

APPROVED  
*John Canning*  
COMMISSIONER OF HUMAN RESOURCES

Meeting of February 27, 2024

RESOLUTION P-5-2024

WHEREAS, The 2024 Budget, adopted October 24, 2023 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 2024 Budget, on October 24, 2023, 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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Meeting of February 27, 2024

Resolution No. TF-3-2024

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

ITEM NO.	DEPT.	AMOUNT	INCREASE
006-24	EXE	\$125,000.00	PKS A 0001 02001 510 0000
			INCREASE
		\$125,000.00	PKS A 7110 41800 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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

2A

Town of Oyster Bay  
**Inter-Departmental Memo**

February 7, 2024

**To:** Memorandum Docket  
**From:** Rob Darienzo, Director of Finance  
**Subject:** Transfer of Funds

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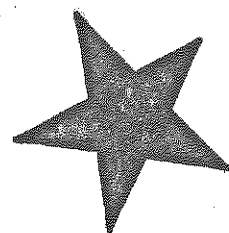
In order to provide funds in the Town's Summer Recreation Program, the following transfer of funds is hereby requested:

Increase:							
PKS	A	0001	02001	510	0000	Park and Recreational Charges	125,000.00
Increase:							
PKS	A	7110	41800	000	0000	Recreational Supplies	125,000.00

Thank you.

  
Rob Darienzo  
Director of Finance

RD/rd  
Word/Documents/Docket/TOF 2024 PKS



Reviewed By  
Office of Town Attorney

WHEREAS, by Resolution No. 193-2019, adopted March 21, 2019, the Town Board authorized the Town to enter into an agreement with J&B Restaurant Partners Top Flight Foods, LLC to provide food and beverage service at the Town of Oyster Bay TOBAY Beach Concession facilities located at the Town of Oyster Bay TOBAY Beach and Marina, for the initial contract period of May 13, 2019 through May 13, 2024, with options to renew for two (2) five (5) year extensions upon the mutual consent of the parties; and

WHEREAS, an Agreement ("Agreement") was entered into between the Town and Tiki Joe's Ocean Breeze, LLC, ("Licensee") an affiliate of J&B Restaurant Partners Top Flight Foods, LLC, for the period from May 13, 2019 through May 13, 2024; and

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated January 19, 2024, informed the Town Board that J&B Restaurant Partners Top Flight Foods, LLC, on behalf of its affiliate, Tiki Joe's Ocean Breeze, LLC, the Licensee, by letter of Joseph Vitrano, President and CEO, requested that the first option be exercised, to extend the Agreement for a five (5) year term from May 13, 2024 through May 13, 2029; and

WHEREAS, Commissioner Pinto, by said memorandum, further advised that the Licensee has agreed to make capital improvements to the facilities in the minimum fair market value of \$75,000.00 over the term of the Agreement extension, with specific improvements and the fair market value thereof to be subject to the approval of the Commissioner of the Department of Parks and/or his or her designee, which approval must be obtained prior to the commencement of any improvement, and provided that any such improvements must be completed in full, and fully paid for, during the five (5) year term of the Agreement extension; and

WHEREAS, Commissioner Pinto, by said memorandum, requested and recommended that the Town Board authorize the exercise of the first extension option and extend the Agreement for the period from May 13, 2024 through May 13, 2029, upon the same terms and conditions as the current Agreement, with a fee of \$104,334.72 for the first year of the extension with a contractual three percent increase each subsequent year of the first extension period, with the provision for capital improvements as set forth hereinabove, and with one (1) remaining option for an additional extension of five (5) years; and

WHEREAS, Commissioner Pinto, by said memorandum, further informed that the approval requested is subject to Licensee submitting a completed disclosure questionnaire in a timely fashion, which shall be reviewed by the Town to assure that the Town's Procurement Policy is satisfied,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are accepted and approved, and the Agreement between the Town and Tiki Joe's Ocean Breeze, LLC, an affiliate of J&B Restaurant Partners Top Flight Foods, LLC, is hereby extended, for the period from May 13, 2024 through May 13, 2029, upon the terms as provided for hereinabove.

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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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Meeting of February 27, 2024

Resolution No. 150-2024

WHEREAS, pursuant to duly published notice, a hearing was held before the Town Board on February 27, 2024, upon the request of the Oyster Bay Fire Department, Inc., hereinafter referred to as "The Department", to authorize execution of an amendment to the 2022-2025 Fire Protection Agreement for Oyster Bay Fire Protection District, authorizing The Department to engage in cost recovery through charging fees for emergency medical services, as recently authorized by amendments to the New York State General Municipal Law, as follows: Basic Life Support Services - an amount not to exceed \$1,500.00; Advanced Life Support Emergency - an amount not to exceed \$2,200.00; Advanced Life Support 2 Emergency - an amount not to exceed \$3,000.00; Transportation per Loaded Mile - an amount not to exceed \$35.00/mile; and

WHEREAS, the Town acknowledges that the payment of any co-payment required by any insurance program or other reimbursement source shall be, with respect to services provided to the Oyster Bay Fire Protection District's residents only, the responsibility of the Town; provided however, that the total cost to The Department for co-payments are deemed to be included in the payment to The Department as stated in this Resolution and in the 2022-2025 Fire Protection Agreement, and the Town has no obligation to reimburse The Department for any co-payment outside of the payments required from the Town as stated in this Resolution and in the 2022-2025 Fire Protection Agreement, it being understood that The Department has made a reasonable approximation of such non-payment of co-payments when formulating the amount to be paid by the Town pursuant to the 2022-2025 Fire Protection Agreement; and

WHEREAS, the Town acknowledges that The Department's third-party billing administrator may, pursuant to a policy agreed to between The Department and such administrator, waive fees associated with Emergency Medical Services based on financial hardship; provided, however, that the total estimated cost to The Department of these waived fees are assumed to be a part of the payment to The Department as shown in this Resolution and pursuant to the 2022-2025 Fire Protection Agreement, and the Town has no obligation to reimburse The Department for any waived fees outside of the payments required from the Town pursuant to the 2022-2025 Fire Protection Agreement and this Resolution; and

WHEREAS, the Town Board has conducted the public hearing and afforded all interested parties an opportunity to be heard, and the Board finds it desirable and in its best interest to authorize execution of an amendment to the 2022-2025 Fire Protection Agreement for the Oyster Bay Fire Protection District, authorizing the Oyster Bay Fire Department, Inc., to engage in cost recovery through charging fees for emergency medical services, as recently authorized by amendments to the New York State General Municipal Law,

NOW, THEREFORE, BE IT RESOLVED, That the Supervisor or his designee is hereby authorized to execute the aforesaid amendment to the 2022-2025 Fire Protection Agreement for the Oyster Bay Fire Protection District, on behalf of the Town, which amendment authorizes the Oyster Bay Fire Department, Inc., to engage in cost recovery through charging fees for emergency medical services, as recently authorized by amendments to the New York State General Municipal Law, as well as other documents that are necessary to carry out the purpose of this Resolution.

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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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By  
Office of Town Attorney  
*Elisebeth A. Targem*

Meeting of February 27, 2024

Resolution No.151-2024

WHEREAS, MARTIN GUITTARD has applied for a permit to erect, maintain, alter or improve a dock, pier, float, bulkhead or similar structure at 18 Riverdale Avenue, Massapequa, New York 11758, known and designated as Section 66, Block 129 Lots 103-104, on the Nassau County Land and Tax Map; and

WHEREAS, Scott L. Byrne, Deputy Commissioner, Department of Planning and Development, by memorandum dated January 17, 2024, stated that Chapter 241 of the Code of the Town of Oyster Bay entitled "Waterways" requires Town Board approval for structures projecting into the Town waterways, which the proposed structure does, and requested a calendar date of February 27, 2024, for Town Board action, in connection with the aforementioned application; and

WHEREAS, pursuant to Section 241-9(E)(3) of the Code of the Town of Oyster Bay, Deputy Commissioner Byrne, by said memorandum directed MARTIN GUITTARD, Applicant, to provide an Affidavit of Mailing Notice; and

WHEREAS, more than 14 days have elapsed since said Affidavit of Mailing Notice was provided; and

WHEREAS, Julia K. Schneider, AICP, CPESC, Director of TEQR, Department of Environmental Resources, by memorandum dated January 11, 2024, advised that pursuant to the provisions of the Town of Oyster Bay Environmental Quality Review (TEQR) Law (Chapter 110 of the Oyster Bay Town Code), the Department of Environmental Resources has reviewed the dock building permit application referenced above, and has reviewed the relevant environmental factors affected by the uses proposed in the subject application; and has determined that said application is deemed to fall under the New York State Environmental Quality Review Act (SEQR), 6 NYCRR, Part 617, Section 617.5(c)(12), Type II Actions List, relative to "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" and under Appendix B, Section B(2), of the TEQR Law, relative to "The installation of minor accessory facilities such as lawn sprinkler systems, swimming pool heaters and fire sprinkler systems, provided that such systems comply with all applicable codes and ordinances," and as such have been predetermined not to have a significant impact on the environment or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board declares that the aforementioned dock application is a Type II Action pursuant to the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c) (12) Type II Actions List; and be it further

RESOLVED, That the application of MARTIN GUITTARD, to erect, maintain, alter or improve a dock, float, pier, bulkhead or similar structure, at 18 Riverdale Avenue, Massapequa, New York 11758, known and designated as Section 66, Block 129 Lots 103-104 on the Nassau County Land and Tax Map, is 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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

REVIEWED BY  
OFFICE OF TOWN ATTORNEY

TOWN OF OYSTER BAY  
INTER-DEPARTMENTAL MEMO

151

TO: MEMORANDUM DOCKET

FROM: SCOTT L. BYRNE, DEPUTY COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT

DATE: JANUARY 17, 2024

SUBJECT: WATERWAYS REVIEW  
MARTIN GUITTARD  
18 RIVERDALE AVENUE  
MASSAPEQUA, NY 11758  
SECTION 66, BLOCK 129, LOT(S) 103-104  
DOCK BUILDING PERMIT APPLICATION # P2312-0453

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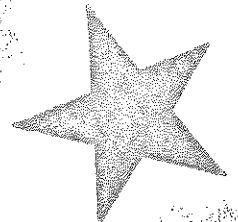
We have received a request from to "Install a 4ft x 40ft fixed pier with 2 boat whips and install a 12ft x 12ft boat lift. All work is to be done according to the attached plans stamped "NYSDEC Approved" Permit No. 1-2824-02415/00001 dated January 27, 2005. Chapter 241 of the Code of the Town of Oyster Bay entitled "Waterways" requires Town Board approval for structures projecting into the waterways.

Copies of the following documents are attached: Town of Oyster Bay Mooring, Dock, Pier, Float and Bulkhead Permit Application No. P2312-0453; New York State Department of Environmental Conservation (NYSDEC) Permit No. 1-2824-02415/00001 dated January 27, 2005, Department of the Army, New York District Corps of Engineers Permit No. 2004-00376-L5 dated June 23, 2005 and a letter of General Concurrence with the Federal Consistency Assessment Form from the New York State Department of State dated May 9, 2005. Also attached is a memo from Julia Schneider, Director of TEQR Department of Environmental Resources dated January 11, 2024, classifying the project as a TYPE II ACTION under SEQRA. Please note that plans for the proposed work can be found attached to the DEC permit.

The relevant documents are attached for your review. Please note the proposed plans can be located in the NYSDEC Permit approval.

The proposed work at the subject premises would, in the Department's opinion, be compatible with the surrounding area.

Pursuant to Section §241-9(E)(3) of the Code of the Town of Oyster Bay, all persons, local governments, other agencies or corporations having any property or operating any facilities on the two properties on both sides of the premises for which the permit is sought (four properties in total), and any properties which have any frontage on a waterway and are directly opposite from the subject premises shall be notified at least 14 days in advance, in writing, of the appearance of such matter for Town Board action. It is the responsibility of the applicant to issue said notices and the applicant shall bear the



HONORABLE MEMBERS OF THE TOWN BOARD  
WATERWAYS REVIEW  
MARTIN GUITTARD  
18 RIVERDALE AVENUE  
MASSAPEQUA, NY 11758  
SECTION 66, BLOCK 129, LOT(S) 103-104  
DOCK BUILDING PERMIT APPLICATION # P2312-0453

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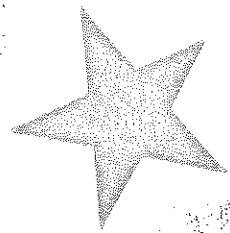
Page 2

cost of same. Therefore, I respectfully request that this application be put on the agenda for the February 27, 2024 Town Board calendar to provide the applicant ample time to comply with this requirement.

  
SCOTT L. BYRNE  
DEPUTY COMMISSIONER

HBM/dh  
Encls.

cc: Legislative Affairs (2 copies w/ attachments)  
cc: Town Attorney's Office, Attn: Dennis Sheehan



TOWN OF OYSTER BAY  
**Inter-Departmental Memo**  
January 9, 2024

**To** : DEPARTMENT OF ENVIRONMENTAL RESOURCES  
ATTN: JULIA SCHNEIDER, DIRECTOR OF TEQR

**From** : DEPARTMENT OF PLANNING & DEVELOPMENT – PLANNING DIVISION

**Subject** : REVIEW OF WATERWAY APPLICATION NUMBER P2312-0453  
MARTIN GUITTARD  
18 RIVERDALE AVE  
MASSAPEQUA, NY 11758  
SEC 66 BLK. 129 LOT 103-104  
ZONE: R1-10

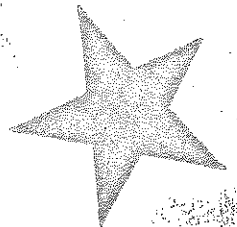
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Attached is a copy of waterway application number P2312-0453 along with one set of all paperwork, approvals and plans submitted with this application. Please review the paperwork, approvals and plans for compliance with the Environmental Ordinances of the Town of Oyster Bay. Kindly send all correspondence directly to the Planning Division. Thank you for your attention to this matter.

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DAWN HAUNER  
PLANNING DIVISION

DH



**TOWN OF OYSTER BAY  
INTER-DEPARTMENTAL MEMO**

January 11, 2024

**TO:** SCOTT BYRNE, DEPUTY COMMISSIONER,  
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JULIA K. SCHNEIDER, DIRECTOR OF TEQR,  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

**SUBJECT:** CLASSIFICATION PURSUANT TO THE STATE ENVIRONMENTAL  
QUALITY REVIEW ACT (SEQR): TYPE II: DOCKS, PIERS & FLOATS PERMIT;  
REVIEW OF WATERWAY APPLICATION NUMBER P2312-0453  
NICHOLAS VASLIAKIS

**LOCATION:** 18 RIVERDALE AVE, MASSAPEQUA  
SECTION 66, BLOCK 129, LOT(S) 103-104

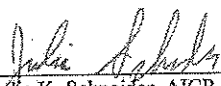
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Pursuant to the provisions of the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law, SEQR, as promulgated in the regulations contained in 6 NYCRR Part 617) and the Town of Oyster Bay Environmental Quality Review (TEQR) Law (Chapter 110 of the Oyster Bay Town Code), the Department of Environmental Resources has reviewed the above-captioned application.

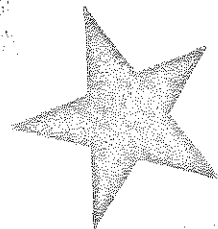
Based on our review, the Department has classified the subject proposed project as a **TYPE II ACTION**, under the SEQR Type II Actions List, at §617.5(c)(12), relative to "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density," and under Appendix B, §B(2), of the TEQR Law, relative to "The installation of minor accessory facilities such as lawn sprinkler systems, swimming pool heaters and fire sprinkler systems, provided that such systems comply with all applicable codes and ordinances."

Actions or classes of actions identified in the above-referenced sections of SEQR/TEQR have been pre-determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8.

Inasmuch as the proposed action is on SEQR's pre-determined Type II Actions list and the TEQR Law Type II Actions List, as described above, the Department of Environmental Resources has applied the law and finds that the subject application does not require any further review under SEQR/TEQR.

  
\_\_\_\_\_  
Julia K. Schneider, AICP, CPESC  
Director of TEQR

Filepath: DER Dept. Files/TEQR/TYPE II/Docks/18 Riverdale Ave, Massapequa\_1.11.24



SECTION 66 BLOCK 129 LOT(S) 103-104

P2312-0453



TOWN OF OYSTER BAY  
DEPARTMENT OF PLANNING & DEVELOPMENT  
DIVISION OF BUILDING  
Town Hall  
Oyster Bay, New York 11771

8/28/23  
12/27/23

## APPLICATION FOR PERMIT TO BUILD OR INSTALL

APPLICATION MUST BE TYPEWRITTEN OR PRINTED IN INK LEGIBLY.

Name Street Address Post Office Zip Phone #  
PROPERTY OWNER: Martin G. Guittard 18 Riverdale Ave Massapequa 11758  
LESSEE  
TENANT:

APPLICANT: Shore Solutions Inc. - Donna Myers 32 Lincoln Ave Massapequa NY 11758 516-816-4163

ARCHITECT: Harvey Stark Licensed Professional Engineer 535 Bedford Ave Bellmore, NY 11710 516-785-6053

CONTRACTOR: Maintain

PLUMBER: NA

ELECTRICIAN: NA

ADDRESS OF CONSTRUCTION: 18 Riverdale Avenue Massapequa NY 11758  
IF DIFFERENT FROM ABOVE NO. & STREET POST OFFICE ZIP CODE

LOCATION OF PROPERTY: N.E.S.W. SIDE OF Riverdale Avenue 321.35 FEET  
N.E.S.W. OF Lincoln Avenue Massapequa  
OR (STREET) (POST OFFICE)  
N.E.S.W. OF corner of and (STREET) (POST OFFICE)

CHECK HERE IF REQUESTING A WAIVER OF THE RECENT SURVEY REQUIREMENT (SEE INSTRUCTIONS FOR FURTHER INFO).

## TYPE OF BUILDING

## A. TYPE OF IMPROVEMENT

## B. PROPOSED USE

EXISTING PROPOSED

EXISTING PROPOSED

1. NEW BUILDING/STRUCTURE
2. ADDITION/EXTENSION
3. ALTERATION (i.e. Garage Conv.)
4. DECK
5. AWNING/ROOF-OVER
6. CELLAR ENTRANCE
7. REISSUE #
8. OTHER

1. ONE FAMILY
2. TWO FAMILY
3. PARENT CHILD
4. GARAGE
5. BUSINESS
6. INDUSTRIAL
7. RESTAURANT
8. PUBLIC ASSEMBLY
9. OTHER

pier & boat lift

pier & boat lift

DESCRIBE THE WORK IN DETAIL (Size and Dimension(s) of Structure(s)) Install a 4 foot wide by 40 foot long fixed pier with 2 boat whips on the south side and install a 12 foot by 12 foot boat lift.

CHECK HERE IF TREES ARE BEING REMOVED ON THE PROPERTY. IF SO, A TREE PERMIT MUST BE OBTAINED FROM THE DEPARTMENT OF PARKS. PLEASE CALL (516) 797-7956 FOR FURTHER INFORMATION.

## HAVE BOTH AFFIDAVITS NOTARIZED

THE OWNER OF THE BUILDING & THE UNDERSIGNED AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE TOWN OF OYSTER BAY, COUNTY OF NASSAU & STATE OF NEW YORK

## APPLICANT

## OWNER

STATE OF NEW YORK  
COUNTY OF NASSAU

ss:

Donna Myers - Shore Solutions Inc. being duly sworn, deposes and says: That he/she resides at 32 Lincoln Ave in the hamlet of Massapequa in the State of NY and that he/she is authorized by the Owner Martin G. Guittard who is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements contained herein are true to deponent's own knowledge.  
Address: 32 Lincoln Ave. Massapequa NY 11758  
Phone: 516-816-4163

(Sign here) *[Signature]*  
Sworn to before me this 6 day of December 2023

*[Signature]*  
NOTARY PUBLIC  
JENNIFER A. GILBERT, J.D.  
Notary Public - State of New York  
NO. 0196220065  
Qualified in Nassau County  
My Commission Expires 9-19-23

STATE OF NEW YORK  
COUNTY OF NASSAU

ss:

Martin G. Guittard being duly sworn, deposes and says: That he/she resides at 18 Riverdale Avenue in the hamlet of Massapequa in the State of NY and that he/she is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, that the work proposed to be done upon the said premises, will be done in accordance with the approved application and accompanying plans, and hereby authorizes Donna Myers - Shore Solutions Inc. (applicant) to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements herein contained are true to deponent's own knowledge.

(Sign here) *[Signature]* (owner)  
Sworn to before me this 9 day of January 2023

*[Signature]*  
NOTARY PUBLIC

ANNEMARIE RAIMONDO  
Notary Public - State of New York  
NO. 0196220065  
Qualified in Suffolk County  
My Commission Expires Apr 25, 2023

(Rev. 03/12/2012)

New York State Department of Environmental Conservation  
Division of Environmental Permits, Region One  
Building 40 - SUNY, Stony Brook, New York 11790-2366  
Phone: (631) 444-0365 • FAX: (631) 444-0360  
Website: www.dec.state.ny.us



P2312-0453

January 27 2005

Martin G. Guittard  
18 Riverdale Ave  
Massapequa, NY 11758

Dear Permittee:

Re: Guittard Property, 18 Riverdale Avenue, Massapequa  
DEC No. 1-2824-02415/00001

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6NYCRR, Part 621), we are enclosing your permit and approved plans. Please read all permit conditions carefully. If you are unable to comply with any conditions, please contact us at the above address.

Also enclosed is a permit sign, which is to be conspicuously posted at the project site and protected from the weather, and the dual Notice of Commencement/Completion of Construction. Please follow all instructions on the latter.

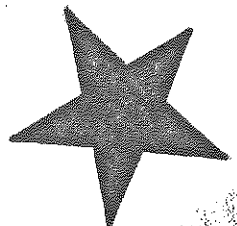
Very truly yours,

*Karen S. Westerlind*

Karen S. Westerlind  
Environmental Analyst

Enclosures: 4

cc: D. Myers, Shore Solutions



DEC PERMIT NUMBER 1-2824-02415/00001,2,3
FACILITY/PROGRAM NUMBER(S)



EFFECTIVE DATE 27 January 2005
EXPIRATION DATE(S) 31 January 2010

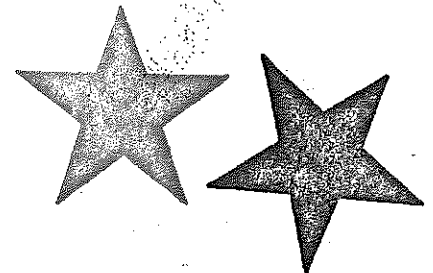
TYPE OF PERMIT ☒ New ☐ Renewal ☐ Modification ☐ Permit to Construct ☐ Permit to Operate

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Article 15, Title 5: Protection of Waters       | <input type="checkbox"/> Article 17, Titles 7, 8: SPDES                          | <input type="checkbox"/> Article 27, Title 9: 6NYCRR 373: Hazardous Waste Management  |
| <input type="checkbox"/> Article 15, Title 15: Water Supply                         | <input type="checkbox"/> Article 19: Air Pollution Control                       | <input type="checkbox"/> Article 34: Coastal Erosion Management                       |
| <input type="checkbox"/> Article 15, Title 15: Water Transport                      | <input type="checkbox"/> Article 23, Title 27: Mined Land Reclamation            | <input type="checkbox"/> Article 36: Floodplain Management                            |
| <input type="checkbox"/> Article 15, Title 15: Long Island Wells                    | <input type="checkbox"/> Article 24: Freshwater Wetlands                         | <input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37: 6NYCRR 380: Radiation Control |
| <input type="checkbox"/> Article 15, Title 27: Wild, Scenic and Recreational Rivers | <input checked="" type="checkbox"/> Article 25: Tidal Wetlands                   |   |
| <input checked="" type="checkbox"/> 6NYCRR 608: Water Quality Certification         | <input type="checkbox"/> Article 27, Title 7: 6NYCRR 380: Solid Waste Management |   |

PERMIT ISSUED TO Martin G. Guttard		TELEPHONE NUMBER [REDACTED]	
ADDRESS OF PERMITTEE 18 Riverdale Avenue, Massapequa, NY 11758			
CONTACT PERSON FOR PERMITTED WORK Donna Myers, Shore Solutions, 32 Lincoln Ave, Massapequa, NY 11758		TELEPHONE NUMBER	
NAME AND ADDRESS OF PROJECT/FACILITY Guttard Property, 18 Riverdale Avenue, Massapequa			
LOCATION OF PROJECT/FACILITY NCTM: 66-129-103 & 104			
COUNTY Nassau	TOWN Oyster Bay	WATERCOURSE Carmans River	NYTM COORDINATES E: N:
DESCRIPTION OF AUTHORIZED ACTIVITY  Remove and replace, in-place, approximately 54 linear feet of bulkhead and construct a 6-foot return on the north end of the new bulkhead. Place approximately 15 cubic yards of clean fill from an upland source as backfill.  Construct a pier measuring 40 feet long by 4 feet wide and install a four-pile boat lift. Replace the existing boardwalk measuring 54 feet long by 6 feet wide and a brick walk and patio. All work is to be done in accordance with the attached plans stamped NYSDEC approved.			

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2 & 3) and any Special Conditions included as part of this permit.

PERMIT ADMINISTRATOR: (KSW) George W. Hammarth, Deputy Permit Administrator	ADDRESS Region 1 Headquarters Bldg. #40, SUNY, Stony Brook, NY 11790-2356	
AUTHORIZED SIGNATURE 	DATE 2/1/05	Page 1 of 4



# SPECIAL CONDITIONS

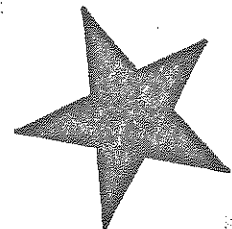
1. Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in tidal wetlands and/or protected buffer areas.
2. There shall be no disturbance to vegetated tidal wetlands or protected buffer areas as a result of the permitted activity.
3. The storage of construction equipment and materials shall be confined to within the project work site and or upland areas greater landward of the bulkhead.
4. All fill shall consist of "clean" sand, gravel, or soil (not asphalt, flyash, broken concrete or demolition debris).
5. All fill must be graded to match the elevation of the land immediately adjacent to the bulkhead.
6. All peripheral berms, cofferdams, rock revetments, seawalls, gabions, bulkheads etc. shall be completed prior to placement of any fill material behind such structures.
7. The new bulkhead must be constructed in place of the existing structure with no seaward extension.
8. Prior to any construction or removal of bulkheads and other shoreline stabilization structures all backfill shall be excavated landward of the bulkhead and retained so as not to enter the waterway, tidal wetland or protected buffer area.
9. There shall be no discharge of runoff or other effluent over or through any bulkhead or shoreline stabilization structure or into any tidal wetland or adjacent area.
10. Dock or timber catwalk shall not exceed 4 feet in width and shall be a minimum of 3½ feet above grade\* over tidal wetland areas (\* as measured from ground to bottom of dock sheathing).
11. Floats and ramps may not rest on or be stored in any vegetated tidal wetland.
12. No dredging, excavating or other alteration of shoreline or underwater areas is authorized by this permit, nor shall issuance of this permit be construed to suggest that the Department will issue a permit for such activities in the future.
13. No permanent structures may be installed on dock/catwalk/float without first obtaining written Department approval (permit, modification, or amendment).
14. Docks/catwalks/floats may not (a) extend laterally beyond property lines, (b) be placed so that docked boats extend over adjacent property line, (c) interfere with navigation, (d) interfere with other landowners riparian rights.
15. Pilings may not: (a) extend beyond property lines, (b) be placed so that docked boats extend over property lines, (c) interfere with navigation, (d) interfere with other landowners riparian rights.
16. Boat lift/davit may not: (a) extend beyond property lines, (b) be placed so that docked boats extend over property lines, (c) interfere with navigation, (d) interfere with other landowners riparian rights.
17. No structures are to be constructed on pilings without further authorization of the Department.

DEC PERMIT NUMBER  
1-2824-02415/00001,2,3

Martin G. Guittard

PAGE 2 of 4

P2312-0453



**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

**GENERAL CONDITIONS**

**General Condition 1: Facility Inspection by the Department**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**General Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**General Condition 3: Applications for Permit Renewals or Modifications**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 1, SUNY Bldg #40, Stony Brook NY 11790-2356

**General Condition 4: Permit Modifications, Suspensions and Revocations by the Department**

The Department reserves the right to modify, suspend or revoke this permit in accordance with 6 NYCRR Part 621. The grounds for modification, suspension or revocation include:

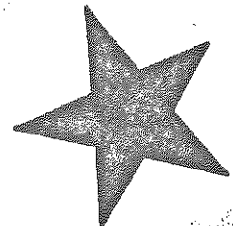
- materially false or inaccurate statements in the permit application or supporting papers;
- failure by the permittee to comply with any terms or conditions of the permit;
- exceeding the scope of the project as described in the permit application;
- newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

DEC PERMIT NUMBER  
1-2824-02415/00001,2,3

Martin G. Guillard

PAGE 3 OF 4

P2312-0453



( TIDAL WETLANDS)

1. If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
2. The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
3. Granting of this permit does not relieve the applicant of the responsibility of obtaining any other permission, consent or approval from the U.S. Army Corps of Engineers, U.S. Coast Guard, New York State Office of General Services or local government which may be required.
4. All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.
5. Any material dredged in the conduct of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across the bed of a waterway or floodplain or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.
6. There shall be no unreasonable interference with navigation by the work herein authorized.
7. If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.
8. If granted under 6NYCRR Part 608, the NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.
9. At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work and, if required, a survey.
10. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application.

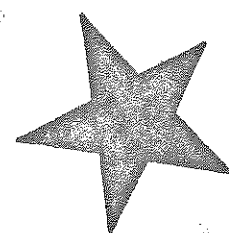
Such approved plans were prepared by Shore Solutions, dated 6/21/2004 and last revised 1/24/2005

DEC PERMIT NUMBER  
1-2824-02415/00001,2,3

Martin G. Guitard

PAGE 4 OF 4

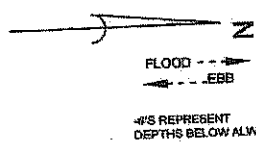
P2312-0453



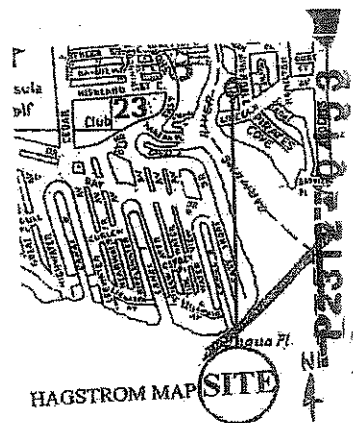
# PROJECT PLAN SITE PLAN VIEW

RECONSTRUCT 54' BULKHEAD IN-PLACE / ONE 6' RETURN  
 CONSTRUCT NEW PIER / INSTALL FOUR PILE LIFT  
 PURPOSE: REPAIR AND MAINTENANCE / SAFE MOORING FACILITIES  
 CONSTRUCT NEW PIER TO REACH NAVIGABLE WATER

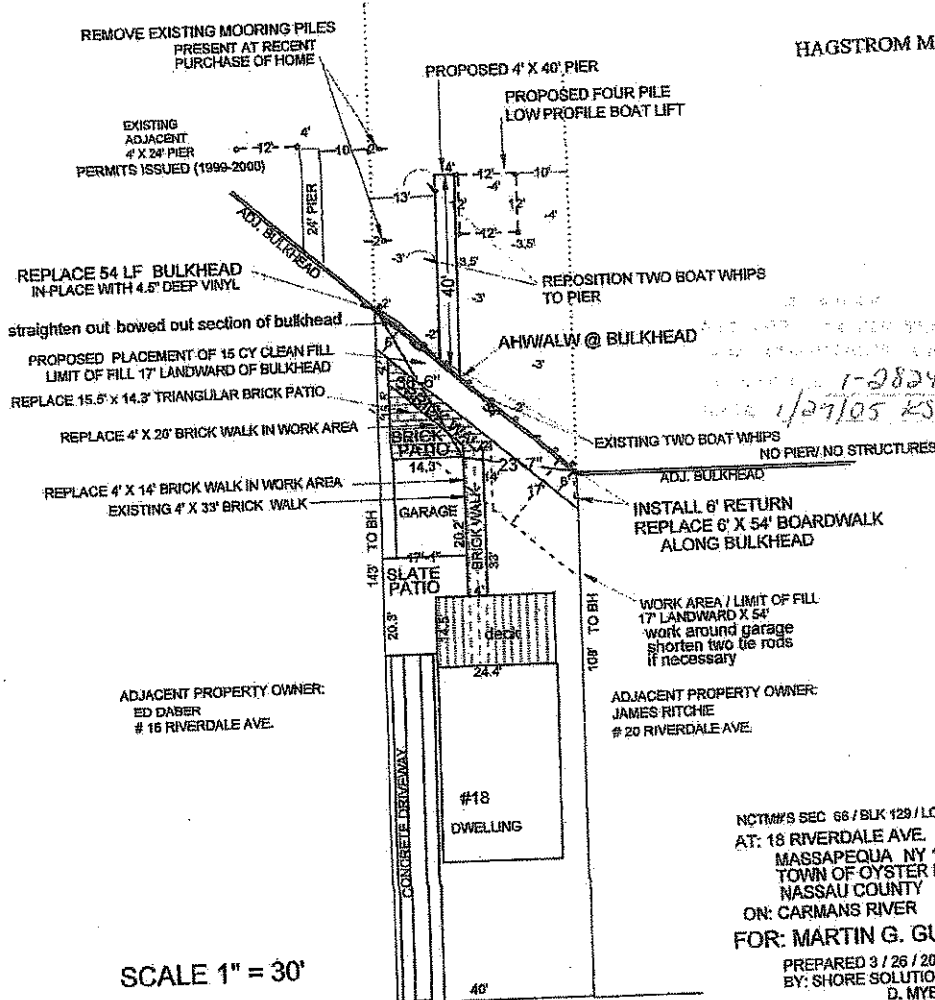
CARMANS RIVER



WIDTH OF WATERWAY 140' TO ISLAND IN CENTER OF 270' WATERWAY



40° 39' 35" N  
 73° 25' 50" W



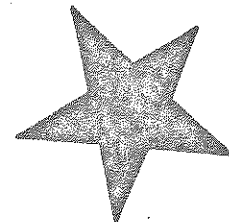
SCALE 1" = 30'

RIVERDALE AVE.

PAGE 1 OF 2

NCTM/S SEC 66 / BLK 129 / LOT 103+104  
 AT: 18 RIVERDALE AVE.  
 MASSAPEQUA NY 11756  
 TOWN OF OYSTER BAY  
 NASSAU COUNTY  
 ON: CARMANS RIVER  
 FOR: MARTIN G. GUITTARD

PREPARED 3 / 26 / 2004  
 BY: SHORE SOLUTIONS  
 D. MYERS  
 PLANS REVISED 6 / 21 / 2004  
 11 / 19 / 2004  
 1 / 24 / 2005



# PROJECT PLAN CROSSVIEW

RECONSTRUCT 54' BULKHEAD / IN-PLACE / INSTALL ONE 6" RETURN  
NEW 4' X 40' PIER CONSTRUCTION TO REACH NAVIGABLE WATER  
INSTALL FOUR PILE LIFT/ REPOSITION ONE SET OF BOAT WHIPS

## BULKHEAD REPLACEMENT:

REMOVE 64' TIMBER NAVY BULKHEAD  
INSTALL VINYL NAVY BULKHEAD / IN-PLACE  
4.5" DEEP X 12" WIDE @ 14" VINYL SHEATHING  
6" X 6" CCA TOP WALE  
1" X 16' GALVANIZED TIE RODS  
10" DIA. LAYLOG DEADMEN-CCA  
2" X 10" @ 4' CCA OR CREOSOTE  
SHEATHING STAKES  
2" x 10" @ 14' BATTERBOARDS

## REPLACE 6' BOARDWALK ALONG BULKHEAD

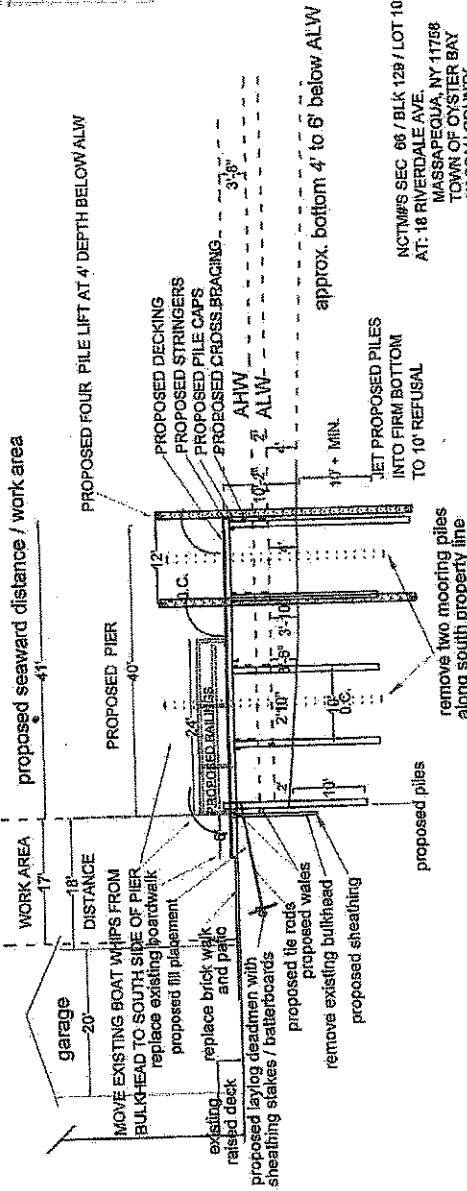
2" X 8" CCA STRINGERS  
2" X 8" CCA DECKING  
TRUCK AWAY ALL RIPOUT TO AN  
APPROVED UPLAND SITE  
EXCAVATE BEHIND BULKHEAD  
PRIOR TO BULKHEAD REMOVAL  
TRUCK IN 16 CY CLEAN FILL  
PLACE FILL BEHIND NEW BULKHEAD  
LIMIT OF FILL 17' LANDWARD OF BH  
BACK FILL TO LEVEL GRADE

## PROPOSED 4' X 40' PIER CONSTRUCTION:

3" X 6" CCA STRINGERS  
3" X 10" CCA PILE CAPS  
3" X 6" CCA CROSSBRACES  
2" X 8" CCA DECKING  
4" X 4" CCA 3.5' HIGH RAILING POSTS  
2" X 8" CCA RAILINGS

INSTALL FOUR PILE LIFT  
INSTALL FOUR 10" DIA. CCA PILES @ 35'

WIDTH OF WATERWAY APPROX. 140'  
TO ISLAND IN CENTER OF WATERWAY



SCALE 1" = 20'

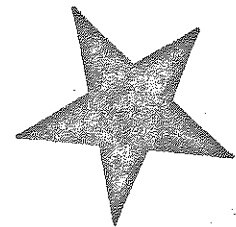
PAGE 2 OF 2

NCTM/S SEC 66 / BLK 129 / LOT 103 - 104  
AT: 18 RIVERDALE AVE.  
MASSAQUA, NY 11758  
TOWN OF OYSTER BAY  
NASSAU COUNTY  
ON: CARMANS RIVER

FOR: MARTIN G. GUITTARD

PREPARED 3 / 26 / 2004  
BY: SHORE SOLUTIONS  
PLANS REVISED 9 / 21 / 2004  
11 / 19 / 2004  
1 / 24 / 2005

P2312-0453





DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10278-0090

REPLY TO  
ATTENTION OF:  
Eastern Permits Section

JUN 23 2005

P2312-0453

SUBJECT: Department of the Army Permit Number 2004-00376-L5

Martin Guittard  
18 Riverdale Ave.  
Massapequa, New York 11758

Dear Mr. Guittard:

We have completed our review of Application Number 2004-00376-L5.

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), you are hereby authorized by the Secretary of the Army:

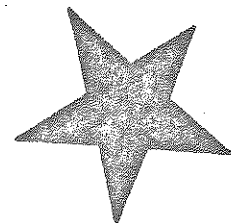
ACTIVITY: Install a 4 foot wide by 40 foot long fixed pier with 2 boat whips on the south side and install a 12 foot by 12 foot boat lift. All work shall be performed in accordance with the attached drawings, subject to Special Condition A, which are hereby made part of this permit.

WATERWAY: Carmans River, a tributary of South Oyster Bay

LOCATION: Massapequa, Town of Oyster Bay, Nassau County, New York

The activity authorized herein must be completed within three years of the date of this permit. This authorization is subject to the enclosed conditions. Please find enclosed two forms to be used to submit to this office, as required, the dates of commencement and completion for the authorized activity. Also enclosed for your information is a Notification of Administrative Appeal Options.

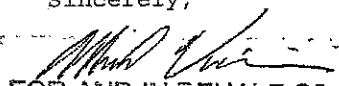
The authorized activity must be performed in accordance with the enclosed plans. If any material changes in the location or plans of the subject work are found necessary, revised plans should be submitted to the District Engineer. These plans must receive the approval required by law before work begins.



Notice is hereby given that the permittee should recognize that a possibility exists that the structures permitted herein may be subject to wavewash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structures permitted herein and the safety of boats moored thereto from damage by wavewash and the permittee shall not hold the United States liable for any such damage.

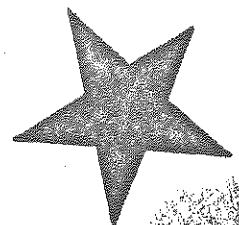
If any questions should arise concerning this matter, please contact Sophie Ettinger, of my staff, at (917) 790-8514.

Sincerely,

  
FOR AND IN BEHALF OF  
Richard J. Polo, Jr.  
Colonel, U.S. Army  
District Engineer

Enclosures

cc: Dona Myers  
Shore Solution  
32 Lincoln Avenue  
Massapequa, NY 11758



P2312-0453

PERMITTEE: Martin Guittard  
PERMIT NO.: 2004-00376

P2312-0453

**PERMIT CONDITIONS:**

NOTE: The term "you" and its derivatives, as used in this permit means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or appropriate official of that office acting under the authority of the commanding officer.

**GENERAL CONDITIONS:**

1. The time limit for completing the work authorized ends within three years of the date of this permit. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least four months before the date is reached.

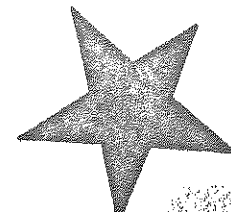
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party upon written notification to this office. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

(A) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.



PERMITTER: Martin Guittard  
PERMIT NO.: 2004-00376

P2312-0453

Further Information:

1. Limits of authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

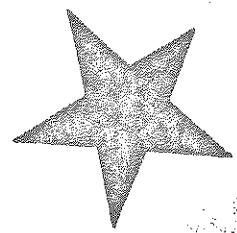
2. Limits to Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of the permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate



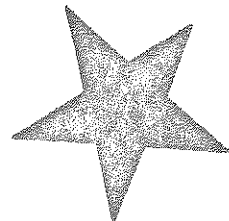
PERMITTEE: Martin Guittard  
PERMIT NO.: 2004-00376

(See 3 above).

