John Conning by
Vicki Sinelli, Deputy
Commissioner
APPROVED
COMMISSIONER OF HUMAN RESOURCES

Meeting of July 25, 2017 RESOLUTION P-18 -17

WHEREAS, The 2017 Budget, adopted November 15, 2016 established the titles and salaries of officers and employees of the Town of Oyster Bay pursuant to Section 27 of Town Law, and other Local Laws relating to the establishment of Town Departments, and Rules and Regulations governing appointments, etc., of employees; and

WHEREAS, The adoption of said 2017 Budget, on November 15, 2016, was by a Resolution of the Town Board; and

WHEREAS, Resolution #P1063, dated December 12, 1972, provides a procedure for the amendment of the Resolution establishing grades, salaries and titles as required and requested by Department Heads,

NOW, THEREFORE, BE IT RESOLVED, That the Budget as adopted be and hereby is amended to reflect the approved additions and deletions as indicated by the attached.

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller (2)
Human Resources
Payroll

John Canning by
Valerie Sprinkle, Deputy
Commissioner of HR

APPROVED
COMMISSIONER OF HUMAN RESOURCES

Meeting of July 25, 2017 PA -13-2017

WHEREAS, Resolution #PA 3-73, adopted the 1973 Graded Salary Plan for all titles in use in the Town of Oyster Bay; and

WHEREAS, it is deemed necessary periodically to change or upgrade the grades of such approved titles of Nassau County Civil Service Commission,

NOW, THEREFORE, BE IT RESOLVED, That the Graded Salary Plan, as adopted by Resolution #PA 3-73, on January 1973, be and hereby is amended to reflect the following effective April 4, 2017:

TO CHANGE THE GRADE OF:	FROM:	TO:
Director of Animal Shelter	28	21

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller (2)
Human Resources
Payroll

Reviewed By
Office of Town Attorney

Meeting of July 25, 2017 RESOLUTION NO. TF-11-2017

RESOLVED, That the Comptroller be and he hereby is directed to Transfer Funds within the various Departments Accounts as indicated:

ITEM NO.	DEPT.	AMOUNT	FROM
029-17	HWY	$ 3,700.00	HWY DB 5110 45100 000 0000
			TO
		$ 3,700.00	HWY DB 5110 25000 000 0000
			FROM
030-17	DER	$ 1,200.00	DER SR05 8160 46530 000 0000
			TO
		$ 1,200.00	DER SR05 8160 47200 000 0000

#

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor (2)
Town Attorney
Comptroller (2)
Environmental Resources
Highway

2A

TOWN OF OYSTER BAY
Inter-Departmental Memo

July 14, 2017

TO: **MEMORANDUM DOCKET**

FROM: **JOHN P. BISHOP, DEPUTY COMMISSIONER**
HIGHWAY DEPARTMENT

SUBJECT: TRANSFER OF FUNDS

Town Board authorization is requested to transfer the following funds:

	Account No.	Object Description	Amount
From:	HWY DB 5110 45100 000 0000	EQUIPMENT RENTAL	$3,700.00
To:	HWY DB 5110 25000 000 0000	GENERAL EQUIPMENT	$3,700.00

This transfer is necessary to provide funds to purchase one (1) Horizontal Vertical Saw, one (1) 280 AMP Battery Charger, and one (1) Handheld Portable 12VDC Battery Jump Starter.

John P. Bishop, Deputy Commissioner
Highway Department

JPB/dp

C: Town Attorney (6)
Comptroller's Office
Richard Lenz, P.E., Commissioner of DPW/Highway

Town of Oyster Bay

Inter-Departmental Memo

July 18, 2017

TO: Memorandum Docket

FROM: Neil O. Bergin, Commissioner
Department of Environmental Resources

SUBJECT: Transfer of Funds

The Department of Environmental Resources requests Town Board authorization to transfer the following funds:

From:			
	DER SR05 8160 46530 000 0000	Sanitation Transport	$1200.00
To:			
	DER SR05 8160 47200 000 0000	Travel Expense	$1200.00

This transfer is necessary for the payment of expenses for the New York State Association of Solid Waste Managers Association seminar held each year.

Neil O. Bergin by Daniel M. Penna
Neil O. Bergin, Commissioner
Department of Environmental Resources

NOB/tml
cc: Town Attorney - w/ 6 copies

Der file no. G500
Docket memo transfer of funds for Travel Expenses July 2017 .doc

Meeting of July 25, 2017 Resolution No. 415-2017

WHEREAS, Joseph Pinto, Commissioner of the Department of Parks, by memorandum dated June 26, 2017, requested Town Board approval for Town of Oyster Bay sponsorship of the Thirty-Second Annual Bluefish Tournament; and

WHEREAS, the event shall be conducted under the following guidelines:

1. Date: September 10, 2017;

2. Time: 4:30 a.m. to 4:00 p.m.;

3. Place: Theodore Roosevelt Memorial Park;

4. Cost: $35.00 Residents, $45.00 Non-Residents, representing a $5.00 increase from the 2016 Bluefish Tournament;

5. Funds collected shall be deposited into the following Trust Account TWN TA 0000 00085 474 0000 to be used as follows according to the Town's procurement policies through the Purchasing Department:

   A. Gift certificates shall be awarded to contestants finishing first through fifteenth place. Plaques shall be awarded to contestants finishing first through tenth place.

   B. Fixed expenses will be procured using the sponsor donations and registration fees for such food items as hot dogs, soda, water and chips; charcoal, lighter fluid and paper goods; t-shirts for participants; ice; and tent rental;

   C. After fixed tournament expenses are paid, the Town will encumber $3,000.00 to offset the cost of equipment and staffing of the event;

   D. The remaining balance of the registration and donated sponsor fees will be used to purchase door prizes to be purchased in compliance with the Town of Oyster Bay Procurement Policy from vendors approved by the Department of General Services Purchasing Division;

   E. Donations by event sponsors to support and offset the expenses of the tournament may be added upon the approval of the Town Board.

NOW, THEREFORE, BE IT RESOLVED, That the request as set forth hereinabove is hereby accepted and approved in accordance with the hereinabove stated guidelines, for the purpose of conducting the Thirty-Second Annual Bluefish Tournament.

#

Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller (2)
Parks

4

415

TOWN OF OYSTER BAY

INTER - DEPARTMENTAL MEMORANDUM

June 26, 2017

TO: MEMORANDUM DOCKET

FROM: JOSEPH PINTO, COMMISSIONER OF PARKS

SUBJECT: THIRTY SECOND ANNUAL BLUEFISH TOURNAMENT

The Department of Parks requests Town Board approval for the following Town of Oyster Bay sponsored Bluefish Tournament as outlined below

The event will be conducted under the following guidelines:

1. Date: September 10, 2017

2. Time: 4:30 AM – 4:00 PM

3. Place: Theodore Roosevelt Memorial Park

4. Cost: $35.00 Residents, $45.00 Non-Residents
These fees represent a $5.00 increase from the previous year.

5. Funds collected will be deposited into the following Trust Account TWN TA 0000 00085 474 0000 to be used as follows according to the Town's procurement policies through the Purchasing Department:

   A. Purchase gift certificates and plaques. Gift certificates will be awarded to contestants finishing first through fifteenth place. Plaques are awarded for first through tenth place.

   B. The following fixed expenses will be procured using the sponsor donations and registration fees:
      - Food items such as hot dogs, soda, water, & chips. In addition, charcoal, lighter fluid, paper goods, etc.
      - T shirts for participants
      - Ice
      - Tent rental

   C. After fixed tournament expenses are paid, the Town will encumber $3,000 to offset the cost of equipment and staffing the event.

   D. The remaining balance of the registration and donated sponsor fees will be used to purchase door prizes. Prizes will be purchased in compliance with the Town of Oyster Bay Procurement Policy from vendors approved by the Department of General Services Purchasing Division.

   E. Donations by event sponsors to support and offset the expenses of the tournament may be added upon the approval of the Town Board.

Town Board approval is recommended.

JOSEPH PINTO
COMMISSIONER OF PARKS

JP/dhr
C: Town Attorney (original + 10 copies)

Meeting of July 25, 2017 Resolution No. 416-2017

WHEREAS, Ms. Anne Draghi, by her recent letter, has requested to donate a plaque to be placed on an existing bench located at Theodore Roosevelt Memorial Park, Oyster Bay, New York, to the Town of Oyster Bay, in memory of her mother-in-law, Helen Draghi; and

WHEREAS, the value of the plaque is estimated to be $300.00; and

WHEREAS, Joseph G. Pinto, Commissioner of the Department of Parks, by memorandum dated June 26, 2017, has recommended that the Town accept said donation;

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town hereby accepts from Ms. Anne Draghi the donation of a plaque to be placed on an existing bench located at Theodore Roosevelt Memorial Park, in memory of her mother-in-law, Helen Draghi.

-#-

Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor (2)
Town Attorney
Comptroller (2)
Parks

4/16

TOWN OF OYSTER BAY

Inter-Departmental Memorandum

TO: MEMORANDUM DOCKET

FROM: JOSEPH G. PINTO, COMMISSIONER OF PARKS

DATE: June 26, 2017

SUBJECT: MEMORIAL PLAQUE

The Department of Parks has received a request from Anne Draghi (letter attached) requesting to donate a plaque to the Town of Oyster Bay in memory of her mother-in-law Helen Draghi to be placed at Theodore Roosevelt Memorial Park.

The Department of Parks has reviewed this request and concurs this will be a fitting tribute.

The plaque will be purchased by Ann Draghi and donated to the Parks Department. The value of the plaque is estimated to be $300.00. Town Board approval is requested on behalf of Ann Draghi.

JOSEPH G. PINTO
COMMISSIONER OF PARKS

JGP/dl
C: TOWN ATTORNEY (original +10 copies)
ATTACHMENT

Town of Oyster Bay
Department of Parks

Re: Theodore Roosevelt Park/ request for memorial bench

To Whom It May Concern,

We lost our dear mother, my mother in law, last September and have been trying to do special things to honor her life since it has been very difficult to live without her.

Helen and Andrew Draghi have 5 boys and have spent their whole life with the boys down at Teddy Roosevelt Park and Marina to go fishing on their boat. The memories they have from there are priceless and my father in law has used his boat there for decades. That area represents their life together with their boys and holds a special place in all of their hearts. Although my father in law is still alive, he can't go fishing or visit the area any longer because of his disabilities.

My father in law was a member of the Oyster Bay Anglers and has participated, with his sons, in the town of Oyster Bay blue fish tournaments year after year since it's inception. The Draghi family has very fond memories of great times spent in the town patronizing the local stores of Oyster Bay and giving back to the community.

My family thought it would be a great honor to dedicate a bench at the park for the family to acknowledge my mother in laws life and the wonderful time they spent there together as a family.

We could take my father in law there to visit the bench to sit on and recount all the wonderful memories he is so fond of.

f it is possible to make that happen, we would love to dedicate one for the Draghi family.

We would like to have written on the plaque:
The Draghi Family
Lucky 7 memories will last forever

Sincerely,

Anne Draghi

Meeting of July 25, 2017 Resolution No. 417-2017

WHEREAS, Ms. Margaret Ann Gannon, by letter dated June 19, 2017, has requested to donate a plaque to be placed on an existing bench at Philip B. Healey Beach at Florence Avenue, Massapequa, New York, to the Town of Oyster Bay, in memory of her father; and

WHEREAS, the value of the plaque is estimated to be $300.00; and

WHEREAS, Joseph G. Pinto, Commissioner of the Department of Parks, by memorandum dated June 26, 2017, has recommended that the Town accept said donation;

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town hereby accepts from Ms. Margaret Ann Gannon the donation of a plaque to be placed on an existing bench located at Philip B. Healey Beach at Florence Avenue, Massapequa, New York, in memory of her father.

-#-

Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor (2)
Town Attorney
Comptroller (2)
Parks

417

TOWN OF OYSTER BAY

Inter-Departmental Memorandum

TO: MEMORANDUM DOCKET

FROM: JOSEPH G. PINTO, COMMISSIONER OF PARKS

DATE: June 26, 2017

SUBJECT: MEMORIAL PLAQUE

The Department of Parks has received a request from Mrs.Patti (letter attached) requesting her daughter Margaret Ann Gannon donate a plaque to the Town of Oyster Bay in memory of her father to be placed at Philip B. Healey Beach at Florence Avenue.

The Department of Parks has reviewed this request and concurs this will be a fitting tribute.

The plaque will be purchased by Margaret Ann Gannon and donated to the Parks Department. The value of the plaque is estimated to be $300.00. Town Board approval is requested on behalf of Mrs. Patti.

JOSEPH G. PINTO
COMMISSIONER OF PARKS

JGP/dl
C: TOWN ATTORNEY (original +10 copies)
ATTACHMENT

June 19, 2017

Dear Sir -

My daughter Margaret Ann would like very much to have a plack on an existing bench at Florence Beach in Massapequa It would be in memory of her father. This was a special place for them to share together.

Respectfully,
Mrs. Patti

Information can be sent to -
Mrs. Margaret Ann Gannon
131 Cabot Rd
Massapequa, N.Y.
11758

Tel- [redacted]

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Deputy Commissioner of the Department of Planning and Development, by memorandum dated May 31, 2016, authorized the Highway Department to clean up the premises located at 155 Seventh Street, Bethpage, New York 11714, also known as Section 46, Block 24, Lot 55 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, by memorandum dated June 20, 2017, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on June 2, 2016, in the total amount of $584.18, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, as set forth in their memorandum dated June 20, 2017, 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 $584.18 may be assessed by the Legislature of the County of Nassau against the parcel known as 155 Seventh Street, Bethpage, New York 11714, also known as Section 46, Block 24, Lot 55 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: June 20, 2017

SUBJECT: Property Cleanup Assessment
155 Seventh Street, Bethpage, New York 11714
Section 46, Block 24, Lot 55

The Department of Planning and Development, by memorandum dated May 31, 2016, directed the Highway Department to clean the premises located at 155 Seventh Street, Bethpage, New York 11714, also known as Section 46, Block 24, Lot 55 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated June 23, 2016, advised that the property was cleaned by a crew from the Highway Department on June 2, 2016. The cost incurred by the Town of Oyster Bay was $584.18.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Donna B. Swanson
Deputy Town Attorney

DBS:aml
Attachments
cc: Town Attorney (w/10 copies)

S:\DBS\Cleanups MD & Reso\MD 155 Seventh St 6.20.17.doc

2017-5948 DBS
Need ltr

TOWN OF OYSTER BAY

Inter-Departmental Memo

May 31, 2016

To: **KEVIN HANIFAN: COMMISIONER/HIGHWAY DEPT.**

From: **MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU**

Through: **DEPUTY COMMISSIONER OF**

DEPARTMENT OF PLANNING AND DEVELOPMENT

Subject: **155 Seventh Street Bethpage, NY 11714**
SBL: 46-24-55

Notice of Violation (No.15782) was issued to the owner of the above-referenced premises 05/02/2016 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54: **I am directing thatyou cut the grass, trim the bushes and remove the litter and debris.**

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

DEPUTY
COMMISSIONER

BY: Michael Esposito

MICHAEL ESPOSITO
CODE ENFORCEMENT BUREAU

ME/js
cc: Leonard Genova,Town Attorney

2017 APR 11 A 10 30

155 Seventh St
Bethpage

DEED 7202 PAGE 118 — 8007 - 1-65-7004 — Bargain and Sale Deed, with Covenant against Grantor's Acts—Individual or Corporation (Single Sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 1st day of July, nineteen hundred and sixty-four

BETWEEN

FRANK J. MANZELLA and LEORA C. MANZELLA, his wife, both residing at #155 Seventh Street, Bethpage, County of Nassau and State of New York,

party of the first part, and

THEODORE ~~[illegible]~~ CISEK and MARION ~~[illegible]~~ CISEK, his wife, both residing at #597 Manhattan Avenue, Borough of Brooklyn, County of Kings, City and State of New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the at Bethpage, Town of Oyster Bay, County of Nassau and State of New York, known and designated as and by the part of Lot Numbered 23, all of Lots Numbered 24 and 25 in Block 24, on a certain map entitled: "Map of New York Suburban Land Co. Section 2, situated at Central Park, Nassau County, L.I., N.Y., surveyed October 15, 1907 by Thos. V. Smith, Civil Engineer," and filed in the Nassau County Clerk's Office November 22, 1907 as map #174, Case #1509, which said lots and part of lot, when taken together, are more particularly bounded and described as follows:

BEGINNING at a point on the Westerly side of Seventh Street distant 149.85 feet southerly from the corner formed by the intersection of the westerly side of Seventh Street with the southerly side of Meade Avenue; running thence south 5 degrees 53 minutes 20 seconds west along the westerly side of Seventh Street, 50 feet; running thence north 80 degrees 02 minutes West 100.25 feet; running thence north 5 degrees 53 minutes 20 seconds east 50 feet; and running thence south 80 degrees 02 minutes east 100.25 feet to the westerly side of Seventh Street, the point or place of BEGINNING.

DOCUMENTARY

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Jack Nordle Jr.

Frank J. Manzella L.S.

[illegible] L.S.

DEED 7292 PAGE 119

STATE OF NEW YORK, COUNTY OF NASSAU ss:

On the 1st day of July, 19 64, before me personally came

FRANK J. MANZELLA and
LEORA C. MANZELLA, his wife,

to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Theodore Buchwalter

THEODORE BUCHWALTER
Notary Public, State of New York
No. 30-0477550
Qualified in Nassau Co.
Comm. expires March 30, 1965

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came
to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the
of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed h name thereto by like order.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came
the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed h name as witness thereto.

JUL 8 1964

TITLE No. 345596

FRANK J. MANZELLA and
LEORA C. MANZELLA, his wife

Y. 20 TO 33484

THEODORE G. CISEK and
MARION LORRAINE CISEK, his wife

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

The land affected by the within instrument lies in Section 46 in Block 24 on the Land Map of the County of Nassau

RECORDED AT REQUEST OF

JOHN F. DOBSON, ESQ.
320 North Broadway
York

ORM OF
TLE UNDERWRITERS
by
GARANTEE
NY
IN NEW YORK

RECORD and RETURN TO:

JOHN F. DOBSON, ESQ.
320 NORTH BROADWAY
HICKSVILLE
N.Y.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

RECORDED

JUL 8 9 03 AM '64

COUNTY CLERK'S OFFICE
NASSAU COUNTY
NEW YORK

Town of Oyster Bay
Inter- Departmental Memo

June 23, 2016

TO: DIANA S. AQUIAR, DEPUTY COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

FROM: HIGHWAY DEPARTMENT

SUBJECT: **155 7TH STREET, BETHPAGE**
CLEAN-UP

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$584.18**.

If you have any questions pertaining to the above subject, please feel free to contact Kevin Hanifan at 677-5769.

HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (46-24-55) 155 7TH ST BETHPAGE 11714

Date Jun 2, 2016

Work Order # 27552

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Ovetime Hours	Overtime Rate	Line Cost
FRANK MANKIEWICZ	General Maintenance	01:00	$40.00	00:00	0	$40.00
MICHAEL RICCARDO	General Maintenance	01:00	$47.03	00:00	0	$47.03
MICHAEL CALAMIA	General Maintenance	01:00	$25.46	00:00	0	$25.46
PHILIP BADOME	General Maintenance	01:00	$26.93	00:00	0	$26.93
DONALD BRUWER	General Maintenance	01:00	$24.76	00:00	0	$24.76
					Total Labor	$164.18

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
TD624	PICK-UP TRUCK 2008 FORD F-250 YW (23 / 018)	$79.00	01:00	$79.00
TD634	TRUCK DUMP 2008 FORD F350 YW (T175 / T-175) - Power Wagons	$105.00	01:00	$105.00
TD700	TRUCK DUMP 2011 INTER 7300 YW (T-181)- 6 Wheeler	$131.00	01:00	$131.00
TD702	TRUCK DUMP 2011 FORD F350 YELLO (T-165) - Power Wagons	$105.00	01:00	$105.00
			Total Equipment	$420.00

Materials

Material	Cost Per Unit	Units	Line Cost
		Total Materials	

Grand Total **$584.18**

Description of Work:

CLEAN UP 155 SEVENTH STREET BP TO DOUG

Signature:

Name: Douglas Robalino

Title: Storeyard Supervisor

Date: Jun 14, 2016

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Deputy Commissioner of the Department of Planning and Development, by memorandum dated August 31, 2016, authorized the Highway Department to clean up the premises located at 70 Joyce Road, Plainview, New York 11803, also known as Section 12, Block 492, Lot 13 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, by memorandum dated June 20, 2017, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on September 12, 2016, in the total amount of $419.75, be referred to the County of Nassau for assessment,

Reviewed By
Office of Town Attorney

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, as set forth in their memorandum dated June 20, 2017, 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 $419.75 may be assessed by the Legislature of the County of Nassau against the parcel known as 70 Joyce Road, Plainview, New York 11803, also known as Section 12, Block 492, 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 Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

419

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: June 20, 2017

SUBJECT: Property Cleanup Assessment
70 Joyce Road, Plainview, New York 11803
Section 12, Block 492, Lot 13

The Department of Planning and Development, by memorandum dated August 31, 2016, directed the Highway Department to clean the premises located at 70 Joyce Road, Plainview, New York 11803, also known as Section 12, Block 492, Lot 13 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated September 14, 2016, advised that the property was cleaned by a crew from the Highway Department on September 12, 2016. The cost incurred by the Town of Oyster Bay was $419.75.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Donna B. Swanson
Deputy Town Attorney

DBS:aml
Attachments
cc: Town Attorney (w/10 copies)

S:\DBS\Cleanups MD & Reso\MD 70 Joyce Rd 6.20.17.doc

2017-5889
Need Ltr

TOWN OF OYSTER BAY

August 31, 2016

To: **JOHN BISHOP, ACTING COMMISSIONER HIGHWAY**

From: **MICHAEL ESPOSITO-BUREAU CHIEF CODE ENFORCEMENT**

Through: **DEPUTY COMMISSIONER**
PLANNING AND DEVELOPMENT

Subject: **70 Joyce Rd. Plainview, NY 11803**
SBL: 12-492-13

Notice of Violation (No.16260) was issued to the owner of the above-referenced premises for property non-maintenance on 8/17/2016, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54, **I am directing that you cut the grass, trim the bushes, and remove the litter and debris.**

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

DEPUTY
COMMISSIONER

BY: Michael Esposito (JS)
MICHAEL ESPOSITO
BUREAU CHIEF/CODE ENFORCEMENT

ME/js
cc: Leonard Genova, Town Attorney

Standard N.Y.B.T.U. Form 8002 - Bargain and Sale Deed, with Covenant against Grantor's Acts - Individual or Corporation (Single sheet)

(Uniform ack.)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONL

THIS INDENTURE, made the 19 day of NOV, in the year 2002

BETWEEN BARBARA J. GOLDSTEIN
70 Joyce Road
Plainview, New York 11803

party of the first part, and

GEUN HYOUNG LEE
36 Birch Drive
Plainview, New York 11803

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

See attached scheudle A

Premises being known as 70 Joyce Road, Plainview, New York 11803
Grantor being the same as grantee in deed dated recorded on
in liber page

S.19 B.492 L.18

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Barbara Goldstein
BARBARA GOLDSTEIN

70 Joyce Rd
Plainview

COUNTY CLERK

NASSAU COUNTY CLERK'S OFFICE
ENDORSEMENT COVER PAGE

Recorded Date: 12-09-2002
Recorded Time: 2:17:41 p

Record and Return To:

Liber Book: D 11561
Pages From: 572
To: 575

Control Number: 1652
Ref #: RE 010887
Doc Type: D01 DEED

Location:	Section	Block	Lot	Unit
OYSTER BAY (2824)	0012	00492-00	00013	

Consideration Amount: 540,000.00

Taxes Total	2,160.00
Recording Totals	77.00
Total Payment	2,237.00

GJS001

THIS PAGE IS NOW PART OF THE INSTRUMENT AND SHOULD NOT BE REMOVED
KAREN V. MURPHY
COUNTY CLERK

200212070l652

NASSAU COUNTY CLERK STATE OF NEW YORK

DB

Town of Oyster Bay
Inter- Departmental Memo

September 14, 2016

TO: DIANA S. AQUIAR, DEPUTY COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

FROM: JOHN P. BISHOP
HIGHWAY DEPARTMENT

SUBJECT: **70 JOYCE ROAD, PLAINVIEW**
CLEAN-UP

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$419.75**.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.

2017 MAR 16 A 8:51

JOHN P. BISHOP
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (12-492-13) 70 JOYCE RD PLAINVIEW 11803

Date Sep 12, 2016

Work Order # 30358

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Ovetime Hours	Overtime Rate	Line Cost
GARY LEWIS, II	General Maintenance	01:00	$33.41	00:00	0	$33.41
OSCAR GUEVARA	General Maintenance	01:00	$23.66	00:00	0	$23.66
VINCENT PADAVANO	General Maintenance	01:00	$48.12	00:00	0	$48.12
ROBERT SANZOVERINO	General Maintenance	01:00	$25.56	00:00	0	$25.56
					Total Labor	$130.75

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PK348	SANI PACKER 2004 INTL 7400 YW (PP935 / PP-935)	$105.00	01:00	$105.00
TD648	PICK-UP TRUCK 2009 FORD F-250 YW (T-010 / 010)	$79.00	01:00	$79.00
TD736	TRUCK DUMP 2016 DODGE RAM 3500 - POWER WAGON (T105)	$105.00	01:00	$105.00
			Total Equipment	$289.00

Materials

Material	Cost Per Unit	Units	Line Cost
		Total Materials	

Grand Total **$419.75**

Description of Work:

CLEAN UP 70 JOYCE ROAD PV TO DOUG

Signature:

Name: Douglas Robalino

Title: Storeyard Supervisor

Date: Sep 13, 2016

Meeting of July 25, 2017 Resolution No. 420-2017

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Deputy Commissioner of the Department of Planning and Development, by memorandum dated June 20, 2016, authorized the Highway Department to clean up the premises located at 28 Pickwick Drive, Old Bethpage, New York 11804, also known as Section 47, Block 128, Lot 19 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, by memorandum dated June 20, 2017, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on June 28, 2016, in the total amount of $353.93, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, as set forth in their memorandum dated June 20, 2017, 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 $353.93 may be assessed by the Legislature of the County of Nassau against the parcel known as 28 Pickwick Drive, Old Bethpage, New York 11804, also known as Section 47, Block 128, Lot 19 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

9

420

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: June 20, 2017

SUBJECT: Property Cleanup Assessment
28 Pickwick Drive, Old Bethpage, New York 11804
Section 47, Block 128, Lot 19

The Department of Planning and Development, by memorandum dated June 20, 2016, directed the Highway Department to clean the premises located at 28 Pickwick Drive, Old Bethpage, New York 11804, also known as Section 47, Block 128, Lot 19 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated July 8, 2016, advised that the property was cleaned by a crew from the Highway Department on June 28, 2016. The cost incurred by the Town of Oyster Bay was $353.93.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Donna B. Swanson
Deputy Town Attorney

DBS:aml
Attachments
cc: Town Attorney (w/10 copies)

S:\DBS\Cleanups MD & Reso\MD 28 Pickwick Dr 6.20.17.doc

✓ 2017-5925
Need ltr

TOWN OF OYSTER BAY

Inter-Departmental Memo

June 20, 2016

To: **KEVIN HANIFAN:COMMISIONER/HIGHWAY DEPT.**

From: **MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU**

Through: **DEPUTY COMMISSIONER OF**

DEPARTMENT OF PLANNING AND DEVELOPMENT

Subject: **28 Pickwick Drive Old Bethpage, NY 11714**
SBL: 47-128-19

Notice of Violation (No.15935) was issued to the owner of the above-referenced premises 06/09/2016 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54: **I am directing that you cut the grass, trim the bushes and remove the litter and debris.**

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

DEPUTY
COMMISSIONER

BY: Michael Esposito (JV)
MICHAEL ESPOSITO
CODE ENFORCEMENT BUREAU

ME/js
cc: Leonard Genova,Town Attorney

D01

Executor's Deed - Individual or Corporation

091427N

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 30th day of March in the year Two Thousand and Nine
BETWEEN

Candice K. Fischer, 3000 Portofino Circle, #209, Palm Beach Gardens, Florida 33418

as executrix of the **Estate of Sheldon Rein**, under the last will and testament of

Sheldon Rein, late of **28 Pickwick Drive, Old Bethpage, New York 11804** deceased,

party of the first part, and

Edward J. Boyle, residing at 308 County Line Road, Amityville, New York 11701

party of the second part,

WITNESSETH, that the party of the first part, by virtue of the power and authority given in and by said last will and testament, and in consideration of Four Hundred and Thirty-Two Thousand ($432,000.00), Dollars. paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Oyster Bay at Old Bethpage, County of Nassau and State of New York known and designated as and by Lot Numbered 19 in Block 128 on a certain map entitled, "Map of Lido at Old Bethpage, Section No. 1, Old Bethpage, Town of Oyster Bay, Nassau County, N.Y., surveyed July 1959 by Risso, Nelson and Pope Civil Engineers and Surveyors" and filed in the Nassau county Clerk's Office on December 24, 1959 as Map No. 7259 and being more particularly bounded and described as follows:

Tax Map Designation:

Dist.:
Sec.: 47
Blk.: 128
Lot 19

BEGINNING at a point on the easterly side of Barry Lane West at the extreme northerly end of the arc of a curve having a radius of 10.00 feet connecting the easterly side of Barry Lane West and the northerly side of Pickwick Drive;

RUNNING THENCE North 10 degrees 55 minutes 30 seconds East, along the easterly side of Barry Lane West, 75.00 feet;

THENCE South 79 degrees 4 minutes 30 seconds East, 125.00 feet;

THENCE South 31 degrees 54 minutes East, 57.60 feet to the northerly side of Pickwick Drive;

THENCE along the northerly side of Pickwick Drive, the following three courses and distances:
1. South 58 degrees 6 minutes West, 23.68 feet;
2. Southwesterly along the arc of a curve bearing to the right having a radius of 100 feet, a distance of 74.74 feet;
3. North 79 degrees 4 minutes 30 seconds West, 68.80 feet to the extreme easterly end of the above first mentioned Arc of a curve:

THENCE along said arc of a curve and bearing to the right having a radius of 10 feet, a distance of 15.71 feet to the point or place of BEGINNING.

"The grantors herein are the same parties and the premises herein is the same premises as described in deed, dated February 28, 2002 and recorded April 1, 2002 in Liber 11456 cp 4."

Said premises known as 28 Pickwick Drive, Old Bethpage, New York

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof, TOGETHER with the appurtenances and also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid .

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Candice K. Fischer Executrix
Candice K. Fischer, as Executrix of the Estate of
Sheldon Rein

DBS

Town of Oyster Bay
Inter- Departmental Memo

July 8, 2016

TO: DIANA S. AQUIAR, DEPUTY COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

FROM: JOHN P. BISHOP
HIGHWAY DEPARTMENT

SUBJECT: **28 PICKWICK DRIVE, OLD BETHPAGE**
CLEAN-UP

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$353.93**.

If you have any questions pertaining to the above subject, please feel free to contact Kevin Hanifan at 677-5769.

JOHN P. BISHOP
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

2017 MAR 28 A 8:55

CLEAN-UP 28 PICKWICK DRIVE, OLD BETHPAGE TO P & D

MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (47-128-19) 28 PICKWICK DR OLD BETHPAGE 11804

Date Jun 28, 2016

Work Order # 28193

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Ovetime Hours	Overtime Rate	Line Cost
FRANK MANKIEWICZ	General Maintenance	00:30	$40.00	00:00	0	$20.00
GREGORY MARCHESE	General Maintenance	00:30	$48.12	00:00	0	$24.06
VICTOR NIETO	General Maintenance	00:30	$25.01	00:00	0	$12.51
MICHAEL RICCARDO	General Maintenance	00:30	$47.03	00:00	0	$23.52
PHILIP BADOME	General Maintenance	00:30	$26.93	00:00	0	$13.47
VINCENT CAGGIANO JR	General Maintenance	00:30	$24.08	00:00	0	$12.04
PAUL HARABEDIAN	General Maintenance	00:30	$23.66	00:00	0	$11.83
					Total Labor	$117.43

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PK406	SANI PACKER 2012 INTER 7400 YW (PP932 / PP-932)	$105.00	00:30	$52.50
PU414	PICK UP 2011 FORD F250 YELLO (12 / 012)	$79.00	00:30	$39.50
TD624	PICK-UP TRUCK 2008 FORD F-250 YW (23 / 018)	$79.00	00:30	$39.50
TD670	TRUCK DUMP 2009 FORD F-350 YW (T-235) - Power Wagons	$105.00	00:30	$52.50
TD706	TRUCK DUMP 2011 FORD F350 YELLO (T-125) - Power Wagons	$105.00	00:30	$52.50
			Total Equipment	$236.50

Materials

Material	Cost Per Unit	Units	Line Cost
		Total Materials	

Grand Total **$353.93**

Description of Work:

V UP 28 PICKWICK DRIVE OLD BETHPAGE TO DOUG

Signature:

Name: Douglas Robalino

Title: Storeyard Supervisor

Date: Jul 6, 2016

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Commissioner of the Department of Planning and Development, by memorandum dated March 9, 2017, authorized the Highway Department to clean up the premises located at 43 Maxwell Drive, Westbury, New York 11590, also known as Section 11, Block 428, Lot 24 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, by memorandum dated June 20, 2017, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on March 20, 2017, in the total amount of $406.59, be referred to the County of Nassau for assessment,

Reviewed By
Office of Town Attorney

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, as set forth in their memorandum dated June 20, 2017, 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 $406.59 may be assessed by the Legislature of the County of Nassau against the parcel known as 43 Maxwell Drive, Westbury, New York 11590, also known as Section 11, Block 428, Lot 24 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 Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

421

10

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: June 20, 2017

SUBJECT: Property Cleanup Assessment
43 Maxwell Drive, Westbury, New York 11590
Section 11, Block 428, Lot 24

The Department of Planning and Development, by memorandum dated March 9, 2017, directed the Highway Department to clean the premises located at 43 Maxwell Drive, Westbury, New York 11590, also known as Section 11, Block 428, Lot 24 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated March 22, 2017, advised that the property was cleaned by a crew from the Highway Department on March 20, 2017. The cost incurred by the Town of Oyster Bay was $406.59.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Donna B. Swanson
Deputy Town Attorney

DBS:aml
Attachments
cc: Town Attorney (w/10 copies)

S:\DBS\Cleanups MD & Reso\MD 43 Maxwell Dr. 6.20.17.doc

✓ 2017-5926
Need ltr

TOWN OF OYSTER BAY

Inter-Departmental Memo

March 9, 2017

To: **JOHN BISHOP:ACTING COMMISIONER/HIGHWAY DEPT.**

From: **MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU**

Through: **ELIZABETH L. MACCARONE: COMMISSIONER OF DEPARTMENT OF PLANNING AND DEVELOPMENT**

Subject: **43 Maxwell Drive Westbury, NY 11590**
SBL: 11-428-24

Notice of Violation (No.16587) was issued to the owner of the above-referenced premises 03/02/2017 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54: **I am directing that:**

- **The grass be cut.**
- **The bushes be trimmed.**
- **The litter and debris be removed.**

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE
COMMISSIONER

BY:

MICHAEL ESPOSITO
CODE ENFORCEMENT BUREAU

ME/js
cc: Joseph Nocella,Town Attorney

WCR2

Standard N. Y. B. T. U. Form 8002 — Bargain and Sale Deed, with Covenant against Grantor's Acts—Individual or Corporation (single sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

DEED LIBER 1940

Section 11

Block 428

Lot 24

THIS INDENTURE, made the 4th day of January, nineteen hundred and ninety five

BETWEEN Security Pacific Realty Corp., a corporation with offices at 1400 Old Country Road, Westbury, NY 11590

party of the first part, and Leon Neblett, residing at 1045 St. John's Place, Brooklyn, NY 11263

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the at Hicksville in the Town of Oyster Bay, County of Nassau and State of New York, known as and by lot 24 in Block 428 as shown and designated on a certain map entitled "Map of Imperial Gardens Section No. 3, situated at Hicksville, Nassau County, New York, surveyed October 1957, Baldwin & Cornelius Co., Civil Engineers and Surveyors, Freeport, NY" and filed in the Office of the Clerk of the County of Nassau, September 18, 1958, under File No. 7074, and which said lot according to said map is bounded and described as follows:

BEGINNING at a point on the northeasterly side of Maxwell Drive distant 239.06 feet northwesterly from the extreme northwesterly end of the arc connecting the northwesterly side of Robbins Lane with the northeasterly side of Maxwell Drive;

RUNNING THENCE northwesterly along the northeasterly side of Maxwell Drive the following two courses and distances:

1) along the arc of a circle bearing to the left having a radius of 250 feet a distance of 0.75 feet;
2) North 48 degrees 02 minutes West 74.36 feet;

THENCE North 41 degrees 58 minutes East 100 feet;

THENCE South 48 degrees 02 minutes East 75 feet;

THENCE South 41 degrees 58 minutes West 100 feet to the northeasterly side of Maxwell Drive, the point or place of BEGINNING.

BEING AND INTENDED TO BE same premises grantor acquired by Deed dated 7/26/94 and recorded 11/17/94 in liber 10487 page 591.

Premises also known as 43 Maxwell Drive, Westbury, New York.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

SECURITY PACIFIC REALTY CORP. CORPORATE SEAL 1984 NEW YORK

Security Pacific Realty Corp.

By: Caryn S. Schreiber

Caryn S. Schreiber, Asst. V.P.

Nassau County Clerk
RECORDS OFFICE
RECORDING PAGE

Deed Number (RETT):
RETT012576

DEED LIBER 10506

Type of Instrument: Deed

Control No: 199501121367

SECURITY PACIFIC REALTY CORP

LEON W
NEBLETT

Recorded: 1/12/1995
At: 3:00:50 PM
In Liber: 10506
Of: Deed Book
From Page: 0249
Through Page: 0251A

Refers to Liber: 00000
Of:
Page: 0000

Location:	Section:	Block:	Lot:	Unit:
Oyster Bay (2824)	00000011	00428-00	00024	

EXAMINED AND CHARGED AS FOLLOWS:

Consider Amt $ 185,000.00

Received Following Fees For Above Instrument

		Exempt			Exempt
Recording	$ 24.00	NO	State Fee	$ 4.75	NO
Equal/Cty	$ 5.00	NO	St.Fee/Cty	$ .25	NO
Gains Tax	$ 1.00	NO	Trans Tax	$ 740.00	NO
Surchg/NYS	$ 22.00	NO			
Surchg/Cty	$ 3.00	NO			

Fees Paid: $ 800.00

Deed Number (RETT): RETT012576

THIS PAGE IS A PART OF THE INSTRUMENT

Karen V. Murphy
County Clerk, Nassau County

GAH001

CCB DBS

Town of Oyster Bay
Inter- Departmental Memo

MARCH 22, 2017

TO: ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

FROM: JOHN P. BISHOP, ACTING COMMISSIONER
HIGHWAY DEPARTMENT

SUBJECT: **43 MAXWELL DRIVE, WESTBURY**
CLEAN - UP

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$406.59**.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.

JOHN P. BISHOP
ACTING COMMISSIONER
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

2017 MAR 28 A 8:55

CLEAN-UP 43 MAXWELL DRIVE, WESTBURY TO P & D

MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (11-428-24) 43 MAXWELL DR WESTBURY 11590

Date Mar 20, 2017

Work Order # 35148

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Ovetime Hours	Overtime Rate	Line Cost
MICHAEL SOLOMON	General Maintenance	01:00	$23.27	00:00	0	$23.27
GREGORY MARCHESE	General Maintenance	01:00	$47.36	00:00	0	$47.36
VINCENT CAGGIANO JR	General Maintenance	01:00	$23.69	00:00	0	$23.69
PAUL HARABEDIAN	General Maintenance	01:00	$23.27	00:00	0	$23.27
					Total Labor	$117.59

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PK407	SANI PACKER 2012 INTER 7400 YW (PP934 / PP-934)	$105.00	01:00	$105.00
PU414	PICK UP 2011 FORD F250 YELLO (12 / 012)	$79.00	01:00	$79.00
TD706	TRUCK DUMP 2011 FORD F350 YELLO (T-125) - Power Wagons	$105.00	01:00	$105.00
			Total Equipment	$289.00

Materials

Material	Cost Per Unit	Units	Line Cost
		Total Materials	

Grand Total **$406.59**

Description of Work:

CLEAN UP 43 MAXWELL DRIVE WESTBURY TO DOUG

Signature:

Name: Douglas Robalino

Title: Storeyard Supervisor

Date: Mar 22, 2017

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Deputy Commissioner of the Department of Planning and Development, by memorandum dated July 13, 2016, authorized the Highway Department to clean up the premises located at 32 Dakota Street, Hicksville, New York 11801, also known as Section 11, Block 276, Lots 17 and 18 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, by memorandum dated June 20, 2017, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on July 20, 2016, in the total amount of $498.03, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, as set forth in their memorandum dated June 20, 2017, 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 $498.03 may be assessed by the Legislature of the County of Nassau against the parcel known as 32 Dakota Street, Hicksville, New York 11801, also known as Section 11, Block 276, Lots 17 and 18 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

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4|22

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: June 20, 2017

SUBJECT: Property Cleanup Assessment
32 Dakota Street, Hicksville, New York 11801
Section 11, Block 276, Lots 17 and 18

The Department of Planning and Development, by memorandum dated July 13, 2016, directed the Highway Department to clean the premises located at 32 Dakota Street, Hicksville, New York 11801, also known as Section 11, Block 276, Lots 17 and 18 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated July 26, 2016, advised that the property was cleaned by a crew from the Highway Department on July 20, 2016. The cost incurred by the Town of Oyster Bay was $498.03.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Donna B. Swanson
Deputy Town Attorney

DBS:aml
Attachments
cc: Town Attorney (w/10 copies)

S:\DBS\Cleanups MD & Reso\MD 32 Dakota St 6.20.17.doc

2017-5950
Need Ltr

TOWN OF OYSTER BAY

Inter-Departmental Memo

July 13, 2016

To: **JOHN BISHOP:ACTING COMMISIONER/HIGHWAY DEPT.**

From: **MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU**

Through: **DEPUTY COMMISSIONER OF**

DEPARTMENT OF PLANNING AND DEVELOPMENT

Subject: **32 Dakota Street Hicksville, NY 11801**
SBL: 11-276-17

Notice of Violation (No.16040) was issued to the owner of the above-referenced premises 06/24/2016 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54: **I am directing that you cut the grass, trim the bushes and remove the litter and debris.**

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

DEPUTY
COMMISSIONER

BY:

MICHAEL ESPOSITO
BUREAU CHIEF/CODE ENFORCEMENT

ME/js
cc: Leonard Genova, Town Attorney

2017 APR 11 A 10:31

NASSAU COUNTY CLERK'S OFFICE
ENDORSEMENT COVER PAGE

Recorded Date: 03-09-2006
Recorded Time: 1:00:03 p

Liber Book: D 12090
Pages From: 286
To: 289

Control Number: 1479
Ref #: RE 021582
Doc Type: D01 DEED

Record and Return To:
ROBERT M STEINERT ESQ
187 WILLIAM RD
PO BOX 1327
NO MASSAPEQUA, NY 11758

Location:	Section	Block	Lot	Unit
OYSTER BAY (2824)	0011	00276-00	00017	
OYSTER BAY (2824)	0011	00276-00	00018	

Consideration Amount: 204,000.00

Taxes Total	816.00
Recording Totals	127.00
Total Payment	943.00

AAR001

THIS PAGE IS NOW PART OF THE INSTRUMENT AND SHOULD NOT BE REMOVED
MAUREEN O'CONNELL
COUNTY CLERK

200603090147 9

THIS INDENTURE, made the 11th day of January, two thousand six,

BETWEEN

Elaine Grice residing at 24339 Yelverton Glen Drive, Katy, TX 77493, as executrix of the Estate of Regina Grice, late of Nassau County, New York, who died on September 26, 2003,

party of the first part, and

Matthew R. Grice, residing at 32 Dakota Street, Hicksville, NY 11801,
party of the second part,

WITNESSETH, that whereas letters testamentary were issued to the party of the first by the Surrogate's Court, Nassau County, New York on July 8, 2004 (File # 331354)and by virtue of the power and authority given in and by said last will and testament, and/or by Article 11 of the Estates, Powers and Trusts Law, and in consideration of **two hundred four thousand dollars ($204,000.00)** paid by the party of the second part, the party of the first part does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected as set forth on the attached description page.

Section 11: Block 276: Lot 17, 18

Premises known as at 32 Dakota Street, Hicksville, NY 11801

Being and intended to be the same premises conveyed to the decedent and her husband in deed recorded in Liber 7830 at page 439.

TOGETHER with all right, title, and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

STEWART TITLE
INSURANCE COMPANY

SCHEDULE A
(continued)

TITLE NO. MSN8937

Description

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate lying and being at Hicksville, not an Incorporated Village, Town of Oyster Bay, County of Nassau and State of New York, known and designated as and by the Lots Number 17 and 18 in Block 11 on a certain map entitled, "Map No. 1 of Property belonging to the New York Exchange and Investment Company, Hicksville, Queens County, Long Island, November 30, 1891 by William E. Hawxhurst, Surveyors" and filed in the Office of the clerk of the County of Queens on March 5, 1892 as Map Number 41 and subsequently filed in the Office of the Clerk of the County of Nassau on Map Number 21, Case Number 164, which said lots when taken together are more particularly bounded and described, according to said map, as follows:

BEGINNING at a point on the Southerly side of Dakota Street (5th Street), distant 150 feet Westerly from the corner formed the intersection of the Southerly side of Dakota Street with the Westerly side of Myers Avenue;

RUNNING THENCE Southerly at right angles to Dakota Street, 100 feet;

RUNNING THENCE Westerly parallel with Dakota Street, 50 feet;

RUNNING THENCE Northerly at right angles to Dakota Street, 100 to the Southerly side of Dakota Street;

RUNNING THENCE Easterly along the Southerly side of Dakota Street, 50 feet to the point or place of BEGINNING.

FOR CONVEYANCE ONLY

BEING THE SAME PREMISES CONVEYED TO ~~Matthew~~ Robert R. Grice and Regina B. Grice, his wife who acquired title by a deed from Arthur M. DeMeo and Nancy Meo, his wife dated May 21, 1968, recorded May 28, 1968 in Reel 7830 on Page 439.

TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

Elaine Grice

IN THE PRESENCE OF: **Elaine Grice**

State of Texas)
) ss.:
County of Harris)

On the 11th day of January in the year 2006, before me, the undersigned personally appeared Elaine Grice, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose names(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individuals(s), or the person upon behalf of which the individual(s) acted, executed the instrument in the State of Texas, County of Harris, and City of Houston.

Gayla D. Law
Signature and office of individual taking
Acknowledgment (Notary Public)

GAYLA D. LAW
Notary Public, State of Texas
My Comm. Expires 08-27-2009

EXECUTOR'S DEED
WITH COVENANT AGAINST GRANTOR'S ACTS

ELAINE GRICE, EXECUTRIX

to

MATTHEW R. GRICE

Record and Return to:

Robert M. Steinert, Esq.
187 William Road
P.O. Box 1327
No. Massapequa, NY 11758

Town of Oyster Bay
Inter- Departmental Memo

July 26, 2016

TO: DIANA S. AQUIAR, DEPUTY COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

FROM: JOHN P. BISHOP
HIGHWAY DEPARTMENT

SUBJECT: **32 DAKOTA STREET, HICKSVILLE**
CLEAN-UP

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$498.03**.

If you have any questions pertaining to the above subject, please feel free to contact John p. Bishop at 677-5804.

