth Employment and Training Program with Salerno Brokerage Corp., in the amount of \$12,549.83, with a brokerage service fee of \$750.00, nunc pro tunc from January 1, 2016 through December 31, 2016, and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same in the total amount of \$13,299.83, upon presentation of a duly certified claim, after audit, and that the funds for said payment shall be drawn from Account No. IGA CD 6293 43000 000 CW15, or any other appropriate account.

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Venditto	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilman Coschignano	Aye
Councilman Pinto	Aye
Councilwoman Alesia	Aye
Councilwoman Johnson	Aye

cc: Supervisor  
Town Attorney  
Comptroller (2)  
Intergovernmental Affairs

Reviewed By  
Office of Town Attorney

WHEREAS, the Town, through the Office of the Receiver of Taxes, entered into a contract as authorized by Resolution No. 295-2014, adopted on May 6, 2014, with Business Automation Services, Inc., to provide modification and upgrade technical services for the existing primary tax management system, including an online tax payment system; and

WHEREAS, James J. Stefanich, Receiver of Taxes, and Maura Fahey, Deputy Receiver of Taxes, by memorandum dated January 5, 2016, request Town Board authorization to ratify and continue the annual software maintenance provided by Business Automation Services, Inc., for the existing primary tax management system and online tax payment system through December 31, 2016, at a cost of \$85,760.00, and funds are to be drawn from Account No. ROT A 1330 46100 000 0000, or any other appropriate account,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board hereby approves the authorization to ratify and continue the annual software maintenance provided by Business Automation Services, Inc., for the existing primary tax management system and online tax payment system through December 31, 2016, at a cost of \$85,760.00; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same, upon presentation of a duly certified claim, after audit, and that the funds for said payment shall be drawn from Account No. ROT A 1330 46100 000 0000, or any other appropriate account.

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Venditto	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilman Coschignano	Aye
Councilman Pinto	Aye
Councilwoman Alesia	Aye
Councilwoman Johnson	Aye

cc: Supervisor  
Town Attorney  
Comptroller (2)  
Receiver of Taxes

Reviewed By  
Office of Town Attorney

WHEREAS, pursuant to Sections 96-20 of the Code of the Town of Oyster Bay, the Department of Planning and Development by the emergency power granted to the Commissioner of the Department of Planning and Development, authorized the Highway Department to board-up the premises located at 8 Ingram Drive, Hicksville, New York 11801, also known as Section 12, Block 631, Lot 57 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Leonard Genova, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, by memorandum dated December 17, 2015, pursuant to Section 96-19 of the Code of the Town of Oyster Bay, have requested that the cost of boarding up the premises on August 25, 2015, in the amount of \$121.66, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Leonard Genova, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, as set forth in their memorandum dated December 17, 2015, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$121.66 may be assessed by the Legislature of the County of Nassau against the parcel known as 8 Ingram Drive, Hicksville, New York 11801, also known as Section 12, Block 631, Lot 57 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Venditto	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilman Coschignano	Aye
Councilman Pinto	Aye
Councilwoman Alesia	Aye
Councilwoman Johnson	Aye

cc: Supervisor  
Town Attorney  
Comptroller (2)  
P & D  
HWY

Reviewed By  
Office of Town Attorney

WHEREAS, pursuant to Sections 96-20 of the Code of the Town of Oyster Bay, the Department of Planning and Development by the emergency power granted to the Commissioner of the Department of Planning and Development, authorized the Highway Department to board-up the premises located at 74 Meyers Avenue, Hicksville, New York 11801, also known as Section 11, Block 367, Lot 13 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Leonard Genova, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, by memorandum dated December 17, 2015, pursuant to Section 96-19 of the Code of the Town of Oyster Bay, have requested that the cost of boarding up the premises on June 11, 2015, in the amount of \$504.58, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Leonard Genova, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, as set forth in their memorandum dated December 17, 2015, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$504.58 may be assessed by the Legislature of the County of Nassau against the parcel known as 74 Meyers Avenue, Hicksville, New York 11801, also known as Section 11, Block 367, Lot 13 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Venditto	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilman Coschignano	Aye
Councilman Pinto	Aye
Councilwoman Alesia	Aye
Councilwoman Johnson	Aye

cc: Supervisor  
Town Attorney  
Comptroller (2)  
P & D  
HWY

Reviewed By  
Office of Town Attorney

Meeting of January 19, 2016

Resolution No. 40-2016

WHEREAS, UNDERHILL SENIOR HOUSING, LLC, and ENGEL BURMAN AT UNDERHILL, LLC, contract vendees, JOHN C. DOREMUS and WILLIAM J. DOREMUS, as Co-Administrators of the Estate of WILLIAM H. DOREMUS, fee owner, and ELLEN DOREMUS, fee owner, have petitioned the Town Board of the Town of Oyster Bay ("Town Board") for a Change of Zone from the present zoning of R1-1A (One Family Residence) to a General Business (GB) and for a Special Use Permit to permit an Assisted Living Community on a portion of two parcels of land located at Jericho Turnpike, Jericho, Town of Oyster Bay, County of Nassau, State of New York and described as Section 17, Block 11, Lots 26 and 27 on the Land and Tax Map of Nassau County; and