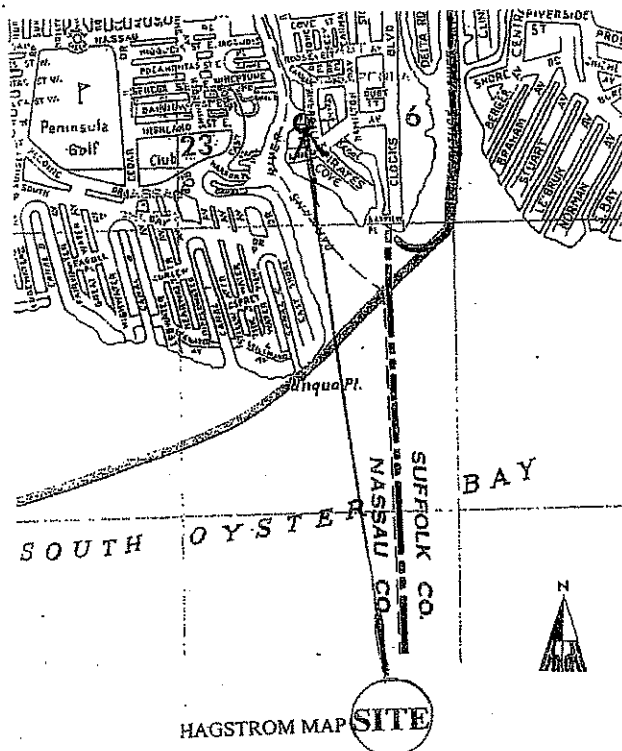
c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.



P2312-0453

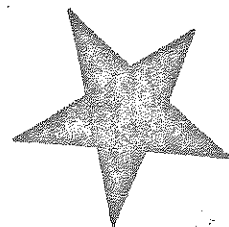


40° 39' 35" N  
73° 25' 50" W

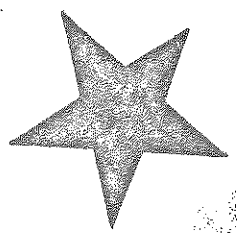
NCTMIF'S SEC 66 / BLK 129 / LOT 103+104  
AT: 18 RIVERDALE AVE  
MASSAPEQUA NY 11758  
TOWN OF OYSTER BAY  
NASSAU COUNTY  
ON: CARMANS RIVER

FOR: MARTIN G. GUITTARD

PREPARED  
BY: SHORE SOLUTIONS D. MYERS



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PAGE 1 OF 3

# PROJECT PLAN CROSSVIEW #1

REPLACE BULKHEAD- CAPPING BOARDWALK -NEW PIER - NEW BOAT LIFT - REPOSITION BOAT WHIPS - REMOVE EXISTING PILES

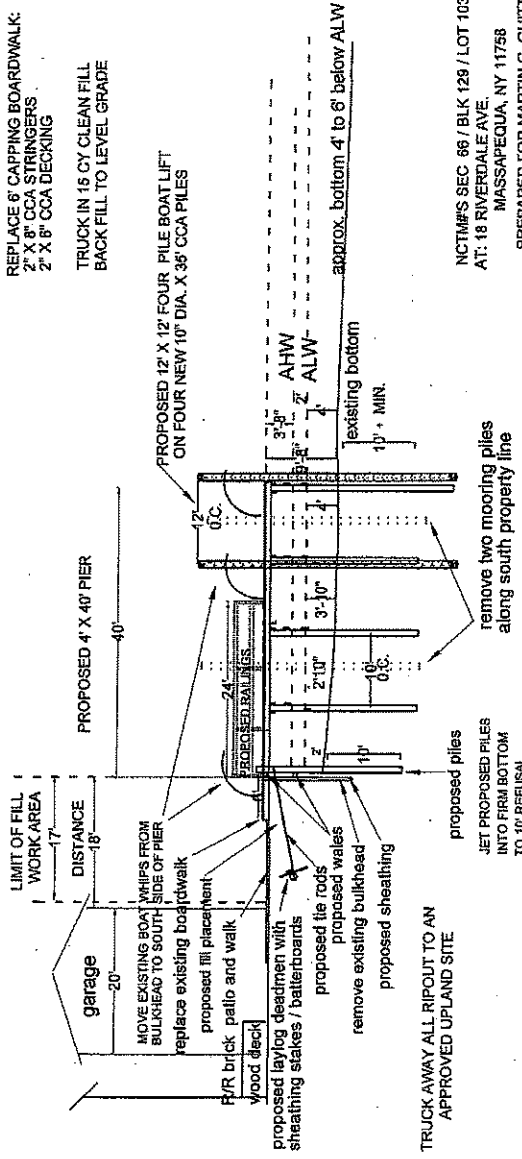
PIER CONSTRUCTION:  
SEE CROSS #2

REMOVE 54' TIMBER NAVY BULKHEAD  
INSTALL 54' VINYL NAVY BULKHEAD / IN- PLACE  
4.5" DEEP X 12" WIDE @ 14' VINYL SHEATHING  
6" X 8" CCA TOP WALE  
6" X 8" CREOSOTE BOTTOM WALE  
10" dia. X 20' CCA PILES 8' O.C.  
1" X 18' GALVANIZED TIE RODS  
10" DIA LAYLOG DEADMEN-CCA  
2" X 10" @ 4' CCA SHEATHING STAKES  
2" X 10" @ 14' CCA BATTERBOARDS

REPLACE 6" CAPPING BOARDWALK:  
2" X 8" CCA STRINGERS  
2" X 8" CCA DECKING

TRUCK IN 15 CY CLEAN FILL  
BACK FILL TO LEVEL GRADE

WIDTH OF WATERWAY APPROX. 140'  
TO ISLAND IN CENTER OF WATERWAY



TRUCK AWAY ALL RIPOUT TO AN  
APPROVED UPLAND SITE

NCTM#S SEC 66 / BLK 129 / LOT 103 - 104  
AT: 18 RIVERDALE AVE.  
MASSAQUEUA, NY 11758

PREPARED FOR MARTIN G. GUITTARD

BY: SHORE SOLUTIONS / DONNA MYERS 1/24/2004

MODIFICATION TO USAGE PERMIT # 2004-00376

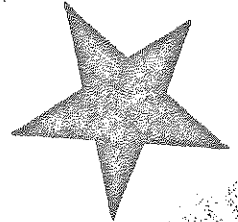
REPOSITION PROPOSED 4' X 32' PIER - EXTEND PIER

WITH 4' X 8' SECTION TO MAKE A 4' X 40' PIER / ADD BOAT LIFT

3/23/2005 ADDED CROSS #2 TO CLARIFY PROJECT

SCALE 1" = 20'

PAGE 2 OF 3

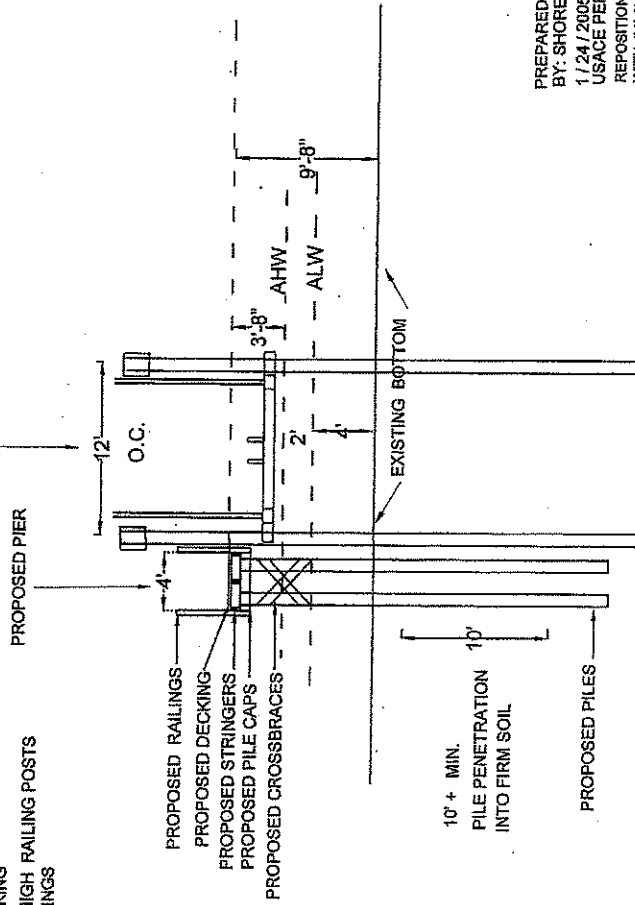


CROSSVIEW # 2

PROPOSED 4' X 40' PIER CONSTRUCTION:

- 10" DIA. @ 20' - 25' CCA PILES
- 3" X 6" CCA STRINGERS
- 3" X 10" CCA PILE CAPS
- 3" X 8" CCA CROSSBRACES
- 3/4" GALV. BOLTS THRU PIER TIMBERS
- 2" X 6" CCA DECKING
- 4" X 4" CCA 3.5" HIGH RAILING POSTS
- 2" X 5" CCA RAILINGS

PROPOSED 12' X 12' FOUR PILE BOAT LIFT  
ON FOUR NEW 10" DIA. X 35' CCA PILES FOR BOAT LIFT



SCALE 1" = 10'

PAGE 3 OF 3

PREPARED FOR MARTIN G. GUITTARD  
BY: SHORE SOLUTIONS / DONNA MYERS  
1/24/2005 MODIFICATION TO  
USACE PERMIT # 2004-00376  
REPOSITION PROPOSED 4" X 32" PIER - EXTEND PIER  
WITH 4" X 8" SECTION TO MAKE A 4" X 40" PIER / ADD BOAT LIFT  
3/23/2004 ENLARGED SITE PLAN - ADDED CROSS #2  
TO CLARIFY PROJECT

3  
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12



STATE OF NEW YORK  
DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231-0001

May 9, 2005

RANDY A. DANIELS  
SECRETARY OF STATE

GEORGE E. PATAKI  
GOVERNOR  
Ms. Donna Myers  
Shore Solutions  
32 Lincoln Avenue  
Massapequa, NY 11758

Re: F-2004-0336  
U.S. Army Corps of Engineers/New York District Permit  
Application - Martin Guittard - Install pier, replace bulkhead,  
minor dredging  
Carmans River, Town of Oyster Bay, Nassau County

Modification

Dear Ms. Myers:


The Department of State has reviewed the information you submitted on January 31, 2005, regarding a modification to the project that was authorized by COE/NY Permit # 2004-0336.

The proposed modification would result in the following change(s): changing the angle of the pier to 40° instead of 32°. Removing the mooring piles near the south property line. Repositioning the boat whips on the south side of the pier.

The project as modified would not cause coastal zone effects substantially different than those originally reviewed by this Department. Therefore, the Department has no objection to the proposed modification.

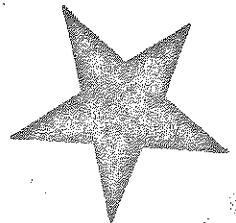
If you have any questions regarding this matter, please call us at (518) 474-6000.

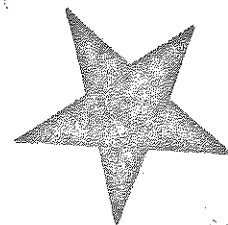
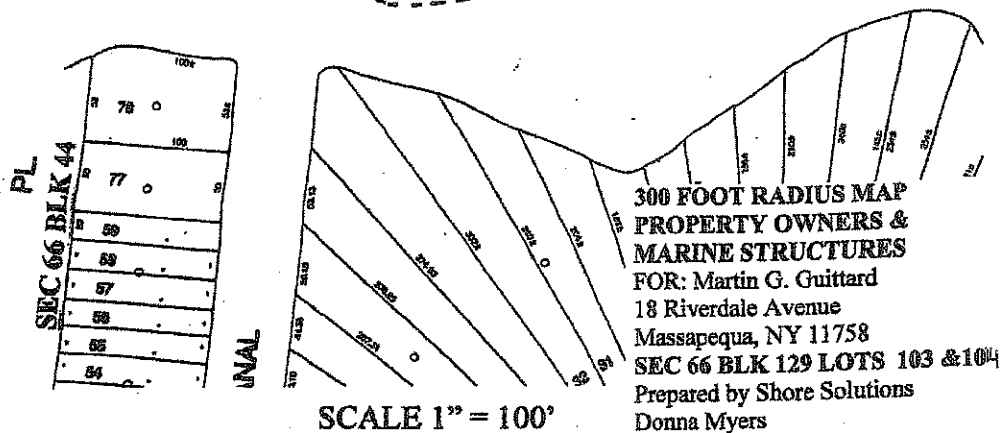
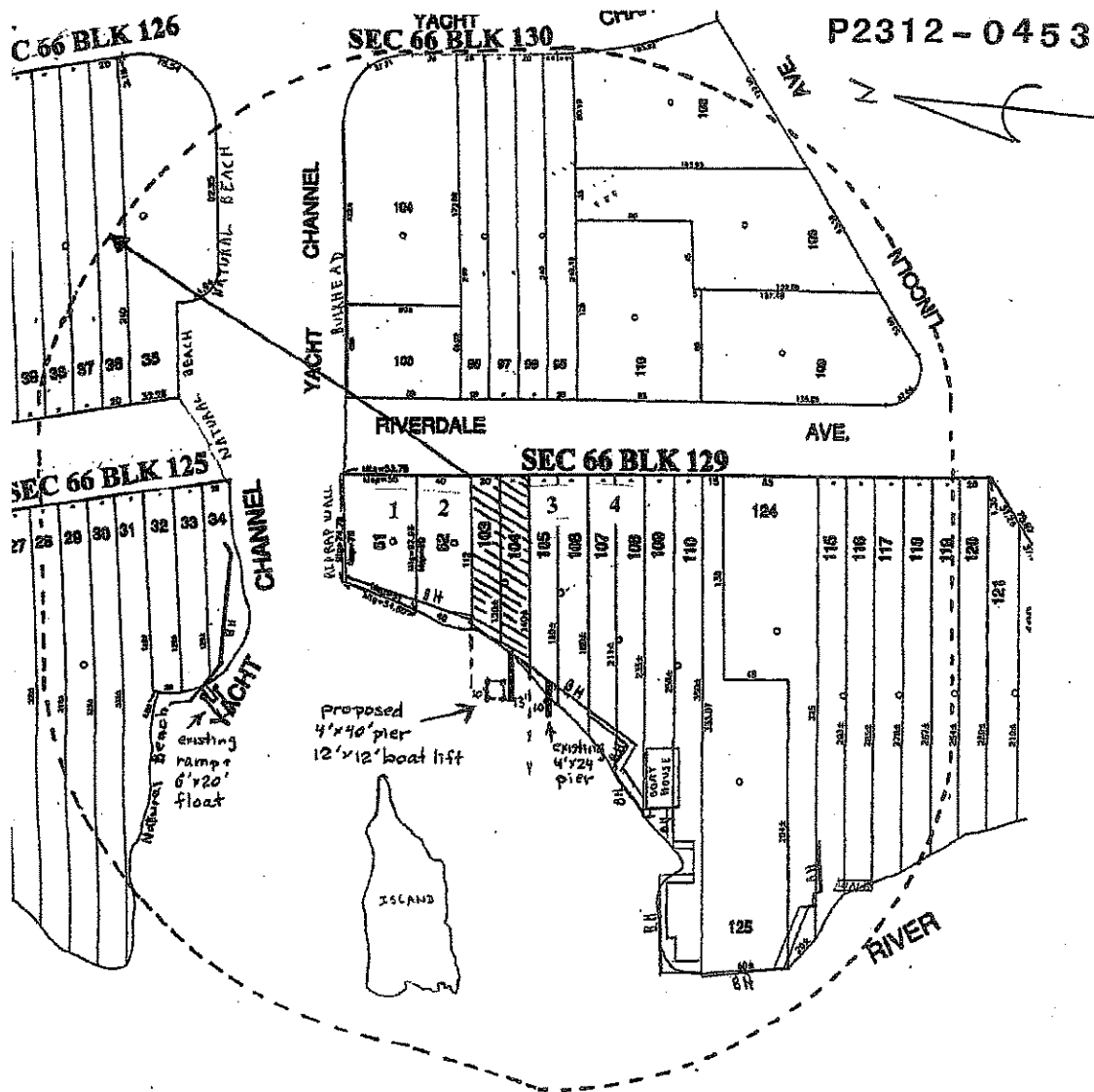
Sincerely,

  
Jeff Zappella  
Supervisor of Consistency Review and Analysis  
Division of Coastal Resources

cc: COE/New York District - Michael Vissichelli  
DEC/Region 1- John Pavacic

P2312-0453





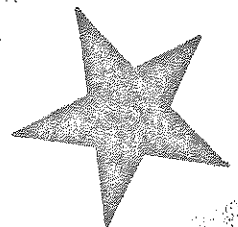
300' Radius map for: NCTM# section 66 / block 129 / lots 103-104  
Prepared By: Donna Myers / Shore Solutions Inc. 32 Lincoln Ave  
Massapequa, NY 11758

For: Martain G. Guittard  
18 Riverdale Avenue  
Massapequa, NY 11758

Section 66 / Block 129

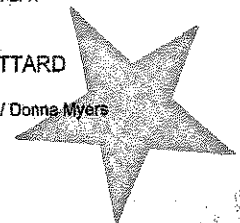
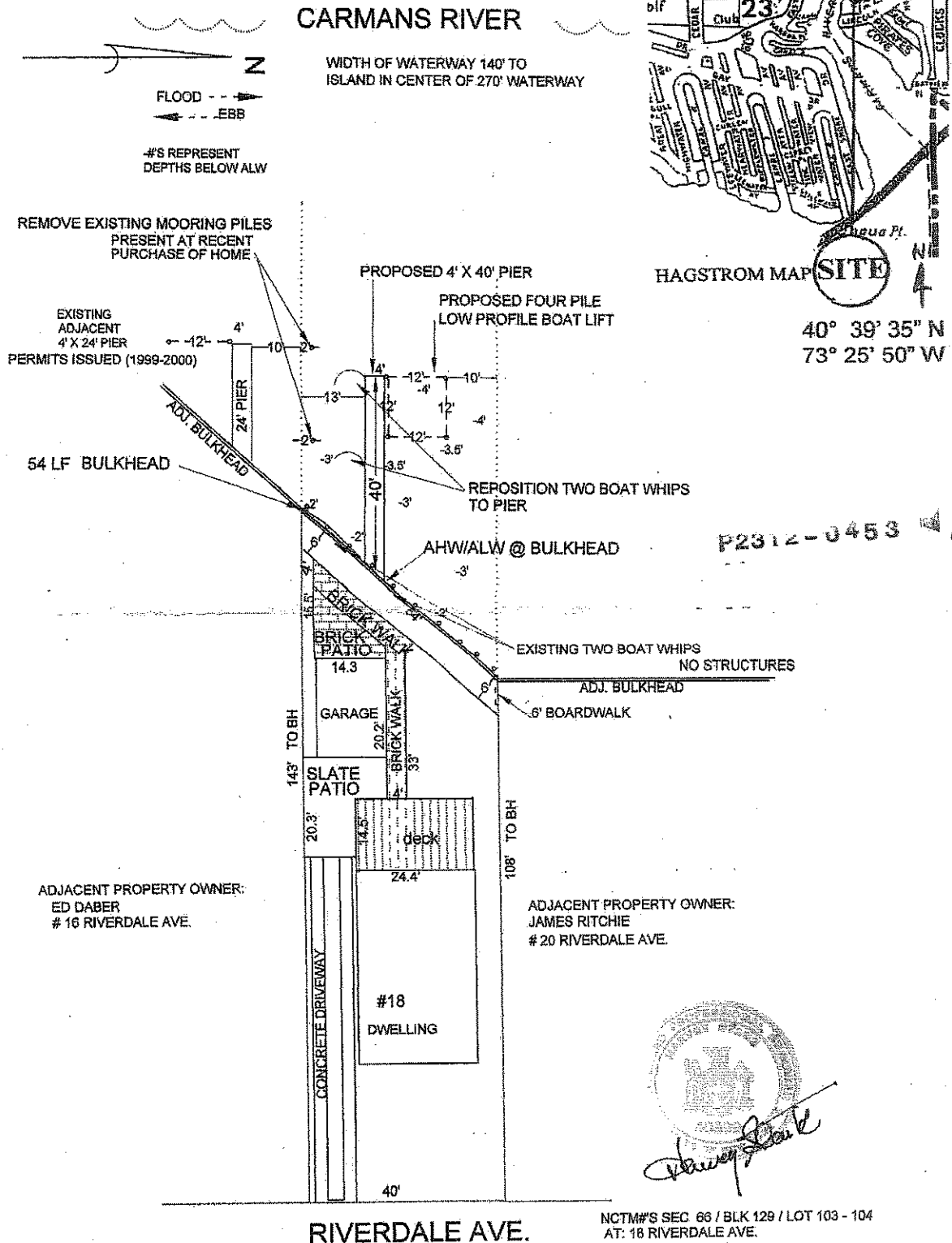
Lot

1	61	Michael Bello 180 North Michigan Ave Massapequa, NY 11758
2	62	20Riverdale LLC & Fleet Holdi 3 Shore Avenue Oyster Bay, NY 11771
3	105	Edward Daber 16 Riverdale Avenue Massapequa, NY 11758
4	107	Property Owner 14 Riverdale Avenue Massapequa, NY 11758



# PROJECT PLAN SITE PLAN VIEW

CONSTRUCT NEW PIER / INSTALL FOUR PILE LIFT



**JOB NO.: 15-38558E**

AREA OF THE PARCEL= 5,020.00 SQ.FT.=0.11 ACRE

### RENCH DRAIN DETAILS

TRENCH DRAIN  
WITH GRAVEL FILL  
TO GROUND WATER

FILED MAP: "AMENDED MAP OF BREEZY POINT", FILED  
ON 04/01/1921 AS MAP No. 121, CASE No. 12

**LOCATED AT:**

AMITYVILLE, TOWN OF OYSTER BAY,  
COUNTY OF NASSAU, STATE OF NEW YORK

**TAX DESIGNATION:**

SECTION: 66, BLOCK: 129, LOTS: 103 & 104

**SURVEYED ON: JUNE 26, 2015**

AMENDED ON: SEPTEMBER 18, 2015 (PROPOSED INFO SHOWN)  
NOVEMBER 19, 2015 (PROPOSED DRIVEWAY SHOWN)  
FEBRUARY 4, 2016 (TRENCH DRAIN DETAILS SHOWN)  
MAY 05, 2016 (STAKEOUT)  
OCTOBER 10, 2016 (RE-STAKE)  
JUNE 30, 2017 (FOUNDATION LOCATION)

DRAWN BY: M.K./M.V./M.K./AH. CHECKED BY: A.T.

ALEXANDER YSLUKERMAN N.Y.S. L.S. NO. 050189

Scale 1" = 20'

THE EXISTENCE OF RIGHT OF WAYS AND/OR EASEMENTS  
OF RECORD, IF ANY, NOT SHOWN ARE NOT CERTIFIED.

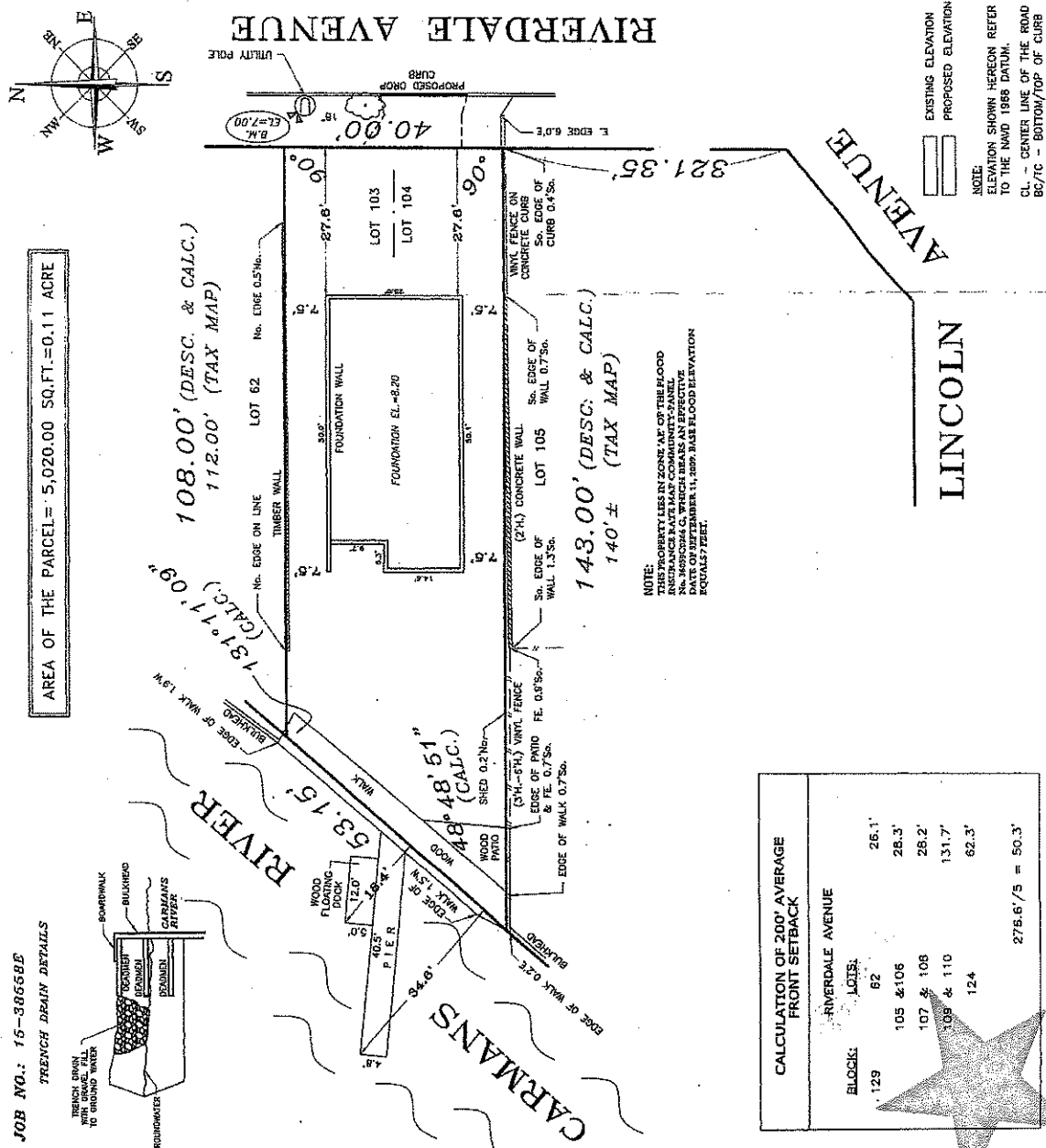
THE OFFSETS OR DIMENSIONS SHOWN FROM THE STRUCTURES TO THE PROPERTY LINES ARE FOR A SPECIFIC PURPOSE AND USE AND THEREFORE ARE NOT INTENDED TO GUIDE THE ERECTION OF FENCES, RETAINING WALLS, POOLS, PLANTING AREAS, ADDITIONS TO STRUCTURES AND ANY OTHER CONSTRUCTION.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 1720B OF THE NEW YORK STATE EDUCATION LAW.  
COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY.

CERTIFICATION INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENT AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBJECT OWNERS.

LEONARD J. STRANDBERG AND ASSOCIATES,  
CONSULTING ENGINEERS AND LAND SURVEYORS, P.C.

392 SMITH STREET, FREEPORT, NY 11520  
• 212-213-4090 • FAX 516-378-6649



Meeting of February 27, 2024

Resolution No.152-2024

WHEREAS, KEVIN GUNTHER and TARA GUNTHER have applied for a permit to erect, maintain, alter or improve a dock, pier, float, bulkhead or similar structure at 75 Stillwater Avenue, Massapequa, New York 11758, known and designated as Section 66, Block 85 Lot 111, on the Nassau County Land and Tax Map; and

WHEREAS, Scott L. Byrne, Deputy Commissioner, Department of Planning and Development, by memorandum dated January 17, 2024, stated that Chapter 241 of the Code of the Town of Oyster Bay entitled "Waterways" requires Town Board approval for structures projecting into the Town waterways, which the proposed structure does, and requested a calendar date of February 27, 2024, for Town Board action, in connection with the aforementioned application; and

WHEREAS, pursuant to Section 241-9(E)(3) of the Code of the Town of Oyster Bay, Deputy Commissioner Byrne, by said memorandum directed KEVIN & TARA GUNTHER, Applicant, to provide an Affidavit of Mailing Notice; and

WHEREAS, more than 14 days have elapsed since said Affidavit of Mailing Notice was provided; and

WHEREAS, Julia K. Schneider, AICP, CPESC, Director of TEQR, Department of Environmental Resources, by memorandum dated January 11, 2024, advised that pursuant to the provisions of the Town of Oyster Bay Environmental Quality Review (TEQR) Law (Chapter 110 of the Oyster Bay Town Code), the Department of Environmental Resources has reviewed the dock building permit application referenced above, and has reviewed the relevant environmental factors affected by the uses proposed in the subject application; and has determined that said application is deemed to fall under the New York State Environmental Quality Review Act (SEQR), 6 NYCRR, Part 617, Section 617.5(c)(12), Type II Actions List, relative to "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" and under Appendix B, Section B(2), of the TEQR Law, relative to "The installation of minor accessory facilities such as lawn sprinkler systems, swimming pool heaters and fire sprinkler systems, provided that such systems comply with all applicable codes and ordinances," and as such have been predetermined not to have a significant impact on the environment or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board declares that the aforementioned dock application is a Type II Action pursuant to the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c) (12) Type II Actions List; and be it further

RESOLVED, That the application of KEVIN GUNTHER and TARA GUNTHER, to erect, maintain, alter or improve a dock, float, pier, bulkhead or similar structure, at 75 Stillwater Avenue, Massapequa, New York 11758, known and designated as Section 66, Block 85, Lot 111 on the Nassau County Land and Tax Map, is 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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

REVIEWED BY  
OFFICE OF TOWN ATTORNEY  
*[Signature]*

TOWN OF OYSTER BAY  
INTER-DEPARTMENTAL MEMO

152

TO: MEMORANDUM DOCKET

FROM: SCOTT L. BYRNE, DEPUTY COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT

DATE: JANUARY 17, 2024

SUBJECT: WATERWAYS REVIEW  
KEVIN & TARA GUNTHER  
75 STILLWATER AVENUE  
MASSAPEQUA, NY 11758  
SECTION 66, BLOCK 85, LOT(S) 111  
DOCK BUILDING PERMIT APPLICATION # P2401-0025

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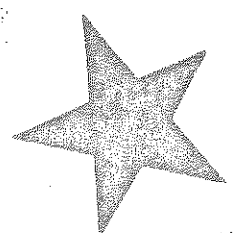
We have received a request from Kevin and Tara Gunther to "Reface 80lf bulkhead within 2", close off boat ramp, install a capping boardwalk with recovery dredge. All work is to be done according to the attached plans stamped "NYSDEC Approved" Permit No. 1-2824-00536/00003 dated October 28, 2010. Chapter 241 of the Code of the Town of Oyster Bay entitled "Waterways" requires Town Board approval for structures projecting into the waterways.

Copies of the following documents are attached: Town of Oyster Bay Mooring, Dock, Pier, Float and Bulkhead Permit Application No. P2401-0025; New York State Department of Environmental Conservation (NYSDEC) Permit No. 1-2824-00536/00003 dated October 28, 2010, Department of the Army, New York District Corps of Engineers Permit No. NAN-2010-01066 dated September 27, 2010 and a letter of General Concurrence with the Federal Consistency Assessment Form from the New York State Department of State dated October 8, 2010. Also attached is a memo from Julia Schneider, Director of TEQR Department of Environmental Resources dated January 11, 2024, classifying the project as a TYPE II ACTION under SEQRA. Please note that plans for the proposed work can be found attached to the DEC permit.

The relevant documents are attached for your review. Please note the proposed plans can be located in the NYSDEC Permit approval.

The proposed work at the subject premises would, in the Department's opinion, be compatible with the surrounding area.

Pursuant to Section §241-9(E)(3) of the Code of the Town of Oyster Bay, all persons, local governments, other agencies or corporations having any property or operating any facilities on the two properties on both sides of the premises for which the permit is sought (four properties in total), and any properties which have any frontage on a waterway and are directly opposite from the subject premises shall be notified at least 14 days in advance, in writing, of the appearance of such matter for Town Board action. It is

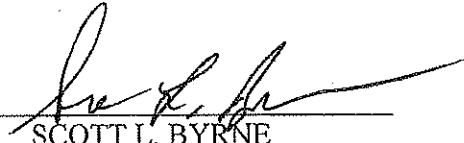


HONORABLE MEMBERS OF THE TOWN BOARD  
WATERWAYS REVIEW  
KEVIN & TARA  
75 STILLWATER AVENUE  
MASSAPEQUA, NY 11758  
SECTION 66, BLOCK 85, LOT(S) 111  
DOCK BUILDING PERMIT APPLICATION # P2401-0025

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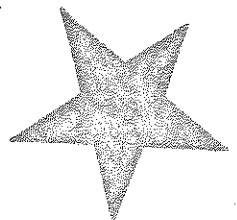
Page 2

the responsibility of the applicant to issue said notices and the applicant shall bear the cost of same. Therefore, I respectfully request that this application be put on the agenda for the February 27, 2024 Town Board calendar to provide the applicant ample time to comply with this requirement.

  
SCOTT L. BYRNE  
DEPUTY COMMISSIONER

HBM/dh  
Encls.

cc: Legislative Affairs (2 copies w/ attachments)  
cc: Town Attorney's Office, Attn: Dennis Sheehan



**TOWN OF OYSTER BAY  
INTER-DEPARTMENTAL MEMO**

January 11, 2024

**TO:** SCOTT BYRNE, DEPUTY COMMISSIONER,  
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JULIA K. SCHNEIDER, DIRECTOR OF TEQR,  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

**SUBJECT:** CLASSIFICATION PURSUANT TO THE STATE ENVIRONMENTAL  
QUALITY REVIEW ACT (SEQR): TYPE II: DOCKS, PIERS & FLOATS PERMIT:  
REVIEW OF WATERWAY APPLICATION NUMBER P2401-0025  
KEVIN & TARA GUNTHER

**LOCATION:** 75 STILLWATER AVE, MASSAPEQUA  
SECTION 66, BLOCK 85, LOT(S) 111

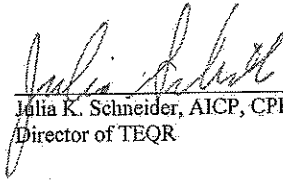
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Pursuant to the provisions of the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law, SEQR, as promulgated in the regulations contained in 6 NYCRR Part 617) and the Town of Oyster Bay Environmental Quality Review (TEQR) Law (Chapter 110 of the Oyster Bay Town Code), the Department of Environmental Resources has reviewed the above-captioned application.

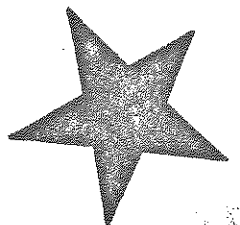
Based on our review, the Department has classified the subject proposed project as a **TYPE II ACTION**, under the SEQR Type II Actions List, at §617.5(c)(12), relative to "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" and under Appendix B, §B(2), of the TEQR Law, relative to "The installation of minor accessory facilities such as lawn sprinkler systems, swimming pool heaters and fire sprinkler systems, provided that such systems comply with all applicable codes and ordinances."

Actions or classes of actions identified in the above-referenced sections of SEQR/TEQR have been pre-determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8.

Inasmuch as the proposed action is on SEQR's pre-determined Type II Actions list and the TEQR Law Type II Actions List, as described above, the Department of Environmental Resources has applied the law and finds that the subject application does not require any further review under SEQR/TEQR.

  
Julia K. Schneider, AICP, CPESC  
Director of TEQR

Filepath: DER Dept. Files/TEQR/TYPE II/Docks/75 Stillwater Ave, Massapequa\_1.11.24



TOWN OF OYSTER BAY  
**Inter-Departmental Memo**  
January 9, 2024

**To** : DEPARTMENT OF ENVIRONMENTAL RESOURCES  
ATTN: JULIA SCHNEIDER, DIRECTOR OF TEQR

**From** : DEPARTMENT OF PLANNING & DEVELOPMENT – PLANNING DIVISION

**Subject** : REVIEW OF WATERWAY APPLICATION NUMBER P2401-0025  
KEVIN & TARA GUNTHER  
75 STILLWATER AVE  
MASSAPEQUA, NY 11758  
SEC 66 BLK. 85 LOT 111  
ZONE: R1-10

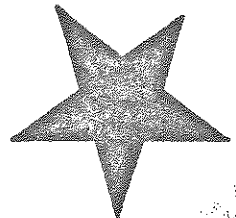
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Attached is a copy of waterway application number P2401-0025 along with one set of all paperwork, approvals and plans submitted with this application. Please review the paperwork, approvals and plans for compliance with the Environmental Ordinances of the Town of Oyster Bay. Kindly send all correspondence directly to the Planning Division. Thank you for your attention to this matter.

---

DAWN HAUNER  
PLANNING DIVISION

DH



Dawn Hauner

---

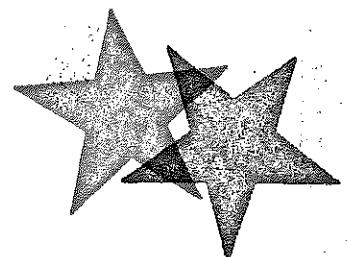
**From:** Kevin Gunther <kgunther1881@gmail.com>  
**Sent:** Tuesday, January 9, 2024 3:35 PM  
**To:** Dawn Hauner  
**Subject:** Bulkhead application P2401-0025

**CAUTION:** This email originated from outside of our organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

Good afternoon Dawn

I Kevin Gunther certify that I am the homeowner of 75 Stillwater ave in Massapequa. The bulkhead on my property was refaced and an old dock slip was filled in sometime in the year 2013. If you have any questions please feel free to contact me @ [REDACTED]

Thank you  
Kevin Gunther



SECTION 66 BLOCK 85 LOT(S) 111



TOWN OF OYSTER BAY  
DEPARTMENT OF PLANNING & DEVELOPMENT  
DIVISION OF BUILDING  
Town Hall  
Oyster Bay, New York 11771

P2401-0025

**APPLICATION FOR PERMIT TO BUILD OR INSTALL**

APPLICATION MUST BE TYPEWRITTEN OR PRINTED IN INK LEGIBLY.

PROPERTY  
OWNER: KEVIN/TARA GUNTHER 75 STILLWATER AVE MASSAPEQUA 11758 [REDACTED]  
LESSEE  
TENANT:

APPLICANT: KEVIN/TARA GUNTHER 75 STILLWATER AVE MASSAPEQUA 11758 (516) 317-6959

ARCHITECT: Adam Austin 59 Hillside Ave Massapequa 11758 (718) 566-2884

CONTRACTOR: DRG CONSTRUCTION 245 S. MAIN STREET FREEPORT 11520 (516) 415-7774

PLUMBER: \_\_\_\_\_

ELECTRICIAN: \_\_\_\_\_

ADDRESS OF CONSTRUCTION:  
IF DIFFERENT FROM ABOVE NO. & STREET POST OFFICE ZIP CODE

LOCATION OF PROPERTY: N.E.S. W SIDE OF STILLWATER AVENUE 150 FEET  
N.E.S.W. OF OSPREY PLACE MASSAPEQUA  
OR (STREET) (POST OFFICE)  
N.E.S.W. OF corner of (STREET) and (STREET) (POST OFFICE)

CHECK HERE IF REQUESTING A WAIVER OF THE RECENT SURVEY REQUIREMENT (SEE INSTRUCTIONS FOR FURTHER INFO).

**A. TYPE OF IMPROVEMENT**

EXISTING X PROPOSED \_\_\_\_\_

1. NEW BUILDING/STRUCTURE \_\_\_\_\_
2. ADDITION/EXTENSION \_\_\_\_\_
3. ALTERATION (i.e. Garage Convt.) \_\_\_\_\_
4. DECK \_\_\_\_\_
5. AWNING/ROOF-OVER \_\_\_\_\_
6. CELLAR-ENTRANCE \_\_\_\_\_
7. REISSUE # \_\_\_\_\_
8. OTHER \_\_\_\_\_

**TYPE OF BUILDING**

**B. PROPOSED USE**

EXISTING \_\_\_\_\_ PROPOSED \_\_\_\_\_

1. ONE FAMILY \_\_\_\_\_
2. TWO FAMILY \_\_\_\_\_
3. PARENT CHILD \_\_\_\_\_
4. GARAGE \_\_\_\_\_
5. BUSINESS \_\_\_\_\_
6. INDUSTRIAL \_\_\_\_\_
7. RESTAURANT \_\_\_\_\_
8. PUBLIC ASSEMBLY \_\_\_\_\_
9. OTHER \_\_\_\_\_

DESCRIBE THE WORK IN DETAIL (Size and Dimension(s) of Structure(s))  
MAINTAIN EXISTING 80 FT BULKHEAD

CHECK HERE IF TREES ARE BEING REMOVED ON THE PROPERTY. IF SO, A **TREE PERMIT** MUST BE OBTAINED FROM THE DEPARTMENT OF PARKS. PLEASE CALL (516) 797-7956 FOR FURTHER INFORMATION.

**HAVE BOTH AFFIDAVITS NOTARIZED**

THE OWNER OF THE BUILDING & THE UNDERSIGNED AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE TOWN OF OYSTER BAY, COUNTY OF NASSAU & STATE OF NEW YORK

**APPLICANT**

STATE OF NEW YORK  
COUNTY OF NASSAU

Kevin Gunther being duly sworn, deposes and says: That he/she resides at 75 STILLWATER AVE in the hamlet of MASSAPEQUA in the State of NEW YORK and that he/she is authorized by the Owner Kevin Gunther who is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements contained herein are true to deponent's own knowledge.  
Address: 75 STILLWATER AVE, MASSAPEQUA, NY 11758  
Phone: (516) 317-6959

(Sign here) [Signature]  
Sworn to before me this 20 day of December 2023.

NOTARY PUBLIC  
ROSALIE THUMSUDEN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01TH6393668  
Qualified in Nassau County  
My Commission Expires 06-24-2027

**OWNER**

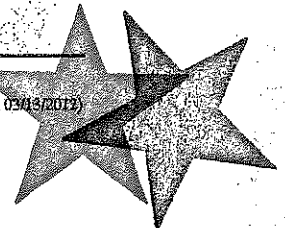
STATE OF NEW YORK  
COUNTY OF NASSAU

Kevin Gunther being duly sworn, deposes and says: That he/she resides at 75 STILLWATER AVE in the hamlet of MASSAPEQUA in the State of NEW YORK and that he/she is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, that the work proposed to be done upon the said premises, will be done in accordance with the approved application and accompanying plans, and hereby authorizes KEVIN/TARA GUNTHER (applicant) to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements herein contained are true to deponent's own knowledge.

(Sign here) [Signature] (owner)  
Sworn to before me this 20 day of December 2023

NOTARY PUBLIC  
ROSALIE THUMSUDEN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01TH6393668  
Qualified in Nassau County  
My Commission Expires 06-24-2027

(Rev. 03/13/2012)





**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

JAMES McCAFFREY  
 DEPUTY COMMISSIONER

**APPLICANT'S DISCLOSURE AFFIDAVIT**

PREMISES: 75 STILLWATER AVE, MASSAPEQUA, NEW YORK 11758

STATE OF NEW YORK )

COUNTY OF NASSAU )

SS.

KEVIN GUNTER, being duly sworn, deposes and says:

1. That I am 40 (age), and reside at (address) 75 Stillwater Ave.
2. That I am the (owner, lessee, etc.) OWNER of property which is the subject Matter of this application and am familiar with all the facts and circumstances hereinafter set forth.
3. That the following are the names, addresses and interests, respectively, of all partners (joint venturers, etc.) N/A
4. That there are no encumbrances or holders of any instruments creating and encumbrance upon the subject property - except: (if any, set forth details) N/A
5. That neither deponent nor any other person mentioned in this affidavit is an officer or Employee, or is related to an officer or employee of the Town of Oyster Bay - except: (if any, set forth details) N/A
6. That no officer of the State of New York, or officer or employee of the Town of Oyster Bay, or Nassau County, or person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision 4 of Section 2 of the Election Law, or his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them, is the applicant, or any officer, director or partner, member or employee of the applicant, or legally or beneficially owns or controls one (1) percent or more of the stock of the applicant, or is associated with the applicant in a joint venture, or is a party to an agreement with the applicant, expressed or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request - except (if any set forth details - see General Municipal Law Section 809) N/A
7. That in the event there is any change in the matters set forth herein prior to the issuance of a building permit or certificate of occupancy for the property affected hereby, deponent (s) will file with the Town of Oyster Bay a supplemental affidavit indicating the details of such change within 48 hours of such change.