JOHN P. BISHOP
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

CLEAN-UP 32 DAKOTA STREET, HICKSVILLE TO P & D

MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (11-276-17) 32 DAKOTA ST HICKSVILLE 11801 **Date** Jul 20, 2016

Work Order # 28780

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Ovetime Hours	Overtime Rate	Line Cost
RAYMOND SWIERKOWSKI	General Maintenance	01:00	$23.01	00:00	0	$23.01
MICHAEL GIORDANO	General Maintenance	01:00	$25.00	00:00	0	$25.00
PAT DAVINO	General Maintenance	01:00	$23.01	00:00	0	$23.01
TRAVIS DEACON	General Maintenance	01:00	$23.01	00:00	0	$23.01
					Total Labor	$94.03

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
SW187	SWEEPER 2013 ISUZU NRR YELLO	$115.00	01:00	$115.00
TD573	TRUCK DUMP 2005 FORD F-350 YW (T-245) - Power Wagons	$105.00	01:00	$105.00
TD583	PICK-UP TRUCK 2006 FORD F-250 YW (HP912)	$79.00	01:00	$79.00
TD593	TRUCK DUMP 2006 FORD F-350 YW (T-300) - Power Wagons	$105.00	01:00	$105.00
			Total Equipment	$404.00

Materials

Material	Cost Per Unit	Units	Line Cost
		Total Materials	

Grand Total **$498.03**

Description of Work:

CLEAN UP 32 DAKOTA STREET HV TO DOUG

Signature:

Name: Douglas Robaiino

Title: Storeyard Supervisor

Date: Jul 22, 2016

Meeting of July 25, 2017 Resolution No. 423-2017

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated February 13, 2017, authorized the Highway Department to clean up the premises located at 4699 Merrick Road, Massapequa, New York 11758, also known as Section 57, Block 222, Lot 19 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, by memorandum dated June 20, 2017, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on February 23, 2017, in the total amount of $1,128.36, be referred to the County of Nassau for assessment,

Reviewed By
Office of Town Attorney

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, as set forth in their memorandum dated June 20, 2017, 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 $1,128.36 may be assessed by the Legislature of the County of Nassau against the parcel known as 4699 Merrick Road, Massapequa, New York 11758, also known as Section 57, Block 222, Lot 19 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 Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

12

4/23

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: June 20, 2017

SUBJECT: Property Cleanup Assessment
4699 Merrick Road, Massapequa, New York 11758
Section 57, Block 222, Lot 19

The Department of Planning and Development, by memorandum dated February 13, 2017, directed the Highway Department to clean the premises located at 4699 Merrick Road, Massapequa, New York 11758, also known as Section 57, Block 222, Lot 19 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated March 6, 2017, advised that the property was cleaned by a crew from the Highway Department on February 23, 2017. The cost incurred by the Town of Oyster Bay was $1,128.36.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Donna B. Swanson
Deputy Town Attorney

DBS:aml
Attachments
cc: Town Attorney (w/10 copies)

S:\DBS\Cleanups MD & Reso\MD 4699 Merrick Rd 6.20.17.doc

✓ 2017-5922
Need ltr

TOWN OF OYSTER BAY

Inter-Departmental Memo

February 13, 2017

To: **JOHN P. BISHOP, ACTING COMMISIONER/HIGHWAY DEPT.**

From: **MICHAEL ESPOSITO-BUREAU CHIEF/ CODE ENFORCEMENT**

Through: **TIM ZIKE, ACTING COMMISSIONER**

PLANNING AND DEVELOPMENT

Subject: **4699 Merrick Road Massapequa, NY 11758**
SBL: 57-222-19

2011 MAR 23 A 9:50

Notice of Violation (No.16523) was issued to the owner of the above referenced premises 1/24/2017 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54, **I am directing that you cut the grass, trim the bushes, and remove the litter and debris.**

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

COMMISSIONER

BY: Michael Esposito

MICHAEL ESPOSITO
BUREAU CHIEF/CODE ENFORCEMENT

ME/js
cc: Town Attorney

WCB2

NYSTT
$700 -

Standard N.Y.B.T.U. Form 2002 - Bargain and Sale Deed, with Covenant against Grantor's Acts—Individual or Corporation (single sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 28th day of September, nineteen hundred and eighty-nine

BETWEEN

DENNIS C. BRONZ, residing at
20 Broadway
Massapequa, New York 11758

party of the first part, and

BARBARA KERN, residing at
86 Ripplewater Avenue
Massapequa, New York 11758

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

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

BEGINNING at a point on the new northerly side of Merrick Road, distant 328.81 feet westerly from the extreme westerly end of the arc of a curve connecting the new northerly side of Merrick Road with the westerly side of road known as Dover Road which point of beginning is also distant 500.82 feet westerly when measured along the new northerly side of Merrick Road from the westerly side of land of Grace Episcopal Church;

RUNNING THENCE westerly along the new northerly side of Merrick Road, 63 feet;

RUNNING THENCE northerly and at right angles to Merrick Road, 115 feet;

RUNNING THENCE easterly parallel with Merrick Road, 63 feet;

RUNNING THENCE southerly and at right angles to Merrick Road, 115 feet to the northerly side of Merrick Road, at the point or place of BEGINNING. Known as Section 57, Block 222, Lot 19 on the Nassau County Land & Tax map.

BEING AND INTENDED TO BE the same premises conveyed to the party of the first part by deed dated 3/4/82 and recorded 3/9/82 in Liber 9395 at page 263.

PREMISES ALSO KNOWN AS No. 4699 Merrick Road, Massapequa, New York.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Dennis C Bronz

Lottee ___ Section 57 Block 222 Lot 19

OCT 17 1989

DEED 10024 PAGE 17

STATE OF NEW YORK, COUNTY OF NASSAU ss:

On the 28th day of September 19 89, before me personally came DENNIS C. BRONZ

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

NOTARY PUBLIC

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of , the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed h name thereto by like order.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed h name as witness thereto.

L

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. 886892 SA-N-058561

BRONZ

TO

KERN

SECTION 57
BLOCK 222
LOT 19
COUNTY OR TOWN NASSAU

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
First American Title Insurance Company of New York

Recorded At Request of
First American Title Insurance Company of New York
Record RETURN BY MAIL TO:

SPANO ABSTRACT SERVICE CORP.
Complete Title Insurance Service
370 Old Country Road (516) 294-7037
Garden City, N.Y. 11530 (718) 358-9416
FAX (516) 742-9375

RESERVED FOR USE OF RECORDING OFFICE

OCT 25 1989

OCT 16 10 15 AM '89

100.00

DEED 10024 PAGE 18

005217

X00155

RECORDED
OCT 25 10 24 AM '89
HAROLD V. ROSENBERG
COUNTY CLERK
NASSAU COUNTY

RECEIVED
$ REAL ESTATE
OCT 25 1989
TRANSFER TAX
NASSAU COUNTY

RECORDED BY
SPANO ABSTRACT SERVICE CORP.

CcB

Town of Oyster Bay
Inter- Departmental Memo

March 6, 2017

TO: ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

FROM: JOHN P. BISHOP, ACTING COMMISSIONER
HIGHWAY DEPARTMENT

SUBJECT: **4699 MERRICK ROAD, MASSAPEQUA**
Clean-Up

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$1,128.36**.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.

JOHN P. BISHOP
ACTING COMMISSIONER
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (57-222-19) 4699 MERRICK RD MASSAPEQUA 11758 **Date** Feb 23, 2017

Work Order # 34740

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Ovetime Hours	Overtime Rate	Line Cost
PATRICK PETERS	General Maintenance	02:00	$28.94	00:00	0	$57.88
RICHARD JULIANO	General Maintenance	02:00	$42.34	00:00	0	$84.68
MICHAEL MARTIN	General Maintenance	02:00	$24.36	00:00	0	$48.72
CHRISTOPHER OLTON	General Maintenance	02:00	$23.93	00:00	0	$47.86
ANTHONY VOLLONO	General Maintenance	02:00	$50.61	00:00	0	$101.22
					Total Labor	$340.36

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PK348	SANI PACKER 2004 INTL 7400 YW (PP935 / PP-935)	$105.00	02:00	$210.00
TD588	PICK-UP TRUCK 2006 FORD F-250 YW (27 / 013)	$79.00	02:00	$158.00
TD728	POWER WAGON 2015 T-245	$105.00	02:00	$210.00
TD738	TRUCK DUMP 2016 DODGE RAM 3500 POWER WAGON (T-275)	$105.00	02:00	$210.00
			Total Equipment	$788.00

Materials

Material	Cost Per Unit	Units	Line Cost
		Total Materials	

Grand Total **$1128.36**

Description of Work:

CLEAN UP 4699 MERRICK ROAD MS TO DOUG

Signature:

Name: Douglas Robalino

Title: Storeyard Supervisor

Date: Mar 3, 2017

Meeting of July 25, 2017

Resolution No. 424-2017

WHEREAS, Maureen A. Fitzgerald, Commissioner of the Department of Community and Youth Services, by memorandum dated July 7, 2017, requested authorization for the Group Activities Program (GAP) to accept a donation of use of a video game truck from David Schwartz, the owner of Schwanieri Entertainment, Corp. b/d/a GameTruck, on August 4, 2017 from 10:30 a.m. to 12:30 p.m. at Syosset-Woodbury Community Park for the summer camp,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is approved, and the Town Board hereby authorizes the Department of Community and Youth Services to accept the above stated donation, valued at $600.00.

-#-

Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

424

TOWN OF OYSTER BAY

Inter-Departmental Memorandum

July 7, 2017

TO: Memorandum Docket

FROM: Maureen A. Fitzgerald, Commissioner
Department of Community and Youth Services

SUBJECT: Volunteer for GAP Program Entertainment

The Department of Community & Youth Services requests Town Board authorization to accept the services of a volunteer to provide entertainment for the Group Activities Program (GAP). The volunteer, David Schwartz, of 154 Hampton Road, Garden City, N.Y. 11530, is the owner of Schwanieri Entertainment, Corp. d/b/a GameTruck. David will provide age appropriate video games to the GAP participants during the summer camp. These services will be provided on August 4, 2017 from 10:30 a.m. to 12:30 p.m. at Syosset-Woodbury Community Park. These services, which are being provided free to the Town of Oyster Bay, normally cost $600.00.

Attached, is the General Liability Insurance for Schwanieri Entertainment, Corp. d/b/a GameTruck. David Schwartz has been informed that he must provide an endorsement naming the Town of Oyster Bay as an additional insured. The approval of these services is contingent on the endorsement, which must be provided and approved by the Office of the Town Attorney prior to the event.

Therefore, it is respectfully requested that the Town Board authorize the Town to enter into an agreement and authorize the Commissioner of the Department of Community & Youth Services to execute said agreement.

Maureen A. Fitzgerald by
Maureen A. Fitzgerald
Commissioner
Patricia A. Beckwith
Deputy Commissioner

MAF:lw
Attachments
cc: Town Attorney (+10 copies)

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 7/5/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER

IINSURE INC
5401 E Thunderbird Rd
Scottsdale, AZ 85254

CONTACT NAME:
PHONE (A/C, No, Ext): (602)882-5733 FAX (A/C, No): (602)996-0078
E-MAIL ADDRESS: iinsure@cox.net

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: PHILADELPHIA INSURANCE	
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED

Schwanieri Entertainment, Corp.
GameTruck
154 Hampton Rd.
Garden City, NY 11530

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

SR TR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
X	COMMERCIAL GENERAL LIABILITY			PHPK1655604	5/21/2017	5/21/2018	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY	$ 1,000,000
	POLICY PRO-JECT LOC						GENERAL AGGREGATE	$ 2,000,000
	OTHER:						PRODUCTS - COMP/OP AGG	$ 1,000,000
								$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY X SCHEDULED AUTOS				5/21/2017	5/21/2018	BODILY INJURY (Per accident)	$
X	HIRED AUTOS ONLY X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						PER STATUTE OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N/A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

Syosset-Woodbury Community Center
7800 Jericho Turnpike
Woodbury, NY. 11797

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Contract No.: 100-2017

Contract

This Contract, made by and between the Town of Oyster Bay's Department of Community and Youth Services, located at 977 Hicksville Road, Massapequa, New York 11758 (hereinafter referred to as "TOWN") and David Schwartz, owner of Schwanieri Entertainment, Corp., d/b/a GameTruck located at 154 Hampton Road, Garden City, N.Y. 11530 (hereinafter referred to as "CONTRACTOR") in consideration of mutual interests provided for hereby, the parties herein agree as follows:

Services by:	Schwanieri Entertainment, Corp.
Date:	August 4, 2017
Time:	10:30 a.m. to 12:30 p.m.
Location:	Syosset-Woodbury Community Park
Amount:	No fee

In consideration of these services, the TOWN authorizes the CONTRACTOR to volunteer his time for the GAP Program. It is expressly understood that no payment shall be made for these services.

DAVID SCHWARTZ

_____
CONTRACTOR

DATE: _____, 2017

TOWN OF OYSTER BAY

_____
COMMISSIONER

DATE: _____, 2017

Meeting of July 25, 2017

Resolution No. 425-2017

Reviewed By
Office of Town Attorney

WHEREAS, Frank Sammartano, Commissioner of the Department of Intergovernmental Affairs, by memorandum dated July 7, 2017, requested Town Board authorization, *nunc pro tunc* from July 1, 2017, for the Department of Intergovernmental Affairs to renew its membership in the New York Association of Training and Employment Professionals, Inc., for a period of one year from July 1, 2017 through June 30, 2018 for the amount of $4,000.00,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted and approved, *nunc pro tunc,* from July 1, 2017, and the Department of Intergovernmental Affairs is hereby authorized to renew its membership in the New York Association of Training and Employment Professionals, Inc., for a period of one year from July 1, 2017 through June 30, 20018 for the amount of $4,000.00; and it is 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 fee shall be paid with WIOA funding at no cost to the Town of Oyster Bay, with funds drawn from Account No. IGA CD 6293 47900 000 CW16.

#

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller (2)
Intergovernmental Affairs

6

425

TOWN OF OYSTER BAY

Inter-Departmental Memo

July 7, 2017

TO: MEMORANDUM DOCKET

FROM : FRANK V. SAMMARTANO, COMMISSIONER
INTERGOVERNMENTAL AFFAIRS

SUBJECT: NEW YORK ASSOCIATION OF TRAINING AND EMPLOYMENT PROFESSIONALS
DIVISION OF EMPLOYMENT AND TRAINING MEMBERSHIP RENEWAL

The Department of Intergovernmental Affairs' Division of Employment and Training maintains membership in the New York Association of Training Professionals (NYATEP). Town Board Resolution No. 328-2016 dated June 21, 2016 authorized the renewal of this membership for the period July 1, 2016 through June 30, 2017.

NYATEP provides valuable information with regard to relevant legislation and policy issues that affect the Town's Workforce Innovation and Opportunity Act (WIOA) programs. It is respectfully requested that the Town Board pass a resolution nunc pro tunc authorizing membership with NYATEP at a cost of $4,000.00 for the period July 1, 2017 through June 30, 2018. This fee will be paid with WIOA funding, and is of no cost to the Town. Funds for this purpose are available in IGA CD 6293 47900 000 CW16.

FRANK V. SAMMARTANO
Commissioner

FVS:sd
Attachments
cc: Town Attorney, 10 copies

NYATEP

540 Broadway
5th Floor
Albany, NY 12207

E-mail
Jhennessy@NYATEP.org

BILL TO
Oyster Bay Steven Delligatti 977 Hicksville Rd Massapequa. NY 11758

DATE	INVOICE #
7/1/2017	14539

P.O. NO.	TERMS	DUE DATE
	Due on receipt	7/1/2017

QUANTITY	DESCRIPTION	RATE	AMOUNT
	Platinum Level Membership Dues July 1, 2017 - June 30, 2018	4,000.00	4,000.00
		Total	$4,000.00

If you have any questions regarding your invoice, please contact
Jan Hennessy at (518) 433-1200 ext 3

Meeting of June 21, 2016 Resolution No. 328 -2016

Reviewed By
Office of Town Attorney

WHEREAS, Frank V. Sammartano, Deputy Commissioner of the Department of Intergovernmental Affairs, and Gail Paraninfo, Director of Employment and Training, Department of Intergovernmental Affairs, by memorandum dated June 6, 2016, request Town Board authorization for renewal of the Town's membership with the New York Association of Training Professionals (NYATEP) for the period of July 1, 2016 through June 30, 2017, NYATEP provides valuable information with regard to relevant legislation and policy issues that affect the Town's Workforce Innovation and Opportunity Act (WIOA) Programs,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is approved and accepted, and the Town Board authorizes membership with New York Association of Training Professionals (NYATEP) at a cost of $3,900.00 for the period July 1, 2016 through June 30, 2017. This fee will be paid with Workforce Innovation and Opportunity Act (WIOA) funding, and is at no cost to the Town. Funds for this purpose are available in account No. IGA CD 6293 47900 000 CW15.

-#-

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

L23

Meeting of July 25, 2017

Resolution No. 426-2017

WHEREAS, by Resolution No. 479-2015, adopted on September 1, 2015, the Town Board authorized the Division of Employment and Training, Department of Intergovernmental Affairs, to provide Supportive Services to participants enrolled in the Classroom Training Program, for the period from June 1, 2015 through June 30, 2017; and

WHEREAS, Supportive Services are to be made available to individuals meeting eligibility criteria for intensive and training services under the Workforce Investment Act (WIA)/Workforce Innovation and Opportunity Act (WIOA), with Supportive Services to include transportation, needs-related payments, certification exams and fees, license fees, application fees, finger printing, evaluation of foreign credentials, job related tools/supplies/equipment, uniforms/protective shoes, books and other costs necessary for participation in programs and attainment of employment; and

Reviewed By
Office of Town Attorney

WHEREAS, Frank V. Sammartano, Commissioner of the Department of Intergovernmental Affairs, by memorandum dated July 10, 2017, requested authorization to continue Supportive Services *nunc pro tunc* from July 1, 2017 through June 30, 2020, and as this is a Workforce Investment Act WIA/Workforce Innovation and Opportunity Act (WIOA) expense, there is no cost to the Town,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted and approved, and the Division of Employment and Training, Department of Intergovernmental Affairs, is hereby authorized to continue the Supportive Services to participants enrolled in the Classroom Training Program, *nunc pro tunc,* from July 1, 2017 through June 30, 2020.

#

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller (2)
Intergovernmental Affairs

TOWN OF OYSTER BAY

Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: FRANK V. SAMMARTANO, COMMISSIONER
INTERGOVERNMENTAL AFFAIRS

DATE: JULY 10, 2017

SUBJECT: SUPPORTIVE SERVICES FOR WORKFORCE INNOVATION AND OPPORTUNITY ACT PROGRAM PARTICIPANTS

Town Board Resolution No. 479-2015 (attached) authorized the Department of Intergovernmental Affairs, Division of Employment and Training to provide Supportive Services to participants enrolled in the Classroom Training Program from January 1, 2015 through June 30, 2017.

Supportive Services are to be made available to individuals meeting eligibility criteria for intensive and training services under the Workforce Innovation and Opportunity Act. Supportive Services may include transportation, needs related payments, certification exams and fees, license fees, application fees, finger printing, evaluation of foreign credentials, job related tools/supplies /equipment, uniforms/protective shoes, books; and other costs necessary for participation in programs and attainment of employment.

The Division of Employment and Training is requesting authorization to continue the Supportive Services policy as described above nunc pro tunc from July 1, 2017 through June 30, 2020 and as this is a Workforce Innovation and Opportunity Act (WIOA) expense, there is no cost to the Town.

Frank V. Sammartano
Commissioner

FVS:ls
cc: Town Attorney, 10 copies

WHEREAS, Resolution No. 856-2007, adopted on October 23, 2007, authorized the Division of Employment and Training, Department of Intergovernmental Affairs, to provide Supportive Services to participants enrolled in the Classroom Training Program, for a period ending December 31, 2008; and

WHEREAS, Resolution No. 784-2009, adopted on September 15, 2009, authorized the Division of Employment and Training, Department of Intergovernmental Affairs, to provide Supportive Services to participants enrolled in the Classroom Training Program, for a period ending December 31, 2014; and

WHEREAS, Resolution No. 778-2013, adopted on November 12, 2013, the Workforce Investment Board revised the Supportive Services Policy for the Oyster Bay-North Hempstead-Glen Cove Workforce Investment Area; and

Reviewed By
Office of Town Attorney

WHEREAS, Supportive Services are to be made available to individuals meeting eligibility criteria for intensive and training services under the Workforce Investment Act (WIA)/Workforce Innovation and Opportunity Act (WIOA), with Supportive Services to include transportation, needs-related payments, certification exams and fees, license fees, application fees, finger printing, evaluation of foreign credentials, job related tools/supplies/equipment, uniforms/protective shoes, books and other costs necessary for participation in programs and attainment of employment; and

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 July 31, 2015, request authorization to continue Supportive Services nunc pro tunc from January 1, 2015 through June 30, 2017, and as this is a Workforce Investment Act WIA/Workforce Innovation and Opportunity Act (WIOA) expense, there is no cost to the Town,

NOW, THEREFORE, BE IT RESOLVED, That the abovementioned request is hereby accepted and approved, and the Division of Employment and Training, Department of Intergovernmental Affairs, is hereby authorized to continue the Supportive Services to participants enrolled in the Classroom Training Program, nunc pro tunc from January 1, 2015 through June 30, 2017.

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

Meeting of July 25, 2017

Resolution No. 427-2017

WHEREAS, pursuant to Resolution 1045-2009, adopted on December 1, 2009, the Town Board authorized James J. Stefanich, Receiver of Taxes, to purchase customized tax payment processing software from RP Solutions, Inc., 2415 North Triphammer Road, Ithaca, New York 14850; and

WHEREAS, pursuant to Resolution 570-2016, adopted on October 18, 2016, the Town Board authorized the Receiver of Taxes to obtain updated TS240 digital check scanners, customized software, and installation of same from RP Solutions, Inc. in order to allow for tax payment processing; and

WHEREAS by memorandum dated September 29, 2016, the Town Attorney determined RP Solutions, Inc. to be a sole source vendor for this purchase; and

WHEREAS, by memorandum dated June 28, 2017, the Receiver of Taxes recommended that the Town Board authorize payment to RP Solutions, Inc. not to exceed $980.13 for travel expenses for onsite installation and training for the authorized system upgrade; and

WHEREAS, funds to be utilized for this purpose have been authorized as part of Project 1509ROTA-04 in account number ROT-H-1997-26000-000-1509-001,

NOW, THEREFORE, BE IT RESOLVED, that the recommendation as hereinabove set forth is accepted, and James Stefanich, Receiver of Taxes, is authorized to reimburse RP Solutions, Inc., 2415 North Triphammer Road, Ithaca, New York 14850 for said travel expenses for onsite installation and training for the authorized system upgrade, in an amount not to exceed $980.13; and it is further

RESOLVED, that the Comptroller is hereby authorized and directed to make payment for same to RP Solutions, Inc., upon presentation of a duly certified claim, after audit, and that the funds for said payment are to be drawn from account number ROT-H-1997-26000-000-1509-001.

#

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

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TOWN OF OYSTER BAY

Office of the Receiver of Taxes

INTER-DEPARTMENTAL MEMORANDUM

TO: **MEMORANDUM DOCKET**

FROM: **JAMES J. STEFANICH, RECEIVER OF TAXES**

RE: **TAX PAYMENT DIGITAL CHECK SCANNERS**

DATE: **June 28, 2017**

The Office of the Receiver of Taxes, with approval from the Town Attorney and Purchasing Department, conducted a request for proposal for a customized tax payment processing system. This contract was awarded to RP Solutions, Inc., 2415 North Triphammer Road, Ithaca, New York, the current licensing system maintenance service vendor (Resolution No. 1045-2009).

Town Board authorization was requested and granted for James J. Stefanich, Receiver of Taxes, to task RP Solutions, Inc. to provide updated TS240 Digital check scanners, customized software, and installation to allow for tax payment processing. (Resolution No. 570-2016).

As indicated in the authorized RP Solutions, Inc. Quote Number 20164364, pricing did not include travel expenses for onsite installation and training.

Town Board authorization is hereby requested for James J. Stefanich, Receiver of Taxes, to reimburse RP Solutions, Inc. said travel expenses for onsite installation and training for the authorized system upgrade.

Funds to be utilized for this purpose have been authorized as part of Project 1509ROTA-04, Account number ROT-H-1997-26000-000-1509-001, in an amount to not exceed $980.13.

James J. Stefanich, Receiver of Taxes

Attachment: Town Board Resolution No. 1045-2009
Town Board Resolution No. 570-2016
RP Solutions, Inc. Quote
RP Solutions, Inc. Invoice 103131

Town Attorney (Original +10 copies)

RESOLUTION NO. 1045-2009

Meeting of December 1, 2009

WHEREAS, James J. Stefanich, Receiver of Taxes, by memorandum dated November 23, 2009, requests Town Board authorization to purchase replacement customized tax payment processing system application software from RP Solutions, Inc., 2415 North Triphammer Road, Ithaca, New York 14850, in an amount not to exceed $62,239.00,

NOW, THEREFORE, BE IT RESOLVED, That the abovementioned request is hereby accepted and approved, and James J. Stefanich, Receiver of Taxes, is hereby authorized to purchase replacement customized tax payment processing system application software from RP Solutions, Inc., 2415 North Triphammer Road, Ithaca, New York 14850, in an amount not to exceed $62,239.00; 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 Nos. H 7045.2002 ($28,132.02) and H 7045.2003 ($34,106.98), 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
Councilwoman Walker	Aye
Councilwoman Faughnan	Aye
Councilman Pinto	Aye

cc: Supervisor (2)
Town Attorney
Comptroller (2)
Rec. of Taxes

Reviewed By
Office of Town Attorney

Meeting of October 18, 2016

Resolution No. 570-2016

WHEREAS, Resolution No. 1045-2009, adopted on December 1, 2009, a contract for a replacement customized tax payment processing system application software was awarded to RP Solutions, Inc. 2415 North Triphammer Road, Ithaca, New York; and

WHEREAS, in order to properly process property tax payments, the current digital check scanners must be replaced with the TS240 Digital Check Scanners, and these scanners must be customized for use with the proprietary NCR WISE IP and RP Solutions, Inc. payment processing software, and this equipment is only served through a licensed Value Added Reseller (VAR), such as RP Solutions, Inc.; and

WHEREAS, James J. Stefanich, Receiver of Taxes, by memorandum dated September 30, 2016, has requested Town Board authorization to task RP Solutions, Inc. to provide the TS240 Digital check scanners, customized software, and installation to allow for tax payment processing, in an amount to not exceed $17,663.00; and

WHEREAS, Leonard Genova, Town Attorney, and Thomas M. Sabellico, Special Counsel, by memorandum dated September 29, 2016, have determined RP Solutions, Inc. to be a sole source vendor for this purchase,

NOW, THEREFORE, BE IT RESOLVED, That upon the request as hereinabove set forth, the Receiver of Taxes is hereby authorized to task RP Solutions, Inc. to provide the TS240 Digital check scanners, customized software, and installation to allow for tax payment processing, in an amount to not exceed $17,663.00, in accordance with the provisions thereunder; 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 are to be drawn from Account No. ROT-H-1997-26000-000-1509-001.

-#-

E 2034

Solution Quote

RP Solutions, Inc.
Your Experts In Payment Processing Solutions

Solution Summary	S&M 20164364 TOB System Upgrade
Quote Number	20164364
Date	05/12/2016
Valid Until	11/11/2016

Thad Paris

RP Solutions, inc.
2415 North Triphammer Road
Suite 2
Ithaca, NY 14850
(877) 777-6588 Phone
(607) 257-7779 Fax
www.RPSolutions.com

Presented To:	Deliver To:
James Stefanich Town of Oyster Bay 74 Audry Lane Oyster Bay, NY 11771 516-624-6421 jstefanich@oysterbay-ny.gov	James Stefanich Town of Oyster Bay 74 Audry Lane Oyster Bay, NY 11771 516-624-6421 jstefanich@oysterbay-ny.gov

This proposal will include: hardware, software, and services required to upgrade ExpertRPS & ExpertCashier applications to the latest versions and replace the existing cashiering scanners with TS-240-50 scanners. Optional hardware and software listed below are required to upgrade existing iTRAN controller PC to Windows 7 64bit. ExpertRPS/ ICE/ CASHIER software prices have been discounted 100% under your current Software License and Support Agreement.

Hardware

Qty	Part Number	Product	Description	Unit Price	Extended Price	Annual Maint.	Est. Ship
6	7728-2451-9090	Digital Check TS240 - 50 (Endorser)	Digital Check TS240 check scanner - 50 Documents per minute - w/rear endorser (requires WiseIP)	$900.00	$5,400.00	$0.00	$330.00
1	NCR 9810-K211	NCR Add-on - RIAB Controller	NCR RIAB Controller Required for iTran Installation (PCIe Architecture)	$900.00	$900.00	$0.00	$33.00
			Subtotal: Hardware		$6,300.00	$0.00	$363.00

RP Solutions Software

Qty	Part Number	Product	Description	Unit Price	Extended Price	Annual Maint.	Est. Ship
1		ExpertRPS < 5,000 Trans/day	ExpertRPS image-based solution for remittance processing, volume based license.	$0.00	$0.00	$0.00	$0.00
1		ExpertICE - Server (15 Concurrent Users)	Archive Concurrent Server Users	$0.00	$0.00	$0.00	$0.00
1		ExpertCASHIER < 10 units	Cashiering solution for over-the-counter payments License based on number of cashier workstations. Requires ExpertRPS Base Volume Core DB License.	$0.00	$0.00	$0.00	$0.00
			Subtotal: RP Solutions Software		$0.00	$0.00	$0.00

3rd Party Software

Qty	Part Number	Product	Description	Unit Price	Extended Price	Annual Maint.	Est. Ship

Solution Quote

RP Solutions, Inc.
Your Experts In Payment Processing Solutions

Solution Summary	S&M 20164364 TOB System Upgrade
Quote Number	20164364
Date	05/12/2016
Valid Until	11/11/2016

1		ABBYY Full Page OCR 1,000 pages/day	Recognition Software Runtime License Fee	$0.00	$0.00	$0.00	$0.00
1	G625-9822-T000	NCR WiseIP for iTRAN 180e	64-bit Transport interface Software	$2,000.00	$2,000.00	$0.00	$0.00
			Subtotal: 3rd Party Software		$2,000.00	$0.00	$0.00

Professional Services

Qty	Part Number	Product	Description	Unit Price	Extended Price	Annual Maint.	Est. Ship
4		Project Management	Project Management / Regular Meetings / Reports (quoted in hours)	$150.00	$600.00	$0.00	$0.00
4		Software Configuration	Software Configuration (quoted in hours)	$150.00	$600.00	$0.00	$0.00
8		Data Migration or Conversion	Import previous system data into new system. (quoted in hours)	$150.00	$1,200.00	$0.00	$0.00
40		Installation (Onsite)	Onsite System Installation and Training (quoted in hours). Scanner unpacking and setup, software upgrade support	$150.00	$6,000.00	$0.00	$0.00
4		Installation/ Configuration (iTRAN PC)	Remote System Installation and Configuration of iTRAN capture PC (quoted in hours)	$150.00	$600.00	$0.00	$0.00
			Subtotal: Professional Services		$9,000.00	$0.00	$0.00

	Extended Price	Annual Maint.	Est. Ship
Grand Total	**$17,300.00**	**$0.00**	**$363.00**

Solution Quote

RP Solutions, Inc.
Your Experts In Payment Processing Solutions

Solution Summary	S&M 20164364 TOB System Upgrade
Quote Number	20164364
Date	05/12/2016
Valid Until	11/11/2016

Standard Terms and Conditions

HARDWARE
- Payment Terms: 50% upon signing, 50% upon delivery from the manufacturer
- Lead times from hardware manufacturers vary greatly and cannot be guaranteed.
- Annual Hardware Maintenance is available from the manufacturer and is the customer's responsibility to purchase.
- Shipping Costs are estimates and will be billed at actual cost.
- Pricing assumes all Servers, PCs, operating software, SQL database, LAN and WAN wiring, network switching, data backup, virus protection, and UPS power protection will be provided by the customer.

SOFTWARE & SERVICES
- Payment Terms: 50% at signing, 40% at installation, 10% at system acceptance
- Annual Software Maintenance is provided by RP Solutions and will commence 30 days after system acceptance.
- Additional services are available on a Time & Material basis. Out of scope items may require additional Professional Services.

PRICING DOES NOT INCLUDE
- Any applicable state or local taxes
- Travel expenses for on-site visits

Comments

-- New Server environment is recommended for parallel upgrade functionality. Required server hardware has not been included in this proposal.

-- Upgrading to the correct version of WiseIP that supports WIN 7 64 bit will cost $ 2,000.00, if you are on WiseIP software maintenance. Otherwise, WiseIP will need to be re-licensed. This line item can be avoided if using a 32-bit PC.

-- A PC with full-height PCIe expansion slot is required --64-bit, Windows 7 PC will be provided by TOB IT department

-- Purchase of OPEX Falcon scanner would eliminate $3500 required for iTRAN controller upgrade ($2000 WiseIP, $900 RIAB Controller, $600 Installation time)

-- Digital Check Scanners include 1 year factory warranty. After one year, devices will require additional hardware maintenance contract.

-- Existing NCR software maintenance contract should be maintained in order to ensure access to future software updates provided by NCR for WiseIP software.

Customer's Approval

JAMES J. STEFANICH, Bd. of Trustees

x

Date 7/8/16

x

Authorized Signature

x

Company Name

RP Solutions, Inc.
Your Experts In Payment Processing Solutions

2415 North Triphammer Road, Suite 2
Ithaca, NY 14850
Phone (877) 777-6588 Fax (607) 257-7779
www.RPSolutions.com

Invoice

Date	Invoice #
4/18/2017	103131

Bill To

Town of Oyster Bay
74 Audrey Avenue
Oyster Bay, NY 11771
Attn: Maura Fahey

Ship To

Project	P.O. No.	Terms
		Due on receipt

Description	Quantity	Rate	Amount
S&M 20164364			
TOB System Upgrade			
Travel Expenses - 4/9/17 - 4/13/17			
Auto: Mileage, Tolls, Fuel, etc.	1	360.74	360.74
Lodging	1	481.80	481.80
Meals	1	137.59	137.59
Receipts available upon request			
Sales Tax		0.00%	0.00

Total $980.13

Thad Paris

From: Hotels.com <confirmation@mail.hotels.com>
Sent: Sunday, April 9, 2017 4:17 PM
To: Thad Paris
Subject: Hotels.com reservation confirmation 137253275952 - Best Western Woodbury Inn - Woodbury

Hotels.com

Dear Thad, as requested, your reservation has been changed. Below is a summary of your revised reservation. Your reservation is guaranteed and all paid for.

Manage booking Print receipt Book again

Best Western Woodbury Inn
7940 Jericho Tpke
Woodbury
11797
NY
US

+15169216900

Hotels.com confirmation number	137253275952
Check-in	Sunday, April 9, 2017 (3 PM)
Check-out	Thursday, April 13, 2017 (11 AM)
Your stay	4 nights, 1 room
Cancellation policy	See cancellation policy below
Total amount paid	**$481.80**

Use our app for paperless check in.
Need access to this confirmation offline? Get our app.

Download app now

RA'S of WOODBURY
Established 1999
7903 Jericho Tpk
Woodbury, NY 11797
516-496-3633
www.buteras.com

1 04/12/17-A **5:46pm**
ristina B Table **34**

ne Crab Lob Bolognese 23.00

Items	23.00
Tax	2.00
Subtotal	**25.00**

Tip 5.00

TOTAL 30.00

8 AMEX*2071 Swp THAD, PARIS
017 18:17:32 Sig 25.00
Approval 538500

Customer Copy

r agrees to pay the above TOTAL
according to issuer agreement.

IPS ARE GREATLY APPRECIATED!
THANK YOU!
PROVIDED A SUGGESTED GRATUITY:

ATUITY-4.15 20% GRATUITY-4.60

THANK YOU FOR CHOOSING

BUTERA'S

OF WOODBURY

JOIN OUR BUTERA'S
LOYALTY REWARDS PROGRAM

GIFT CERTIFICATES AVAILABLE

STARBUCKS Store #7220
7963 Jericho Turnpike
Woodbury, NY (516) 921-2878

CHK 657178
04/11/2017 07:10 AM
2274746 Drawer: 1 Reg: 2

Gr Pch Tranquility	2.45
Amex	2.66
XXXXXXXXXXX2071	
Subtotal	$2.45
Tax 8.625%	$0.21
Total	$2.66
Change Due	**$0.00**

Check Closed
04/11/2017 07:10 AM

Join our loyalty program
Starbucks Rewards®
Sign up for promotional emails
Visit Starbucks.com/rewards
Or download our app
At participating stores
Some restrictions apply

ON PARADE DINER
7980 JERICHO TURNPIKE
WOODBURY NY 11797
516-364-1870

Terminal ID: 01310696 : 0072
4/10/17 8:31 AM
SERVER #: 9
AMERICAN EXPRESS - INSERT
AID: A0000000025010801
ACCT #: ••••••••••2071
CREDIT SALE
UID: 710016196189 REF #: 3555
BATCH #: 430 AUTH #: 807128
AMOUNT $14.12

8.00 cash

STARBUCKS Store #7220
7963 Jericho Turnpike
dbury, NY (516) 921-2878

CHK 655975
04/10/2017 05:27 PM
5543 Drawer: 1 Reg: 2

Tranquility	2.45
	2.66
(XXXXX2071	
al	$2.45
525%	$0.21
	$2.66
ie Due	$0.00

-- Check Closed --
04/10/2017 05:27 PM

n our loyalty program
Starbucks Rewards®
up for promotional emails
t Starbucks.com/rewards
Or download our app
participating stores
me restrictions apply

ON PARADE DINER
7980 JERICHO TURNPIKE
WOODBURY NY 11797
516-364-1870

Terminal ID: 01310696 0072
4/11/17 7:04 AM
SERVER #: 36
AMERICAN EXPRESS - INSERT
AID: A0000000025010801
ACCT #: **********2071
CREDIT SALE
UID: 710129837004 REF #: 3724
BATCH #: 431 AUTH #: 899333

AMOUNT	$11.89
TIP	$0.00
TOTAL	$11.89

APPROVED

TC - 1F663C09AF684E80
CUSTOMER COPY

+3 cash tip

Stop&Shop

8101 JERICHO TURNPIKE
WOODBURY, NY 11797

Store Telephone: (516) 692-8292
Pharmacy Telephone: (516) 692-8447

Store #511 04/11/17 07:35PM

FROZEN FOOD

BEN&JERRY IC 16Z	5.99 F
TAX	0.00
**** BALANCE	5.99

****
Payment Type: AMERICAN EXPRESS
CHIP Purchase
Card: **********2071
Payment Amt: $5.99
BALANCE: $
AID: A0000000025010801
AUTH#802100 RC#00 04/11/17 07:36PM
****

AMER EXPRESS	5.99
CHANGE	0.00

****

Thank you for shopping at STOP & SHOP.
Sue Sweeney, Store Manager

Visit us on the Internet
www.StopAndShop.com

****

04/11/17 19:36 511 413 156 880013

Sign up at the Service Center for a
Stop & Shop card and start saving.

Thanks for shopping with us.
Your Cashier -- SELF-CHECKOUT

KFC/LJS

Restaurant #C160015

606 Broadhollow Road
Melville
(631)293-3496

Ticket #3189
2017-04-11 6:52 PM
C160015 3 6 3189

Cashier: isaac

L3 VP F+S+C	8.99
2 Battered Fish	
Chicken Plank	
3 Shrimp	
2 Ind Fries	
2 Hushpuppy	
Add-a-Piece	1.99
Battered Fish	
Tax	0.95
EAT IN	$11.93
ETender Credit	$11.93
Change	$0.00

CHARGE DETAIL:SALE
Card Type: Amex
Account: **********2071 S
Auth Code: 597374
Trans #: 3189
Auth Ref: 61
AUTH AMT: $11.93

****
Get a
FREE GO CUP
WITH PURCHASE OF ANY DRINK
on your next visit

Go To:
WWW.MYKFCEXPERIENCE.COM
within 7 days
and tell us about your visit

Survey Code:
C160015041173189

Write the validation code below and
bring your receipt to redeem in store!

Void where prohibited. Limit one per guest per visit. Offer valid only at this KFC. Not valid with any other offer Expires 30 days after receipt date.
****
Thank You

Please Come Again Soon

KRINTI
8285 JERICHO TPKE
WOODBURY NY 11797
516-224-4661

Order# 64426
Table: Table 24
Server: RAMI
Date: 4/10/17, 6:21 PM

Transaction: 1500280560

Paid With: AMEX xxxx2071
Bill: THAD PARIS
Total: $29.27

Tip: $ 6.00

Total: $ 35.27

APPROVED

I agree to pay the above total amount
according to card issuer agreement

THANK YOU
FOLLOW US ON INSTAGRAM @ KRINTI

ON PARADE DINER
7980 JERICHO TURNPIKE
WOODBURY NY 11797
516-364-1870

Terminal ID: 01310696 0072
4/12/17 7:33 AM
SERVER #: 18
AMERICAN EXPRESS - INSERT
AID: A0000000250108O1
ACCT #: **********2071
CREDIT SALE
UID: 710230147656
BATCH #: 432 REF #: 3890
AMOUNT AUTH #: 806718 $11.41
TIP Cash 3.00
TOTAL $
APPROVED

TC - A0E3C8708E389113
CUSTOMER COPY

STARBUCKS Store #7220
7963 Jericho Turnpike
Woodbury, NY (516) 921-2878

CHK 722687
04/12/2017 05:06 PM
2262077 Drawer: 1 Reg: 1

Gr Pch Tranquility	2.45
Amex	2.66
XXXXXXXXXXXX2071	
Subtotal	$2.45
Tax 8.625%	$0.21
Total	$2.66
Change Due	**$0.00**

---------- Check Closed ----------
04/12/2017 05:06 PM

Join our loyalty program
Starbucks Rewards®
Sign up for promotional emails
Visit Starbucks.com/rewards
Or download our app
At participating stores
Some restrictions apply

Meeting of July 25, 2017 Resolution No. 428 -2017

WHEREAS, Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memoranda dated July 10, 2017 and July 17, 2017, recommended that a refund in the amount of $315.00 be authorized to SolarCity Corp., 15 Grumman Road West, Bethpage, N.Y. 11714, from account number PAD B 0001 02555 000 0000, for Building Permit No. R14004614, dated October 31, 2014, because the building permit application was withdrawn,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Department of Planning and Development is hereby authorized to issue SolarCity Corp. a refund in the amount of $315.00, and payment of said refund is to be made upon presentation of a duly certified claim, after audit by the Comptroller; and be it further

RESOLVED, That funds for said payment are to be drawn from Account No. PAD B 0001 02555 000 0000.

-#-

Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

428

TOWN OF OYSTER BAY

Inter-Departmental Memo

July 10, 2017

TO: **MEMORANDUM DOCKET**

FROM: **ELIZABETH L. MACCARONE, COMMISSIONER**
DEPARTMENT OF PLANNING AND DEVELOPMENT

SUBJECT: **RESIDENT REFUND-SOLARCITY CORP.**
509 CLOCKS BLVD., MASSAPEQUA, NY 11762
SUPPLEMENTAL MEMO TO FOLLOW

Additional information will be provided in a Supplemental Docket Memorandum to the Docket Committee at the next docket meeting. We, therefore, recommend and request that a space be reserved at the next Town Board meeting on July 25, 2017.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM/dm

C: Town Attorney's Office (w/ 10 copies)

5

428

TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

Date: July 17, 2017

TO: MEMORANDUM DOCKET

FROM: ELIZABETH L. MACCARONE
COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

SUBJECT: SUPPLEMENTAL DOCKET MEMO TO ITEM NO. 9
DOCKET OF JULY 11, 2017
RESIDENT REFUND - SOLARCITY CORP.
509 CLOCKS BOULEVARD, MASSAPEQUA, NY 11758

Pursuant to the Code of the Town of Oyster Bay, this department granted a Building Permit #R14004614 dated October 31, 2014 in the amount of $365.00, receipt #01000395741. The application fee in the amount of $50.00, receipt #01000395741, is non-refundable. The final permit fee was $315.00, copy of both receipts are attached. SolarCity Corp. has withdrawn this permit and requests a refund. A copy of their request is attached.

Therefore, in light of the aforementioned facts, a three hundred fifteen dollar ($315.00) refund for the building permit fee associated with Building Permit #R14004614 should be refunded to SolarCity Corp., 15 Grumman Road West, Bethpage, New York 11714 under account number PAD B 0001 02555 000 0000.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM:TRZ:ds

Cc: Town Attorney's Office (w/ copies)

SolarCity

February 13, 2017

To Whom This May Concern:

Please be advised that all SolarCity correspondence should be directed to our Bethpage operating office.

SolarCity
15 Grumman Road West
Suite 400
Bethpage, NY 11714

Regards,

Victoria Cericola
Permit and Inspection District Manager

SolarCity

February 2, 2017

Town of Oyster Bay
(Attn: Building Department)

REIMBURSEMENT OF CANCELLED PERMIT

This letter is a request for reimbursement for previous cancelled permit. Solar project cancelled due to insufficient savings by customer.

Application/Permit # R14004614
509 Clock Blvd, Massapequa NY 11762
S: 66 B: 119 L: 25
Attached are copies of:
Oyster Bay claim form
Permit
Receipt of payment
Cancelled Check ($315.00)

If you have any questions/concerns, please contact myself directly.

Sincerely,

Cathy Odynski, Permit Coordinator
codynski@solarcity.com (516) 761-6732

Wed 66-119-25

SolarCity

November 18, 2016

Town of Oyster Bay
(Attn: Building Department)

NOTICE OF CANCELLATION

This letter is to certify our proposal to install Solar (PV) at the property listed below has moved into a cancellation status.
Edita Carbajal
509 Clocks Blvd
Massapequa NY11758
Application/Permit #: R14004614

SolarCity Corporation and Edita Carbajal
will not be moving forward with the proposed installation. We would greatly appreciate reimbursement for the permitting fees paid on 10/17/2014 for the amount of $291.00
Attached are copies of: Permit
Payment Receipt
Cancelled Check

If you have any questions/concerns, please contact myself directly.

Sincerely,

Cathy Odynski

Cathy Odynski, Permit Coordinator
codynski@solarcity.com (516) 761-6732

DEPARTMENT OF PLANNING AND DEVELOPMENT
TOWN HALL WEST, 74 AUDREY AVENUE, OYSTER BAY, NY 11771
TEL. 516-624-6200 FAX 516-624-6240

FILE COPY

BUILDING DIVISION

TIMOTHY R. ZIKE
ACTING COMMISSIONER

DIANA S. AQUIAR
DEPUTY COMMISSIONER

January 27, 2017

Ms. Cathy Odynski
Solar City
15 Grumman Road West
Bethpage, New York 11714

Re: Solar Permit Number R14004614
509 Clocks Blvd., Massapequa, New York 11762
Section 66, Block 119, Lot 25

Dear Ms. Odynski:

The Town of Oyster Bay is in receipt of your letter dated November 18, 2016 requesting the Town to void the above solar permit.

Please be advised that this building permit has been voided. A copy of the building inspector's report is attached for your records.

If you have any questions regarding the above, please feel free to contact the undersigned at (516) 624-6267.

Very truly yours,

Timothy R. Zike
Acting Commissioner

TRZ:ds
Cc: Ms. Edita Carbajal

Attachment

Building Permit

R14004614

Town of Oyster Bay
Department of Planning and Development
Phone 516-624-6200

74 Audrey Avenue
Town Hall, Oyster Bay, NY 11771
Fax 516-624-6240

School District	Section/Block/Lot	Zone	Application No.	ZBA Number	ZBA Date	Receipt No.
Amityville	66-119-25	R1-10	14090272			01000395741

Permittee	SOLARCITY CORP 203 RIDGEWOOD DR ELMSFORD, NY 10523 (914) 218-4200	Contractor	SOLARCITY CORP 203 RIDGEWOOD DR ELMSFORD, NY 10523 (914) 218-4200
Property Owner	EDITA CARBAJAL 509 CLOCKS BLVD MASSAPEQUA, NY 11758 (516) 797-4958	Plumber	
		Electrician	JASON KANE INC 127 WEST BLVD EAST ROCKAWAY, NY 11518 (516) 306-0126

Address of Actual Construction

509 CLOCKS BLVD EAST MASSAPEQUA, NY		Tenant
Permission Granted for the	INSTALLATION OF	Estimated Cost of Construction $20196

Twenty-seven (27) solar panels fastened to roof, as per plans prepared by Abelardo E. DeVera, P.E., dated 02/24/14.

ALL WORK TO COMPLY WITH OB APPROVED PLAN DATED: 10/06/14

ZONING REVIEW: ONE FAMILY DWELLING ONLY

This Permit has been issued specifically for the construction or maintenance of the improvement listed hereon. The issuance of this Permit shall not be deemed to be an acknowledgement by the Town of Oyster Bay as to the legality of any other improvements to the subject premises. It is specifically understood that the issuance of a Certificate of Occupancy by the Town of Oyster Bay for the improvement listed hereon shall be conditioned upon the issuance of a Building Permit and Certificate of Occupancy for any and all other improvements to the subject premises.

A certificate from an approved Electrical Inspection Co. is to be placed on file prior to issuance of a Certificate of Occupancy/Approval/Completion

Located On	Side Of	Feet	Of	Post Office
		0.00		EAST MASSAPEQUA

DESCRIPTION	FEE	PAID	BALANCE
APP FEE	50.00	50.00	0.00
BLDG	340.00	340.00	0.00
CC	25.00	25.00	0.00
*** FEE TOTALS ***	415.00	415.00	0.00

TOTAL PAID AFTER APPLICATION FEE APPLIED: $315.00

Occupancy of this new building or addition or alteration prior to the issuance of a Certificate of Occupancy will be considered a violation of the Code of the Town of Oyster Bay. Prompt notification by the various contractors for inspection of their various parts of the work will avoid delay in the issuance of the Certificate of Occupancy. Permit and approved plans must be posted on the job site, visual to public inspection, until completion of the work and inspections.

Changes regardless of size from the stamped approved plans must be submitted to the Department of Planning and Development and approved before changes are made. Approved plans must be retained on the job and available to inspection at all times.

INSPECTIONS

There are numerous inspection requirements that vary according to the type of structure built or maintained. Some but not all of the [illegible]

BUILDING INSPECTIONS:

*Demolition inspections – Check with Building Division.
*Concrete Certifications.
*Soil Conditions – before footings and foundations are poured.
*Forms for footings, keyways and foundations including rebar.
*Waterproofing, membrane and insulating.
*Foundations and/or slabs.
*Framing – wood or steel before mechanicals.
*Framing after mechanicals and before insulating.
*Insulation inspection – before closing.
*Rough enclosed.
*Final inspection(s).

PLUMBING INSPECTIONS

*Underground plumbing – before backfilling.
*Rough plumbing – before closed up and ready for [illegible]
*Final inspection when all fixtures are set.
*Sewer connection – sour tie-in.
*Sanitary systems. (Excavation/Construction).
*Installation or replacement of burners. (oil, gas, electric).
*Oil Tanks – inground or above. (Check with Building Division for required testing and in testing and inspections).
*Pressure tests are required for any natural or propane gas installation, alteration or replacement.
*Hydrostatic pressure testing must be witnessed by a plumbing inspector for all fire sprinkler systems.