WHEREAS, a duly advertised public hearing on said Petition was held by the Town Board of the Town of Oyster Bay on November 24, 2015, at which hearing all parties interested in the subject matter and desiring to be heard were heard; and

WHEREAS, the Town Board of the Town of Oyster Bay, after having reviewed the recommendations of the Town Environmental Quality Review Commission, did, by Resolution No. 30-16, adopted on January 5, 2016, declare and find that the subject application will not have a significant effect on the environment, and the proposed actions in the Petition constitute a Negative Declaration, in accordance with the New York State Environmental Conservation Law and its applicable regulations thereon; and

WHEREAS, the Nassau County Planning Commission, by Resolution No. 10058-16, adopted on January 7, 2016, recommended local determination of said application; and

WHEREAS, the Town Board of the Town of Oyster Bay, based upon the relevant facts and circumstances presented at the public hearing, and based upon the facts and information within the personal knowledge of the members of the Town Board, finds the following: that because of the area, location, nature and character of the subject property, the below described premises are adequate and suitable for the requested use; that the granting of this application, subject to the imposition of certain covenants, restrictions and provisions, will not adversely affect the present character of the area; and the granting of this application will be compatible with the purposes and objectives of the comprehensive zoning plan of the Town of Oyster Bay; and

WHEREAS, Frederick P. Ippolito, Commissioner of the Department of Planning and Development, by memorandum dated January 14, 2016, has advised that the Department of Planning and Development has reviewed the following nine (9) plans prepared by Sidney B. Bowne & Son, LLP, and five (5) plans prepared by David Mammina, R.A.:

<u>SHEET NO.</u>	<u>TITLE</u>		<u>DATE</u>
EX-1	EXISTING CONDITIONS AND SITE REMOVAL PLAN	Sidney B. Bowne & Son, LLP	10/12/15
C-1	SITE LAYOUT PLAN	Sidney B. Bowne & Son, LLP	12/04/15
C-2	SITE GRADING AND DRAINAGE	Sidney B. Bowne & Son, LLP	10/12/15
C-3	SITE DETAILS	Sidney B. Bowne & Son, LLP	10/12/15
C-4	DRAINAGE AND SANITARY DETAILS	Sidney B. Bowne & Son, LLP	10/12/15

C-5	SITE LIGHTING		
	PHOTOMETRIC PLAN	Sidney B. Bowne & Son, LLP	10/12/15
L-1	LANDSCAPING PLAN	Sidney B. Bowne & Son, LLP	12/04/15
EC-1	EROSION CONTROL PLAN	Sidney B. Bowne & Son, LLP	10/12/15
EC-2	EROSION CONTROL DETAILS	Sidney B. Bowne & Son, LLP	10/12/15
A1.0A & B	PARTIAL BASEMENT		
	FLOOR PLAN	David Mammina, R.A.	10/29/15
A1.1A & B	PARTIAL FIRST FLOOR PLAN	David Mammina, R.A.	10/29/15
A2.1A & B	PARTIAL SECOND FLOOR PLAN	David Mammina, R.A.	10/29/15
A3.1A & B	PARTIAL THIRD FLOOR PLAN	David Mammina, R.A.	10/29/15
A2.0	BUILDING ELEVATIONS	David Mammina, R.A.	10/29/15

NOW, THEREFORE, BE IT RESOLVED, That the Petition of UNDERHILL SENIOR HOUSING, LLC, and ENGEL BURMAN AT UNDERHILL, LLC, contract vendees, JOHN C. DOREMUS and WILLIAM J. DOREMUS, as Co-Administrators of the Estate of WILLIAM H. DOREMUS, fee owner, and ELLEN DOREMUS, fee owner, for a Change of Zone from the present zoning of R1-1A (One Family Residence) to a General Business (GB) and for a Special Use Permit to permit an Assisted Living Community on a portion of two parcels of land located at Jericho Turnpike, Jericho, Town of Oyster Bay, County of Nassau, State of New York and described as Section 17, Block 11, Lots 26 and 27 on the Land and Tax Map of Nassau County, is hereby GRANTED, on the premises described as follows:

#### SCHEDULE A

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Hamlet of Jericho, Town of Oyster Bay, County of Nassau and State of New York, described as follows:

BEGINNING at a point on the northerly side of Jericho Turnpike distant 1164.55 feet northeast of its intersection with the easterly boundary line of the lands now or formerly of Eleanor M. Carmody;

RUNNING THENCE north 19 degrees 38 minutes 00 seconds west 501.06 feet to a stake;

THENCE north 4 degrees 19 minutes 23 seconds west 602.19 feet to a stake;

THENCE south 86 degrees 38 minutes 03 seconds east 852.79 feet to a monument;

THENCE south 3 degrees 20 minutes 11 seconds west 227.24 feet to a stake;

THENCE south 48 degrees 10 minutes 30 seconds west 179.30 feet to a monument;



THENCE south 4 degrees 24 minutes 28 seconds east 67.02 feet to a monument;

THENCE south 75 degrees 58 minutes 41 seconds west 187.78 feet to a monument;

THENCE south 15 degrees 49 minutes 08 seconds east 361.30 feet to a point on the northerly side of Jericho Turnpike;

THENCE south 62 degrees 20 minutes 49 seconds west along the northerly side of Jericho Turnpike 465.34 feet to the point or place of BEGINNING.

SAID PREMISES being known as 300 Jericho Turnpike, Jericho, New York, and designated as Section 17 Block 11 Lot 27 on the Land and Tax Map of Nassau County;

AND

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being at Jericho, Town of Oyster Bay, County of Nassau and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Jericho Turnpike at the extreme southwesterly end of a curve connecting the northerly side of Jericho Turnpike and the westerly side of Cedar Swamp Road;

RUNNING THENCE south 62 degrees 20 minutes 49 seconds west 122.25 feet;

RUNNING THENCE north 15 degrees 49 minutes 08 seconds west 361.30 feet;

RUNNING THENCE north 75 degrees 58 minutes 41 seconds east 187.78 feet;

RUNNING THENCE north 4 degrees 24 minutes 28 seconds west 67.02 feet;

RUNNING THENCE north 48 degrees 10 minutes 30 seconds east 179.30 feet;

RUNNING THENCE north 3 degrees 20 minutes 11 seconds east 493.38 feet;

RUNNING THENCE north 0 degrees 44 minutes 23 seconds west 44.38 feet;

RUNNING THENCE north 3 degrees 44 minutes 26 seconds east  
32.12 feet to the westerly side of Cedar Swamp Road;

RUNNING THENCE south 18 degrees 53 minutes 03 seconds east  
along the westerly side of Cedar Swamp Road 430.22 feet to a  
point of curve;

RUNNING THENCE southwesterly along the westerly side of  
Cedar Swamp Road along the arc of a circle having a radius of 240  
feet and bearing to the right a distance of 176.68 feet;

RUNNING THENCE south 23 degrees 17 minutes 41 seconds  
west 456.12 feet to the extreme northeasterly end of the curve  
connecting the westerly side of Cedar Swamp Road and the  
northerly side of Jericho Turnpike;

RUNNING THENCE southwesterly along the arc of said curve  
having a radius of 190 feet and bearing to the right a distance of  
129.50 feet to the extreme southwesterly end of said curve at the  
point or place of BEGINNING;

SAID PREMISES being known as 310 Jericho Turnpike, Jericho,  
New York, and designated as Section 17 Block 11 Lot 26 on the  
Land and Tax Map of Nassau County;

RESOLVED, That the Petition herein granted is subject to voluntary covenants  
and restrictions imposed upon the subject premises by the Petitioner, as set forth in the written  
instrument attached herewith, to be duly recorded in the Office of the Clerk of Nassau County  
within one year of this Resolution, and the subject Petition may only become effective upon such  
recording; and be it further

RESOLVED, That in accordance with the memorandum of Frederick P. Ippolito,  
Commissioner of the Department of Planning and Development, dated January 14, 2016, the  
fourteen (14) plans described herein, as modified, are hereby approved.

The foregoing resolution was declared adopted after a poll of the members of the Board; the  
vote being recorded as follows:

Supervisor Venditto	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilman Coschignano	Abstain
Councilman Pinto	Aye
Councilwoman Alesia	Aye
Councilwoman Johnson	Aye

cc: Supervisor  
Town Attorney  
Comptroller (2)  
Planning & Development  
Environmental Resources