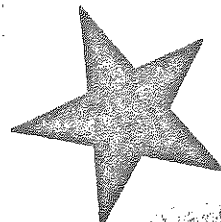
[Signature]

(signed)

Sworn to before me this

20 day of December, 2023  
Rosalie Thumsuden  
 NOTARY PUBLIC

ROSALIE THUMSUDEN  
 NOTARY PUBLIC-STATE OF NEW YORK  
 No. 01TH6393668  
 Qualified in Nassau County  
 My Commission Expires 06-24-2027 (Rev. 03/04/2019)





**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

JAMES McCAFFREY  
 DEPUTY COMMISSIONER

**APPLICANT'S DISCLOSURE AFFIDAVIT**

PREMISES: 75 STILLWATER AVE, MASSAPEQUA, NEW YORK 11758

STATE OF NEW YORK )

SS.

COUNTY OF NASSAU )

Adam Austin, being duly sworn, deposes and says:

1. That I am 48 (age), and reside at (address) 59 STILLWATER AVE, MASSAPEQUA
2. That I am the (owner, lessee, etc.) ENGINEER of property which is the subject Matter of this application and am familiar with all the facts and circumstances hereinafter set forth.
3. That the following are the names, addresses and interests, respectively, of all partners (joint venturers, etc.) N/A
4. That there are no encumbrances or holders of any instruments creating and encumbrance upon the subject property - except: (if any, set forth details) N/A
5. That neither deponent nor any other person mentioned in this affidavit is an officer or Employee, or is related to an officer or employee of the Town of Oyster Bay - except: (if any, set forth details) N/A
6. That no officer of the State of New York, or officer or employee of the Town of Oyster Bay, or Nassau County, or person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision 4 of Section 2 of the Election Law, or his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them, is the applicant, or any officer, director or partner, member or employee of the applicant, or legally or beneficially owns or controls one (1) percent or more of the stock of the applicant, or is associated with the applicant in a joint venture, or is a party to an agreement with the applicant, expressed or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request - except (if any set forth details - see General Municipal Law Section 809) N/A
7. That in the event there is any change in the matters set forth herein prior to the issuance of a building permit or certificate of occupancy for the property affected hereby, deponent (s) will file with the Town of Oyster Bay a supplemental affidavit indicating the details of such change within 48 hours of such change.

[Signature]  
 (signed)

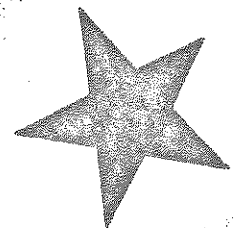
Sworn to before me this

19 day of December 2023

Allison Michelle Goldsmith  
 NOTARY PUBLIC

**ALLISON MICHELLE GOLDSMITH**  
 NOTARY PUBLIC, STATE OF NEW YORK  
 Registration No. 01GO8251709  
 Qualified in Suffolk County  
 Commission Expires November 21, 2027

(Rev. 03/04/2019)



## DEPARTMENT OF THE ARMY PERMIT

Permittee: Kevin Gunther  
75 Stillwater Avenue  
Massapequa, NY 11758  
Phone: [REDACTED]

Permit No.: NAN-2010-01066

Issuing Office: New York District Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Construction of a 10.25-foot-long section of the bulkhead to close off an existing 10.25-foot-wide by 18.9-foot-long boat ramp with further placement of 7 cubic yards of clean fill below spring high water (SHW) elevation; refacement within 2 inches of an existing 69.75-foot-long bulkhead; dredging of a 10-foot-wide area in front of the property with removal of approximately 25 cubic yards of dredged material and its further placement behind the reconstructed bulkhead.

All work shall be performed in accordance with the attached drawings and special condition (A) which is hereby made part of this permit, and the New York State Department of Environmental Conservation Permit No. 1-2824-00536, incorporating the Section 401 Water Quality Certificate, which is hereby made a part of this permit.

Project Location: IN: Canal #7, off of South Oyster Bay

AT: Town of Oyster Bay, Suffolk County, New York

### Permit Conditions:

#### General Conditions:

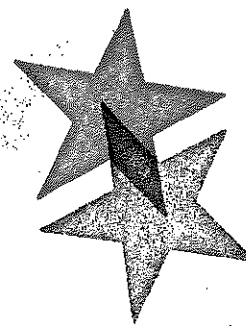
1. The time limit for completing the work authorized ends on \_\_\_\_\_. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the

ENG FORM 1721, Nov 86

EDITION OF SEP 82 IS OBSOLETE.

(33 CFR 325 (Appendix A))

1145-2-303b (Richard P. Adrian/Canal #7 off of South Oyster Bay/bulkhead)



PERMITTEE: Kevin Gunther  
PERMIT NO.: NAN-2010-01066

activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Condition:

- (A) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(x) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403).

(x) Section 404 of the Clean Water Act (33 U.S. Code 1344).

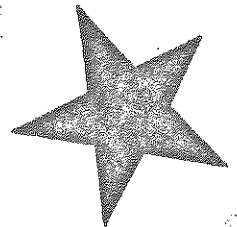
( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization:

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

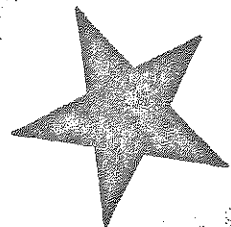
c. This permit does not authorize any injury to the property or rights of others.



- d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.



PERMITTEE: Kevin Gunther  
PERMIT NO.: NAN-2010-01066

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

\_\_\_\_\_  
(PERMITTEE)

\_\_\_\_\_  
(DATE)

New Suffolk Properties, LLC

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

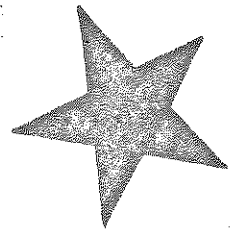
\_\_\_\_\_  
Paul E. Owen  
Colonel, Corps of Engineers  
District Engineer

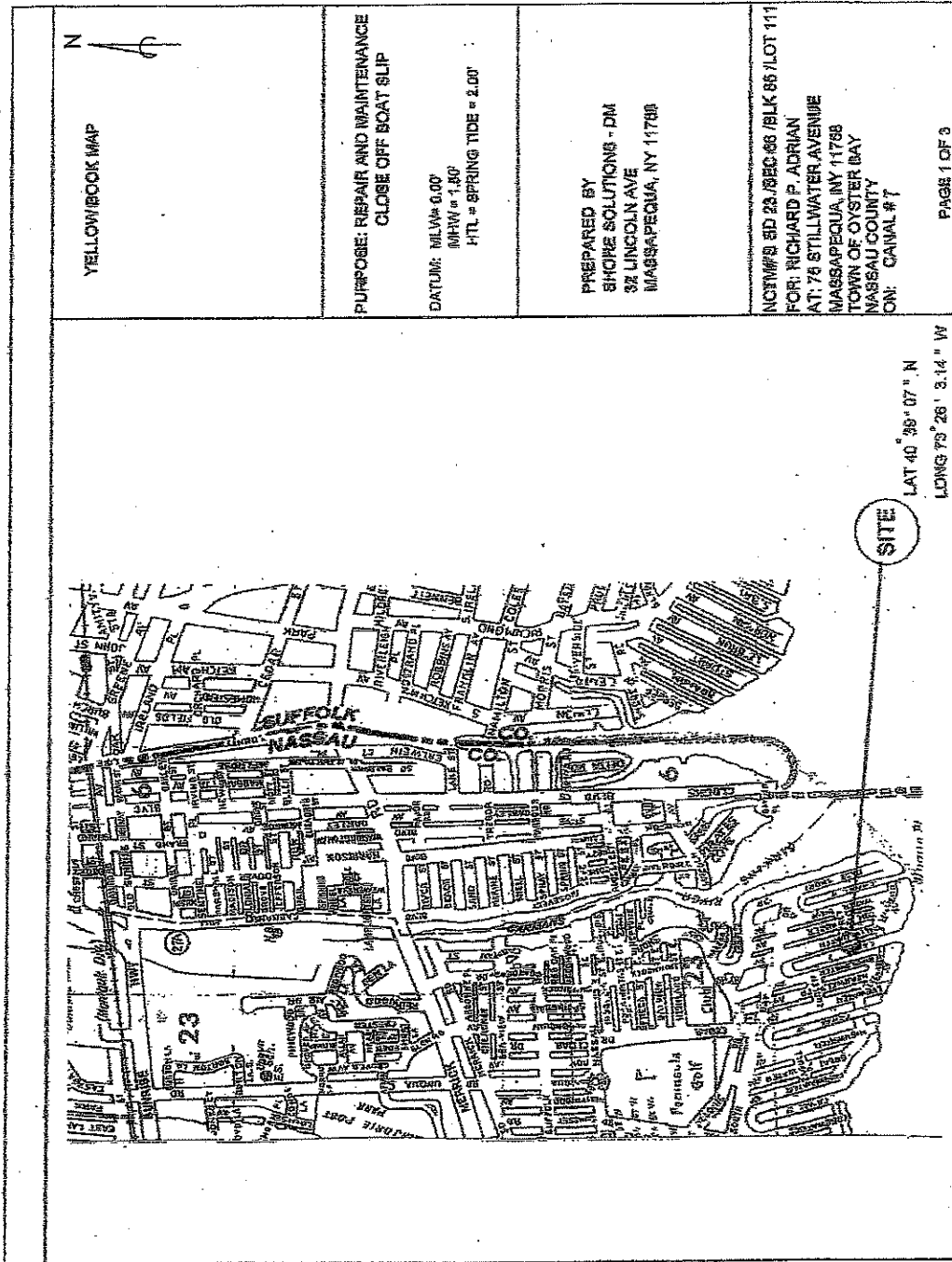
\_\_\_\_\_  
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below. A copy of the permit signed by the transferee should be sent to this office.

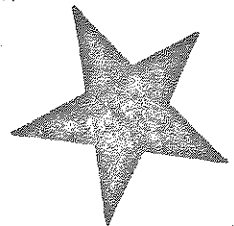
\_\_\_\_\_  
(TRANSFEE)

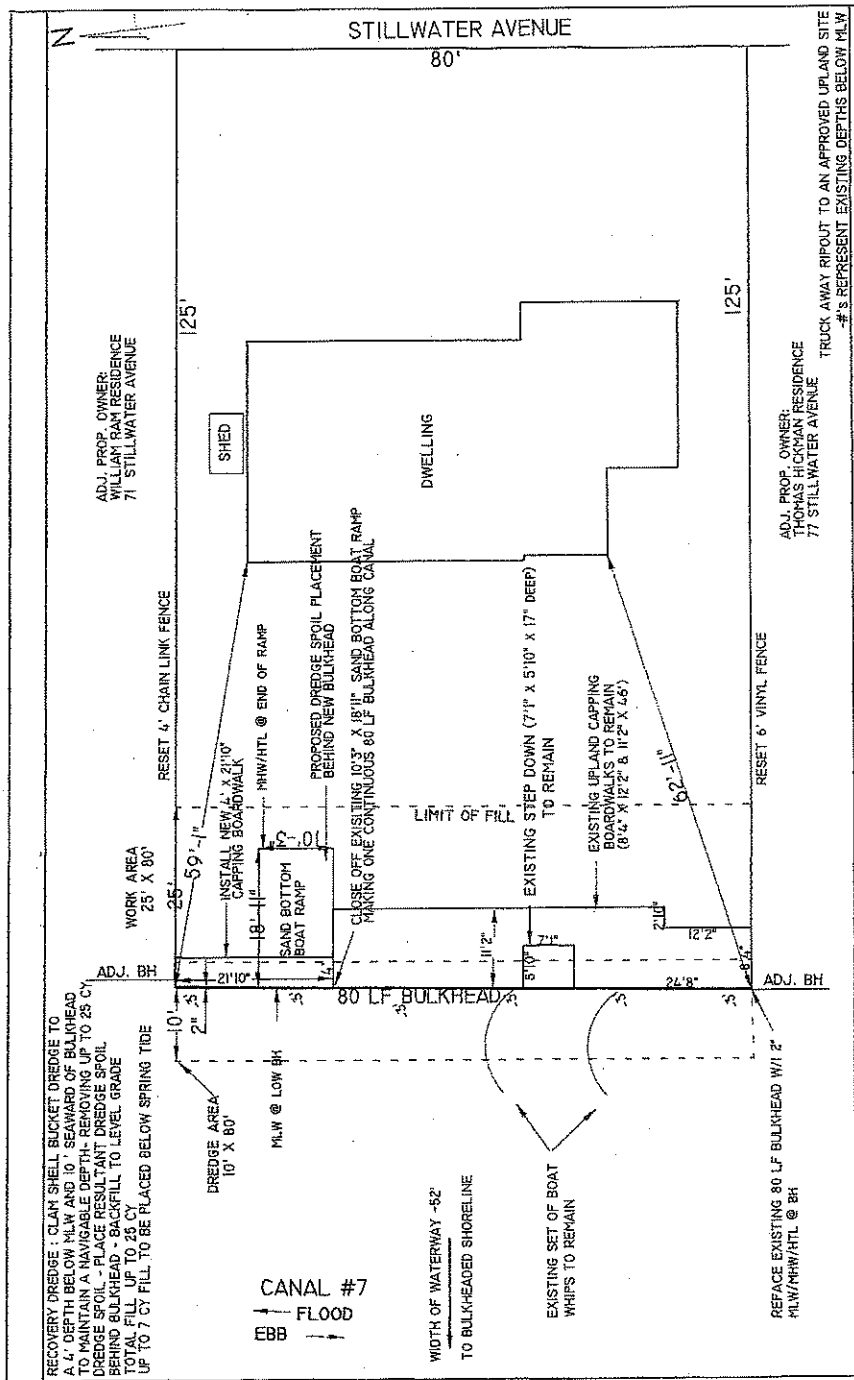
\_\_\_\_\_  
(DATE)





NAN-2010-01066-EST





# PURPOSE: REPAIR AND MAINTENANCE

PROPOSED: REFACE 80 LF OF TIMBER FLUSH FACE BULKHEAD BOARD ON BOARD WITHIN 2' / RAISE 10'3" SECTION OF BULKHEAD 3'6" TO MEET WITH HEIGHT OF EXISTING BULKHEAD TO CLOSE OFF BOAT RAMP RESULTING IN ONE CONTINUOUS 80 LF BULKHEAD / INSTALL NEW 4' X 2'10" CAPPING BOARDWALK / EXISTING STEP DOWN, UPLAND BOARDWALKS & ONE SET OF BOAT WHIPS TO REMAIN / RECOVERY DREDGE

DATUM: MLW = 0.00'  
MHW = 1.50'  
HTL = SPRING TIDE = 2.00'

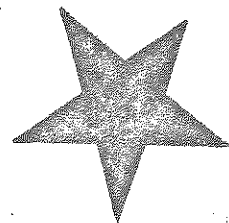
LAT 40° 39' 07" N  
LONG 73° 26' 3.14" W

SCALE 1" = 20'

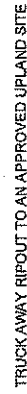
PREPARED 8/26/2010  
BY SHORE SOLUTIONS  
REVISED 9/27/2010 TYP  
FOR: RICHARD P. ADRIAN

NCTM# S D 23 / SEC 66 / BLK 85 / LOT III  
AT: 75 STILLWATER AVENUE  
MASSAPEQUA, NY 11758  
TOWN OF OYSTER BAY  
NASSAU COUNTY

NAN-2010-01066-EST



RECOVER DREDGE ALONG BULKHEAD TO MAINTAIN A NAVIGABLE DEPTH - CLAM SHELL BUCKET DREDGE TO 4' BELOW MLW DEPTH- AND 10' SEAWARD REMOVING UP TO 25 CY DREDGE SPOIL TO BE TO BE PLACED BEHIND BULKHEAD  
TOTAL FILL UP TO 25 CY TO BE PLACED BEHIND BULKHEAD UP TO 7' CY FILL TO BE PLACED BELOW SPRING TIDE AT OLD BOAT RAMP AREA



PROPOSED: REFACE 80 LF TIMBER FLUSH FACE BULKHEAD BOARD ON BOARD WITHIN 2" - RAISE 10" SECTION 36" TO MEET WITH EXISTING BULKHEAD HEIGHT TO CLOSE OFF BOAT RAMP RESULTING IN ONE CONTINUOUS 80 LF BULKHEAD - EXISTING TIMBER STEP DOWN TO REMAIN / INSTALL NEW 4' X 21"10" CAPPING BOARDWALK MAKING ONE CONTINUOUS BOARDWALK / ONE SET OF BOAT WALKS TO REMAIN / RECOVERY DREDGE

SCALE 1" = 10'

PREPARED 8/26/2010  
BY SHORE SOLUTIONS - DM  
REVISED 9/27/2010 TYPO  
PAGE 3 OF 3

NCTM#: SEC 66 / BLK 85 / LOT 111  
FOR: RICHARD P. ADRIAN  
AT: 75 STILLWATER AVENUE  
MASSAPEQUA, NY 11758  
TOWN OF OYSTER BAY

NAM-2010-01066-EST



STATE OF NEW YORK  
DEPARTMENT OF STATE  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001

DAVID A. PATERSON  
GOVERNOR

RUTH NOEMI COLÓN  
ACTING SECRETARY OF STATE

October 8, 2010

Ms. Donna Myers  
Shore Solutions  
32 Lincoln Avenue  
Albany, New York 11758

Re: F-2010-0838  
U.S. Army Corps of Engineers/New York District Permit  
Application – Richard Adrian  
Reface 80LF bulkhead within 2". Close off boat ramp. Install  
a capping boardwalk and recovery dredge.  
Canal #7, Town of Oyster Bay, Nassau County  
General Concurrence

Dear Ms. Myers:

The Department of State received your Federal Consistency Assessment Form and consistency certification and supporting information for this proposal on September 10, 2010.

The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, further review of the proposed activity by the Department of State, and the Department's concurrence with an individual consistency certification for the proposed activity, are not required.

This General Concurrence is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, other forms of authorization or approval that may be required pursuant to existing State statutes.

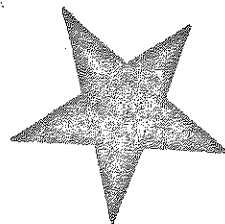
When communicating with us regarding this matter, please contact us at (518) 474-6000 and refer to our file #F-2010-0838.

Sincerely,

Jeffrey Zappier  
Supervisor, Consistency Review Unit  
Office of Coastal, Local Government  
and Community Sustainability

JZ/dc

cc: COE/New York District – Stacey Jensen  
NYSDEC Region I – Roger Evans



New York State Department of Environmental Conservation  
Division of Environmental Permits, Region 1  
SUNY @ Stony Brook  
50 Circle Road, Stony Brook, NY 11790-3409  
Phone: (631) 444-0372 Fax: (631) 444-0360  
Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



October 28, 2010

Mr. Richard P. Adrian  
75 Stillwater Avenue  
Massapequa, NY 11758

Re: Permit #1-2824-00536/00003

Dear Permittee:

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6NYCRR, Part 621) we are enclosing your permit. Please carefully read all permit conditions and special permit conditions contained in the permit to ensure compliance during the term of the permit. If you are unable to comply with any conditions, please contact us at the above address.

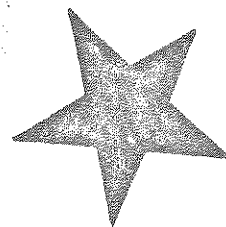
Also enclosed is a permit sign which is to be conspicuously posted at the project site and protected from the weather.

Sincerely,

Claire K. Werner  
Environmental Analyst

CKW/dj  
Enclosure

40 years of stewardship 1970-2010



## PERMIT

### Under the Environmental Conservation Law (ECL)

#### Permittee and Facility Information

Permit Issued To:  
RICHARD P ADRIAN  
75 STILLWATER AVE  
MASSAPEQUA, NY 11758

Facility:  
ADRIAN PROPERTY  
75 STILLWATER AVE NCTM# 23-66-85-111  
MASSAPEQUA, NY 11758

Facility Application Contact:  
SHORE SOLUTIONS  
32 LINCOLN AVE  
MASSAPEQUA, NY 11758  
(516) 816-4163

Facility Location: in OYSTER BAY in NASSAU COUNTY

Facility Principal Reference Point: NYTM-E: 632.6 NYTM-N: 4501.4  
Latitude: 41°39'10.1" Longitude: 73°25'53.6"

Project Location: WATERCOURSE: CANAL #7

Authorized Activity: Reface 80' of bulkhead, raise height of bulkhead by 3.5' across face of boat ramp to close it off, dredge no further than 10' seaward of bulkhead to a depth of -4' below mean low water, place 25 cubic yards dredge material behind bulkhead and within boat ramp as backfill, and install 4' x 22' capping boardwalk. All work must be done in accordance with the attached plans prepared by Shore Solutions, last revised 9/27/10 (2 sheets) and stamped NYSDEC approved on 10/27/10.

#### Permit Authorizations

##### Tidal Wetlands - Under Article 25

Permit ID 1-2824-00536/00003

New Permit

Effective Date: 10/28/2010

Expiration Date: 10/28/2015

##### Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 1-2824-00536/00004

New Permit

Effective Date: 10/28/2010

Expiration Date: 10/28/2015

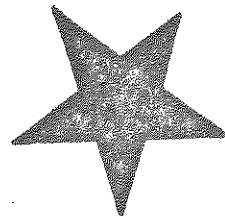
##### Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Permit ID 1-2824-00536/00005

New Permit

Effective Date: 10/28/2010

Expiration Date: 10/28/2015



**NYSDEC Approval**

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: MARK CARRARA, Deputy Regional Permit Administrator  
Address: NYSDEC REGION 1 HEADQUARTERS  
SUNY @ STONY BROOK 50 CIRCLE RD  
STONY BROOK, NY 11790 -3409

Authorized Signature: \_\_\_\_\_

Date 11/2/2010

**Distribution List**

SHORE SOLUTIONS  
Habitat - TW  
CLAIRE K WERNER

**Permit Components**

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

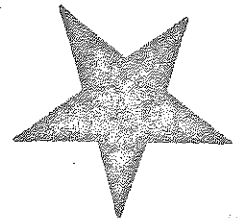
GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

**NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS**

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following  
Permits: TIDAL WETLANDS; WATER QUALITY CERTIFICATION;  
EXCAVATION & FILL IN NAVIGABLE WATERS**

1. **No Interference With Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.

2. **Notice of Commencement** At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.



**3. Excavation for Bulkhead/Structure** Prior to any construction or removal of bulkheads and other shoreline stabilization structures all backfill shall be excavated landward of the structure and retained so as not to enter the waterway, tidal wetland or protected buffer area.

**4. No Construction Debris in Wetland or Adjacent Area** Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.

**5. Storage of Equipment, Materials** The storage of construction equipment and materials shall be confined to the upland area landward of the bulkhead or on a barge.

**6. No Disturbance to Vegetated Tidal Wetlands** There shall be no disturbance to vegetated tidal wetlands or protected buffer areas as a result of the permitted activities.

**7. Clean Fill Only** All fill shall consist of clean sand, gravel, or soil (not asphalt, slag, flyash, broken concrete or demolition debris).

**8. Seeding Disturbed Areas** All areas of soil disturbance resulting from the approved project shall be stabilized with appropriate vegetation (grasses, etc.) immediately following project completion or prior to permit expiration, whichever comes first. If the project site remains inactive for more than 48 hours or planting is impractical due to the season, then the area shall be stabilized with straw or hay mulch or jute matting until weather conditions favor germination.

**9. Temporary Mulch, Final Seeding** If seeding is impracticable due to the time of year, a temporary mulch shall be applied and final seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth but not more than six months after project completion.

**10. Grade to Match That Adjacent to Bulkhead** All fill must be graded to match the elevation of the land immediately adjacent to the bulkhead.

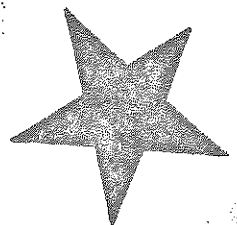
**11. No Structures on Pilings** No structures, other than structures specifically authorized by this permit, shall be constructed on pilings without further authorization from the department (permit, modification or amendment).

**12. Backfilling** All peripheral berms, cofferdams, rock revetments, seawalls, gabions, bulkheads or other approved shoreline stabilization structures shall be completed prior to placement of any fill material behind such structures.

**13. Parallel Capping Boardwalk** The width of the parallel capping boardwalk shall not exceed four (4) feet. No portion of the boardwalk shall extend seaward of the most seaward face of the bulkhead sheathing.

**14. Bulkhead Height** The new bulkhead height shall not exceed the height of the adjacent bulkheads.

**15. Bulkhead Construction** The new sheathing shall be installed face to face with the existing sheathing.



**16. No Runoff Over or Through Bulkhead or into Wetland** There shall be no discharge of runoff or other effluent over or through any bulkhead or shoreline stabilization structure or into any tidal wetland or protected buffer area.

**17. Use of Treated Wood** The use of wood treated with Pentachlorophenol or other wood treatment not specifically approved by the Department for use in wetlands and/or marine waters, is strictly prohibited in the construction of structures that will be in contact with tidal waters.

**18. Dredgings to Remain On-Site/Within Wetland** Dredge material approved to remain on-site and/or within the NYSDEC Tidal Wetlands jurisdiction shall be retained so as not to enter any water body, tidal wetlands, or protected buffer areas. Off-site, upland disposal of dredged material beyond NYSDEC Tidal Wetland jurisdiction requires the additional guidance of the Division of Solid and Hazardous Materials (631) 444-0375 and is not covered by this permit.

**19. Restrict Spillage, Use Closed Bucket** During the dredging operation, the permittee and his contractor shall prevent spillage of sediment during excavation and haulage. Dredging shall be accomplished with a clam shell or other closed bucket equipment.

**20. No Side-casting or Temporary Storage** Excavated sediment shall be placed directly into the approved disposal/dewatering site or conveyance vehicle. No side-casting (double dipping) or temporary storage of dredged material is authorized.

**21. Leave a Uniform Bottom Elevation** All dredging shall be conducted so as to leave a uniform bottom elevation free of mounds or holes.

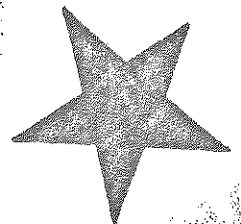
**22. Dragline Prohibited** The use of a dragline for dredging is strictly prohibited.

**23. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

**24. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

**25. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Shore Solutions, last revised 9/27/10 (2 sheets) and stamped NYSDEC approved on 10/27/10.

**26. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to



remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

**27. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

#### WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

**1. Water Quality Certification** The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

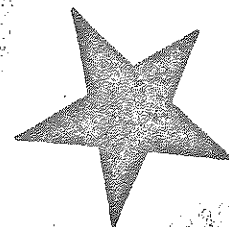
#### GENERAL CONDITIONS - Apply to ALL Authorized Permits:

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

~~The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.~~

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.



**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC REGION 1 HEADQUARTERS  
SUNY @ STONY BROOK 150 CIRCLE RD  
STONY BROOK, NY 11790-3409

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Excavation & Fill in Navigable Waters, Tidal Wetlands, Water Quality Certification.

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

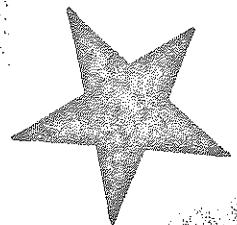
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**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

<b>NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS</b>
--

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection



with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**

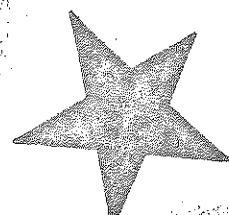
The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



# PROJECT PLAN SITE PLAN VIEW

RECOVERY DREDGE: CLAM SHELL BUCKET DREDGE TO A 4' DEPTH BELOW AHW AND 10' SEAWARD OF BULKHEAD TO MAINTAIN A NAVIGABLE DEPTH- REMOVING UP TO 25 CY DREDGE SPOIL - PLACE RESULTANT DREDGE SPOIL BEHIND BULKHEAD - BACKFILL TO LEVEL GRADE TOTAL FILL UP TO 25 CY UP TO 7 CY FILL TO BE PLACED BELOW SPRING TIDE

ADJ. PROP. OWNER:  
WILLIAM RAY RESIDENCE  
71 STILLWATER AVENUE

WORK AREA  
25' X 60'

RESET 4' CHAIN LINK FENCE

DREDGE AREA  
10' X 60'

CANAL #7  
FLOOD  
EBB

WIDTH OF WATERWAY - 52'  
TO BULKHEADED SHORELINE

PROPOSED DREDGE SPOIL PLACEMENT  
BEHIND NEW BULKHEAD  
CLOSE OFF EXISTING 10'3" X 18'11" SAND BOTTOM BOAT RAMP  
MAKING ONE CONTINUOUS 60' LF BULKHEAD ALONG CANAL

DWELLING

LIMIT OF FILL

EXISTING STEP DOWN (7'11" X 5'10" X 17" DEEP)  
TO REMAIN

EXISTING UPLAND CAPPING  
BOARDWALKS TO REMAIN  
(8'4" X 12'2" & 12'2" X 46')

EXISTING SET OF BOAT  
WHIPS TO REMAIN

APPROVED AS PER TERMS  
AND CONDITIONS OF  
PERMIT NO. 1-2824-005240003

DATE 10/27/10

REFACE EXISTING 80 LF BULKHEAD W/ 1'2" MLW/HHW/RTL @ BH

ADJ. PROP. OWNER:  
THOMAS HICKMAN RESIDENCE  
77 STILLWATER AVENUE

RESET 6' VINYL FENCE

TRUCK AWAY RIBOUT TO AN APPROVED UPLAND SITE  
# 3 REPRESENT EXISTING DEPTHS BELOW AHW

PURPOSE: REPAIR AND MAINTENANCE

PROPOSED: REFACE 80 LF OF TIMBER FLUSH FACE BULKHEAD BOARD ON BOARD WITHIN 2' / RAISE 10'3" SECTION OF BULKHEAD 3'6" TO MEET WITH HEIGHT OF EXISTING BULKHEAD TO CLOSE OFF BOAT RAMP RESULTING IN ONE CONTINUOUS 80 LF BULKHEAD / INSTALL NEW 4' X 21'10" CAPPING BOARDWALK / EXISTING STEP DOWN, UPLAND BOARDWALKS & ONE SET OF BOAT WHIPS TO REMAIN / RECOVERY DREDGE

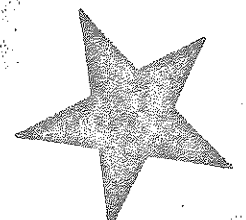
LAT 40° 39' 07" N  
LONG 73° 26' 31.14" W

SCALE 1" = 20'

PREPARED 8/26/2010  
BY SHORE SOLUTIONS  
REVISED 9 / 27 / 2010 TYPD  
FOR: RICHARD P. ADRIAN

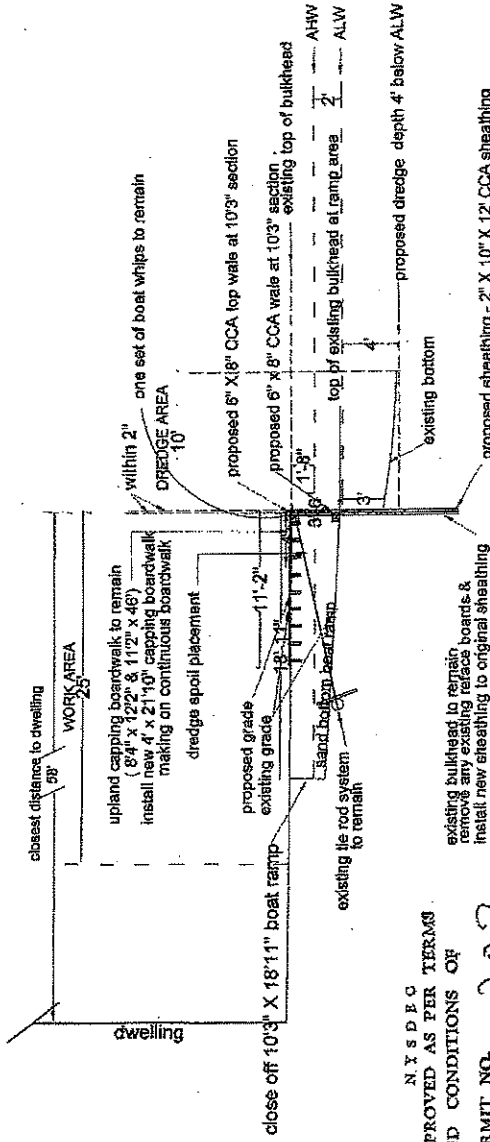
NCTH# S 23 / SEC 66 / BLK 65 / LOT III  
AT: 75 STILLWATER AVENUE  
MASSAPEQUA, NY 11758  
TOWN OF OYSTER BAY  
NASSAU COUNTY

PAGE 1 OF 2



BOARDWALK CONSTRUCTION;  
2" X 8" CCA STRINGERS - 12' O.C.  
5/4" X 6" COMPOSITE DECKING

RECOVER DREDGE ALONG BULKHEAD TO MAINTAIN  
A NAVIGABLE DEPTH - CLAM SHELL BUCKET DREDGE  
TO 4' BELOW ALW DEPTH- AND 10' SEAWARD  
REMOVING UP TO 25 CY DREDGE SPOIL TO BE  
TO BE PLACED BEHIND BULK HEAD  
TOTAL FILL UP TO 25 CY TO BE PLACED BEHIND BULKHEAD  
UP TO 07 CY FILL TO BE PLACED BEHIND SPRING TIDE  
AT OLD BOAT RAMP AREA



N Y S D E C  
 APPROVED AS PER TERMS  
 AND CONDITIONS OF  
 PERMIT NO. 297  
 DATE

TRUCK AWAY RIPOUT TO AN APPROVED UPLAND SITE

PROPOSED: REFACE BO. LF TIMBER FLUSH FACE BULKHEAD BOARD ON BOARD WITHIN 2". RAISE 100" SECTION 36" TO MEET WITH EXISTING BULKHEAD HEIGHT TO CLOSE OFF BOAT RAMP RESULTING IN ONE CONTINUOUS 80 LF BULKHEAD - EXISTING TIMBER STEP DOWN TO REMAIN / INSTALL NEW 4' X 2110" CAPPING BOARDWALK MAKING ONE CONTINUOUS BOARDWALK / ONE SET OF BOAT WHIPS TO REMAIN / RECOVERY DREDGE

ALW = 0.00  
AHW = 2.00'

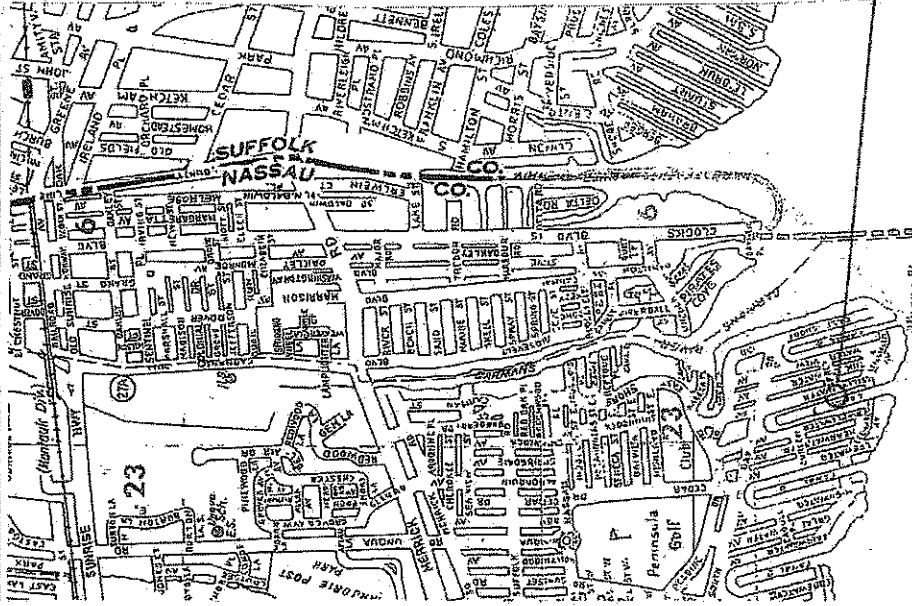
PURPOSE: REFACE BULKHEAD  
CLOSE OFF BOAT RAMP

PREPARED 8 /26 /2010  
BY SHORE SOLUTIONS - DMM  
REVISED 9 /27 /2010 TYPE  
PAGE 2 OF 2

NCTM#: SEC 66 / BLK 85 / LOT 111  
FOR: RICHARD P. ADRIAN  
AT: 75 STILLWATER AVENUE  
MASSAPEQUA, NY 11758  
TOWN OF OYSTER BAY

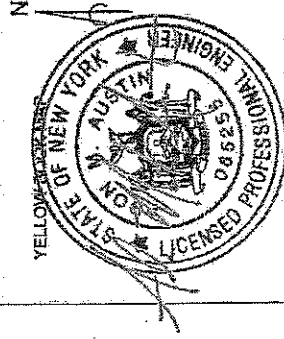
SCALE 1" = 10'

# VICINITY MAP



SITE

LAT 40° 39' 07" N  
LONG 73° 25' 3.14" W

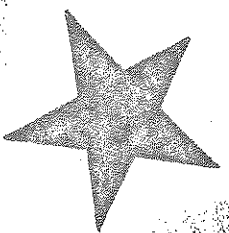


PURPOSE: REPAIR AND MAINTENANCE  
CLOSE OFF BOAT SLIP

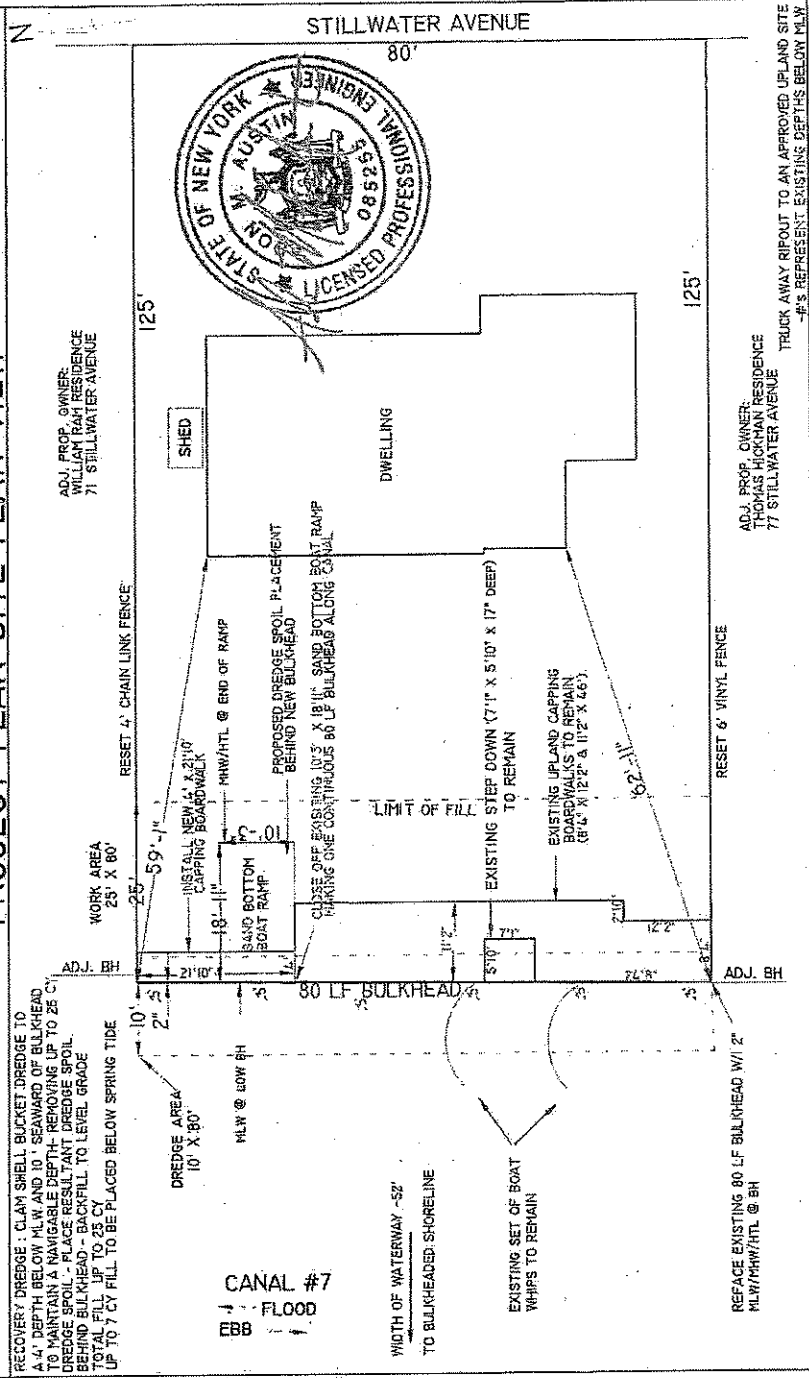
DATUM: MLLW = 0.00'  
MHW = 1.50'  
HTL = SPRING TIDE = 2.00'

PREPARED BY  
SHORE SOLUTIONS -DM  
32 LINCOLN AVE  
MASSAPEQUA, NY 11758  
  
REVISED 4/15/2011 NEW OWNER &  
MATERIAL CHANGE

NCTM#S SD 23 /SEC 66 /BLK 85 /LOT 111  
FOR: KEVIN GUNTHER  
AT: 75 STILLWATER AVENUE  
MASSAPEQUA, NY 11758  
TOWN OF OYSTER BAY  
NASSAU COUNTY  
ON: CANAL # 7



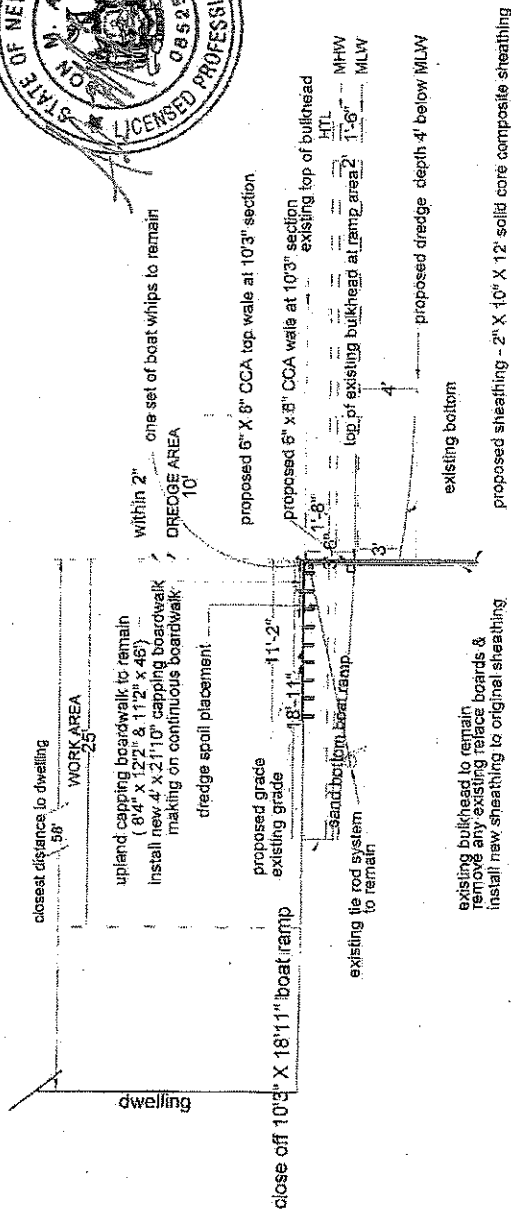
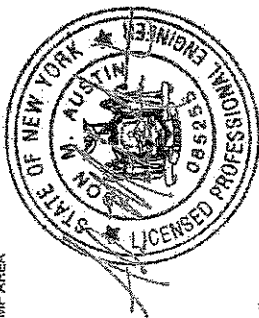
# PROJECT PLAN SITE PLAN VIEW



<p>PURPOSE: REPAIR AND MAINTENANCE</p> <p>PROPOSED: REFACE 80 LF OF TIMBER FLUSH FACE BULKHEAD BOARD ON BOARD WITHIN 2' / RAISE 10'3" SECTION OF BULKHEAD 3'6" TO MEET WITH HEIGHT OF EXISTING BULKHEAD TO CLOSE OFF BOAT RAMP RESULTING IN ONE CONTINUOUS 80 LF BULKHEAD / INSTALL NEW 4' X 2'10" CAPPING BOARDWALK / EXISTING STEP DOWN, UPLAND BOARDWALKS &amp; ONE SET OF BOAT WHIPS TO REMAIN / RECOVERY DREDGE</p>		<p>DATE: MLW = 0.00' MHW = 1.50' HTL = SPRING TIDE = 2.00'</p> <p>LAT 40°39' 07" N LONG 73°26' 51.4" W</p>		<p>SCALE 1" = 20'</p>	<p>PREPARED 8/24/2010 BY SHORE SOLUTIONS</p> <p>REVISED 9/27/2010 TYP. FOR: KEVIN GUNTHER</p> <p>AT: 75 STILLWATER AVENUE, NASSAU COUNTY, NY 11756</p> <p>TOWN OF OYSTER BAY / NASSAU COUNTY</p>
<p>TRUCK AWAY RIPOUT TO AN APPROVED UPLAND SITE - #3 REPRESENT EXISTING DEPTHS BELOW MLW</p>		<p>ADJ. PROP. OWNER: THOMAS HICKMAN RESIDENCE 77 STILLWATER AVENUE</p>		<p>ADJ. PROP. OWNER: WILLIAM RAM RESIDENCE 71 STILLWATER AVENUE</p>	
<p>PAGE 2 OF 3</p>		<p>NCTH#S SD 23 / SEC 66 / BLK 85 / LOT III</p>		<p>FOR: KEVIN GUNTHER</p>	

BOARDWALK CONSTRUCTION:  
2" X 8" CCA STRINGERS - 12" O.C.  
5/4" X 6" COMPOSITE DECKING

RECOVER DREDGE ALONG BULKHEAD TO MAINTAIN A NAVIGABLE DEPTH - CLAM SHELL BUCKET DREDGE TO A 4' BELOW MLW DEPTH- AND 10' SEAWARD REMOVING UP TO 25 CY DREDGE SPOIL TO BE TO BE PLACED BEHIND BULKHEAD  
TOTAL FILL UP TO 25 CY TO BE PLACED BEHIND BULKHEAD TO 7' CY FILL TO BE PLACED BELOW SPRING TIDE AT OLD RAMP AREA.