DRAINAGE, SITE WORK, & RETAINING WALLS:

Contact Planning and Development site engineer.

ALL PERMITS ISSUED IN CONJUNCTION WITH SITE PLAN REVIEW

Please be advised that a Certificate of Occupancy will not be issued for this project until all of the required landscaping has been installed and inspected, or a performance bond in the amount of $_____ has been posted with the Town of Oyster Bay

Date Issued:	10/31/2014	Work Must Start By:	04/31/2015

CO must be issued by 11/01/2015 or permit will expire unless renewed prior to expiration.

Permittee's copy of approved plans must be available at the site for all inspections

Eudeam P. Ippolito

Commissioner, Department of Planning and Development

ITEM 3 OF 3

TOWN OF OYSTER BAY

$50 CREDIT RECEIPT

RECEIPT # : 01000395741

RECEIPT DATE : 10/17/2014

PRINT DATE : 07/13/2017
PRINT TIME : 11:38:45
OPERATOR : klebrigh
COPY # : 1

RECEIVED BY : SG
REC'D. FROM : SOLARCITY CORP

CASH DRAWER: 01

CUSTOMER ID		ITEM	PAYMENT
1.000 @	$50.00	$50 CREDIT	-50.00
TOTAL			-50.00

METHOD OF PAYMENT	AMOUNT	REFERENCE NUMBER
CHECK	315.00	102052
TOTAL RECEIPT :	315.00	

Amount: $315.00 Sequence Number: 5192080409

Account: [redacted] Capture Date: 10/17/2014

Bank Number: [redacted] Check Number: 102052

631-625-4800

SOLARCITY CORPORATION App#14090272

LONG ISLAND OPERATING ACCOUNT

3055 CLEARVIEW WAY
SAN MATEO, CA 94402-3709

102052

11-35/1710 CA
CT355

DATE 10/10/14

PAY TO THE ORDER OF Town of Oyster Bay $ 315 00/100

Three Hundred Fifteen Dollars and 00/100 DOLLARS

Bank of America

FOR Carport 117513 Permit Bal

[redacted] ⑈4994⑈822866⑈

For Deposit Only
Town of Oyster Bay

PAY TO THE ORDER OF
CAPITAL ONE BANK
021407912
FOR DEPOSIT ONLY
TOWN OF OYSTER BAY

[redacted]

>065000090<
CAPITAL ONE, NA
0021866870 10172014
RICHMOND, VA 383 22
Deposit [redacted]

Electronic Endorsements:

Date	Sequence	Bank #	Endrs Type	IRN	RRC	Bank Name
10/17/2014	005192080409	121303886	Pay Bank			BANK OF AMERICA, NA
10/17/2014	0000000218668 70	65000090	Rtn Loc/BOFD	Y		CAPITAL ONE, NA

TOWN OF OYSTER BAY
CLAIM
AUDREY AVENUE, OYSTER BAY, NEW YORK 11771

TAXPAYER IDENTIFICATION NUMBER
FEDERAL ID # ☐ SOCIAL SECURITY # ☐
02-0781046

CLAIMANT'S NAME: Solar City	CONTRACT #	ORDER #
CLAIMANT'S ADDRESS: 15 Grumman Rd W Ste 400 Bethpage NY 11714	CONTRACT NAME	
TOWN DEPARTMENT: PLANNING & DEVELOPMENT	CLAIMANT INVOICE #	

FOLLOW INSTRUCTIONS ON REVERSE SIDE THEN RETURN CLAIM AND INVOICES TO DEPARTMENT RECEIVING MATERIALS OR SERVICES

DETAILED DESCRIPTION OF MATERIALS OR SERVICES

DATE	DESCRIPTION	UNIT PRICE	TOTAL
2/13/17	REFUND FOR SOLAR PERMIT NUMBER R14004614		$315.00
	DATED: OCTOBER 31, 2014		
	SECTION 66, BLOCK 119, LOT 25		
	ADDRESS: 509 CLOCKS BLVD., MASSAPEQUA, NY 11758		
	THIS PERMIT IS BEING WITHDRAWN BY THE SOLAR		
	COMPANY - SOLAR CITY.		
	Form prepared by Debbie Smyth - Building Division		
	Please return the completed form to:		
	Town of Oyster Bay		
	Department of Planning and Development		
	74 Audrey Avenue		
	Oyster Bay, New York 11771		

THE BELOW CERTIFICATION MUST BE PROPERLY FILLED OUT BY THE CLAIMANT

TOTAL AMOUNT	$315.00
CASH DISCOUNT %	
NET AMOUNT	

I HEREBY CERTIFY the above articles were sold and delivered and/or the above service rendered to the Town of Oyster Bay on the dates and for the prices or amounts billed; that the above bill is just, true and correct; that no part thereof has been paid except as stated therein and that the balance there stated in the amount of no part thereof has been paid except as stated therein and that the balance there is stated in the amount of

Three hundred fifteen dollars and no cents*

actually due and owing, and that taxes from which the Town of Oyster Bay is exempt are excluded therefrom

CLAIMANT FURTHER CERTIFIES that the unit prices charged herein are not higher than those charged to any governmental or commercial consumer for like deliveries.

Signature: Cathy Odynski Title: Permit Coordinator Date: 2/2/17

Authorized Name: Cathy Odynski Name of Company: Solar City

[illegible] ******$315.00********

ELIZABETH L. MACCARONE 02/13/2017

Department of Planning and Development
(516) 624-6200

74 Audrey Avenue – Oyster Bay, N.Y. 11771
Fax: (516) 624-6240

Building Inspector's Report

Date: 12/7/2016 Time: ___AM ___PM I have reviewed ( ) previous reports.

Owner:
Address: 509 CLOCKS BLVD
Telephone: MASSAPEQUA N.Y

Contractor:
Address:
Telephone:

Zone RL-10
Sec. 66
Blk. 19
Lot(s) 25

Permit #(s)	Type	Date Issued	Expiration Date
R1404614	27 ROOF MOUNTED SOLAR PANELS	10/24/14	11/1/15

Type of Inspection - ___Excavation ___Footing ___Foundation ___Rough Frame ___Final Frame ___Insulation X Final X Other VERIFY

PLEASE NOTE – A field inspection has revealed that the following items are necessary:

To Continue Work:
___No One Was Home
___Call For Inspection – (516) 624-6222
___No Building Plans on Job
___Need Amended Building Plans
___Work Does Not Conform to Building Code
___Work Does Not Conform to Approved Building Plans

To Obtain a Certificate of Occupancy:
___Must Obtain Electrical Certificate From Approved Electrical Inspection Service For:
___Must Submit Updated Property Survey
___Must Obtain Plumbing Approval
___Must Obtain Permit For:

The items checked below have been observed during the course of the field inspection and require permits. Failure to obtain permits will result in the delay of the issuance of a Certificate of Occupancy/Compliance.

___Cellar Entrance
___Deck
___Dock
___Enclosed Porch
___Extension
___Fence
___Fireplace
___Garage
___Garage/Converted
___Interior Alterations
___Retaining Wall/Bulkhead
___Roofed-Over Patio/Deck
___Second Apartment/Dwelling
___Shed
___Swimming Pool
___Swimming Pool Fence
___Swimming Pool Heater
___Swimming Pool Filter
___Swimming Pool Accessories
___Swimming Pool Raised Deck
___Skylight
___Solar Heat
___A/C Unit
___Dormers
___Other Structures

Comments/Observations/Information:

No Solar Construction Performed at Subject Property

PLEASE NOTE – All inspections approved are subject to review of file and certification requirements. You will be notified if any further documentation is required.

Inspection Approved: ___Yes ___No ___Conditional Approval (See Comments)
Report to Contractor: ___In Person ___Left on Premises
Report to Homeowner: ___In Person ___By Mail
N.O.V. #: ___ **Date Due:** ___ **Summons #:** ___ **Date Returnable:** ___

Received By: ___

Inspector's Signature: Joe Cirello
Inspector's Extension:(516) 624- 6246

THIS IS A COPY. THE ORIGINAL IS ON FILE IN THE BUILDING DIVISION.

Meeting of July 25, 2017 Resolution No. 429-2017

WHEREAS, Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memoranda dated July 10, 2017 and July 17, 2017, recommended that a refund in the amount of $267.00 be authorized to SolarCity Corp., 15 Grumman Road West, Bethpage, N.Y. 11714, from account number PAD B 0001 02555 000 0000, for Building Permit No. R14004647, dated November 3, 2014, because the building permit application was withdrawn,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Department of Planning and Development is hereby authorized to issue SolarCity Corp. a refund in the amount of $267.00, and payment of said refund is to be made upon presentation of a duly certified claim, after audit by the Comptroller; and be it further

RESOLVED, That funds for said payment are to be drawn from Account No. PAD B 0001 02555 000 0000.

-#-

Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

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429

TOWN OF OYSTER BAY

Inter-Departmental Memo

July 10, 2017

TO: **MEMORANDUM DOCKET**

FROM: **ELIZABETH L. MACCARONE, COMMISSIONER**
DEPARTMENT OF PLANNING AND DEVELOPMENT

SUBJECT: **RESIDENT REFUND-SOLARCITY CORP.**
8 ELLEN STREET, MASSAPEQUA, NY 11758
SUPPLEMENTAL MEMO TO FOLLOW

Additional information will be provided in a Supplemental Docket Memorandum to the Docket Committee at the next docket meeting. We, therefore, recommend and request that a space be reserved at the next Town Board meeting on July 25, 2017.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM/dm

C: Town Attorney's Office (w/ 10 copies)

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429

TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

Date: July17, 2017

TO: MEMORANDUM DOCKET

FROM: ELIZABETH L. MACCARONE
COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

SUBJECT: SUPPLEMENTAL DOCKET MEMO TO ITEM NO. 10
DOCKET OF JULY 11, 2017
RESIDENT REFUND - SOLARCITY CORP.
8 ELLEN STREET, MASSAPEQUA, NY 11758

Pursuant to the Code of the Town of Oyster Bay, this department granted a Building Permit #R14004647 dated November 3, 2014 in the amount of $317.00, receipt #01000396046. The application fee in the amount of $50.00, receipt #01000396046, is non-refundable. The final permit fee was $267.00, copy of both receipts are attached. SolarCity Corp. has withdrawn this permit and requests a refund. A copy of their request is attached.

Therefore, in light of the aforementioned facts, a two hundred sixty-seven dollar ($267.00) refund for the building permit fee associated with Building Permit #R14004647 should be refunded to SolarCity Corp., 15 Grumman Road West, Bethpage, New York 11714 under account number PAD B 0001 02555 000 0000.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM:TRZ:ds

Cc: Town Attorney's office (w/6 copies)

SolarCity

February 13, 2017

To Whom This May Concern:

Please be advised that all SolarCity correspondence should be directed to our Bethpage operating office.

SolarCity
15 Grumman Road West
Suite 400
Bethpage, NY 11714

Regards,

Victoria Cericola
Permit and Inspection District Manager

53/55/158

SolarCity

December 12, 2016

Town of Oyster Bay
(Attn: Building Department)

NOTICE OF CANCELLATION

This letter is to certify our proposal to install Solar (PV) at the property listed below has moved into a cancellation status.

Helena Clarke
8 Ellen St
Massapequa NY 11758
Application/Permit #: R14004647

SolarCity Corporation and Helena Clarke will not be moving forward with the proposed installation. We would greatly appreciate reimbursement for the permitting fees paid on 10/24/14 for the amount of $267.00
Attached are copies of: Permit
Cancelled Check

If you have any questions/concerns, please contact myself directly.

Sincerely,

Cathy Odynski, Permit Coordinator
codynski@solarcity.com (516) 761-6732

Building Permit

R14004647

Town of Oyster Bay
Department of Planning and Development
Phone 516-624-6200

74 Audrey Avenue
Town Hall, Oyster Bay, NY 11771
Fax 516-624-6240

School District	Section/Block/Lot	Zone	Application No.	ZBA Number	ZBA Date	Receipt No.
Amityville	53-55-158	R1-7	14100009			01000396046

Permittee	VICTORIA CERICOLA (SOLARCITY CORP) 923C MOTOR PARKWAY HAUPPAUGE, NY 11788 (516) 761-8314	Contractor	SOLARCITY CORP 203 RIDGEWOOD DR ELMSFORD, NY 10523 (914) 218-4200
Property Owner	CLARKE HELENA & ANGLADE SHARIFAH 8 ELLEN ST MASSAPEQUA, NY 11758	Plumber	
		Electrician	JASON KANE INC 127 WEST BLVD EAST ROCKAWAY, NY 11518 (516) 306-0126

Address of Actual Construction

8 ELLEN ST EAST MASSAPEQUA, NY		Tenant
Permission Granted for the	INSTALLATION OF	Estimated Cost of Construction $16456

Twenty two (22) solar panels INSTALL as per code, as per drawings prepared by Yoo Kim, P.E., dated: 09/23/14

ALL WORK TO COMPLY WITH TOB APPROVED PLAN DATED: 10/07/14

ZONING REVIEW: ONE FAMILY DWELLING ONLY

This Permit has been issued specifically for the construction or maintenance of the improvement listed hereon. The issuance of this Permit shall not be deemed to be an acknowledgement by the Town of Oyster Bay as to the legality of any other improvements to the subject premises. It is specifically understood that the issuance of a Certificate of Occupancy by the Town of Oyster Bay for the improvement listed hereon shall be conditioned upon the issuance of a Building Permit and Certificate of Occupancy for any and all other improvements to the subject premises.

A certificate from an approved Electrical Inspection Co. is to be placed on file prior to issuance of a Certificate of Occupancy/Approval/Completion

Located On	Side Of	Feet	Of	Post Office
				EAST MASSAPEQUA

DESCRIPTION	FEE	PAID	BALANCE
APP FEE	50.00	50.00	0.00
BLDG	292.00	292.00	0.00
CC	25.00	25.00	0.00
*** FEE TOTALS ***	367.00	367.00	0.00

TOTAL PAID AFTER APPLICATION FEE APPLIED: $267.00

Occupancy of this new building or addition or alteration prior to the issuance of a Certificate of Occupancy will be considered a violation of the Code of the Town of Oyster Bay. Prompt notification by the various contractors for inspection of their various parts of the work will avoid delay in the issuance of the Certificated of Occupancy. Permit and approved plans must be posted on the job site, visual to public inspection, until completion of the work and inspections.

Changes regardless of size from the stamped approval plans must be submitted to the Department of Planning and Development and approved before changes are made. Approved plans must be retained on the job and available to inspection at all times.

INSPECTIONS

There are numerous inspection requirements that vary according to the type of structure built or maintained. Some but not all of the required inspections follow:

BUILDING INSPECTIONS:

*Demolition Inspections – Check with Building Division.
*Concrete Certifications.
*Soil Conditions – before footings and foundations are poured.
*Forms for footings, keyways and foundations including rebar.
*Waterproofing, membrane and insulating
*Foundations and/or slabs.
*Framing – wood or steel before mechanicals.
*Framing after mechanicals and before insulating.
*Insulation inspection – before closing.
*Rough enclosed.
*Final inspection(s).

PLUMBING INSPECTIONS

*Underground plumbing – before backfilling.
*Rough plumbing – before closed up and ready for test.
*Final inspection when all fixtures are set.
*Sewer connection – spur tie-in.
*Sanitary systems. (Excavation/Construction).
*Installation or replacement of burners. (oil, gas, electric).
*All Tanks – inground or above. (Check with Building Division for required testing and in Testing and Inspections).
*Pressure tests are required for any natural or propane gas installation, Alteration or replacement
*Hydrostatic pressure testing must be witnessed by a plumbing inspector For all fire sprinkler systems.

DRAINAGE, SITE WORK, & RETAINING WALLS:

Contact Planning and Development site engineer.

ALL PERMITS ISSUED IN CONJUNCTION WITH SITE PLAN REVIEW

Please be advised that a Certificate of Occupancy will not be issued for this project until all of the required landscaping has been installed and inspected, or a performance bond in the amount of $_____ has been posted with the Town of Oyster Bay

Date Issued:	11/03/2014	Work Must Start By:	05/03/2015

CO must be issued by 11/04/2015 or permit will expire unless renewed prior to expiration.

Permittee's copy of approved plans must be available at the site for all inspections

Frederick P. Iannotti

Commissioner, Department of Planning and Development

TOWN OF OYSTER BAY

ITEM 1 OF 1 PERMIT RECEIPT OPERATOR: klebrigh
COPY # : 1

Sec:53 Twp:Oyster B Rng: Sub: Blk:55 Lot:158
SBL .....: 53-55-158

DATE ISSUED.....: 10/02/2014
RECEIPT #.....: 01000395138
REFERENCE ID # ...: 14100009

Permit Num .....: R14004647
SITE ADDRESS .....: 8 ELLEN ST
SUBDIVISION .....:
CITY .....: EAST MASSAPEQUA
IMPACT AREA .....:

OWNER .....: CLARKE HELENA & ANGLADE SHARIF
ADDRESS .....: 8 ELLEN ST
CITY/STATE/ZIP ...: MASSAPEQUA NY, NY 11758

RECEIVED FROM ....: RECEIPT INTERFACE
CONTRACTOR .....: *SOLARCITY CORP LIC # 01569
COMPANY .....: *SOLARCITY CORP
ADDRESS .....: 203 RIDGEWOOD DR
CITY/STATE/ZIP ...: ELMSFORD, NY 10523
TELEPHONE .....: (914) 218-4200

FEE ID	UNIT	QUANTITY	AMOUNT	PD-TO-DT	THIS REC	NEW BAL
B-APPL FEE FLAT RATE		1.00	50.00	0.00	50.00	0.00
TOTAL PERMIT :			50.00	0.00	50.00	0.00

METHOD OF PAYMENT	AMOUNT	REFERENCE NUMBER
CHECK	50.00	101914
TOTAL RECEIPT :	50.00	

ITEM 3 OF 3

TOWN OF OYSTER BAY

$50 CREDIT RECEIPT

RECEIPT # : 01000396046

RECEIPT DATE : 10/24/2014

PRINT DATE : 07/13/2017
PRINT TIME : 11:37:30
OPERATOR : klebrigh
COPY # : 1

RECEIVED BY : SG
REC'D. FROM : SOLARCITY CORP

CASH DRAWER: 01

CUSTOMER ID		ITEM	PAYMENT
1.000 @	$50.00	$50 CREDIT	
TOTAL			-50.00
			-50.00

METHOD OF PAYMENT	AMOUNT	REFERENCE NUMBER
CHECK	267.00	2113
TOTAL RECEIPT :	267.00	

Amount: $267.00 Sequence Number: 4192445799

Account: [redacted] Capture Date: 10/24/2014

Bank Number: [redacted] Check Number: 102113

63+625-9800

SOLARCITY CORPORATION
LONG ISLAND OPERATING ACCOUNT
3055 CLEARVIEW WAY
SAN MATEO, CA 94402-3709

App#14100009

102113

11-35/1210 CA
C7355

DATE 10/24/14

PAY TO THE ORDER OF Town of Oyster Bay $ 267. w/ 00

Two Hundred Sixty Seven Dollars and w/ 00 DOLLARS

Bank of America
San Francisco, California

FOR Clarke 1171950 permit balance

[redacted] 4994 82266

For Deposit Only
Town of Oyster Bay
[redacted]

PAY TO THE ORDER OF
CAPITAL ONE BANK
021407912
FOR DEPOSIT ONLY
TOWN OF OYSTER BAY
[redacted]

0100039604 6

>065000090<
CAPITAL ONE, NA
0005170634 10242014
RICHMOND, VA 396 22
Deposit [redacted]

Electronic Endorsements:

Date	Sequence	Bank #	Endrs Type	TRN	REC	Bank Name
10/24/2014	004192445799	121103886	Pay Bank	N		BANK OF AMERICA, VA
10/24/2014	0000000005170634	65000090	Rtn Loc/BOFD	Y		CAPITAL ONE, NA

TOWN OF OYSTER BAY
CLAIM
AUDREY AVENUE, OYSTER BAY, NEW YORK 11771

TAXPAYER IDENTIFICATION NUMBER
FEDERAL ID # ☐ SOCIAL SECURITY # ☐
02-0781046

CLAIMANT'S NAME	CONTRACT #	ORDER #
SOLAR CITY		
CLAIMANT'S ADDRESS	**CONTRACT NAME**	
15 GRUMMAN ROAD WEST, BETHPAGE, NY 11714		
TOWN DEPARTMENT	**CLAIMANT INVOICE #**	**RESO #**
PLANNING & DEVELOPMENT		

FOLLOW INSTRUCTIONS ON REVERSE SIDE THEN RETURN CLAIM AND INVOICES TO DEPARTMENT RECEIVING MATERIALS OR SERVICES

DETAILED DESCRIPTION OF MATERIALS OR SERVICES

DATE	DESCRIPTION	UNIT PRICE	TOTAL
05/04/2017	REFUND FOR SOLAR PERMIT #R14004647 ISSUED ON 11/03/2014. THIS PERMIT IS BEING		$267.00
	WITHDRAWN BY SOLAR CITY		
	FORM PREPARED BY: DEBBIE SMYTH - DEPT. OF PLANNING & DEVELOPMENT		
	PLEASE RETURN THE COMPLETED FORM TO:		
	TOWN OF OYSTER BAY, DEPARTMENT OF PLANNING & DEVELOPMENT		
	74 AUDREY AVENUE		
	OYSTER BAY, NEW YORK 11771		

THE BELOW CERTIFICATION MUST BE PROPERLY FILLED OUT BY THE CLAIMANT

TOTAL AMOUNT	$267.00
CASH DISCOUNT %	
NET AMOUNT	

I HEREBY CERTIFY the above articles were sold and delivered and/or the above service rendered to the Town of Oyster Bay on the dates and for the prices or amounts billed; that the above bill is just, true and correct; that no part thereof has been paid except as stated therein and that the balance therein stated in the amount of no part thereof has been paid except as stated therein and that the balance therein stated in the amount of

*****Two hundred sixty-seven dollars*****

is now due and owing, and that taxes from which the Town of Oyster Bay is exempt are excluded therefrom.

I HEREBY CERTIFY that no officer of the Town of Oyster Bay is directly or indirectly interested in any sale or contract or agreement or payment for the services

Signature: Cathy Cotynska Title: Permit Coordinator Date: 5/10/17

Print or type name: Cathy Cotynska Name of Company: Solar City

I HEREBY APPROVE this claim form for the sum of $267.00 for the several articles and parts thereof and services therein mentioned and have the same audited.

Approved: COMMISSIONER

Approved: PLANNING & DEVELOPMENT Account: P&D 8 0001 82555 000 0000

FILE COPY

Town of Oyster Bay
Department of Planning and Development
Town Hall – 74 Audrey Avenue
Oyster Bay, New York 11771
(516) 624-6200
FAX (516) 624-6240
www.oysterbaytown.com

ELIZABETH L. MACCARONE
COMMISSIONER

TIMOTHY R. ZIKE
DEPUTY COMMISSIONER

April 19, 2017

Ms. Cathy Odynski
Solar City
15 Grumman Road West
Bethpage, New York 11714

Re: Solar Permit Number R14004647
8 Ellen Street, Massapequa, New York 11758
Section 53, Block 55, Lot 158

Dear Ms. Odynski:

The Town of Oyster Bay is in receipt of your letter dated December 12, 2016 requesting the Town to void the above solar permit.

The Building Inspector verified that the solar panels were not installed and therefore, the Town is voiding the above referenced solar permit.

If you have any questions regarding the above, please feel free to contact the undersigned at (516) 624-6267.

Very truly yours,

ELIZABETH L. MACCARONE
COMMISSIONER

Timothy R. Zike
Deputy Commissioner

TRZ:jk
cc: Ms. Helena Clarke

On Comp's

Department of Planning and Development
(516) 624-6200

74 Audrey Avenue – Oyster Bay, N.Y. 11771
Fax: (516) 624-6240

Building Inspector's Report

Date: 4/4/17 Time: ___AM ___PM I have reviewed ( ) previous reports.

Owner: Zone
Address: 8 Ellen St Contractor: Sec. 53
Telephone: Work Address: Blk. 55
Telephone: Lot(s) 158

Permit #(s)	Type	Date Issued	Expiration Date
B1400447	Solar Panels		

Type of Inspection – ___Excavation ___Footing ___Foundation ___Rough Frame
___Final Frame ___Insulation ___Final ___Other Verification

PLEASE NOTE – A field inspection has revealed that the following items are necessary:

To Continue Work:
- ___No One Was Home
- ___Call For Inspection – (516) 624-6222
- ___No Building Plans on Job
- ___Need Amended Building Plans
- ___Work Does Not Conform to Building Code
- ___Work Does Not Conform to Approved Building Plans

To Obtain a Certificate of Occupancy:
- ___Must Obtain Electrical Certificate From Approved Electrical Inspection Service For:
- ___Must Submit Updated Property Survey
- ___Must Obtain Plumbing Approval
- ___Must Obtain Permit For:

The items checked below have been observed during the course of the field inspection and require permits. Failure to obtain permits will result in the delay of the issuance of a Certificate of Occupancy/Compliance.

___Cellar Entrance	___Roofed-Over Patio/Deck	___Solar Heat
___Deck	___Second Apartment/Dwelling	___A/C Unit
___Dock	___Shed	___Dormers
___Enclosed Porch	___Swimming Pool	___Other Structures
___Extension	___Swimming Pool Fence	
___Fence	___Swimming Pool Heater	
___Fireplace	___Swimming Pool Filter	
___Garage	___Swimming Pool Accessories	
___Garage Converted	___Swimming Pool Raised Deck	
___Interior Alterations	___Skylight	
___Retaining Wall Bulkhead		

Comments/Observations/Information:

No work Done

PLEASE NOTE – All inspections approved are subject to review of file and certification requirements. You will be notified if any further documentation is required.

Inspection Approved: ___Yes ___No ___Conditional Approval (See Comments)
Report to Contractor: ___In Person ___Left on Premises
Report to Homeowner: ___In Person ___By Mail
N.O.V. #:___ **Date Due:**___ **Summons #:**___ **Date Returnable:**___

Received By:___ **Inspector's Signature:** James Sprott
Inspector's Extension:(516) 624-6276

THIS IS A COPY. THE ORIGINAL IS ON FILE IN THE BUILDING DIVISION.

Meeting of July 25, 2017 Resolution No. 430-2017

WHEREAS, Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memoranda dated July 10, 2017 and July 17, 2017, recommended that a refund in the amount of $471.00 be authorized to SolarCity Corp., 15 Grumman Road West, Bethpage, N.Y. 11714, from account number PAD B 0001 02555 000 0000, for Building Permit No. R15002917, dated July 24, 2015, because the building permit application was withdrawn,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Department of Planning and Development is hereby authorized to issue SolarCity Corp. a refund in the amount of $471.00, and payment of said refund is to be made upon presentation of a duly certified claim, after audit by the Comptroller; and be it further

RESOLVED, That funds for said payment are to be drawn from Account No. PAD B 0001 02555 000 0000.

-#-

Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

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TOWN OF OYSTER BAY

Inter-Departmental Memo

July 10, 2017

TO: **MEMORANDUM DOCKET**

FROM: **ELIZABETH L. MACCARONE, COMMISSIONER**
DEPARTMENT OF PLANNING AND DEVELOPMENT

SUBJECT: **RESIDENT REFUND-SOLARCITY CORP.**
230 N. ATLANTA AVENUE, MASSAPEQUA, NY 11762
SUPPLEMENTAL MEMO TO FOLLOW

Additional information will be provided in a Supplemental Docket Memorandum to the Docket Committee at the next docket meeting. We, therefore, recommend and request that a space be reserved at the next Town Board meeting on July 25, 2017.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM/dm

C: Town Attorney's Office (w/ 10 copies)

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

Date: July 17, 2017

TO: MEMORANDUM DOCKET

FROM: ELIZABETH L. MACCARONE
COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

SUBJECT: SUPPLEMENTAL DOCKET MEMO TO ITEM NO. 11
DOCKET OF JULY 11, 2017
RESIDENT REFUND - SOLARCITY CORP.
230 NO. ATLANTA AVENUE, MASSAPEQUA, NY 11758

Pursuant to the Code of the Town of Oyster Bay, this department granted a Building Permit #R15002917 dated July 24, 2015 in the amount of $521.00, receipt #01000405251. The application fee in the amount of $50.00, receipt #01000405251, is non-refundable. The final permit fee was $471.00, copy of both receipts are attached. SolarCity Corp. has withdrawn this permit and requests a refund. A copy of their request is attached.

Therefore, in light of the aforementioned facts, a four hundred seventy-one dollar ($471.00) refund for the building permit fee associated with Building Permit #R15002917 should be refunded to SolarCity Corp., 15 Grumman Road West, Bethpage, New York 11714 under account number PAD B 0001 02555 000 0000.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM:TRZ:ds

Cc: Town Attorney's office (w/6 copies)

SolarCity

February 13, 2017

To Whom This May Concern:

Please be advised that all SolarCity correspondence should be directed to our Bethpage operating office.

SolarCity
15 Grumman Road West
Suite 400
Bethpage, NY 11714

Regards,

Victoria Cericola
Permit and Inspection District Manager

SolarCity

10-12

November 18, 2016

Town of Oyster Bay
(Attn: Building Department)

NOTICE OF CANCELLATION

This letter is to certify our proposal to install Solar (PV) at the property listed below has moved into a cancellation status.
Anthony Ranieri
230 N. Atlanta Ave
Massapequa NY11758
Application/Permit #: R15002917

SolarCity Corporation and Anthony Ranieri
will not be moving forward with the proposed installation. We would greatly appreciate reimbursement for the permitting fees paid on 7/17/2015 for the amount of $471.00
Attached are copies of: Permit
Payment Receipt
Cancelled Check

If you have any questions/concerns, please contact myself directly.

Sincerely,

Cathy Odynski

Cathy Odynski, Permit Coordinator
codynski@solarcity.com (516) 761-6732

AL: ROC 245450; AK: # 49512; AZ ROC 245450; CA: CSLB #888104; CO: ECB0041; CT: HIC.0632278; EC.0125305; DC: 410954000080; ECC9902686; DE: 2011203867; ID: 6032; FL: EC13006224; HI: CT-29770; IL: 15-055-5; MA: HIC.168572; MD: HIC: 129948; 178605; NC: 50801-U; NH: 10472; 12523M; NJ: NJHIC #13VH08436300; CAESP0262700; NM: EE98-271590; NV: NV20121355172; OR: CCB#204078; RI: 13033; TX: TECL.27006; UT: 8756750-5501; VA: ELE2705150278; VT: EM-008479; WA: SOLARSC*990BV; WI: SOLARFC*7056977; Albany: 632; Broome: 0486; Nassau: H-6959-70-00; Orange: 5M-0043; Rockland: H-1864; 50-020-GO; Suffolk: 52067; Westchester: WC-26588-H03; N.Y.C. #2003384-DCA; SCENYC-N.Y.C. Licensed Electrician, #12410, #2003465; 165 Water St, 4th Fl., Unit 10, Brooklyn, NY 11201, #2003384-DCA. All loans provided by SolarCity Finance Company, LLC. CA Finance Lenders License 6054764. SolarCity Finance Company, LLC is licensed by the Delaware State Bank Commissioner to engage in business in Delaware under license number 0059722. MD Consumer Loan License 2231; NH Installment Loan License # 5023; RI Lender License #20154; TX Registered Creditor, NMLS#1502652; 2024456; VT Lender License #3756.

DEPARTMENT OF PLANNING AND DEVELOPMENT
TOWN HALL WEST, 74 AUDREY AVENUE, OYSTER BAY, NY 11771
TEL. 516-624-6200 FAX 516-624-6240

FILE COPY

BUILDING DIVISION

TIMOTHY R. ZIKE
ACTING COMMISSIONER

DIANA S. AQUIAR
DEPUTY COMMISSIONER

January 27, 2017

Ms. Cathy Odynski
Solar City
15 Grumman Road West
Bethpage, New York 11714

Re: Solar Permit Number R15002917
230 Atlanta Avenue, Massapequa, New York 11758
Section 52, Block 51, Lot 1678

Dear Ms. Odynski:

The Town of Oyster Bay is in receipt of your letter dated November 18, 2016 requesting the Town to void the above solar permit.

Please be advised that this building permit has been voided. A copy of the building inspector's report is attached for your records.

If you have any questions regarding the above, please feel free to contact the undersigned at (516) 624-6267.

Very truly yours,

Timothy R. Zike

Timothy R. Zike
Acting Commissioner

TRZ:ds
Cc: Mr. Anthony Ranieri
Attachment

Building Permit

R15002917

Town of Oyster Bay
Department of Planning and Development
Phone 516-624-6200

74 Audrey Avenue
Town Hall, Oyster Bay, NY 11771
Fax 516-624-6240

School District	Section/Block/Lot	Zone	Application No.	ZBA Number	ZBA Date	Receipt No.
Farmingdale	52-51-1678	R1-7	15060533			01000405251

Permittee	VICTORIA CERICOLA (SOLARCITY CORP) 923C MOTOR PARKWAY HAUPPAUGE, NY 11788 (516) 761 8314	Contractor	SOLARCITY CORP 923C MOTOR PKWY HAUPPAUGE, NY 11788 (631) 625-9800
Property Owner	RANIERI ANTHONY & KAREN 230 N. ATLANTA AVE. MASSAPEQUA NY, NY 11758 917-299-9070	Plumber	
		Electrician	JASON KANE INC 127 WEST BLVD. EAST ROCKAWAY, NY 11518 (516) 306-0126

Address of Actual Construction

230 N. ATLANTA AVE. NORTH MASSAPEQUA, NY 11758		Tenant
Permission Granted for the	INSTALLATION OF	Estimated Cost of Construction $33,750

Forty five (45) roof mounted solar panels as per plan prepared by Paul Zacher, P.E., dated 06/15/15.

ALL WORK TO COMPLY WITH TOB APPROVED PLAN DATED: 07/08/15

ZONING REVIEW: ONE FAMILY DWELLING ONLY

This Permit has been issued specifically for the construction or maintenance of the improvement listed hereon. The issuance of this Permit shall not be deemed to be an acknowledgement by the Town of Oyster Bay as to the legality of any other improvements to the subject premises. It is specifically understood that the issuance of a Certificate of Occupancy by the Town of Oyster Bay for the improvement listed hereon shall be conditioned upon the issuance of a Building Permit and Certificate of Occupancy for any and all other improvements to the subject premises.

A certificate from an approved Electrical Inspection Co. is to be placed on file prior to issuance of a Certificate of Occupancy/Approval/Completion

Located On	Side Of	Feet	Of		Post Office
S	ATLANTA AVENUE	300.00	W	BAY AVENUE	NORTH MASSAPEQUA

DESCRIPTION	FEE	PAID	BALANCE
APP FEE	50.00	50.00	0.00
BLDG	496.00	496.00	0.00
CC	25.00	25.00	0.00
*** FEE TOTALS ***	571.00	571.00	0.00

TOTAL PAID AFTER APPLICATION FEE APPLIED: $471.00

Occupancy of this new building or addition or alteration prior to the issuance of a Certificate of Occupancy will be considered a violation of the Code of the Town of Oyster Bay. Prompt notification by the various contractors for inspection of their various parts of the work will avoid delay in the issuance of the Certificated of Occupancy. Permit and approved plans must be posted on the job site, visual to public inspection, until completion of the work and inspections.

Changes regardless of size from the stamped approval plans must be submitted to the Department of Planning and Development and approved before changes are made. Approved plans must be retained on the job and available to inspection at all times.

INSPECTIONS

There are numerous inspection requirements that vary according to the type of structure built or maintained. Some but not all of the required inspections follow:

BUILDING INSPECTIONS:

*Demolition inspections – Check with Building Division.
*Concrete Certifications
*Soil Conditions – before footings and foundations are poured.
*Forms for footings, keyways and foundations including rebar.
*Waterproofing, membrane and insulating
*Foundations and/or slabs
*Framing – wood or steel before mechanicals
*Framing after mechanicals and before insulating.
*Insulation inspection – before closing
*Rough enclosed.
*Final inspection(s).

PLUMBING INSPECTIONS

*Underground plumbing – before backfilling.
*Rough plumbing – before closed up and ready for test.
*Final inspection when all fixtures are set.
*Sewer connection – (pur tie in.
*Sanitary systems. (Excavation/Construction).
*Installation or replacement of burners. (oil, gas, electric)
*All Tanks – inground or above. (Check with Building Division for required testing and in Testing and inspections).
*Pressure tests are required for any natural or propane gas installation.
*Alteration or replacement
*Hydrostatic pressure testing must be witnessed by a plumbing inspector for all fire sprinkler systems.

DRAINAGE, SITE WORK, & RETAINING WALLS:

Contact Planning and Development site engineer.

ALL PERMITS ISSUED IN CONJUNCTION WITH SITE PLAN REVIEW

Please be advised that a Certificate of Occupancy will not be issued for this project until all of the required landscaping has been installed and inspected, or a performance bond in the amount of $____ has been posted with the Town of Oyster Bay

Date Issued:	07/24/2015	Work Must Start By:	01/24/2016

CO must be issued by 07/24/2016 or permit will expire unless renewed prior to expiration.

Permittee's copy of approved plans must be available at the site for all inspections

Eileen P. Tipschitz

Commissioner, Department of Planning and Development

mcP

SolarCity

February 2, 2017

Town of Oyster Bay
(Attn: Building Department)

REIMBURSEMENT OF CANCELLED PERMIT

This letter is a request for reimbursement for previous cancelled permit. Solar project cancelled due to customer request.
Application/Permit # R15002917
230 N Atlanta Av. Massapequa Park NY 11762
S: 52 B: 51 L: 1678
Attached are copies of:
Oyster Bay claim form
Permit
Receipt of payment
Cancelled Check ($471.00)

If you have any questions/concerns, please contact myself directly.

Sincerely,

Cathy Odynski, Permit Coordinator
codynski@solarcity.com (516) 761-6732

Amount: $471.00 Sequence Number: 5392878121

Account: [redacted] Capture Date: 07/17/2015

Bank Number: 12100035 Check Number: 103766

631-625-4800 **SOLARCITY CORPORATION** App# 15060533 103766

LONG ISLAND OPERATING ACCOUNT

3055 CLEARVIEW WAY
SAN MATEO, CA 94402-3709

11-35/1210 CA
CT355

DATE 7/17/15

PAY TO THE ORDER OF Town of Oyster Bay $ 471.00/xx

Four Hundred Seventy one Dollars and 00/xx DOLLARS

Bank of America
San Francisco, California

FOR Ranieri 1173781 permit bal

[redacted] 14994⑈82266⑈

For Deposit Only
Town of [redacted]
PAY TO THE ORDER OF
[redacted]
CAPITAL ONE BANK
DEPOSIT ONLY
TOWN OF OYSTER BAY
[redacted]
ROBERT MCEVOY CONTROLLER

01000405251

>065000090<
CAPITAL ONE, NA
0027265706 07172015
RICHMOND, VA 380 22
Deposit [redacted]

Electronic Endorsements:

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
07/17/2015	000000027265706	65000090	Rtn Loc/BOFD	Y		CAPITAL ONE, NA
07/17/2015	005392878121	121103886	Pay Bank	N		BANK OF AMERICA, NA

TOWN OF OYSTER BAY

2 ITEMS OF 3 PERMIT RECEIPT OPERATOR: klebrigh
COPY # : 1

Sec:52 Twp:Oyster B Rng: Sub: Blk:51 Lot:1678
SBL ....: 52-51-1678

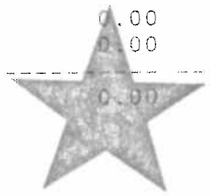
DATE ISSUED....: 07/17/2015
RECEIPT #....: 01000405251
REFERENCE ID # ...: 15060533

Permit Num ....: R15002917
SITE ADDRESS ....: 230 N ATLANTA AVE
SUBDIVISION ....:
CITY ....: NORTH MASSAPEQU
IMPACT AREA ....:

OWNER ....: RANIERI ANTHONY & KAREN
ADDRESS ....: 230 N ATLANTA AVE
CITY/STATE/ZIP ...: MASSAPEQUA NY, NY 11758

RECEIVED FROM ....: RECEIPT INTERFACE
CONTRACTOR ....: SOLARCITY CORP DO NOT USE LIC # 02443
COMPANY ....: SOLARCITY CORP DO NOT USE
ADDRESS ....: 923C MOTOR PKWY
CITY/STATE/ZIP ...: HAUPPAUGE, NY 11788
TELEPHONE ....: (631) 625-9800

FEE ID	UNIT	QUANTITY	AMOUNT	PD-TO-DT	THIS REC	NEW BAL
B-BLDG FEE VALUATION		33,750.00	496.00	0.00	496.00	0.00
B-CC		1.00	25.00	0.00	25.00	0.00
TOTAL PERMIT :			521.00	0.00	521.00	0.00



TOWN OF OYSTER BAY

ITEM 3 OF 3 $50 CREDIT RECEIPT

RECEIPT # : 01000405251
RECEIPT DATE : 07/17/2015

PRINT DATE : 07/13/2017
PRINT TIME : 11:41:06
OPERATOR : klebrigh
COPY # : 1

RECEIVED BY : LJ
REC'D. FROM : SOLARCITY CORP

CASH DRAWER: 01

CUSTOMER ID		ITEM	PAYMENT
1.000 @	$50.00	$50 CREDIT	-50.00
TOTAL			-50.00

METHOD OF PAYMENT	AMOUNT	REFERENCE NUMBER
CHECK	471.00	103766
TOTAL RECEIPT :	471.00	

TOWN OF OYSTER BAY
CLAIM
AUDREY AVENUE, OYSTER BAY, NEW YORK 11771

TAXPAYER IDENTIFICATION NUMBER
FEDERAL ID # ☐ SOCIAL SECURITY # ☐
02-0781046

CLAIMANT'S NAME: Solar City	CONTRACT #	ORDER #
CLAIMANT'S ADDRESS: 15 Grumman Rd W Ste 400 Bethpage NY 11714	CONTRACT NAME	
TOWN DEPARTMENT	CLAIMANT INVOICE #	

FOLLOW INSTRUCTIONS ON REVERSE SIDE THEN RETURN CLAIM AND INVOICES TO DEPARTMENT RECEIVING MATERIALS OR SERVICES

DETAILED DESCRIPTION OF MATERIALS OR SERVICES

DATE	DESCRIPTION	UNIT PRICE	TOTAL
2/2/17	SOLARCITY CORP HAS WITHDRAWN SOLAR PERMIT		$471.00
	NUMBER R15002917. PLEASE ISSUE A REFUND IN THE		
	AMOUNT OF $471.00		
	Form prepared by Debbie Smyth - Building Division		
	Please return the completed form to:		
	Town of Oyster Bay		
	Department of Planning and Development		
	74 Audrey Avenue		
	Oyster Bay, New York 11771		

THE BELOW CERTIFICATION MUST BE PROPERLY FILLED OUT BY THE CLAIMANT

TOTAL AMOUNT	$471.00
CASH DISCOUNT %	
NET AMOUNT	

I HEREBY CERTIFY the above articles were sold and delivered and/or the above service rendered to the Town of Oyster Bay on the dates and for the prices or amounts billed; that the above bill is just, true and correct; that no part thereof has been paid except as stated therein and that the balance there stated in the amount of no part thereof has been paid except as stated therein and that the balance there in stated in the amount of

*****Four hundred seventy-one dollars and no cents***

actually due and owing, and that taxes from which the Town of Oyster Bay is exempt are excluded therefrom

CLAIMANT FURTHER CERTIFIES that the unit prices charged herein are not higher than those charged to any governmental or commercial consumer for like deliveries.

Date 2/2/17

Signature Cathy Odynski

Title Permit Coordinator

Print or type name Cathy Odynski

Name of Company Solar City

[illegible]

Department of Planning and Development
(516) 624-6200

74 Audrey Avenue – Oyster Bay, N.Y. 11771
Fax: (516) 624-6240

Building Inspector's Report

Date: 12/7/2016 Time: ___AM ___PM I have reviewed ( ) previous reports.

Zone R1-7
Sec. 52
Blk. 51
Lot(s) 1678

Owner: _____ Contractor: _____
Address: 230 NORTH ATLANTA AVE Address: _____
Telephone: MASSAPEQUA N.Y Telephone: _____

Permit #(s)	Type	Date Issued	Expiration Date
R15002917	45 ROOF MOUNTED SOLAR PANELS	7/24/15	7/24/16

Type of Inspection - ___Excavation ___Footing ___Foundation ___Rough Frame
___Final Frame ___Insulation ___Final X Other VERIFY

PLEASE NOTE – A field inspection has revealed that the following items are necessary:

To Continue Work:
___No One Was Home
___Call For Inspection – (516) 624-6222
___No Building Plans on Job
___Need Amended Building Plans
___Work Does Not Conform to Building Code
___Work Does Not Conform to Approved Building Plans

To Obtain a Certificate of Occupancy:
___Must Obtain Electrical Certificate From Approved Electrical Inspection Service For: _____
___Must Submit Updated Property Survey
___Must Obtain Plumbing Approval
___Must Obtain Permit For: _____

The items checked below have been observed during the course of the field inspection and require permits. Failure to obtain permits will result in the delay of the issuance of a Certificate of Occupancy/Compliance.

___Cellar Entrance
___Deck
___Dock
___Enclosed Porch
___Extension
___Fence
___Fireplace
___Garage
___Garage/Converted
___Interior Alterations
___Retaining Wall/Bulkhead
___Roofed-Over Patio/Deck
___Second Apartment/Dwelling
___Shed
___Swimming Pool
___Swimming Pool Fence
___Swimming Pool Heater
___Swimming Pool Filter
___Swimming Pool Accessories
___Swimming Pool Raised Deck
___Skylight
___Solar Heat
___A/C Unit
___Dormers
___Other Structures

Comments/Observations/Information:

No Solar Construction Performed at Subject Property House

PLEASE NOTE – All inspections approved are subject to review of file and certification requirements. You will be notified if any further documentation is required.

Inspection Approved: ___Yes ___No ___Conditional Approval (See Comments)
Report to Contractor: ___In Person ___Left on Premises
Report to Homeowner: ___In Person ___By Mail
N.O.V. #: _____ **Date Due:** _____ **Summons #:** _____ **Date Returnable:** _____

Received By: _____ **Inspector's Signature:** Joe Ciambra
Inspector's Extension: (516) 624-6276

THIS IS A COPY. THE ORIGINAL IS ON FILE IN THE BUILDING DIVISION.

WHEREAS, Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memoranda dated July 10, 2017 and July 17, 2017, recommended that a refund in the amount of $279.00 be authorized to SolarCity Corp., 15 Grumman Road West, Bethpage, N.Y. 11714, from account number PAD B 0001 02555 000 0000, for Building Permit No. R15002591, dated July 7, 2015, because the building permit application was withdrawn,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Department of Planning and Development is hereby authorized to issue SolarCity Corp. a refund in the amount of $279.00, and payment of said refund is to be made upon presentation of a duly certified claim, after audit by the Comptroller; and be it further

RESOLVED, That funds for said payment are to be drawn from Account No. PAD B 0001 02555 000 0000.

-#-

Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

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TOWN OF OYSTER BAY

Inter-Departmental Memo

July 10, 2017

TO: **MEMORANDUM DOCKET**

FROM: **ELIZABETH L. MACCARONE, COMMISSIONER**
DEPARTMENT OF PLANNING AND DEVELOPMENT

SUBJECT: **RESIDENT REFUND-SOLARCITY CORP.**
16 JONES COURT, MASSAPEQUA, NY 11762
SUPPLEMENTAL MEMO TO FOLLOW

Additional information will be provided in a Supplemental Docket Memorandum to the Docket Committee at the next docket meeting. We, therefore, recommend and request that a space be reserved at the next Town Board meeting on July 25, 2017.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM/dm

C: Town Attorney's Office (w/ 10 copies)

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

Date: July 17, 2017

TO: MEMORANDUM DOCKET

FROM: ELIZABETH L. MACCARONE
COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

SUBJECT: SUPPLEMENTAL DOCKET MEMO TO ITEM NO. 12
DOCKET OF JULY 11, 2017
RESIDENT REFUND - SOLARCITY CORP.
16 JONES COURT, MASSAPEQUA PARK, NEW YORK 11762

Pursuant to the Code of the Town of Oyster Bay, this department granted a Building Permit #R15002591 dated July 7, 2015 in the amount of $329.00, receipt #01000404428. The application fee in the amount of $50.00, receipt #01000404428, is non-refundable. The final permit fee was $279.00, copy of both receipts are attached. SolarCity Corp. has withdrawn this permit and requests a refund. A copy of their request is attached.

Therefore, in light of the aforementioned facts, a two hundred seventy-nine dollar ($279.00) refund for the building permit fee associated with Building Permit #R15002591 should be refunded to SolarCity Corp., 15 Grumman Road West, Bethpage, New York 11714 under account number PAD B 0001 02555 000 0000.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM:TRZ:ds

Cc: Town Attorney's office (w/o copies)

SolarCity

February 2, 2017

Town of Oyster Bay
(Attn: Building Department)

REIMBURSEMENT OF CANCELLED PERMIT

This letter is a request for reimbursement for previous cancelled permit. Solar project cancelled by customer due to their age and insufficient savings.
Application/Permit # R15002591
16 Jones Ct. Massapequa Park NY 11762
S: 53 B: 179 L: 30
Attached are copies of:
Oyster Bay claim form
Permit
Cancelled Check ($279.00)

If you have any questions/concerns, please contact myself directly.