TRUCK AWAY RIPOUT TO AN APPROVED UPLAND SITE

PROPOSED: REFACE 80 LF TIMBER FLUSH FACE BULKHEAD BOARD ON BOARD WITHIN 2" - RAISE 103" SECTION 36" TO MEET WITH EXISTING BULKHEAD HEIGHT TO CLOSE OFF BOAT RAMP RESULTING IN ONE CONTINUOUS 80 LF BULKHEAD - EXISTING TIMBER STEP DOWN TO REMAIN / INSTALL NEW 4' x 21"0" CAPPING BOARD/WALK MAKING ONE CONTINUOUS BOARDWALK / ONE SET OF BOAT W/IPS TO REMAIN / RECOVERY DREDGE

SCALE 1"=10'

DATUM = MLW = 0.00  
 MHW = 1.50'  
 HTL = 2.00' = spring tide

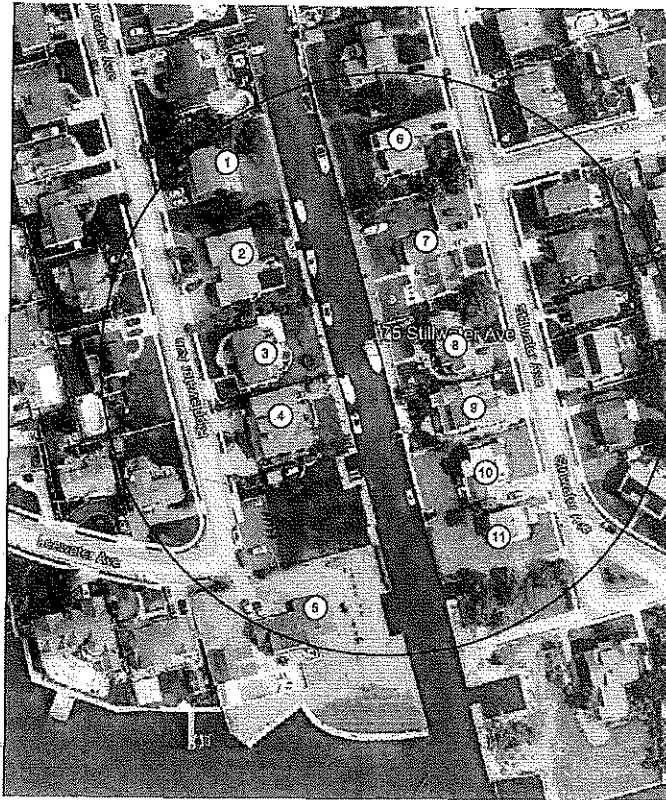
PURPOSE: REFACE BULKHEAD  
CLOSE OFF BOAT RAMP

PREPARED 8/26/2010  
BY SHORE SOLUTIONS - DM

REVISÉ 9/27/2010 TYPO

REVISÉD 4/15/2011 NEW OWNER &amp; MATERIAL CHANGE

NCTM#: SEC 66 / BLK 85 / LOT 111  
FOR: KEVIN GUNTHER  
AT: 75 STILLWATER AVENUE  
MASSAPEQUA, NY. 11758  
TOWN OF OYSTER BAY



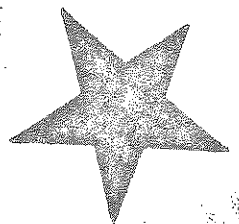
PLAN  
300' - RADIUS MAP SCALE: 1"=150'-0"

TABLE OF PROPERTIES		
ID	OWNER	ADDRESS
1	RICHARD A SCHOOLEY TRU.	76 RIPPLEWATER AVE
2	JOHN OSTUNI	82 RIPPLEWATER AVE
3	IAN W KAHN	86 RIPPLEWATER AVE
4	ANNE M ROMEO	90 RIPPLEWATER AVE
5	ADAM SALAH	109 LEEWATER AVE
6	KRISTIE FENNING	65 STILLWATER AVE
7	WILLIAM RAM	71 STILLWATER AVE
8	KEVIN GUNTHER	LOCATION OF WORK
9	ANITA M HICKMAN	77 STILLWATER AVE
10	FREDERICK G SMITH	81 STILLWATER AVE
11	JOYCE L WELLS	85 STILLWATER AVE




SHEET NO.  <b>SK-1.0</b>	PROJECT NO.	SHEET 300' RADIUS MAP	COMPANY  <b>GEI</b> Consultants GEI CONSULTANTS, INC., P.C. 1000 NEW YORK AVENUE SUITE B HUNTINGTON STATION, NY 11746 (831) 769-9300
	DATE 12-19-23	PROJECT WATERFRONT DEVELOPMENT	
	REVISION A	PREPARED FOR MR. KEVIN GUNTHER LOCATED AT 75 STILLWATER AVE. MASSAPEQUA, NY 11758	

SEAL



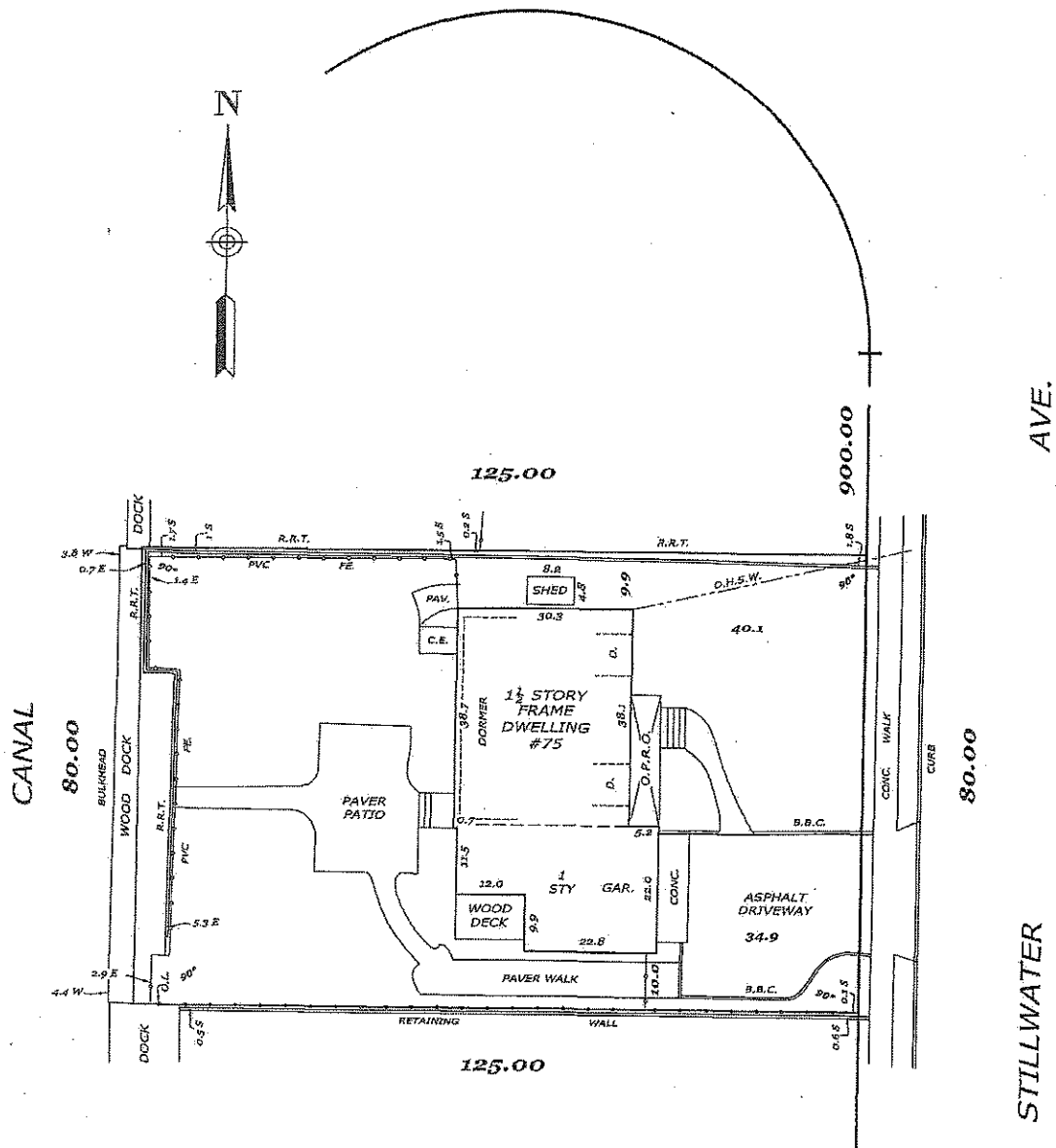
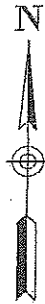
**NON-  
FIRE**

## LEGEND

- |   |                         |
|---|-------------------------|
|  | FENCE                   |
|  | SHRUBS/HEDGES           |
| O.H.S.W.  | OVER HEAD SERVICE WIRES |
| O.L.  | ON-LINE                 |

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS SURVEY IS A VIOLATION OF SEC. 7209 OF THE N.Y.S. EDUCATIONAL LAW. COPIES OF THIS SURVEY NOT BEARING THE SURVEYOR'S INKED OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY. OFFSETS OF BUILDINGS AND OTHER POSSESSIONS ARE NOT TO BE USED FOR CONSTRUCTION OR DESIGN PURPOSES. SUBSURFACE CONDITIONS ARE NOT SHOWN. EASEMENTS & RIGHT OF WAY OF RECORD IF ANY, NOT SHOWN. GUARANTEES INDICATED HEREON ARE NOT TRANSFERABLE.

SOUTH BAY DR.



TAX: SEC: 66

**BLOCK: 85**

LOT(S): 111-114

**Peter J. Brabazon PLS, P.C.**  
**Professional Land Surveyor**

Professional Land Surveyor  
430 West Old Country Rd, Hicksville NY 11801  
Phone: (516) 822-5111 Fax: (516) 822 4395  
[www.BrabazonSurveying.com](http://www.BrabazonSurveying.com)

www.BrabazonSurveying.com

**Successor to:**

KENNETH S. O'BRIEN - BALDWIN - CORNELIUS - PETER -  
WALTER KEMP - FREDERICK W. KAHER - GEORGE H.  
WALBRIDGE CO. (W. SUFFOLK) - PETER L. PFEIDERER JR.  
- ARTHUR W. LEACH - H. E. KISHOP - ROBERT D. JONES  
- (ARTHUR) - SHAN - H. E. KISHOP - JULIUS JARGSTOFF  
- MURRAY M. O'NEILL - JULIUS JARGSTOFF  
J. ROBERTSON - A. A. SCHMIDT - H. E. KISHOP -  
- C. A. MONROE - KAHLER - PYNCHON - SMITH  
- MALCOMSON - ALBERT L. LOEFPLER - WILLIAM S. ALCH -  
BIRDSELL JACKSON

**SURVEY OF PROPERTY AT:**

**MASSAPEQUA**

MAP: OF NASSAU SHORES

**SECTION: 2**

BLOCK: 285 LOT(S): 111-114

111-114

FILED: 05/22/1926

CASE No. \_\_\_\_\_ 91

911

MAP No.: .

COUNTY OF: NASSAU

**NASSAU**

- NOT FOR TITLE PURPOSES -

**SURVEY DATE: 06/03/2023**

WHEREAS, NICHOLAS VASLIAKIS has applied for a permit to erect, maintain, alter or improve a dock, pier, float, bulkhead or similar structure at 54 Jetmore Place, Massapequa, New York 11758, known and designated as Section 65, Block 133 Lots 54-57, on the Nassau County Land and Tax Map; and

WHEREAS, Scott L. Byrne, Deputy Commissioner, Department of Planning and Development, by memorandum dated January 17, 2024, stated that Chapter 241 of the Code of the Town of Oyster Bay entitled "Waterways" requires Town Board approval for structures projecting into the Town waterways, which the proposed structure does, and requested a calendar date of February 27, 2024, for Town Board action, in connection with the aforementioned application; and

WHEREAS, pursuant to Section 241-9(E)(3) of the Code of the Town of Oyster Bay, Deputy Commissioner Byrne, by said memorandum directed NICHOLAS VASLIAKIS, Applicant, to provide an Affidavit of Mailing Notice; and

WHEREAS, more than 14 days have elapsed since said Affidavit of Mailing Notice was provided; and

WHEREAS, Julia K. Schneider, AICP, CPESC, Director of TEQR, Department of Environmental Resources, by memorandum dated January 11, 2024, advised that pursuant to the provisions of the Town of Oyster Bay Environmental Quality Review (TEQR) Law (Chapter 110 of the Oyster Bay Town Code), the Department of Environmental Resources has reviewed the dock building permit application referenced above, and has reviewed the relevant environmental factors affected by the uses proposed in the subject application; and has determined that said application is deemed to fall under the New York State Environmental Quality Review Act (SEQR), 6 NYCRR, Part 617, Section 617.5(c)(12), Type II Actions List, relative to "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" and under Appendix B, Section B(2), of the TEQR Law, relative to "The installation of minor accessory facilities such as lawn sprinkler systems, swimming pool heaters and fire sprinkler systems, provided that such systems comply with all applicable codes and ordinances," and as such have been predetermined not to have a significant impact on the environment or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board declares that the aforementioned dock application is a Type II Action pursuant to the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c) (12) Type II Actions List; and be it further

RESOLVED, That the application of NICHOLAS VASLIAKIS, to erect, maintain, alter or improve a dock, float, pier, bulkhead or similar structure, at 54 Jetmore Place, Massapequa, New York 11758, known and designated as Section 65, Block 133 Lots 54-57 on the Nassau County Land and Tax Map, is 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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

REVIEWED BY  
OFFICE OF TOWN ATTORNEY

TOWN OF OYSTER BAY  
INTER-DEPARTMENTAL MEMO

153

TO: MEMORANDUM DOCKET

FROM: SCOTT L. BYRNE, DEPUTY COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT

DATE: JANUARY 17, 2024

SUBJECT: WATERWAYS REVIEW  
NICHOLAS VASLIAKIS  
54 JETMORE PL.  
MASSAPEQUA, NY 11758  
SECTION 65, BLOCK 133, LOT(S) 54-57  
DOCK BUILDING PERMIT APPLICATION # P2310-0414

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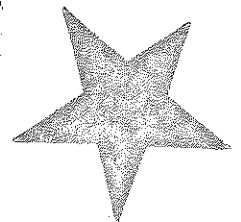
We have received a request from Nicholas Vasliakis to "Reconstruct, in place, 80lf of existing bulkhead and construct new bulkhead returns. Maintenance dredged material and install boat lift. All work is to be done according to the attached plans stamped "NYSDEC Approved" Permit No. 1-2824-03479/00001 dated June 29, 2023. Chapter 241 of the Code of the Town of Oyster Bay entitled "Waterways" requires Town Board approval for structures projecting into the waterways.

Copies of the following documents are attached: Town of Oyster Bay Mooring, Dock, Pier, Float and Bulkhead Permit Application No. P2310-0414; New York State Department of Environmental Conservation (NYSDEC) Permit No. 1-2824-03479/00001 dated June 29, 2023, Department of the Army, New York District Corps of Engineers email dated July 22, 2022 and a letter of General Concurrence with the Federal Consistency Assessment Form from the New York State Department of State dated October 7, 2021. Also attached is a memo from Julia Schneider, Director of TEQR Department of Environmental Resources dated January 11, 2024, classifying the project as a TYPE II ACTION under SEQRA. Please note that plans for the proposed work can be found attached to the DEC permit.

The relevant documents are attached for your review. Please note the proposed plans can be located in the NYSDEC Permit approval.

The proposed work at the subject premises would, in the Department's opinion, be compatible with the surrounding area.

Pursuant to Section §241-9(E)(3) of the Code of the Town of Oyster Bay, all persons, local governments, other agencies or corporations having any property or operating any facilities on the two properties on both sides of the premises for which the permit is sought (four properties in total), and any properties which have any frontage on a waterway and are directly opposite from the subject premises shall be notified at least 14 days in advance, in writing, of the appearance of such matter for Town Board action. It is



HONORABLE MEMBERS OF THE TOWN BOARD  
WATERWAYS REVIEW  
NICHOLAS VASLIAKIS  
54 JETMORE PL.  
MASSAPEQUA, NY 11758  
SECTION 65, BLOCK 133, LOT(S) 54-57  
DOCK BUILDING PERMIT APPLICATION # P2310-0414

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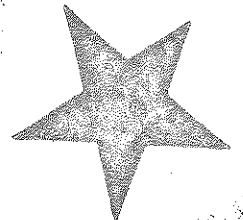
Page 2

the responsibility of the applicant to issue said notices and the applicant shall bear the cost of same. Therefore, I respectfully request that this application be put on the agenda for the February 27, 2024 Town Board calendar to provide the applicant ample time to comply with this requirement.

  
SCOTT L. BYRNE  
DEPUTY COMMISSIONER

HBM/dh  
Encls.

cc: Legislative Affairs (2 copies w/ attachments)  
cc: Town Attorney's Office, Attn: Dennis Sheehan



**TOWN OF OYSTER BAY  
INTER-DEPARTMENTAL MEMO**

January 11, 2024

**TO:** SCOTT BYRNE, DEPUTY COMMISSIONER,  
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JULIA K. SCHNEIDER, DIRECTOR OF TEQR,  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

**SUBJECT:** CLASSIFICATION PURSUANT TO THE STATE ENVIRONMENTAL  
QUALITY REVIEW ACT (SEQR): TYPE II: DOCKS, PIERS & FLOATS PERMIT:  
REVIEW OF WATERWAY APPLICATION NUMBER P2310-0414  
NICHOLAS VASLIAKIS

**LOCATION:** 54 JETMORE PL, MASSAPEQUA  
SECTION 65, BLOCK 133, LOT(S) 54-57

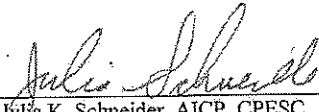
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Pursuant to the provisions of the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law, SEQR, as promulgated in the regulations contained in 6 NYCRR Part 617) and the Town of Oyster Bay Environmental Quality Review (TEQR) Law (Chapter 110 of the Oyster Bay Town Code), the Department of Environmental Resources has reviewed the above-captioned application.

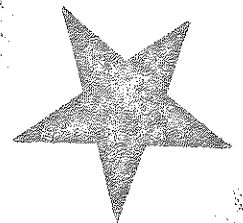
Based on our review, the Department has classified the subject proposed project as a **TYPE II ACTION**, under the SEQR Type II Actions List, at §617.5(c)(12), relative to "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" and under Appendix B, §B(2), of the TEQR Law, relative to "The installation of minor accessory facilities such as lawn sprinkler systems, swimming pool heaters and fire sprinkler systems, provided that such systems comply with all applicable codes and ordinances."

Actions or classes of actions identified in the above-referenced sections of SEQR/TEQR have been pre-determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8.

Inasmuch as the proposed action is on SEQR's pre-determined Type II Actions list and the TEQR Law Type II Actions List, as described above, the Department of Environmental Resources has applied the law and finds that the subject application does not require any further review under SEQR/TEQR.

  
\_\_\_\_\_  
Julia K. Schneider, AICP, CPESC  
Director of TEQR

Filepath: DER Dept. Files/TEQR/TYPE II/Docks/54 Jetmore Pl, Massapequa\_1.11.24



TOWN OF OYSTER BAY  
**Inter-Departmental Memo**  
January 9, 2024

**To** : DEPARTMENT OF ENVIRONMENTAL RESOURCES  
ATTN: JULIA SCHNEIDER, DIRECTOR OF TEQR

**From** : DEPARTMENT OF PLANNING & DEVELOPMENT – PLANNING DIVISION

**Subject** : REVIEW OF WATERWAY APPLICATION NUMBER P2310-0414  
NICHOLAS VASLIAKIS  
54 JETMORE PL.  
MASSAPEQUA, NY 11758  
SEC 65 BLK. 133 LOT 54-57  
ZONE: R1-7

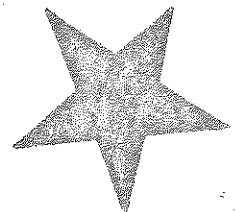
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Attached is a copy of waterway application number P2310-0414 along with one set of all paperwork, approvals and plans submitted with this application. Please review the paperwork, approvals and plans for compliance with the Environmental Ordinances of the Town of Oyster Bay. Kindly send all correspondence directly to the Planning Division. Thank you for your attention to this matter.

---

DAWN HAUNER  
PLANNING DIVISION

DH



SECTION 65 BLOCK 133 LOT(S) 54-51 62310-0417



P1-7

TOWN OF OYSTER BAY  
DEPARTMENT OF PLANNING & DEVELOPMENT  
DIVISION OF BUILDING  
Town Hall  
Oyster Bay, New York 11771

62310-0414

**APPLICATION FOR PERMIT TO BUILD OR INSTALL**

APPLICATION MUST BE TYPEWRITTEN OR PRINTED IN INK LEGIBLY.

Name Nicholas Vasiak's Street Address 54 Jethere PL Phone # [REDACTED]  
Zip Mass 11758  
PROPERTY OWNER: Nicholas Vasiak's  
LESSEE: [REDACTED]  
TENANT: [REDACTED]  
APPLICANT: Jamet Moses  
Bulkhead Remnts 2 Whalenck Dr Merrick NY 11566 516 546-3479

ARCHITECT: [REDACTED]  
CONTRACTOR: DRG Construction LLC 1504/15-1774  
245 Suta Wln St Freeport NY 11520  
PLUMBER: [REDACTED]  
ELECTRICIAN: GML Electric 87th Ave EAST  
Rockaway NY 11518 516 523-8999

ADDRESS OF CONSTRUCTION: [REDACTED]  
IF DIFFERENT FROM ABOVE: NO. & STREET POST OFFICE ZIP CODE  
LOCATION OF PROPERTY: N.E.S.W. SIDE OF [REDACTED] FEET  
N.E.S.W. OF [REDACTED] (STREET) (POST OFFICE)  
OR [REDACTED] (STREET) (POST OFFICE)  
N.E.S.W. OF [REDACTED] corner of [REDACTED] and [REDACTED] (STREET) (POST OFFICE)

A. TYPE OF IMPROVEMENT		TYPE OF BUILDING	
		B. PROPOSED USE	
EXISTING	PROPOSED	EXISTING	PROPOSED
1. NEW BUILDING/STRUCTURE	<input type="checkbox"/>	1. ONE FAMILY	<input type="checkbox"/>
2. ADDITION/EXTENSION	<input type="checkbox"/>	2. TWO FAMILY	<input type="checkbox"/>
3. ALTERATION (i.e. Garage Conversion)	<input type="checkbox"/>	3. PARENT CHILD	<input type="checkbox"/>
4. DECK	<input type="checkbox"/>	4. GARAGE	<input type="checkbox"/>
5. AWNING/ROOF-OVER	<input type="checkbox"/>	5. BUSINESS	<input type="checkbox"/>
6. CELLAR ENTRANCE	<input type="checkbox"/>	6. INDUSTRIAL	<input type="checkbox"/>
7. REISSUE #	<input type="checkbox"/>	7. RESTAURANT	<input type="checkbox"/>
8. OTHER	<input type="checkbox"/>	8. PUBLIC ASSEMBLY	<input type="checkbox"/>
		9. OTHER	<input type="checkbox"/>

DESCRIBE THE WORK IN DETAIL (Size and Dimension(s) of Structure(s)) Re Construct in place. 60' bulkhead  
(3) Returns dredge. Best life

A Disclosure Affidavit needs to be filed with the Application if there is a potential conflict of interest between a property owner, applicant, contractor or other involved party to an Application and any employees or other relationships to the Town of Oyster Bay.

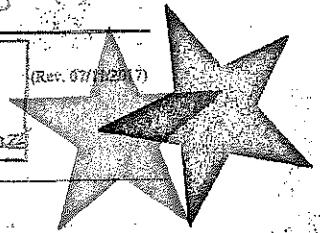
**HAVE BOTH AFFIDAVITS NOTARIZED**  
THE OWNER OF THE BUILDING & THE UNDERSIGNED AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE TOWN OF OYSTER BAY, COUNTY OF NASSAU & STATE OF NEW YORK

STATE OF NEW YORK  
COUNTY OF NASSAU  
SS:  
Jamet Moses being duly sworn, deposes and says: That he/she resides at 2 Whalenck Dr in the town of Merrick in the State of New York and that he/she is authorized by the Owner Nicholas Vasiak's who is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements contained herein are true to deponent's own knowledge.  
Address: 2 Whalenck Dr Merrick NY  
Phone: 516 346 3479 11566  
(Sign here) Jamet Moses  
Sworn to before me this 31st day of June 2023

STATE OF NEW YORK  
COUNTY OF NASSAU  
SS:  
Nicholas Vasiak's being duly sworn, deposes and says: That he/she resides at 54 Jethere PL in the town of Nassau in the State of New York and that he/she is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, that the work proposed to be done upon the said premises, will be done in accordance with the approved application and accompanying plans, and hereby authorizes Jamet Moses (applicant) to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements herein contained are true to deponent's own knowledge.  
(Sign here) Nicholas Vasiak's (owner)  
Sworn to before me this 31 day of June 2023

NOTARY PUBLIC  
Joseph Panetta  
Notary Public, State of New York  
No. 014006126523  
Qualified in Nassau County  
Commission Expires 09/30/2024

JOSEPH PANETTA  
Notary Public, State of New York  
No. 014006126523  
Qualified in Suffolk County  
Commission Expires September 30, 2024



## PLUMBING

*Must Submit A Riser Diagram Indicating Piping, Size, Runs and Venting*

	Basement	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
Water Closet					
Lavatory					
Bath Tub					
Shower					
Kitchen Sink					
Dish Washer					
Washing Machine					
Slop Sink					
Indirect Waste					
Urinal					
Other					
Gas Range					
Gas Dryer					
Gas HVAC					
Gas Heater					
Gas Boiler					
Gas Furnace					
Gas Hot Water Heater					
Gas Other					

**NO LEAD SOLDER FOR POTABLE WATER LINES**

The undersigned licensed plumber acknowledges that it is unlawful to extend or alter any existing, or install any new, plumbing or drainage work until a permit has been duly issued in conformance with the provisions of the Code of the Town of Oyster Bay and the New York State Uniform Fire Prevention and Building Code and agrees to abide accordingly.

License Number: \_\_\_\_\_  
Plumber's Name: \_\_\_\_\_  
Business Address: \_\_\_\_\_

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Notary Public

Acknowledged: \_\_\_\_\_  
Master Plumber (Signature)

## ELECTRICAL

*Must Submit An Electrical Diagram*

	Basement	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
Appliances					
Dryer					
Range/Stove					
Air Conditioner Unit					
Heating Equipment					
Fan					
Switches					
Outlets					
Receptacles					
Disconnects					
Electrical Panel					
Other					

The undersigned licensed electrician acknowledges that it is unlawful to extend or alter any existing, or install any new, electrical components until a Town of Oyster Bay approved set of building plans (together with electrical diagrams) stamped and sealed by a New York State licensed design professional has been duly issued in conformance with the Code of the Town of Oyster Bay and the provisions of the New York State Uniform Fire Prevention and Building Code and agrees to abide accordingly.

License Number: 24662  
Electrician's Name: Guy Loyer  
Business Address: 8 Fifth Avenue  
EAST ROCKAWAY NY 11518

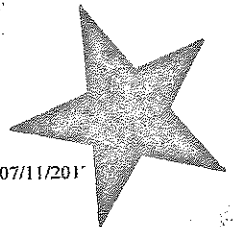
Sworn to before me this 20th day of SEPTEMBER 2023

\_\_\_\_\_  
Notary Public

Acknowledged: \_\_\_\_\_  
Master Electrician (Signature)

Gary W. Moses  
Notary Public State of New York  
Reg. NO. 01400186523  
Qualified in Nassau County  
Commission Expires 05/05/2024

(Revised 07/11/2017)



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1  
SUNY at Stony Brook, 50 Circle Road, Stony Brook, NY 11790  
P: (631) 444-0365 | F: (631) 444-0360  
www.dec.ny.gov

June 29, 2023

Nicholas Vasliakis  
54 Jetmore Pl  
Massapequa, NY 11758

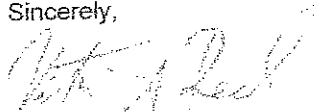
RE: Permit No. 1-2824-03479/00001  
Facility: 54 Jetmore Pl, Massapequa  
NCTM# 65-133-Lots 54-57

Dear Permittee:

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6NYCRR, Part 621) we are enclosing your permit for the referenced activity. Please carefully read all permit conditions and special permit conditions contained in the permit to ensure compliance during the term of the permit. If you are unable to comply with any conditions, please contact us at the above address.

Also enclosed is a permit sign which is to be conspicuously posted at the project site and protected from the weather and a Notice of Commencement/Completion of Construction.

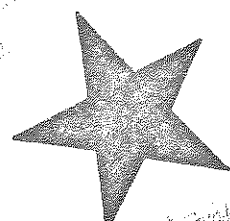
Sincerely,



Victoria Reed  
Environmental Analyst

Cc: Bulkhead Permits by Gary, BMHP, File

NEW YORK STATE  
DEPARTMENT OF  
ENVIRONMENTAL  
CONSERVATION



## PERMIT

### Under the Environmental Conservation Law (ECL)

#### Permittee and Facility Information

Permit Issued To:  
NICHOLAS VASILLAKIS  
54 JETMORE PL  
OYSTER BAY, NY 11771

Facility:  
VASILLAKIS PROJECT  
54 JETMORE PL  
OYSTER BAY, NY 11771

Facility Application Contact:  
BULKHEAD PERMITS BY GARY INC  
2 WHALENECK DR  
MERRICK, NY 11566  
(516) 546-3479

Facility Location: in OYSTER BAY in NASSAU COUNTY

Facility Principal Reference Point: NYTM-E: 628.325 NYTM-N: 4502.024  
Latitude: 40°39'32.8" Longitude: 73°28'55.2"

Project Location: 54 Jetmore PL, Massapequa NCTM# 65-133-lots 54-57 Watercourse: Willson Canal  
Authorized Activity: Reconstruct, in-place, 80 linear feet of existing, functional bulkheading and construct new bulkhead returns. Maintenance dredge the area up to 10 feet seaward of the bulkhead to maximum depth -4 MLW. Use dredged material as backfill for reconstructed bulkhead only. Install boat lift (i.e., pneumatic, electric, mechanical) at a residential docking facility. The lift must be located in unvegetated areas with a minimum water depth of -2.5 MLLW. All authorized activities shall be done in strict conformance with the attached plans by Bulkhead Permits by Gary, last dated 4-26-2023, and stamped "NYSDEC Approved" on 6/29/2023. (VAR) (DEP-ARNO)

#### Permit Authorizations

##### Tidal Wetlands - Under Article 25

Permit ID 1-2824-03479/00001

New Permit

Effective Date: 6/29/2023

Expiration Date: 6-28-2028

##### Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 1-2824-03479/00002

New Permit

Effective Date: 6/29/2023

Expiration Date: 6-28-2028

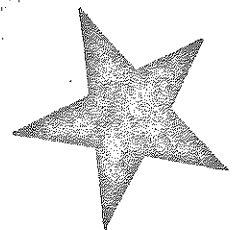
##### Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Permit ID 1-2824-03479/00003

New Permit

Effective Date: 6/29/2023

Expiration Date: 6/28/2028



### NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: MARY A MACKINNON, DEPUTY REGIONAL PERMIT ADMINISTRATOR  
Address: NYSDEC Region 1 Headquarters  
SUNY @ Stony Brook 50 Circle Rd  
Stony Brook, NY 11790-3409

Authorized Signature: *Mary A Mackinnon*

Date: *9/17/11*

#### Distribution List

BULKHEAD PERMITS BY GARY INC  
Bureau of Marine Habitat Protection  
File  
Victoria Reed

#### Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

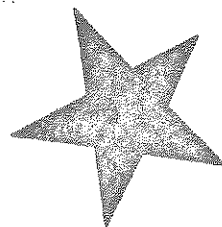
GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following  
Permits: TIDAL WETLANDS; WATER QUALITY CERTIFICATION;  
EXCAVATION & FILL IN NAVIGABLE WATERS**

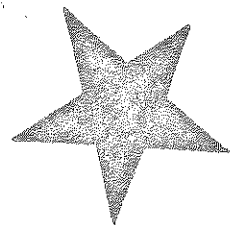
1. **Regulated Activities Authorized By This Permit** This permit ONLY authorizes those regulated activities / structures identified under the section titled "SAP Authorized Activity". The Department does not issue after-the-fact or as-built permits. This permit does not authorize activities, or legitimize the existence of structures, which would have required a permit but for which no permit or other authorization has been granted by the Department

2. **Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

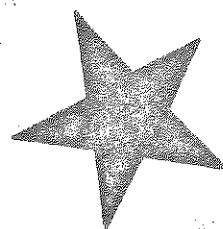




3. **Notice of Commencement** At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.
4. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Bulkhead Permits by Gary, last dated 4.26.2023 and stamped NYSDEC approved on 6.29.2023.
5. **Failure to Meet Permit Conditions** Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.
6. **Excavation for Bulkhead/Structure** Prior to any construction or removal of bulkheads and other shoreline stabilization structures all backfill shall be excavated landward of the structure and retained so as not to enter the waterway, tidal wetland or protected buffer area.
7. **Replacement Bulkhead Maximum Height** The top elevation of the replacement bulkhead shall be no more than 18 inches higher than the existing bulkhead.
8. **No Seaward Extension of Bulkhead** The new bulkhead shall be constructed in place of the existing bulkhead with no seaward extension of the outermost bulkhead face.
9. **Parallel Capping Boardwalk** The width of the parallel capping boardwalk shall not exceed six (6) feet. No portion of the boardwalk shall extend seaward of the most seaward face of the bulkhead sheathing.
10. **Jet-in Bulkhead** Bulkheads constructed directly adjacent to vegetated tidal wetlands shall be hand driven or jetted in with no disturbance to the tidal wetland. Trenching is strictly prohibited.
11. **Backfilling** The installation of the approved replacement bulkhead shall be completed prior to the placement of any fill material behind the structure.
12. **Clean Fill Only** All fill shall consist of clean sand, gravel, or soil (not asphalt, slag, flyash, broken concrete or demolition debris).
13. **No Runoff Over or Through Bulkhead or into Wetland** Upon completion of the bulkhead replacement authorized herein, there shall be no discharge of runoff or other effluent over or through the structure or into any tidal wetland or protected buffer area.
14. **Disturbance to Vegetated Tidal Wetlands Prohibited** There must be no disturbance to vegetated tidal wetlands, tidal wetlands adjacent areas and protected buffer areas as a result of the permitted activity beyond that approved herein.
15. **No Construction Debris in Wetland or Adjacent Area** Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.



16. **Minimize Adverse Impacts to Wetlands, Wildlife, Water** All work must be performed in a manner which minimizes adverse impacts to wetlands, wildlife, water quality and natural resources.
17. **Dredgings to Remain On-Site/Within Wetland** Dredge material approved to remain on-site and/or within the NYSDEC Tidal Wetlands jurisdiction shall be retained so as not to enter any water body, tidal wetlands, or protected buffer areas. Off-site, upland disposal of dredged material beyond NYSDEC Tidal Wetland jurisdiction requires the additional guidance of the Division of Materials Management (631) 444-0375 and is not covered by this permit.
18. **Restrict Spillage, Use Closed Bucket** During the dredging operation, the permittee and his contractor shall prevent spillage of sediment during excavation and haulage. Dredging shall be accomplished with a clam shell or other closed bucket equipment or hydraulic dredge equipment.
19. **No Side-casting of Dredged Material** Excavated sediment shall be placed directly into the approved work area landward of the replacement bulkhead. No side-casting (double dipping) of dredged material is authorized.
20. **Leave a Uniform Bottom Elevation** All dredging shall be conducted so as to leave a uniform bottom elevation free of mounds or holes.
21. **Dragline Prohibited** The use of a dragline for dredging is strictly prohibited.
22. **Boat Lift in Unvegetated Area Only** Boat lift installation is authorized in unvegetated areas only.
23. **No Boat Lifts at Property Lines** The boat lift must be installed so that all components of the structure are located a minimum of 5 feet from any property line and so that docked vessels do not:
- A. Extend laterally over property lines.
  - B. Interfere with navigation.
  - C. Interfere with other landowners riparian rights.
24. **No Structures on Reconstructed Bulkhead or Pilings** No structures, other than structures specifically authorized by this permit, shall be constructed on the reconstructed bulkhead or pilings without further authorization from the department (new permit, modified permit).
25. **Use of Treated Wood** The use of wood treated with creosote, pentachlorophenol or other wood treatment not specifically approved by the department for use in wetlands and/or marine waters, is strictly prohibited in the construction of structures that will be in contact with tidal waters.
26. **Debris Removal** Should any demolition or construction debris fall into the waterway or enter the protected buffer area and/or tidal wetlands, it will be removed immediately.
27. **Debris Disposal** All demolition and construction debris will be properly disposed of at a licensed facility.



**28. Storage of Equipment, Materials** The storage of construction equipment and materials shall be confined within the project work area and/or upland areas greater than 75 linear feet from the tidal wetland boundary.

**29. Seeding Disturbed Areas** All areas of soil disturbance resulting from the approved project shall be stabilized with appropriate vegetation (grasses, etc.) immediately following project completion or prior to permit expiration, whichever comes first. If the project site remains inactive for more than 48 hours or planting is impractical due to the season, then the area shall be stabilized with straw or hay mulch or jute matting until weather conditions favor germination.

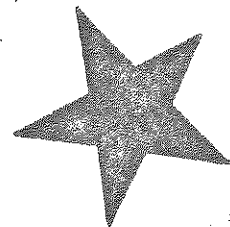
**30. No Interference With Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.

**31. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

**32. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

**33. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

**34. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.



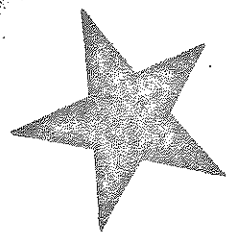
## WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. **Water Quality Certification** The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

## GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. **Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).  
The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.  
A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.
2. **Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.
3. **Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC Region 1 Headquarters  
SUNY at Stony Brook 50 Circle Rd  
Stony Brook, NY 11790-3409





**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Excavation & Fill in Navigable Waters, Tidal Wetlands, Water Quality Certification.

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

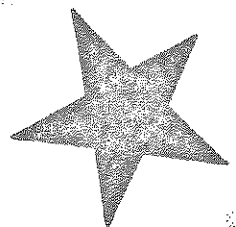
### NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

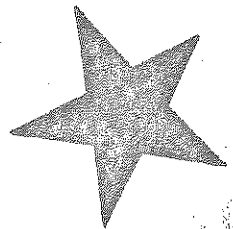


**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



# Project Plan

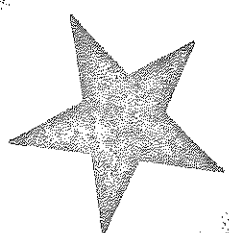
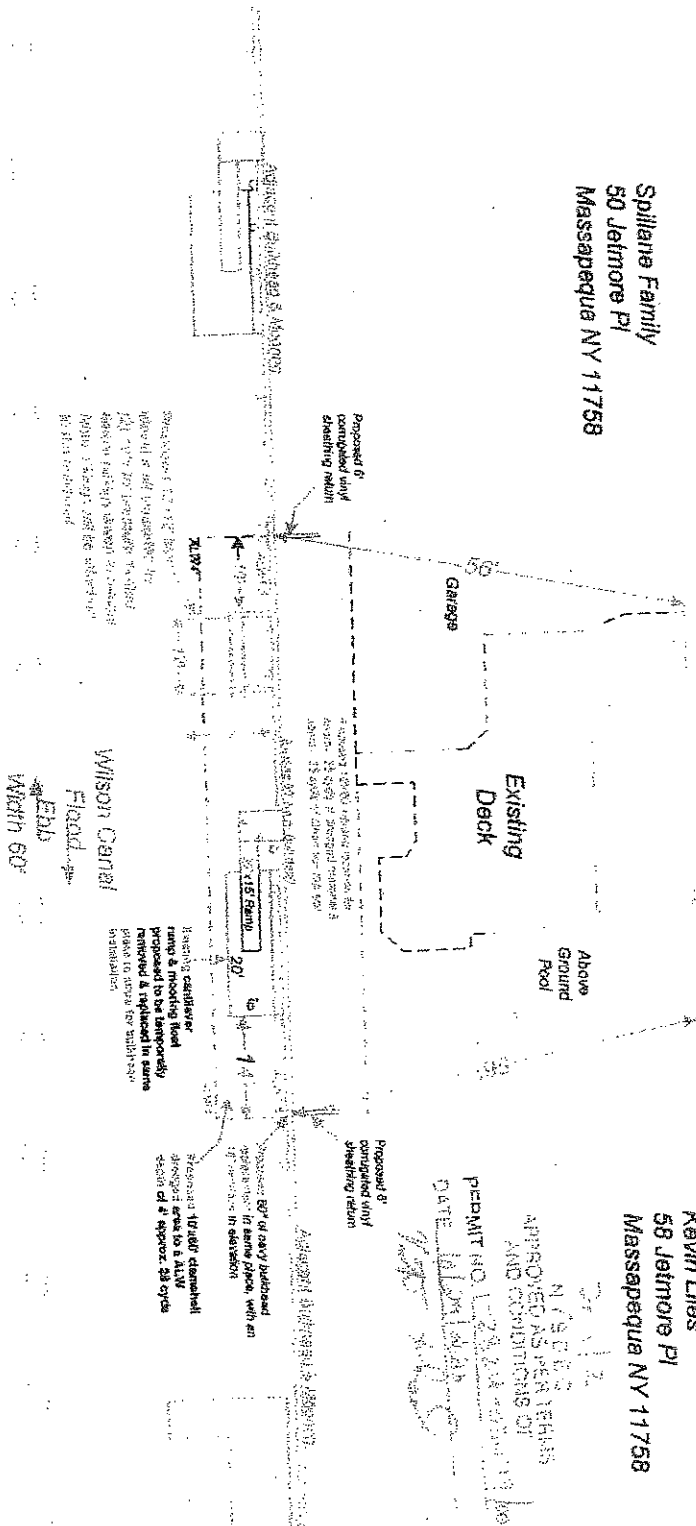
Jelmore Pl

Applicant: Nicholas Vasilakis  
 Project Site: 54 Jelmore Pl  
 Massapequa NY 11758  
 Proposed: Bulkhead replacement  
 in same place, with a 18"  
 increase in elevation, minor dredging  
 & Vertical Boat elevator lift  
 Scale: 1"=20'  
 Prepared by Bulkhead  
 Permits by Gary Inc.  
 2 Whalenack Drive  
 Merrick, NY 11566  
 April 26, 2023

Spillane Family  
 50 Jelmore Pl  
 Massapequa NY 11758

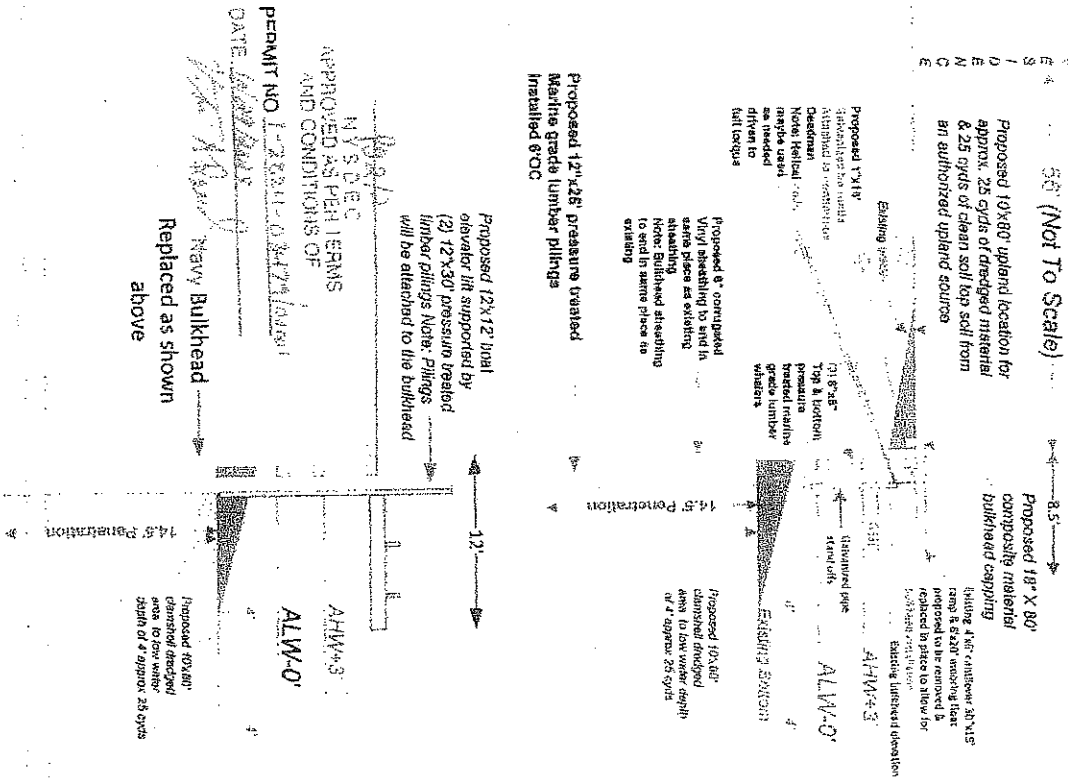
Sec 65  
 Blk 133  
 Lot 54-57

Kevin Liles  
 58 Jelmore Pl  
 Massapequa NY 11758



# TYPICAL 80' of Bulkhead Replacement

Cross View



## Notes:

### Bulkhead Construction

1. Bulkhead Sheathing will be Shore Guard 425 or approved equivalent.
2. Contractor shall field fit mooring piles and sheathing as shown on plan. Slight modification may be made to avoid conflict with the rods and culverts.
3. Anchoring hardware, nails and bolts shall be hot dip galvanized.
4. Sheet pile length minimum 18' in length Shore Guard corrugated vinyl.
5. All tie rods will be galvanized metal, 1" in diameter min.
6. Galvanized or stainless steel bolt heads and nuts will be used with cut washers.
7. Timber will be pressure treated marine grade.
8. Deadman ASTM D25 Treated Pile-Continuous Perpetration
9. Existing bulkhead removed new bulkhead installed with an 18" increase in elevation prior to dredging and back fill to prevent a return flow into waterway during construction.

### Bulkhead Installation

1. Piling installed 6' OC and will be driven to depth shown on the typical section or refusal pilings will be minimum 12"x25' length & diameter, installed 6'OC, with (3) 6"x8" support whalers min.
2. Virtual refusal is defined as ten blows per inch with an approved pile hammer. (By Geotechnical Engineer)
3. Sheet pilings shall be driven vertical to form a continuous bulkhead with horizontal tolerance of 2% of plumb length measured along the pile
4. For sheet piles a vibratory hammer to drive to specified depth may be used

### Lumber Specifications

1. Fb- 1700 PSI, E=1,800,000 PSI
2. Preservation Treatment: Comply with AWWA Standards for Marine-Salt Water piles with a minimum wet retention of 2.5 CCA for AWWA Category UC5A, and UC5C exposures. Testing of retention by the gauge method will be acceptable.

Applicant: Nicholas Vasilakis  
Project Site: 54 Jetmore Pl  
Massapequa NY 11758  
Proposed: Vertical Boatlift  
Scale: 1"=10'  
Prepared by Bulkhead  
Permits by Gary Inc.  
2 Whalenock Drive  
Merrick, NY 11566  
April 26, 2023

**NOTICE OF COMMENCEMENT OF CONSTRUCTION**

RETURN THIS FORM TO: COMPLIANCE

Marine Habitat Protection - NYSDEC  
SUNY at Stony Brook  
50 Circle Road  
Stony Brook, NY 11790-3409

Or Fax to: 631-444-0272

E-Mail: [dec.sm.R1MHP-BEH@dec.ny.gov](mailto:dec.sm.R1MHP-BEH@dec.ny.gov)

PERMIT NUMBER: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

PERMITTEE NAME & PROJECT ADDRESS: \_\_\_\_\_

CONTRACTOR NAME & ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

Dear DEC:

Pursuant to the special conditions of the referenced permit, you are hereby notified that the authorized activity shall commence on \_\_\_\_\_ We certify that we have read the referenced permit and approved plans and fully understand the authorized project and all permit conditions. We have inspected the project site and can complete the project as described in the permit and as depicted on the approved plans. We can do so in full compliance with all plan notes and permit conditions. The permit, permit sign, and approved plans will be available at the site for inspection in accordance with General Condition No. 1. (Both signatures required)

PERMITTEE: \_\_\_\_\_ DATE: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_ DATE: \_\_\_\_\_

THIS NOTICE MUST BE SENT TO THE ABOVE ADDRESS AT LEAST TWO DAYS PRIOR TO COMMENCEMENT OF THE PROJECT AND/OR ANY ASSOCIATED ACTIVITIES. FAILURE TO RETURN THIS NOTICE, POST THE PERMIT SIGN, OR HAVE THE PERMIT AND APPROVED PLANS AVAILABLE AT THE WORK SITE FOR THE DURATION OF THE PROJECT MAY SUBJECT THE PERMITTEE AND/OR CONTRACTOR TO APPLICABLE SANCTIONS AND PENALTIES FOR NON-COMPLIANCE WITH PERMIT CONDITIONS.

Cut along this line X X X X X X X X

**NOTICE OF COMPLETION OF CONSTRUCTION**

RETURN THIS FORM TO: COMPLIANCE

Marine Habitat Protection - NYSDEC  
50 Circle Road  
Stony Brook, NY 11790-3409

Or Fax to: 631-444-0272

E-Mail: [dec.sm.R1MHP-BEH@dec.ny.gov](mailto:dec.sm.R1MHP-BEH@dec.ny.gov)

PERMIT NUMBER: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

PERMITTEE NAME & PROJECT ADDRESS: \_\_\_\_\_

CONTRACTOR NAME & ADDRESS: \_\_\_\_\_

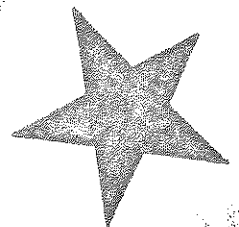
TELEPHONE: \_\_\_\_\_

Pursuant to special conditions of the referenced permit, you are hereby notified that the authorized activity was completed on \_\_\_\_\_. We have fully complied with the terms and conditions of the permit and approved plans. (Both signatures required)

PERMITTEE: \_\_\_\_\_ DATE: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_ DATE: \_\_\_\_\_

THIS NOTICE, WITH PHOTOGRAPHS OF THE COMPLETED WORK AND/OR A COMPLETED SURVEY, AS APPROPRIATE, MUST BE SENT TO THE ABOVE ADDRESS WITHIN 30 DAYS OF COMPLETION OF THE PROJECT.





Department of  
Environmental  
Conservation

# NOTICE

The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Departmental conditions on it, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Regional Permit Administrator  
**SHERRI AICHER**

Permit Number: 1-2824-03479/00001

NYSDEC Region 1 Environmental Permits

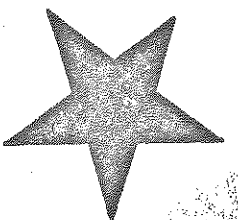
50 Circle Road

Stony Brook, NY 11790-3409

Email: [dep.r1@dec.ny.gov](mailto:dep.r1@dec.ny.gov)

Expiration Date: 06/28/2028

Note: This notice is NOT a permit



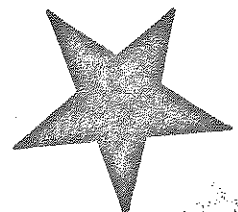
Ms. Moses,

It is important to note that the repair or replacement of an existing, currently serviceable structure, like a bulkhead, can normally be accomplished under Nationwide General Permit (NWP) Number 3, without the need to provide prior notification to the Corps district. Also, the dredging of no more than 25 cubic yards below the plane of mean high water can normally be accomplished under NWP 19, without the need to provide prior notification to the Corps district.

As per Title 33, of the Code of Federal Regulations (CFR), Part 330.1 (b), "nationwide permits (NWP) are a type of general permit issued by the Chief of Engineers and are designed to regulate with little, if any, delay or paperwork certain activities having minimal impacts"; per 33 CFR 330.1 (c), "an activity is authorized under an NWP only if that activity and the permittee satisfy all of the NWP's terms and conditions", and per 33 CFR 330.1 (e)(1), "...permittees may proceed with activities authorized by NWPs without notifying the DE" (District Engineer).

Sometimes, people submit questions to this email address when they already have an assigned permit application number or have already had some degree of contact with this district. Please let me know if you have either, so that I can share this information with the proper Corps personnel.

Thank You, Brian



**Dawn Hauner**

---

**From:** bulkheadpermits@aol.com  
**Sent:** Thursday, December 7, 2023 8:09 PM  
**To:** Dawn Hauner  
**Subject:** Re: vasilaskis 54 jetmore pl massap  
**Attachments:** Jetmore canal PDF.pdf

CAUTION: This email originated from outside of our organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

Good Morning Dawn

If you look at the DOS atlas and enter the address it will tell you if the canal is artificial! The canals that are artificial have a yellow dot in the waterway, see attached All you have to do is enter the address below, it will take you to the DOS atlas and you can do your review

This procedure was created to eliminate busy work for all persons involved. By reaching out to the DOS staff you are creating work where the regulation was implemented to eliminate. So bigger community projects can be addressed

<https://new-york-opd-geographic-information-gateway-nysdos.hub.arcgis.com/apps/coastal-atlas/explore>

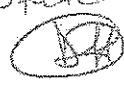
If I ask for this email, in the past the DOS department head calls the town to explain the regulation. I was under the impression they spoke to you already. Is that correct?

Can you please call me 516-546-3479?

Comments please

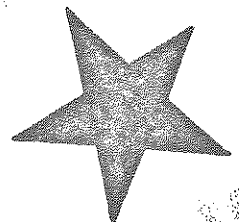
Thank You

Gary

\*Please see the  
attached documents  
received from the  
Dept. of State  


On Thursday, December 7, 2023 at 04:01:28 PM EST, Dawn Hauner <dhauner@oysterbay-ny.gov> wrote:

Good afternoon Janet,



STATE OF NEW YORK  
DEPARTMENT OF STATE  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
HTTPS://DOS.NY.GOV

KATHY HOCHUL  
GOVERNOR  
ROSSANA ROSADO  
SECRETARY OF STATE

October 07, 2021

VIA EMAIL ONLY

Stephan A. Ryba  
Chief, Regulatory Branch  
Department of the Army  
New York District, Corps of Engineers

Steven Metivier  
Chief, Regulatory Branch  
Department of the Army  
Buffalo District, Corps of Engineers

Re: F-2021-0784 (previously F-2020-0754)  
U.S. Army Corps of Engineers – Supplemental  
Coordination under the Coastal Zone Management Act 15  
CFR 930.46 for the proposed Reissuance and Modification  
of 41 Nationwide Permits as presented in the September 15,  
2020 proposed rule. Statewide Coastal Areas.  
Recertification of Consistency Decision

Dear Sirs:

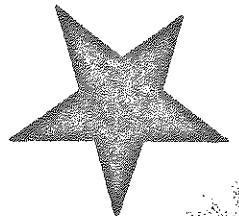
The Department of State (Department or DOS) has reviewed your letter dated August 19, 2021 requesting reaffirmation of this Department's concurrence with the proposed reissuance of the remaining 41 Nationwide Permits that were not finalized on January 12, 2021. Since the activity which was previously reviewed by the Department has not been changed, our previous decision issued on December 10, 2020 for F-2020-0754 (DA) (copy enclosed) remains in effect.

To summarize the Department's decision for the issued and proposed Nationwide Permits, please see the table below:

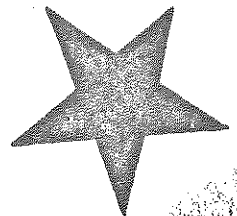
Nationwide Permits CZM Requirements - NYS DOS CZM #F-2021-0784 (DA) [Previously #F-2020-0754 (DA)]				
NWP #	Title	Effective Date	NYS CZM Decision	Expiration Date
1	Aids to Navigation	TBD	Concurrence - no further review required	14-Mar-26
2	Structures in Artificial Canals	TBD	Conditioned - Individual CZM Review Required ONLY in New York City	14-Mar-26



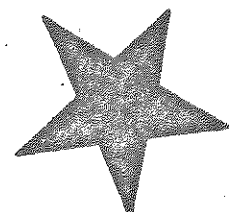
Department  
of State



NWP #	Title	Effective Date	NYS CZM Decision	Expiration Date
3	Maintenance	TBD	Conditioned - Individual CZM Review Required in All 'Tidal Wetlands' EXCEPT within the canals identified by DOS* at: <u>NYS DOS Canals</u> Individual CZM review required in all 'Non-Tidal Wetlands' except when in-place replacement with no increase in footprint or waterward expansion, or for those authorized by New York State Department of Environmental Conservation (DEC) under General Permit GP-0-20-004 Great Lakes Erosion Control General Permit.	14-Mar-26
4	Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities	TBD	Concurrence - no further review required	14-Mar-26
5	Scientific Measurement Devices	TBD	Objection - Individual CZM Review Required	14-Mar-26
6	Survey Activities	TBD	Conditioned - Individual CZM Review Required EXCEPT where the activities to be authorized would be limited to sample plots or transects for wetland delineations and historic resources surveys.	14-Mar-26
7	Outfall Structures and Associated Intake Structures	TBD	Objection - Individual CZM Review Required	14-Mar-26
8	Oil and Gas Structures on the Outer Continental Shelf	TBD	Objection - Individual CZM Review Required	14-Mar-26
9	Structures in Fleeting and Anchorage Areas	TBD	Conditioned - Individual CZM Review Required ONLY in New York City	14-Mar-26
10	Mooring Buoys	TBD	Concurrence - no further review required	14-Mar-26
11	Temporary Recreation Structures	TBD	Conditioned - Individual CZM Review Required EXCEPT where the activities to be authorized are for structures that are in place for no more than 30 days in a given calendar year and are for non-residential purposes.	14-Mar-26
12	Oil or Natural Gas Pipeline Activities (previously 'Utility Line Activities')	15-Mar-21	Objection - Individual CZM Review Required	14-Mar-26
13	Bank Stabilization	TBD	Conditioned - Individual CZM Review Required EXCEPT where the activities would be authorized under General Permit GP-0-20-004 Great Lakes Erosion Control General Permit, or would occur within the canals identified by DOS* at: <u>NYS DOS Canals</u>	14-Mar-26



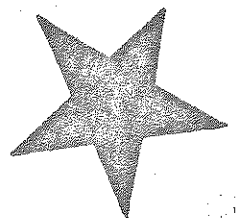
NWP #	Title	Effective Date	NYS CZM Decision	Expiration Date
14	Linear Transportation Projects	TBD	Objection - Individual CZM Review Required	14-Mar-26
15	U.S. Coast Guard Approved Bridges	TBD	Concurrence - no further review required	14-Mar-26
16	Return Water from Upland Contained Disposal Facilities	TBD	Concurrence - no further review required	14-Mar-26
17	Hydropower Projects	TBD	Concurrence - no further review required	14-Mar-26
18	Minor Discharges	TBD	Concurrence - no further review required	14-Mar-26
19	Minor Dredging	TBD	Concurrence - no further review required	14-Mar-26
20	Response Operations for Oil or Hazardous Substances	TBD	Concurrence - no further review required	14-Mar-26
21	Surface Coal Mining Activities	15-Mar-21	Objection - Individual CZM Review Required	14-Mar-26
22	Removal of Vessels	TBD	Concurrence - no further review required	14-Mar-26
23	Approved Categorical Exclusions	TBD	Objection - Individual CZM Review Required	14-Mar-26
24	Indian Tribe or State Administered Section 404 Program	TBD	Concurrence - no further review required	14-Mar-26
25	Structural Discharges	TBD	Objection - Individual CZM Review Required	14-Mar-26
26	[Reserved]	TBD	[Reserved]	14-Mar-26
27	Aquatic Habitat Restoration, Establishment, and Enhancement Activities	TBD	Objection - Individual CZM Review Required	14-Mar-26
28	Modification of Existing Marinas	TBD	Conditioned - Individual CZM Review Required ONLY in New York City	14-Mar-26
29	Residential Developments	15-Mar-21	Objection - Individual CZM Review Required	14-Mar-26
30	Moist Soil Management for Wildlife	TBD	Concurrence - no further review required	14-Mar-26
31	Maintenance of Existing Flood Control Facilities	TBD	Concurrence - no further review required	14-Mar-26
32	Completed Enforcement Actions	TBD	Objection - Individual CZM Review Required	14-Mar-26
33	Temporary Construction, Access, and Dewatering	TBD	Objection - Individual CZM Review Required	14-Mar-26
34	Cranberry Production Activities	TBD	Concurrence - no further review required	14-Mar-26
35	Maintenance Dredging of Existing Basins	TBD	Conditioned - Individual CZM Review Required ONLY in New York City	14-Mar-26
36	Boat Ramps	TBD	Conditioned - Individual CZM Review Required ONLY in New York City	14-Mar-26
37	Emergency Watershed Protection and Rehabilitation	TBD	Concurrence - no further review required	14-Mar-26
38	Cleanup of Hazardous and Toxic Waste	TBD	Conditioned - Individual CZM Review Required ONLY in New York City	14-Mar-26



NWP #	Title	Effective Date	NYS CZM Decision	Expiration Date
39	Commercial and Institutional Developments	15-Mar-21	Objection - Individual CZM Review Required	14-Mar-26
40	Agricultural Activities	15-Mar-21	Objection - Individual CZM Review Required	14-Mar-26
41	Reshaping Existing Drainage Ditches	TBD	Concurrence - no further review required	14-Mar-26
42	Recreational Facilities	15-Mar-21	Objection - Individual CZM Review Required	14-Mar-26
43	Stormwater Management Facilities	15-Mar-21	Objection - Individual CZM Review Required	14-Mar-26
44	Mining Activities	15-Mar-21	Objection - Individual CZM Review Required	14-Mar-26
45	Repair of Uplands Damaged by Discrete Events	TBD	Objection - Individual CZM Review Required	14-Mar-26
46	Discharges in Ditches	TBD	Concurrence - no further review required	14-Mar-26
47	[Reserved]	TBD	[Reserved]	14-Mar-26
48	Commercial Shellfish Mariculture Activities (formerly 'Commercial Shellfish Aquaculture Activities')	15-Mar-21	Objection - Individual CZM Review Required	14-Mar-26
49	Coal Remining Activities	TBD	Objection - Individual CZM Review Required	14-Mar-26
50	Underground Coal Mining Activities	15-Mar-21	Objection - Individual CZM Review Required	14-Mar-26
51	Land-Based Renewable Energy Generation Facilities	15-Mar-21	Objection - Individual CZM Review Required	14-Mar-26
52	Water-Based Renewable Energy Generation Facilities	15-Mar-21	Objection - Individual CZM Review Required	14-Mar-26
53	Removal of Low-Head Dams	TBD	Concurrence - no further review required	14-Mar-26
54	Living Shorelines	TBD	Objection - Individual CZM Review Required	14-Mar-26
55	Seaweed Mariculture Activities (proposed NWP A)	15-Mar-21	Objection - Individual CZM Review Required	14-Mar-26
56	Finfish Mariculture Activities (proposed NWP B)	15-Mar-21	Objection - Individual CZM Review Required	14-Mar-26
57	Electric Utility Line and Telecommunications Activities (proposed NWP C)	15-Mar-21	Objection - Individual CZM Review Required	14-Mar-26
58	Utility Line Activities for Water and Other Substances (proposed NWP D)	15-Mar-21	Objection - Individual CZM Review Required	14-Mar-26
59	Water Reclamation and Reuse Facilities (proposed NWP E)	TBD	Objection - Individual CZM Review Required	14-Mar-26

TBD: These permits will go into effect 60 days AFTER they are published in the Federal Register.

\* Full Link for the DOS Identified Canals: <http://opdgig.dos.ny.gov/#!/map/0/3345C51F-A8E3-4662-87B2-4780F59C73CC/-81.939,38.194,-69.590,45.406/topo/1>



Please feel free to contact Jennifer Street ([Jennifer.Street@dos.ny.gov](mailto:Jennifer.Street@dos.ny.gov)) or Matthew Maraglio ([Matthew.Maraglio@dos.ny.gov](mailto:Matthew.Maraglio@dos.ny.gov)) at (518) 474-6000 and reference file no. F-2021-0784 (DA).

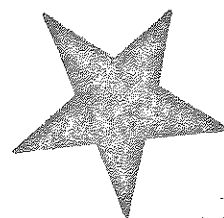
Sincerely,



Gregory L. Capobianco  
Office of Planning, Development and  
Community Infrastructure

Enclosure

ecc: COE/New York District – [Christopher.S.Mallery@usace.army.mil](mailto:Christopher.S.Mallery@usace.army.mil)  
COE/Buffalo District – [Bridget.Brown@usace.army.mil](mailto:Bridget.Brown@usace.army.mil)  
COE/New England District – [Diane.M.Ray@usace.army.mil](mailto:Diane.M.Ray@usace.army.mil)  
COE/HQ – [David.B.Olson@usace.army.mil](mailto:David.B.Olson@usace.army.mil)  
OCM – [Jeff.Payne@noaa.gov](mailto:Jeff.Payne@noaa.gov); [David.Kaiser@noaa.gov](mailto:David.Kaiser@noaa.gov); [Kerry.Kehoe@noaa.gov](mailto:Kerry.Kehoe@noaa.gov)  
DEC/Central Office – [Scott.Sheeley@dec.ny.gov](mailto:Scott.Sheeley@dec.ny.gov)



STATE OF NEW YORK  
DEPARTMENT OF STATE  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

ANDREW M. CUOMO  
GOVERNOR  
ROSSANA ROSADO  
SECRETARY OF STATE

December 10, 2020

Mr. Stephan A. Ryba  
Chief, Regulatory Branch  
Department of the Army  
New York District, Corps of Engineers  
Jacob K. Javits Federal Building  
New York, New York 10278-0090

Ms. Diane Kozlowski  
Chief, Regulatory Branch  
Department of the Army  
Buffalo District, Corps of Engineers  
1776 Niagara Street  
Buffalo, New York 14207-3199

Re: F-2020-0754 (DA)  
U.S. Army Corps of Engineers – Proposed 2020  
New York and Buffalo Districts' Regional Conditions, the  
Reissuance and Modification of the Nationwide Permit  
Program, the issuance of five new Nationwide Permits.  
Statewide Coastal Areas

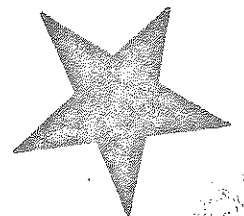
Dear Sir and Madam:

The Department of State (DOS) has completed its review of the U.S. Army Corps of Engineers (Corps) consistency determination indicating that the proposed reissuance and modification of its nationwide permits (NWP) and issuance of five (5) new NWPs and proposed regional conditions, pursuant to 33 CFR Part 330 is and will be conducted in a manner consistent to the maximum extent practicable with the New York State Coastal Management Program.

- I. Pursuant to 15 CFR § 930.41, DOS concurs with the Corps consistency determination for the following NWPs anywhere in the New York State coastal area
1. Aids to Navigation
  4. Fish and Wildlife Harvesting, Enhancement and Attraction Devices and Activities
  10. Mooring Buoys
  15. U.S. Coast Guard Approved Bridges
  16. Return Water from Upland Contained Disposal Areas
  17. Hydropower Projects
  18. Minor Discharges
  19. Minor Dredging
  20. Response Operations for Oil and Hazardous Substances



Department  
of State



- 22. Removal of Vessels
- 24. Indian Tribe or State Administered Section 404 Programs
- 30. Moist Soil Management for Wildlife
- 31. Maintenance of Existing Flood Control Facilities
- 34. Cranberry Production Activities
- 37. Emergency Watershed Protection and Rehabilitation
- 41. Reshaping Existing Drainage Ditches
- 46. Discharges in Ditches
- 53. Removal of Low-Head Dams

**II. Pursuant to 15 CFR § 930.41 and § 930.43 DOS concurs with the Corps' consistency determination for those NWP's with the additional condition(s), as follows:**

**3. Maintenance**

DOS concurs with the Corps' consistency determination for NWP 3;

- For projects outside of Marine and Coastal District Waters (all tidal waters south of the Governor Mario M. Cuomo Bridge) within or affecting the NYS Coastal Area where the activities to be authorized primarily involve the repair/replacement in-place or landward of a lawful structure or fill, with no waterward expansion or increase in footprint;
- for projects authorized by New York State Department of Environmental Conservation (DEC) under General Permit GP-0-20-004 Great Lakes Erosion Control General Permit;
- for projects proposed solely within the artificial canals identified by DOS at: <https://www.dos.ny.gov/opd/atlas/>.

**6. Survey Activities**

DOS concurs with the Corps' consistency determination for NWP 6 where the activities to be authorized would be limited to sample plots or transects for wetland delineations and historic resources surveys.

**11. Temporary Recreational Structures**

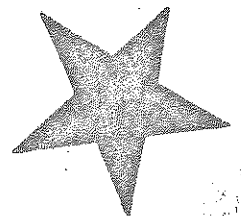
DOS concurs with the Corps' consistency determination for NWP 11 where the activities to be authorized are for structures that are in place for no more than 30 days in a given calendar year and are for non-residential purposes.

**13. Bank Stabilization**

DOS concurs with the Corps' consistency determination for NWP 13 where the activities would be authorized under General Permit GP-0-20-004 Great Lakes Erosion Control General Permit or would occur within the canals identified by DOS at: <https://www.dos.ny.gov/opd/atlas/>.

**III. Pursuant to 15 CFR § 930.41 and § 930.43, DOS concurs with the Corps' consistency determination for the following NWP's where the activities would occur outside of the New York City Waterfront Revitalization Program:**

- 2. Structures in Artificial Canals
- 9. Structures in Fleeting and Anchorage Areas
- 28. Modifications of Existing Marinas
- 35. Maintenance Dredging of Existing Basins
- 36. Boat Ramps



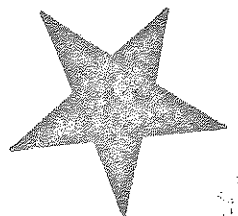
38. Cleanup of Hazardous and Toxic Waste

**IV. Pursuant to 15 CFR § 930.41 and § 930.43 DOS objects to the Corps' consistency determination for the following NWP's anywhere in the New York coastal area:**

- 5. Scientific Measuring Devices
- 7. Outfall Structures and Associated Intake Structures
- 8. Oil and Gas Structures on the Outer Continental Shelf
- 12. Oil or Natural Gas Pipeline Activities
- 14. Linear Transportation Projects
- 21. Surface Coal Mining Activities
- 23. Approved Categorical Exclusions
- 25. Structural Discharges
- 27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities
- 29. Residential Developments
- 32. Completed Enforcement Activities
- 33. Temporary Construction, Access, and Dewatering
- 39. Commercial and Institutional Developments
- 40. Agricultural Activities
- 42. Recreational Facilities
- 43. Stormwater Management Facilities
- 44. Mining Activities
- 45. Repair of Uplands Damaged by Discrete Events
- 48. Commercial Shellfish Aquaculture Activities
- 49. Coal Remining Activities
- 50. Underground Coal Mining Activities
- 51. Land-Based Renewable Energy Generation Facilities
- 52. Water-Based Renewable Energy Generation Pilot Projects
- 54. Living Shorelines
  - A. Seaweed Mariculture Activities
  - B. Finfish Mariculture Activities
  - C. Electric Utility Line and Telecommunications Activities
  - D. Utility Line Activities for Water and Other Substances
  - E. Water Reclamation and Reuse Facilities

**Basis for Decision**

The nationwide permits listed in II, III, and IV above could authorize activities which would be inconsistent with one or more of the State's CMP policies and federally approved amendments to the CMP. First, in II, where the listed conditions are not complied with, the activities should not be subject to a nationwide permit and if so conducted, would be inconsistent with the CMP. These activities would affect the State's CMP policies pertaining to water dependent uses (Policies #1, #2, #3, #4, #20, #21); appropriate development in appropriate areas and expediting permits for that development (Policies #1, #2, #5, #6); the protection, preservation, and where practicable restoration of State designated significant coastal fish and wild life habitats (Policy #7); the protection of fish and wildlife from pollutants and hazardous wastes (Policies #8, #31, #34, #35, #36, #38, #40); flooding and erosion hazards (Policies #11, #12, #13, #14, #15, #16, #17); infringements on the public use of coastal waters and water related recreational uses (Policies #19, #20, #21, #22); preventing the impairment of scenic resources (Policies #24 and #25); the conservation of agricultural lands (Policies #26, #35); the preservation and protection of freshwater and tidal wetlands and the benefits derived from them (Policy #44); and the protection of the quality of coastal waters (Policies #30, #31, #33, #34, #35, #36, #39).



These activities would also affect these policies as they are reflected in the Long Island Sound Regional Coastal Management Program and federally approved Local Waterfront Revitalization Programs.

Next, in III, where the activities would be located within the CMP special management area New York City Waterfront Revitalization Program (NYC WRP), the activities should not be subject to a nationwide or regional permit and if so conducted, would be inconsistent with the CMP. These activities would affect the NYC WRP policies pertaining to: water dependent uses (Policies #1, #2, #3, and #8); appropriate development in appropriate areas (Policies #1, #2, #3, #8, #9, and #10); the protection, preservation, and where practicable restoration of designated significant coastal fish and wildlife habitats (Policy #4); the protection of fish and wildlife from pollutants and hazardous wastes (Policies #4, #5, and #7); flooding and erosion hazards and increasing climate resilience (Policy #6); infringements on the public use of coastal waters and water related recreational uses (Policies #3, and #8); preventing the impairment of scenic resources (Policy #9); the preservation and protection of freshwater and tidal wetlands and the benefits derived from them (Policies #4, and #5); and the protection of the quality of coastal waters (Policies #4, #5, and #7).

Further, in IV, the activities should not be subject to a nationwide or regional permit and if so conducted, would be inconsistent with the CMP. These activities would affect the State's CMP policies pertaining to: water dependent uses (Policies #1, #2, #3, #4, #20, #21); appropriate development in appropriate areas and expediting permits for that development (Policies #1, #2, #5, #6); the protection, preservation, and where practicable restoration of State designated significant coastal fish and wild life habitats (Policy #7); the protection of fish and wildlife from pollutants and hazardous wastes (Policies #8, #31, #34, #35, #36, #38, #40); flooding and erosion hazards (Policies #11, #12, #13, #14, #15, #16, #17); infringements on the public use of coastal waters and water related recreational uses (Policies #19, #20, #21, #22); preventing the impairment of scenic resources (Policies 24 and 25); the conservation of agricultural lands (Policies #26, #35); the preservation and protection of freshwater and tidal wetlands and the benefits derived from them (Policy #44); and the protection of the quality of coastal waters (Policies #30, #31, #33, #34, #35, #36, #39). These activities would also affect these policies as they are reflected in the Long Island Sound Regional Coastal Management Program and federally approved Local Waterfront Revitalization Programs.

Finally, the NWP's listed in II, where the listed conditions are not complied with, III, where the activities would be located within the NYC Waterfront Revitalization Program, and IV above were determined not to be consistent to the maximum extent practicable with the State CMP policies for several reasons: 1) the specific nature of the authorized activity is unknown (e.g. structures in fleeting and anchorage areas, residential developments, approved categorical exclusions, completed enforcement actions); 2) the size, extent and duration of the authorized activity is limitless (e.g. utility line backfill and bedding, structural discharges, maintenance dredging of existing basins); 3) the established thresholds for an activity are excessive (e.g. bank stabilization, headwaters and isolated waters discharges, 1/2 acre loss of waters); 4) the provisions of the permits do not reflect the existing conditions of the geographic areas in which the authorized activity would occur; 5) coordinated review of authorized activities will be limited and expedited review by the Corps would exclude valuable local knowledge of on-site conditions and potential effects on local resources (e.g. water-based renewable energy); 6) the mitigation condition does not advocate "avoidance" and viable alternatives or advocating activities that would advance relevant CMP policies as the principal means of minimizing adverse effects on coastal waters, habitats, wetlands, scenic areas, special aquatic sites (mitigation banks vs. on-site mitigation); and 7) the authorized activities could be inconsistent with locally adopted and State and federally approved plans as expressed in federally approved amendments to the CMP.

**Alternative Measures - Regional Conditions**

Pursuant to 15 CFR § 930.43(a)(3), DOS should describe alternative measures which, if adopted by the Corps, would allow the Corps to proceed with the reissuance, modification, and issuance of new NWP's in a manner consistent to the maximum extent practicable with the CMP. According to 33 CFR § 330.4(d)(2), the Division or District Engineers may establish regional conditions for NWP's that would make them consistent with the CMP and as such, DOS is committed to developing regional conditions with the appropriate districts.

To ensure that the Corps' NWP's and activities authorized by them would be consistent with the CMP and approved LWRP's, the following condition applies to:

- 1) the NWP's listed in **II** above that do not meet the stated conditions and
  - 2) the NWP's listed in **III** when the activity to be authorized would occur within the NYC Waterfront Revitalization Program
- And
- 3.) the NWP's listed in **IV** above

Activities authorized pursuant to these Nationwide Permits shall be submitted to DOS for review by the applicant. DOS will review the proposed activities pursuant to 15 CFR Part 930 Subpart D. DOS concurrence with an applicant's consistency certification shall not be presumed unless DOS fails to concur with or object to an applicant's consistency certification within six (6) months of commencement of DOS' review of an applicant's consistency certification and all necessary data and information in accordance with 15 CFR § 930.62 or § 930.63.

Should you have any questions regarding this consistency decision please contact Matthew Maraglio ([matthew.maraglio@dos.ny.gov](mailto:matthew.maraglio@dos.ny.gov)) or Jennifer Street ([jennifer.street@dos.ny.gov](mailto:jennifer.street@dos.ny.gov)).