Sincerely,

Cathy Odynski, Permit Coordinator
codynski@solarcity.com (516) 761-6732

DEPARTMENT OF PLANNING AND DEVELOPMENT

TOWN HALL WEST, 74 AUDREY AVENUE, OYSTER BAY, NY 11771
TEL 516-624-6200 FAX 516-624-6240

FILE COPY

BUILDING DIVISION

TIMOTHY R. ZIKE
ACTING COMMISSIONER

DIANA S. AQUILAR
DEPUTY COMMISSIONER

December 19, 2016

Ms. Cathy Odynski
Solar City
15 Grumman Road West
Bethpage, New York 11714

Re: Solar Permit Number R15002591
16 Jones Court, Massapequa Park, New York 11762
Section 53, Block 179, Lot 30

Dear Ms. Odynski:

The Town of Oyster Bay is in receipt of your letter dated September 29, 2016 requesting the Town to void the above solar permit.

Please be advised that this building permit has been voided. A copy of the building inspector's report is attached for your records.

If you have any questions regarding the above, please feel free to contact the undersigned at (516) 624-6285.

Very truly yours,

Timothy R. Zike

Timothy R. Zike
Acting Commissioner

TRZ/ds
Cc: Mr. Dick Dalikandakis

Building Permit

R15002591

Town of Oyster Bay
Department of Planning and Development
Phone 516-624-6200

74 Audrey Avenue
Town Hall, Oyster Bay, NY 11771
Fax 516-624-6240

School District	Section/Block/Lot	Zone	Application No.	ZBA Number	ZBA Date	Receipt No.
Massapequa	53-179-30	R1-7	15060159			01000404428

Permittee	VICTORIA CERICOLA (SOLARCITY CORP) 923C MOTOR PARKWAY HAUPPAUGE, NY 11788 (516) 761-8314	Contractor	SOLARCITY CORP 923C MOTOR PKWY HAUPPAUGE, NY 11788 (631) 625-9800
Property Owner	DETIKANAKIS IAKOVOS 16 JONES CT. MASSAPEQUA PARK, NY 11762	Plumber	
		Electrician	JASON KANE INC 127 WEST BLVD. EAST ROCKAWAY, NY 11518 (516) 306-0126

Address of Actual Construction

16 JONES CT. EAST MASSAPEQUA, NY		Tenant
Permission Granted for the	INSTALLATION OF	Estimated Cost of Construction $18,000

Twenty-four (24) roof mounted solar panels as per plan prepared by Rolf Armstrong, P.E., dated04/13/15.

ALL WORK TO COMPLY WITH TOB APPROVED PLAN DATED: 06/18/15

ZONING REVIEW: ONE FAMILY DWELLING ONLY

This Permit has been issued specifically for the construction or maintenance of the improvement listed hereon. The issuance of this Permit shall not be deemed to be an acknowledgement by the Town of Oyster Bay as to the legality of any other improvements to the subject premises. It is specifically understood that the issuance of a Certificate of Occupancy by the Town of Oyster Bay for the improvement listed hereon shall be conditioned upon the issuance of a Building Permit and Certificate of Occupancy for any and all other improvements to the subject premises.

A certificate from an approved Electrical Inspection Co. is to be placed on file prior to issuance of a Certificate of Occupancy/Approval/Completion

Located On	Side Of	Feet	Of		Post Office
					EAST MASSAPEQUA

DESCRIPTION	FEE	PAID	BALANCE
APP FEE	50.00	50.00	0.00
BLDG	304.00	304.00	0.00
CC	25.00	25.00	0.00
*** FEE TOTALS ***	379.00	379.00	0.00

TOTAL PAID AFTER APPLICATION FEE APPLIED: $279.00

Occupancy of this new building or addition or alteration prior to the issuance of a Certificate of Occupancy will be considered a violation of the Code of the Town of Oyster Bay. Prompt notification by the various contractors for inspection of their various parts of the work will avoid delay in the issuance of the Certificated of Occupancy. Permit and approved plans must be posted on the job site, visual to public inspection, until completion of the work and inspections.

Changes regardless of size from the stamped approval plans must be submitted to the Department of Planning and Development and approved before changes are made. Approved plans must be retained on the job and available to inspection at all times.

INSPECTIONS

There are numerous inspection requirements that vary according to the type of structure built or maintained. Some but not all of the required inspections follow:

BUILDING INSPECTIONS:

*Demolition Inspections – Check with Building Division.
*Concrete Certifications.
*Soil Conditions – before footings and foundations are poured.
*Forms for footings, keyways and foundations including rebar.
*Waterproofing, membrane and insulating
*Foundations and/or slabs
*Framing – wood or steel before mechanicals.
*Framing after mechanicals and before insulating
*Insulation inspection – before closing.
*Rough enclosed.
*Final Inspection(s).

PLUMBING INSPECTIONS

*Underground plumbing – before backfilling.
*Rough plumbing – before closed up and ready for test.
*Final Inspection when all fixtures are set.
*Sewer connection – spur tie-in.
*Sanitary systems. (Excavation/Construction)
*Installation or replacement of burners. (oil, gas, electric).
*All Tanks – inground or above. (Check with Building Division for required testing and in Testing and inspections).
*Pressure tests are required for any natural or propane gas installation, Alteration or replacement
*Hydrostatic pressure testing must be witnessed by a plumbing inspector For all fire sprinkler systems.

DRAINAGE, SITE WORK, & RETAINING WALLS:

Contact Planning and Development site engineer.

ALL PERMITS ISSUED IN CONJUNCTION WITH SITE PLAN REVIEW

Please be advised that a Certificate of Occupancy will not be issued for this project until all of the required landscaping has been installed and inspected, or a performance bond in the amount of $_____ has been posted with the Town of Oyster Bay

Date Issued:	07/07/2015	Work Must Start By:	1/7/16

CO must be issued by 07/07/2016 or permit will expire unless renewed prior to expiration.

Permittee's copy of approved plans must be available at the site for all inspections

Frederick P. Ippolito

[illegible] Development

TOWN OF OYSTER BAY

ITEM 3 OF 3 $50 CREDIT RECEIPT

RECEIPT # : 01000404428
RECEIPT DATE : 06/26/2015

PRINT DATE : 07/13/2017
PRINT TIME : 11:34:57
OPERATOR : klebrigh
COPY # : 1

RECEIVED BY : SG
REC'D. FROM : SOLARCITY CORP

CASH DRAWER: 01

CUSTOMER ID		ITEM	PAYMENT
1.000 @	$50.00	$50 CREDIT	-50.00
TOTAL			-50.00

METHOD OF PAYMENT	AMOUNT	REFERENCE NUMBER
CHECK	279.00	774312
TOTAL RECEIPT :	279.00	

TOWN OF OYSTER BAY

2 ITEMS OF 3 PERMIT RECEIPT OPERATOR: klebrigh
COPY # : 1

Sec:53 Twp:Oyster B Rng: Sub: Blk:179 Lot:30
SBL ..... : 53-179-30

DATE ISSUED..... : 06/26/2015
RECEIPT #..... : 01000404428
REFERENCE ID # ... : 15060159

Permit Num ..... : R15002591
SITE ADDRESS ..... : 16 JONES CT
SUBDIVISION ..... :
CITY ..... : EAST MASSAPEQUA
IMPACT AREA ..... :

OWNER ..... : DELIKANAKIS IAKOVOS
ADDRESS ..... : 16 JONES CT
CITY/STATE/ZIP ... : MASSAPEQUA PARK NY, NY 11762

RECEIVED FROM .... : RECEIPT INTERFACE
CONTRACTOR ..... : SOLARCITY CORP DO NOT USE LIC # 02443
COMPANY ..... : SOLARCITY CORP DO NOT USE
ADDRESS ..... : 923C MOTOR PKWY
CITY/STATE/ZIP ... : HAUPPAUGE, NY 11788
TELEPHONE ..... : (631) 625-9800

FEE ID	UNIT	QUANTITY	AMOUNT	PD-TO-DT	THIS REC	NEW BAL
B-BLDG FEE VALUATION		18,000.00	304.00	0.00	304.00	0.00
B-CC		1.00	25.00	0.00	25.00	0.00
TOTAL PERMIT :			329.00	0.00	329.00	0.00

Amount: $279.00 Sequence Number: 4392748205

Account: [redacted] Capture Date: 06/26/2015

Bank Number: 12100035 Check Number: 774312

631-625-9860

SOLARCITY CORPORATION
BETHPAGE OPERATING ACCOUNT
3055 CLEARVIEW WAY
SAN MATEO, CA 94402-3709

App# 15960159

774312

11-35/1210 CA
CT355

DATE 6/26/15

PAY TO THE ORDER OF Town of Oyster Bay $ 279.00/00

Two Hundred Seventy Nine Dollars and 00/00 DOLLARS

Bank of America
San Francisco, California

FOR Delikanakis 1172775 Paint bal

Vitam Cein

[redacted] 14163⑈08919⑈

For Deposit Only
Town of Oyster Bay
[redacted]

PAY TO THE ORDER OF
CAPITAL ONE BANK
FOR DEPOSIT ONLY
TO[redacted] BAY
ROBERT MCEVOY CONTROLLER

0100040428

>065000090<
CAPITAL ONE, NA
0035579418 06262015
RICHMOND, VA 320 22
Deposit [redacted]

Electronic Endorsements:

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
06/26/2015	000000035579418	65000090	Rtn Loc/BOFD	Y		CAPITAL ONE, NA
06/26/2015	004392748205	121103886	Pay Bank	N		BANK OF AMERICA, NA

TOWN OF OYSTER BAY

CLAIM

AUDREY AVENUE, OYSTER BAY, NEW YORK 11771

TAXPAYER IDENTIFICATION NUMBER
FEDERAL ID # ☐ SOCIAL SECURITY # ☐
02 0781046

CLAIMANT'S NAME: Solar City

CONTRACT #:

ORDER #:

CLAIMANT'S ADDRESS: 15 Grumman Rd W Ste 400 Bethpage NY 11714

CONTRACT NAME:

TOWN DEPARTMENT:

CLAIMANT INVOICE #:

FOLLOW INSTRUCTIONS ON REVERSE SIDE THEN RETURN CLAIM AND INVOICES TO DEPARTMENT RECEIVING MATERIALS OR SERVICES

DETAILED DESCRIPTION OF MATERIALS OR SERVICES

DATE	DESCRIPTION	UNIT PRICE	TOTAL
2/1/2017	REFUND FOR SOLAR PERMIT #R15002591.		$279.00
	SOLARCITY CORP IS WITHDRAWING THE PERMIT AND		
	IS REQUESTING A REFUND.		
	Form prepared by Debbie Smyth - Building Division		
	Please return the completed form to:		
	Town of Oyster Bay		
	Department of Planning and Development		
	74 Audrey Avenue		
	Oyster Bay, New York 11771		

THE BELOW CERTIFICATION MUST BE PROPERLY FILLED OUT BY THE CLAIMANT

TOTAL AMOUNT	$279.00
CASH DISCOUNT %	
NET AMOUNT	

I HEREBY CERTIFY the above articles were sold and delivered and/or the above services rendered to the Town of Oyster Bay on the dates and for the prices or amounts set forth, as in the above bill of cost, true and correct; that no part thereof has been paid or secured thereon and that the balance due is stated in the amount of $; that no discount has been given thereon and that the balance due is stated in the amount of

*****TWO HUNDRED SEVENTY NINE DOLLARS AND NO CENTS****

I duly sworn, and the claim above is true to the best of my knowledge and belief.

CLAIMANT FURTHER CERTIFIES that the unit prices charged herein are not higher than those charged to any commercial or governmental purchaser for like deliveries.

Date: 2/1/17

Affiant: Cathy Olyniec

Title: Permit Coordinator

Signature: Cathy Olyniec

Name of Company: Solar City

Department of Planning and Development
(516) 624-6200

74 Audrey Avenue – Oyster Bay, N.Y. 11771
Fax: (516) 624-6240

Building Inspector's Report

Date: 11/4/16 Time: ___AM ___PM I have reviewed ( ) previous reports.

Owner: Contractor: Zone
Address: 16 Lenox CT. Address: Sec.
Telephone: Telephone: Blk.
Lot(s)

Permit #(s)	Type	Date Issued	Expiration Date
R1500 2591	Solar Panels		

Type of Inspection – ___Excavation ___Footing ___Foundation ___Rough Frame ___Final Frame ___Insulation ___Final ___Other Verification

PLEASE NOTE – A field inspection has revealed that the following items are necessary:

To Continue Work:
- ___No One Was Home
- ___Call For Inspection – (516) 624-6222
- ___No Building Plans on Job
- ___Need Amended Building Plans
- ___Work Does Not Conform to Building Code
- ___Work Does Not Conform to Approved Building Plans

To Obtain a Certificate of Occupancy:
- ___Must Obtain Electrical Certificate From Approved Electrical Inspection Service For:
- ___Must Submit Updated Property Survey
- ___Must Obtain Plumbing Approval
- ___Must Obtain Permit For:

The items checked below have been observed during the course of the field inspection and require permits. Failure to obtain permits will result in the delay of the issuance of a Certificate of Occupancy/Compliance.

- ___Cellar Entrance
- ___Deck
- ___Dock
- ___Enclosed Porch
- ___Extension
- ___Fence
- ___Fireplace
- ___Garage
- ___Garage Converted
- ___Interior Alterations
- ___Retaining Wall Bulkhead
- ___Roofed-Over Patio/Deck
- ___Second Apartment/Dwelling
- ___Shed
- ___Swimming Pool
- ___Swimming Pool Fence
- ___Swimming Pool Heater
- ___Swimming Pool Filter
- ___Swimming Pool Accessories
- ___Swimming Pool Raised Deck
- ___Skylight
- ___Solar Heat
- ___A/C Unit
- ___Dormers
- ___Other Structures

Comments/Observations/Information:

Work Not Done

PLEASE NOTE – All inspections approved are subject to review of file and certification requirements. You will be notified if any further documentation is required.

Inspection Approved: ___Yes ___No ___Conditional Approval (See Comments)
Report to Contractor: ___In Person ___Left on Premises
Report to Homeowner: ___In Person ___By Mail
N.O.V. #:___ **Date Due:**___ **Summons #:**___ **Date Returnable:**___

Received By:___ **Inspector's Signature:** James Speed
Inspector's Extension:(516) 624- 6276

THIS IS A COPY. THE ORIGINAL IS ON FILE IN THE BUILDING DIVISION.

Meeting of July 25, 2017

Resolution No. 432-2017

WHEREAS, Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memoranda dated July 10, 2017 and July 17, 2017, recommended that a refund in the amount of $279.00 be authorized to SolarCity Corp., 15 Grumman Road West, Bethpage, N.Y. 11714, from account number PAD B 0001 02555 000 0000, for Building Permit No. R14005514, dated December 23, 2014, because the building permit application was withdrawn,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Department of Planning and Development is hereby authorized to issue SolarCity Corp. a refund in the amount of $279.00, and payment of said refund is to be made upon presentation of a duly certified claim, after audit by the Comptroller; and be it further

RESOLVED, That funds for said payment are to be drawn from Account No. PAD B 0001 02555 000 0000.

-#-

Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

13.

4/32

TOWN OF OYSTER BAY

Inter-Departmental Memo

July 10, 2017

TO: MEMORANDUM DOCKET

FROM: ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

SUBJECT: RESIDENT REFUND-SOLARCITY CORP.
65 FOREST AVENUE, MASSAPEQUA, NY 11758
SUPPLEMENTAL MEMO TO FOLLOW

Additional information will be provided in a Supplemental Docket Memorandum to the Docket Committee at the next docket meeting. We, therefore, recommend and request that a space be reserved at the next Town Board meeting on July 25, 2017.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM/dm

C: Town Attorney's Office (w/ 10 copies)

9

432

TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

Date: July 17, 2017

TO: MEMORANDUM DOCKET

FROM: ELIZABETH L. MACCARONE
COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

SUBJECT: SUPPLEMENTAL DOCKET MEMO TO ITEM NO. 13
DOCKET OF JULY 11, 2017
RESIDENT REFUND - SOLARCITY CORP.
65 FOREST AVENUE, MASSAPEQUA, NEW YORK 11758

Pursuant to the Code of the Town of Oyster Bay, this department granted a Building Permit #R14005514 dated December 23, 2014 in the amount of $329.00, receipt #01000398128. The application fee in the amount of $50.00, receipt #01000396874, is non-refundable. The final permit fee was $279.00, copy of both receipts are attached. SolarCity Corp. has withdrawn this permit and requests a refund. A copy of their request is attached.

Therefore, in light of the aforementioned facts, a two hundred seventy-nine dollar ($279.00) refund for the building permit fee associated with Building Permit #R14005514 should be refunded to SolarCity Corp., 15 Grumman Road West, Bethpage, New York 11714 under account number PAD B 0001 02555 000 0000.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM:TRZ:ds

Cc: Town Attorney's office (w/6 copies)

SolarCity

February 13, 2017

To Whom This May Concern:

Please be advised that all SolarCity correspondence should be directed to our Bethpage operating office.

SolarCity
15 Grumman Road West
Suite 400
Bethpage, NY 11714

Regards,

Victoria Cericola
Permit and Inspection District Manager

SolarCity

February 2, 2017

Town of Oyster Bay
(Attn: Building Department)

REIMBURSEMENT OF CANCELLED PERMIT

This letter is a request for reimbursement for previous cancelled permit. Solar project cancelled by customer due their advanced age and living in house 6 months out of the year it is not cost effective.

Application/Permit # R14005514
65 Forest Ave, Massapequa NY 11758
S: 65 B: 135 L: 233
Attached are copies of:
Oyster Bay claim form
Permit
Cancelled Check ($279.00)

If you have any questions/concerns, please contact myself directly.

Sincerely,

Cathy Odynski, Permit Coordinator
codynski@solarcity.com (516) 761-5732

SolarCity

November 18, 2016

Town of Oyster Bay
(Attn: Building Department)

NOTICE OF CANCELLATION

This letter is to certify our proposal to install Solar (PV) at the property listed below has moved into a cancellation status.
Brenda Duhaney
65 Forest Ave
Massapequa NY11758
Application/Permit #: R14005514

SolarCity Corporation and Brenda Duhaney
will not be moving forward with the proposed installation. We would greatly appreciate reimbursement for the permitting fees paid on 12/19/2014for the amount of $279.00
Attached are copies of: Permit
Payment Receipt
Cancelled Check

If you have any questions/concerns, please contact myself directly.

Sincerely,

Cathy Odynski, Permit Coordinator
codynski@solarcity.com (516) 761-6732

Building Permit

R14005514

Town of Oyster Bay
Department of Planning and Development
Phone 516-624-6200

74 Audrey Avenue
Town Hall, Oyster Bay, NY 11771
Fax 516-624-6240

School District	Section/Block/Lot	Zone	Application No.	ZBA Number	ZBA Date	Receipt No.
Massapequa	65-135-233	R1-7	14110293			01000398128

Permittee	VICTORIA CERVOLA (SOLARCITY CORP) 923C MOTOR PARKWAY HAUPPAUGE, NY 11788 (516) 751-8314	Contractor	SOLARCITY CORP 923 MOTOR PKWY STE C HAUPPAUGE, NY 11788 (631) 625-9800
Property Owner	HARDIE & BRENDA DUHANEY 65 FOREST AVENUE MASSAPEQUA, NY 11758 (516) 308-3762	Plumber	
		Electrician	JASON KANE INC 127 WEST BLVD EAST ROCKAWAY, NY 11518 (516) 306-0126

Address of Actual Construction

65 FOREST AVE MASSAPEQUA, NY 11758		Tenant
Permission Granted for the	INSTALLATION OF	Estimated Cost of Construction $17952

TWENTY FOUR (24) ROOF MOUNTED SOLAR PANELS, AS PER PLANS PREPARED BY ABELARDO E. DE VERA, P.E., DATED 11/11/2014.

ALL WORK TO COMPLY WITH TOB APPROVED PLAN DATED 11/24/2014.

ZONING REVIEW: ONE FAMILY DWELLING ONLY.

This Permit has been issued specifically for the construction or maintenance of the improvement listed hereon. The issuance of this Permit shall not be deemed to be an acknowledgement by the Town of Oyster Bay as to the legality of any other improvements to the subject premises. It is specifically understood that the issuance of a Certificate of Occupancy by the Town of Oyster Bay for the improvement listed here on shall be conditioned upon the issuance of a Building Permit and Certificate of Occupancy for any and all other improvements to the subject premises.

A certificate from an approved Electrical Inspection Co. is to be placed on file prior to issuance of a Certificate of Occupancy/Approval/Completion

Located On	Side Of	Feet	Of		Post Office
	FOREST AVENUE	2254.24	S	GARFIELD PLACE	MASSAPEQUA

DESCRIPTION	FEE	PAID	BALANCE
BLDG FEE	50.00	50.00	0.00
BLDG	204.00	204.00	0.00
EC	25.00	25.00	0.00
*** PBB TOTALS ***	279.00	279.00	0.00

BLDG FEES AFTER APPLICATION WAS APPROVED $279.00

Occupancy of this new building or addition or alteration prior to the issuance of a Certificate of Occupancy will be considered a violation of the Code of the Town of Oyster Bay. Prompt notification by the various contractors for inspection of their various parts of the work will avoid delay in the issuance of the Certificate of Occupancy. Permit and approved plans must be posted on the job site, visible to public inspection, until completion of the work and inspections.

Changes regardless of size from the stamped approved plans must be submitted to the Department of Planning and Development and approved before changes are made. Approved plans must be retained on the job and available to inspection at all times.

INSPECTIONS

There are numerous inspection requirements that vary according to the type of structure built or maintained. Some but not all of the required inspections follow:

BUILDING INSPECTIONS

- Foundation Inspections – Check with Building Division
- Concrete Certifications
- Footing Inspections – Before footings and foundations are poured
- Rough Inspections – Framing and foundation, including rebar
- Masonry/Siding – Insulation and/or Sheathing
- Insulation and Vapor Barrier
- Plumbing – Rough-in – Before any tests
- Final Inspection – After all work is completed and before occupancy

PLUMBING INSPECTIONS

- Underground plumbing – before backfilling
- Rough plumbing – before closed up and ready for test
- Final inspection when all fixtures are set
- Sewer inspection – after tie-in
- Sanitary systems – Excavation/Construction
- Installation or replacement of burners – (oil, gas, electric)
- Gas piping – Inground or above – (Check with Building Division for required testing and in
- Testing and inspections
- Pressure tests are required for any natural or propane gas installation.
- Backflow preventer test
- Underground pressure piping – Shall be witnessed by a plumbing inspector
- All fire suppression systems

DRAINAGE, SITE WORK, & RETAINING WALLS:

Contact Planning and Development site

ALL PERMITS ISSUED IN CONJUNCTION WITH SITE PLAN REVIEW

Please be advised that a Certificate of Occupancy will not be issued for this project until all of the required improvements has been installed and inspected or a performance bond in the amount of $ has been posted with the Town of Oyster Bay

Date Issued: 12/23/2014 Work Must Start By: 6/23/15

C.O must be issued by 12/23/2015 or permit will expire unless renewed prior to expiration.

Permittee's copy of approved plans must be available at the site for all inspections

Commissioner, Department of Planning and Development

TOWN OF OYSTER BAY

ITEM 1 OF 1

PERMIT RECEIPT

OPERATOR: klebrigh
COPY # : 1

Sec:65 Twp:Oyster B Rng: Sub: Blk:135 Lot:233
SBL ..... : 65-135-233

DATE ISSUED..... : 11/18/2014
RECEIPT #..... : 01000396874
REFERENCE ID # ... : 14110293

Permit Num ..... : R14005514
SITE ADDRESS ..... : 65 FOREST AVE
SUBDIVISION ..... :
CITY ..... : MASSAPEQUA
IMPACT AREA ..... :

OWNER ..... : HARDIE & BRENDA DUHANEY
ADDRESS ..... : 65 FOREST AVENUE
CITY/STATE/ZIP ... : MASSAPEQUA, NY 11758

RECEIVED FROM .... : RECEIPT INTERFACE
CONTRACTOR ..... : SOLARCITY CORP DO NOT USE LIC # 02443
COMPANY ..... : SOLARCITY CORP DO NOT USE
ADDRESS ..... : 923C MOTOR PKWY
CITY/STATE/ZIP ... : HAUPPAUGE, NY 11788
TELEPHONE ..... : (631) 625-9800

FEE ID	UNIT	QUANTITY	AMOUNT	PD-TO-DT	THIS REC	NEW BAL
B-APPL FEE FLAT RATE		1.00	50.00	0.00	50.00	0.00
TOTAL PERMIT :			50.00	0.00	50.00	0.00

METHOD OF PAYMENT	AMOUNT	REFERENCE NUMBER
CHECK	50.00	102306
TOTAL RECEIPT :	50.00	

TOWN OF OYSTER BAY

ITEM 3 OF 3

$50 CREDIT RECEIPT

RECEIPT # : 01000398128

RECEIPT DATE : 12/19/2014

PRINT DATE : 07/13/2017
PRINT TIME : 11:36:25
OPERATOR : klebrigh
COPY # : 1

RECEIVED BY : SG
REC'D. FROM : SOLARCITY CORP

CASH DRAWER: 01

CUSTOMER ID		ITEM	PAYMENT
1.000 @	$50.00	$50 CREDIT	-50.00
TOTAL			-50.00

METHOD OF PAYMENT	AMOUNT	REFERENCE NUMBER
CHECK	279.00	102545
TOTAL RECEIPT :	279.00	

TOWN OF OYSTER BAY

2 ITEMS OF 3

PERMIT RECEIPT

OPERATOR: klebrigh
COPY # : 1

Sec:65 Twp:Oyster B Rng: Sub: Blk:135 Lot:233
SBL ..... : 65-135-233

DATE ISSUED..... : 12/19/2014
RECEIPT #..... : 01000398128
REFERENCE ID # ... : 14110293

Permit Num ..... : R14005514
SITE ADDRESS ..... : 65 FOREST AVE
SUBDIVISION ..... :
CITY ..... : MASSAPEQUA
IMPACT AREA ..... :

OWNER ..... : HARDIE & BRENDA DUHANEY
ADDRESS ..... : 65 FOREST AVENUE
CITY/STATE/ZIP ... : MASSAPEQUA, NY 11758

RECEIVED FROM .... : RECEIPT INTERFACE
CONTRACTOR ..... : SOLARCITY CORP DO NOT USE LIC # 02443
COMPANY ..... : SOLARCITY CORP DO NOT USE
ADDRESS ..... : 923C MOTOR PKWY
CITY/STATE/ZIP ... : HAUPPAUGE, NY 11788
TELEPHONE ..... : (631) 625-9800

FEE ID	UNIT	QUANTITY	AMOUNT	PD-TO-DT	THIS REC	NEW BAL
B-BLDG FEE VALUATION		17,952.00	304.00	0.00	304.00	0.00
B-CC		1.00	25.00	0.00	25.00	0.00
TOTAL PERMIT :			329.00	0.00	329.00	0.00

Amount: $279.00
Account: [redacted]
Bank Number: 12100035

Sequence Number: 4592779386
Capture Date: 12/19/2014
Check Number: 102545

631-625-9800

SOLARCITY CORPORATION
LONG ISLAND OPERATING ACCOUNT
3055 CLEARVIEW WAY
SAN MATEO, CA 94402-3709

App #14110293

102545

11-35/1210 CA
C7355

DATE 12/19/14

PAY TO THE ORDER OF Town of Oyster Bay $ 279.00/00

Two Hundred Seventy Nine Dollars and 00/100 DOLLARS

Bank of America
San Francisco, California

FOR Duaney 1172284 Permit bal

Vivian Cer

[redacted] 994⑈82266⑈

For Deposit Only
Town of Oyster Bay
[redacted]
PAY TO THE ORDER OF
CAPITAL ONE BANK
021407912
FOR DEPOSIT ONLY
TOWN OF OYSTER BAY
[redacted]

0100039812P

>065000090<
CAPITAL ONE, NA
0024869218 12192014
RICHMOND, VA 365 22
Deposit [redacted]

Electronic Endorsements:

Date	Sequence	Bank #	Endrs Type	TRN	REC	Bank Name
12/19/2014	001592779386	121103886	Pay Bank	N		BANK OF AMERICA, NA
12/19/2014	000000024869218	65000090	Rtn Loc/BOFD	Y		CAPITAL ONE, NA

TOWN OF OYSTER BAY

CLAIM

AUDREY AVENUE, OYSTER BAY, NEW YORK 11771

TAXPAYER IDENTIFICATION NUMBER
FEDERAL ID # ☐ SOCIAL SECURITY # ☐
02-0781046

CLAIMANT'S NAME: SolarCity

CONTRACT #:

ORDER #:

CLAIMANT'S ADDRESS: 15 Grumman Rd W Ste 400 Bethpage NY 11714

CONTRACT NAME:

TOWN DEPARTMENT:

CLAIMANT INVOICE #:

FOLLOW INSTRUCTIONS ON REVERSE SIDE THEN RETURN CLAIM AND INVOICES TO DEPARTMENT RECEIVING MATERIALS OR SERVICES

DETAILED DESCRIPTION OF MATERIALS OR SERVICES

DATE	DESCRIPTION	UNIT PRICE	TOTAL
7/12/2017	REFUND FOR SOLAR PERMIT NUMBER R14005514		
	ISSUED ON 12/23/2014. SOLARCITY CORP. HAS		$279.00
	WITHDRAWN THIS PERMIT AND IS REQUESTING A		
	REFUND.		
	Form prepared by Debbie Smyth - Building Division		
	Please return the completed form to:		
	Town of Oyster Bay		
	Department of Planning and Development		
	74 Audrey Avenue		
	Oyster Bay, New York 11771		
		TOTAL AMOUNT	$279.00
		CASH DISCOUNT	
		NET AMOUNT	

BELOW CERTIFICATION MUST BE PROPERLY FILLED OUT BY THE CLAIMANT

I HEREBY CERTIFY the above goods were sold and delivered and/or the above services rendered to the Town of Oyster Bay on the date and for the prices or amounts listed, that the above bill is just, true and correct in all respects, that no part thereof has been paid and that I am duly authorized to make this affidavit. I further certify that I am not subject to the provisions of Section 139-f of the Labor Law.

I AM AWARE THAT IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR UNDER SECTION 210.45 OF THE PENAL LAW FOR ANY PERSON TO MAKE A FALSE STATEMENT IN A WRITTEN INSTRUMENT WHICH HE KNOWS TO BE FALSE AND WHICH HE DOES NOT BELIEVE TO BE TRUE WITH INTENT TO DEFRAUD THE TOWN OF OYSTER BAY OR ANY OFFICE, DEPARTMENT, AGENCY OR OFFICER THEREOF.

BY: Cathy Odynsky DATE: 2/2/17

PRINT NAME: Cathy Odynsky TITLE: Permit Coordinator

PRINT BUSINESS: SolarCity

DEPARTMENT OF PLANNING AND DEVELOPMENT

TOWN HALL WEST, 74 AUDREY AVENUE, OYSTER BAY, NY 11771
TEL. 516-624-6200 FAX 516-624-6240

FILE COPY

BUILDING DIVISION

TIMOTHY R. ZIKE
ACTING COMMISSIONER

DIANA S. AQUIAR
DEPUTY COMMISSIONER

January 27, 2017

Ms. Cathy Odynski
Solar City
15 Grumman Road West
Bethpage, New York 11714

Re: Solar Permit Number R14005514
65 Forest Avenue, Massapequa, New York 11758
Section 65, Block 135, Lot 233

Dear Ms. Odynski:

The Town of Oyster Bay is in receipt of your letter dated November 18, 2016 requesting the Town to void the above solar permit.

Please be advised that this building permit has been voided. A copy of the building inspector's report is attached for your records.

If you have any questions regarding the above, please feel free to contact the undersigned at (516) 624-6267.

Very truly yours,

Timothy R. Zike

Timothy R. Zike
Acting Commissioner

TRZ:ds
Cc: Ms. Brenda Duhaney
Attachment

Ms. Brenda Duhaney
65 Forest Avenue
Massapequa, NY 11758

TOWN OF OYSTER BAY

Department of Planning and Development
(516) 624-6200

74 Audrey Avenue – Oyster Bay, N.Y. 11771
Fax: (516) 624-6240

Building Inspector's Report

Date: 12/7/2016 Time: ___AM ___PM I have reviewed (___) previous reports.

Owner: Contractor:
Address: 65 FOREST AVE Address:
Telephone: MASSAPEQUA NY Telephone:

Zone R1-7
Sec. 65
Blk. 135
Lot(s) 233

Permit #(s)	Type	Date Issued	Expiration Date
R1400574	24 ROOF MOUNTED SOLAR PANELS	12/23/14	12/24/15

Type of Inspection - ___Excavation ___Footing ___Foundation ___Rough Frame
___Final Frame ___Insulation ___Final X Other VERIFY

PLEASE NOTE – A field inspection has revealed that the following items are necessary:

To Continue Work:
___No One Was Home
___Call For Inspection – (516) 624-6222
___No Building Plans on Job
___Need Amended Building Plans
___Work Does Not Conform to Building Code
___Work Does Not Conform to Approved Building Plans

To Obtain a Certificate of Occupancy:
___Must Obtain Electrical Certificate From Approved Electrical Inspection Service For:
___Must Submit Updated Property Survey
___Must Obtain Plumbing Approval
___Must Obtain Permit For:

The items checked below have been observed during the course of the field inspection and require permits. Failure to obtain permits will result in the delay of the issuance of a Certificate of Occupancy/Compliance.

___Cellar Entrance
___Deck
___Dock
___Enclosed Porch
___Extension
___Fence
___Fireplace
___Garage
___Garage Converted
___Interior Alterations
___Retaining Wall Bulkhead
___Roofed-Over Patio/Deck
___Second Apartment/Dwelling
___Shed
___Swimming Pool
___Swimming Pool Fence
___Swimming Pool Heater
___Swimming Pool Filter
___Swimming Pool Accessories
___Swimming Pool Raised Deck
___Skylight
___Solar Heat
___A/C Unit
___Dormers
___Other Structures

Comments/Observations/Information:

NO Visible evidence From Street View
that SOLAR CONSTRUCTION has been Performed
At Subject Property house

PLEASE NOTE – All inspections approved are subject to review of file and certification requirements. You will be notified if any further documentation is required.

Inspection Approved: ___Yes ___No ___**Conditional Approval (See Comments)**
Report to Contractor: ___In Person ___**Left on Premises**
Report to Homeowner: ___In Person ___**By Mail**
N.O.V. #:___ **Date Due:**___ **Summons #:**___ **Date Returnable:**___

Received By:___ **Inspector's Signature:** Joe Ciampa
Inspector's Extension:(516) 624- 6274

THIS IS A COPY. THE ORIGINAL IS ON FILE IN THE BUILDING DIVISION.

WHEREAS, Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memoranda dated July 10, 2017 and July 17, 2017, recommended that a refund in the amount of $291.00 be authorized to SolarCity Corp., 15 Grumman Road West, Bethpage, N.Y. 11714, from account number PAD B 0001 02555 000 0000, for Building Permit No. R14003632, dated September 9, 2014, because the building permit application was withdrawn,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Department of Planning and Development is hereby authorized to issue SolarCity Corp. a refund in the amount of $291.00, and payment of said refund is to be made upon presentation of a duly certified claim, after audit by the Comptroller; and be it further

RESOLVED, That funds for said payment are to be drawn from Account No. PAD B 0001 02555 000 0000.

-#-

Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

14

433

TOWN OF OYSTER BAY

Inter-Departmental Memo

July 10, 2017

TO: **MEMORANDUM DOCKET**

FROM: **ELIZABETH L. MACCARONE, COMMISSIONER**
DEPARTMENT OF PLANNING AND DEVELOPMENT

SUBJECT: **RESIDENT REFUND-SOLARCITY CORP.**
9 OAK DRIVE, PLAINVIEW, NY 11803
SUPPLEMENTAL MEMO TO FOLLOW

Additional information will be provided in a Supplemental Docket Memorandum to the Docket Committee at the next docket meeting. We, therefore, recommend and request that a space be reserved at the next Town Board meeting on July 25, 2017.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM/dm

C: Town Attorney's Office (w/ 10 copies)

10

433

TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

Date: July 17, 2017

TO: MEMORANDUM DOCKET

FROM: ELIZABETH L. MACCARONE
COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

SUBJECT: SUPPLEMENTAL DOCKET MEMO TO ITEM NO. 14
DOCKET OF JULY 11, 2017
RESIDENT REFUND - SOLARCITY CORP.
9 OAK DRIVE, PLAINVIEW, NEW YORK 11803

Pursuant to the Code of the Town of Oyster Bay, this department granted a Building Permit #R14003632 dated September 9, 2014 in the amount of $341.00, receipt #01000393974. The application fee in the amount of $50.00, receipt #01000393974, is non-refundable. The final permit fee was $291.00, copy of both receipts are attached. SolarCity Corp. has withdrawn this permit and requests a refund. A copy of their request is attached.

Therefore, in light of the aforementioned facts, a two hundred ninety-one dollar ($291.00) refund for the building permit fee associated with Building Permit #R14003632 should be refunded to SolarCity Corp., 15 Grumman Road West, Bethpage, New York 11714 under account number PAD B 0001 02555 000 0000.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM:TRZ:ds

Cc: Town Attorney's office (w/o copies)

SolarCity

February 13, 2017

To Whom This May Concern:

Please be advised that all SolarCity correspondence should be directed to our Bethpage operating office.

SolarCity
15 Grumman Road West
Suite 400
Bethpage, NY 11714

Regards,

Victoria Cericola
Permit and Inspection District Manager

SolarCity

February 2, 2017

Town of Oyster Bay
(Attn: Building Department)

REIMBURSEMENT OF CANCELLED PERMIT

This letter is a request for reimbursement for previous cancelled permit. Solar project cancelled due to customer request.

Application/Permit # R14003632
9 oak Dr, Plainview NY 11803
S: 12 B: 61 L: 1
Attached are copies of:
Oyster Bay claim form
Permit
Receipt of payment
Cancelled Check ($291.00)

If you have any questions/concerns, please contact myself directly.

Sincerely,

Cathy Odynski, Permit Coordinator
codynski@solarcity.com (516) 751-6732

SolarCity

November 18, 2016

Town of Oyster Bay
(Attn: Building Department)

NOTICE OF CANCELLATION

This letter is to certify our proposal to install Solar (PV) at the property listed below has moved into a cancellation status.
Kwok Wong
9 Oak Dr
Plainview NY11803
Application/Permit #: R14003632

SolarCity Corporation and Kwok Wong
will not be moving forward with the proposed installation. We would greatly appreciate reimbursement for the permitting fees paid on 8/28/2014 for the amount of $291.00
Attached are copies of: Permit
Payment Receipt
Cancelled Check

If you have any questions/concerns, please contact myself directly.

Sincerely,

Cathy Odynski, Permit Coordinator
codynski@solarcity.com (516) 761-6732

AL 66500, AR M-6937, AZ ROC 243771/ROC 245450, CA CSLB 888104, CO EC8041, CT HIC 0632778/ELC 0125305, DC 410514000080/ECC902585, DE 2011120386/ T1-6032, FL EC13006226, HI CT-29770, IL 15-0052, MA HIC 168572/EL-1136MR, MD HIC 128948/11805, NC 36801-U, NH 0347C/12523M, NJ NJHIC#13VH06160600/34EB01732700, NM EE98-379590, NV NV2012113172/C2-0078648/B2-0079719, OH EL 47707, OR CB180498/C562, PA HICPA077343, RI 52057-R, Westchester WC-26088-H13, N Y C #2003384-DCA, SCENYC: N Y C. Licensed Electrician, #12610, #0044B5, 155 Water St, 6th Fl., Unit 10, Brooklyn, NY 11201, #2053966-DCA, All loans provided by SolarCity Finance Company, LLC CA Finance Lenders License 6054796. SolarCity Finance Company, LLC is licensed by the Delaware State Bank Commissioner to engage in business in Delaware under license number 019422. MD Consumer Loan License 2241, NV Installment Loan License IL 11023 / IL 11024, Rhode Island Licensed Lender #20153103LL, TX Registered Creditor 14000050963-202404, VT Lender License #6766

Building Permit

R14003632

Town of Oyster Bay
Department of Planning and Development
Phone 516-624-6200

74 Audrey Avenue
Town Hall, Oyster Bay, NY 11771
Fax 516-624-6240

School District	Section/Block/Lot	Zone	Application No.	ZBA Number	ZBA Date	Receipt No.
Plainview	12-61-1	R1-7	14080179			01000393974

Permittee	VICTORIA CERICOLA (SOLARCITY CORP) 923C MOTOR PARKWAY HAUPPAUGE NY 11788 (516) 761-8314	Contractor	SOLARCITY CORP 203 RIDGEWOOD DR ELMSFORD, NY 10523 (914) 218-4200
Property Owner	WONG YIM TSUI & KWOK 9 OAK DR PLAINVIEW NY, NY 11803 (516) 942-0148	Plumber	
		Electrician	JASON KANE INC 127 WEST BLVD EAST ROCKAWAY NY 11518 (516) 306-0126

Address of Actual Construction

9 OAK DR PLAINVIEW, NY 11803		Tenant
Permission Granted for the	INSTALLATION OF	Estimated Cost of Construction $18700

Twenty five (25) solar panels fastened to roof as per plans prepared by Hussein A. Kazan, P.E., dated 07/10/14.

ALL WORK TO COMPLY WITH TOB APPROVED PLAN DATED: 08/18/14

ZONING REVIEW: ONE FAMILY DWELLING

12/15/14 - Amendment One (1): Removal of one (1) solar panel.

This Permit has been issued specifically for the construction or maintenance of the improvement listed hereon. The issuance of this Permit shall not be deemed to be an acknowledgement by the Town of Oyster Bay as to the legality of any other improvements to the subject premises. It is specifically understood that the issuance of a Certificate of Occupancy by the Town of Oyster Bay for the improvement listed hereon shall be conditioned upon the issuance of a Building Permit and Certificate of Occupancy for any and all other improvements to the subject premises.

A certificate from an approved Electrical Inspection Co. is to be placed on file prior to issuance of a Certificate of Occupancy/Approval/Completion

Located On	Side Of	Feet	Of		Post Office
N	SOUTHERN PKWY	85.00	E	OAK DRIVE	PLAINVIEW

DESCRIPTION	FEE	PAID	BALANCE
APP FEE	50.00	50.00	0.00
BLDG	316.00	316.00	0.00
CC	25.00	25.00	0.00
*** FEE TOTALS ***	391.00	391.00	0.00

TOTAL PAID AFTER APPLICATION FEE APPLIED $391.00

Occupancy of this new building or addition or alteration prior to the issuance of a Certificate of Occupancy will be considered a violation of the Code of the Town of Oyster Bay. Prompt notification by the various contractors for inspection of their various parts of the work will avoid delay in the issuance of the Certificate of Occupancy. Permit and approved plans must be posted on the job site, visual to public inspection, until completion of the work and inspections.	Changes regardless of size from the stamped approved plans must be submitted to the Department of Planning and Development and approved before changes are made. Approved plans must be retained on the job and available to inspection at all times.

INSPECTIONS

There are numerous inspection requirements that vary according to the type of structure built or maintained. Some but not all of the required inspections follow.

BUILDING INSPECTIONS

*Demolition inspections – Check with Building Division.
*Concrete Certifications.
*Soil Conditions – before footings and foundations are poured.
*Forms for footings, keyways and foundations including rebar.
*Waterproofing, membrane and insulating.
*Foundations and/or slabs.
*Framing – wood or steel before mechanicals.
*Framing after mechanicals and before insulating.
*Insulation inspection – before closing.
*Rough enclosed.
*Final inspection(s).

PLUMBING INSPECTIONS

*Underground plumbing – before backfilling.
*Rough plumbing – before closed up and ready for test.
*Final inspection when all fixtures are set.
*Sewer connection – spur tie-in.
*Sanitary systems. (Excavation/Construction).
*Installation or replacement of burners. (oil, gas, electric).
*All Tanks – inground or above. (Check with Building Division for required testing and in Testing and Inspections).
*Pressure tests are required for any natural or propane gas installation, Alteration or replacement.
*Hydrostatic pressure testing must be witnessed by a plumbing inspector For all fire sprinkler systems.

DRAINAGE, SITE WORK, & RETAINING WALLS:

Contact Planning and Development site engineer.

ALL PERMITS ISSUED IN CONJUNCTION WITH SITE PLAN REVIEW

Please be advised that a Certificate of Occupancy will not be issued for this project until all of the required landscaping has been installed and inspected, or a performance bond in the amount of $_____ has been posted with the Town of Oyster Bay

Date Issued:	09/09/2014	Work Must Start By:	03/09/2015

CO must be issued by 09/10/2015 or permit will expire unless renewed prior to expiration.

Permittee's copy of approved plans must be available at the site for all inspections

Frederick P. Iannotti

Commissioner, Department of Planning and Development

DEPARTMENT OF PLANNING AND DEVELOPMENT
TOWN HALL WEST, 74 AUDREY AVENUE, OYSTER BAY, NY 11771
TEL. 516-624-6200 FAX 516-624-6240

FILE COPY

BUILDING DIVISION

TIMOTHY R. ZIKE
ACTING COMMISSIONER

DIANA S. AQUIAR
DEPUTY COMMISSIONER

January 27, 2017

Ms. Cathy Odynski
Solar City
15 Grumman Road West
Bethpage, New York 11714

Re: Solar Permit Number R14003632
9 Oak Drive, Plainview, New York 11803
Section 12, Block 61, Lot 1

Dear Ms. Odynski:

The Town of Oyster Bay is in receipt of your letter dated November 18, 2016 requesting the Town to void the above solar permit.

Please be advised that this building permit has been voided. A copy of the building inspector's report is attached for your records.

If you have any questions regarding the above, please feel free to contact the undersigned at (516) 624-6267.

Very truly yours,

Timothy R. Zike

Timothy R. Zike
Acting Commissioner

TRZ:ds
Cc: Mr. Kwok Wong
Attachment

TOWN OF OYSTER BAY

Amount: $291.00 Sequence Number: 5392535759

Account: [redacted] Capture Date: 08/28/2014

Bank Number: 12100035 Check Number: 101646

631-625-9800 **SOLARCITY CORPORATION**
LONG ISLAND OPERATING ACCOUNT
3055 CLEARVIEW WAY
SAN MATEO, CA 94402-3709

101646

11-35/1210 CA
CT155

DATE 8/28/14

PAY TO THE ORDER OF Town of Oyster Bay $ 291.00/xx

Two Hundred Ninety One Dollars and 00/xx DOLLARS

Bank of America
San Francisco, California

14080179

FOR Wong 118117 Permit balance

[redacted] 4994 82266

For Deposit Only
Town of Oyster Bay
[redacted] THE ORDER OF
CAPITAL ONE BANK
021407912
FOR DEPOSIT ONLY
TOWN OF OYSTER BAY
[redacted]

0100039374

>065000090<
CAPITAL ONE, NA
0016568598 08282014
RICHMOND, VA 263 22
Deposit [redacted]

Electronic Endorsements:

Date	Sequence	Bank #	Endrs Type	RRN	RRC	Bank Name
08/28/2014	005392535759	121103886	Pay Bank	N		BANK OF AMERICA, NA
08/28/2014	000000016568598	255071981	Rtn Loc/DOFD	Y		CAPITAL ONE, NA

TOWN OF OYSTER BAY

ITEM 3 OF 3 $50 CREDIT RECEIPT

RECEIPT # : 01000393974
RECEIPT DATE : 08/28/2014

PRINT DATE : 07/13/2017
PRINT TIME : 11:40:00
OPERATOR : klebrigh
COPY # : 1

RECEIVED BY : LJ
REC'D. FROM : SOLARCITY

CASH DRAWER: 01

CUSTOMER ID		ITEM	PAYMENT
1.000 @	$50.00	$50 CREDIT	-50.00
TOTAL			-50.00

METHOD OF PAYMENT	AMOUNT	REFERENCE NUMBER
CHECK	291.00	101646
TOTAL RECEIPT :	291.00	

TOWN OF OYSTER BAY

2 ITEMS OF 3 PERMIT RECEIPT OPERATOR: klebrigh
COPY # : 1

Sec:12 Twp:Oyster B Rng: Sub: Blk:61 Lot:1
SBL ..... : 12-61-1

DATE ISSUED..... : 08/28/2014
RECEIPT #..... : 01000393974
REFERENCE ID # ... : 14080179

Permit Num ..... : R14003632
SITE ADDRESS ..... : 9 OAK DR
SUBDIVISION ..... :
CITY ..... : PLAINVIEW
IMPACT AREA ..... :

OWNER ..... : WONG YIM TSUI & KWOK
ADDRESS ..... : 9 OAK DR
CITY/STATE/ZIP ... : PLAINVIEW NY, NY 11803

RECEIVED FROM .... : RECEIPT INTERFACE
CONTRACTOR ..... : *SOLARCITY CORP LIC # 01569
COMPANY ..... : *SOLARCITY CORP
ADDRESS ..... : 203 RIDGEWOOD DR
CITY/STATE/ZIP ... : ELMSFORD, NY 10523
TELEPHONE ..... : (914) 218-4200

FEE ID	UNIT	QUANTITY	AMOUNT	PD-TO-DT	THIS REC	NEW BAL
B-BLDG FEE VALUATION		18,700.00	316.00	0.00	316.00	0.00
B-CC		1.00	25.00	0.00	25.00	0.00
TOTAL PERMIT :			341.00	0.00	341.00	0.00

TOWN OF OYSTER BAY

ITEM 1 OF 1 PERMIT RECEIPT OPERATOR: klebrigh
COPY # : 1

Sec:12 Twp:Oyster B Rng: Sub: Blk:61 Lot:1
SBL .....: 12-61-1

DATE ISSUED.....: 08/11/2014
RECEIPT #.....: 01000393338
REFERENCE ID # ...: 14080179

Permit Num .....: R14003632
SITE ADDRESS .....: 9 OAK DR
SUBDIVISION .....:
CITY .....: PLAINVIEW
IMPACT AREA .....:

OWNER .....: WONG YIM TSUI & KWOK
ADDRESS .....: 9 OAK DR
CITY/STATE/ZIP ...: PLAINVIEW NY, NY 11803

RECEIVED FROM ....: RECEIPT INTERFACE
CONTRACTOR .....: *SOLARCITY CORP LIC # 01569
COMPANY .....: *SOLARCITY CORP
ADDRESS .....: 203 RIDGEWOOD DR
CITY/STATE/ZIP ...: ELMSFORD, NY 10523
TELEPHONE .....: (914) 218-4200

FEE ID	UNIT	QUANTITY	AMOUNT	PD-TO-DT	THIS REC	NEW BAL
B-APPL FEE FLAT RATE		1.00	50.00	0.00	50.00	0.00
TOTAL PERMIT :			50.00	0.00	50.00	0.00

METHOD OF PAYMENT	AMOUNT	REFERENCE NUMBER
CHECK	50.00	101501
TOTAL RECEIPT :	50.00	

TOWN OF OYSTER BAY

CLAIM

AUDREY AVENUE, OYSTER BAY, NEW YORK 11771

TAXPAYER IDENTIFICATION NUMBER
FEDERAL ID # ☐ SOCIAL SECURITY # ☐
02-0781046

CLAIMANT'S NAME: SolarCity

CONTRACT #:

ORDER #:

CLAIMANT'S ADDRESS: 15 Grumman Rd W Ste 400 Bethpage NY 11714

CONTRACT NAME:

TOWN DEPARTMENT:

CLAIMANT INVOICE #:

FOLLOW INSTRUCTIONS ON REVERSE SIDE THEN RETURN CLAIM AND INVOICES TO DEPARTMENT RECEIVING MATERIALS OR SERVICES

DETAILED DESCRIPTION OF MATERIALS OR SERVICES

DATE	DESCRIPTION	UNIT PRICE	TOTAL
2/2/2017	REFUND FOR SOLAR PERMIT NUMBER R14003632		$291.00
	SOLARCITY CORP HAS WITHDRAWN THIS PERMIT AND		
	IS REQUESTING A REFUND.		
	Form prepared by Debbie Smyth - Building Division		
	Please return the completed form to:		
	Town of Oyster Bay		
	Department of Planning and Development		
	74 Audrey Avenue		
	Oyster Bay, New York 11771		

THE BELOW CERTIFICATION MUST BE PROPERLY FILLED OUT BY THE CLAIMANT

TOTAL AMOUNT	$291.00
CASH DISCOUNT %	
NET AMOUNT	

I HEREBY CERTIFY the above articles were sold and delivered and/or the above services rendered to the Town of Oyster Bay on the dates and for the prices or amounts billed; that the above bill is just, true and correct; that no part thereof has been paid except as stated herein and that the balance shown is justly due; that no part of the balance shown is claimed to be overdue and that the balance shown is claimed to be the amount of

******Two hundred ninety-one dollars and no cents*****

which, to the best of my knowledge and belief, is correct and just, and that taxes from which the Town of Oyster Bay is exempt are excluded therefrom.

CLAIMANT FURTHER CERTIFIES that the unit prices charged herein are not greater than those charged to any individual or commercial consumer for like services.

SIGNATURE: Cathy Odynska DATE: 2/2/17

PRINT NAME: Cathy Odynska TITLE: Permit Coordinator

COMPANY: SolarCity

Department of Planning and Development
(516) 624-6200

74 Audrey Avenue – Oyster Bay, N.Y. 11771
Fax: (516) 624-6240

Building Inspector's Report

Date: 12/7/2016 Time: ___AM ___PM I have reviewed ( ) previous reports.

Zone RI-7
Sec. 12
Blk. 61
Lot(s) 1

Owner:
Address: 9 EAR DRIVE
Telephone: PLAINVIEW N.Y

Contractor:
Address:
Telephone:

Permit #(s)	Type	Date Issued	Expiration Date
R1400 3632	25 ROOF MOUNTED SOLAR PANELS	9/9/14	9/9/15

Type of Inspection - ___Excavation ___Footing ___Foundation ___Rough Frame ___Final Frame ___Insulation ___Final ___Other VERIFY

PLEASE NOTE – A field inspection has revealed that the following items are necessary:

To Continue Work:
- ___No One Was Home
- ___Call For Inspection – (516) 624-6222
- ___No Building Plans on Job
- ___Need Amended Building Plans
- ___Work Does Not Conform to Building Code
- ___Work Does Not Conform to Approved Building Plans

To Obtain a Certificate of Occupancy:
- ___Must Obtain Electrical Certificate From Approved Electrical Inspection Service For:
- ___Must Submit Updated Property Survey
- ___Must Obtain Plumbing Approval
- ___Must Obtain Permit For:

The items checked below have been observed during the course of the field inspection and require permits. Failure to obtain permits will result in the delay of the issuance of a Certificate of Occupancy/Compliance.

- ___Cellar Entrance
- ___Deck
- ___Dock
- ___Enclosed Porch
- ___Extension
- ___Fence
- ___Fireplace
- ___Garage
- ___Garage Converted
- ___Interior Alterations
- ___Retaining Wall Bulkhead
- ___Roofed-Over Patio/Deck
- ___Second Apartment/Dwelling
- ___Shed
- ___Swimming Pool
- ___Swimming Pool Fence
- ___Swimming Pool Heater
- ___Swimming Pool Filter
- ___Swimming Pool Accessories
- ___Swimming Pool Raised Deck
- ___Skylight
- ___Solar Heat
- ___A/C Unit
- ___Dormers
- ___Other Structures

Comments/Observations/Information:

NO Solar Construction Performed at Subject Property

PLEASE NOTE – All inspections approved are subject to review of file and certification requirements. You will be notified if any further documentation is required.

Inspection Approved: ___Yes ___No ___Conditional Approval (See Comments)
Report to Contractor: ___In Person ___Left on Premises
Report to Homeowner: ___In Person ___By Mail
N.O.V. #:___ **Date Due:**___ **Summons #:**___ **Date Returnable:**___

Received By:___ **Inspector's Signature:** JOE CIARDIA
Inspector's Extension:(516) 624-___

THIS IS A COPY. THE ORIGINAL IS ON FILE IN THE BUILDING DIVISION.

Meeting of July 25, 2017 Resolution No. 434-2017

WHEREAS, Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memoranda dated July 10, 2017 and July 17, 2017, recommended that a refund in the amount of $411.00 be authorized to SolarCity Corp., 15 Grumman Road West, Bethpage, N.Y. 11714, from account number PAD B 0001 02555 000 0000, for Building Permit No. R16000053, dated January 6, 2016, because the building permit application was withdrawn,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Department of Planning and Development is hereby authorized to issue SolarCity Corp. a refund in the amount of $411.00, and payment of said refund is to be made upon presentation of a duly certified claim, after audit by the Comptroller; and be it further

RESOLVED, That funds for said payment are to be drawn from Account No. PAD B 0001 02555 000 0000.

-#-

Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

15

434

TOWN OF OYSTER BAY

Inter-Departmental Memo

July 10, 2017

TO: **MEMORANDUM DOCKET**

FROM: **ELIZABETH L. MACCARONE, COMMISSIONER**
DEPARTMENT OF PLANNING AND DEVELOPMENT

SUBJECT: **RESIDENT REFUND-SOLARCITY CORP.**
14 SCHULZ STREET, WESTBURY, NY 11590
SUPPLEMENTAL MEMO TO FOLLOW

Additional information will be provided in a Supplemental Docket Memorandum to the Docket Committee at the next docket meeting. We, therefore, recommend and request that a space be reserved at the next Town Board meeting on July 25, 2017.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM/dm

C: Town Attorney's Office (w/ 10 copies)

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434

TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

Date: July 17, 2017

TO: MEMORANDUM DOCKET

FROM: ELIZABETH L. MACCARONE
COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

SUBJECT: SUPPLEMENTAL DOCKET MEMO TO ITEM NO. 15
DOCKET OF JULY 11, 2017
RESIDENT REFUND - SOLARCITY CORP.
14 SCHULZ STREET, WESTBURY, NEW YORK 11590

Pursuant to the Code of the Town of Oyster Bay, this department granted a Building Permit #R16000053 dated January 6, 2016 in the amount of $461.00, receipt #01000410821. The application fee in the amount of $50.00, receipt #01000410623, is non-refundable. The final permit fee was $411.00, copy of both receipts are attached. SolarCity Corp. has withdrawn this permit and requests a refund. A copy of their request is attached.

Therefore, in light of the aforementioned facts, a four hundred eleven dollar ($411.00) refund for the building permit fee associated with Building Permit #R16000053 should be refunded to SolarCity Corp., 15 Grumman Road West, Bethpage, New York 11714 under account number PAD B 0001 02555 000 0000.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM:TRZ:ds

Cc: Town Attorney's office (w/6 copies)

SolarCity

February 13, 2017

To Whom This May Concern:

Please be advised that all SolarCity correspondence should be directed to our Bethpage operating office.

SolarCity
15 Grumman Road West
Suite 400
Bethpage, NY 11714

Regards,

Victoria Cericola
Permit and Inspection District Manager

Building Permit

R16000053

Town of Oyster Bay
Department of Planning and Development
Phone 516-624-6200

74 Audrey Avenue
Town Hall, Oyster Bay, NY 11771
Fax 516-624-6240

School District	Section/Block/Lot	Zone	Application No.	ZBA Number	ZBA Date	Receipt No.
Hicksville	11 427-16	R1-7	15120219			01000410821

Permittee	ERICA RIOS SOLARCITY CORPORATION 15 GRUMMAN ROAD WEST, SUITE 400 BETHPAGE, NY 11714 (385) 201-0725	Contractor	SOLARCITY CORPORATION 15 GRUMMAN ROAD WEST, SUITE 400 BETHPAGE, NY 11714 (385) 201-0725
Property Owner	YASMIN & ADRIAN LAWRENCE 14 SCHULZ STREET WESTBURY, NY 11590 (516) 242 1186	Plumber	
		Electrician	JASON KANE INC. 127 WEST BLVD, EAST ROCKAWAY, NY 11518 (516) 306-0126

Address of Actual Construction

14 SCHULZ STREET, WESTBURY, NY 11590		Tenant
Permission Granted for the	INSTALLATION OF	Estimated Cost of Construction $29,000

Thirty-eight (38) roof mounted solar panels as per plan prepared by Rolf Armstrong, P.E. dated 110/31/15.

ALL WORK TO COMPLY WITH TOB APPROVED PLAN DATED: 12/16/15

ZONING REVIEW: ONE FAMILY DWELLING ONLY

This Permit has been issued specifically for the construction or maintenance of the improvement listed hereon. The issuance of this Permit shall not be deemed to be an acknowledgement by the Town of Oyster Bay as to the legality of any other improvements to the subject premises. It is specifically understood that the issuance of a Certificate of Occupancy by the Town of Oyster Bay for the improvement listed hereon shall be conditioned upon the issuance of a Building Permit and Certificate of Occupancy for any and all other improvements to the subject premises.

A certificate from an approved Electrical Inspection Co. is to be placed on file prior to issuance of a Certificate of Occupancy/Approval/Completion

Located On	Side Of	Feet	Of		Post Office
S	SCHULZ STREET	439.15	W	MAXWELL DRIVE	WESTBURY

DESCRIPTION	FEE	PAID	BALANCE
APP FEE	50.00	50.00	0.00
BLDG	436.00	436.00	0.00
CC	25.00	25.00	0.00
*** FEE TOTALS ***	511.00	511.00	0.00

TOTAL PAID AFTER APPLICATION FEE APPLIED: $411.00

Occupancy of this new building or addition or alteration prior to the issuance of a Certificate of Occupancy will be considered a violation of the Code of the Town of Oyster Bay. Prompt notification by the various contractors for inspection of their various parts of the work will avoid delay in the issuance of the Certificated of Occupancy. Permit and approved plans must be posted on the job site, visual to public inspection, until completion of the work and inspections.

Changes regardless of size from the stamped approval plans must be submitted to the Department of Planning and Development and approved before changes are made. Approved plans must be retained on the job and available to inspection at all times.

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There are numerous inspection requirements that vary according to the type of structure built or maintained. Some but not all of the required inspections follow.

BUILDING INSPECTIONS

*Demolition inspections – Check with Building Division
*Concrete Certifications
*Soil Conditions – before footings and foundations are poured
*Forms for footings, keyways and foundations including rebar
*Waterproofing, membrane and insulating
*Foundations and/or slabs
*Framing – wood or steel before mechanicals
*Framing after mechanicals and before insulating
*Insulation inspection – before closing.
*Rough enclosed
*Final inspection(s)

PLUMBING INSPECTIONS

*Underground plumbing – before backfilling
*Rough plumbing – before closed up and ready for test.
*Final inspection when all fixtures are set.
*Sewer connection – spur tie-in
*Sanitary systems. (Excavation/Construction)
*Installation or replacement of burners. (oil, gas, electric).
*Oil Tanks – inground or above. (Check with Building Division for required testing and in Testing and inspections)
*Pressure tests are required for any natural or propane gas installation.
*Alteration or replacement
*Hydrostatic pressure testing must be witnessed by a plumbing inspector
For all fire sprinkler systems

DRAINAGE, SITE WORK, & RETAINING WALLS

Contact Planning and Development site engineer

ALL PERMITS ISSUED IN CONJUNCTION WITH SITE PLAN REVIEW

Please be advised that a Certificate of Occupancy will not be issued for this project [illegible] has been installed and inspected or a performance bond in the amount of $ ____ has been [illegible] with the Town of Oyster Bay

Date Issued:	01/06/2016	Work Must Start By	07/06/2016

CO must be issued by 01/06/2017 or permit will expire unless renewed prior to expiration.

Permittee's copy of approved plans must be available at the site for all inspections

Frederick P. Trechte

Commissioner, Department of Planning and Development

TOWN OF OYSTER BAY

ITEM 1 OF 1 PERMIT RECEIPT OPERATOR: klebrigh
COPY # : 1

Sec:11 Twp:Oyster B Rng: Sub: Blk:427 Lot:16
SBL .....: 11-427-16

DATE ISSUED.....: 12/14/2015
RECEIPT #.....: 01000410623
REFERENCE ID # ...: 15120219

Permit Num .....: R16000053
SITE ADDRESS .....: 14 SCHULZ ST
SUBDIVISION .....:
CITY .....: WESTBURY
IMPACT AREA .....:

OWNER .....: YASMIN & ADRIAN LAWRENCE
ADDRESS .....: 14 SCHULZ STREET
CITY/STATE/ZIP ...: WESTBURY, NY 11590

RECEIVED FROM ....: RECEIPT INTERFACE
CONTRACTOR .....: SOLARCITY CORPORATION LIC # 01794
COMPANY .....: SOLARCITY CORPORATION
ADDRESS .....: 15 GRUMMAN ROAD WEST SUITE 400
CITY/STATE/ZIP ...: BETHPAGE, NY 11714
TELEPHONE .....: (516) 761-8314

FEE ID	UNIT	QUANTITY	AMOUNT	PD-TO-DT	THIS REC	NEW BAL
B-APPL FEE FLAT RATE		1.00	50.00	0.00	50.00	0.00
TOTAL PERMIT :			50.00	0.00	50.00	0.00

METHOD OF PAYMENT	AMOUNT	REFERENCE NUMBER
CHECK	50.00	776428
TOTAL RECEIPT :	50.00	

TOWN OF OYSTER BAY

ITEM 3 OF 3 $50 CREDIT RECEIPT

RECEIPT # : 01000410821
RECEIPT DATE : 12/17/2015

PRINT DATE : 07/13/2017
PRINT TIME : 11:42:06
OPERATOR : klebrigh
COPY # : 1

RECEIVED BY : SG
REC'D. FROM : SOLARCITY CORP

CASH DRAWER: 01

CUSTOMER ID		ITEM	PAYMENT
1.000 @	$50.00	$50 CREDIT	-50.00
TOTAL			-50.00

METHOD OF PAYMENT	AMOUNT	REFERENCE NUMBER
CHECK	411.00	775558
TOTAL RECEIPT :	411.00	

TOWN OF OYSTER BAY

2 ITEMS OF 3

PERMIT RECEIPT

OPERATOR: klebrigh
COPY # : 1

Sec:11 Twp:Oyster B Rng: Sub: Blk:427 Lot:16
SBL ..... : 11-427-16

DATE ISSUED..... : 12/17/2015
RECEIPT #..... : 01000410821
REFERENCE ID # ... : 15120219

Permit Num ..... : R16000053
SITE ADDRESS ..... : 14 SCHULZ ST
SUBDIVISION ..... :
CITY ..... : WESTBURY
IMPACT AREA ..... :

OWNER ..... : YASMIN & ADRIAN LAWRENCE
ADDRESS ..... : 14 SCHULZ STREET
CITY/STATE/ZIP ... : WESTBURY, NY 11590

RECEIVED FROM .... : RECEIPT INTERFACE
CONTRACTOR ..... : SOLARCITY CORPORATION LIC # 01794
COMPANY ..... : SOLARCITY CORPORATION
ADDRESS ..... : 15 GRUMMAN ROAD WEST SUITE 400
CITY/STATE/ZIP ... : BETHPAGE, NY 11714
TELEPHONE ..... : (516) 761-8314

FEE ID	UNIT	QUANTITY	AMOUNT	PD-TO-DT	THIS REC	NEW BAL
B-BLDG FEE VALUATION		29,000.00	436.00	0.00	436.00	0.00
B-CC		1.00	25.00	0.00	25.00	0.00
TOTAL PERMIT :			461.00	0.00	461.00	0.00

Amount: $411.00 Sequence Number: 4892348730

Account: [redacted] Capture Date: 12/17/2015

Bank Number: 12100035 Check Number: 775559

SOLARCITY CORPORATION
BETHPAGE OPERATING ACCOUNT
3055 CLEARVIEW WAY
SAN MATEO, CA 94402-3709

App# 15120219

775558

11-35/1210 CA
CT355

DATE 12/17/15

PAY TO THE ORDER OF Town of Oyster Bay $ 411 00

Four Hundred Eleven Dollars and 0/00 DOLLARS

Bank of America

FOR 1152466 Lawrence

[redacted]

⑈163⑈08919⑈

For Deposit Only
Town of Oyster Bay

PAY TO THE ORDER OF
CAPITAL ONE BANK
FOR DEPOSIT ONLY
TOWN OF OYSTER BAY
ROBERT MCEVOY CONTROLLER

[redacted]

>06500090<
CAPITAL ONE, NA
0036744762 12172015
RICHMOND, VA 057 22
Deposit [redacted]

0100041821

Electronic Endorsements:

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
12/17/2015	004892348730	121103886	Pay Bank	N		BANK OF AMERICA, NA
12/17/2015	000300036744760	65000090	Rtn Loc/BOFD	Y		CAPITAL ONE, NA

11-427-16

SolarCity

Ok To Void
Jim Spano 4/19/17
Replaced + Superseded by
R16002610 Finaled
By Joe C 8/26/16

November 18, 2016

Town of Oyster Bay
(Attn: Building Department)

NOTICE OF CANCELLATION

This letter is to certify our proposal to install Solar (PV) at the property listed below has moved into a cancellation status.

Adrian Lawrence
14 Schulz St.
Westbury NY 11590
Application/Permit #: R16000053

SolarCity Corporation and Adrian Lawrence will not be moving forward with the proposed installation. We would greatly appreciate reimbursement for the permitting fees paid on 1/7/2016 for the amount of $411.00.
Attached are copies of: Permit
Payment Receipt
Cancelled Check

If you have any questions/concerns, please contact myself directly.

Sincerely,
Cathy Odynski

Cathy Odynski, Permit Coordinator
codynski@solarcity.com (516) 761-6732

AL 056301 AP M-8937, AZ ROC 243771/ROC 245450, CA CSLB 888104, CO ECB041, CT HIC 0632778/ELC 0125505, DC 410514000080/ECC902585, DE 2011203867 T1-6032, FL EC13006226, HI CT-29770, IL 15-049152, MA HIC 168572/EL-1126588, MD HIC 128948/118185, NC 30801-U, NH 13437/C-12522M, NJ NJHIC #13VH06160600/34EB01732700, NM EE98-379590, NV NV2012735112/C2-0078648/B2-0079719, OH EL 47707, OR CB#80498/C562, PA HIC PA012743, RI AC-13437/HIC reg 28535, TX TECL 27006, UT 8726950-5501 VA ELE2705153278, VT EM-016829, WA SOLARC*919201/SOLARC*916PT, Albany 459, Queens A-486, Nassau H2409700000, Putnam PC 6041, Rockland H-10868, 30-060-ME, Suffolk 52587, Westchester WC 25188, NYC #2001384, DCA SCENDC-N-Y.C. Licensed Electrician, #12410, #0034885, 165 Water St, 6th Fl, Unit 30, Brooklyn, NY 11201, #2035966-DCA. All loans provided by SolarCity Finance Company, LLC a Corp. All rights Reserved. 01842726 SolarCity Finance Company, LLC. is licensed by the Delaware State Bank Commissioner to engage in business in Delaware under license number 0894227. MD Consumer Loan License 2243, NV Installment Loan License # 5025 / # 3024, Rhode Island Licensed Lender #20153931LL, TX Registered Creditor 34,018,963 / 2074404, VT Lender License #6366

FILE COPY

Town of Oyster Bay
Department of Planning and Development
Town Hall – 74 Audrey Avenue
Oyster Bay, New York 11771
(516) 624-6200
FAX (516) 624-6240
www.oysterbaytown.com

ELIZABETH L. MACCARONE
COMMISSIONER

TIMOTHY R. ZIKE
DEPUTY COMMISSIONER

April 19, 2017

Ms. Cathy Odynski
Solar City
15 Grumman Road West
Bethpage, New York 11714

Re: Solar Permit Application Number R16000053
14 Schulz Street, Westbury, New York 11590
Section 11, Block 427, Lot 16

Dear Ms. Odynski:

The Town of Oyster Bay is in receipt of your letter dated November 18, 2016 requesting the Town to void the above solar permit.

After a review of the property file, the above referenced solar permit has been voided.

If you have any questions regarding the above, please feel free to contact the undersigned at (516) 624-6267.

Very truly yours,

ELIZABETH L. MACCARONE
COMMISSIONER

Timothy R. Zike

Timothy R. Zike
Deputy Commissioner

CRZ/ms
Cer Adrian Lawrence

TOWN OF OYSTER BAY
CLAIM
AUDREY AVENUE, OYSTER BAY, NEW YORK 11771

TAXPAYER IDENTIFICATION NUMBER
FEDERAL ID # ☒ SOCIAL SECURITY # ☐
02-0781046

CLAIMANT'S NAME	CONTRACT #	ORDER #
Solar City		
CLAIMANT'S ADDRESS	**CONTRACT NAME**	
15 Grumman Road West, S#400, Bethpage, NY 11714		
TOWN DEPARTMENT	**CLAIMANT INVOICE #**	**RESO #**
Planning & Development		

FOLLOW INSTRUCTIONS ON REVERSE SIDE THEN RETURN CLAIM AND INVOICES TO DEPARTMENT RECEIVING MATERIALS OR SERVICES

DETAILED DESCRIPTION OF MATERIALS OR SERVICES

DATE	DESCRIPTION	UNIT PRICE	TOTAL
5/3/2017	REFUND FOR SOLAR PERMIT #R16000053 ISSUED ON 01/06/2016.		$411.00
	THIS PERMIT HAS BEEN VOIDED BY SOLAR CITY.		
	FORM PREPARED BY: DEBBIE SMYTH - DEPT. OF PLANNING & DEVELOPMENT		
	PLEASE RETURN THE COMPLETED FORM TO:		
	TOWN OF OYSTER BAY, DEPARTMENT OF PLANNING & DEVELOPMENT		
	74 AUDREY AVENUE		
	OYSTER BAY, NEW YORK 11771		

THE BELOW CERTIFICATION MUST BE PROPERLY FILLED OUT BY THE CLAIMANT

TOTAL AMOUNT	$411.00
CASH DISCOUNT %	
NET AMOUNT	

I HEREBY CERTIFY the above articles were sold and delivered and/or the above service rendered to the Town of Oyster Bay on the dates and for the prices or amounts billed; that the above bill is just, true and correct; that no part thereof has been paid except as stated therein and that the balance there stated in the amount of no part thereof has been paid except as stated therein and that the balance there in stated in the amount of

******Four hundred eleven dollars********

is actually due and owing, and that taxes from which the Town of Oyster Bay is exempt are excluded therefrom.

CLAIMANT FURTHER CERTIFIES that the unit prices charged herein are not higher than those charged to any governmental or commercial consumer for like deliveries.

Date 5/16/17

Signature Cathy Odynski Title Permit Coordinator

Print or type name Cathy Odynski Name of Company Solar City

I HEARBY APPROVE this claim form for the sum of **********$411.00********** for the services, disbursements and materials herein indicated which were actually performed and were for the Town of Oyster Bay.

Signature _____ Title COMMISSIONER Date _____

Department PLANNING & DEVELOPMENT Account PAD B 0001 02555 000 0000

Reviewed By
Office of Town Attorney

WHEREAS, Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development by memorandum dated July 10, 2017, recommended that Mr. Peter Charron, 1 Woodward Drive, Oyster Bay, New York 11771, be given a refund for the cancellation of the variance fee for Application #98620, in the amount of $725.00, because Mr. Charron opted not to proceed with the application;

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and for the reason heretofore given, Mr. Peter Charron, is hereby granted a refund in the amount of $725.00; and be it further

RESOLVED, That the Office of the Comptroller is hereby authorized and directed to make payment for same, to Mr. Peter Charron, 1 Woodward Drive, Oyster Bay, New York 11771, upon presentation of a duly certified claim, after audit, and that the funds for said payment are to be drawn from Account No. PAD B 8010 44100 000 0000.

#

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

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TOWN OF OYSTER BAY

Inter-Departmental Memo

To: MEMORANDUM DOCKET

From: ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING & DEVELOPMENT

Date: JULY 10, 2017

Subject: ZONING BOARD OF APPEALS REFUND
PETER CHARRON, 1 WOODWARD DRIVE, OYSTER BAY

Pursuant to the Code of the Town of Oyster Bay, this department accepted a variance fee for Application # 98620, dated 7/26/16. The total fee was $725.00, receipt #41817. The fee was paid by check # 1023. The property owner decided not to proceed with the application.

Therefore, in light of the aforementioned facts, it is respectfully requested that a seven hundred twenty five dollar ($725.00) refund for the variance fee paid should be refunded to Mr. Peter Charron, 1 Woodward Drive, Oyster Bay, NY 11771 under account number PAD B 8010 44100 000 0000.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM:jf
cc: Town Attorney w/10 copies

Charron 16402

TOWN OF OYSTER BAY

CLAIM

AUDREY AVENUE, OYSTER BAY, NEW YORK 11771

TAXPAYER IDENTIFICATION NUMBER
FEDERAL ID # ☐ SOCIAL SECURITY # ☐ 104-58-1029

CLAIMANT'S NAME: PETER CHARRON	CONTRACT #	ORDER # 16402 38
CLAIMANT'S ADDRESS: 1 WOODWARD DR. OYSTER BAY 11771	CONTRACT NAME	
TOWN DEPARTMENT: ZBA - OYSTER BAY PLANNING & DEV.	CLAIMANT INVOICE #	RESO #

FOLLOW INSTRUCTIONS ON REVERSE SIDE THEN RETURN CLAIM AND INVOICES TO DEPARTMENT RECEIVING MATERIALS OR SERVICES

DETAILED DESCRIPTION OF MATERIALS OR SERVICES

DATE	DESCRIPTION	UNIT PRICE	TOTAL
7/26/16	VARIANCE FEE REGARDING 16-402	$725.00	$725.00
	SEC. 37 BLK. E LOT 465		
	33 FURMAN PLACE, EAST NORWICH		
	# 23263		

THE BELOW CERTIFICATION MUST BE PROPERLY FILLED OUT BY THE CLAIMANT

I HEREBY CERTIFY the above articles were sold and delivered and/or the above service rendered to the Town of Oyster Bay on the dates and for the prices or amounts billed; that the above bill is just, true and correct; that no part thereof has been paid except as stated therein and that the balance there stated in the amount of no part thereof has been paid except as stated therein and that the balance there in stated in the amount of

TOTAL AMOUNT	$725.00
CASH DISCOUNT %	
NET AMOUNT	$725.00

is actually due and owing, and that taxes from which the Town of Oyster Bay is exempt are excluded therefrom.

CLAIMANT FURTHER CERTIFIES that the unit prices charged herein are not higher than those charged to any governmental or commercial consumer for like deliveries.

Signature: Peter Charron Title: Date: 6/26/17

Print or type name: PETER CHARRON Name of Company: NONE

I HEARBY APPROVE this claim form for the sum of 725.00 for the services, disbursements and materials herein indicated actually performed were for the Town of Oyster Bay

Signature: Title: Date:

Department: PW 2 Account: BAD B 8010 44100 0000 0000

citi

Print a Copy

ATM/Debit Card: XXXX-XXXX-XXXX[redacted]

As of 06-25-2017 21:17 EDT

SERVICES Check Details

Account	Check #	Post Date	Amount
Checking: [redacted]	1023	08/26/2016	$ 725.00

DHONNA T. CHARRON
PETER CHARRON
22 FURMAN PLACE
EAST NORWICH, NY 11732-1318

1023

Date 7/26/16

Pay to the order of TOWN OF OYSTER BAY - 2 BR $725.00

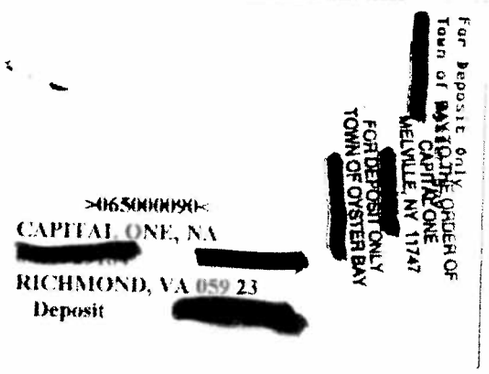
SEVEN HUNDRED TWENTY FIVE ONLY

citibank Citigold

98620

for 22 FURMAN PL. VARIANCE Dhonna J. Charron

[redacted] 1023



Security Tip: Check Image files may be automatically saved on the hard drive of this computer. If other people use this computer you should delete these files so that no one will have access to your check images and account information. Learn more

TOWN OF OYSTER BAY,

AUDREY AVENUE, OYSTER BAY, NEW YORK 11771
TELEPHONE: (516) 624-6232

BOARD OF APPEALS

RECEIPT

NAME OF APPLICANT	RECEIPT DATE	RECEIPT NO.
RECEIVED FROM		41817 11-37
STREET ADDRESS	APPLICATION NO.	CASE NO.
POST OFFICE	TYPE OF PAYMENT ☐ CASH ☐ CHECK ☐ MONEY ORDER	

✓	REASON FOR FEE	ARTICLE AND SECTION	FEE PAID	✓	REASON FOR FEE	ARTICLE AND SECTION	FEE PAID
	DEVELOPED PARCEL				SIGN VARIANCE		
	UNDEVELOPED PARCEL				FALLOUT SHELTER		
	APPEAL				TIME EXTENSION		
	SPECIAL PERMIT OR USE				REHEARING		
	REDUCED PAVED PKG. AREA				MOTHER/DAUGHTER RES.		
	SPECIAL PERMIT SIGN						

TOTAL FEE PAID

COPY DISTRIBUTION

WHITE - APPLICANT

GREEN - NUMERICAL FILE
PINK - FILE

Peter Charron
1 Woodward Drive
Oyster Bay Cove, NY 11771

Town of Oyster Bay
Department of Planning and Development
Zoning Board of Appeals
74 Audrey Avenue
Oyster Bay, NY 11771

June 26th, 2017

Subj: Refund of Zoning Fee: 16-402 Sec 27 BLK E Lot 465 22 Furman Place East Norwich, NY 11732

To whom it may concern,

Following the letter I received on March 1st, confirming my application withdrawal (included in this letter), I'm officially requesting a refund of $725 that I paid to the Town of Oyster Bay on Check number 1023. This amount was paid to the town to process a variance for the above property. The application was withdrawn and I request the check to be refunded to me.

Please note my new address to send the check to:

1 Woodward Drive
Oyster Bay Cove, NY 11771

If you have any questions please feel free to reach out to me at 516 [redacted]

Sincerely,
Peter Charron

2017 JUN 28 A 2:3[illegible]
[illegible] OF OYSTER BAY
[illegible] APPEALS

WHEREAS, pursuant to Town Board Resolution 277-2012, adopted on March 13, 2012, the Town entered into a Brownfield Site Cleanup Agreement, dated March 16, 2012, with the New York State Department of Environmental Conservation ("NYSDEC") wherein a portion of the Bethpage Community Park, Stewart Avenue, Bethpage, Town of Oyster Bay, New York, (part of Section 46, Block G, Lot 43 on the Land and Tax Map of Nassau County), and known as DEC Site No. C130212-01-12, has been determined eligible for the Brownfield Cleanup Program; and

WHEREAS, the aforementioned Agreement directs that the Town will be responsible for certain State costs incurred for remediation work performed and to be performed at the site; and

WHEREAS, the NYSDEC submitted an Invoice, dated April 13, 2017, pursuant to the terms of the aforementioned Agreement, with back-up documentation, requesting payment in the amount of $6,796.58 by June 2, 2017, for remediation associated with the aforementioned Town park; and

Reviewed By
Office of Town Attorney

WHEREAS, Joseph Nocella, Town Attorney, and Dennis P. Sheehan, Assistant Town Attorney, by memorandum dated July 17, 2017, have recommended that the Town be authorized to make payment to the NYSDEC in the amount of $6,796.58, for remediation work set forth in an Invoice dated April 13, 2017, and pursuant to the terms of Brownfield Site Cleanup Agreement dated March 16, 2012,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation of Joseph Nocella, Town Attorney, and Dennis P. Sheehan, Assistant Town Attorney, as set forth in the above referenced memorandum, is hereby accepted, and the Town is hereby authorized to pay the NYSDEC the amount of $6,796.58, for remediation work set forth in an Invoice dated April 13, 2017, and pursuant to the terms of Brownfield Site Cleanup Agreement dated March 16, 2012; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make said payment to NYSDEC, with funds to be drawn from Account No. PKS-H-7197-20000-000-1502-001, for Project ID number 1502 PKSA-10.

-#-

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller (2)
Public Works
Parks

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

JULY 7, 2017

TO : MEMORANDUM DOCKET

FROM : RICHARD W.LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS

SUBJECT: PAYMENT OF NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION - BROWNFIELD CLEANUP PROGRAM FEES
BETHPAGE COMMUNITY PARK
ACCOUNT NO. PKS H 7197 20000 000 1502 001
PROJECT ID 1502 PKSA-10

The Town of Oyster Bay entered into a Brownfield Site Cleanup Agreement with the New York State Department of Environmental Conservation ("NYSDEC"), Index No. C130212-01-12, for Bethpage Community Park.

In accordance with this Agreement the Town is obligated to reimburse the State for their employee costs related to oversight of this program. Attached is a claim submitted by the NYSDEC in the amount of $6,796.58 which covers the period of December 31, 2015 through December 28, 2016.

Funds are available for payment of this invoice from Account No. PKS H 7197 20000 000 1502 001.

In is therefore recommended and requested that the Town Board authorize, by Resolution, funds in the amount of $6,796.58 to be encumbered for the New York State Department of Environmental Conservation for the payment of Brownfield Cleanup Program Fees relative to Bethpage Community Park, and that the Office of the Comptroller be directed to make payment upon the submission of a proper claim.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS

RWL/MR/dz

Attachments

c: Office of the Town Attorney (w/10 copies)
Christine M. Wiss, Deputy Comptroller
Neil Bergin, Commissioner/Environmental Resources
Joseph Pinto, Commissioner/Parks

DOCKET BCP BROWNFIELD PROGRAM FEES 2016

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

INVOICE

Brownfield Cleanup Agreement - BETHPAGE COMMUNITY PK ICE RINK

Site Number:	CO/BCA/VCA No: C130212-01-12	Applicant/Respondent/Volunteer Name:
C130212	Effective Date: 03/16/2012	Town of Oyster Bay
	Amended/Modified Effective	

John Ellsworth
Town of Oyster Bay, Dept. of Environmental Resources
150 Miller Place
Syosset, NY 11791

Statement Date:	04/13/2017
Invoice Number:	DER000000013752
Date Due:	**06/02/2017**
Amount Due:	**$6,796.58**

Environmental Remediation Program		Amounts
NYSDEC Costs	(12/31/2015 through 12/28/2016)	$6,796.58
NYSDOH Costs	(through)	$0.00
	Total:	$6,796.58

Comments to Customer
DOH costs not currently available. NYSDEC reserves the right to invoice for DOH costs at a later date.

Questions regarding the invoice should be directed to Karen Diligent at (518) 402-9764 (e-mail: karen.diligent@dec.ny.gov).

Questions regarding **payment of the Invoice** should be directed to the Bureau of Revenue Accounting at (518) 402-9365 (e-mail: revenue@dec.ny.gov).**

Please submit bottom portion of Invoice with payment.

☐ Change of contact name/address provided on reverse side.

Make Check Payable to: Commissioner of NYSDEC

***ACH Payments: Please notify the Bureau of Revenue Accounting at (518) 402-9365, e-mail: revenue@dec.ny.gov when a transfer is made.*

Include DER Invoice No. and Site No. on the reference portion of your transaction.

Remit Payment To:

NYS Department of Environmental Conservation
Division of Management & Budget, 10th Floor
625 Broadway
Albany, NY 12233-4900

BETHPAGE COMMUNITY PK ICE RINK

Site Number: C130212

Statement Date:	04/13/2017
Invoice Number:	DER000000013752
Date Due:	**06/02/2017**
Amount Due:	$6,796.58
Amount Enclosed:	_____

Cost Query of the Leave and Accrual Tracking System (LATS)

Print Date: 3/28/2017

Legal Agreement Number: C130212-01-12

Invoice Number: DER000000013752

Pay Period	Pay Period Dates	Check Date	Cost Center	Employee	Title Description	Work Location Description	Billable Hourly Rate	State Fringe Cost	State Indirect Cost	Hours	Salary Cost
Task: 67047 - C130212 BETHPAGE COMMUNITY PARK ICE RINK AREA										12/31/2015 -	12/28/2016
2015/21	12/31/2015 - 01/13/2016	01/27/2016	430221L62015	Scharf, Steven M.	ENVIRNL ENGINEER 2	Central Office - 625 Broadway	58.47	16.34	10.36	0.50	29.24
2015/23	01/28/2016 - 02/10/2016	02/24/2016	430221L62015	Scharf, Steven M.	ENVIRNL ENGINEER 2	Central Office - 625 Broadway	58.47	32.67	20.73	1.00	58.47
2015/23	01/28/2016 - 02/10/2016	02/24/2016	430221L62015	Swartwout Jr, John B.	ENVIRNL ENGINEER 3	Central Office - 625 Broadway	61.47	17.18	10.90	0.50	30.74
2015/26	03/10/2016 - 03/23/2016	04/06/2016	430221L62015	Scharf, Steven M.	ENVIRNL ENGINEER 2	Central Office - 625 Broadway	58.09	275.92	175.03	8.50	493.77
2015/27	03/24/2016 - 04/06/2016	04/20/2016	430221L62016	Scharf, Steven M.	ENVIRNL ENGINEER 2	Central Office - 625 Broadway	58.47	65.35	41.45	2.00	116.94
2015/27	03/24/2016 - 04/06/2016	04/20/2016	430221L62016	Swartwout Jr, John B.	ENVIRNL ENGINEER 3	Central Office - 625 Broadway	65.71	36.72	23.29	1.00	65.71
2016/2	04/21/2016 - 05/04/2016	05/18/2016	430221L62016	Scharf, Steven M.	ENVIRNL ENGINEER 2	Central Office - 625 Broadway	59.49	209.56	141.00	6.00	356.94
2016/3	05/05/2016 - 05/18/2016	06/01/2016	430221L62016	Scharf, Steven M.	ENVIRNL ENGINEER 2	Central Office - 625 Broadway	59.49	17.47	11.75	0.50	29.75
2016/3	05/05/2016 - 05/18/2016	06/01/2016	430221L62016	Swartwout Jr, John B.	ENVIRNL ENGINEER 3	Central Office - 625 Broadway	67.96	279.30	187.92	7.00	475.72
2016/4	05/19/2016 - 06/01/2016	06/15/2016	430221L62016	Harrington, James B.	ENVIRNL ENGINEER 4	Central Office - 625 Broadway	79.84	23.44	15.77	0.50	39.92
2016/4	05/19/2016 - 06/01/2016	06/15/2016	430221L62016	Scharf, Steven M.	ENVIRNL ENGINEER 2	Central Office - 625 Broadway	59.49	69.85	47.00	2.00	118.98
2016/5	06/02/2016 - 06/15/2016	06/29/2016	430221L62016	Scharf, Steven M.	ENVIRNL ENGINEER 2	Central Office - 625 Broadway	59.49	17.47	11.75	0.50	29.75
2016/7	06/30/2016 - 07/13/2016	07/27/2016	430221L62016	Scharf, Steven M.	ENVIRNL ENGINEER 2	Central Office - 625 Broadway	59.49	69.85	47.00	2.00	118.98
2016/7	06/30/2016 - 07/13/2016	07/27/2016	430221L62016	Swartwout Jr, John B.	ENVIRNL ENGINEER 3	Central Office - 625 Broadway	67.96	19.95	13.42	0.50	33.98
2016/8	07/14/2016 - 07/27/2016	08/10/2016	430221L62016	Scharf, Steven M.	ENVIRNL ENGINEER 2	Central Office - 625 Broadway	59.49	17.47	11.75	0.50	29.75
2016/9	07/28/2016 - 08/10/2016	08/24/2016	430221L62016	Scharf, Steven M.	ENVIRNL ENGINEER 2	Central Office - 625 Broadway	60.68	17.81	11.98	0.50	30.34
2016/10	08/11/2016 - 08/24/2016	09/07/2016	430221L62016	Scharf, Steven M.	ENVIRNL ENGINEER 2	Central Office - 625 Broadway	60.68	17.81	11.98	0.50	30.34
2016/12	09/08/2016 - 09/21/2016	10/05/2016	430221L62016	Scharf, Steven M.	ENVIRNL ENGINEER 2	Central Office - 625 Broadway	60.68	35.63	23.97	1.00	60.68
2016/15	10/20/2016 - 11/02/2016	11/16/2016	430221L62016	Scharf, Steven M.	ENVIRNL ENGINEER 2	Central Office - 625 Broadway	60.68	160.31	107.87	4.50	273.06
2016/15	10/20/2016 - 11/02/2016	11/16/2016	430221L62016	Swartwout Jr, John B.	ENVIRNL ENGINEER 3	Central Office - 625 Broadway	69.32	20.35	13.69	0.50	34.66
2016/16	11/03/2016 - 11/16/2016	11/30/2016	430221L62016	Scharf, Steven M.	ENVIRNL ENGINEER 2	Central Office - 625 Broadway	60.68	213.75	143.82	6.00	364.08

Cost Query of the Leave and Accrual Tracking System (LATS)

Print Date: 3/26/2017

Legal Agreement Number: C130212-01-12

Task: 67047 - C130212 BETHPAGE COMMUNITY PARK ICE RINK AREA									12/31/2015 - 12/28/2016		
2016/16	11/03/2016 - 11/16/2016	11/30/2016	430221L62016	Swartwout Jr, John B.	ENVIRNL ENGINEER 3	Central Office - 625 Broadway	67.52	19.82	13.34	0.50	33.76
2016/17	11/17/2016 - 11/30/2016	12/14/2016	430221L62016	Scharf, Steven M.	ENVIRNL ENGINEER 2	Central Office - 625 Broadway	57.98	119.14	80.16	3.50	202.93
2016/17	11/17/2016 - 11/30/2016	12/14/2016	430221L62016	Swartwout Jr, John B.	ENVIRNL ENGINEER 3	Central Office - 625 Broadway	67.96	19.95	13.42	0.50	33.98
2016/18	12/01/2016 - 12/14/2016	12/28/2016	430221L62016	Scharf, Steven M.	ENVIRNL ENGINEER 2	Central Office - 625 Broadway	60.68	213.75	143.82	6.00	364.08
						Task 67047 Subtotal:		*2,006.86*	*1,333.17*	*56.50*	*3,456.55*
						Legal Agreement C130212-01-12 Invoice No.: DER000000013752 Total:		2,006.86	1,333.17	56.50	3,456.55

Direct Personal Service (salary/wage) Cost	3,456.55
Fringe Benefit Cost	2,006.86
Indirect Cost	1,333.17
Report Grand Total:	6,796.58

TOWN OF OYSTER BAY

CLAIM

AUDREY AVENUE, OYSTER BAY, NEW YORK 11771

TAXPAYER IDENTIFICATION NUMBER
FEDERAL ID # [X] SOCIAL SECURITY # [ ]
14-6013200

CLAIMANT'S NAME	CONTRACT #	ORDER #
NYS Department of Environmental Conservation		
CLAIMANT'S ADDRESS	**CONTRACT NAME**	
625 Broadway (12th Floor), Albany, NY 12233-7012		
TOWN DEPARTMENT	**CLAIMANT INVOICE #**	**RESO #**
Town Attorney	DER000000013752	227-2012

FOLLOW INSTRUCTIONS ON REVERSE SIDE THEN RETURN CLAIM AND INVOICES TO DEPARTMENT RECEIVING MATERIALS OR SERVICES

DETAILED DESCRIPTION OF MATERIALS OR SERVICES

DATE	DESCRIPTION	UNIT PRICE	TOTAL
4/12/2017	Pursuant to the Brownfield Site Cleanup Agreement (#C130212-01-12) entered		$6,796.58
	into between the Town of Oyster Bay and the NYSDEC, effective March 16, 2012		
	- Authorized by Resolution No. 227-2012 (BCP #C130212).		

TOTAL AMOUNT	$6,796.58
CASH DISCOUNT %	0
NET AMOUNT	$6,796.58

THE BELOW CERTIFICATION MUST BE PROPERLY FILLED OUT BY THE CLAIMANT

I HEREBY CERTIFY the above articles were sold and delivered and or the above service rendered to the Town of Oyster Bay on the dates and for the prices or amounts billed; that the above bill is just, true and correct; that no part thereof has been paid except as stated therein and that the balance there stated in the amount of

_____

is actually due and owing, and that taxes from which the Town of Oyster Bay is exempt are excluded therefrom.

CLAIMANT FURTHER CERTIFIES that the unit prices charged herein are not higher than those charged to any governmental or commercial consumer for like deliveries.

Date 4/12/17

Signature Karen Diligent Title Section Chief

Print or type name Karen Diligent Name of Company NYS Dept. of Env. Conservation

I HEREBY APPROVE this claim form for the sum of _____ for the services, disbursements and materials herein indicated which were actually performed and were for the Town of Oyster Bay.

Signature _____ Title _____ Date _____

Department _____ Account _____

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM
ECL §27-1401 *et seq.*

In the Matter of a Remedial Program for

BROWNFIELD SITE CLEANUP AGREEMENT
Index No.: C130212-01-12

Bethpage Community Park Ice Rink Area
DEC Site No.: C130212
Located at: Stewart Avenue
Nassau County
Bethpage, NY 11714

Hereinafter referred to as "Site"

by:

Town of Oyster Bay
Department of Environmental Resources, Syosset, NY 11791

Hereinafter referred to as "Applicant"

WHEREAS, the Department of Environmental Conservation (the "Department") is authorized to administer the Brownfield Cleanup Program set forth in Article 27, Title 14 of the Environmental Conservation Law ("ECL"); and

WHEREAS, the Applicant submitted an application received by the Department on August 5, 2011; and

WHEREAS, the Department has determined that the Site and Applicant are eligible to participate in the BCP.

NOW, THEREFORE, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING:

I. Applicant Status

The Applicant, Town of Oyster Bay, is participating in the BCP as a Participant as defined in ECL 27-1405(1)(a).

II. Real Property

The Site subject to this Brownfield Cleanup Agreement (the "BCA" or "Agreement") consists of approximately 0.400 acres, a Map of which is attached as Exhibit "A", and is described as follows:

Tax Map/Parcel No.: p/o 46-G-43
Street Number: Stewart Avenue, Bethpage
Owner: Town of Oyster Bay

III. Payment of State Costs

Invoices shall be sent to Applicant at the following address:

Town of Oyster Bay
Attn: John Ellsworth
Department of Environmental Resources
150 Miller Place
Syosset, NY 11791
jellsworth@oysterbay-ny.gov

In addition to the requirement to pay future state costs as set forth in Appendix "A", within forty-five (45) Days after the effective date of this Agreement, Applicant shall pay to the Department the sum set forth on Exhibit "B", which shall represent reimbursement for past State Costs incurred prior to the effective date of this Agreement. Applicant acknowledges that all past State Costs are not itemized on the cost summary and that additional charges may be billed at a later date for State Costs incurred prior to the effective date of this Agreement.