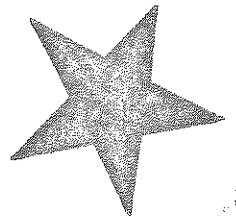
Sincerely



Kisha Santiago-Martinez  
Deputy Secretary of State  
Office of Planning, Development and Community  
Infrastructure

KSM/rf

cc: OCM - Jeffery L. Payne - via e-mail  
OCM - Kerry Kehoe, David Kaiser - via e-mail  
COE/HQ - David B. Olson - via e-mail  
COE/Buffalo District - Bridget Brown - via e-mail  
COE/New York District - Amanda Regan - via e-mail  
NYSDEC/Central Office - Scott Sheeley via e-mail



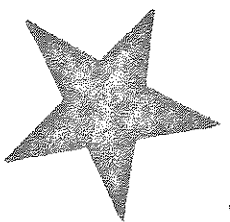
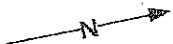
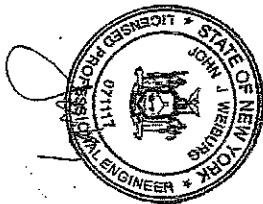
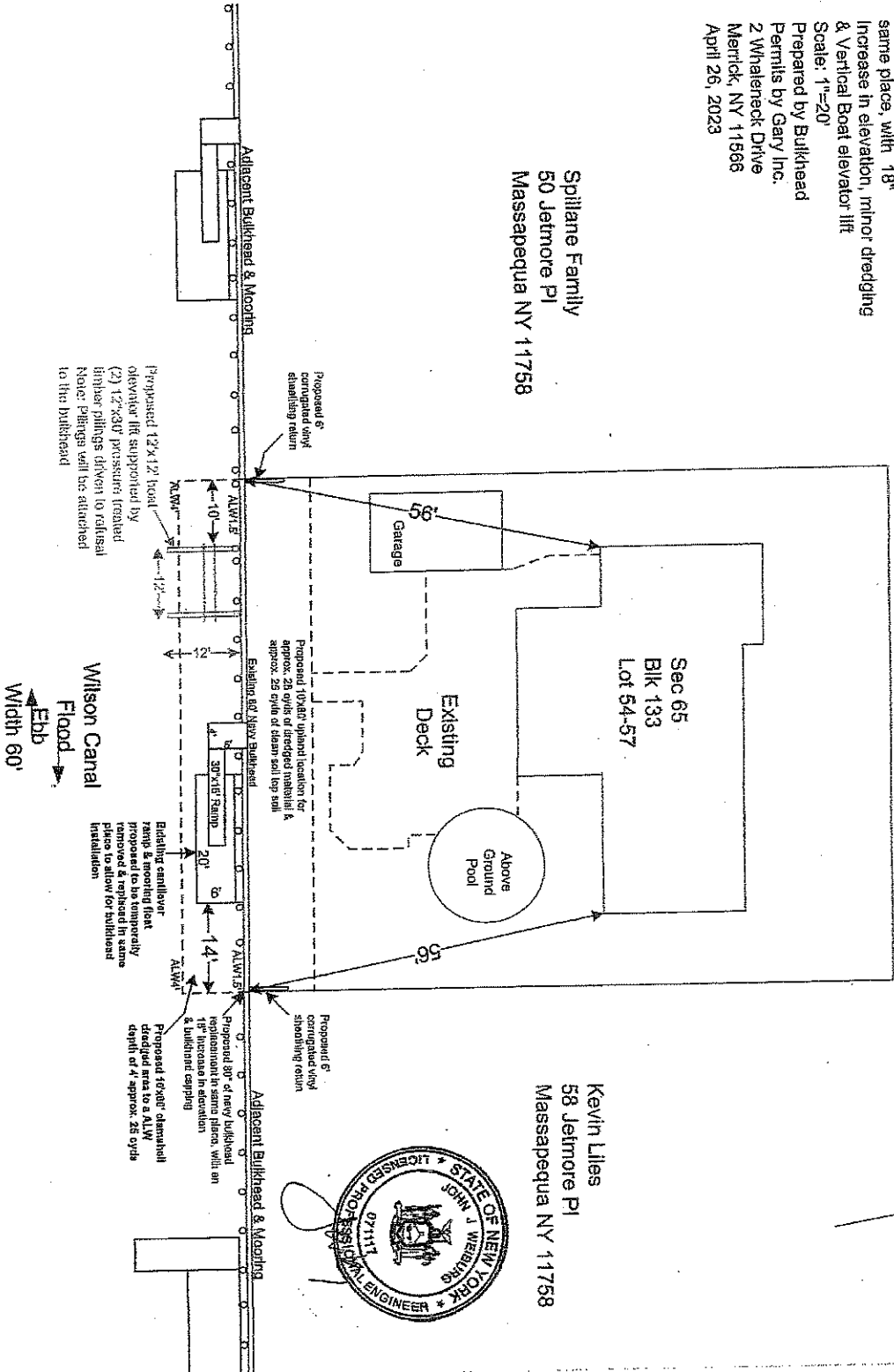
Applicant: Nicholas Vasiaklis  
 Project Site: 54 Jetmore Pl  
 Massapequa NY 11758  
 Proposed: Bulkhead replacement in  
 same place, with 18"  
 increase in elevation, minor dredging  
 & Vertical Boat elevator lift  
 Scale: 1"=20'  
 Prepared by Bulkhead  
 Permits by Gary Inc.  
 2 Whalerneck Drive  
 Merrick, NY 11566  
 April 26, 2023

# Project Plan

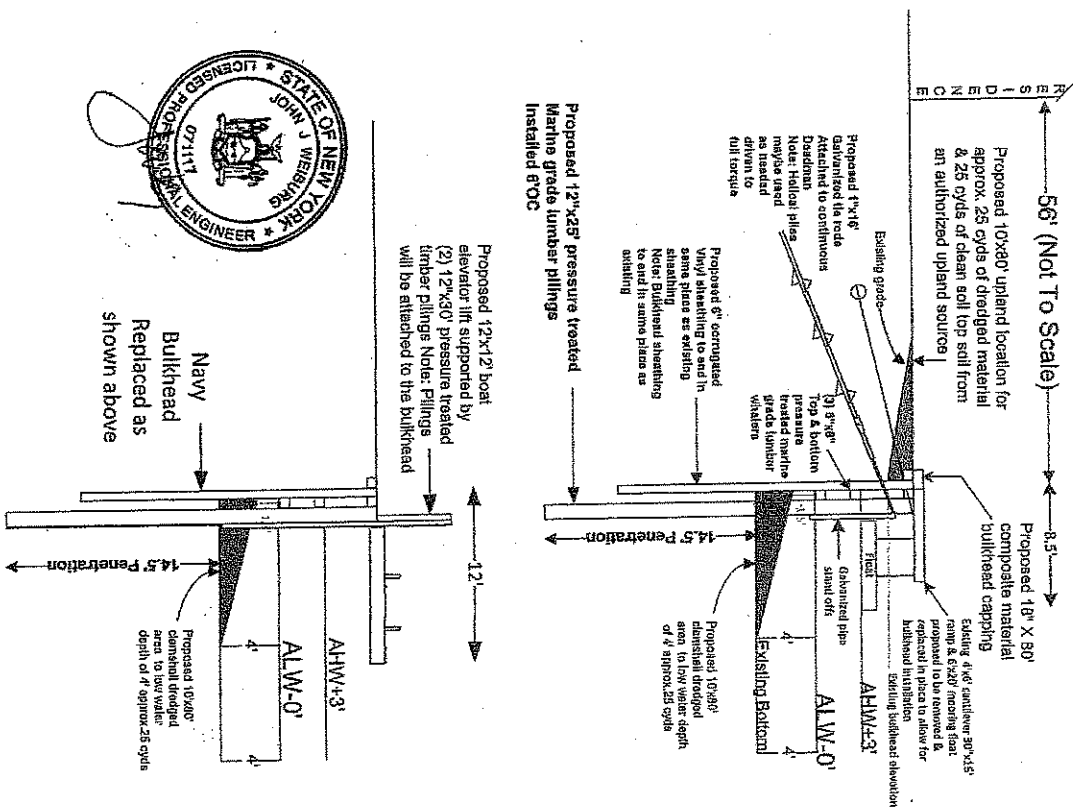
Jetmore Pl

Spillane Family  
 50 Jetmore Pl  
 Massapequa NY 11758

Kevin Liles  
 58 Jetmore Pl  
 Massapequa NY 11758



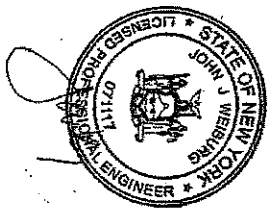
## Cross View



**Bulkhead Construction**

1. Bulkhead Sheathing will be Shore Guard 425 or approved equivalent.
  2. Contractor shall field fit mooring piles and sheathing as shown on plan. Slight modification may be made to avoid conflict with the rods and culverts
  3. Anchoring hardware, nails and bolts shall be hot dip galvanized.
  4. Sheet pile length minimum 18' in length Shore Guard corrugated vinyl
  5. All tie rods will be galvanized metal, 1" in diameter min.
  6. Galvanized or stainless steel bolt heads and nuts will be used with cut washers
  7. Timber will be pressure treated marine grade
  8. Deadman ASTM D25 Treated Pile-Continuous
- Preparation**
1. Existing bulkhead removed. New bulkhead installed with an 18" increase in elevation prior to dredging and back fill to prevent a return flow into waterway during construction.
- Bulkhead Installation**
1. Piling installed 6' OC and will be driven to depth shown on the typical section or refusal. Piling will be minimum 12"x25" diameter & length, installed 6'OC, with (3) 6"x6" support whalers min.
  2. Virtual refusal is defined as ten blows per inch with an approved pile hammer. (By Geotechnical Engineer)
  3. Sheet piling shall be driven vertical to form a continuous bulkhead with horizontal tolerance of 2% of plumb length measured along the pile
  4. For sheet piles a vibratory hammer to drive to specified depth may be used

Applicant: Nicholas Vasiliakis  
 Project Site: 54 Jetmore Pl  
 Massapequa NY 11758  
 Proposed: Bulkhead replacement in same  
 place, with 18" increase in elevation, minor  
 dredging and vertical boat elevator lift.  
 Scale: 1"=10'  
 Prepared by Bulkhead Permits by Gary Inc.  
 2 Winaleneck Drive Merrick, NY 11566  
 April 26, 2023

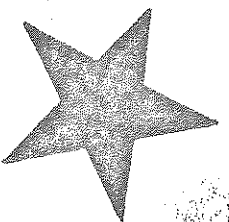
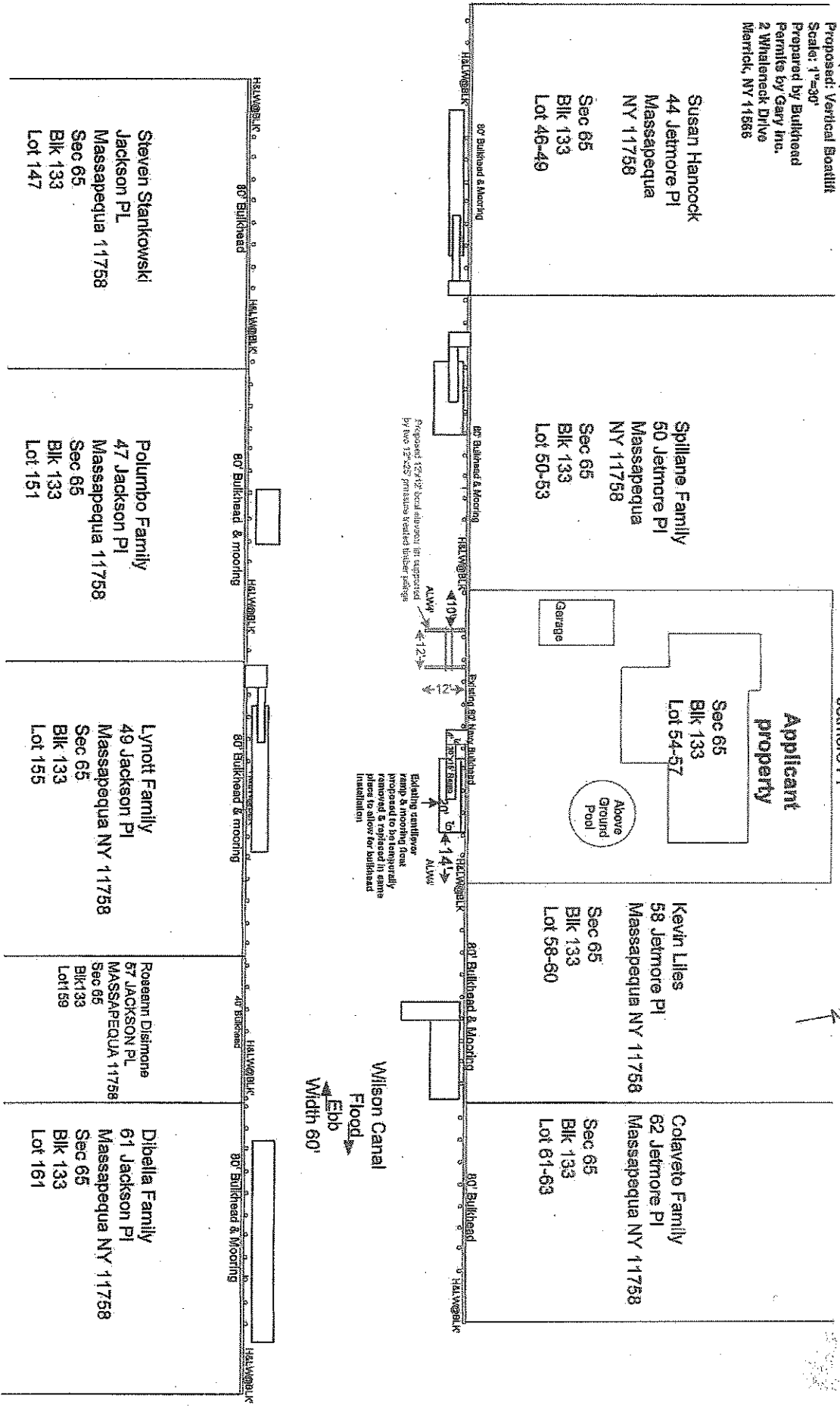


A large, textured five-pointed star, possibly a decorative element or a logo, rendered in a dark, grainy style.

Applicant: Nicholas Vasilakis  
Project Site: 54 Jetmore Pl  
Massapequa NY 11758

Proposed: Vertical Boatlift  
Scale: 1"=30'  
Prepared by Bulkhead  
Permits by Gary Inc.  
2 Whalenek Drive  
Merrick, NY 11566

Radius Map



# TOWN OF OYSTER BAY

## Inter-Departmental Memorandum

February 1, 2024

TO: Memorandum Docket

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

SUBJECT: 2024 Event Food Trucks

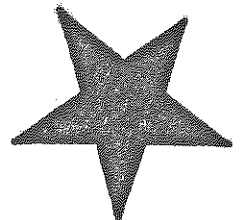
The Department of Community and Youth Services is requesting Town Board authorization to incorporate the use of food trucks at a few of the Department's Town Board authorized events. If approved, the Department will obtain the required sponsor permit from the Nassau County Department of Health. The trucks will provide food and beverages, for purchase by the public, at the following events:

Event:	*Date:	*Location:
Spring Festival	Saturday, April 20, 2024	Syosset-Woodbury Community Park, Woodbury
Art in the Park	Saturday, May 18, 2024 Rain date: May 19 <sup>th</sup>	Theodore Roosevelt Memorial Park, Oyster Bay
Country Fest	Date TBD – <i>during the Music Under the Stars Concert Series</i>	John J. Burns Town Park, Massapequa
Family Fall & Halloween Festival	Saturday, October 26, 2024	Marjorie R. Post Community Park, Massapequa

***\*Dates, times and locations may be changed at the discretion of the Commissioner***


The Department of Community & Youth Services reserves the right to utilize the current Town concessionaire(s) and the right to select alternate food and beverage provider(s), as determined by the Commissioner and pursuant to the Town's Procurement Policy.

In furtherance, the Code of the Town of Oyster Bay, §168-22 Alcoholic Beverages; No person shall bring beer, ale or any other alcoholic beverage into any park and beach, shall be waived for said events.

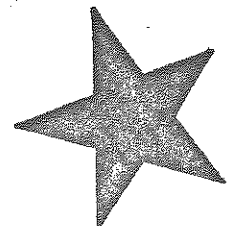


The Department requests that the Town Board waive the provisions of Chapter 173, Sections 10 -18 of the Code of the Town of Oyster Bay - Peddlers of the Code of the Town of Oyster Bay - Peddlers, provided that all mobile food concession merchants shall be in compliance with the provisions of the New York State Sanitary Code and shall possess any and all necessary insurance, permissions and permits required by the Nassau County Department of Health, said insurance, permissions and permits to be valid and current.

Therefore, it is respectfully requested that the Town Board authorize the Department of Community & Youth Services to incorporate the use of mobile food concession(s), at the listed Town Board authorized events.

  
Maureen A. Fitzgerald  
Commissioner

MAF:kf



Meeting of February 27, 2024

Resolution No. 154-2024

WHEREAS, Maureen Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated February 1, 2024, requested Town Board authorization to incorporate the use of food trucks at the Department's Town Board authorized events and if approved, the Department will obtain the required sponsor permit from the Nassau County Department of Health; and

WHEREAS, the trucks will provide food and beverages for purchase by the public, at the following events:

Event:	Date:	Location:
Spring Festival	Saturday, April 20, 2024	Syosset-Woodbury Community Park, Woodbury
Art in the Park	Saturday, May 18, 2024; Rain Date: May 19, 2024	Theodore Roosevelt Memorial Park, Oyster Bay
Country Fest	Date TBD – during the Music Under the Stars Concert Series	John J. Burns Town Park, Massapequa
Family Fall & Halloween Festival	Saturday, October 26, 2024	Marjorie R. Post Community Park, Massapequa

WHEREAS, dates, times and locations may be changed at the discretion of the Commissioner; and

WHEREAS, Commissioner Fitzgerald, by said memorandum, advised that the Department reserves the right to utilize the current Town concessionaire(s) and the right to select alternate food and beverage provider(s), as determined by the Commissioner and pursuant to the Town's Procurement Policy; and

WHEREAS, Commissioner Fitzgerald, by said memorandum, further requested that Town of Oyster Bay Code §168-22 Alcoholic Beverages – "No person shall bring beer, ale or any other alcoholic beverage into any park and beach", shall be waived for the abovementioned events; and

WHEREAS, Commissioner Fitzgerald, by said memorandum, further requested that the Town Board waive Chapter 173, §10-18 of the Code of the Town of Oyster Bay – Peddlers, for the abovementioned events, provided that all mobile food concession merchants shall be in compliance with the provisions of the New York State Sanitary Code and shall possess any and all necessary insurance, permission and permits required by the Nassau County Department of Health, said insurance, permissions and permits to be valid and current; and

WHEREAS, the Town Board deems this event to be an appropriate and worthwhile endeavor, and one which will benefit the residents of the Town of Oyster Bay,

Reviewed By  
Office of Town Attorney

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are hereby accepted and approved, and the Department of Community and Youth Services is hereby authorized to incorporate the use of food trucks at the Department's Town Board authorized events; and be it further

RESOLVED, That the Town Board hereby waives the provisions of the Code of the Town of Oyster Bay, Part II, "General Legislation", Chapter 168, "Parks and Recreation", Section 168-22, "Alcoholic Beverages", in the location and for and the duration of the above-listed events; and be it further

RESOLVED, That the Town Board hereby waives the provisions of the Code of the Town of Oyster Bay, Chapter 173, §10-18 of the Code of the Town of Oyster Bay – Peddlers, for the above-listed events, provided that all mobile food concession merchants shall be in compliance with the provisions of the New York State Sanitary Code and shall possess any and all necessary insurance, permission and permits required by the Nassau County Department of Health, said insurance, permissions and permits to be valid and current.

-#-

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

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

WHEREAS, by Resolution No. 194-2023, adopted on March 21, 2023, the Town Board authorized the Department of Parks to implement the attached 2023 Harry Tappen/Theodore Roosevelt Marinas Spring, Summer and Fall Fee Schedule for the 2023 Season ("Fee Schedule"); and

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated February 2, 2024, requested that the Town Board authorize the Department of Parks to amend the "Terms and Conditions" portion of the Fee Schedule, as follows:

**Additional Terms and Conditions**

"1 A. All vessels must be in the water and secured properly in their assigned slips within two weeks of the season's start. Licensees, whose vessels are in the marina, and anticipate a vacancy for a period exceeding one week, MUST submit a written request specifying the duration, and reasoning for their absence. The request should be mailed, or emailed, to the Office of the Division of Beaches for consideration and approval. If the request is deemed unreasonable, the licensee may be re-required to forfeit their rights as a slip holder."

**Proposed Amendments to Lines 11, 15 and 16**

- "11. All vessels occupying a Town Marina must possess a valid New York State Registration. Temporary registrations will not be accepted. United States Coast Guard documentation cannot be used in place of a New York State vessel registration. For vessels that are co-owned, that the primary owner must be a Town of Oyster Bay resident. This means that their name and address must appear first on the registration and title/documentation."
- "15. Slip holder rights will only be maintained if required documents are received and payment is made in full by the due date; no extensions will be granted. Payment alone does not guarantee or maintain slip holder rights; the slip must remain occupied throughout the season unless prior approval was granted by the Beaches Division Office for a temporary vacancy. Leaving a slip empty after payment, is NOT permissible. Failure to comply with these conditions will result in the revocation of slip holder rights, and the slip will be reassigned to the next eligible applicant on the waiting list.

7/13  
Reviewed By  
Office of Town Attorney

- "16. Slip holders who fail to pay their slip fees by the due date will also face a penalty fee of \$50.00 per day. Vessels remaining beyond the summer season, excluding those staying for winter storage, and vessels that remain after the conclusion of the winter storage season will incur a penalty of \$50.00 per day. Any incurred penalty charges and legal fees associated with the collection of outstanding sums will be added to the balance due.

; and

WHEREAS, Commissioner Pinto, by said memorandum, has advised, that it is the intention of the proposed amendments to ensure the efficient and fair utilization of the North Shore Marinas; and

WHEREAS, Commissioner Pinto, by said memorandum, further requested, that the Town Board authorize that the Fee Schedule, as amended, be adopted for the 2024 season,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are approved, and the Department of Parks is hereby authorized to amend the "Terms and Conditions" portion of the 2023 Harry Tappen/Theodore Roosevelt Marinas Spring, Summer and Fall Fee schedule for the 2023 Season, as specified, hereinabove, and the Town Board further authorizes that the Fee Schedule, as amended, be adopted for the 2024 season.

#

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

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

5

# TOWN OF OYSTER BAY

## Inter-Departmental Memorandum

TO: MEMORANDUM DOCKET

FROM: JOSEPH G. PINTO, COMMISSIONER OF PARKS

DATE: FEBRUARY 2, 2024

SUBJECT: AMENDMENT TO RESOLUTION NO. 194-2023 - 2023 HARRY TAPPEN /  
THEODORE ROOSEVELT MARINAS SPRING, SUMMER & FALL FEE SCHEDULE

The Department of Parks formally requests Town Board authorization to amend the 2023 Harry Tappen/ Theodore Roosevelt Marina Spring, Summer, and Fall fee schedule, resolution No. 194-2023 attached. The proposed amendments entail the inclusion of one additional term, along with the modification of three existing terms. The 2023 fee schedule will be adopted for the 2024 season. All fees, rules, and regulations shall remain unchanged with the following exceptions outlined below:

**Additional Terms and Conditions:**

**1 A.** All vessels must be in the water and properly secured in their assigned slips within two weeks of the season's start. Licensees, whose vessels are in the marina and anticipate a vacancy for a period exceeding one week, **MUST** submit a written request specifying the duration and reasoning for their absence. The request should be mailed or emailed to the Beaches Division Office for consideration and approval. If the request is deemed unreasonable, the licensee may be required to forfeit their rights as a slip holder.

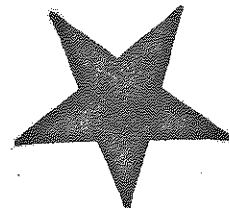
**Proposed Amendment to lines 11, 15, and 16:**

- 11.** All vessels occupying a Town Marina must possess a valid New York State Registration. Temporary registrations will not be accepted. United States Coast Guard documentation cannot be used in place of a New York State vessel registration. For vessels that are co-owned, the primary owner must be a Town of Oyster Bay resident. This means that their name and address must appear first on the registration and title/documentation.
- 15.** Slip holder rights will only be maintained if required documents are received and payment is made in full by the due date; no extensions will be granted. Payment alone does not guarantee or maintain slip holder rights; the slip must remain occupied throughout the season unless prior approval was granted by the Beaches Division Office for a temporary vacancy. Leaving a slip empty after payment is NOT permissible. Failure to comply with these conditions will result in the revocation of slip holder rights, and the slip will be reassigned to the next eligible applicant on the waiting list.
- 16.** Slip holders who fail to pay their slip fees by the due date will also face a penalty fee of \$50.00 per day. Vessels remaining beyond the summer season, excluding those staying for winter storage, and vessels that remain after the conclusion of the winter storage season will incur a penalty fee of \$50.00 per day. Any incurred penalty charges and legal fees associated with the collection of outstanding sums will be added to the balance due.

The proposed amendment aims to ensure the efficient and fair utilization of the North Shore Marinas. Therefore, this department respectfully recommends approval of this request.

  
JOSEPH G. PINTO, COMMISSIONER  
PARKS DEPARTMENT

JGP/db  
Att.



Meeting of March 21, 2023

Resolution No.194-2023

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated February 24, 2023, requested Town Board authorization to implement the attached 2023 Harry Tappen/Theodore Roosevelt Marinas Spring, Summer and Fall fee schedule for the 2023 season,

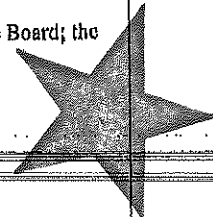
NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby approved, and the Department of Parks is hereby authorized to implement the attached 2023 Harry Tappen/Theodore Roosevelt Marinas Spring, Summer and Fall fee schedule for the 2023 season.

-#-

7/25  
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
Councilwoman Johnson	Absent
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye



TO: MEMORANDUM DOCKET  
FROM: JOSEPH G. PINTO, COMMISSIONER OF PARKS  
DATE: FEBRUARY 24, 2023  
SUBJECT: 2023 HARRY TAPPEN / THEODORE ROOSEVELT MARINAS  
SPRING, SUMMER & FALL FEE SCHEDULE

It is requested that Town Board approval be given to implement the attached Harry Tappen/Theodore Roosevelt Marinas Spring, Summer, and Fall fee schedule for the 2023 season.

The fees, rules and regulations shall remain unchanged with the following exceptions:

Fees

**Theodore Roosevelt Marina**

- Residents 20' and up - Slip fees decrease from \$110.00 per foot to \$100 per foot

**Tappen Marina**

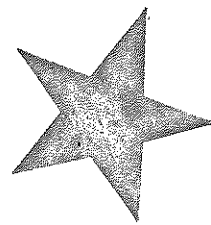
- Residents - 14' to 17' - decrease from \$60.00 per foot to \$55.00 per foot
- Residents - 18' to 24' - decrease from \$80.00 per foot to \$65.00 per foot
- Residents - 25' and up - decrease from \$90.00 per foot to \$80.00 per foot

Terms and Conditions

- Updated terms and conditions are contained within pages 3 through 5.

The fees, rules and regulations shall remain unchanged and shall be in effect up to and until they are amended or modified by the Town Board upon recommendation by the Commissioner of Parks.

  
JOSEPH G. PINTO, COMMISSIONER  
PARKS DEPARTMENT



JGP:db

Att.

cc: Town Attorney  
Gino Lunghi, Parks Accounting

HARRY TAPPEN/THEODORE ROOSEVELT MARINAS  
SPRING, SUMMER AND FALL FEE SCHEDULE - 2023

**Seasonal Marina Fees:**

**Roosevelt Marina**

Resident - 20' and up - includes electric - \$100.00 per foot

**Tappen Marina**

Resident - 14' to 17' - includes electric - \$55.00 per foot

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**Prorate fee:**

Persons who are contacted by the Beach Division office on or after July 17, 2023, for slip availability will be eligible for a prorated fee. The fee schedule will be as follows:

July 17 - August 16      20%

August 17 - September 16      40%

September 17 - October 16      60%

October 17 - November 17      80%

**Senior Citizen Discount:**

Persons who were born on or before November 14, 1963 are entitled to a discount of 10% on their marina fees based upon the submission of the following documentation during the application process:

- Valid NYS Driver's License with residency in the Town of Oyster Bay
- Copy of a current year Town of Oyster Bay Tax Bill and one utility bill; renters may submit a notarized lease agreement and two utility bills

The Department of Parks will reserve two boats slips at Harry Tappen Marina and one slip at Theodore Roosevelt Memorial Marina for use by the Nassau County Police Marine Bureau at no charge.

**Transient Fee (Tappen Marina only):**

**1) Weekly**

Resident      20 foot and under - \$85.00 per week

Over 20 foot -      \$150.00 per week

Non-resident      20 foot and under - \$150.00 per week

Over 20 foot -      \$200.00 per week

- a) Minimum payment is for a seven (7) day period.
- b) Weekly transient fee is valid from June 1, 2023 until November 12, 2023. Maximum length of stay is any combination of four (4) weeks.
- c) Vessels must vacate the marina by 8 a.m. on the day after their authorization has expired.
- d) All payments must be made at Town Hall South.
- e) The Parks Department reserves the right to have any transient vessel vacate the marina after a seven (7) day stay.

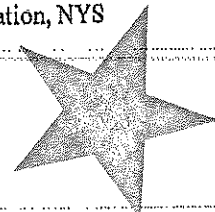
**2) Daily**

Resident and Non-Resident - \$20.00

- a) This rate will be applied to all boats from sunup to sundown or any portion thereof.
- b) This fee will be applied from April 10, 2023 to November 12, 2023

HARRY TAPPEN/ THEODORE ROOSEVELT MARINAS  
TERMS AND CONDITIONS

- 1) All vessels and boating equipment docked, berthed, located or left at Town Facilities are left at the sole risk of the owner of said boats or equipment. Permission to dock, berth, locate or leave such property is conditioned upon the owner's acceptance of said risk. All vessel and boat equipment owners are reminded to obtain adequate insurance before making use of Town facilities and shall provide a copy of such policy and expiration date to the Beaches Division upon request.
- 2) Tenants are prohibited from attaching any device or hardware to any dock, pole or stanchion.
- 3) The licensee expressly assumes all risk of loss due to damages, theft, vandalism, or accident to their property while berthed in the marina and expressly releases the Town of Oyster Bay, its agents, officers, and employees from any and all claims whatsoever for loss, damage, fire, theft, or accident to their property.
- 4) Upon assignment of boat slip, which is for the exclusive use of the licensee, said boat slip shall not be transferable to another person or to another vessel.
- 5) The security that is provided at the marinas is for the protection of Town property. The Town does not assume responsibility for damage done to boating equipment or vessels docked at Town marinas.
- 6) De-icing equipment, if installed, will be operated by the Town of Oyster Bay for preservation of Town property and not the protection of vessels in the marina. De-icing equipment may be installed and operated by an owner at his/her sole risk. The facility manager must give prior approval for any personal de-icing equipment.
- 7) Once a vessel is assigned a slip in a category, only that vessel may occupy said slip. The only change in slip assignment permitted will be those that involve slips in the applicant's authorized category size. The change in slip assignment will only be made through the Beaches Division.
- 8) A tenant that wishes to place a different vessel in his/her assigned slip will be permitted to do so only under the following conditions:
  - a) The vessel's overall length must fall within the original category size (for example in the 26-31 foot category, the different vessel cannot be less than 26 feet or more than 31 feet in overall length).
  - b) The tenant has ownership of the new vessel and they remain the primary owner.
- 9) A tenant may not:
  - a) Own or be co-owner of more than one vessel which occupies a slip in either north shore marina.
  - b) Trade up or down in vessel size that takes them out of their category
  - c) Transfer ownership to other persons (full or part) and maintain current slip
- 10) Tenants are required to have a copy of their current and valid New York State Registration, NYS Certificate of Title or Coast Guard Documentation on file at all times.

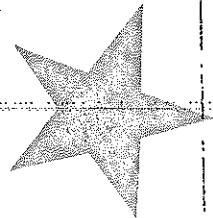


HARRY TAPPEN/ THEODORE ROOSEVELT MARINAS  
TERMS AND CONDITIONS CONTINUED

- 11) All vessels occupying a Town Marina must possess a valid New York State Registration. United States Coast Guard documentation cannot be used in place of a New York State vessel registration. Temporary registrations will not be accepted.
- 12) All vessels shall occupy the slip assigned, in a manner acceptable to the facility manager. The facility manager reserves the right to replace existing lines or install additional lines at his or her discretion, for the safety of the vessel or the marina. However, the Town of Oyster Bay assumes no obligation or responsibility.
- 13) In the event of an emergency or repairs, the Commissioner of Parks is authorized to notify and order boaters to move their boats to areas as assigned by the facility manager.
- 14) The Tenant shall notify the Beaches Division of all work to be done on the Tenant's Vessel and shall provide the Marina with the names of the individuals ("Contractors") prior to commencing any work on said Vessel and proof insurance coverage shall be provided to the Marina prior to commencing the work.
- 15) All deadlines for receipt of various documents, required deposits, and final payment must be met. No extensions will be granted. Failure to do so will result in the revocation of the tenant's assigned slip.
- 16) Bills must be paid on or before their due date, failure to do so will result in a daily \$50 penalty fee. Any late charges and legal fees incurred in collecting any sums due will be added to the balance due.
- 17) The boat slip licensees are under the express stipulation that the licensee shall not sub-lease or assign such space to anyone.
- 18) All requests for refunds must be made in writing and mailed or emailed to the Parks Department's main office.
- 19) Any false statement contained on the marina application shall constitute grounds for revocation of the assigned slip.
- 20) All rules and regulations governing the use of Town marinas shall be established by the Commissioner of Parks.
- 21) Violation of any of the rules and regulations governing the use of the marina area shall constitute grounds for revocation of slip assigned. No refunds of fees upon revocation of assigned slip.
- 22) Cleaning of fish should be done on the Vessel or at home, not on the docks. The disposal of fish waste on the marina dock in or around a slip is prohibited and will be considered littering. Any person(s) committing an offense shall be guilty of a violation and punishable by a fine.
- 23) Docks and walkways are to be kept clear. Items stored near a Vessel's slip are required to be in marine certified dock boxes that do not impede access. Vessel owners should store covers in their dock boxes or on board. Boaters may not store dinghies, supplies, debris, or other materials.
- 24) Scraping, painting, and sanding of vessels is strictly prohibited. The extent of other vessel maintenance shall be at the discretion of the facility manager.

HARRY TAPPEN/ THEODORE ROOSEVELT MARINAS  
TERMS AND CONDITIONS CONTINUED

- 25) In the event of an emergency, during the owner's absence, the facility manager reserves the right to board the vessel and do whatever is necessary to prevent the vessel from sinking and to ensure the safety of the marina.
- 26) The use of electric power is not permitted aboard the vessel unless the owner is aboard.
- 27) All boats equipped with burglar systems are required to leave a key with the facility manager.
- 28) Use of an electric heater in an unattended boat is prohibited.
- 29) The use of wood, coal, kerosene, or alcohol stoves is strictly prohibited on any boat while berthed in the marina.
- 30) All boaters who plan to live on their boats 72 hours or longer, while the vessel remains in the marina must obtain written permission from the Commissioner of Parks.
- 31) Violation of any of the rules and regulations governing the use of the marina area shall constitute grounds for revocation of slip assigned. No refunds of fees upon revocation of assigned slip.
- 32) All Town of Oyster Bay Ordinances are to be observed, with a concentration on the following:
- 168-5 - Any persons using a Town Facility shall conduct themselves in an orderly manner and shall endeavor to cause no discomfort or inconvenience to any other person or patron.
  - 168-12 - Swimming is prohibited in the Marina.
  - 168-17 - Open fires and barbecuing on vessels or docks is prohibited. Barbecuing permitted in designated areas only. No fuel except for charcoal or Sterno (gel chafing fuel) may be used.
  - 168-19 - Absolutely no animals of any kind are permitted in any Town of Oyster Bay Park, beach, or boating facility.
  - 168-27.1 - Any person committing an offense prohibited by a Town of Oyster Bay Ordinance OR these rules and regulations shall be subject to a fine of not less than \$250.00 and/or loss of all present and future boat basin privileges. Summonses will be issued to vessel owners who have not paid the required fee.
  - 241-38 - Discharge of materials which may endanger lives or property or the quality of water or the quality of aquaculture or the quality of the environment shall be prohibited. The discharge, in any quantity, of any oil, gasoline, paint, solvent, paint thinner, lubricant, hydrocarbon materials, untreated sewage, litter, pollutants, or any similar type of materials in the waters of the Town of Oyster Bay is prohibited. Violation of either one of these ordinances shall be a misdemeanor and the violator subject to severe fines and loss of all rights to use the boat basin.
  - 241-43 - No motor vessel shall be attached to any mooring, pier, float, or dock or operated in waters of the Town of Oyster Bay except if it has a current registration issued by the State of New York, unless its stay is under seventy-two (72) hours.



## DINGHY/KAYAK RACK OPERATIONS AND FEE SCHEDULE

### **Seasonal Rental of Dinghy/ Kayak Racks:**

The season shall begin on April 1, 2023 and end on December 31, 2023.

Residents - \$200.00

Non-resident - \$300.00

Limit one vessel per rack except for kayaks, limit two kayaks per rack.

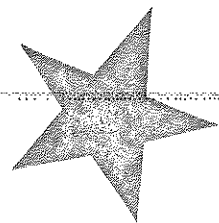
Upon assignment of rack rental, which is for the exclusive use of the licensee, said rack rental shall not be transferable to another person or to another vessel.

Any vessel remaining in a rack after December 31, 2023, will be charged a penalty fee of \$50 per day.

Vessels must be secured in their assigned rack and not pose danger to any passersby. Lessees are responsible for providing their own locks or locking device.

The Town reserves the right to cut any lock or locking device and remove any vessel at the expense of the lessees, under any condition it deems necessary.

The Commissioner of Parks reserves the right to amend the above for the benefit of operations.



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FROM: JOSEPH G. PINTO, COMMISSIONER OF PARKS  
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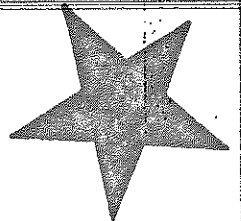
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PARKS DEPARTMENT

JGP:db

Att.

cc: Town Attorney  
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HARRY TAPPEN/THEODORE ROOSEVELT MARINAS  
SPRING, SUMMER AND FALL FEE SCHEDULE - 2023

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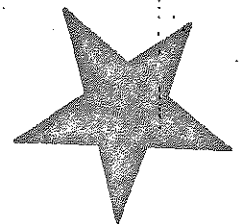
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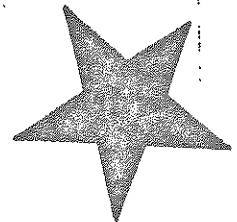


HARRY TAPPEN/ THEODORE ROOSHVILT MARINAS  
TERMS AND CONDITIONS

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HARRY TAPPEN/ THEODORE ROOSEVELT MARINAS  
TERMS AND CONDITIONS CONTINUED

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HARRY TAPPEN/ THEODORE ROOSEVELT MARINAS  
TERMS AND CONDITIONS CONTINUED

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## DINGHY/ KAYAK RACK OPERATIONS AND FEE SCHEDULE

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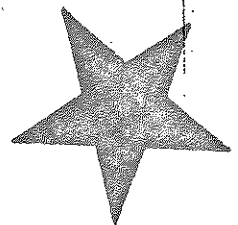
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The Commissioner of Parks reserves the right to amend the above for the benefit of operations.



Meeting of February 27, 2024

Resolution No.156-2024

Reviewed By  
Office of Town Attorney  
*Ralph P. Stealey*

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated January 24, 2024, requested that the Town Board approve the following 2024 fees for memorial plaques and benches:

FEES FOR A MEMORIAL PLAQUE:

8" x 4" plaque is \$425.00 – includes 4 lines top to bottom

8" x 6" plaque is \$560.00 – includes 5 lines top to bottom

FEES FOR A MEMORIAL PLAQUE AND A NEW BENCH:

8" x 4" plaque and a new bench is \$1,225.00

8" x 6" plaque and a new bench is \$1,325.00

FEES FOR A MEMORIAL PLAQUE PLACED ON AN EXISTING BENCH:

8" x 4" plaque placed on an existing bench is \$750.00

8" x 6" plaque placed on an existing bench is \$850.00

FEES FOR A MEMORIAL PLAQUE PLACED UNDER AN EXISTING TREE:

8" x 4" plaque placed under an existing tree is \$500.00

8" x 6" plaque placed under an existing tree is \$600.00

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby approved, and the Town Board hereby approves the fees as specified hereinabove to be collected in Account No. PKS A 0001 02705 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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

**TOWN OF OYSTER BAY  
INTER-DEPARTMENTAL MEMO**

TO: MEMORANDUM DOCKET  
FROM: JOSEPH G. PINTO, COMMISSIONER  
DEPARTMENT OF PARKS  
DATE: JANUARY 24, 2024  
SUBJECT: MEMORIAL PLAQUES AND BENCHES

The Department of Parks is respectfully requesting Town Board approval of fees for memorial plaques and benches.

This program is offered to families wishing to memorialize a loved one with a plaque and/or bench which is then placed in one of the Parks Department's facilities. This program is designed to forward the cost of the plaque and/or bench to the requestor. The updates to pricing reflect 2024 prices received from Smith Graphics Inc., the Town's vendor for plaques.

We respectfully request approval of the following fees:

**FEES FOR A MEMORIAL PLAQUE**

8" x 4" plaque is \$425.00 – includes 4 lines, top to bottom

8" x 6" plaque is \$560.00 – includes 5 lines, top to bottom

**FEES FOR A MEMORIAL PLAQUE + A NEW BENCH**

8" x 4" plaque and new bench is \$1225.00

8" x 6" plaque and new bench is \$1325.00

**FEES FOR A MEMORIAL PLAQUE PLACED ON AN EXISTING BENCH**

8" x 4" plaque placed on an existing bench is \$750.00

8" x 6" plaque placed on an existing bench is \$850.00

**FEES FOR A MEMORIAL PLAQUE PLACED UNDER AN EXISTING TREE**

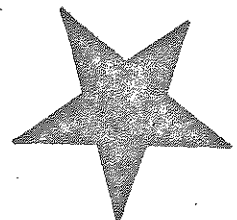
8" x 4" plaque placed under an existing tree is \$500.00

8" x 6" plaque placed under an existing tree is \$600.00

The fees, regulations and conditions shall be in effect up to and until they are amended or modified by the Town Board upon recommendation by the Commissioner of Parks.

The fees will be collected in account PKS A 0001 02705 000 0000. Town Board approval is respectfully requested.

  
\_\_\_\_\_  
JOSEPH G. PINTO, COMMISSIONER  
PARKS DEPARTMENT



## Diann Codispodo

---

**From:** Rick Smith <rick@smithgraphicsinc.com>  
**Sent:** Friday, January 5, 2024 11:25 AM  
**To:** Diann Codispodo  
**Cc:** Sarah Smith  
**Subject:** Pricing for plaques

**CAUTION:** This email originated from outside of our organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

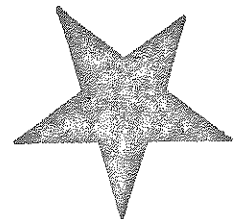
Hi Diann, The pricing for the bronze plaques increased during a couple of times during 2023, we absorbed those increases and didn't raise pricing. Now there is another new increase for 2024 and shipping costs are increasing a lot as well. I wanted to let you know that the new pricing will be going forward as follows:

8x4 @ \$ 425.  
8x6 @ 560.

Thanks  
Rick Smith

Smith Graphics Inc.  
40 Florida Street  
Farmingdale, NY 11735

Tel 631 420 4180  
Fax 631 420 4188  
[www.smithgraphicsinc.com](http://www.smithgraphicsinc.com)



Reviewed By  
Office of Town Attorney  
*Elizabeth D. Taughman*

WHEREAS, Resolution No. 123-2021, adopted February 23, 2021, authorized the Supervisor or his designee to enter into an agreement, as negotiated and approved by the Office of the Town Attorney, with Carman Avenue Veterinary Hospital, 837 Carman Avenue, Westbury, New York 11590, to provide feral cat trap, neuter and return services to the Town's Animal Shelter for cats, for a three (3) year term commencing on March 1, 2021 through February 29, 2024, for an amount not to exceed \$24,000.00 per year, with options, to be exercised upon mutual agreement, for two (2) one (1) year extensions of the agreement; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works, by memorandum dated February 2, 2024, requested that the Town Board exercise the first one (1) year extension option, from March 1, 2024 through February 28, 2025, at the same price, conditions and terms as previously agreed, with funds available in Account No. DPW A 3510 44900 000 0000; and

WHEREAS, Commissioner Lenz, by said memorandum, advised that the vendor's disclosure questionnaire was reviewed and found to be in accordance with the Town's Procurement Policy,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is approved, and the Supervisor and/or his designee is hereby authorized to exercise the first one (1) year extension option, from March 1, 2024 through February 28, 2025, of the agreement with Carman Avenue Veterinary Hospital, 837 Carman Avenue, Westbury, New York, 11590, to provide feral cat trap, neuter and return to the Town's Animal Shelter for cats, at the same price, conditions and terms as previously agreed, for an amount not to exceed \$24,000.00 per year, with one (1) option remaining, to be exercised upon mutual agreement, for a one (1) year extension of the agreement; and it be further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment to Carman Avenue Veterinary Hospital from Account No. DPW A 3510 44900 000 0000, or other appropriate account, at an amount not to exceed \$24,000.00 per year, upon submission of a duly certified claim, after audit.

-#-

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

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

**TOWN OF OYSTER BAY  
Inter-Departmental Memo**

February 2, 2024

**TO: Memorandum Docket**

**FROM: Richard W. Lenz, PE. Commissioner/Department of Public Works**

**SUBJECT: Extension of Trap, Neuter, Return (TNR)  
Carman Avenue Veterinary Hospital  
RESOLUTION NO. 123-2021**

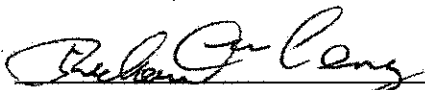
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Resolution No. 123-2021 authorized the Department of Environmental Resources, Animal Shelter Division (now the Department of Public Works, Animal Shelter Division) to utilize the services of Carman Ave Veterinary Hospital for Trap, Neuter and Return (TNR) and enter into an agreement for the period of March 1, 2021 through February 29, 2024. As stated in Resolution number 123-2021, the agreement entered into on March 1, 2021 may be extended at the same rate, upon mutual agreement, for up to Two (2) additional one (1) year periods, with a dollar amount not to exceed \$24,000.00

The vendors disclosure questionnaire has been reviewed and the Town is satisfied Procurement Policy standards have been met.

The Department of Public Works, Animal Shelter Division, respectfully requests the Town Board extend the agreement with the above mentioned company for the purpose of Trap, Neuter and Return (TNR) for the first one year extension for the period of March 1, 2024 to February 28, 2025.

The fees for these services will be paid from account DPW A 3510 44900 000 0000 (Other Contract).



**Richard W. Lenz, P.E.**

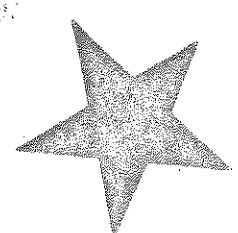
Commissioner

Department of Public Works

RWL/LS/kt

Attachment

cc: Frank M. Scalera, Town Attorney  
Steven Ballas, Comptroller



Carman Avenue Veterinary Hospital

837 Carman Avenue

Westbury, NY 11590

516-333-6868

January 12, 2024

Commissioner of Public Works Richard W. Lenz

150 Miller Place

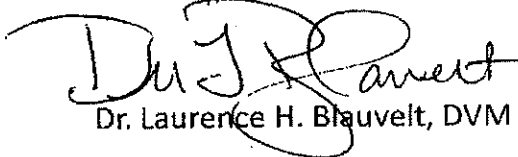
Syosset, NY 11791

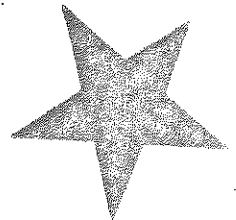
Dear Commissioner Lenz:

I am writing this letter to inform you I would like to exercise my first one (1) year extension of the contract for Trap and Release Services between Carman Avenue Veterinary Hospital and the Town of Oyster Bay Animal Shelter. This extension would run from March 1, 2024 to February 28, 2025.

If you have any questions, please feel free to contact me.

Sincerely,

  
Dr. Laurence H. Blauvelt, DVM



WHEREAS, Louis Savinetti, Commissioner, Department of Environmental Resources, by memorandum dated February 17, 2021, advised that on December 28, 2020, a Request for Proposals ("RFP") for the purpose of securing veterinary services to the Town's Animal Shelter for feral cat trap, neuter and return for cats, in accordance with the specifications contained in the RFP, was issued by the Department of Environmental Resources to seventy-three (73) veterinarians and animal hospitals and was placed on the Town of Oyster Bay website; in addition, legal notice of the RFP was published in Newsday, a newspaper of general circulation in the Town of Oyster Bay; and

WHEREAS, Commissioner Savinetti, by said memorandum, further advised that in response to that RFP, two (2) responses were timely received by the Department of Environmental Resources; and

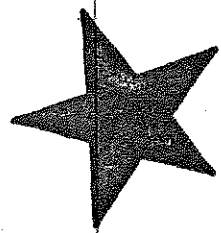
WHEREAS, Commissioner Savinetti, by said memorandum, stated that after review and evaluation performed in compliance with the requirements of Guidelines 6 and 9 of the Town of Oyster Bay Procurement Policy, the Department selected the proposal of Carman Avenue Veterinary Hospital, 837 Carman Avenue, Westbury, New York 11590, as being best suited for the Town's needs; and

WHEREAS, the Office of the Town Attorney, by Thomas M. Sabellico, Special Counsel, by memorandum dated July 29, 2020, rendered the opinion of the Office of the Town Attorney that the Department's efforts to obtain proposals, including publication in Newsday and posting on the Town's website, and the number of requests mailed and distributed, were in compliance with the Town's Procurement Policy; and

WHEREAS, Commissioner Savinetti, by memorandum dated February 17, 2021, requested that the Town Board authorize the Supervisor and/or his designee to enter into an agreement, as negotiated and approved by the Office of the Town Attorney, with Carman Avenue Veterinary Hospital, 837 Carman Avenue, Westbury, New York 11590, to provide feral cat trap, neuter and return services to the Town's Animal Shelter for cats, for a three (3) year term commencing on March 1, 2021 through February 29, 2024, for an amount not to exceed \$24,000.00 per year, with options, to be exercised upon mutual agreement, for two (2) one (1) year extensions of the agreement,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is approved, and the Supervisor and/or his designee is hereby authorized to enter into an agreement, as negotiated and approved by the Office of the Town Attorney, with Carman Avenue Veterinary Hospital, 837 Carman Avenue, Westbury, New York, 11590, to provide feral cat trap, neuter and return to the Town's Animal Shelter for cats, for a three (3) year term, commencing on March 1, 2021 through February 29, 2024, for an amount not to exceed \$24,000.00 per year, with

Reviewed By  
Office of Town Attorney  
*[Signature]*

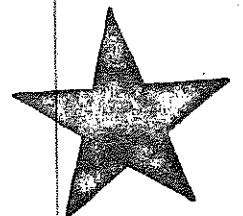


options, to be exercised upon mutual agreement, for two (2) one (1) year extensions of the agreement.

-#-

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

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye



Meeting of February 27, 2024

Resolution No.158-2024

WHEREAS, by Resolution No. 120-2021, adopted February 23, 2021, the Town Board authorized execution of an agreement with Carman Avenue Veterinary Hospital, 837 Carman Avenue, Westbury, New York, 11590, to provide veterinary services to the Town's Animal Shelter for basic medical care for cats and dogs, for a three (3) year term, commencing on March 1, 2021 through February 29, 2024, for an amount of \$140,000.00 per year, with options, to be exercised upon mutual agreement, for two (2) one (1) year extensions of the agreement; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works, by memorandum dated February 2, 2024, requested Town Board authorization to exercise the first option to extend the agreement with Carman Avenue Veterinary Hospital to provide basic medical care for cats and dogs for one (1) year, for the period March 1, 2024 through February 28, 2025, for an amount not to exceed \$140,000.00 per year, with one remaining option for a one (1) year extension of the agreement, to be exercised upon mutual agreement; and

WHEREAS, Commissioner Lenz, by said memorandum, advised that the vendor's disclosure questionnaire has been reviewed and has satisfied the Town's Procurement Policy,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is approved, and the Supervisor and/or his designee is hereby authorized to enter into the first one-year extension of the agreement with Carman Avenue Veterinary Hospital, 837 Carman Avenue, Westbury, New York, 11590, to provide veterinary services to the Town's Animal Shelter with for basic medical care for cats and dogs, commencing on March 1, 2024 through February 28, 2025, with one remaining option to extend the agreement for a one (1) year term, to be exercised upon mutual agreement; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment to Carman Avenue Veterinary Hospital, in an amount not to exceed \$140,000.00 from Account No. DPW A 3510 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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By  
Office of Town Attorney  
*Elizabeth A. Taughman*

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158

**TOWN OF OYSTER BAY**  
**Inter-Departmental Memo**

February 2, 2024

**TO:** Memorandum Docket

**FROM:** Richard W. Lenz, PE. Commissioner/Department of Public Works

**SUBJECT:** Extension of Basic Medical Care of Animals  
Carman Avenue Veterinary Hospital  
RESOLUTION NO. 120-2021


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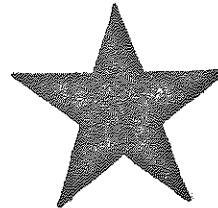
Resolution No. 120-2021 authorized the Department of Environmental Resources, Animal Shelter Division (now the Department of Public Works, Animal Shelter Division) to utilize the services of Carman Ave Veterinary Hospital for Basic Medical Care and enter into an agreement for the period of March 1, 2021 through February 29, 2024. As stated in Resolution number 120-2021, the agreement entered into on March 1, 2021 may be extended at the same rate, upon mutual agreement, for up to Two (2) additional one (1) year periods, with a dollar amount not to exceed \$140,000.00

The vendors disclosure questionnaire has been reviewed and the Town is satisfied Procurement Policy standards have been met.

The Department of Public Works, Animal Shelter Division, respectfully requests the Town Board extend the agreement with the above mentioned company for the purpose of Basic Medical Care for the first one year extension for the period of March 1, 2024 to February 28, 2025.

The fees for these services will be paid from account DPW A 3510 44900 000 0000 (Other Contract).

  
**Richard W. Lenz, P.E.**  
Commissioner  
Department of Public Works



RWL/LS/kt  
Attachment  
cc: Frank M. Scalera, Town Attorney  
Steven Ballas, Comptroller

Carman Avenue Veterinary Hospital

837 Carman Avenue

Westbury, NY 11590

516-333-6868

January 12, 2024

Commissioner of Public Works Richard W. Lenz

150 Miller Place

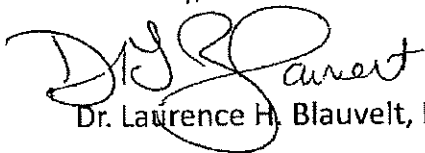
Syosset, NY 11791

Dear Commissioner Lenz:

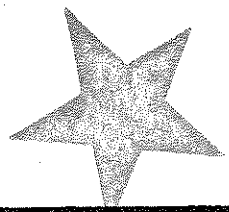
I am writing this letter to inform you I would like to exercise my first one (1) year extension of the contract for Basic Medical Services between Carman Avenue Veterinary Hospital and the Town of Oyster Bay Animal Shelter. This extension would run from March 1, 2024 to February 28, 2025.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Dr. Laurence H. Blauvelt". The signature is stylized with a large, looped initial "D".

Dr. Laurence H. Blauvelt, DVM



WHEREAS, Louis Savinetti, Commissioner, Department of Environmental Resources, by memorandum dated February 17, 2021, advised that on December 28, 2020, a Request for Proposals ("RFP") for the purpose of securing veterinary services to the Town's Animal Shelter for basic medical care for cats and dogs, in accordance with the specifications contained in the RFP, was issued by the Department of Environmental Resources to seventy-three (73) veterinarians and animal hospitals and was placed on the Town of Oyster Bay website; in addition, legal notice of the RFP was published in Newsday, a newspaper of general circulation in the Town of Oyster Bay; and

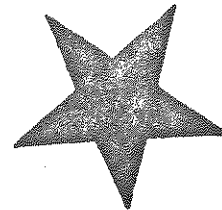
WHEREAS, Commissioner Savinetti, by said memorandum, further advised that in response to that RFP, two (2) responses were timely received by the Department of Environmental Resources; and

WHEREAS, Commissioner Savinetti, by said memorandum, stated that after review and evaluation performed in compliance with the requirements of Guidelines 6 and 9 of the Town of Oyster Bay Procurement Policy, the Department selected the proposal of Carman Avenue Veterinary Hospital, 837 Carman Avenue, Westbury, New York 11590, as being best suited for the Town's needs; and

WHEREAS, the Office of the Town Attorney, by Thomas M. Sabellico, Special Counsel, by memorandum dated July 29, 2020, rendered the opinion of the Office of the Town Attorney that the Department's efforts to obtain proposals, including publication in Newsday and posting on the Town's website, and the number of requests mailed and distributed, were in compliance with the Town's Procurement Policy; and

WHEREAS, Commissioner Savinetti, by memorandum dated February 17, 2021, requested that the Town Board authorize the Supervisor and/or his designee to enter into an agreement, as negotiated and approved by the Office of the Town Attorney, with Carman Avenue Veterinary Hospital, 837 Carman Avenue, Westbury, New York 11590, to provide veterinary services to the Town's Animal Shelter for basic medical care for cats and dogs, for a three (3) year term commencing on March 1, 2021 through February 29, 2024, for an amount of \$140,000.00 per year, with options, to be exercised upon mutual agreement, for two (2) one (1) year extensions of the agreement;

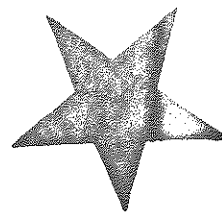
NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is approved, and the Supervisor and/or his designee is hereby authorized to enter into an agreement, as negotiated and approved by the Office of the Town Attorney, with Carman Avenue Veterinary Hospital, 837 Carman Avenue, Westbury, New York, 11590, to provide veterinary services to the Town's Animal Shelter with for basic medical care for cats and dogs, for a three (3) year term, commencing on March 1, 2021 through February 29, 2024, for an amount of \$140,000.00



Reviewed By  
Office of Town Attorney  
*[Signature]*

per year, with options, to be exercised upon mutual agreement, for two (2) one (1) year extensions of the agreement.

~~#~~



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

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

WHEREAS, by Resolution No. 307-2023, adopted on May 9, 2023, the Town Board authorized the Department of Public Works to enter into Contract No. H19-198-PH3, Highway Improvements to The Southwood Circle Area Phase 3, Syosset, with Lockwood, Kessler & Bartlett, Inc. to provide Engineering Services in connection with the preparation of a preliminary design report; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works, by memorandum dated February 5, 2024, stated that Lockwood, Kessler & Bartlett, Inc., has completed the design for Contract No. H19-198-PH3, and that the Department of Public Works has approved the plans and specifications, with an estimated construction time for completion of 150 days; and

WHEREAS, Commissioner Lenz, by said memorandum, requested that the Town Board authorize the Department of General Services, Division of Purchasing, proceed with setting a bid date for receiving bids for the contract,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby approved, and the Department of General Services, Division of Purchasing is authorized and directed to proceed with the bidding phase for Contract No. H19-198-PH3, and to proceed with setting a bid date for receiving bids.

-#-

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

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By  
Office of Town Attorney

**TOWN OF OYSTER BAY**  
**INTER-DEPARTMENTAL MEMO**

February 5, 2024

TO: MEMORANDUM DOCKET

FROM: RICHARD W. LENZ, P.E., COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS


SUBJECT: ACCEPTANCE OF THE DESIGN & REQUEST TO ENTER BID &  
CONSTRUCTION PHASE  
HIGHWAY IMPROVEMENTS TO THE SOUTHWOOD CIRCLE AREA  
PHASE 3, SYOSSET  
CONTRACT NO. H19-198PH3

---

Town Board Resolution No. 307-2023 authorized Lockwood, Kessler & Bartlett, Inc., to perform engineering services relative to the above-mentioned contract.

The design has been completed and the Commissioner of Public Works has approved the plans and specifications. The estimated construction time for completion of this subject contract is 150 calendar days.

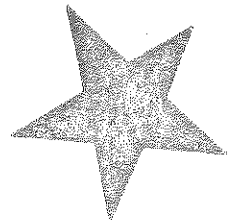
It is hereby requested that the Town Board authorize by Resolution that the Division of Purchasing, by copy of this memorandum, shall proceed with setting a bid date for receiving bids for this contract.

  
\_\_\_\_\_  
RICHARD W. LENZ, P.E.  
COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS

RWL/MR/HAS/lk

cc: Steven C. Ballas, Comptroller

H19-198PH3 REQUEST TO BID DOCKET



WHEREAS, by Resolution No. 248-2019, adopted on April 16, 2019, the Town Board authorized Lockwood, Kessler & Bartlett, Inc. to proceed with a preliminary design report, Contract No. H19-198-PH3, Highway and Drainage Improvements to the Southwood Circle Phase 3, Syosset, and develop a construction phasing plan and construction cost estimates; and

WHEREAS, Bart A. Marino, P.E., Chief Civil Engineer, Lockwood, Kessler & Bartlett, Inc., by letter dated April 20, 2023, and Richard W. Lenz, P.E., Commissioner, Department of Public Works by memorandum dated April 24, 2023, requested Town Board authorization for Lockwood, Kessler & Bartlett, Inc., to use Tristate Planning Engineering & Land Surveying, P.C. as sub-consultant, in relation to Contract No. H19-198-PH3, Highway and Drainage Improvements to the Southwood Circle Phase 3, Syosset, to prepare a topographic survey base map, design of curb and roadway grading, design of stormwater drainage improvements, estimating, and preparation of construction documents suitable for construction bidding; and

WHEREAS, Commissioner Lenz, by said memorandum, further requested, that the Town Board authorize and direct the Town Comptroller to issue an encumbrance order, in the amount of \$181,000.00, to pay for work to be done by Lockwood, Kessler & Bartlett, Inc., and/or its sub-consultant, Tristate Planning Engineering & Land Surveying, P.C., in connection with the aforesaid project; and

WHEREAS, the proposed sub-consultant's disclosure questionnaire has been reviewed and has satisfied the Town's Procurement Policy,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are hereby accepted and approved, and Lockwood, Kessler & Bartlett, Inc., is hereby authorized to use Tristate Planning Engineering & Land Surveying, P.C., as sub-consultant, to prepare a topographic survey base map, design of curb and roadway grading, design of stormwater drainage improvements, estimating, and preparation of construction documents suitable for construction bidding; and be it further

RESOLVED, That the Town Comptroller is hereby authorized and directed to issue an encumbrance order in the amount of \$181,000.00, to pay for work to be done by Lockwood, Kessler & Bartlett, Inc., and/or its sub-consultant, Tristate Planning Engineering & Land Surveying, P.C., in connection with the aforesaid project, and be it further

RESOLVED, That the funds for said payment shall be drawn from Account No. HWY H 5197 20000 000 2303 008, Project ID No. 2303 HWYDB-04, in the amount of \$181,000.00; and be it further

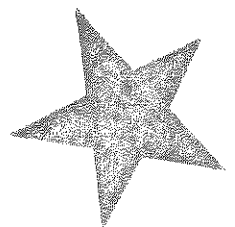
RESOLVED, That the Town Comptroller is hereby authorized and directed to make payment for same, upon the submission of a duly certified claim, after audit.

-#-

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

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

REVIEWED BY  
OFFICE OF TOWN ATTORNEY



WHEREAS, by Resolution No. 181-2023, adopted March 7, 2023, the Town Board awarded Contract No. HTR23-259, Tree Trimming and Tree Removal Requirements Contract, to Looks Great Services, Inc., for the initial contract period of March 7, 2023 through March 6, 2024, with an option for four (4) one (1) year extensions upon the same terms of the original contract; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works, by memorandum dated February 2, 2024, requested Town Board authorization to exercise the first one-year extension of Contract No. HTR23-259, for the period commencing March 7, 2024 through March 6, 2025, at the same prices, conditions and terms provided for in the original contract, in an amount not to exceed \$1,000,000.00; and

WHEREAS, Commissioner Lenz by said memorandum, advised the Town Board that, to date, Looks Great Services, Inc.'s work under Contract No. HTR23-259 has been satisfactorily completed; and

WHEREAS, the proposed vendor's disclosure questionnaire has been reviewed and has satisfied the Town's Procurement Policy,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted and approved, and Contract No. HTR23-259 with Looks Great Services, Inc. is hereby extended, for the period from March 7, 2024 through March 6, 2025, upon the same prices, conditions, and terms as provided in the original contract, in an amount not to exceed \$1,000,000.00.

-#-

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

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By  
Office of Town Attorney

**TOWN OF OYSTER BAY  
INTER-DEPARTMENTAL MEMO**

February 2, 2024

**TO:** MEMORANDUM DOCKET

**FROM:** RICHARD W. LENZ, P.E., COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS

**SUBJECT:** REQUEST APPROVAL FOR EXTENSION  
CONTRACT HTR23-259  
TREE TRIMMING AND TREE REMOVAL REQUIREMENTS  
LOOKS GREAT SERVICES, INC.

---

The Highway Division has reviewed the work performed by Looks Great Services, Inc. with respect to Tree Trimming and Tree Removal Requirements Contract under contract number HTR23-259 which was awarded by Town Board Resolution Number 181-2023 on March 7, 2023. This will be the first extension of a four year extension option.

The work performed by Looks Great Services, Inc. was satisfactory and completed in a timely manner. Therefore, it is hereby requested by the Highway Division contract HTR23-259 be extended March 7, 2024 through March 6, 2025.

In addition, it is hereby requested an amount of \$1,000,000.00 annually be authorized for the use of the above subject contract at various locations within the Town of Oyster Bay as per the contract specification.

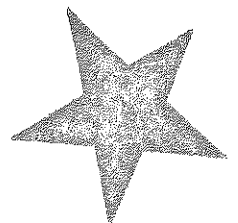
The vendors disclosure questionnaire has been reviewed and the Town is satisfied that the Procurement Policy standards have been met.



RICHARD W. LENZ, P.E.  
COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

 RWL/lb

Cc: John C. Tassone, Chief Deputy Commissioner/DPW  
Grace Santamaria, Highway Administration





John C. Tassone  
Deputy Commissioner  
Department of Public Works  
150 Miller Pl. Syosset, NY 11791  
(516) 677-5722  
[jtassone@oysterbay-ny.gov](mailto:jtassone@oysterbay-ny.gov)

1/31/2024

RE: TREE TRIMMING AND TREE REMOVAL  
THROUGHOUT THE TOWN OF OYSTER BAY, NASSAU COUNTY, NY  
CONTRACT NO. HTR23-259

Dear Mr. Tassone:

We are requesting an extension of the requirements contract (NO. HTR 23-259). We will honor the same terms and conditions from last year. Thank you for working with us and we look forward to our partnership.

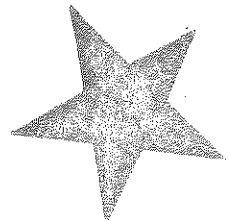
Sincerely,

Kristian Agoglia  
President  
Looks Great Services, Inc.  
140w 10th street  
Huntington Station NY 11746  
[kristian@looksgreatservices.com](mailto:kristian@looksgreatservices.com)  
(631) 367-2200

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*Looks Great Services Inc*  
140w 10th Street Huntington Station NY  
11746

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Reviewed By  
Office of Town Attorney  
*Ralph P. Deady*

WHEREAS, Maureen A. Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated February 9, 2024, requested Town Board authorization for the Town Supervisor, or his designee, to execute an agreement, as negotiated and approved by the Office of the Town Attorney, to retain the professional services of Ms. Rita Broughton, 26 Parkview Circle North, Bethpage, New York 11714, as a watercolor painting instructor, for the 2024 Senior Citizens Services Program, for the period commencing March 1, 2024 through December 31, 2024, at the rate of Forty Dollars (\$40.00) per hour of watercolor painting instruction provided, and for a total fee for said professional services not to exceed Four Thousand Dollars (\$4,000.00) during the entire term of said Agreement; and

WHEREAS, Commissioner Fitzgerald, by said memorandum, advised that the funds for said payment are available in, and may be drawn from, Account No. CYS A 7020 47660 000 0000 *Special Events*; and

WHEREAS, Commissioner Fitzgerald, by said memorandum, further advised, that by Resolution No. 454-2023, adopted on July 18, 2023, the Town Board authorized Ms. Broughton's professional services as an instructor for the Town of Oyster Bay's Fall 2023 Enrichment Program; and

WHEREAS, Commissioner Fitzgerald, by said memorandum, further advised that in accordance with Guideline No. 5 of the Town of Oyster Bay Procurement Policy, said instructor is exempt from the solicitation, written proposal or quotation requirements of the Policy; and

WHEREAS, Commissioner Fitzgerald, by said memorandum, further advised that the proposed vendor's disclosure questionnaire has been reviewed, and it has been determined that the provisions of the Town of Oyster Bay Procurement Policy have been satisfied,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is approved, and the Town Supervisor, or his designee, is hereby authorized to execute an agreement, as negotiated and approved by the Office of the Town Attorney, to retain the professional services of Ms. Rita Broughton, as a watercolor painting instructor, for the 2024 Senior Citizens Services Program, for the period commencing from March 1, 2024 through December 31, 2024, at the rate of Forty Dollars (\$40.00) per hour of watercolor painting instruction provided, and for a total fee for said professional services not to exceed Four Thousand Dollars (\$4,000.00) for the entire term of said Agreement; and be it further

RESOLVED, That the funds for said payment shall be drawn from Account No. CYS A 7020 47660 000 0000 *Special Events*; and be it further

RESOLVED, That the Town Comptroller is hereby authorized and directed to make payment for same, upon the submission of a duly certified claim, after audit.

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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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

TOWN OF OYSTER BAY  
Inter-Departmental Memorandum

February 9, 2024

TO: Memorandum Docket

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

SUBJECT: 2024 Instructional Watercolor Painting

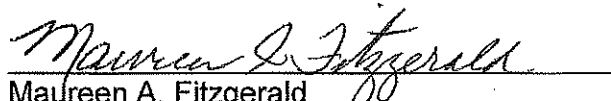
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The Department of Community & Youth Service requests Town Board authorization to retain the professional services of Rita Broughton, 26 Parkview Circle North, Bethpage, NY 11714 as a watercolor paint instructor for the Senior Citizen Services Program. Ms. Broughton's services were previously authorized for the Enrichment Workshop Program by Town Board Resolution# 454-2023 dated July 18, 2023.

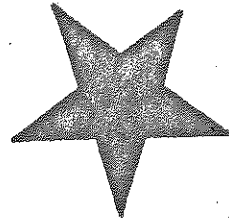
The Agreement would be effective from March 1, 2024 through December 31, 2024, at a rate of \$40.00 per hour, for a total cost not to exceed \$4,000. Funds for these services are available in account CYS A 7020 47660 000 0000, *Special Events*.

In accordance with Guideline 5, of the Town's Procurement Policy, this Instructor is exempt from the solicitation, written proposal or quotation requirements of the policy. The proposed vendor's Disclosure Questionnaire has been reviewed and has satisfied the Town's Procurement Policy.

Therefore, it is respectfully requested that the Town Board authorize the Agreement, as negotiated and further authorization the Supervisor and/or his designee to execute said agreement.

  
Maureen A. Fitzgerald  
Commissioner

MAF:sjb  
Attachments



7.45  
Reviewed By  
Office of Town Attorney  
Elizabeth A. Faughnan

WHEREAS, Maureen Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated June 15, 2023, requested Town Board authorization to sponsor enrichment workshops and to retain the professional services of the instructors listed on the attached chart for the locations, services and fees set forth therein, for the Fall 2023 Enrichment Program Workshops, and Commissioner Fitzgerald, by said memorandum, advised that the registration fees for the Adult Workshops will range from \$20.00 to \$85.00 for residents and \$35.00 to \$110.00 for non-residents, and monies collected from the workshops will be deposited in Revenue Account No. CYS A 0001 02001 511 0000; and

WHEREAS, Commissioner Fitzgerald, by said memorandum, further requested that the Department of Community and Youth Services be granted Town Board authorization to cancel workshops, issue refunds, and make changes to the date, time and location of the workshops as needed; and

WHEREAS, Commissioner Fitzgerald, by said memorandum, further advised that the funds for the instructional fees are available in Account No. CYS A 7020 47660 000 0000 Special Events, and will not exceed \$7,200.00; and

WHEREAS, Commissioner Fitzgerald, by said memorandum, further advised that in accordance with Guideline 5 of the Town's Procurement Policy, these instructors are exempt from the solicitation, written proposal or quotation requirements of the policy; and

WHEREAS, Commissioner Fitzgerald, by said memorandum, further advised that the proposed vendors' disclosure questionnaires have been reviewed, and have satisfied the Town's Procurement Policy,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are hereby approved, and the Department of Community and Youth Services, is authorized to sponsor enrichment workshops and is authorized to retain the professional services of the instructors listed on the chart attached hereto and made a part hereof, for the locations, services and fees set forth therein, for the Fall 2023 Enrichment Program Workshops: and be it further

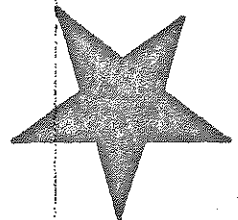
RESOLVED, That the registration fees for the Adult Workshops will range from \$20.00 to \$85.00 for residents and \$35.00 to \$110.00 for non-residents, and monies collected from the workshops will be deposited in Revenue Account No. CYS A 0001 02001 511 0000, and be it further

RESOLVED, That the Department of Community and Youth Services is hereby authorized to cancel workshops, issue refunds and make changes to the date, time and location as needed and the Comptroller is hereby authorized to process refunds for resident and non-resident fees, upon presentation of a duly certified claim after audit.

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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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye



Reviewed By  
Office of Town Attorney  
*Elizabeth A. Taughman*

WHEREAS, Maureen A. Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated February 9, 2024, requested Town Board authorization for the Department of Community and Youth Services to present the "Annual Salute to Seniors Luncheon" at The Mansion at Oyster Bay, located on the Town of Oyster Bay Golf Course, 1 Southwoods Road, Woodbury, New York 11797, from Noon until 4:00 p.m., on Tuesday, May 7, 2024, at a cost of \$65.00 per person for Town of Oyster Bay residents, and \$75.00 per person for non-residents, with said event to include a full, sit-down luncheon, entertainment, dancing and bus transportation, if needed, from previously established Town of Oyster Bay locations; and

WHEREAS, Commissioner Fitzgerald, by said memorandum, requested Town Board authorization for the Commissioner, or her designee, to make any adjustments, deletions, or changes, to the date, time and/or location of the event, as needed; and

WHEREAS, Commissioner Fitzgerald, by said memorandum, advised that the Department will collect funds as an administrative convenience, and that the luncheon will be conducted pursuant to the Department of Community and Youth Service's procedures for self-sustaining accounts,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are approved, and the Department of Community and Youth Services is hereby authorized to present the "Annual Salute to Seniors Luncheon" at The Mansion at Oyster Bay, located on the Town of Oyster Bay Golf Course, from Noon until 4:00 p.m., on Tuesday, May 7, 2024, at a cost of \$65.00 per person for Town of Oyster Bay residents, and \$75.00 per person for non-residents, and be it further

RESOLVED, That the Commissioner of the Department of Community and Youth Services, or her designee, is hereby authorized to make any adjustments, deletions, or changes to the date, time and/or location of the event as needed; and be it further

RESOLVED, That the Department is hereby authorized to collect the aforementioned funds as an administrative convenience; and be it further

RESOLVED, That the Department shall conduct the "Annual Salute to Seniors Luncheon" pursuant to the Department's procedures for self-sustaining accounts.

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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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

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TOWN OF OYSTER BAY  
Inter-Departmental Memorandum

February 9, 2024


TO: Memorandum Docket  
FROM: Maureen A. Fitzgerald, Commissioner  
Department of Community and Youth Services  
SUBJECT: Annual Salute to Seniors Luncheon

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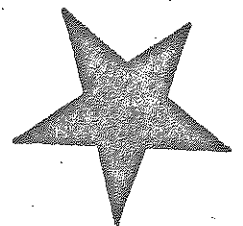
The Department of Community & Youth Services is requesting Town Board authorization to present the annual "Annual Salute to Seniors Luncheon" at The Mansion at Oyster Bay, located on the Town of Oyster Bay Golf Course at 1 S. Woods Rd., Woodbury, NY 11797. The event is scheduled to be held on Tuesday, May 7, 2024 from noon until 4:00PM. This event will include a full sit-down luncheon, entertainment, dancing and bus transportation, if needed, from previously established Town of Oyster Bay locations. The cost will be \$65.00 per person for Town residents and \$75.00 per person for non-residents.

The Department will collect the funds as an administrative convenience and the luncheon will be conducted pursuant to the Department of Community and Youth Service's procedures for self-sustaining accounts. Last year, the event was authorized by Town Board Resolution # 197-2023, dated March 21, 2023.

The Department also requests authorization for the Commissioner of Community & Youth Services to make adjustments, deletions or changes.

  
Maureen A. Fitzgerald  
Commissioner

MAF:sab  
Attachment



Meeting of March 21, 2023

Resolution No.197-2023

WHEREAS, Maureen A. Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated March 6, 2023, requested Town Board authorization for the Department of Community Youth Services to host the 2023 Salute to Seniors Luncheon at The Royal Palm, 2143 Boundary Avenue, Farmingdale, NY 11735, on Wednesday, May 17, 2023 at a cost of \$65.00 per person for residents and \$75.00 per person for non-residents, which includes a full sit-down luncheon, entertainment and bus transportation from previously established Town of Oyster Bay locations; and

WHEREAS, the Department will collect funds as an administrative convenience and the luncheon will be conducted pursuant to the Department of Community and Youth Service's procedures for self-sustaining accounts; and

WHEREAS, the Office of the Inspector General, in consultation and agreement with the Town Attorney's Office, has determined that the Department of Community and Youth Services may proceed with the program as presented,

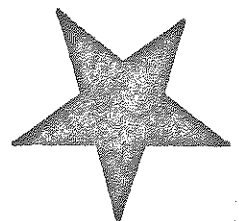
NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is approved, and the abovementioned Salute to Seniors Luncheon for May 17, 2023, is hereby authorized; and is to be conducted pursuant to the Department of Community and Youth Service's procedures for self-sustaining accounts; and be it further

RESOLVED, That the Commissioner, Department of Community and Youth Services, or her designee, is authorized to make any adjustments, deletions, or changes, as needed, to the above schedule.

-#-

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

Supervisor Saladino	Aye
Councilwoman Johnson	Absent
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye



Reviewed By  
Office of Town Attorney  
*Maureen A. Fitzgerald*

Meeting of February 27, 2024

Resolution No. 163-2024

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated February 7, 2024, requested Town Board authorization to conduct the Town of Oyster Bay Full Day/Half Day Summer Recreation Program for the 2024 Calendar Year, and to establish the fee schedule for said Program, as follows as follows:

<u>Program</u>	<u>Town Resident</u>
Full Day:	
One child	\$ 675.00
Each additional child (same family)	\$ 575.00
Half Day:	
One child	\$ 500.00
Each additional child (same family)	\$ 400.00

; and

WHEREAS, Commissioner Pinto, by said memorandum, further requested that the total fees received be deposited into Account No. PKS A 0001 02001 510 0000, with the exception of \$125,000.00, which shall be deposited into Account No. PKS A 7110 48100 000 0000, and shall be used to pay the costs of the program, including, but not limited to, the rental of trailers for each park, the rental of portable bathroom trailers for Ellsworth W. Allen Park, Marjorie R. Post Community Park, and Syosset-Woodbury Community Park, the purchase of t-shirts for campers and staff, the purchase of arts and crafts supplies, the purchase of sports equipment, and other miscellaneous costs, with said fees to remain unchanged, unless and/or until the Town Board amends said fees by Resolution, upon the request and/or recommendation of the Commissioner of the Department of Parks,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are hereby approved, and the Town Board hereby authorizes the Department of Parks to conduct the Town of Oyster Bay Full Day/Half Day Summer Recreation Program for the 2024 Calendar Year, and to establish the abovementioned fee schedule for said Program; and be it further

RESOLVED, That the total fees received shall be deposited into Account No. PKS A 0001 02001 510 0000, with the exception of \$125,000.00, which shall be deposited into Account No. PKS A 7110 48100 000 0000, and shall be used to pay the costs of the program, including, but not limited to, the rental of trailers for each park, the rental of portable bathroom trailers for Ellsworth W. Allen Park, Marjorie R. Post Community Park, and Syosset-Woodbury Community Park, the purchase of t-shirts for campers and staff, the purchase of arts and crafts supplies, the purchase of sports equipment, and other miscellaneous costs; and be it further

Reviewed By  
Office of Town Attorney

*Ralph R. Hendley*

RESOLVED, That the abovementioned fees shall remain unchanged, unless and/or until, the Town Board amends said fees by Resolution, upon the request and/or recommendation of the Commissioner of the Department of Parks.

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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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

# Town of Oyster Bay

## Inter-Departmental Memorandum

TO: Memorandum Docket

FROM: Joseph G. Pinto, Commissioner  
Department of Parks

DATE: February 7, 2024

SUBJECT: 2024 Summer Recreation Program

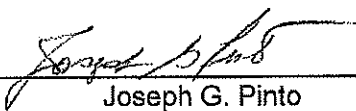
The Department of Parks, Division of Recreation, respectfully requests Town Board authorization to conduct the Town of Oyster Bay Full Day/Half Day Summer Recreation Program for the calendar year, and recommends the following fee schedule:

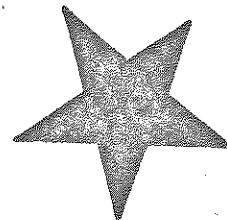
	<u>Town Resident</u>
<b>Full Day:</b>	
One child	\$675.00
Each additional child (Same family)	\$575.00
<b>Half Day:</b>	
One child	\$500.00
Each additional child (Same family)	\$400.00

All fees received will be deposited into Account No. PKS A 0001 02001 510 0000, with the exception of \$125,000, which will be deposited into Account No. PKS A 7110 41800 000 0000. The fees collected will pay for the costs of the program, including, but not limited to, the rental of trailers for each park, the rental of portable bathroom trailers for Allen Park, Marjorie Post Park and Syosset Woodbury Park, the purchase of T-shirts for the campers and staff, the purchase of arts and crafts supplies, sports equipment, and miscellaneous other costs. The fees shall remain unchanged unless and until they are amended by the Town Board upon recommendation of the Commissioner of the Department of Parks.

The Department of Parks, Division of Recreation, respectfully requests Town Board authorization to allow a 10% administrative fee for refunds. The timeframe and purposes for refunds will be at the discretion of the Commissioner of Parks.

The T-shirts are to be distributed to each child at the time of registration and are to be worn on all off-site field trips as a means to better identify the campers for enhanced supervision and safety purposes.

  
 \_\_\_\_\_  
 Joseph G. Pinto  
 Commissioner



Meeting of February 27, 2024

Resolution No. 164-2024

Reviewed By  
Office of Town Attorney

*Elizabeth A. Taughman*

WHEREAS, by Resolution No. 178-2017, adopted on April 4, 2017, the Town Board authorized the Town to enter into an agreement with the County of Nassau, whereby the Town agreed to serve as a vendor to the County of Nassau in the administration of the Temporary Assistance for Needy Families (TANF) and Safety Net Assistance programs, for the period of May 1, 2017 through December 31, 2017, in exchange for up to \$164,919.00 to be paid to the Town and the Agreement provided for four (4) one (1) year renewals; and

WHEREAS, by Resolution No. 800-2017, adopted on November 28, 2017, the Town Board authorized the Town to enter into the first one (1) year renewal of the Agreement, for the period beginning January 1, 2018 through December 31, 2018, in exchange for up to \$286,763.00 to be paid to the Town; and

WHEREAS, by Resolution No. 782-2018, adopted on December 11, 2018, the Town Board authorized the Town to enter into the second one (1) year renewal of the Agreement, for the period beginning on January 1, 2019 through December 31, 2019, nunc pro tunc, in exchange for up to \$342,498.00 to be paid to the Town; and

WHEREAS, by Resolution No. 44-2020, adopted on January 7, 2020, the Town Board authorized the Town to enter into the third one (1) year renewal of the Agreement, for the period beginning on January 1, 2020 through December 31, 2020, nunc pro tunc, in exchange for up to \$349,348.00 to be paid to the Town; and

WHEREAS, by Resolution No. 358-2021, adopted on June 29, 2021, the Town Board authorized the Town to enter into the fourth one (1) year renewal of the Agreement, for the period beginning on January 1, 2021 through December 31, 2021, nunc pro tunc, in exchange for up to \$349,348.00 to be paid to the Town; and

WHEREAS, by Resolution No. 128-2022, adopted on March 1, 2022, the Town Board authorized the Town to enter into a fifth renewal of the Agreement for a nine (9) month term of January 1, 2022 through September 30, 2022, nunc pro tunc, in exchange for up to \$265,941.00 be paid to the Town; and

WHEREAS, by Resolution No. 770-2022, adopted on October 25, 2022, the Town Board authorized the Town to enter into a new Agreement with the County of Nassau, superseding the renewal authorized by Resolution No. 128-2022, and approving and authorizing an Agreement Amendment for the period beginning on January 1, 2022 through December 31, 2022, nunc pro tunc, in exchange for up to \$354,588.00 to be paid to the Town; and

WHEREAS, by Resolution No. 540-2023, adopted on August 15, 2023, the Town Board authorized the Town to enter into a new Agreement Amendment with the County of Nassau, superseding the previously Amended Agreement renewal authorized by Resolution No. 770-2022,

and approving and authorizing an Agreement Amendment providing for payment to the Town of an amount not to exceed \$365,226.00, for the one (1) year period January 1, 2023 through December 31, 2023, nunc pro tunc; and

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated February 7, 2024, advised that the County of Nassau has agreed to supersede the previously Amended Agreement, with a new Agreement Amendment, providing for payment to the Town of an amount not to exceed \$372,531.00 to the Town, for the one (1) year period January 1, 2024 through December 31, 2024, nunc pro tunc; and

WHEREAS, Commissioner Sammartano, by said memorandum, recommended that the Town agree to, and the Supervisor, or his designee, be authorized to, enter into a new Agreement Amendment, providing for payment to the Town of an amount not to exceed \$372,531.00 to the Town, for the one (1) year period January 1, 2024 through December 31, 2024, nunc pro tunc,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town is authorized to enter into a new Agreement Amendment, providing for payment to the Town of an amount not to exceed \$372,531.00 to the Town, in exchange for the Town serving as a vendor to the County of Nassau in the administration of the Temporary Assistance for Needy Families (TANF) and Safety Net Assistance Programs, for the one (1) year period January 1, 2024 through December 31, 2024, nunc pro tunc; and be it further

RESOLVED, That the Supervisor, or his designee, is hereby authorized to execute said renewal on behalf of the Town with the Nassau County Department of Social Services.

-#-

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

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

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**TOWN OF OYSTER BAY**  
**INTER-DEPARTMENTAL MEMO**

**TO:** MEMORANDUM DOCKET

**FROM:** FRANK V. SAMMARTANO, COMMISSIONER  
INTERGOVERNMENTAL AFFAIRS

**DATE:** FEBRUARY 7<sup>th</sup>, 2024

**SUBJECT:** TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM  
AGREEMENT RENEWAL / BUDGET AMENDMENT

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At the Town Board Meeting of April 4, 2017, the Town Board adopted Resolution Number 178-2017 (enclosed) which authorized the Town to enter into an Agreement with The County of Nassau (County). Through this Agreement the Town served as a vendor to the County in the administration of the Temporary Assistance for Needy Families (TANF) and Safety Net Assistance programs, in exchange for up to \$164,919.00 for a period of May 1, 2017 through December 31, 2017. This Agreement allowed for up to four (4) one (1) year renewals.

The above referenced Agreement, has been negotiated and renewed for a one-year period, for each calendar year, subsequent to the original Agreement term. Each of these Agreement renewals has been authorized by the Town Board per the following Resolutions:

Resolution No. 800-2017 authorized the renewal of the Agreement for the period of January 1, 2018 through December 31, 2018 in exchange for up to \$268,763.00;

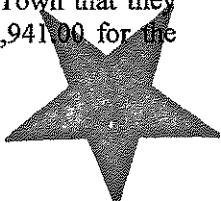
Resolution No. 782-2018 authorized the renewal of the Agreement for the period of January 1, 2019 through December 31, 2019 in exchange for up to \$342,498.00;

Resolution No. 44-2020 authorized the renewal of the Agreement for the period of January 1, 2020 through December 31, 2020 in exchange for up to \$349,348.00;

Resolution No. 358-2021 authorized the renewal of the Agreement for the period of January 1, 2021 through December 31, 2021 in exchange for up to \$349,348.00;

The original Agreement, as executed in 2017, stipulated that the Agreement may only be renewed for an additional calendar year, up to four (4) times thereby making the final Agreement end date no later than December 31, 2021. Per these terms in 2021, the Town pursued a new Agreement with Nassau County for the period of January 1, 2022 through December 31, 2022. However, the County ultimately decided and informed the Town that it wished to extend the original Agreement for a fifth time for a nine-month term from January 1, 2022 through September 30, 2022 in exchange for up to \$265,941.00. This Agreement renewal was executed pursuant to Resolution No. 128-2022.

On August 16<sup>th</sup>, 2022, the Nassau County Department of Social Services informed the Town that they would like to supersede the previously executed Amended Agreement, providing \$265,941.00 for the



period of January 1, 2022 through September 30, 2022, with an Agreement Amendment providing up to \$354,588.00 for the period of January 1, 2022 through December 31, 2022.

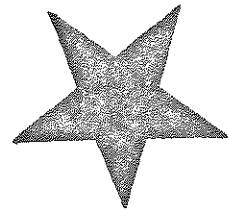
By Resolution No. 540-2023, adopted on August 15, 2023, the Town Board authorized the Town to enter into a new Agreement Amendment with the County of Nassau, superseding the previously Amended Agreement renewal authorized by Resolution No. 770-2022, and approving and authorizing an Agreement Amendment providing for payment to the Town in an amount not to exceed \$365,226.00, for the one (1) year period January 1, 2023 *nunc pro tunc* through December 31, 2023.

The process has been delayed by the County. Therefore we have been extended until the end of the year, December 31, 2024. The maximum amount in the original Agreement shall be increased by Three-Hundred Seventy-Two Thousand Five Hundred Thirty-One and 00/100 Dollars (\$372,531.00).

It is therefore respectfully requested, that the Town Board adopt a Resolution authorizing the Supervisor and/or his authorized designee, to execute an Amendment to the Agreement with the County of Nassau, thereby authorizing the Town to serve as a vendor to the County of Nassau, for a period **Nunc Pro Tunc** from January 1, 2024 through December 31st, 2024, in exchange for up to \$372,531.00 to be paid by the County of Nassau to the Town of Oyster Bay.

*John R. Hoff* For *Frank V. Sammartano*  
*Deputy*  
*Commissioner* Frank V. Sammartano  
Commissioner, Intergovernmental Affairs

FVS: pf



Meeting of April 4, 2017

Resolution No. 178-2017

WHEREAS, Frank V. Sammartano, Deputy Commissioner of the Department of Intergovernmental Affairs, by memoranda dated March 21, 2017 and March 27, 2017, recommended that the Supervisor be authorized to enter into an Agreement with the County of Nassau, in which the Town would serve as a vendor to the County of Nassau in the administration of the Temporary Assistance for Needy Families and Safety Net Assistance programs. Temporary Assistance for Needy Families is a Federal program established under the Personal Responsibility and Work Responsibility Reconciliation Act of 1996, providing income support for eligible families, within the broader context to move families from dependency to economic self-sufficiency. Safety Net Assistance is a program for recipients of Temporary Assistance for Needy Families who have reached the sixty (60) month eligibility limit under the Temporary Assistance for Needy Families program. Recipients of both the Temporary Assistance for Needy Families and Safety Net Assistance programs are required to adopt an Individual Employment Plan and maintain adherence to this Plan in order to remain eligible for benefits under the programs.

NOW, THEREFORE, BE IT RESOLVED, That the recommendations for the Town to serve as a vendor to the County of Nassau, for the Town to accept a caseload of approximately 200 Temporary Assistance for Needy Families and Safety Net Assistance recipients and work with them in the development of and adherence to their Individual Employment Plans, in return for up to \$164,919.00 for the period of May 1, 2017 through December 31, 2017 are hereby accepted and approved; and be it further

RESOLVED, That the Town's Department of Intergovernmental Affairs, Division of Employment and Training shall conduct individual assessments with Temporary Assistance for Needy Families and Safety Net Assistance recipients, develop Individual Employment Plans, provide job search assistance, make referrals to supportive services and arrange for the recipients' participation in activities required to maintain Temporary Assistance for Needy Families and Safety Net Assistance eligibility. The Department of Intergovernmental Affairs, Division of Employment and Training will also be responsible for tracking activities participated in by recipients, and reporting results to the County in order for the County to determine continued eligibility of those recipient's benefits under the Temporary Assistance for Needy Families and Safety Net Assistance programs; and be it further

RESOLVED, That Joseph S. Saladino, Town Supervisor of the Town of Oyster Bay, is hereby authorized to execute a contract agreement on behalf of the Town with the Nassau County Department of Social Services for the period of May 1, 2017 through December 31, 2017, for the purposes as set forth hereinabove.