IV. Communications

A. All written communications required by this Agreement shall be transmitted by United States Postal Service, by private courier service, by hand delivery, or by electronic mail.

1. Communication from Applicant shall be sent to:

Steven Scharf
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233
sxscharf@gw.dec.state.ny.us

Note: one hard copy (unbound) of work plans and reports is required, as well as one electronic copy.

Steven Bates (electronic copy only)
Bureau of Environmental Exposure Investigation
New York State Department of Health
Flanigan Square
547 River Street
Troy, NY 12180-2216
smb02@health.state.ny.us

Rosalie K. Rusinko, Esq. (correspondence only)
New York State Department of Environmental Conservation
Office of General Counsel
100 Hillside Avenue
Suite 1W
White Plains, NY 10603-2860
rkrusink@gw.dec.state.ny.us

2. Communication from the Department to Applicant shall be sent to:

Town of Oyster Bay
Attn: John Ellsworth
Department of Environmental Resources
150 Miller Place
Syosset, NY 11791
jellsworth@oysterbay-ny.gov

B. The Department and Applicant reserve the right to designate additional or different addressees for communication on written notice to the other. Additionally, the Department reserves the right to request that the Applicant provide more than one paper copy of any work plan or report.

C. Each party shall notify the other within ninety (90) days after any change in the addresses listed in this paragraph or in Paragraph III.

V. Miscellaneous

A. Applicant acknowledges that it has read, understands, and agrees to abide by all the terms set forth in Appendix A - "Standard Clauses for All New York State Brownfield Site Cleanup Agreements" which is attached to and hereby made a part of this Agreement as if set forth fully herein.

B. In the event of a conflict between the terms of this BCA (including any and all attachments thereto and amendments thereof) and the terms of Appendix A, the terms of this BCA shall control.

C. The effective date of this Agreement is the date it is signed by the Commissioner or the Commissioner's designee.

DATED:

MAR 16 2012

JOSEPH J. MARTENS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By: _____

Robert W. Schick, P.E., Acting Director
Division of Environmental Remediation

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Agreement.

Town of Oyster Bay

By: _____

Title: Supervisor

Date: 3-13-12

STATE OF NEW YORK)
) ss:
COUNTY OF)

Reviewed By
OFFICE OF LEGAL AFFAIRS

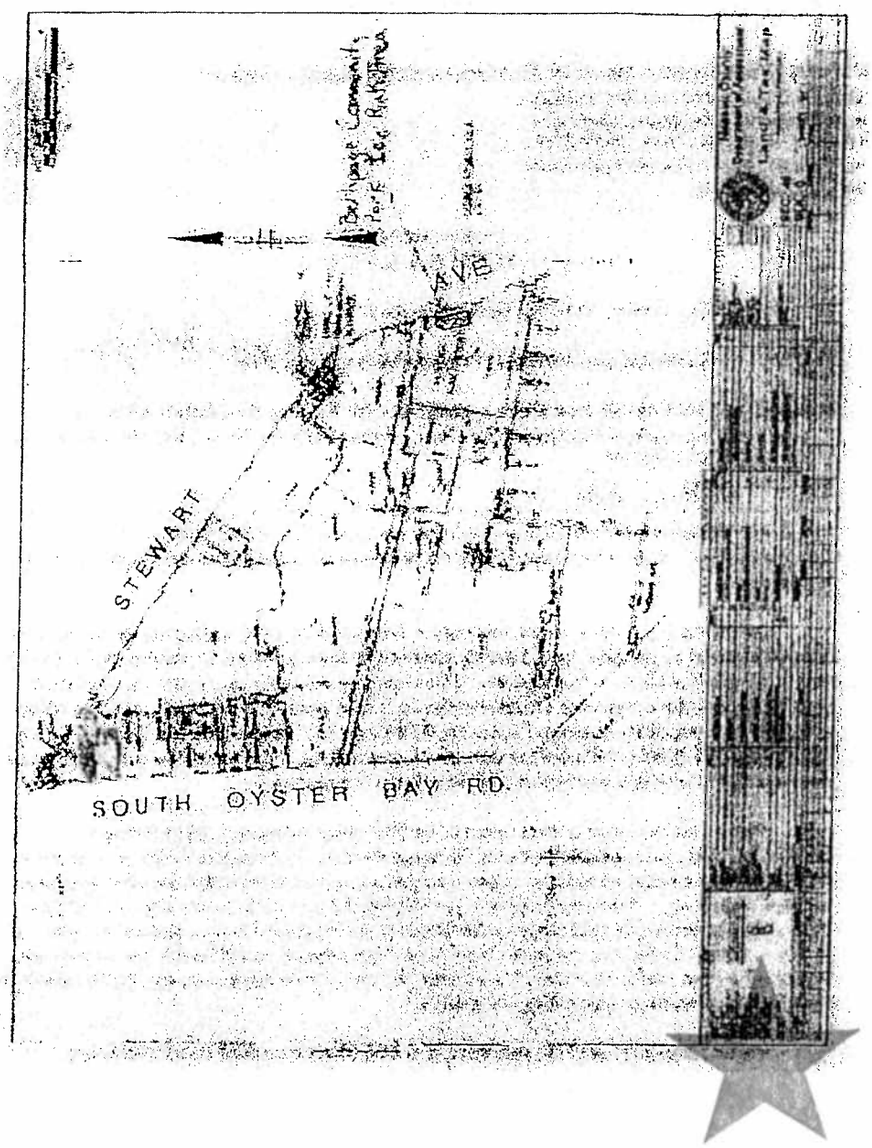
On the 13th day of March in the year 2012, before me, the undersigned, personally appeared John Venditto, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____
Signature and Office of individual
taking acknowledgment

CAROL ANN STRAFFORD
Notary Public, State of New York
No. 04958071
Qualified in Nassau County
Commission Expires Oct. 30, 2013

EXHIBIT A

SITE MAP



APPENDIX A

STANDARD CLAUSES FOR ALL NEW YORK STATE BROWNFIELD SITE CLEANUP AGREEMENTS

The parties to the Brownfield Site Cleanup Agreement (hereinafter "the BCA" or "the Agreement" or "this Agreement") agree to be bound by the following clauses which are hereby made a part of the BCA. The word "Applicant" herein refers to any party to the Agreement, other than the New York State Department of Environmental Conservation (herein after "Department").

I. Citizen Participation Plan

Within twenty (20) days after the effective date of this Agreement, Applicant shall submit for review and approval a written citizen participation plan prepared in accordance with the requirements of ECL § 27-1417 and 6 NYCRR §§ 375-1.10 and 375-3.10. Upon approval, the Citizen Participation Plan shall be deemed to be incorporated into and made a part of this Agreement.

II. Development, Performance, and Reporting of Work Plans

A. Work Plan Requirements

The work plans ("Work Plan" or "Work Plans") under this Agreement shall be prepared and implemented in accordance with the requirements of ECL Article 27, Title 14, 6 NYCRR §§ 375-1.6(a) and 375-3.6, and all applicable laws, rules, regulations, and guidance documents. The Work Plans shall be captioned as follows:

1. "Remedial Investigation Work Plan" if the Work Plan provides for the investigation of the nature and extent of contamination within the boundaries of the Site and, if the Applicant is a "Participant", the extent of contamination emanating from such Site. If the Applicant is a "Volunteer" it shall perform a qualitative exposure assessment of the contamination emanating from the site in accordance with ECL § 27-1415(2)(b) and Department guidance;

2. "Remedial Work Plan" if the Work Plan provides for the development and implementation of a Remedial Program for contamination within the boundaries of the Site and, if the Applicant is a "Participant", the contamination that has emanated from such Site;

3. "IRM Work Plan" if the Work Plan provides for an interim remedial measure; or

4. "Site Management Plan" if the Work Plan provides for the identification and implementation of institutional and/or engineering controls as well as any necessary monitoring and/or operation and maintenance of the remedy.

5. "Supplemental" if additional work plans other than those set forth in II.A.1-4 are required to be prepared and implemented.

B. Submission/Implementation of Work Plans

1. The first proposed Work Plan to be submitted under this Agreement shall be submitted no later than thirty (30) days after the effective date of this Agreement. Thereafter, the Applicant shall submit such other and additional work plans as determined in a schedule to be approved by the Department.

2. Any proposed Work Plan shall be submitted for the Department's review and approval and shall include, at a minimum, a chronological description of the anticipated activities to be conducted in accordance with current guidance, a schedule for performance of those activities, and sufficient detail to allow the Department to evaluate that Work Plan. The Department shall use best efforts in accordance with 6 NYCRR § 375-3.6(b) to approve, modify, or reject a proposed Work Plan within forty-five (45) days from its receipt or within fifteen (15) days from the close of the comment period, if applicable, whichever is later.

i. Upon the Department's written approval of a Work Plan, such Department-approved Work Plan shall be deemed to be incorporated into and made a part of this Agreement and shall be implemented in accordance with the schedule contained therein.

ii. If the Department requires modification of a Work Plan, the reason for such modification shall be provided in writing and the provisions of 6 NYCRR § 375-1.6(d)(3) shall apply.

iii. If the Department disapproves a Work Plan, the reason for such disapproval shall be provided in writing and the provisions of 6 NYCRR § 375-1.6(d)(4) shall apply.

3. A Site Management Plan, if necessary, shall be submitted in accordance with the schedule set forth in the IRM Work Plan or Remedial Work Plan.

C. Submission of Final Reports

1. In accordance with the schedule contained in an approved Work Plan, Applicant shall submit a

Final Report for an Investigation Work Plan prepared in accordance with ECL § 27-1411(1) and 6 NYCRR § 375-1.6. If such Final Report concludes that no remediation is necessary, and the Site does not meet the requirements for Track 1, Applicant shall submit an Alternatives Analysis prepared in accordance with ECL § 27-1413 and 6 NYCRR § 375-3.8(f) that supports such determination.

2. In accordance with the schedule contained in an approved Work Plan, Applicant shall submit a Final Engineering Report certifying that remediation of the Site has been performed in accordance with the requirements of ECL §§ 27-1419(1) and (2) and 6 NYCRR § 375-1.6. The Department shall review such Report, the submittals made pursuant to this Agreement, and any other relevant information regarding the Site and make a determination as to whether the goals of the remedial program have been or will be achieved in accordance with established timeframes; if so, a written Certificate of Completion will be issued in accordance with ECL § 27-1419, 6 NYCRR §§ 375-1.9 and 375-3.9.

3. Within sixty (60) days of the Department's approval of a Final Report, Applicant shall submit such additional Work Plans as it proposes to implement. Failure to submit any additional Work Plans within such period shall, unless other Work Plans are under review by the Department or being implemented by Applicant, result in the termination of this Agreement pursuant to Paragraph XII.

D. Review of Submittals other than Work Plans

1. The Department shall timely notify Applicant in writing of its approval or disapproval of each submittal other than a Work Plan in accordance with 6 NYCRR § 375-1.6. All Department-approved submittals shall be incorporated into and become an enforceable part of this Agreement.

2. If the Department disapproves a submittal covered by this Subparagraph, it shall specify the reason for its disapproval and may request Applicant to modify or expand the submittal. Within fifteen (15) days after receiving written notice that Applicant's submittal has been disapproved, Applicant shall elect in writing to either (i) modify or expand it within thirty (30) days of receipt of the written notice of disapproval; (ii) complete any other Department-approved Work Plan(s); (iii) invoke dispute resolution pursuant to Paragraph XIII; or (iv) terminate this Agreement pursuant to Paragraph XII. If Applicant submits a revised submittal and it is disapproved, the Department and Applicant may pursue whatever remedies may be available under this Agreement or under law.

E. Department's Determination of Need for Remediation

The Department shall determine upon its approval of each Final Report dealing with the investigation of the Site whether remediation, or additional remediation as the case may be, is needed for protection of public health and the environment.

1. If the Department makes a preliminary determination that remediation, or additional remediation, is not needed for protection of public health and the environment, the Department shall notify the public of such determination and seek public comment in accordance with ECL § 27-1417(3)(f). The Department shall provide timely notification to the Applicant of its final determination following the close of the public comment period.

2. If the Department determines that additional remediation is not needed and such determination is based upon use restrictions, Applicant shall cause to be recorded an Environmental Easement in accordance with 6 NYCRR § 375-1.8(h).

3. If the Department determines that remediation, or additional remediation, is needed, Applicant may elect to submit for review and approval a proposed Remedial Work Plan (or modify an existing Work Plan for the Site) for a remedy selected upon due consideration of the factors set forth in ECL § 27-1415(3) and 6 NYCRR § 375-1.8(f). A proposed Remedial Work Plan addressing the Site's remediation will be noticed for public comment in accordance with ECL § 27-1417(3)(f) and the Citizen Participation Plan developed pursuant to this Agreement. If the Department determines following the close of the public comment period that modifications to the proposed Remedial Work Plan are needed, Applicant agrees to negotiate appropriate modifications to such Work Plan. If Applicant elects not to develop a Work Plan under this Subparagraph then this Agreement shall terminate in accordance with Paragraph XII. If the Applicant elects to develop a Work Plan, then it will be reviewed in accordance with Paragraph II.D above.

F. Institutional/Engineering Control Certification

In the event that the remedy for the Site, if any, or any Work Plan for the Site, requires institutional or engineering controls, Applicant shall submit a written

certification in accordance with 6 NYCRR §§ 375-1.8(h)(3) and 375-3.8(h)(2).

III. Enforcement

Except as provided in Paragraph V, this Agreement shall be enforceable as a contractual agreement under the laws of the State of New York. Applicant shall not suffer any penalty except as provided in Paragraph V, or be subject to any proceeding or action if it cannot comply with any requirement of this Agreement as a result of a Force Majeure Event as described at 6 NYCRR § 375-1.5(b)(4) provided Applicant complies with the requirements set forth therein.

IV. Entry upon Site

A. Applicant hereby agrees to provide access to the Site and to all relevant information regarding activities at the Site in accordance with the provisions of ECL § 27-1431. Applicant agrees to provide the Department upon request with proof of access if it is not the owner of the site.

B. The Department shall have the right to periodically inspect the Site to ensure that the use of the property complies with the terms and conditions of this Agreement. The Department will generally conduct such inspections during business hours, but retains the right to inspect at any time.

C. Failure to provide access as provided for under this Paragraph may result in termination of this Agreement pursuant to Paragraph XII.

V. Payment of State Costs

A. Within forty-five (45) days after receipt of an itemized invoice from the Department, Applicant shall pay to the Department a sum of money which shall represent reimbursement for State Costs as provided by 6 NYCRR § 375-1.5 (b)(3)(i).

B. Costs shall be documented as provided by 6 NYCRR § 375-1.5(b)(3)(ii). The Department shall not be required to provide any other documentation of costs, provided however, that the Department's records shall be available consistent with, and in accordance with, Article 6 of the Public Officers Law.

C. Each such payment shall be made payable to the New York State Department of Environmental Conservation and shall be sent to:

Director, Bureau of Program Management
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-7012

D. The Department shall provide written notification to the Applicant of any change in the foregoing addresses.

E. If Applicant objects to any invoiced costs under this Agreement, the provisions of 6 NYCRR §§ 375-1.5 (b)(3)(v) and (vi) shall apply. Objections shall be sent to the Department as provided under subparagraph V.C above.

F. In the event of non-payment of any invoice within the 45 days provided herein, the Department may seek enforcement of this provision pursuant to Paragraph III or the Department may commence an enforcement action for non-compliance with ECL § 27-1423 and ECL § 71-4003.

VI. Liability Limitation

Subsequent to the issuance of a Certificate of Completion pursuant to this Agreement, Applicant shall be entitled to the Liability Limitation set forth at ECL § 27-1421, subject to the terms and conditions stated therein and to the provisions of 6 NYCRR §§ 375-1.9 and 375-3.9.

VII. Reservation of Rights

A. Except as provided in Subparagraph VII.B, Applicant reserves all rights and defenses under applicable law to contest, defend against, dispute, or disprove any action, proceeding, allegation, assertion, determination, or order of the Department, including any assertion of remedial liability by the Department against Applicant, and further reserves all rights including the rights to notice, to be heard, to appeal, and to any other due process respecting any action or proceeding by the Department, including the enforcement of this Agreement. The existence of this Agreement or Applicant's compliance with it shall not be construed as an admission of any liability, fault, wrongdoing, or violation of law by Applicant, and shall not give rise to any presumption of law or finding of fact which shall inure to the benefit of any third party.

B. Notwithstanding the foregoing, Applicant hereby waives any right it may have to make a claim pursuant to Article 12 of the Navigation Law with respect to the Site and releases the State and the New

York Environmental Protection and Spill Compensation Fund from any and all legal or equitable claims, suits, causes of action, or demands whatsoever with respect to the Site that Applicant may have as a result of Applicant's entering into or fulfilling the terms of this Agreement.

VIII. Indemnification

Applicant shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless from any claim, suit, action, and cost of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Agreement by Applicant prior to the Termination Date except for those claims, suits, actions, and costs arising from the State's gross negligence or willful or intentional misconduct by the Department, the State of New York, and/or their representatives and employees during the course of any activities conducted pursuant to this Agreement. In the event that the Applicant is a Participant, this provision shall also include the Trustee of the State's Natural Resources. The Department shall provide Applicant with written notice no less than thirty (30) days prior to commencing a lawsuit seeking indemnification pursuant to this Paragraph.

IX. Change of Use

Applicant shall notify the Department at least sixty (60) days in advance of any change of use, as defined in ECL § 27-1425, which is proposed for the Site, in accordance with the provisions of 6 NYCRR § 375-1.11(d). In the event the Department determines that the proposed change of use is prohibited, the Department shall notify Applicant of such determination within forty-five (45) days of receipt of such notice.

X. Environmental Easement

A. Within thirty (30) days after the Department's approval of a Remedial Work Plan which relies upon one or more institutional and/or engineering controls, or within sixty (60) days after the Department's determination pursuant to Subparagraph II.E.2 that additional remediation is not needed based upon use restrictions, Applicant shall submit to the Department for approval an Environmental Easement to run with the land in favor of the State which complies with the requirements of ECL Article 71, Title 36 and 6 NYCRR § 375-1.8(h)(2). Applicant shall cause such instrument to be recorded with the recording officer for the county in which the Site is located within thirty (30) days after the Department's approval of such instrument. Applicant shall provide the Department with a copy of such instrument certified by the recording officer to be a true and faithful copy within thirty (30) days of such recording (or such longer period of time as may be required to obtain a certified copy provided Applicant advises the Department of the status of its efforts to obtain same within such thirty (30) day period), which shall be deemed to be incorporated into this Agreement.

B. Applicant or the owner of the Site may petition the Department to modify or extinguish the Environmental Easement filed pursuant to this Agreement at such time as it can certify that the Site is protective of public health and the environment without reliance upon the restrictions set forth in such instrument. Such certification shall be made by a Professional Engineer or Qualified Environmental Professional as defined at 6 NYCRR § 375-1.2(ak) approved by the Department. The Department will not unreasonably withhold its consent.

XI. Progress Reports

Applicant shall submit a written progress report of its actions under this Agreement to the parties identified in Subparagraph III.A.1 of the Agreement by the 10th day of each month commencing with the month subsequent to the approval of the first Work Plan and ending with the Termination Date, unless a different frequency is set forth in a Work Plan. Such reports shall, at a minimum, include: all actions relative to the Site during the previous reporting period and those anticipated for the next reporting period; all approved activity modifications (changes of work scope and/or schedule); all results of sampling and tests and all other data received or generated by or on behalf of Applicant in connection with this Site, whether under this Agreement or otherwise, in the previous reporting period, including quality assurance/quality control information; information regarding percentage of completion; unresolved delays encountered or anticipated that may affect the future schedule and efforts made to mitigate such delays; and information regarding activities undertaken in support of the Citizen Participation Plan during the previous reporting period and those anticipated for the next reporting period.

XII. Termination of Agreement

Applicant or the Department may terminate this Agreement consistent with the provisions of 6 NYCRR §§ 375-3.5(b), (c), and (d) by providing written notification to the parties listed in Paragraph III of the Agreement.

XIII. Dispute Resolution

A. In the event disputes arise under this Agreement, Applicant may, within fifteen (15) days after Applicant knew or should have known of the facts which are the basis of the dispute, initiate dispute resolution in accordance with the provisions of 6 NYCRR § 375-1.5(b)(2).

B. All cost incurred by the Department associated with dispute resolution are State costs subject to reimbursement pursuant to this Agreement.

C. Notwithstanding any other rights otherwise authorized in law or equity, any disputes pursuant to this Agreement shall be limited to Departmental decisions on remedial activities. In no event shall such dispute authorize a challenge to the applicable statute or regulation.

XIV. Miscellaneous

A. If the information provided and any certifications made by Applicant are not materially accurate and complete, this Agreement, except with respect to Applicant's obligations pursuant to Paragraphs V, VII.B, and VIII, shall be null and void ab initio fifteen (15) days after the Department's notification of such inaccuracy or incompleteness or fifteen (15) days after issuance of a final decision resolving a dispute pursuant to Paragraph XIII, whichever is later, unless Applicant submits information within that fifteen (15) day time period indicating that the information provided and the certifications made were materially accurate and complete. In the event this Agreement is rendered null and void, any Certificate of Completion and/or Liability Limitation that may have been issued or may have arisen under this Agreement shall also be null and void ab initio, and the Department shall reserve all rights that it may have under law.

B. By entering into this Agreement, Applicant agrees to comply with and be bound by the provisions of 6 NYCRR §§ 375-1, 375-3 and 375-6; the provisions of such subparts that are referenced herein are referenced for clarity and convenience only and the failure of this Agreement to specifically reference any particular regulatory provision is not intended to imply that such provision is not applicable to activities performed under this Agreement.

C. The Department may exempt Applicant from the requirement to obtain any state or local permit or other authorization for any activity conducted pursuant to this Agreement in accordance with 6 NYCRR §§ 375-1.12(b), (c), and (d).

D. 1. Applicant shall use "best efforts" to obtain all Site access, permits, easements, approvals, institutional controls, and/or authorizations necessary to perform Applicant's obligations under this Agreement, including all Department-approved Work Plans and the schedules contained therein. If, despite Applicant's best efforts, any access, permits, easements, approvals, institutional controls, or authorizations cannot be obtained, Applicant shall promptly notify the Department and include a summary of the steps taken. The Department may, as it deems appropriate and within its authority, assist Applicant in obtaining same.

2. If an interest in property is needed to implement an institutional control required by a Work Plan and such interest cannot be obtained, the Department may require Applicant to modify the Work Plan pursuant to 6 NYCRR § 375-1.6(d)(3) to reflect changes necessitated by Applicant's inability to obtain such interest.

E. The paragraph headings set forth in this Agreement are included for convenience of reference only and shall be disregarded in the construction and interpretation of any provisions of this Agreement.

F. 1. The terms of this Agreement shall constitute the complete and entire agreement between the Department and Applicant concerning the implementation of the activities required by this Agreement. No term, condition, understanding, or agreement purporting to modify or vary any term of this Agreement shall be binding unless made in writing and subscribed by the party to be bound. No informal advice, guidance, suggestion, or comment by the Department shall be construed as relieving Applicant of its obligation to obtain such formal approvals as may be required by this Agreement. In the event of a conflict between the terms of this Agreement and any Work Plan submitted pursuant to this Agreement, the terms of this Agreement shall control over the terms of the Work Plan(s). Applicant consents to and agrees not to contest the authority and jurisdiction of the Department to enter into or enforce this Agreement.

2. i. Except as set forth herein, if Applicant desires that any provision of this Agreement be changed, Applicant shall make timely written application to the Commissioner with copies to the parties in Subparagraph IV.A.1 of the Agreement.

ii. If Applicant seeks to modify an approved Work Plan, a written request shall be made to the Department's project manager, with copies to the parties listed in Subparagraph IV.A.1 of the Agreement.

iii. Requests for a change to a time frame set forth in this Agreement shall be made in writing to the Department's project attorney and project manager; such requests shall not be unreasonably denied and a written response to such requests shall be sent to Applicant promptly.

G. 1. If there are multiple parties signing this Agreement, the term "Applicant" shall be read in the plural, the obligations of each such party under this Agreement are joint and several, and the insolvency of or failure by any Applicant to implement any obligations under this Agreement shall not affect the obligations of the remaining Applicant(s) under this Agreement.

2. If Applicant is a partnership, the obligations of all general partners (including limited partners who act as general partners) under this Agreement are joint and several and the insolvency or failure of any general partner to implement any obligations under this Agreement shall not affect the obligations of the remaining partner(s) under this Agreement.

3. Notwithstanding the foregoing Subparagraphs XIV.G.1 and 2, if multiple parties sign this Agreement as Applicants but not all of the signing parties elect to implement a Work Plan, all Applicants are jointly and severally liable for each and every obligation under this Agreement through the completion of activities in such Work Plan that all such parties consented to; thereafter, only those Applicants electing to perform additional work shall be jointly and severally liable under this Agreement for the obligations and activities under such additional Work Plan(s). The parties electing not to implement the additional Work Plan(s) shall have no obligations under this Agreement relative to the activities set forth in such Work Plan(s). Further, only those Applicants electing to implement such additional Work Plan(s) shall be eligible to receive the Liability Limitation referenced in Paragraph VI.

4. Any change to parties pursuant to this Agreement, including successors and assigns through acquisition of title, is subject to approval by the Department, after submittal of an application acceptable to the Department.

H. Applicant shall be entitled to receive contribution protection and/or to seek contribution to the extent authorized by ECL § 27-1421(6) and 6 NYCRR § 375-1.5(b)(5).

I. Applicant shall not be considered an operator of the Site solely by virtue of having executed and/or implemented this Agreement.

J. Applicant and Applicant's agents, grantees, lessees, sublessees, successors, and assigns shall be bound by this Agreement. Any change in ownership of Applicant including, but not limited to, any transfer of assets or real or personal property, shall in no way alter Applicant's responsibilities under this Agreement.

K. Unless otherwise expressly provided herein, terms used in this Agreement which are defined in ECL Article 27 or in regulations promulgated thereunder shall have the meaning assigned to them under said statute or regulations.

L. Applicant's obligations under this Agreement represent payment for or reimbursement of State costs, and shall not be deemed to constitute any type of fine or penalty.

M. In accordance with 6 NYCRR § 375-1.6(a)(4), the Department shall be notified at least 7 days in advance of, and be allowed to attend, any field activities to be conducted under a Department approved work plan, as well as any pre-bid meetings, job progress meetings, substantial completion meeting and inspection, and final inspection and meeting; provided, however that the Department may be excluded from portions of meetings where privileged matters are discussed.

N. In accordance with 6 NYCRR § 375-1.11(a), all work plans; reports, including all attachments and appendices, and certifications, submitted by a remedial party shall be submitted in print, as well as in an electronic format acceptable to the Department.

O. This Agreement may be executed for the convenience of the parties hereto, individually or in combination, in one or more counterparts, each of which shall be deemed to have the status of an executed original and all of which shall together constitute one and the same.

Meeting of July 25, 2017 Resolution No. 437-2017

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated March 24, 2016, authorized the Highway Department to clean up the premises located at 144 Gerhard Road, Plainview, New York 11803, also known as Section 12, Block 492, Lot 13 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, by memorandum dated June 27, 2017, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on April 4, 2016, in the total amount of $2,239.92, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, as set forth in their memorandum dated June 27, 2017, 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 $2,239.92 may be assessed by the Legislature of the County of Nassau against the parcel known as 144 Gerhard Road, Plainview, New York 11803, also known as Section 12, Block 492, Lot 13 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

20

437

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: June 27, 2017

SUBJECT: Property Cleanup Assessment
144 Gerhard Road, Plainview, New York 11803
Section 47, Block 41, Lot 20

The Department of Planning and Development, by memorandum dated March 24, 2016, directed the Highway Department to clean the premises located at 144 Gerhard Road, Plainview, New York 11803, also known as Section 47, Block 41, Lot 20 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated April 13, 2016, advised that the property was cleaned by a crew from the Highway Department on April 4, 2016. The cost incurred by the Town of Oyster Bay was $2,239.92.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Donna B. Swanson
Deputy Town Attorney

DBS:aml
Attachments
cc: Town Attorney (w/10 copies)

S:\DBS\Cleanups MD & Reso\MD 144 Gerhard Rd 6.27.17.doc

2016-5597 PBS
Need ltr

TOWN OF OYSTER BAY

Inter-Departmental Memo

March 24, 2016

To: **KEVIN HANIFAN:COMMISIONER/HIGHWAY DEPT.**

From: **MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU**

Through: **DEPUTY COMMISSIONER OF**

DEPARTMENT OF PLANNING AND DEVELOPMENT

Subject: **144 Gerhard Rd. Plainview, NY 11803**
SBL: 47-41-20

2017 APR 18 A 10 38

Notice of Violation (No.15596) was issued to the owner of the above-referenced premises 03/16/2016 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54: **I am directing that you cut the grass, trim the bushes and remove the litter and debris.**

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

DEPUTY
COMMISSIONER

BY
Michael Esposito (JF)
MICHAEL ESPOSITO
CODE ENFORCEMENT BUREAU

ME/js
cc: Leonard Genova,Town Attorney

WCB-2
Rev. 8/99
(uniform ack.)

Standard N. Y. B. T. U. Form 8002 - -Bargain and Sale Deed, with Covenant against Grantor's Acts—Individual or Corporation (single sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

144 Gerhard Rd Plainview

THIS INDENTURE, made the 22nd day of NOVEMBER, in the year 2000

BETWEEN

SUNIL JACOB and ALEYAMMA JACOB, his wife, residing at 144 Gerhard Road, Plainview, NY 11803

party of the first part, and

ANNA TERRENATE, residing at 147-19 34th Avenue, Flushing, NY 11354

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being ~~in the~~ at Plainview, Town of Oyster Bay, County of Nassau and State of New York, known and designated as Lot Number 20 on a certain map entitled, "Map of Gerhard Estates," situated at Plainview, Town of Oyster Bay, New York, surveyed by Ivan E. Caipott and filed in the Office of the Clerk of the County of Nassau on May 23, 1983 as Case Number 9018, which said lot is more particularly bounded and described as follows:

S-47
B-41
L-20

BEGINNING at a point on the easterly side of Gerhard Road, distant 60.00 feet southerly from the southerly end of a curve connecting the easterly side of Gerhard Road with the southerly side of Meredith Court;

RUNNING THENCE north 87 degrees 58 minutes 00 seconds east, 89.94 feet;

THENCE south 18 degrees 04 minutes 42 seconds east, 72.84 feet;

THENCE south 87 degrees 58 minutes 00 seconds west, 110.07 feet to the easterly side of Gerhard Road;

THENCE north 02 degrees 02 minutes 00 seconds west along the easterly side of Gerhard Road, 70.00 feet to the point or place of **BEGINNING.**

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

~~IN~~ PRESENCE OF:

SUNIL JACOB

ALEYAMMA JACOB

Town of Oyster Bay
Inter- Departmental Memo

April 13, 2016

TO: FREDERICK P. IPPOLITO, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

ATT: DIANA S. AQUIAR, DEPUTY COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

FROM: KEVIN M. HANIFAN, COMMISSIONER
DEPARTMENT OF HIGHWAYS

SUBJECT: **144 GERHARD ROAD, PLAINVIEW**
Clean-Up

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$2,239.92**.

If you have any questions pertaining to the above subject, please feel free to contact Kevin Hanifan at 677-5769.

KEVIN M. HANIFAN
COMMISSIONER
HIGHWAY DEPARTMENT

KMH/kjb

Enc. T & M sheet

2016 AUG -2 A 9:47
TOWN OF OYSTER BAY
CLERK'S OFFICE

MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (47-41-20) 144 GERHARD RD PLAINVIEW 11803 **Date** Apr 4, 2016

Work Order # 25106

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Ovetime Hours	Overtime Rate	Line Cost
SALVATORE DILEO, JR.	General Maintenance	04:00	$36.49	00:00	0	$145.96
MICHAEL SOLOMON	General Maintenance	04:00	$23.66	00:00	0	$94.64
TYRONE JACKSON	General Maintenance	04:00	$34.83	00:00	0	$139.32
JASON WAHL	General Maintenance	04:00	$31.00	00:00	0	$124.00
					Total Labor	$503.92

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PU443	PICK UP 2012 FORD F-250 YW (25 / 025)	$79.00	04:00	$316.00
SK006	SKID LOADER 2007 KOMAT 1020 YW	$26.00	04:00	$104.00
TD670	TRUCK DUMP 2009 FORD F-350 YW (T-235) - Power Wagons	$105.00	04:00	$420.00
TD708	TRUCK DUMP 2012 INTER 7400 YW (T-259) -10 Wheeler	$93.00	04:00	$372.00
TD714	TRUCK DUMP 2012 INTER 7300 YW (T-251)- 6 Wheeler	$131.00	04:00	$524.00
			Total Equipment	$1736.00

Materials

Material	Cost Per Unit	Units	Line Cost
		Total Materials	

Grand Total **$2239.92**

Description of Work:

CLEAN UP 144 GERHARD ROAD PV TO DOUG

Signature:

Name: Douglas Robalino

Title: Storeyard Supervisor

Date: Apr 8, 2016

Meeting of July 25, 2017 Resolution No. 438-2017

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated June 6, 2016, authorized the Highway Department to clean up the premises located at 70 Joyce Road, Plainview, New York 11803, also known as Section 12, Block 492, Lot 13 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, by memorandum dated June 27, 2017, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on June 14, 2016, in the total amount of $486.36, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, as set forth in their memorandum dated June 27, 2017, 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 $486.36 may be assessed by the Legislature of the County of Nassau against the parcel known as 70 Joyce Road, Plainview, New York 11803, also known as Section 12, Block 492, Lot 13 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

21

437

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: June 27, 2017

SUBJECT: Property Cleanup Assessment
70 Joyce Road, Plainview, New York 11803
Section 12, Block 492, Lot 13

The Department of Planning and Development, by memorandum dated June 6, 2016, directed the Highway Department to clean the premises located at 70 Joyce Road, Plainview, New York 11803, also known as Section 12, Block 492, Lot 13 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated June 23, 2016, advised that the property was cleaned by a crew from the Highway Department on June 14, 2016. The cost incurred by the Town of Oyster Bay was $486.36.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Donna B. Swanson
Deputy Town Attorney

DBS:aml
Attachments
cc: Town Attorney (w/10 copies)

S:\DBS\Cleanups MD & Reso\MD 70 Joyce Rd 6.27.17.doc

17-5978

REVIEWED BY
K.M.H.
DATE 6/8

Need ltr

TOWN OF OYSTER BAY

Inter-Departmental Memo
June 6, 2016

2016 JUN -6 P 12:21

To: KEVIN HANIFAN, COMMISSIONER HIGHWAY

From: MICHAEL ESPOSITO-BUREAU CHIEF/ CODE ENFORCEMENT

Through: COMMISSIONER
PLANNING AND DEVELOPMENT

Subject: 70 Joyce Rd. Plainview, NY 11803
SBL:12-492-13

Notice of Violation (No.15969) was issued to the owner of the above-referenced premises 05/25/16 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54, **I am directing that you cut the grass, trim the bushes, and remove the litter and debris.**

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

COMMISSIONER

BY:

MICHAEL ESPOSITO
BUREAU CHIEF/CODE ENFORCEMENT

ME/js
cc: Leonard Genova, Town Attorney

k part, and

GEUN HYOUNG LEE
36 Birch Drive
Plainview, New York 11803

/

ond part,

t, that the party of the first part, in consideration of Ten Dollars and other valuable considerat
ty of the second part, does hereby grant and release unto the party of the second part, the he
nd assigns of the party of the second part forever,

ain plot, piece or parcel of land, with the buildings and improvements thereon erected, situ
; in the

See attached scheudle A

being known as 70 Joyce Road, Plainview, New York 11803
ing the same as grantee in deed dated recorded on
liber page

DBS

Town of Oyster Bay
Inter- Departmental Memo

June 23, 2016

TO: DIANA S. AQUIAR, DEPUTY COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

FROM: HIGHWAY DEPARTMENT

SUBJECT: **70 JOYCE ROAD, PLAINVIEW**
CLEAN-UP

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$486.36**.

If you have any questions pertaining to the above subject, please feel free to contact Kevin Hanifan at 677-5769.

HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

2017 FEB 24 P 3:47

CLEAN-UP 70 JOYCE ROAD, PLAINVIEW TO P & D

MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (12-492-13) 70 JOYCE RD PLAINVIEW 11803

Date Jun 14, 2016

Work Order # 27715

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Ovetime Hours	Overtime Rate	Line Cost
MICHAEL RICCARDO	General Maintenance	00:45	$47.03	00:00	0	$35.27
JOHN STERGIOPOULOS	General Maintenance	00:45	$24.76	00:00	0	$18.57
PHILIP BADOME	General Maintenance	00:45	$26.93	00:00	0	$20.20
DONALD BRUWER	General Maintenance	00:45	$24.76	00:00	0	$18.57
					Total Labor	$92.61

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PK406	SANI PACKER 2012 INTER 7400 YW (PP932 / PP-932)	$105.00	00:45	$78.75
TD558	TRUCK DUMP 2004 INTL 7300 YW (T-173)- 6 Wheeler	$131.00	00:45	$98.25
TD624	PICK-UP TRUCK 2008 FORD F-250 YW (23 / 018)	$79.00	00:45	$59.25
TD634	TRUCK DUMP 2008 FORD F350 YW (T175 / T-175) - Power Wagons	$105.00	00:45	$78.75
TR153	TRAILER 2007 CA/MA 814CC YW	$105.00	00:45	$78.75
			Total Equipment	$393.75

Materials

Material	Cost Per Unit	Units	Line Cost
		Total Materials	

Grand Total **$486.36**

Description of Work:

CLEAN UP 70 JOYCE ROAD PV TO DOUG

Signature:

Name: Douglas Robalino

Title: Storeyard Supervisor

Date: Jun 21, 2016

WHEREAS, pursuant to Section 182-22(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated May 23, 2016, authorized the Highway Department to clean up the premises located at 5705 Merrick Road, Massapequa, New York 11758, also known as Section 53, Block 21, Lot 162 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, by memorandum dated June 27, 2017, pursuant to Section 182-22(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on June 1, 2016, in the amount of $713.66, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Donna B. Swanson, Deputy Town Attorney, as set forth in their memorandum dated June 27, 2017, 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 $713.66 may be assessed by the Legislature of the County of Nassau against the parcel known as 5705 Merrick Road, Massapequa, New York 11758, also known as Section 53, Block 21, Lot 162 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

-#-

Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

22

439

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: June 27, 2017

SUBJECT: Property Cleanup Assessment
5705 Merrick Road, Massapequa, New York 11758
Section 53, Block 21, Lot 162

The Department of Planning and Development, by memorandum dated May 23, 2016, directed the Highway Department to clean the premises located at 5705 Merrick Road, Massapequa, New York 11758, also known as Section 53, Block 21, Lot 162 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated June 21, 2016, advised that the property was cleaned by a crew from the Highway Department on June 1, 2016. The cost incurred by the Town of Oyster Bay was $713.66.

Pursuant to Section 182-22(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Donna B. Swanson
Deputy Town Attorney

DBS:aml
Attachments
cc: Town Attorney (w/10 copies)

S:\DBS\Cleanups MD & Reso\MD 5705 Merrick Rd 6.27.17.doc

2016-5659
Need Ltr

TOWN OF OYSTER BAY

Inter-Departmental Memo
May 23, 2016

To: KEVIN HANIFAN, COMMISSIONER HIGHWAY

From: MICHAEL ESPOSITO-BUREAU CHIEF/ CODE ENFORCEMENT

Through: DEPUTY COMMISSIONER
PLANNING AND DEVELOPMENT

Subject: 5705 Merrick Rd. Massapequa, NY 11758
SBL: 53-21-162
Commercial

Notice of Violation (No.15784) was issued to the owner of the above-referenced premises 05/03/16 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section ~~135.54~~ 182, **I am directing that you cut the grass, trim the bushes, and remove the litter and debris.**

Pursuant to the provisions of Section ~~135.54~~ 182(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

DEPUTY COMMISSIONER

BY:

MICHAEL ESPOSITO
BUREAU CHIEF/CODE ENFORCEMENT

ME/js
cc: Leonard Genova, Town Attorney

CL03 4178 LN

STANDARD FORM - BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS - INDIVIDUAL ONLY
CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 17th day of December, 2003
BETWEEN

MARY ELLEN BUCKLEY, with offices at 5705 Merrick Road, Massapequa, New York 11758

party of the first part, and

5705 MERRICK ROAD CORP.
with offices at 3964 Hempstead Turnpike, Bethpage, New York 11758

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten ($10.00) Dollars paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

SEE SCHEDULE "A" ANNEXED HERETO and made a part hereof.

Premises being the same as those described in Liber 10852 Page 542 to grantor herein.

SAID PREMISES being known as and by Street Address: 5705 Merrick Road, Massapequa, New York.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this Deed the day and year first above written.

IN PRESENCE OF:

Mary Ellen Buckley
Mary Ellen Buckley

DOC

3/

MEMORANDUM OF LEASE

Lease entered into on December 17, 2003 between 5705 Merrick Rd. Corp. with offices at 5705 Merrick Road, Massapequa, NY 11758 as Landlord and Jackie's South, Inc. with offices at 5705 Merrick Road, Massapequa, NY 11758 as Tenant for premises known as 5705 Merrick Road, Massapequa, NY 11758 for a term commencing December 17, 2003 and ending March 1, 2024. No amendments or changes have been made to the original lease, except the Additions to Lease entered as of the date hereof.

Dated: Carle Place, NY
February 17, 2004

5705 Merrick Rd. Corp.

Sean P. Reilly

by: Sean P. Reilly
President

ATTEST:

Sean Harrington

Sean Harrington, Secretary

53
21
162

Jackie's South, Inc.

Sean P. Reilly

by: Sean P. Reilly
President

ATTEST:

Sean Harrington

Sean Harrington, Secretary

STATE OF NEW YORK }
COUNTY OF NASSAU } ss.:

On February 17, 2004, before me, the undersigned, personally appeared Sean P. Reilly, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

RSR Long Island Development Corp
45 Seaman Ave.
Bethpage NY 11714

Nicole C Mincone

NICOLE C. MINCONE
NOTARY PUBLIC, State of New York
No. 01MI5085776
Qualified in Nassau County
Commission Expires September 29, 2005

ADDITIONS TO LEASE

The following constitute an addendum to, additional terms of, and a modification of the certain lease made by 5705 Merrick Rd. Corp., with offices at (hereinafter called Landlord) to Jackie's South, Inc., as tenant, dated December 17, 2003, covering the premises 5705 Merrick Road, Massapequa, NY 11758:

1. Notwithstanding anything contained in this lease, except for an assignment to Unity Bank (1st mortgagee) and the US Small Business Administration, the premises may not be sublet nor may the lease be assigned without the written consent of the US Small Business Administration.

2. This lease is subordinate to a $376,000.00 mortgage from 5705 Merrick Rd. Corp. to the Long Island Development Corporation to be subsequently executed and assigned to the U.S. Small Business Administration.

3. Notwithstanding anything contained in this lease, the rent shall be that amount necessary to pay all mortgages, real estate taxes and all maintenance of the building, to the extent paid by the landlord (i.e. insurance, structural repairs, etc.), and such amount only.

4. In the event that the term of the lease expires prior to March 1, 2024, then the term of the lease is hereby extended to March 1, 2024, on the same terms and conditions as will be in effect just prior to the period of extension.

Dated: February 17, 2004

5705 Merrick Rd. Corp.

Sean P. Reilly
by: Sean P. Reilly
President

ATTEST:

Sean Harrington
Sean Harrington, Secretary

Jackie's South, Inc.

Sean P. Reilly
by: Sean P. Reilly
President

ATTEST:

Sean Harrington
Sean Harrington, Secretary

Witness to all signatures: Robert M

DBS

Town of Oyster Bay
Inter- Departmental Memo

June 21, 2016

TO: DIANA S. AQUIAR, DEPUTY COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

FROM: KEVIN M. HANIFAN, COMMISSIONER
DEPARTMENT OF HIGHWAYS

SUBJECT: **5705 MERRICK ROAD, MASSAPEQUA**
CLEAN-UP

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$713.66**.

If you have any questions pertaining to the above subject, please feel free to contact Kevin Hanifan at 677-5769.

KEVIN M. HANIFAN
COMMISSIONER
HIGHWAY DEPARTMENT

KMH/kjb

Enc. T & M sheet

2016 SEP 12 P 1:34
TOWN ATTORNEY OFFICE
OYSTER BAY, NEW YORK

CLEAN-UP 5705 MERRICK ROAD, MASSAPEQUA TO P & D

7

MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (53-21-162) 5705 MERRICK RD MASSAPEQUA 11758

Date Jun 1, 2016

Work Order # 27328

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Ovetime Hours	Overtime Rate	Line Cost
DONALD CHANDLER	General Maintenance	01:00	$43.02	00:00	0	$43.02
STEVE DIAKOGIANNIS	General Maintenance	01:00	$38.98	00:00	0	$38.98
MICHAEL HAYWARD	General Maintenance	01:00	$43.02	00:00	0	$43.02
MICHAEL MARTIN	General Maintenance	01:00	$24.76	00:00	0	$24.76
CHRISTOPHER MOORE	General Maintenance	01:00	$24.76	00:00	0	$24.76
DERRICK SCOTT	General Maintenance	01:00	$40.12	00:00	0	$40.12
					Total Labor	$214.66

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PK388	SANI PACKER 2008 INTL 7400 YW (PP931 / PP-931)	$105.00	01:00	$105.00
TD667	PICK-UP TRUCK 2009 FORD F-250 YW (22 / 022)	$79.00	01:00	$79.00
TD683	TRUCK DUMP 2010 FORD F-350 YW (T-225) - Power Wagons	$105.00	01:00	$105.00
TD692	TRUCK DUMP 2010 FORD F-350 YW (T-215) - Power Wagons	$105.00	01:00	$105.00
TD703	TRUCK DUMP 2011 FORD F350 YELLO (T-195) - Power Wagons	$105.00	01:00	$105.00
			Total Equipment	$499.00

Materials

Material	Cost Per Unit	Units	Line Cost
		Total Materials	

Grand Total **$713.66**

Description of Work:

CLEAN UP 5705 MERRICK ROAD MS TO DOUG

Signature:

Name: Giacomo Grandine

Title: Highway Construction Supervisor

Date: Jun 14, 2016

Reviewed By
Office of Town Attorney

Meeting of July 25, 2017

Resolution No. 440-2017

WHEREAS, this Town Board had heretofore authorized and directed the implementation of a Self-Insurance Program for the Town's general liability; and

WHEREAS, the Town Board of the Town of Oyster Bay must authorize and approve the settlement of any negligence claims brought against the Town, where the amount of the proposed settlement is in excess of $10,000.00; and

WHEREAS, Joseph Nocella, Town Attorney, and Jeffrey Lesser, Deputy Town Attorney, by memorandum dated June 30, 2017, have advised that claimant, Barbara Breest, alleges that she sustained multiple fractures of her face including fractured and crushed nasal bones, and scarring to her forehead, nose and lip, undergoing two procedures, including repair of the facial lacerations by a plastic surgeon and a second surgical procedure involving septum reconstruction because of nasal passage stenosis, following a trip and fall at the Bethpage Train Station, at Bethpage Field B-1; and

WHEREAS, after extensive negotiations, the matter has settled. The Town is to pay $99,999.00 in full resolution of all claims of Claimants.

NOW, THEREFORE, BE IT RESOLVED, That upon the recommendation as set forth above, the Town Board finds that it is just, reasonable, and in the best interests of the Town to settle this matter for the sum of $99,999.00, which sum is hereby authorized and approved by the Town Board of the Town of Oyster Bay, as full settlement to claimant, Barbara Breest, with regard to Claim No. 2013-3899 and the Comptroller is hereby authorized and directed to make payment therefor, in accordance with the procedures established under the Town's Self-Insurance Program, by issuing a check made payable to "Barbara Breest and Bornstein & Emanuel, P.C.", in the amount of $99,999.00; and be it further

RESOLVED, That the funds for said payment are to be drawn from Account No. TWN AMS 1910 43010 602 0000 000.

-#-

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

Supervisor Saladino	Abstain
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller (2)

Town of Oyster Bay
Inter-Departmental Memo

TO : MEMORANDUM DOCKET

FROM : Office of the Town Attorney

DATE : June 30, 2017

SUBJECT: SETTLEMENT OF NEGLIGENCE CLAIM
Claimant: Barbara Breest v. Town of Oyster Bay
Claim No.: 2013-3899

A resolution of the Town Board is required in order for the Town to settle claims, where the amount of the proposed settlement exceeds Ten Thousand ($10,000.00) Dollars.

The above referenced claim arose as a result of an incident that occurred on December 5, 2012. Claimant, Barbara Breest suffered personal injuries when she tripped and fell at the Bethpage Train Station at Bethpage Field B-1. Claimant sustained multiple fractures of her face, including fractured and crushed nasal bones, and scarring to her forehead, nose and lip. Plaintiff underwent two procedures, including repair of the facial lacerations by a plastic surgeon and a second surgical procedure involving septum reconstruction because of nasal passage stenosis. Claimant Breest further went for chiropractic care and acupuncture treatment.

After extensive settlement negotiations, numerous conferences before the Court, and extensive discussions regarding compromise of the medical lien of approximately $90,000, the matter was settled following selection of a jury. The Town is to pay $99,999.00 in full resolution of all claims of Claimant. It is this Office's opinion that such settlement is just, reasonable, and in the best interests of the Town given the uncertainties associated with litigation.

Accordingly, we have attached a resolution authorizing payment of $99,999.00, together with copies of a Stipulation of Discontinuance and a General Release executed by the claimant. The funds for said payment are to be drawn from Account No. TWN AMS 1910 43010 602 0000 000.

JOSEPH NOCELLA
TOWN ATTORNEY

Jeffrey A. Lesser
Deputy Town Attorney

cc: Comptroller

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

----------X

BARBARA BREEST,

Plaintiff,

-against-

THE LONG ISLAND RAILROAD, METROPOLITAN TRANSPORTATION AUTHORITY, THE TOWN OF OYSTER BAY and THE COUNTY OF NASSAU,

Defendants.

----------X

Index No.: 8711/13
STIPULATION OF DISCONTINUANCE

S I R S:

IT IS HEREBY STIPULATED & AGREED, by and between the undersigned, the attorneys of record for all the parties to the above entitled action, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of the action, the above entitled actions and all cross-claims, be and same hereby are discontinued, with prejudice, and without costs to either party as against the other. This stipulation may be filed without further notice with the Clerk of the Court.

Dated: Garden City, New York
June 16, 2017

BORNSTEIN & EMANUEL, P.C.
Attorneys for Plaintiff
200 Garden City Plaza, Suite 201
Garden City, New York 11530
By: Anthony J. Emanuel, Esq.

THE LAW OFFICES OF ALAN REARDON
Attorneys for Defendant
TOWN OF OYSTER BAY
19 Park Avenue
Williston Park, New York 11596

To all to whom these Presents shall come or may Concern, Know That

BARBARA BREEST
23 Shore Road
Lindenhurst, New York 11757

RELEASOR,

in consideration of the sum of NINETY-NINE THOUSAND NINE HUNDRED NINETY-NINE and 00/100 DOLLARS

($99,999.00)

received from THE LONG ISLAND RAILROAD, METROPOLITAN TRANSPORTATION AUTHORITY, THE TOWN OF OYSTER BAY and THE COUNTY OF NASSAU

receipt whereof is hereby acknowledged, releases and discharges

THE LONG ISLAND RAILROAD, METROPOLITAN TRANSPORTATION AUTHORITY, THE TOWN OF OYSTER BAY and THE COUNTY OF NASSAU,

, asRELEASEE,

the RELEASEE, RELEASEE'S heirs, executors, administrators, successors and assigns from all bodily injury actions, causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, convenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims, and demands whatsoever, in law, admiralty or equity, which against the RELEASEE, the RELEASOR, RELEASOR'S heirs, executors, administrators, successors and assigns ever had, now have or hereafter can, shall or may, have for, upon, or by reason of any matter, cause or thing whatsoever from the beginning of the world to the day of the date of this RELEASE

Plaintiff will hold defendants, its attorney and its insurance carrier harmless from any and all claims and/or liens of any nature whatsoever, including but not limited to attorneys fees, medical bills, workers' compensation liens, Medicare and Medicaid liens.

Whenever the text hereof requires, the use of singular number shall include the appropriate plural number as the text of the within instrument may require.

This RELEASE may not be changed orally.

In Witness Whereof, the RELEASOR has hereunto set RELEASOR'S hand and seal on the 13th day of JUNE, 2017

In presence of

Barbara Ann Breest .....L.S.
BARBARA BREEST

STATE OF NEW YORK, COUNTY OF

On 13th day of June, 2017 before me personally came **BARBARA BREEST** known to me to be the individual(s) described in, and who executed the foregoing RELEASE, and duly acknowledged to me that he executed the same.

JOHN C.C. MA
Notary Public, State of New York
No. 4989359
Qualified in Nassau County
Commission Expires December 2, 2017

.....
Notary Public

S

SHORT FORM ORDER
SUPREME COURT - STATE OF NEW YORK

Present:
HON. ANGELA G. IANNACCI,
Justice

TRIAL/IAS, PART 11
NASSAU COUNTY

BARBARA BREEST,

Plaintiff(s),

-against-

MOTION DATE: March 27, 2015
MOTION SEQ.: 01, 02, 03
INDEX NO.: 8711/13

THE LONG ISLAND RAILROAD, METROPOLITAN TRANSPORTATION AUTHORITY, THE TOWN OF OYSTER BAY AND THE COUNTY OF NASSAU,

Defendant(s).

The following papers read on this motion:

Notice of Motion/Order to Show Cause	1, 3, 5
Affirmation in Opposition	6
Affirmation in Response	2, 4
Reply Affirmation	7

The motion by the defendant, the County of Nassau (County), the cross motion by the defendants, Long Island Rail Road and Metropolitan Transportation Authority (LIRR), and the separate motion by the defendant, the Town of Oyster Bay (Town), for an order granting them summary judgment dismissing the complaint as against them, are determined as follows:

Initially, the motion by the County and the cross motion by the LIRR are granted without opposition and the complaint as against them is dismissed.

With regard to the Town, it has failed to meet its initial burden on a motion for

summary judgment to establish its entitlement to judgment as a matter of law (*see Zuckerman v City of New York*, 49 NY2d 557 [1980]). Specifically, the Town failed to establish that a sufficient search of its records was conducted in order to determine whether written notice of the subject alleged defective condition was received prior to the plaintiff's accident. The attempt to meet its burden in reply is improper and can not be considered by the court (*see American Exp. Centurion Bank v Cutler*, 81 AD3d 761 [2d Dept. 2011]).

Accordingly, the Town's motion is denied.

This constitutes the decision and order of the court.

Dated: May 5, 2015

Angela G. Iannacci, J.S.C.

ENTERED

MAY 07 2015

NASSAU COUNTY
COUNTY CLERK'S OFFICE

WHEREAS, by Resolution No. 754-2015, adopted on December 15, 2015, the Town Board authorized and directed D & B Engineers and Architects, P.C., to provide on-call engineering services in connection with Contract No. PWC20-16, On-Call Engineering Services Relative to Tank Management, for a two (2) year contract term, from January 1, 2016 through December 31, 2017; and

WHEREAS, Michael Cipriano, Deputy Commissioner of the Department of Public Works, by memorandum dated July 17, 2017, requested Town Board authorization for D & B Engineers and Architects, P.C., to provide On-Call Engineering Services related to preparation of Spill Prevention Reports and Tank Registrations of Marjorie R. Post Community Park and Syosset-Woodbury Community Park Chlorine Storage Tanks under Contract No. PWC20-16, and further requested that the Office of the Comptroller issue an encumbrance order in an amount not to exceed $6,000.00, to D & B Engineers and Architects, P.C., with funds to be drawn from Account No. PKS A 7110 44900 000 0000;

Reviewed By
Office of Town Attorney

NOW, THEREFORE, BE IT RESOLVED, that the requests as hereinabove set forth are accepted and approved, and D & B Engineers and Architects, P.C., is hereby authorized to proceed to provide services in connection with Contract No. PWC20-16, On-Call Engineering Services Relative to Tank Management, and the Office of the Comptroller is hereby authorized and directed to issue an encumbrance order in an amount not to exceed $6,000.00, to D & B Engineers and Architects, P.C., for Contract No. PWC20-16, with funds to be drawn from Account No. PKS A 7110 44900 000 0000.

-#-

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller (2)
Public Works
Parks
General Services

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

JULY 7, 2017

TO: MEMORANDUM DOCKET

FROM: RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAYS

SUBJECT: ENGINEERING SERVICES RELATIVE TO TANK MANAGEMENT
CONTRACT NO. PWC20-16
SUPPLEMENTAL MEMO TO FOLLOW

The Department of Public Works is currently preparing the necessary documentation for an authorization for engineering services relative to tank management.

Additional information will be provided by a supplemental memorandum docket.

It is hereby requested that a space be reserved on the Town Board calendar of July 25, 2017 for the Town Board to take action on the award of Engineering Services Relative to Tank Management.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAYS

RWL/MR/SC/dz

cc: Office of the Town Attorney (w/10 copies)
Christine M. Wiss, Deputy Comptroller
Kathy Stefanich, DPW/Administration
Joseph G. Pinto, Commisioner/Parks

PWC20-16 DOCKET AWARD RESERVE_D&B_Tank management

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491

TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

JULY 17, 2017

TO: MEMORANDUM DOCKET

FROM: MIKE CIPRIANO, DEPUTY COMMISSIONER
DEPARTMENT OF PUBLIC WORKS

SUBJECT: SUPPLEMENTAL MEMO TO ITEM NO. 24
DOCKET OF JULY 11, 2017
ON-CALL CONSULTANT SERVICE REQUEST
RELATIVE TO TANK MANAGEMENT
CONTRACT NO. PWC 20-16
ACCOUNT NO. A 7110 44900 000 0000

In furtherance to Item No. 24 of the docket of July 17, 2017, the consultant, D & B Engineers and Architects, P.C., has been approved by the Commissioner of Public Works to provide engineering services under On-Call Contract No. PWC 20-16 by Resolution No. 741-2015 for the subject project. Funds have been made available by the Director of Finance.

Attached is a letter dated June 20, 2017 from D & B Engineers and Architects, P.C. regarding the scope of work to be performed in an amount not to exceed $6,000.00. Services performed include preparation of spill prevention reports and tank registrations of Marjorie Post and Syosset-Woodbury Parks Chlorine Storage Tanks.

Attached is an availability of funds in the amount of $6,000.00 to satisfy said engineering costs from the Office of the Director of Finance indicating that funds are available in Account No. PKS A 7110 44900 000 0000.

It is hereby requested that the Town Board authorize by Resolution, D & B Engineers and Architects, P.C. under Contract No. PWC 20-16, On-Call Engineering Services Relative to Tank Management and requests that the Comptroller be directed to issue an encumbrance order for this purpose.

MICHAEL CIPRIANO
DEPUTY COMMISSIONER
DEPARTMENT OF PUBLIC WORKS

MC/SC/MR

Attachment

cc: Town Attorney (w/10 copies)
Christine M. Wiss, Deputy Comptroller
Kathy Stefanich, Public Works
Eric Tuman, Commissioner/General Services
Joseph G. Pinto, Commisioner/Parks

TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

July 11, 2017

TO : JOSEPH G. PINTO, COMMISIONER
DEPARTMENT OF PARKS

FROM : MATTHEW RUSSO, P.E.
DIVISION OF ENGINEERING
DEPARTMENT OF PUBLIC WORKS

MIKE CIPRIANO
DEPUTY COMMISSIONER
DEPARTMENT OF PUBLIC WORKS

SUBJECT : REQUEST FOR AVAILABILITY OF FUNDS
CONTRACT NO. PWC 20-16
TANK MANAGEMENT
D & B ENGINEERS AND ARCHITECTS, P.C.

The Division of Engineering respectfully requests that you make available an account number to be used to satisfy costs related to the above-referenced contract in the amount of $6,000.

Funds are required for preparation of spill prevention reports and tank registration of Marjorie Post and Syosset-Woodbury Parks Chlorine Storage Tanks, as per the attached letter from D & B Engineers and Architects, P.C., dated June 20, 2017.

Also attached is the "On-Call Consultant Service Request for Availability of Funds" in the amount of $6,000 and Resolution No. 741-2015 authorizing D & B Engineers and Architects, P.C. for on-call services.

If you have any questions, please contact Sunita Chakraborti, Division of Engineering, at extension 5725.

MATTHEW RUSSO, P.E.
DIVISION OF ENGINEERING
DEPARTMENT OF PUBLIC WORKS

MIKE CIPRIANO
DEPUTY COMMISSIONER
DEPARTMENT OF PUBLIC WORKS

MC:MR:SC:dz
Attachments

C: Kathleen Stefanich, Administration/DPW

PWC 20-16 D&B - REQUEST FOR FUNDS_SPREPORTS_6,000

ON-CALL CONSULTANT SERVICE / REQUIREMENTS CONTRACT
REQUEST FOR AVAILABILITY OF FUNDS

Requesting Division/Department: Parks

THIS SECTION TO BE COMPLETED BY DEPARTMENT ADMINISTERING ON-CALL CONSULTANT CONTRACT

Contract Number: PWC 20-16

Contract Period: 01/01/16 - 12/31/17

Consultant/Contractor: D & B Engineers and Architects, P.C.

Discipline: Tank Management

Total Authorization:

Resolution No.: 741-2015 Date: 12/15/2015

Funded To Date:

Amount Requested: $6,000.00

Account To Be Used: PKS A 7110 44900 000 0000

If Capital Account, State The Related Contract Number: N/A

Description Of Work

If a Capital Account is used and work is not related to a Capital Project, specify the nature of the requested service that qualifies it as a Capital Expense.

Tank Management Program

Spill Prevention Reports

Work To Be Completed In Contract Period: *Yes* [X] *No* [ ]

A "No" response will require Town Board authorization to extend the contract period.

Required Insurances Are In Effect: *Yes* [X] *No* [ ]

A "No" response will prevent further processing of this form.

Required 50% Performance Bond For This Request In Effect: *Yes* [ ] *No* [ ] *N/A* [X]

Amount of Bond $

Requesting Division/Department

Signature

Title Commissioner of Parks

Date 7/17/17

DPW Approval

Only To Be Executed By The Commissioner

Signature

Title **Commissioner of Public Works**

Date

THIS SECTION TO BE COMPLETED BY THE DIRECTOR OF FINANCE

Amount Requested 6,000.00

Unemcumbered Balance 138,253.55

Is The Account To Be Used Consistent With The Nature Of Work Listed Above? *Yes* [X] *No* [ ]

Signature

Date 7/17/17

TOWN OF OYSTER BAY

WORK ORDER

This Section To Be Completed By The Department Of Public Works

Work Order No. _____ E.O. No. _____

Contract Start 1/1/2016

Contract No. PWC 20-16 Contract End 12/31/2017

Commencement Date _____

No claim shall be paid for work performed prior to the Commencement Date

Vendor Name and Address

D & B Engineers and Architects, P.C.

330 Crossways Park Drive

Woodbury, NY, 11797

Requesting Town Department Parks

Contact Sunita Chakraborti Phone (516) 677 - 5725

Description of Work to be Performed (Attach Detail If Necessary)

Tank Management Program

Spill Prevention Reports

This work order shall not exceed $ 6,000.00

Please notify the above mentioned contact person 48 hours prior to commencing any work.

Requesting Division/Department

Signature _____

Title Commissioner

Date 7/17/17

Department Of Public Works Approval

Only To Be Executed By The Commissioner

Signature _____

Commissioner of Public Works

Date _____

D&B ENGINEERS AND ARCHITECTS, P.C.

330 Crossways Park Drive, Woodbury, New York 11797

516-364-9890 • 718-460-3634 • Fax: 516-364-9045 • www.db-eng.com

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President & Chairman
Steven A. Fangmann, P.E., BCEE
Executive Vice President
Robert L. Raab, P.E., BCEE, CCM
Senior Vice President

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Vice President

Dir. of Architecture
Michael P. Sciarrillo, AIA, NCARB

Senior Associates
Ellen R. DeOrsay
Matthew R. DeVinney, P.E.
Frank DeVita
Joseph A. Fioraliso, P.E.
Michael R. Hofgren
Christopher Koegel, P.E., CCM
Jamil Miranda, P.E.
Olga Mubarak
Adam Remick, P.E.
Daniel Shabat, P.E.

Associates
Meredith A. Byers
Anthony M. Canzano
Rudolph F. Cannavale
James J. Magda
Michele Mastrangelo
Robbin A. Petrella
Swaroop C. Puchalapalli, P.E.
Edward J. Reilly
Michael G. Savarese, P.E.
Stephen E. Tauss, P.G.

June 20, 2017

Matthew Russo, P.E.
Department of Public Works
Town of Oyster Bay
150 Miller Place
Syosset, NY 11791

Re: 2016 – 2017 Tank Management Program
Chlorine Tank Registration: Syosset-Woodbury and Marjorie Post Park
TOB PWC 20-16
D&B 3490-04

Dear Mr. Russo:

As we have discussed recently, the New York Department of Environmental Conservation (NYSDEC) has requested that the Town file tank registrations under the Chemical Bulk Storage (CBS) program for the chlorine storage tanks located at the Syosset-Woodbury and Marjorie Post Park Facilities. As the Town's Tank Management consultant, D&B Engineers and Architects, P.C. (D&B) is pleased to submit this task order proposal to perform the requested tank registrations under our current agreement with the Town. In order to register these tanks with the NYSDEC and achieve compliance with the NYSDEC CBS regulations, a Spill Prevention Report (SPR) must be prepared for each of the above-outlined facilities and represented in the registration documents. D&B will conduct site inspections, gather necessary documentation, and prepare the SPRs and tank registrations applications for each facility.

Task 01 – Preparation of Spill Prevention Reports

In accordance with 6 NYCRR Part 598.1(k), the Town of Oyster Bay is required to maintain a SPR for each facility regulated by the NYSDEC CBS program. The report must be updated annually, or whenever a significant release occurs or a substantial modification is made to the facility. It is our understanding that the Town operates the following tanks regulated by the CBS program that require registration with the NYSDEC as part of this project:

Syosset-Woodbury Community Park

- Tank 101: 1,635-gallon sodium hypochlorite AST
- Tank 102: 1,635-gallon sodium hypochlorite AST
- Tank 103: 1,000-gallon sodium hypochlorite AST
- Tank 104: 500-gallon sodium hypochlorite AST

Marjorie R. Post Community Park

- Tank 0011: 6,000-gallon sodium hypochlorite UST

Under this task, D&B will conduct a site inspection at each facility and will prepare the required SPRs for the above-outlined facilities. The SPRs will be prepared in accordance with 6 NYCRR Part 598.1(k) as well as the requirements of NYSDEC's guidance document issued in December 2009: DER-26 - How to Prepare a Spill Prevention Report for a Chemical Storage Facility. The SPRs will include the following elements:

- A copy of the registration application and certificate issued under 6 NYCRR Part 596.2;
- Management approval of the report evidenced by the signature of the principal executive officer or authorized representative;
- An up-to-date facility site map of sufficient detail to locate and identify tanks, transfer stations and connecting pipes (It is assumed that site plans and drawings of the existing tanks are available for these sites);
- The name, signature and license number of the Professional Engineer licensed in New York State who prepared the plan;
- A list of releases that have occurred during the past 5 years;
- An identification and assessment of potential causes of spills, leaks and releases at the facility;
- Compliance status report for each chemical bulk storage tank located at the facility;
- Records which must be kept on file and made available to the NYSDEC;
- Evidence of financial responsibility, if required by 6 NYCRR Part 598.11; and
- A Spill Response Plan.

An electronic copy of the draft SPRs will be provided to the Town of Oyster Bay for review and comment. Three copies of the final updated SPRs will be prepared and submitted to the Town of Oyster Bay. Each copy of the final updated SPRs will be certified by a Professional Engineer licensed to practice in New York State.

Task 02 – Tank Registrations

On behalf of the Town, D&B will prepare and submit tank registration documentation in accordance with 6 NYCRR Part 596-599, Hazardous Substance Bulk Storage Registration. D&B will include all relevant elements of the SPR in the registration documentation, as required by the NYSDEC's registration process.

D&B's proposed fee including direct labor costs and reimbursable expenses to complete the above tasks is **$6,000**. If you have any questions or comments, please do not hesitate to contact me at (516) 346-9890, Ext. 3305.

Very truly yours,

Steven A. Fangmann, P.E., BCEE
Executive Vice President

SAF/RAt/cf
cc: P. Sachs (D&B)
S. Chakraborti (TOB-DPW)
♦3490\SAF062017MR_Ltr

Meeting of July 25, 2017

Resolution No. 442-2017

Reviewed By
Office of Town Attorney

RESOLVED, That a public hearing will be held in the Hearing Room, Town Hall, Audrey Avenue, Oyster Bay, New York on, the 15th day of August, 2017, at 10:00 o'clock a.m. prevailing time on that day, or as soon thereafter as practicable, to consider the application of 5220 MERRICK LLC, fee owner, for a Special Use Permit and Site Plan Approval to operate a 1,345 square foot convenience store together with a gasoline service station at premises located in a Neighborhood Business (NB) District at 5220 Merrick Road, Massapequa, Town of Oyster Bay, County of Nassau, State of New York and described as Section 66, Block 2, Lot 102, on the Land and Tax Map of Nassau County ; and be it further

RESOLVED, That the Town Clerk shall publish notice of such hearing in

newspapers of general circulation within the Town of Oyster Bay.

-#-

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

Reviewed By
Office of Town Attorney

PUBLIC NOTICE

NOTICE is hereby given, pursuant to law, that a public hearing will be held by the Town Board of the Town of Oyster Bay, Nassau County, New York, on Tuesday, August 15, 2017, at 10:00 a.m., prevailing time, or as soon thereafter as may be practicable, in the Hearing Room, Town Hall, East Building, Audrey Avenue, Oyster Bay, New York, for the purpose of considering an application from 5220 MERRICK LLC, fee owner, for a Special Use Permit and Site Plan Approval to operate a 1,345 square foot convenience store together with a gasoline service station at premises located in a Neighborhood Business (NB) District at 5220 Merrick Road, Massapequa, Town of Oyster Bay, County of Nassau, State of New York and described as Section 66, Block 2, Lot 102, on the Land and Tax Map of Nassau County. The abovementioned application is on file and may be viewed daily (except Saturday, Sunday and Holidays) between the hours of 9:00 a.m. and 4:45 p.m., prevailing time, at the Office of the Town Clerk at Oyster Bay and Massapequa. Any person interested in the subject matter of said hearing will be given an opportunity to be heard with reference thereto, at the time and place above designated. TOWN BOARD OF TOWN OF OYSTER BAY. JOSEPH S. SALADINO, Supervisor. JAMES ALTADONNA, JR., Town Clerk.

Dated: July 25, 2017, Oyster Bay, New York.

442

Town of Oyster Bay
Inter-Departmental Memo

TO : MEMORANDUM DOCKET

FROM : OFFICE OF THE TOWN ATTORNEY

DATE : July 11, 2017

SUBJECT: 5220 Merrick LLC
Application for Special Use Permit and Site Plan Approval
5220 Merrick Road, Massapequa, New York

It is requested that at the July 25, 2017 Town Board meeting the Town Board authorize the Town Clerk to advertise a Notice of Hearing, for a Public Hearing to be held on August 15, 2017, in connection with the above referenced matter.

JOSEPH NOCELLA
TOWN ATTORNEY

Thomas M. Sabellico
Special Counsel

TMS:st
Enclosure
File 2016-5552

S:\Attorney\Admin\TMS\LAW\5220 MERRICK LLC\MD for Public Hearing.doc

Reviewed By
Office of Town Attorney

PUBLIC NOTICE

NOTICE is hereby given, pursuant to law, that a public hearing will be held by the Town Board of the Town of Oyster Bay, Nassau County, New York, on Tuesday, August 15, 2017, at 10:00 a.m., prevailing time, or as soon thereafter as may be practicable, in the Hearing Room, Town Hall, East Building, Audrey Avenue, Oyster Bay, New York, for the purpose of considering an application from 5220 MERRICK LLC, fee owner, for a Special Use Permit and Site Plan Approval to operate a 1,345 square foot convenience store together with a gasoline service station at premises located in a Neighborhood Business (NB) District at 5220 Merrick Road, Massapequa, Town of Oyster Bay, County of Nassau, State of New York and described as Section 66, Block 2, Lot 102, on the Land and Tax Map of Nassau County. The abovementioned application is on file and may be viewed daily (except Saturday, Sunday and Holidays) between the hours of 9:00 a.m. and 4:45 p.m., prevailing time, at the Office of the Town Clerk at Oyster Bay and Massapequa. Any person interested in the subject matter of said hearing will be given an opportunity to be heard with reference thereto, at the time and place above designated. TOWN BOARD OF TOWN OF OYSTER BAY. JOSEPH S. SALADINO, Supervisor. JAMES ALTADONNA, JR., Town Clerk.

Dated: July 25, 2017, Oyster Bay, New York.

Meeting of July 25, 2017

Resolution No. 443-2017

Reviewed By
Office of Town Attorney

RESOLVED, That a public hearing will be held before the Town Board, in the Hearing Room, Town Hall, East Building, Audrey Avenue, Oyster Bay, New York, on the 15th day of August, 2017, at 10:00 o'clock a.m., prevailing time, or as soon thereafter as practicable, to consider amending the Code of the Town of Oyster Bay, New York, by adopting a new Local Law entitled, "A LOCAL LAW TO ADD CHAPTER 84 OF THE CODE OF THE TOWN OF OYSTER BAY, ENTITLED 'ALL-TERRAIN VEHICLES'"; and be it further

RESOLVED, That the Town Clerk shall publish a notice of said hearing in Newsday

a newspaper of general circulation in the Town of Oyster Bay pursuant to the provisions of law.

-#-

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller (2)

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443

Town of Oyster Bay
Inter-Departmental Memo

TO : MEMORANDUM DOCKET

FROM : Office of the Town Attorney

DATE : July 11, 2017

SUBJECT: Proposed Local law entitled:
"A LOCAL LAW TO ADD CHAPTER 84 OF THE CODE OF THE TOWN OF OYSTER BAY, ENTITLED 'ALL-TERRAIN VEHICLES'"

This office has prepared the following items necessary to establish a new local law referenced above:

1. Public Notice;
2. Resolution calling for a Public Hearing; and
3. Proposed legislation.

Kindly place this matter on the Town Board Action calendar for July 25, 2017.

JOSEPH NOCELLA
TOWN ATTORNEY

Thomas M. Sabellico
Special Counsel

TMS:st
Enclosure
cc: Town Attorney (w/6 copies)
2017-6086

Reviewed By
Office of Town Attorney

PUBLIC NOTICE

PLEASE TAKE NOTICE, that pursuant to law, a public hearing will be held before the Town Board, in the Hearing Room, Town Hall, East Building, Audrey Avenue, Oyster Bay, New York, on the 15th day of August, 2017, at 10:00 o'clock a.m., prevailing time, or as soon thereafter as practicable, to consider the following amendment to the Code of the Town of Oyster Bay, in the manner set forth hereinafter: "A LOCAL LAW TO ADD CHAPTER 84 OF THE CODE OF THE TOWN OF OYSTER BAY, ENTITLED 'ALL-TERRAIN VEHICLES.'" The abovementioned Local Law is on file and may be viewed daily (except Saturday, Sunday and Holidays) between the hours of 9:00 a.m. and 4:45 p.m., prevailing time, at the Office of the Town Clerk located at Oyster Bay and Massapequa. All persons interested in the subject matter of said hearing shall have an opportunity to be heard in connection with the aforementioned Local Law at the time and place designated herein. TOWN BOARD OF TOWN OF OYSTER BAY. JOSEPH S. SALADINO, Supervisor. JAMES ALTADONNA, JR., Town Clerk.

Dated: July 25, 2017, Oyster Bay, New York.

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Oyster Bay

Local Law No. _____ **of the year** 2017

A local law entitled "A LOCAL LAW TO ADD CHAPTER 84 OF THE CODE OF THE TOWN OF OYSTER BAY ENTITLED 'ALL-TERRAIN VEHICLES'"

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

Town of Oyster Bay as follows:

Section 1. Legislative Intent.
The Board finds that it is in the best interest of the Town of Oyster Bay to establish Chapter 84 of the Town Code of the Town of Oyster Bay entitled "All-Terrain Vehicles" in order to establish restrictions on the use of all-terrain vehicles on Town property.

Section 2.
Chapter 84 of the Town Code of the Town of Oyster Bay is hereby established to read as follows:

§84-1. Legislative Intent.
The Town Board of the Town of Oyster Bay ("Town") hereby finds that the operation of all-terrain vehicles on Town property poses an unacceptable risk of serious injury or death for Town residents and causes economic and environmental damage to public parks, sports facilities, recreation areas, natural habitats and nature preserves. The Board further finds that the operation of all-terrain vehicles causes destruction to the native flora and fauna, soil compaction and erosion, as well as noise pollution to surrounding neighborhoods. It is the intent of this law to ensure public safety, environmental protection and general welfare of the Town and its residents by restricting use and operation of all-terrain vehicles on Town property and authorizing the police to impound such vehicles when operated in violation of this chapter.

§84-2. Definitions.
As used in this chapter, the following terms shall have the meanings indicated:

ALL-TERRAIN VEHICLE OR ATV
Any self-propelled vehicle which is made or manufactured for operation primarily on off-highway trails or in off-highway competitions, or in dirt, sand, grass, up and down hills and in similar-type areas and which is only incidentally operated on public highways, provided that such vehicle does not exceed 70 inches in width or 1,000 pounds dry weight. This definition shall also include any motorized dirt bike, snowmobile or other self-propelled tracked vehicle which is made or manufactured for operation primarily on off-highway trails or in off-highway competitions. This definition does not include golf carts, lawn tractors, lawn mowers, and battery-operated vehicles.

COMMISSIONER
The Commissioner of the Department of Parks of the Town of Oyster Bay or his or her designee.

OPERATE
To ride in or on, other than as a passenger, or use or control the operation of an ATV in any manner, whether or not the ATV is in motion.

OPERATOR
Every person who operates or is in actual physical control of an ATV.

TOWN
The Town of Oyster Bay

TOWN PROPERTY
All real property owned or leased by the Town, including but not limited to parks, together with all of the driveways, parking areas and grounds surrounding the same.

§84-3. Operation on Town Property Prohibited.
It shall be unlawful for any person to operate an ATV on, over or across any Town property. Operation of an ATV on streets maintained by the Town shall be governed by New York State Law.

§84-4. Responsibility of Parent or Guardian.
A. It shall be unlawful for the parent, guardian or any person having the care, custody or control of any child under the age of 16 years to knowingly permit such child to operate an ATV in violation of this chapter.
B. Whenever any child under the age of 16 years is alleged to have violated this chapter, his or her parent, guardian or any other person having the care, custody or control of the child shall be notified by the Code Enforcement Officer or police officer.
C. Where an ATV is operated in violation of this chapter by a child under the age of 16 years there shall be a rebuttable presumption that his or her parent, guardian or any other person having the care, custody or control of the child has knowingly permitted such operation.
D. The failure of any person charged under this section to rebut the presumption shall not mean that the trier of fact must find the person guilty or that the burden of proof relative to the underlying charge(s) has been shifted upon the accused.

§84-5. Exclusions.
This chapter shall not apply to the operation of ATVs under circumstances regulated by any agency of the State of New York, or to any ATV operated by a public official or public

employee in his or her official capacity for a public purpose, including emergency service, police protection, fire protection, public works activity and any other such use or activity approved by the Town.

§84-6. Enforcement

All employees of the Department of Planning & Development, the Department of Public Works, the Department of Highways, the Department of Public Safety, and the Department of Parks who are now or hereafter charged with the responsibility to perform inspection and/or enforcement duties with regard to the laws, codes, ordinances, rules and regulations within the general jurisdiction of their respective departments as well as police officers having jurisdiction are hereby further empowered to enforce the provisions of this chapter and to issue appearance tickets returnable in the District Court of Nassau County for violations thereof.

§84-7. Penalties for Offenses.

Any person or persons who shall violate any of the provisions of this chapter shall be punished as follows:

A. For conviction of a first offense, by a fine of not less than $500.00.

B. For conviction of the second of two offenses, both of which were committed within a period of five years, by a fine of not less than $1,500.00 and not more than $3,000.00.

C. For conviction of a third or subsequent offense, all of which were committed within a period of five years, by a fine of not less than $5,000.00 and not more than $10,000.00.

D. The parent or legal guardian, other than a state or local social services department foster parent having custody, of any unemancipated person under the age of 16 years found guilty of a violation of this chapter shall be responsible for the payment of the fine imposed by a court of competent jurisdiction for such violation. In no event shall it be a defense that the parent or legal guardian has exercised reasonable supervision over the activities of the person under the age of 16 years.

E. The parent or legal guardian, other than a state or local social services department foster parent having custody, of any unemancipated person under the age of 16 years found guilty of a violation of this chapter shall be responsible for restitution for any damage caused to real property or improvements located thereon owned and/or operated by the Town. In no event shall it be a defense that the parent or legal guardian has exercised reasonable supervision over the activities of the person under the age of 16 years.

§84-8. Impoundment.

A. Any ATV operated in violation of this chapter shall be subject to impoundment by a duly sworn police officer acting pursuant to his or her official duties. The law enforcement agencies impounding an ATV pursuant to this chapter may promulgate regulations for the storage and release of impounded ATVs.

B. Where notification of impoundment to titled owners is required by regulation, the law enforcement agency providing such notification shall not be liable for any damages arising out of the provision of an erroneous name or address of such owner.

§84-9. Conflicts with State Law.

Should any section or portion of this chapter conflict with the laws of the State of New York applicable to the operation, registration, ownership or control of ATVs, the laws of the State of New York shall take precedence.

§84-10. SEQRA Determination. It is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5 (c)(20) of 6 N.Y.C.R.R., pertaining to "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" and, accordingly, is of a class of actions which do not have a significant effect on the environment and no further review is required.

§84-11. Severability
If any clause, sentence, paragraph, section word or part of this chapter is adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, paragraph, section word or part of this chapter directly involved in the controversy in which judgment is rendered.

Section 3. This local law shall become effective immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strikeout that which is not applicable).

1. (Final adoption by local legislative body only).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2017 of the Town of Oyster Bay was duly passed by the Town Board on _____ 2017, in accordance with the applicable provisions of law.

_____
Clerk of the Town of Oyster Bay

(Seal) Date: _____, 2017

(Certification to be executed by Town Attorney).

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

_____
Signature
Town Attorney
Title

Town of Oyster Bay

Date: _____ 2017

S:\Attorney\LOCAL LAWS\LAC 84 All Terrain Vehicles\LL.docx

WHEREAS, Thomas Weiss, Festival Chairman for the Parish of the Holy Family, 17 Fordham Avenue, Hicksville, New York 11801, by letter dated May 1, 2017, has requested the Town's assistance in supplying thirty (30) recycling cans and twenty (20) traffic horses for their annual Holy Family Festival to be held from August 16, 2017 through August 19, 2017; and in providing assistance in hanging three street banners, one banner on Old Country Road, west of Newbridge Road in Hicksville, one banner on Old Country Road near National Grid at 175 East Old Country Road in Hicksville, and one banner on Jerusalem Avenue near Hicksville Middle School in Hicksville;

WHEREAS, John P. Bishop, Deputy Commissioner of the Highway Department, by memorandum dated July 13, 2017, has no objection in supplying thirty (30) recycling cans and twenty (20) traffic horses to the Parish of the Holy Family, for its annual Holy Family Festival;

Reviewed By Office of Town Attorney

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted and approved, and the Highway Department is hereby authorized to supply thirty (30) recycling cans and twenty (20) traffic horses; and in providing assistance in hanging three street banners, one banner on Old Country Road, west of Newbridge Road in Hicksville, one banner on Old Country Road near National Grid at 175 East Old Country Road in Hicksville, and one banner on Jerusalem Avenue near Hicksville Middle School in Hicksville, to the Parish of the Holy Family, for their annual Holy Family Festival, to be held August 16, 2017 through August 19, 2017, subject to the following conditions:

1. The use of all Town property shall be in conformance with the direction of the Deputy Commissioner of the Highway Department, or his duly authorized representative;

2. The said organization shall comply with all ordinances of the Town of Oyster Bay, both in its use of Town property and in the conduct of the aforedescribed activity; and

3. The said organization shall file a Certificate of Insurance with the Office of the Town Clerk, indicating said organization maintains general liability insurance naming the Town as an additional insured in connection with the aforedescribed activity.

#

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor (2)
Town Attorney
Comptroller (2)
Public Works
Highway
Parks
Public Safety

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444

TOWN OF OYSTER BAY

Inter-Departmental Memo

July 13, 2017

TO: MEMORANDUM DOCKET

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

SUBJECT: PARISH OF THE HOLY FAMILY ANNUAL FESTIVAL
AUGUST 16TH – 19th, 2017

Enclosed please find a copy of the letter from Thomas Weiss, Festival Chairman, requesting our assistance on behalf of the Parish of the Holy Family Church in Hicksville in conducting their annual festival on August 16th through August 19th, 2017.

The Highway Department can readily supply twenty (20) complete barricades and thirty (30) SORT pails for the event.

Also attached are the Certificate of Insurance, Endorsement Sheet, and Hold Harmless Agreement to cover this event. Therefore, Town Board approval is requested.

JOHN P. BISHOP, DEPUTY COMMISIONER
HIGHWAY DEPARTMENT

JPB/taw
Attachments

C: Town Attorney (6) copies
Richard Lenz, P.E., Commissioner DPW
Doug Robalino, General Foreman 002
Parks Department
Justin McCaffrey, Commissioner, Public Safety Department

Mail Log 5/15/17
Terry

HIGHWAY DEPARTMENT

May 1, 2017

Commissioner of Highways
150 Miller Place
Syosset, NY 11791

Dear Commissioner,

The parish of the Holy Family in Hicksville will once again be holding its annual festival from Wednesday, August 16 to Saturday, August 19 of this year. Over the past nine years, we have been greatly assisted by the members of your staff and are very grateful for all the help you personally have given us. On behalf of the Festival Committee, I am writing to ask for assistance once again from your department.

We hope that you could assist us in supplying various town-owned or -supplied items that could be used during the festival. These items include:

1. ~~Ten (10) trash cans~~
2. Twenty ~~(20)~~ 30 recycling cans (30)
3. Twenty (20) traffic horses
4. ~~One hundred (100) feet of snow fencing and posts~~ no longer supply

Similar to last year, we would like to request the town's assistance in hanging 3 street banners. We would like to hang one banner on Old Country Rd. in Hicksville west of Newbridge Rd., one banner on Old Country Rd near National Grid, and one on Jerusalem Ave near Hicksville Middle School.

Also, similar to past year, on Newbridge Rd, near the intersection with Fordham Ave, we are planning to hang 4 vertical banners on utility poles, as we did last year. We are progressing permits with LIPA and Verizon for these vertical pole banners. We will forward the permits to your attention, when we receive them.

We have also filed the Equipment Use Permit Application with Mr. Nocerino, Commissioner of Parks, to obtain the permit for the Town of Oyster Bay Showmobile and Light Posts.

If there is any further information you require, please feel free to contact me by phone via the Holy Family Parish Offices at (516) 938-3846 or email cweiss@holyfamilyparishny.org.

Thank you in advance for any assistance you and your staff can afford us.

Sincerely,

Thomas Weiss
Festival Chairman

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
07/14/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	Ecclesia Assurance Company c/o Porter & Curtis, LLC 225 State Road Media, PA 19063	CONTACT NAME: Garrett Gabriele	
		PHONE (A/C, No, Ext):	FAX (A/C, No):
		E-MAIL ADDRESS: GGabriele@PorterCurtis.com	
		INSURER(S) AFFORDING COVERAGE	NAIC #
		INSURER A: ECCLESIA ASSURANCE COMPANY	11952
INSURED	HOLY FAMILY CHURCH 5 FORDHAM AVENUE HICKSVILLE, NY 11801	INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES CERTIFICATE NUMBER: 382375 Account: 000023 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER POLICY [ ] PRO-JECT [ ] LOC OTHER:			PKG-2016-1	11/01/2016	11/01/2017	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ Included
							MED EXP (Any one person)	$ Not Covered
							PERSONAL & ADV INJURY	$ Included
							GENERAL AGGREGATE	$ None Applicable
							PRODUCTS - COMP/OP AGG	$ None Applicable
								$
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY HIRED AUTOS ONLY SCHEDULED AUTOS NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	$
							BODILY INJURY (Per ------)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
A	UMBRELLA LIAB [X] OCCUR X EXCESS LIAB [ ] CLAIMS-MADE DED [ ] RETENTION $			EX-LIAB-2016-1	11/01/2016	11/01/2017	EACH OCCURRENCE	$ 14,000,000
							AGGREGATE	$ None Applicable
								$
	WORKERS COMPENSATION AND EMPLOYERS LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N [ ] (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						[ ] PER STATUE [ ] OTH-ER	
							E.L. EACH ACCIDENT	$
							E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
The limits include applicable retentions. The certificate holder is included as an Additional Insured if required by written contract in regards to the use all rented equipment during the festival being held from 08/15/2017 - 08/21/2017.

CERTIFICATE HOLDER

TOWN OF OYSTER BAY
54 AUDREY AVENUE
OYSTER BAY, NY 11771

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Reviewed By
Office of Town Attorney

Endorsement Number: 29

Policy Number: PKG-2016-1 Date Effective: 11/1/2016

ADDITIONAL INSURED ENDORSEMENT

This endorsement modifies the insurance provided under the following Coverage Part(s):
GENERAL LIABILITY

SCHEDULE

Town of Oyster Bay-Department of Parks, Department of Public Works (Highway and Sanitation), Department of Buildings (Town Hall), 150 Miller Place, Syosset, New York 11971

The definition of "insured" expressly includes the person or organization shown in the Schedule above as respects tort liability assumed under an "insured contract".

All other terms and conditions remain unchanged.

In witness whereof, this Endorsement has been executed in Rockville Centre, New York by the Company's authorized officer as set forth below.

ECCLESIA ASSURANCE COMPANY

Authorized Representative's Signature

10/31/2016
Date

Copyright ©, Porter & Curtis, LLC, 2007

E AI 04 03 09 07

Reviewed By
Office of Town Attorney

Hold Harmless Agreement for Use of Town Property and/or Equipment

This Agreement is made this 19th day of June 2017, by Holy Family RC Church (Hereinafter "Organization"). Whereas, Organization desires to use Town of Oyster Bay property and/or equipment located at and/or described as 17 Fordham Avenue, Hicksville, NY 11801
30 barricades 30 SORT pails

For the event described as Holy Family Festival
The property/equipment is need from August 16th 2017 to August 20th 2017.
The event for which the property and/or equipment is requested (X) is ( ) is not a not a profit making event.

In consideration of the Town granting the Organization permission to temporarily use Town property and/or equipment, the undersigned, on behalf of the Organization, hereby agrees to assume all liability and risk of loss and shall be responsible for the supervision and welfare of all persons arriving on and using Town property and/or equipment in connection with the abovementioned event. The undersigned further hereby releases the Town of Oyster Bay, its officers, employees, servants, agents and enumerated volunteers from any liability for any injuries sustained or damages incurred and agrees to reimburse the Town for any damages arising out of the Organization's use of the Town property and/or equipment. The undersigned agrees to indemnify and hold harmless the Town, its officers, employees, servants, agents and enumerated volunteers, and to protect and defend them against any and all claims for loss and/or expense or suits for damage to persons or property, including its property, arising from its use of Town property and/or equipment.

Further, the Organization agrees to provide the Town with a copy of its general liability insurance certificate, in the amounts of $1,000,000 each occurrence, $2,000,000 general aggregate and, where appropriate, $2,000,000 products, naming the Town as additional insured. All certificated of insurance must be accompanied by an endorsement.

I understand that the abovementioned use of Town property and/or equipment is subject to the approval of the Town Board of the Town of Oyster Bay.

Name of Organization:
Holy Family

Address of Organization:
17 Fordham Ave Hicksville NY 11801

By: _____
Authorized Representative

Title: Pastor

Telephone Number: 516-938-3846

DATE: 5/18/17

TO: **HIGHWAY OPERATIONS**

SUBJECT: Parish of the Holy Family Annual Festival

PLEASE DELIVER TO:

Holy Family
17 Fordham Avenue
Hicksville

CONTACT: Thomas Weiss
516-938-3846

DATE OF EVENT: 8/16/17-8/19/17

OTHER:

BARRICADES: **20**

CONES:

SORT PAILS: **30**

PORTABLE LIGHTS:

GENERATOR:

PACKER:

DELIVER ON: **8/15/17**

PICKUP ON: **8/21/17**

		XX
SWEEPING BEFORE AFFAIR IS NEEDED:	**YES**	**NO**

Please be advised that when signing on receipt of Town Equipment, your organization will be held responsible for their return.

JOHN P. BISHOP, ACTING DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

JPB/taw

CC: Doug Robalino, General Foreman 002
Vinny Padavano, Area Foreman 010
Jeff VanNostrand
Dan Kornfeld

Public Safety Division
Rich Porcelli, DPW Admin
John Guardino, SORT Supervisor

Meeting of July 25, 2017

Resolution No. 445-2017

Reviewed By
Office of Town Attorney

RESOLVED, That a public hearing will be held before the Town Board, in the Hearing Room, Town Hall, East Building, Audrey Avenue, Oyster Bay, New York, on the 15th day of August, 2017, at 10:00 o'clock a.m., prevailing time, or as soon thereafter as practicable, to consider amending the Code of the Town of Oyster Bay, New York, by adopting a new Local Law entitled, "A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF OYSTER BAY, NEW YORK, CHAPTER 93 – BUILDING CONSTRUCTION, SECTION 93-16.1 SAFE AND CODE-COMPLIANT CONSTRUCTION": and be it further

RESOLVED, That the Town Clerk shall publish a notice of said hearing in Newsday

a newspaper of general circulation in the Town of Oyster Bay pursuant to the provisions of law.

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

445

Town of Oyster Bay
Inter-Departmental Memo

TO : MEMORANDUM DOCKET

FROM : Office of the Town Attorney

DATE : July 11, 2017

SUBJECT: Proposed Local law entitled:
"A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF OYSTER BAY, NEW YORK, CHAPTER 93 – BUILDING CONSTRUCTION, SECTION 93-16.1 SAFE AND CODE-COMPLIANT CONSTRUCTION"

This office has prepared the following items necessary to establish a new local law referenced above:

1. Public Notice;
2. Resolution calling for a Public Hearing; and
3. Proposed legislation.

Kindly place this matter on the Town Board Action calendar for July 25, 2017.

JOSEPH NOCELLA
TOWN ATTORNEY

Thomas M. Sabellico
Special Counsel

TMS:st
Enclosure
cc: Town Attorney (w/6 copies)

Reviewed By
Office of Town Attorney

Meeting of July 25, 2017 Resolution No.446-2017

WHEREAS, SUNRISE PROMENADE ASSOCIATES, fee owner, and MASSAPEQUA RESTAURANT JOINT VENTURE, lessee, have petitioned the Town Board of the Town of Oyster Bay ("Town Board") for modification of a Special Use Permit and modification of an existing Declaration of Covenants and Restrictions to permit interior alterations to an existing restaurant, allowing for 72 additional seats, on premises located at 5204 Sunrise Highway, Massapequa, Town of Oyster Bay, County of Nassau, State of New York and described as Section 53, Block D, Lots 24 and 25, on the Land and Tax Map of Nassau County; and

WHEREAS, on October 18, 1994, the Town Board adopted Resolution No. 724-94 which granted permission to construct and operate a restaurant with a seating occupancy in excess of 75 seats on the premises. Pursuant to Resolution No. 724-94 a Declaration of Restrictive Covenants dated December 16, 1994 was recorded against the premises; and

WHEREAS, a duly advertised public hearing on said Petition was held by the Town Board of the Town of Oyster Bay on September 6, 2016, 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. 222-17, adopted on April 25, 2017, 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 letter dated June 1, 2017, 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, Timothy R. Zike, Deputy Commissioner of the Department of Planning and Development, by memorandum dated March 30, 2016, has advised that the Department of Planning and Development has reviewed the following plan prepared by Christopher W. Robinson, P.E., RMS Engineering, Huntington, NY, and by Timothy R. Poole, R.A., Carrell, Poole & Yost Architecture, Dallas, TX:

SHEET NO.	TITLE		DATE
SP-1	SITE PLAN	Christopher W. Robinson, P.E.	01/28/14
FFP-101	FURNISHING FLOOR PLAN	Timothy R. Poole. R.A.	08/20/07

WHEREAS, Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memorandum dated April 14, 2017, further reported that a modified Site Plan, SP-1, dated March 1, 2017, has been submitted, and that with that submission, all of the plans submitted comply with the standards set forth in the Code of the Town of Oyster Bay, Section 246.6, Site Plan Review, and recommends Town Board approval for the site plans enumerated herein,

NOW, THEREFORE, BE IT RESOLVED, That the Petition of SUNRISE PROMENADE ASSOCIATES, fee owner, and MASSAPEQUA RESTAURANT JOINT VENTURE, lessee, for modification of a Special Use Permit and modification of an existing Declaration of Covenants and Restrictions to permit interior alterations to an existing restaurant, allowing for 72 additional seats, on premises located at 5204 Sunrise Highway, Massapequa, Town of Oyster Bay, County of Nassau, State of New York and described as Section 53, Block D, Lots 24 and 25, 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, situate, lying and being at Massapequa, Town of Oyster Bay, County of Nassau and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly side of Sunrise Highway distant 533.99 feet westerly from the corner formed by the intersection of the southerly side of Sunrise Highway and the westerly side of Unqua Road;

RUNNING THENCE South 13 degrees 35 minutes west 814.60 feet;

THENCE South 8 degrees 50 minutes west 85.40 feet;

THENCE North 85 degrees 34 minutes west parallel with the southerly side of Sunrise Highway;

THENCE North 13 degrees 08 minutes east 699.73 feet;

THENCE South 85 degrees 34 minutes east again parallel with the southerly side of Sunrise Highway 150 feet; Resolution No. 446-2017

THENCE North 13 degrees 06 minutes east 200 feet to the southerly side of Sunrise Highway;

THENCE South 85 degrees 34 minutes east along the southerly side of Sunrise Highway 550 feet to the point or place of BEGINNING.

SAID premises are known and described as Section 53, Block D, Lots 24 and 25 on the Land and Tax Map of the County of Nassau.

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 Timothy R. Zike, Deputy Commissioner of the Department of Planning and Development, dated March 30, 2016, and the memorandum of Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, dated April 14, 2017, the two (2) plans described herein, as modified, are hereby approved.

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

Supervisor Saladino	Abstain
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

Reviewed By
Office of Town Attorney

DECLARATION OF RESTRICTIVE COVENANTS

SUNRISE PROMENADE ASSOCIATES, fee owner, with a business address of 375 North Broadway, Jericho, New York 11753, and MASSAPEQUA RESTAURANT JOINT VENTURE, lessee, with a business address of c/o TGI FRIDAY'S INC., 4201 Marsh Lane, Carrollton, Texas 75007, do by this Declaration, dated July 25, 2017, declare as follows:

WHEREAS, said Declarants, SUNRISE PROMENADE ASSOCIATES and MASSAPEQUA RESTAURANT JOINT VENTURE, petitioned the Town Board of the Town of Oyster Bay for Modification of a special Use Permit and Modification of a Declaration of Restrictive Covenants, dated December 8, 1994 and recorded in the Office of the Clerk of Nassau County on January 12, 1995, in Liber 10506 of Deeds, page 302, and a Declaration of Restrictive Covenants, dated September 16, 2008, and recorded in the Office of the Clerk of Nassau County, affecting a parcel of land located at 5204 Sunrise Highway, Massapequa, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 53, Block D, Lots 24 and 25 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 September 6, 2016, 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, by Resolution No. 446- 2017, dated July 25, 2017, approved said application subject to the execution of a Declaration of Restrictive Covenants; and

WHEREAS, said Declarants, for the purpose of preserving the value, and in order to assure the orderly development of the below described premises in Schedule "A" herein, and for the benefit and protection of persons and property in the area, do hereby voluntarily impose the following covenants and restrictions with respect to the premises identified as being at 5204 Sunrise Highway, Massapequa, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 53, Block D, Lots 24 and 25 on the Land and Tax Map of Nassau County, which will run with the land and be binding upon said Declarant, its successors and/or assigns,

NOW, THEREFORE, said Declarants, do hereby covenant and declare as follows:

1. That the Declaration of Restrictive Covenants, dated December 8, 1994 and recorded in the Office of the Clerk of Nassau County on January 12, 1995, in Liber 10506 of Deeds, page 302, and a Declaration of Restrictive Covenants, dated September 16, 2008, and recorded in the Office of the Clerk of Nassau County, affecting the premises located at 5204 Sunrise Highway, Massapequa, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 53, Block D, Lots 24 and 25 on the Land and Tax Map of Nassau County, are hereby rescinded and are replaced and superseded by this Declaration.

2. That a restaurant use with ancillary bar and dancing is permitted provided no live entertainment shall be provided. "Live entertainment" does not include the playing of pre-recorded music, non-amplified solo musicians and minstrels.

3. That the hours of operation of the subject restaurant shall be no earlier than 6:00 a.m. and no later than 10:00 p.m., seven days a week.

4. That the interior dimensions of the subject restaurant shall be restricted in size, so that the maximum seating occupancy shall be limited to 297 persons, as provided in the Town of Oyster Bay Public Assembly Law.

5. That all parking shall be permitted only in designated parking spaces. Said spaces are to be clearly outlined, identified and maintained with painted boundary lines. All other driveway areas shall remain open at all times for fire and emergency apparatus.

6. That no mechanical games of amusement shall be permitted on the subject premises or in the restaurant.

7. That there shall be no outdoor storage of foods, equipment or material of any kind for the subject restaurant.

8. That the subject premises shall be continually policed and maintained as to be free of all papers, trash, debris or other discarded materials, and litter baskets shall be installed and emptied as often as necessary.

9. That the exterior of the subject restaurant shall be continually maintained in neat and good repair.

10. That there shall be installed and properly maintained a fully automatic sprinkler system throughout the premises, and a kitchen fire suppression system that complies with the New York State Building Code at the subject restaurant to quell grease fires, satisfactory to and approved by the Fire Marshal of Nassau County. Adherence to all applicable laws shall satisfy this condition.

11. That no outdoor music, speakers or dance floor shall be provided, and no outdoor use shall be permitted, in connection with the use of the subject restaurant.

12. That the exterior of all structures, parking areas, and all other installations visible to the public, shall be continually maintained in neat and good repair.

13. That all lighting shall be directed onto the subject premises, and no lighting is to be directed onto adjacent properties and roadways.

14. That all garbage, waste and rubbish shall be kept in a suitable container enclosed on three (3) sides and screened from view.

15. That any and all signs that are to be erected and maintained are to comply with all applicable provisions of present laws or ordinances of the Town of Oyster Bay.

16. That there shall be strict compliance with any and all ordinances, laws, regulations or directives of the Town of Oyster Bay, the Nassau County Fire Marshal's Office, the Nassau County Department of Health, and any and all other agencies or departments of the Town of Oyster Bay, Nassau County, the State of New York and/or the United States of America.

17. That no Certificate of Occupancy shall be issued unless and until the development of the site is in conformance with the one (1) plan prepared by RMS Engineering, entitled SP-1, SITE PLAN, and last revised January 28, 2014, reviewed in accordance with Section 246-6, "Site Plan Review", of the Zoning Code of the Town of Oyster Bay, recommended for acceptance by Timothy R. Zike, Deputy Commissioner of the Department of Planning and Development, by memorandum dated March 30, 2016 and approved by the Town Board of the Town of Oyster Bay, including any and all amendments that the Town Board may have required to said plans. In the event Declarants seek permission to make a change to the subject structure or property after the date of the granting resolution, the Commissioner of the Department of Planning and Development shall determine whether the proposed change is a major or minor modification. If a proposed modification is deemed minor, the Commissioner will have final approval of same. Any major modification to said plans subsequent to approval by the Town Board may be done only by Town Board Resolution.

18. That in the event of any violation of any kind of the restrictions, covenants or provisions contained herein or any ordinances or regulations, and failure to remedy such violation within thirty (30) days after notice by the Town to the then owner of the real estate or the current operator of the subject premises of whom the Town has been given notice, the Town shall have the right to suspend or revoke forthwith, the Special Use Permit granted, unless a cure for such violation has been commenced or is being diligently pursued.

19. This Declaration shall be filed with the County Clerk of Nassau County and be construed with the same force and effect as a recorded document, and shall be deemed a covenant running with the land. The restrictions contained herein may be enforced by the Town Board of the Town of Oyster Bay to the same extent and with the same authority as the enforcement of a Zoning Ordinance. This Declaration shall not be modified, changed, altered or amended except with the consent of the Town Board of the Town of Oyster Bay.

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being at Massapequa, Town of Oyster Bay, County of Nassau and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly side of Sunrise Highway distant 533.99 feet westerly from the corner formed by the intersection of the southerly side of Sunrise Highway and the westerly side of Unqua Road;

RUNNING THENCE South 13 degrees 35 minutes west 814.60 feet;

THENCE South 8 degrees 50 minutes west 85.40 feet;

THENCE North 85 degrees 34 minutes west parallel with the southerly side of Sunrise Highway;

THENCE North 13 degrees 08 minutes east 699.73 feet;

THENCE South 85 degrees 34 minutes east again parallel with the southerly side of Sunrise Highway 150 feet;

THENCE North 13 degrees 06 minutes east 200 feet to the southerly side of Sunrise Highway;

THENCE South 85 degrees 34 minutes east along the southerly side of Sunrise Highway 550 feet to the point or place of BEGINNING.

SAID premises are known and described as Section 53, Block D, Lots 24 and 25 on the Land and Tax Map of the County of Nassau.

IN WITNESS WHEREOF, the Declarant has hereunto set their hand the day and year first above written.

SUNRISE PROMENADE
ASSOCIATES, Fee Owner

BY:_____
, Managing Member

MASSAPEQUA RESTAURANT
JOINT VENTURE, Lessee

BY:_____
, Managing Member

STATE OF NEW YORK)
COUNTY OF) ss.:

On the day of in the year 2017 before me, the undersigned, personally appeared , personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity(ies), and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

STATE OF NEW YORK)
COUNTY OF) ss.:

On the day of in the year 2017 before me, the undersigned, personally appeared , personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity(ies), and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

Meeting of July 25, 2017

Resolution No. 447-2017

Reviewed By
Office of Town Attorney

WHEREAS, ADULTS AND CHILDREN WITH LEARNING AND DEVELOPMENTAL DISABILITIES, INC., fee owner, has petitioned the Town Board of the Town of Oyster Bay ("Town Board") for a Special Use Permit and Site Plan Approval to construct a three-story, 48 unit congregate care facility on premises located in a Light Industrial (LI) Zoning District, located at 857-857A South Oyster Bay Road, Bethpage, Town of Oyster Bay, County of Nassau, State of New York and described as Section 46, Block G, Lot 66, 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 May 23, 2017, at which hearing all parties interested in the subject matter and desiring to be heard were heard; and

WHEREAS, the Town of Oyster Bay Department of Environmental Resources, Town Environmental Quality Review Division, has reviewed and submitted its "Review of Action and Determination of Significance," regarding the environmental impacts contemplated by said Petitions; and

WHEREAS, the "Review of Action and Determination of Significance" was duly made in the Town Environmental Quality Review Division's report dated June 23, 2017, with said report rendering the Division's assessment of the relevant environmental factors affected by the uses proposed in the subject Petition and recommending that the conclusions contained therein be accepted, and that same be deemed to constitute a Negative Declaration, indicating that the proposed actions would not cause significant impacts upon the environment and recommended, accordingly, that the Town Board issue a Negative Declaration; and

WHEREAS, the Nassau County Planning Commission, by Resolution No. 10186-17, dated July 20, 2017, 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, Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memorandum dated April 24, 2017, has advised that the Department of Planning and Development has reviewed the following twelve (12) plans prepared by Christopher W. Robinson, P.E., RMS Engineering, Huntington, NY, and seven (7) plans submitted by Jean-Pierre Lardoux, R.A., Fusion Architecture, Plainview, NY:

SHEET NO.	TITLE		DATE
SP-1	COVER SHEET	Christopher W. Robinson, P.E.	08/15/16
SP-2	OVERALL ALIGNMENT PLAN	Christopher W. Robinson, P.E.	04/19/17
SP-3	ALIGNMENT PLAN	Christopher W. Robinson, P.E.	04/19/17
SP-4	DRAINAGE & GRADING PLAN	Christopher W. Robinson, P.E.	08/15/16
SP-5	UTILITY PLAN	Christopher W. Robinson, P.E.	08/15/16
SP-1	COVER SHEET	Christopher W. Robinson, P.E.	08/15/16
SP-7	IRRIGATION PLAN	Christopher W. Robinson, P.E.	08/15/16
SP-8	SNOW STORAGE PLAN	Christopher W. Robinson, P.E.	08/15/16
SP-9	EROSION CONTROL PLAN	Christopher W. Robinson, P.E.	08/15/16
SP-10	SITE CONSTRUCTION DETAILS	Christopher W. Robinson, P.E.	08/15/16
SP-11	SANITARY & WATER DETAILS	Christopher W. Robinson, P.E.	08/15/16
PH-1	PHOTOMETRIC PLAN	Christopher W. Robinson, P.E.	08/15/16
A-101	BASEMENT PLAN	Jean-Pierre Lardoux, R.A.	04/21/17
A-102	FIRST FLOOR PLAN	Jean-Pierre Lardoux, R.A.	04/21/17
A-103	SECOND FLOOR PLAN	Jean-Pierre Lardoux, R.A.	04/21/17
A-104	THIRD FLOOR PLAN	Jean-Pierre Lardoux, R.A.	04/21/17
A-105	ROOF PLAN	Jean-Pierre Lardoux, R.A.	04/21/17
A-201	BUILDING ELEVATIONS	Jean-Pierre Lardoux, R.A.	04/21/17
A-202	BUILDING ELEVATIONS	Jean-Pierre Lardoux, R.A.	04/21/17

WHEREAS, Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memorandum dated April 24, 2017, further reported that all of the plans submitted comply with the standards set forth in the Code of the Town of Oyster Bay, Section 246.6, Site Plan Review, and recommends Town Board approval for the site plans enumerated herein,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Oyster Bay does hereby adopt a Negative Declaration with respect to the Petition of ADULTS AND CHILDREN WITH LEARNING AND DEVELOPMENTAL DISABILITIES, INC., fee owner, for a Special Use Permit and Site Plan Approval to construct a three-story, 48 unit congregate care facility on premises located in a Light Industrial (LI) Zoning District, located at 857-857A South Oyster Bay Road, Bethpage, Town of Oyster Bay, County of Nassau, State of New York and described as Section 46, Block G, Lot 66, on the Land and Tax Map of Nassau County; and be it further

RESOLVED, That the Petition of ADULTS AND CHILDREN WITH LEARNING AND DEVELOPMENTAL DISABILITIES, INC., fee owner, for a Special Use Permit and Site Plan Approval to construct a three-story, 48 unit congregate care facility on premises located in a Light Industrial (LI) Zoning District, located at 857-857A South Oyster Bay Road, Bethpage, Town of Oyster Bay, County of Nassau, State of New York and described as

Section 46, Block G, Lot 66, 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, situate, lying and being at Bethpage, Town of Oyster Bay, County of Nassau and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of South Oyster Bay Road 876.98 feet south of the westerly end of the arc of a circle connecting the easterly side of South Oyster Bay Road with the southwesterly side of Stewart Avenue and from said point or place of BEGINNING;

RUNNING THENCE along premises now or formerly of Adults and Children with Learning Disabilities, Inc., North 83 degrees 44 minutes 20 seconds east 572.95 feet;

THENCE through land of Grumman Aerospace Corporation South 6 degrees 15 minutes 40 seconds east 279.62 feet;

THENCE South 84 degrees 034 minutes 55 seconds west and part of the distance along land now or formerly of Bethpage Federal Credit Union 575.52 feet to the easterly side of South Oyster Bay Road;

THENCE along the easterly side of South Oyster Bay Road North 5 degrees 43 minutes 45 seconds west 276.19 feet to the point or place of BEGINNING.

SAID premises are known and described as Section 46, Block G, Lot 66 on the Land and Tax Map of the County of Nassau.

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 Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, dated April 24, 2017, the nineteen (19) plans described herein, as modified, are hereby approved.

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

Reviewed By
Office of Town Attorney

DECLARATION OF RESTRICTIVE COVENANTS

ADULTS AND CHILDREN WITH LEARNING AND DEVELOPMENTAL DISABILITIES, INC.(hereinafter referred to as "ACLD"), fee owner, with a business address of 807 South Oyster Bay Road, Bethpage, New York 11714, by this declaration, dated July 25, 2017 , declares as follows:

WHEREAS, ACLD, fee owner, has petitioned the Town Board of the Town of Oyster Bay ("Town Board") for a Special Use Permit and Site Plan Approval to construct a three-story, 48 unit congregate care facility on premises located in a Light Industrial (LI) Zoning District, located at 857-857A South Oyster Bay Road, Bethpage, Town of Oyster Bay, County of Nassau, State of New York and described as Section 46, Block G, Lot 66, 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 May 23, 2017, 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, by Resolution No. 447-2017, dated July 25, 2017, approved said application subject to the execution of a Declaration of Restrictive Covenants; and

WHEREAS, said Declarants, for the purpose of preserving the value, and in order to assure the orderly development of the below described premises in Schedule "A" herein, and for the benefit and protection of persons and property in the area, do hereby voluntarily impose the following covenants and restrictions with respect to the premises identified as being located at located at 857-857A South Oyster Bay Road, Bethpage, Town of Oyster Bay, New York, which will run with the land and be binding upon said Declarants, their successors and/or assigns,

NOW, THEREFORE, said Declarants, do hereby covenant and declare as follows:

1. The facility is not a New York Mental Hygiene Law Article 31 residential facility, community residence, residential treatment facility or residential care center for individuals with mental disabilities.

2. The facility is not a New York Mental Hygiene Law Article 32 licensed drug addiction treatment facility, and shall refer patients to the appropriate services.

3. The facility shall consist of forty-eight (48) one (1) bedroom units (each with a living room, dining area, kitchen, bedroom and bathroom). Each unit will be at least 600 square feet in size with common space for all tenants built into the building design. Thirty-six (36) units will be reserved for senior citizens 62 years or older, and twelve (12) of the units will be reserved for individuals with intellectual and other developmental disabilities.

4. The second floor of the facility will have common areas to provide a lounge area, exercise room, computer room, program staff office and a general office.

5. The third floor will house a multi-purpose community room and storage area.

6. The management of the facility will be overseen by both ACLD staff and an independent management company who will oversee building operations.

7. There will be an intercom system for guests' entry.

8. Residents will enter the building with the use of a key fob system.

9. Repairs, when necessary, will be addressed by ACLD facilities staff that are available 24 hours a day, 7 days a week.

10. Mail will be delivered to mailboxes inside the building on the main level.

11. There will be two (2) elevators, one of which will be able to accommodate a stretcher/gurney.

12. Each floor shall have its own trash room with a trash chute, toilet rooms and a tenant laundry room.

13. Storage areas for tenants will be provided in the basement

14. The proposed facility shall not involve the storage or use of hazardous materials, medical waste, or other activities that may pose a significant threat of impacting groundwater resources.

15. That there shall be strict compliance with the provisions of the Environmental Assessment Form, dated May 18, 2016.

16. That Declarants shall assign a person to serve as the point of contact for neighboring residents in order to promptly and effectively address any issues that the community may raise in the future with respect to the proposed facility.

17. That Declarants shall cooperate with the Town and neighboring residents to adjust the starting and ending times of staff shifts as necessary to minimize facility-related traffic impacts on the surrounding community.

18. That all driveway and parking areas on the subject premises shall be paved and maintained in good repair at all times and shall be provided with proper stormwater drainage.

19. That the subject premises shall be continually policed and maintained as to be free of all papers, trash, debris or other discarded materials.

20. That all shrubs, trees and landscaping on the subject premises shall be continually maintained in good and healthy condition and replaced when necessary.

21. That any and all signs that are to be erected and maintained on the subject premises are to comply with all applicable provisions of present laws or ordinances of the Town of Oyster Bay.

22. That there shall be installed and properly maintained a fully automatic sprinkler system on the subject premises to quell fires, satisfactory to and approved by the Fire Marshal of Nassau County. Adherence to all applicable laws shall satisfy this condition.

23. That the exterior of all structures, parking areas and all other installations on the subject premises visible to the public shall be continually maintained in neat and good repair.

24. That all garbage, refuse and rubbish on the subject premises shall be placed and kept in suitable containers and disposed in accordance with applicable statutes, ordinances, and laws.

25. That all exterior lighting shall be directed onto the subject premises and no lighting is to be directed onto adjacent properties or roadways.

26. That no Certificate of Occupancy shall be issued unless and until the development of the site is in conformance with twelve (12) plans prepared by Christopher W. Robinson, P.E., RMS Engineering, Huntington, NY, and seven (7) plans submitted by Jean-Pierre Lardoux, R.A., Fusion Architecture, Plainview, NY, which plans were reviewed in accordance with Section 246-6, "Site Plan Review", of the Zoning Code of the Town of Oyster Bay, and recommended for acceptance by Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memorandum dated April 24, 2017, and approved by the Town Board of the Town of Oyster Bay, including any and all amendments that the Town Board may have required to said plans. In the event Declarants seek permission to make a change to the subject structures or property after the date of the granting resolution, the Department of Planning and Development shall determine whether the proposed change is a major or minor modification. If a proposed modification is deemed minor, the Department of Planning and Development shall have final approval of same. Any major modifications to said plans shall require Town Board approval. The plans approved by the granting resolution are as follows:

SHEET NO.	TITLE		DATE
SP-1	COVER SHEET	Christopher W. Robinson, P.E.	08/15/16
SP-2	OVERALL ALIGNMENT PLAN	Christopher W. Robinson, P.E.	04/19/17
SP-3	ALIGNMENT PLAN	Christopher W. Robinson, P.E.	04/19/17
SP-4	DRAINAGE & GRADING PLAN	Christopher W. Robinson, P.E.	08/15/16
SP-5	UTILITY PLAN	Christopher W. Robinson, P.E.	08/15/16
SP-1	COVER SHEET	Christopher W. Robinson, P.E.	08/15/16
SP-7	IRRIGATION PLAN	Christopher W. Robinson, P.E.	08/15/16

SP-8	SNOW STORAGE PLAN	Christopher W. Robinson, P.E.	08/15/16
SP-9	EROSION CONTROL PLAN	Christopher W. Robinson, P.E.	08/15/16
SP-10	SITE CONSTRUCTION DETAILS	Christopher W. Robinson, P.E.	08/15/16
SP-11	SANITARY & WATER DETAILS	Christopher W. Robinson, P.E.	08/15/16
PH-1	PHOTOMETRIC PLAN	Christopher W. Robinson, P.E.	08/15/16
A-101	BASEMENT PLAN	Jean-Pierre Lardoux, R.A.	04/21/17
A-102	FIRST FLOOR PLAN	Jean-Pierre Lardoux, R.A.	04/21/17
A-103	SECOND FLOOR PLAN	Jean-Pierre Lardoux, R.A.	04/21/17
A-104	THIRD FLOOR PLAN	Jean-Pierre Lardoux, R.A.	04/21/17
A-105	ROOF PLAN	Jean-Pierre Lardoux, R.A.	04/21/17
A-201	BUILDING ELEVATIONS	Jean-Pierre Lardoux, R.A.	04/21/17
A-202	BUILDING ELEVATIONS	Jean-Pierre Lardoux, R.A.	04/21/17

27. That there shall be strict compliance with any and all ordinances, laws, regulations and directives of the Town of Oyster Bay, the Nassau County Fire Marshal's Office, the Nassau County Department of Health and any and all other agencies or departments of the Town of Oyster Bay, the County of Nassau, the State of New York and/or the United States of America.

28. That in the event of any violation of any kind of the restrictions, covenants or provisions recited herein, or any ordinances or regulations, and failure to remedy such violation within thirty (30) days after notice by the Town to the then owner of the real estate or the current operator of the subject premises of whom the Town has been given notice, the Town shall have the right to suspend or revoke forthwith, the special use permit granted, unless a cure for such violation has been commenced or is being diligently pursued.

29. This Declaration shall be filed with the County Clerk of Nassau County and be construed with the same force and effect as a recorded document, and shall be deemed a covenant running with the land. The restrictions contained herein may be enforced by the Town Board of the Town of Oyster Bay to the same extent and with the same authority as the enforcement of a Zoning Ordinance. This Declaration shall not be modified, changed, altered or amended except with the consent of the Town Board of the Town of Oyster Bay after a public hearing.

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being at Bethpage, Town of Oyster Bay, County of Nassau and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of South Oyster Bay Road 876.98 feet south of the westerly end of the arc of a circle connecting the easterly side of South Oyster Bay Road with the southwesterly side of Stewart Avenue and from said point or place of BEGINNING;

RUNNING THENCE along premises now or formerly of Adults and Children with Learning Disabilities, Inc., North 83 degrees 44 minutes 20 seconds east 572.95 feet;

THENCE through land of Grumman Aerospace Corporation South 6 degrees 15 minutes 40 seconds east 279.62 feet;

THENCE South 84 degrees 034 minutes 55 seconds west and part of the distance along land now or formerly of Bethpage Federal Credit Union 575.52 feet to the easterly side of South Oyster Bay Road;

THENCE along the easterly side of South Oyster Bay Road North 5 degrees 43 minutes 45 seconds west 276.19 feet to the point or place of BEGINNING.

SAID premises are known and described as Section 46, Block G, Lot 66 on the Land and Tax Map of the County of Nassau.

IN WITNESS WHEREOF, the Declarant has hereunto set its hand and seal the day and year first above written.

ADULTS AND CHILDREN WITH LEARNING
AND DEVELOPMENTAL DISABILITIES, INC. Fee Owner

BY:_____

STATE OF NEW YORK)
COUNTY OF NASSAU) ss.:

On the day of in the year 2017 before me, the undersigned, personally appeared , personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity(ies), and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

Meeting of July 25, 2017 Resolution No. 448-2017

Reviewed By
Office of Town Attorney

WHEREAS, SUNRISE MALL LLC, fee owner, has petitioned the Town Board of the Town of Oyster Bay ("Town Board") for a Special Use Permit and Site Plan Approval to establish a restaurant and for public assembly use on premises located in a Light Industrial (LI) Zoning District, located at 1 Sunrise Mall, Massapequa, Town of Oyster Bay, County of Nassau, State of New York and described as Section 48, Block 602 Lots 1-4, 10-22, 24-29, 34, 36 and 37 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 May 23, 2017, at which hearing all parties interested in the subject matter and desiring to be heard were heard; and

WHEREAS, the Town of Oyster Bay Department of Environmental Resources, Town Environmental Quality Review Division, has reviewed and submitted its "Review of Action and Determination of Significance," regarding the environmental impacts contemplated by said Petitions; and

WHEREAS, the "Review of Action and Determination of Significance" was duly made in the Town Environmental Quality Review Division's report dated July 19, 2017, with said report rendering the Division's assessment of the relevant environmental factors affected by the uses proposed in the subject Petition and recommending that the conclusions contained therein be accepted, and that same be deemed to constitute a Negative Declaration, indicating that the proposed actions would not cause significant impacts upon the environment and recommended, accordingly, that the Town Board issue a Negative Declaration; and

WHEREAS, the Nassau County Planning Commission, by letter dated July 21, 2017, 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, Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memorandum dated April 25, 2017, has advised that the Department of Planning and Development has reviewed the following one (1) plans prepared by Joseph A. Deal, P.E., Bohler Engineering, Hauppauge, NY, and five (5) plans submitted by Michael Lefande, R.A., SBLM Architects, Huntington Station, NY:

SHEET NO.	TITLE		DATE
C-2	OVERALL SITE PLAN	Joseph A. Deal, P.E.	04/20/17
A-01	SECOND FLOOR PLAN	Michael Lefande, R.A.	04/07/17
V1-EE	REFERENCE FLOOR PLANS	Michael Lefande, R.A.	06/17/16
V2-EE	SIDE FAÇADE (FAR SIDE)	Michael Lefande, R.A.	06/17/16
V3-EE	FRONT FACADE	Michael Lefande, R.A..	06/17/16
V4-EE	SIDE FACADE	Michael Lefande, R.A.	06/17/16

WHEREAS, Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memorandum dated April 25, 2017, further reported that all of the plans submitted comply with the standards set forth in the Code of the Town of Oyster Bay, Section 246.6, Site Plan Review, and recommends Town Board approval for the site plans enumerated herein,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Oyster Bay does hereby adopt a Negative Declaration with respect to the Petition of SUNRISE MALL LLC, fee owner, for a Special Use Permit and Site Plan Approval to establish a restaurant and for public assembly use on premises located in a Light Industrial (LI) Zoning District, located at 1 Sunrise Mall, Massapequa, Town of Oyster Bay, County of Nassau, State of New York and described as Section 48, Block 602 Lots 1-4, 10-22, 24-29, 34, 36 and 37 on the Land and Tax Map of Nassau County; and be it further

RESOLVED, That the Petition of SUNRISE MALL LLC, fee owner, for a Special Use Permit and Site Plan Approval to establish a restaurant and for public assembly use on premises located in a Light Industrial (LI) Zoning District, located at 1 Sunrise Mall, Massapequa, Town of Oyster Bay, County of Nassau, State of New York and described as Section 48, Block 602 Lots 1-4, 10-22, 24-29, 34, 36 and 37 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, situate, lying and being at Massapequa, Town of Oyster Bay, County of Nassau and State of New York, bounded and described as follows:

BEGINNING at a point formed by the intersection of the northerly line of lands now or formerly of Long Island Railroad and the northwesterly line of Sunrise Highway and from said point of BEGINNING, THENCE RUNNING;

1. Along said line of Long Island Railroad, North 88 degrees 56 minutes 50 seconds west, a distance of 211.59 feet to a point, THENCE;

2. North 86 degrees 01 minute 00 seconds west, a distance of 802.57 feet to a point formed by the intersection of said line of Long Island Railroad and the easterly terminus of Front Street, THENCE;

3. Along said line of Front Street, North 16 degrees 48 minutes 16 seconds east, a distance of 61.53 feet to a point of non-tangent curvature, THENCE;

4. Along the dividing line between Lot 26 and the easterly line of the Map of Hamilton Park, Section No. 1, along a curve to the left having a radius of 4800.00 feet, an arc length of 836.62 feet, a central angle of 09 degrees 59 minutes 11 seconds, bearing a chord of, North 17 degrees 39 minutes 41 seconds east, a chord distance of 835.56 feet to a point of reverse curvature, THENCE;

5. Along the dividing line between Lots 26, 27, 16, 17 and 2, and partially along the easterly line of Map of Hamilton Park, Section No. 1, and partially along the easterly line of Map of Hamilton Park, Section No. 2, along a curve to the right having a radius of 4088.00 feet, an arc length of 693.01 feet, a central angle of 08 degrees 16 minutes 20 seconds, bearing a chord of North 16 degrees 48 minutes 16 seconds east, a chord distance of 692.41 feet to a point of reverse curvature, THENCE;

6. Along the dividing line between Lots 2 and 1 and the easterly line of Map of Hamilton Park, Section No. 2, along a curve to the left having a radius of 4800.00 feet, an arc length of 680.52 feet, a central angle of 08 degrees 07 minutes 23 seconds, bearing a chord of North 16 degrees 52 minutes 44 seconds east, a chord distance of 679.95 feet to a point of non-tangency, THENCE;

7. Along the dividing line between Lot 1 and the easterly line of Map of Hamilton Park, Section No. 2, north 12 degrees 49 minutes 03 seconds east, a distance of 192.48 feet to a point, THENCE;

8. Along the dividing line between Lots 1 and 3 and the southerly line of the Map of Carman Village, Section No. 1, South 86 degrees 01 minute 00 seconds east, a distance of 1268.13 feet to a point on the westerly line of Carmans Road, THENCE; the following five (5) courses along said line of Carmans Road:

9. South 07 degrees 09 minutes 10 seconds east, a distance of 89.99 feet to a point, THENCE;

10. South 01 degree 58 minutes 30 seconds east, a distance of 231.35 feet to a point of curvature, THENCE;

11. Along a curve to the left having a radius of 397.88 feet, an arc length of 181.79 feet, a central angle of 26 degrees 10 minutes 42 seconds, bearing a chord of South 15 degrees 03 minutes 51 seconds east, a chord distance of 180.21 feet to a point, THENCE;

12. South 28 degrees 09 minutes 10 seconds east, a distance of 130.34 feet to a point of non-tangent curvature, THENCE;

13. Along a curve to the right having a radius of 692.00 feet, an arc length of 88.36 feet, a central angle of 07 degrees 18 minutes 56 seconds, bearing a chord of South 01 degrees 07 minutes 56 seconds east, a chord distance of 88.30 feet to a point, THENCE;

14. Along the dividing line between Lot 34 and Lot 35, North 67 degrees 39 minutes 20 seconds west, a distance of 101.87 feet to a point, THENCE; the following three (3) courses along the dividing line between Lot 4 and Lot 35:

15. South 50 degrees 48 minutes 20 seconds west a distance of 56.11 feet to a point, THENCE;

16. North 64 degrees 53 minutes 00 seconds west, a distance of 53.74 feet to a point, THENCE;

17. North 43 degrees 02 minutes 50 seconds west, a distance of 56.95 feet to a point, THENCE;

18. Along the dividing line between Lot 36 and 35, South 67 degrees 39 minutes 20 seconds east, a distance of 230.19 feet to a point on the said westerly line of Carmans Road, THENCE; the following two (2) courses along said line of Carmans Road:

19. Along a curve to the right having a radius of 692.00 feet, an arc length of 135.48 feet, a central angle of 11 degrees 13 minutes 03 seconds, bearing a chord of South 16 degrees 44 minutes 09 seconds west, a chord distance of 135.27 feet to a point of tangency, THENCE;

20. South 22 degrees 20 minutes 40 seconds west, a distance of 490.38 feet to a point, THENCE;

21. Along the dividing line between Lot 22 and Lot 39, North 67 degrees 39 minutes 20 seconds west, a distance of 179.91 feet, to a point, THENCE; the following four (4) courses along the dividing line between Lot 26 and Lot 39:

22. South 47 degrees 56 minutes 40 seconds west, a distance of 67.54 feet to a point, THENCE;

23. South 35 degrees 49 minutes 00 seconds west, a distance of 120.49 feet to a point, THENCE;

24. South 38 degrees 02 minutes 50 seconds west, a distance of 157.53 feet to a point, THENCE;

25. South 03 degrees 44 minutes 20 seconds west, a distance of 100.42 feet to a point, THENCE;

26. Along the dividing line between Lot 24 and Lot 39, South 67 degrees 39 minutes 20 seconds east, a distance of 247.76 feet to a point on said westerly line of Carmans Road, THENCE; the following two (2) courses along said westerly line of Carmans Road:

27. South 22 degrees 20 minutes 40 seconds west, a distance of 122.92 feet to a point, THENCE;

28. South 39 degrees 08 minutes 35 seconds west, a distance of 41.25 feet to a point of non-tangent curvature formed by the intersection of the said westerly line of Carmans Road and said northwesterly line of Sunrise Highway, THENCE; the following seven (7) courses along said line of Sunrise Highway:

29. Along a curve to the right having a radius of 2771.79 feet, an arc length of 80.99 feet, a central angle of 01 degree 40 minutes 27 seconds, bearing a chord of South 55 degrees 51 minutes 27 seconds west, a chord distance of 80.99 feet to a point of tangency, THENCE;

30. South 56 degrees 41 minutes 40 seconds west, a distance of 182.40 feet to a point, THENCE;

31. North 33 degrees 18 minutes 20 seconds west, a distance of 15.00 feet to a point, THENCE;

32. South 56 degrees 41 minutes 40 seconds west, a distance of 42.00 feet to a point, THENCE;

33. South 33 degrees 18 minutes 20 seconds east, a distance of 15.00 feet to a point, THENCE;

34. South 56 degrees 41 minutes 40 seconds west, a distance of 356.77 feet to a point of curvature, THENCE;

35. Along a curve to the right having a radius of 826.47 feet, an arc length of 80.06 feet, a central angle of 05 degrees 33 minutes 01 second, bearing a chord of South 59 degrees 28 minutes 11 seconds west, a chord distance of 80.03 feet to the point and place of BEGINNING.

Containing 3,371,821 square feet or 77.406 acres.

SAID premises are known and described as Section 48, Block 602, Lots 1-4, 10-22, 24-29, 34, 36 & 37 on the Land and Tax Map of the County of Nassau.

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 Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, dated April 25, 2017, the nineteen (19) 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 Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

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

Reviewed By
Office of Town Attorney

DECLARATION OF RESTRICTIVE COVENANTS

SUNRISE MALL LLC, fee owner, with a business address of 2049 Century Park East, 41st Floor, Los Angeles, California 90067, does by this Declaration, dated July 25, 2017, declare as follows:

WHEREAS, said Declarant, SUNRISE MALL LLC, fee owner, petitioned the Town Board of the Town of Oyster Bay ("Town Board") for a Special Use Permit and Site Plan Approval to establish a restaurant and for public assembly use on premises located in a Light Industrial (LI) Zoning District, located at 1 Sunrise Mall, Massapequa, Town of Oyster Bay, County of Nassau, State of New York and described as Section 48, Block 602 Lots 1-4, 10-22, 24-29, 34, 36 and 37 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 May 23, 2017, 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, by Resolution No. 448-2017, dated July 25, 2017, approved said application subject to the execution of a Declaration of Restrictive Covenants; and

WHEREAS, said Declarants, for the purpose of preserving the value, and in order to assure the orderly development of the below described premises in Schedule "A" herein, and for the benefit and protection of persons and property in the area, do hereby voluntarily impose the following covenants and restrictions with respect to the premises identified as being at 1 Sunrise Mall, Massapequa, Town of Oyster Bay, County of Nassau, State of New York and described as Section 48, Block 602 Lots 1-4, 10-22, 24-29, 34, 36 and 37 on the Land and Tax Map of Nassau County, which will run with the land and be binding upon said Declarant, its successors and/or assigns,

NOW, THEREFORE, said Declarants, do hereby covenant and declare as follows:

1. That a restaurant use with ancillary lounge, arcade, billiards, and other recreational activities is permitted.

2. That the hours of operation of the subject restaurant shall be no earlier than 11:00 a.m. and no later than midnight, Sunday through Thursday; and 10:00 a.m. to 2:00 a.m., Friday and Saturday.

3. That the interior dimensions of the subject restaurant shall be restricted in size, so that the maximum occupancy shall be limited to 1,610 persons, including approximately sixty employees, as provided in the Town of Oyster Bay Public Assembly Law.

4. That all parking shall be permitted only in parking spaces in the mall's parking lot. Said spaces are to be maintained with painted boundary lines.

5. That there shall be no outdoor storage of foods, equipment or material of any kind for the subject restaurant.

6. That the subject premises shall be continually policed and maintained as to be free of all papers, trash, debris or other discarded materials, and litter baskets shall be installed and emptied as often as necessary.

7. That the exterior of the subject restaurant shall be continually maintained in neat and good repair.

8. That there shall be installed and properly maintained a fully automatic sprinkler system throughout the premises, and a kitchen fire suppression system that complies with the New York State Building Code at the subject restaurant to quell grease fires, satisfactory to and approved by the Fire Marshal of Nassau County. Adherence to all applicable laws shall satisfy this condition.

9. That no outdoor music, speakers or dance floor shall be provided, and no outdoor use shall be permitted, in connection with the use of the subject restaurant.

10. That the exterior of all structures, parking areas, and all other installations visible to the public, shall be continually maintained in neat and good repair.

11. That all lighting shall be directed onto the subject premises, and no lighting is to be directed onto adjacent properties and roadways.

12. That all garbage, waste and rubbish shall be kept in a suitable container enclosed on three (3) sides and screened from view.

13. That any and all signs that are to be erected and maintained are to comply with all applicable provisions of present laws or ordinances of the Town of Oyster Bay.

14. That the mall within which the restaurant is located shall have security personnel, including two staff members on premises 24 hours a day, 7 days a week. One person shall monitor a closed circuit television security system for both inside and outside the mall. The second person shall patrol the premises.

15. No one under the age of 18 shall be allowed in the facility without adult supervision. Minors are to be supervised at all times with at least one adult present for every six minors.

16. The facility shall be ServSafe certified, which is an alcohol training program for food service employees.

17. The facility shall utilize the BARS program to ensure no sale of cigarettes or alcohol to minors.

18. The declarant shall maintain a security division to oversee security, with cameras viewable at national headquarters and on site.

19. That there shall be strict compliance with any and all ordinances, laws, regulations or directives of the Town of Oyster Bay, the Nassau County Fire Marshal's Office, the Nassau County Department of Health, and any and all other agencies or departments of the Town of Oyster Bay, Nassau County, the State of New York and/or the United States of America.

20. That no Certificate of Occupancy shall be issued unless and until the development of the site is in conformance with the one (1) plan prepared by Joseph A. Deal, P.E. and the five (5) plans prepared by Michael Lefande, R.A., as set forth in Resolution No. 448-2017, which were reviewed in accordance with Section 246-6, "Site Plan Review", of the Zoning Code of the Town of Oyster Bay, recommended for acceptance by Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memorandum dated April 25, 2017 and approved by the Town Board of the Town of Oyster Bay, including any and all amendments that the Town Board may have required to said plans. In the event Declarant seeks permission to make a change to the subject structure or property after the date of the granting resolution, the Commissioner of the Department of Planning and Development shall determine whether the proposed change is a major or minor modification. If a proposed modification is deemed minor, the Commissioner will have final approval of same. Any major modification to said plans subsequent to approval by the Town Board may be done only by Town Board Resolution.

21. That in the event of any violation of any kind of the restrictions, covenants or provisions contained herein or any ordinances or regulations, and failure to remedy such violation within thirty (30) days after notice by the Town to the then owner of the real estate or the current operator of the subject premises of whom the Town has been given notice, the Town shall have the right to suspend or revoke forthwith, the Special Use Permit granted, unless a cure for such violation has been commenced or is being diligently pursued.

22. This Declaration shall be filed with the County Clerk of Nassau County and be construed with the same force and effect as a recorded document, and shall be deemed a covenant running with the land. The restrictions contained herein may be enforced by the Town Board of the Town of Oyster Bay to the same extent and with the same authority as the enforcement of a Zoning Ordinance. This Declaration shall not be modified, changed, altered or amended except with the consent of the Town Board of the Town of Oyster Bay.

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being at Massapequa, Town of Oyster Bay, County of Nassau and State of New York, bounded and described as follows:

BEGINNING at a point formed by the intersection of the northerly line of lands now or formerly of Long Island Railroad and the northwesterly line of Sunrise Highway and from said point of BEGINNING, THENCE RUNNING;

1. Along said line of Long Island Railroad, North 88 degrees 56 minutes 50 seconds west, a distance of 211.59 feet to a point, THENCE;

2. North 86 degrees 01 minute 00 seconds west, a distance of 802.57 feet to a point formed by the intersection of said line of Long Island Railroad and the easterly terminus of Front Street, THENCE;

3. Along said line of Front Street, North 16 degrees 48 minutes 16 seconds east, a distance of 61.53 feet to a point of non-tangent curvature, THENCE;

4. Along the dividing line between Lot 26 and the easterly line of the Map of Hamilton Park, Section No. 1, along a curve to the left having a radius of 4800.00 feet, an arc length of 836.62 feet, a central angle of 09 degrees 59 minutes 11 seconds, bearing a chord of, North 17 degrees 39 minutes 41 seconds east, a chord distance of 835.56 feet to a point of reverse curvature, THENCE;

5. Along the dividing line between Lots 26, 27, 16, 17 and 2, and partially along the easterly line of Map of Hamilton Park, Section No. 1, and partially along the easterly line of Map of Hamilton Park, Section No. 2, along a curve to the right having a radius of 4088.00 feet, an arc length of 693.01 feet, a central angle of 08 degrees 16 minutes 20 seconds, bearing a chord of North 16 degrees 48 minutes 16 seconds east, a chord distance of 692.41 feet to a point of reverse curvature, THENCE;

6. Along the dividing line between Lots 2 and 1 and the easterly line of Map of Hamilton Park, Section No. 2, along a curve to the left having a radius of 4800.00 feet, an arc length of 680.52 feet, a central angle of 08 degrees 07 minutes 23 seconds,

bearing a chord of North 16 degrees 52 minutes 44 seconds east, a chord distance of 679.95 feet to a point of non-tangency, THENCE;

7. Along the dividing line between Lot 1 and the easterly line of Map of Hamilton Park, Section No. 2, north 12 degrees 49 minutes 03 seconds east, a distance of 192.48 feet to a point, THENCE;

8. Along the dividing line between Lots 1 and 3 and the southerly line of the Map of Carman Village, Section No. 1, South 86 degrees 01 minute 00 seconds east, a distance of 1268.13 feet to a point on the westerly line of Carmans Road, THENCE; the following five (5) courses along said line of Carmans Road:

9. South 07 degrees 09 minutes 10 seconds east, a distance of 89.99 feet to a point, THENCE;

10. South 01 degree 58 minutes 30 seconds east, a distance of 231.35 feet to a point of curvature, THENCE;

11. Along a curve to the left having a radius of 397.88 feet, an arc length of 181.79 feet, a central angle of 26 degrees 10 minutes 42 seconds, bearing a chord of South 15 degrees 03 minutes 51 seconds east, a chord distance of 180.21 feet to a point, THENCE;

12. South 28 degrees 09 minutes 10 seconds east, a distance of 130.34 feet to a point of non-tangent curvature, THENCE;

13. Along a curve to the right having a radius of 692.00 feet, an arc length of 88.36 feet, a central angle of 07 degrees 18 minutes 56 seconds, bearing a chord of South 01 degrees 07 minutes 56 seconds east, a chord distance of 88.30 feet to a point, THENCE;

14. Along the dividing line between Lot 34 and Lot 35, North 67 degrees 39 minutes 20 seconds west, a distance of 101.87 feet to a point, THENCE; the following three (3) courses along the dividing line between Lot 4 and Lot 35:

15. South 50 degrees 48 minutes 20 seconds west a distance of 56.11 feet to a point, THENCE;

16. North 64 degrees 53 minutes 00 seconds west, a distance of 53.74 feet to a point, THENCE;

17. North 43 degrees 02 minutes 50 seconds west, a distance of 56.95 feet to a point, THENCE;

18. Along the dividing line between Lot 36 and 35, South 67 degrees 39 minutes 20 seconds east, a distance of 230.19 feet to a point on the said westerly line of Carmans Road, THENCE; the following two (2) courses along said line of Carmans Road:

19. Along a curve to the right having a radius of 692.00 feet, an arc length of 135.48 feet, a central angle of 11 degrees 13 minutes 03 seconds, bearing a chord of South 16 degrees 44 minutes 09 seconds west, a chord distance of 135.27 feet to a point of tangency, THENCE;

20. South 22 degrees 20 minutes 40 seconds west, a distance of 490.38 feet to a point, THENCE;

21. Along the dividing line between Lot 22 and Lot 39, North 67 degrees 39 minutes 20 seconds west, a distance of 179.91 feet, to a point, THENCE; the following four (4) courses along the dividing line between Lot 26 and Lot 39:

22. South 47 degrees 56 minutes 40 seconds west, a distance of 67.54 feet to a point, THENCE;

23. South 35 degrees 49 minutes 00 seconds west, a distance of 120.49 feet to a point, THENCE;

24. South 38 degrees 02 minutes 50 seconds west, a distance of 157.53 feet to a point, THENCE;

25. South 03 degrees 44 minutes 20 seconds west, a distance of 100.42 feet to a point, THENCE;

26. Along the dividing line between Lot 24 and Lot 39, South 67 degrees 39 minutes 20 seconds east, a distance of 247.76 feet to a point on said westerly line of Carmans Road, THENCE; the following two (2) courses along said westerly line of Carmans Road:

27. South 22 degrees 20 minutes 40 seconds west, a distance of 122.92 feet to a point, THENCE;

28. South 39 degrees 08 minutes 35 seconds west, a distance of 41.25 feet to a point of non-tangent curvature formed by the

intersection of the said westerly line of Carmans Road and said northwesterly line of Sunrise Highway, THENCE; the following seven (7) courses along said line of Sunrise Highway:

29. Along a curve to the right having a radius of 2771.79 feet, an arc length of 80.99 feet, a central angle of 01 degree 40 minutes 27 seconds, bearing a chord of South 55 degrees 51 minutes 27 seconds west, a chord distance of 80.99 feet to a point of tangency, THENCE;
30. South 56 degrees 41 minutes 40 seconds west, a distance of 182.40 feet to a point, THENCE;

31. North 33 degrees 18 minutes 20 seconds west, a distance of 15.00 feet to a point, THENCE;

32. South 56 degrees 41 minutes 40 seconds west, a distance of 42.00 feet to a point, THENCE;

33. South 33 degrees 18 minutes 20 seconds east, a distance of 15.00 feet to a point, THENCE;

34. South 56 degrees 41 minutes 40 seconds west, a distance of 356.77 feet to a point of curvature, THENCE;

35. Along a curve to the right having a radius of 826.47 feet, an arc length of 80.06 feet, a central angle of 05 degrees 33 minutes 01 second, bearing a chord of South 59 degrees 28 minutes 11 seconds west, a chord distance of 80.03 feet to the point and place of BEGINNING.

Containing 3,371,821 square feet or 77.406 acres.

SAID premises are known and described as Section 48, Block 602, Lots 1-4, 10-22, 24-29, 34, 36 & 37 on the Land and Tax Map of the County of Nassau.

IN WITNESS WHEREOF, the Declarant has hereunto set their hand the day and year first above written.

SUNRISE MALL LLC

BY:_____

, Managing Member

STATE OF)
COUNTY OF) ss.:

On the day of in the year 2017 before me, the undersigned, personally appeared , personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity(ies), and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____

Notary Public

Meeting of July 25, 2017

Resolution No. 449-2017

WHEREAS, pursuant to public notice, a public hearing was held on July 25, 2017, at 10:00 o'clock a.m., prevailing time, in the Hearing Room, Town Hall, East Building, Oyster Bay, New York, at which hearing parties interested were given an opportunity to be heard upon the question of the proposed plan of financing by the Oyster Bay Fire Department, a New York not-for profit corporation, also known as Oyster Bay Fire Company Number 1 for the purchase of a Ferrara Tower Ladder Apparatus, in the amount of $1,304,556.00; and

WHEREAS, as part of the proposed plan for financing of the Apparatus, the Department proposes to enter into a tax-exempt obligation wherein pursuant to Section 147(f) of the Internal Revenue Code, approval of the issuance of a tax-exempt obligation is required to be given by the governmental unit within which the Apparatus is to be located; and

WHEREAS, following due deliberation, it was determined to be in the best interests of the residents of the Oyster Bay Fire Protection District to approve the issuance of a tax exempt obligation to purchase a Ferrara Tower Ladder Apparatus,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Oyster Bay hereby approves the issuance of a tax-exempt obligation in the amount of $1,304,556.00 pursuant to the provisions of Section 150(e) of the Internal Revenue Code, and the Supervisor or his duly authorized representative is authorized to execute any and all necessary documentation in furtherance thereof.

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Reviewed By
Office of Town Attorney

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller (2)