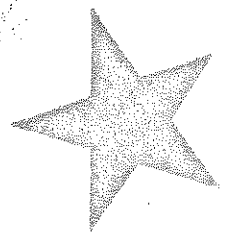
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The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

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

cc: Supervisor  
Town Attorney  
Comptroller (2)  
Intergovernmental Affairs

Reviewed By  
Office of Town Attorney



Meeting of November 28, 2017

Resolution No. 800 -2017

Reviewed By  
Office of Town Attorney

WHEREAS, by Resolution No. 178-2017, adopted on April 4, 2017, the Town Board authorized the Town to enter into an agreement with the County of Nassau, in which the Town agreed to serve as a vendor to the County of Nassau in the administration of the Temporary Assistance for Needy Families (TANF) and Safety Net Assistance programs, for the period of May 1, 2017 through December 31, 2017 and the Agreement allowed for up to four (4) one (1) year renewals; and

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated November 27, 2017, recommended that the Town agree to the first one (1) year renewal of the Agreement, for the period January 1, 2018 through December 31, 2018, for a fee of \$286,763.00,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved and the Town is authorized to enter into the first one (1) year renewal for the period of January 1, 2018 through December 31, 2018, for \$286,763.00; and be it further

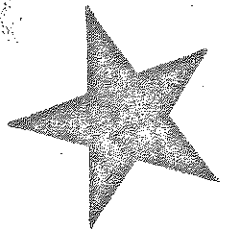
RESOLVED, That the Supervisor is hereby authorized to execute said renewal on behalf of the Town with the Nassau County Department of Social Services.

-#-

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	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor  
Town Attorney  
Comptroller (2)  
Intergovernmental Affairs /



Meeting of December 11, 2018

Resolution No. 782-2018

WHEREAS, by Resolution No. 178-2017, adopted on April 4, 2017, the Town Board authorized the Town to enter into an agreement with the County of Nassau, whereby the Town agreed to serve as a vendor to the County of Nassau in the administration of the Temporary Assistance for Needy Families (TANF) and Safety Net Assistance programs, for the period of May 1, 2017 through December 31, 2017, and the Agreement provided for four (4) one (1) year renewals; and

WHEREAS, by Resolution No. 800-2017, adopted on November 28, 2017, the Town Board authorized the Town to enter into the first one (1) year renewal of the Agreement, for the period January 1, 2018 through December 31, 2018, for a fee of \$286,763.00; and

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated November 16, 2018, recommended that the Town agree to a second one (1) year renewal of the Agreement, for the period January 1, 2019 through December 31, 2019, for a fee of \$342,498.00,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved and the Town is authorized to enter into the second one (1) year renewal for the period of January 1, 2019 through December 31, 2019, for \$342,498.00; and be it further

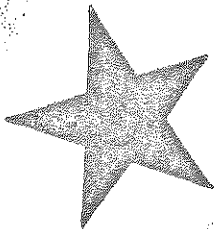
RESOLVED, That the Supervisor or his designee is hereby authorized to execute said renewal on behalf of the Town with the Nassau County Department of Social Services.

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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	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor  
Town Attorney  
Comptroller  
Intergovernmental Affairs



Meeting of January 7, 2020

Resolution No. 44-2020

Reviewed By  
Office of Town Attorney  
*[Signature]*

WHEREAS, by Resolution No. 178-2017, adopted on April 4, 2017, the Town Board authorized the Town to enter into an agreement with the County of Nassau, whereby the Town agreed to serve as a vendor to the County of Nassau in the administration of the Temporary Assistance for Needy Families (TANF) and Safety Net Assistance programs, for the period of May 1, 2017 through December 31, 2017, in exchange for up to \$164,919.00 to the Town and the Agreement provided for four (4) one-year renewals; and

WHEREAS, by Resolution No. 800-2017, adopted on November 28, 2017, the Town Board authorized the Town to enter into the first one-year renewal of the Agreement, for the period beginning January 1, 2018 through December 31, 2018, in exchange for up to \$286,763.00 to the Town; and

WHEREAS, by Resolution No. 782-2018, adopted on December 11, 2018, the Town Board authorized the Town to enter into the second one-year renewal of the Agreement, for the period beginning on January 1, 2019 through December 31, 2019, in exchange for up to \$342,498.00 to the Town; and

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memoranda dated December 20, 2019 and December 27, 2019, recommended that the Town agree to a third one-year renewal of the Agreement, for the period January 1, 2020 through December 31, 2020, in exchange for up to \$349,348.88.00 to the Town,

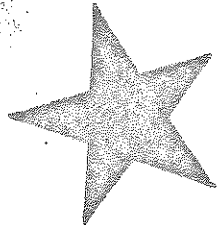
NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved and the Town is authorized to enter into the third one-year renewal *nunc pro tunc* from January 1, 2020 through December 31, 2020, for up to \$349,348.00 to the Town; and be it further

RESOLVED, That the Supervisor, or his designee, is hereby authorized to execute said renewal on behalf of the Town with the Nassau County Department of Social Services.

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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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye



WHEREAS, by Resolution No. 178-2017, adopted on April 4, 2017, the Town Board authorized the Town to enter into an agreement with the County of Nassau, whereby the Town agreed to serve as a vendor to the County of Nassau in the administration of the Temporary Assistance for Needy Families (TANF) and Safety Net Assistance programs, for the period of May 1, 2017 through December 31, 2017, in exchange for up to \$164,919.00 to the Town and the Agreement provided for four (4) one (1) year renewals; and

WHEREAS, by Resolution No. 800-2017, adopted on November 28, 2017, the Town Board authorized the Town to enter into the first one (1) year renewal of the Agreement, for the period beginning January 1, 2018 through December 31, 2018, in exchange for up to \$286,763.00 to the Town; and

WHEREAS, by Resolution No. 782-2018, adopted on December 11, 2018, the Town Board authorized the Town to enter into the second one (1) year renewal of the Agreement, for the period beginning on January 1, 2019 through December 31, 2019, in exchange for up to \$342,498.00 to the Town; and

WHEREAS, by Resolution No. 44-2020, adopted on January 7, 2020, the Town Board authorized the Town to enter into the third one (1) year renewal of the Agreement, for the period beginning on January 1, 2020 through December 31, 2020, in exchange for up to \$349,348.00 to the Town; and

WHEREAS, Frank V. Sammaritano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated June 4, 2021, recommended that the Town agree to a fourth one (1) year renewal of the Agreement, for the period January 1, 2021 through December 31, 2021, *nunc pro tunc*, in exchange for up to \$349,348.88.00 to the Town,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved and the Town is authorized to enter into the fourth one (1) year renewal *nunc pro tunc* from January 1, 2021 through December 31, 2021, for up to \$349,348.00 to the Town; and be it further

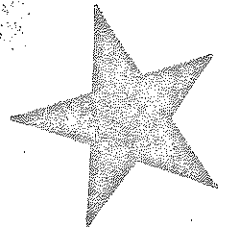
RESOLVED, That the Supervisor, or his designee, is hereby authorized to execute said renewal on behalf of the Town with the Nassau County Department of Social Services.

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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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Absent
Councilwoman Walsh	Aye

Reviewed By  
Office of Town Attorney  
Cynthia A. Vaughan



Meeting of March 1, 2022

Resolution No. 128 -2022

Reviewed By  
Office of Town Attorney  
*[Signature]*

WHEREAS, by Resolution No. 178-2017, adopted on April 4, 2017, the Town Board authorized the Town to enter into an agreement with the County of Nassau, whereby the Town agreed to serve as a vendor to the County of Nassau in the administration of the Temporary Assistance for Needy Families (TANF) and Safety Net Assistance programs, for the period of May 1, 2017 through December 31, 2017, in exchange for up to \$154,919.00 to the Town and the Agreement provided for four (4) one (1) year renewals; and

WHEREAS, by Resolution No. 800-2017, adopted on November 28, 2017, the Town Board authorized the Town to enter into the first one (1) year renewal of the Agreement, for the period beginning January 1, 2018 through December 31, 2018, in exchange for up to \$286,763.00 to the Town; and

WHEREAS, by Resolution No. 782-2018, adopted on December 11, 2018, the Town Board authorized the Town to enter into the second one (1) year renewal of the Agreement, for the period beginning on January 1, 2019 through December 31, 2019, in exchange for up to \$342,498.00 to the Town; and

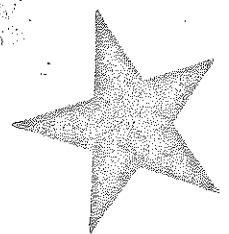
WHEREAS, by Resolution No. 44-2020, adopted on January 7, 2020, the Town Board authorized the Town to enter into the third one (1) year renewal of the Agreement, for the period beginning on January 1, 2020 through December 31, 2020, in exchange for up to \$349,348.00 to the Town; and

WHEREAS, by Resolution No. 358-2021, adopted on June 29, 2021, the Town Board authorized the Town to enter into the fourth one (1) year renewal of the Agreement, for the period beginning on January 1, 2021 through December 31, 2021, in exchange for up to \$349,348.00 to the Town; and

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated February 14, 2022, advised that the County of Nassau has agreed to a fifth extension of the Agreement for a nine (9) month term of January 1, 2022 through September 30, 2022 in exchange for up to \$265,941.00; and

WHEREAS, Commissioner Sammartano, by said memorandum, recommended that the Town agree to and the Supervisor, or his designee, be authorized to enter into a nine (9) month extension of the Agreement, for the period January 1, 2022 through September 30, 2022, *nunc pro tunc*, in exchange for up to \$265,941.00 to the Town,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town is authorized to enter into a nine (9) month extension of the Agreement *nunc pro tunc* from January 1, 2022 through September 30, 2022, for up to \$265,941.00 to the Town; and be it further



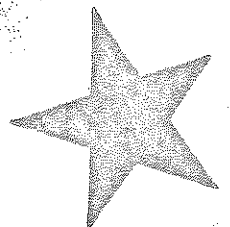
Resolution No.128-2022

RESOLVED, That the Supervisor, or his designee, is hereby authorized to execute said renewal on behalf of the Town with the Nassau County Department of Social Services.

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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 Saladin	Aye
Councilwoman Johnson	Absent
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye



Meeting of October 25, 2022

Resolution No. 770 -2022

WHEREAS, by Resolution No. 178-2017, adopted on April 4, 2017, the Town Board authorized the Town to enter into an agreement with the County of Nassau, whereby the Town agreed to serve as a vendor to the County of Nassau in the administration of the Temporary Assistance for Needy Families (TANF) and Safety Net Assistance programs, for the period of May 1, 2017 through December 31, 2017, in exchange for up to \$164,919.00 to the Town, and the Agreement provided for four (4) one (1) year renewals; and

WHEREAS, by Resolution No. 800-2017, adopted on November 28, 2017, the Town Board authorized the Town to enter into the first one (1) year renewal of the Agreement, for the period beginning January 1, 2018 through December 31, 2018, in exchange for up to \$268,763.90 to the Town; and

WHEREAS, by Resolution No. 782-2018, adopted on December 11, 2018, the Town Board authorized the Town to enter into the second one (1) year renewal of the Agreement, for the period beginning on January 1, 2019 through December 31, 2019, in exchange for up to \$342,498.00 to the Town; and

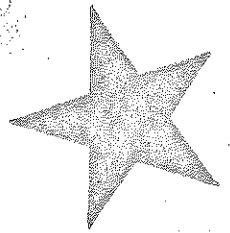
WHEREAS, by Resolution No. 44-2020, adopted on January 7, 2020, the Town Board authorized the Town to enter into the third one (1) year renewal of the Agreement, for the period beginning on January 1, 2020, *nunc pro tunc*, through December 31, 2020, in exchange for up to \$349,348.00 to the Town; and

WHEREAS, by Resolution No. 358-2021, adopted on June 29, 2021, the Town Board authorized the Town to enter into the fourth one (1) year renewal of the Agreement, for the period beginning on January 1, 2021, *nunc pro tunc*, through December 31, 2021, in exchange for up to \$349,348.00 to the Town; and

WHEREAS, the County of Nassau agreed to a fifth extension of the Agreement for a nine (9) month period, and by Resolution No. 128-2022, adopted on March 1, 2022, the Town Board authorized the Town to enter into a fifth renewal of the Agreement for a nine (9) month term of January 1, 2022, *nunc pro tunc*, through September 30, 2022 in exchange for up to \$265,941.00; and

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memoranda dated October 5, 2022 and October 17, 2022, advised that the Nassau County Department of Social Services wishes to supersede its previously executed and amended Agreement with the Town of Oyster Bay, providing up to \$265,941.00, for the period from January 1, 2022 *nunc pro tunc* through September 30, 2022, with an Agreement Amendment providing up to \$354,588.00 for the period from January 1, 2022, *nunc pro tunc*, through December 31, 2022, to be paid by the County of Nassau to the Town of Oyster Bay; and

Ms.  
FORWARDED BY  
Office of Town Attorney  
Peter J. O'Keefe



Resolution No. 770-2022

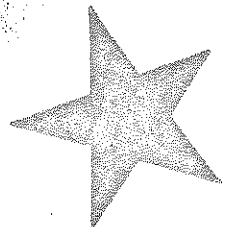
WHEREAS, Commissioner Sammartano, by said memorandum, requested Town Board authorization, for the Town Supervisor, or his duly appointed designee, to execute an Agreement Amendment with the County of Nassau, to authorize the Town of Oyster Bay to serve as a vendor to the County of Nassau, providing up to \$354,588.00, for the period from January 1, 2022, *nunc pro tunc*, through December 31, 2022, to be paid by the County of Nassau to the Town of Oyster Bay,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth hereby accepted and approved, and the Town Supervisor, or his duly appointed designee, is hereby authorized to execute an Agreement Amendment with the County of Nassau, to authorize the Town of Oyster Bay to serve as a vendor to the County of Nassau, providing up to \$354,588.00, for the period from January 1, 2022, *nunc pro tunc*, through December 31, 2022, to be paid by the County of Nassau to the Town of Oyster Bay;

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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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye



Meeting of August 15, 2023

Resolution No.540-2023

7/14/23  
Reviewed By  
Office of Town Attorney  
Elizabeth A. Laughon

WHEREAS, by Resolution No. 178-2017, adopted on April 4, 2017, the Town Board authorized the Town to enter into an agreement with the County of Nassau, whereby the Town agreed to serve as a vendor to the County of Nassau in the administration of the Temporary Assistance for Needy Families (TANF) and Safety Net Assistance programs, for the period of May 1, 2017 through December 31, 2017, in exchange for up to \$164,919.00 to be paid to the Town and the Agreement provided for four (4) one (1) year renewals; and

WHEREAS, by Resolution No. 800-2017, adopted on November 28, 2017, the Town Board authorized the Town to enter into the first one (1) year renewal of the Agreement, for the period beginning January 1, 2018 through December 31, 2018, in exchange for up to \$286,763.00 to be paid to the Town; and

WHEREAS, by Resolution No. 782-2018, adopted on December 11, 2018, the Town Board authorized the Town to enter into the second one (1) year renewal of the Agreement, for the period beginning on January 1, 2019 through December 31, 2019, in exchange for up to \$342,498.00 to be paid to the Town; and

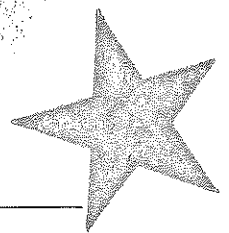
WHEREAS, by Resolution No. 44-2020, adopted on January 7, 2020, the Town Board authorized the Town to enter into the third one (1) year renewal of the Agreement, for the period beginning on January 1, 2020 through December 31, 2020, in exchange for up to \$349,348.00 to be paid to the Town; and

WHEREAS, by Resolution No. 358-2021, adopted on June 29, 2021, the Town Board authorized the Town to enter into the fourth one (1) year renewal of the Agreement, for the period beginning on January 1, 2021 through December 31, 2021, in exchange for up to \$349,348.00 to be paid to the Town; and

WHEREAS, by Resolution No. 128-2022, adopted on March 1, 2022, the Town Board authorized the Town to enter into a fifth renewal of the Agreement for a nine (9) month term of January 1, 2022 through September 30, 2022 in exchange for up to \$265,941.00 be paid to the Town; and

WHEREAS, by Resolution No. 770-2022, adopted on October 25, 2022, the Town Board authorized the Town to enter into a new Agreement with the County of Nassau, superseding the renewal authorized by Resolution No. 128-2022, and approving and authorizing an Agreement Amendment for the period beginning on January 1, 2022 nunc pro tunc through December 31, 2022, in exchange for up to \$354,588.00 to be paid to the Town; and

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, and John R. Sarcone, Jr., Deputy Commissioner, Department of Intergovernmental Affairs, by memorandum dated July 12, 2023, advised that the County of



Resolution No.540-2023

Nassau has agreed to supersede the previously Amended Agreement, with a new Agreement Amendment, providing for payment to the Town of an amount not to exceed \$365,226.00 to the Town, for the one (1) year period January 1, 2023 nunc pro tunc through December 31, 2023 and

WHEREAS, Commissioner Sammartano and Deputy Commissioner Sarcone, by said memorandum, recommended that the Town agree to and the Supervisor, or his designee, be authorized to enter into a new Agreement Amendment, providing for payment to the Town of an amount not to exceed \$365,226.00 to the Town, for the one (1) year period January 1, 2023 nunc pro tunc through December 31, 2023,

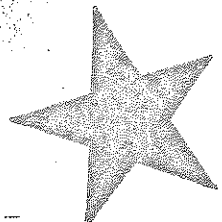
NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town is authorized to enter into a new Agreement Amendment, providing for payment to the Town of an amount not to exceed \$365,226.00 to the Town, in exchange for the Town serving as a vendor to the County of Nassau in the administration of the Temporary Assistance for Needy Families (TANF) and Safety Net Assistance Programs, for the one (1) year period January 1, 2023 through December 31, 2023, *nunc pro tunc*; and be it further

RESOLVED, That the Supervisor, or his designee, is hereby authorized to execute said renewal on behalf of the Town with the Nassau County Department of Social Services.

-#-

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

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye



#### AMENDMENT NO. VII

This AMENDMENT, dated as of January 1, 2024, (together with the exhibits, schedules, appendices and attachments, hereto, if any, this "Amendment"), between (i) Nassau County, a municipal corporation having its principal office at 1550 Franklin Avenue, Mineola, New York 11501 (the "County"), acting for and on behalf of the County Department of Social Services, having its principal office at 60 Charles Lindbergh Blvd., Uniondale, New York 11553 (the "Department"), and (ii) the Town of Oyster Bay, a municipal corporation, having its principal office at 977 Hicksville Road, Massapequa, New York, 11758 (the "Contractor").

#### W I T N E S S E T H

WHEREAS, pursuant to County contract number CQSS17000033 between the County and the Contractor, executed on behalf of the County on June 7, 2017, as amended by the amendment executed on behalf of the County on February 26, 2018, as amended by the amendment executed on behalf of the County on March 18, 2019, as amended by the amendment executed on behalf of the County on January 1, 2020, as amended by the amendment executed on behalf of the County on January 1, 2021, as amended by the amendment executed on behalf of the County on January 1, 2022 and as amended by the amendment executed on behalf of the County on January 1, 2023 (collectively, the "Original Agreement"), the Contractor provides employment services for recipients of Temporary Assistance for Needy Families ("TANF"), which services are more fully described in the Original Agreement (the services contemplated by the Original Agreement, the "Services"); and

WHEREAS, the term of the Original Agreement is from May 1, 2017 through December 31, 2023 (the "Original Term"); and

WHEREAS, the maximum amount that the County agreed to reimburse the Contractor for Services under the Original Agreement, as full compensation for the Services, was Two Million Two Hundred Twelve Thousand Six Hundred Ninety and 00/100 Dollars (\$2,212,690.00) (the "Maximum Amount"); and

WHEREAS, the County and the Contractor desire to extend the Original Term and increase the Maximum Amount of the Original Agreement;

NOW, THEREFORE, in consideration of the promises and mutual covenants contained in this Amendment, the parties agree as follows:

1. Term Extension. The Original Agreement shall be extended for twelve (12) months so that the termination date of the Original Agreement, as amended by this Amendment (the "Amended Agreement"), shall be December 31, 2024.

2. Maximum Amount. The Maximum Amount in the Original Agreement shall be increased by Three Hundred Seventy-Two Thousand Five Hundred Thirty-One and 00/100 Dollars (\$372,531.00), so that the maximum amount that the County shall pay to the Contractor as full consideration for all Services provided under the Amended Agreement shall be Two Million Five Hundred Eighty-Five Thousand Two Hundred Twenty-One and 00/100 Dollars (\$2,585,221.00) (the "Amended Maximum Amount").

3. Budget. The line-item budget referred to in Section 4(F) of the Original Agreement, is amended to appear in its entirety as set forth in Amended "Exhibit A" for the payment of Services performed during the renewal term authorized under this Amendment, attached hereto (such amended budget, the "Amended Budget"), which may be amended or modified from time to time within the maximum dollar authorization upon request of the Contractor; subject, however, to prior approval of the Department.

4. Payment. Section 4. Payment. Subsection (A)(1) through (3) of the Original Agreement is hereby amended with respect to the Services and payment to be provided under this Amendment as follows:

4(A)(1) Provided the Contractor performs all the terms and condition of this Amended Agreement, the County agrees to pay and the Contractor agrees to accept a maximum sum not to exceed Three Hundred Seventy-Two Thousand Five Hundred Thirty-One and 00/100 Dollars (\$372,531.00) in accordance with the Amended Budget attached hereto as Amended "Exhibit A."

4(A)(2) For all the Contractor's actual costs for Educational activities, Job Skills Training, Job Readiness Training and OJT services, the County agrees to pay and the Contractor agrees to accept a maximum sum not to exceed One Thousand and 00/100 Dollars (\$1,000.00).

4(A)(3) A combination of cost-based reimbursement not to exceed Two Hundred Ninety-Eight Thousand Twenty-Five and 00/100 Dollars (\$298,025.00) and performance-based reimbursement not to exceed Seventy-Four Thousand Five Hundred Six and 00/100 Dollars (\$74,506.00) will be used to pay the Contractor.

(a) Cost-Based Reimbursement. The cost-based reimbursement will be paid in arrears on a monthly basis in accordance with Amended Exhibit A.

(b) Performance-Based Reimbursement. The performance component of the Contractor's Services shall be billed separately from the cost-based reimbursement. Performance-based reimbursement will be paid on a monthly basis over the term of this Amended Agreement.

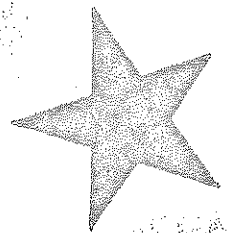
(i) **Performance Payment Schedules:**

Payments for each milestone are as follows:

(aa) Three Hundred Dollars (\$300) for each client with fully countable activities

(bb) One Hundred Dollars (\$100) for each assessment completed within Fifteen (15) Days for clients who are Non-Exempt from employment activities;

(cc) One Hundred Fifty Dollars (\$150) for each assessment completed with a client that is exempt from employment activities.



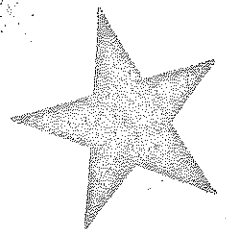
(ii) **Performance Claiming Procedures:**

Each month the Contractor shall submit to the Department a summary, using the Monthly Employment Vendor Report that will be constructed for this purpose, which will include the number of clients meeting the criteria for each milestone. The Contractor will provide the supporting documentation as specified in the payment policy section of each milestone with the summary.

(c) The Contractor shall generate and submit the NYS COGNOS report entitled Federal All Families Detail Listing- Countable Cases through the NYS COGNOS System and Welfare-To-Work Caseload Management System reports (or other report as may be designated by OTDA) as well as other documentation required to substantiate or verify claims for performance based reimbursement as determined by the Department. These reports and documents are to be submitted with the Contractor's claim for performance based reimbursement.

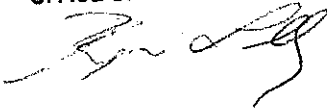
5. Full Force and Effect. All the terms and conditions of the Original Agreement not expressly amended by this Amendment shall remain in full force and effect and govern the relationship of the parties for the term of the Amended Agreement.

[Remainder of Page Intentionally Left Blank.]



IN WITNESS WHEREOF, the Contractor and the County have executed this Amendment as of the date first above written.

REVIEWED BY  
OFFICE OF TOWN ATTORNEY



TOWN OF OYSTER BAY

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

NASSAU COUNTY

By: \_\_\_\_\_

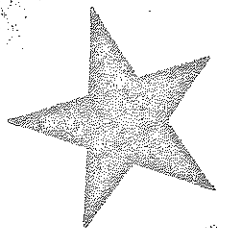
Name: \_\_\_\_\_

Title: County Executive

☐ Deputy County Executive

Date: \_\_\_\_\_

PLEASE EXECUTE IN BLUE INK



STATE OF NEW YORK)

)ss.:

COUNTY OF NASSAU )

On the \_\_\_\_ day of \_\_\_\_\_ in the year 202\_\_ before me personally came \_\_\_\_\_ to me personally known, who, being by me duly sworn, did depose and say that he or she resides in the County of \_\_\_\_\_; that he or she is a Deputy County Executive of the County of Nassau, the municipal corporation described herein and which executed the above instrument; and that he or she signed his or her name thereto pursuant to Section 205 of the County Government Law of Nassau County.

NOTARY PUBLIC

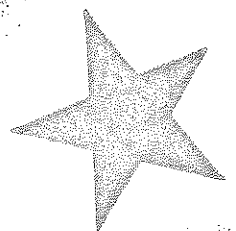
STATE OF NEW YORK)

)ss.:

COUNTY OF NASSAU )

On the \_\_\_\_ day of \_\_\_\_\_ in the year 202\_\_ before me personally came \_\_\_\_\_ to me personally known, who, being by me duly sworn, did depose and say that he or she resides in the County of \_\_\_\_\_; that he or she is the \_\_\_\_\_ of \_\_\_\_\_, the corporation described herein and which executed the above instrument; and that he or she signed his or her name thereto by authority of the board of directors of said corporation.

NOTARY PUBLIC



Meeting of February 27, 2024

Resolution No.165-2024

WHEREAS, Timothy R. Zike, Deputy Commissioner Department of Planning and Development, by memorandum dated February 5, 2024, requested and recommended that the Town Board authorize payment of a refund in the amount of \$7,675.00 to Yuan Xiu Zhou, 43 Bluebird Drive, Syosset, New York 11791, for fees paid for Building Permit No. R23000851, dated March 2, 2023, for construction to be done at 43 Bluebird Drive, Syosset, New York 11791, as the building permit was subsequently replaced and superseded by Building Permit No. P2306-0135, dated August 22, 2023; and

WHEREAS, Deputy Commissioner Zike, by said memorandum, advised that the Office of the Comptroller has reviewed all pertinent information relating to this request and recommend that the Town Board approve this refund,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are accepted and approved, and the Town Board authorizes payment of a refund in the amount of \$7,675.00 to Yuan Xiu Zhou, 43 Bluebird Drive, Syosset, New York 11791, for fees paid for Building Permit No. R23000851, and payment of said refund is to be made upon presentation of a duly certified claim, after audit by the Office of 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  
*Elizabeth A. Faughnan*

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

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

## TOWN OF OYSTER BAY

## INTER-DEPARTMENTAL MEMO

February 5, 2024

**TO:** MEMORANDUM DOCKET

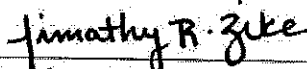
**FROM:** OFFICE OF THE COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT

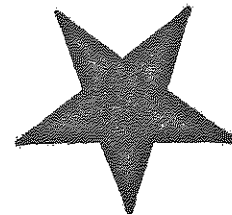
**SUBJECT:** RESIDENT REFUND - YUAN XIU ZHOU

Pursuant to the Code of the Town of Oyster Bay, this Department issued Building Permit Number R23000851 (Application 22110451), dated March 2, 2023, for construction to be done at 43 Bluebird Drive, Syosset, N.Y. 11791. After a change in construction classification, the existing Building Permit was subsequently replaced and superseded by Building Permit Number P2306-0135, dated August 22, 2023.

In light of the aforementioned facts, a seven thousand, six hundred seventy five dollar (\$7,675.00) refund for the issuance of Building Permit Number R23000851 (Application 22110451) should be refunded to Yuan Xiu Zhou, 43 Bluebird Drive, Syosset, New York 11791 under account number PAD B 0001 02555 000 0000.

The Office of the Comptroller has reviewed the Department back-up documentation and verified that funds are available for this requested refund.

  
\_\_\_\_\_  
Timothy R. Zike  
Deputy Commissioner



TRZ:km

WHEREAS, by Resolution No. 250-2022, adopted March 29, 2022, the Town Board authorized a contract with Ellipse Solutions, LLC, to provide services relating to the upgrade of and implementation of additional modules into the Town's Microsoft AX Dynamics application for a one (1) year term beginning April 15, 2022 through and including April 14, 2023, with three (3), one-year extension options, if mutually agreeable; and

WHEREAS, by Resolution No. 200-2023, adopted March 21, 2023, the Town Board authorized the first one (1) year extension of the contract with Ellipse Solutions, LLC, for the one (1) year term beginning April 15, 2023 through and including April 14, 2024, with two (2), remaining one-year extension options, if mutually agreeable; and

WHEREAS, Steven C. Ballas, Comptroller, by memorandum dated February 12, 2024, requested that the Town Board authorize the Supervisor, or his designee to enter into the second one-year extension of the agreement with Ellipse Solutions, LLC, to continue to provide services relating to the upgrade of and implementation of additional modules into the Town's Microsoft AX Dynamics application, for the one (1) year term beginning April 15, 2024 through and including April 14, 2025, under the same terms and conditions; and

WHEREAS, the vendor's disclosure questionnaire has been reviewed and has satisfied the Town's Procurement Policy,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is approved, and the Supervisor, or his designee is hereby authorized to enter into the second one-year extension of the agreement with Ellipse Solutions, LLC, to continue to provide services relating to the upgrade of and implementation of additional modules into the Town's Microsoft AX Dynamics application, for the one (1) year term beginning April 15, 2024 through and including April 14, 2025, with one (1), remaining one-year extension option, if mutually agreeable; and it be further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment to Ellipse Solutions, LLC, in an amount not to exceed \$780,000.00 from Account No. CMP H 1997 26000 000 2207 001, Project ID 2207 TWNTWN-15, upon submission of a duly certified claim, after audit.

-#-

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

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By  
Office of Town Attorney  
*Elizabeth A. Tanguin*

1166

**TOWN OF OYSTER BAY**  
**Inter-Departmental Memo**

February 12, 2024

**To: MEMORANDUM DOCKET**

**From: STEVEN C. BALLAS, COMPTROLLER**

**Subject: MICROSOFT AX DYNAMICS UPGRADE AND IMPLEMENTATION OF  
ADDITIONAL MODULES - ELLIPSE SOLUTIONS, LLC - SECOND EXTENSION**

---

Town Board Resolution No. 250-2022, attached, authorized Ellipse Solutions, LLC, 7917 Washington Woods Drive, Dayton, OH, 45459 to provide the Town with services relating to the upgrade and implementation of additional modules within the Town's Microsoft AX Dynamics application for a one (1) year period from April 15, 2022 through and including April 14, 2023, with the provision of three (3), one-year extension options, if mutually agreeable. Town Board Resolution No. 200-2023, attached, authorized the first one (1) year extension.

Accordingly, the Office of the Comptroller respectfully requests Town Board authorization for the Supervisor, or his designee to enter into the second one (1) year extension for a period commencing April 15, 2024 through and including April 14, 2025 under the same terms and conditions.

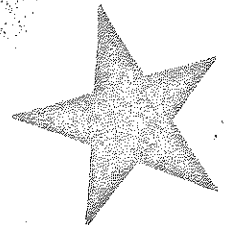
The Town has reviewed the vendor disclosure questionnaires and is satisfied that the Procurement Policy has been fulfilled.

Funds are available in account CMP H 1997 26000 000 2207 001 (Project 2207 TWNTWN-15) in an amount not to exceed \$780,000.00.

  
\_\_\_\_\_  
STEVEN C. BALLAS  
COMPTROLLER

SCB:cmw

cc: Reading File



Meeting of March 29, 2022

Resolution No 250-2022

Reviewed By  
Office of Town Attorney

Elizabeth A. Saughan

WHEREAS, Steven C. Ballas, Comptroller, by memoranda dated March 15, 2022 and March 18, 2022, advised that pursuant to the Town of Oyster Bay Procurement Policy, a request for proposals (RFP) was placed on the Town of Oyster Bay website and was sent to seven (7) firms, seeking proposals from firms interested in providing services regarding the Town's Microsoft AX Dynamics application for the upgrade and implementation of additional modules, to the Town for a one (1) year term beginning April 15, 2022 through and including April 14, 2023, with three (3), one-year extension options, if mutually agreeable; and

WHEREAS, the Office of the Comptroller received three (3) responses by the response due date; and

WHEREAS, the evaluation and selection process was performed in compliance with the requirements of Guidelines 6 and 9 of the Town of Oyster Bay Procurement Policy and an RFP review committee was formed with five (5) employees from three departments within the Town to review and rate each of the three (3) responses received; and

WHEREAS, following a review and evaluation of the three (3) responses, Ellipse Solutions, LLC, 7917 Washington Woods Drive, Dayton, Ohio, 45459, was determined to be the best qualified, and Comptroller Ballas, by said memorandum, requested that the Town Board authorize the Supervisor, or his designee to execute a contract with Ellipse Solutions, LLC to provide services regarding the Town's Microsoft AX Dynamics application for the upgrade and implementation of additional modules for a one (1) year term beginning April 15, 2022 through and including April 14, 2023, with three (3), one-year extension options, if mutually agreeable; and

WHEREAS, the Office of the Inspector General has reviewed the vendor's disclosure questionnaire and is satisfied the Town's Procurement Policy has been fulfilled,

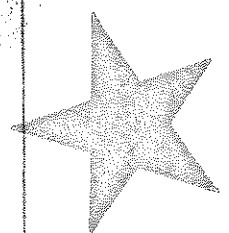
NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is approved, and the Town is hereby authorized to enter into a contract with Ellipse Solutions, to provide services relating to the upgrade of and implementation of additional modules into the Town's Microsoft AX Dynamics application for a one (1) year term beginning April 15, 2022 through and including April 14, 2023, with three (3), one-year extension options, if mutually agreeable; and it be further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment to Ellipse Solutions, LLC, in an amount not to exceed \$780,000.00 from Account Nos. CMP A 1680 46410 000 0000, Project ID 2207TWNTWN-15, and CMP H 1997 26000 000 2207 001, upon submission of a duly certified claim, after audit.

-#-

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

Supervisor Saladino	Aye
Councilwoman Johnson	Absent
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Absent
Councilwoman Walsh	Aye



Meeting of March 21, 2023

Resolution No.200-2023

WHEREAS, by Resolution No. 250-2022, adopted March 29, 2022, the Town Board authorized a contract with Ellipse Solutions, LLC, to provide services relating to the upgrade of and implementation of additional modules into the Town's Microsoft AX Dynamics application for a one (1) year term beginning April 15, 2022 through and including April 14, 2023, with three (3), one-year extension options, if mutually agreeable; and

WHEREAS, Steven C. Ballas, Comptroller, by memorandum dated February 28, 2023, requested that the Town Board authorize the Supervisor, or his designee to enter into the first one-year extension of the agreement with Ellipse Solutions, LLC, to continue to provide services relating to the upgrade of and implementation of additional modules into the Town's Microsoft AX Dynamics application, for the one (1) year term beginning April 15, 2023 through and including April 14, 2024, under the same terms and conditions; and

WHEREAS, the Office of the Inspector General has reviewed the vendor's disclosure questionnaire and is satisfied the Town's Procurement Policy has been fulfilled,

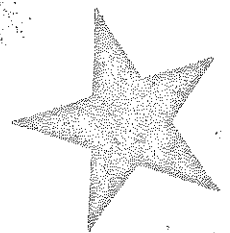
NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is approved, and the Supervisor, or his designee is hereby authorized to enter into the first one-year extension of the agreement with Ellipse Solutions, LLC, to continue to provide services relating to the upgrade of and implementation of additional modules into the Town's Microsoft AX Dynamics application, for the one (1) year term beginning April 15, 2023 through and including April 14, 2024, with two (2), remaining one-year extension options, if mutually agreeable; and it be further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment to Ellipse Solutions, LLC, in an amount not to exceed \$780,000.00 from Account Nos. CMP H 1997 26000 000 2107 001, Project ID 2107 TWNTWN-14, upon submission of a duly certified claim, after audit.

-#-

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

Supervisor Saladino	Aye
Councilwoman Johnson	Absent
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye



MS  
Reviewed By  
Office of Town Attorney  
Elizabeth A. Daugherty

Meeting of February 27, 2024

Resolution No.167-2024

*msd*  
REVIEWED BY  
OFFICE OF TOWN ATTORNEY  
*Ralph P. Healey*

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 December 6, 2023, authorized the Highway Department to clean up the premises located at 26 Roseanne Drive, Woodbury, New York 11797, also known as Section 15, Block 175, Lot 66 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank M. Scalera, Town Attorney, and Ralph P. Healey, Deputy Town Attorney, by memorandum dated February 12, 2024, 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 December 8, 2023, in the total amount of \$1,890.29, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank M. Scalera, Town Attorney, and Ralph P. Healey, Deputy Town Attorney, as set forth in their memorandum dated February 12, 2024, 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 \$1,890.29 may be assessed by the Legislature of the County of Nassau against the parcel known as 26 Roseanne Drive, Woodbury, New York 11797, also known as Section 15, Block 175, Lot 66 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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

1167

**Town of Oyster Bay  
Inter-Departmental Memo**

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: February 12, 2024

SUBJECT: Property Cleanup Assessment  
26 Roseanne Drive, Woodbury, New York 11797  
Section 15, Block 175, Lot 66

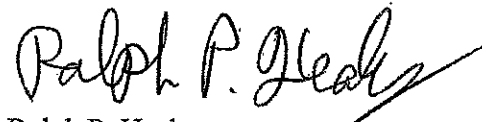
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The Department of Planning and Development, by memorandum dated December 6, 2023, directed the Highway Department to clean the premises located at 26 Roseanne Drive, Woodbury, New York 11797, also known as Section 15, Block 175, Lot 66 on the Land and Tax Map of the County of Nassau. The Highway Department has, by memorandum dated December 13, 2023, advised that the property was cleaned by a crew from the Highway Department on December 8, 2023. The cost incurred by the Town of Oyster Bay was \$1,890.29.

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.

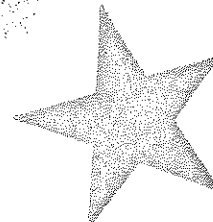
Kindly place this matter on the Town Board Action Calendar.

FRANK M. SCALERA  
TOWN ATTORNEY



Ralph P. Healey  
Deputy Town Attorney

RPH:aml  
Attachments



2023-9387

**TOWN OF OYSTER BAY**

**Inter-Departmental Memo**

**December 06, 2023**

**To: RICHARD W. LENZ, PE: COMMISSIONER/DPW**  
**From: TIMOTHY R. ZIKE: DEPUTY COMMISSIONER**  
**DEPARTMENT OF PLANNING AND DEVELOPMENT**  
**Subject: 26 ROSEANNE DRIVE, WOODBURY, NEW YORK 11797**  
**SBL: 15-175-66**

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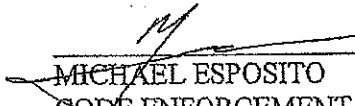
Notice of Violation number 005901 was issued to the owner of the above-referenced premises on 11/29/2023 for property non-maintenance, in violation of Chapter 135, Section 52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Chapter 135, Section 54, I am directing that:

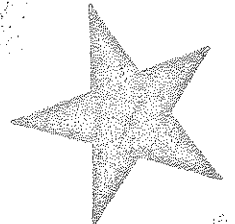
- Removal of rear fence.

Pursuant to the provisions of Chapter 135, Section 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 this Department by e-mail, the date and time the cleanup is completed. Please proceed accordingly.

TIMOTHY R. ZIKE  
DEPUTY COMMISSIONER

  
MICHAEL ESPOSITO  
CODE ENFORCEMENT BUREAU

TRZ:ME:sf  
cc: Frank Scalera, Town Attorney





**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

COMMISSIONER

ANGELO A. DELLIGATTI, ESQ.  
SPECIAL COUNSEL

TIMOTHY R. ZIKE  
DEPUTY COMMISSIONER

SCOTT L. BYRNE  
DEPUTY COMMISSIONER

December 06, 2023

The Estate of Stuart Zucker  
26 Roseanne Drive  
Woodbury, N.Y. 11797

RE: 26 ROSEANNE DRIVE, WOODBURY, NEW YORK 11797  
SECTION 15 BLOCK 175 LOT 66  
FAILURE TO MAINTAIN RESIDENTIAL PROPERTY

The Estate of Stuart Zucker:

Pursuant to Chapter 135 (Housing Standards), Section 53 (Notice of Violation) of the Code of the Town of Oyster Bay, please be advised that this Department has conducted an inspection of the above referenced property and issued Notice of Violation, Number 005901, dated 11/29/2023, which gave you five (5) days to clean-up the subject property. As of the date of this letter, you have failed to comply.

According to Chapter 135 (Housing Standards), Section 54 (Compliance with Notice; Assessment of Costs) of the Code of the Town of Oyster Bay, as the Commissioner of the Department of Planning and Development, I am empowered to direct the Town to clean-up the subject property, which includes removal of rear fence. Additionally, Chapter 135, Section 54 of the Code of the Town of Oyster Bay, allows the Town to be reimbursed for the cost of the work to maintain the subject property by approving an assessment to the subject property's tax bill. Pursuant to the above-mentioned Code provisions, I, as Commissioner, am directing the Town to clean-up the subject property.

Interference with this order is considered a VIOLATION of Chapter 135 (Housing Standards), Section 55.1 (Violation of Directives) of the Code of the Town of Oyster Bay and may be subject to further Code Enforcement action and/or penal actions taken by other law enforcement agencies. If you have any questions regarding this matter, kindly contact this Department's Code Enforcement Bureau at (516) 624-6215.

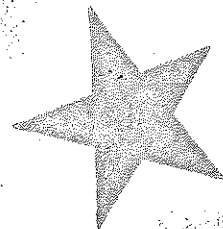
Very truly yours,

*Timothy R. Zike*

TIMOTHY R. ZIKE  
Deputy Commissioner

ME:sf

cc: Office of the Town Attorney  
Enclosure



22  
2024-9387

Town of Oyster Bay  
**Inter-Departmental Memo**

**TO:** FRANK M. SCALERA, TOWN ATTORNEY  
**FROM:** TIMOTHY R. ZIKE, DEPUTY COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
**DATE:** DECEMBER 21, 2023  
**SUBJECT:** 26 ROSEANNE DRIVE, WOODBURY, NEW YORK  
SECTION 15, BLOCK 175, LOT(S) 66

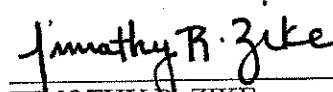
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The above referenced property was cleaned-up by the Town of Oyster Bay, following the procedures of Chapter 135 (Housing Standards), Article VI (Residential Property Maintenance) of the Code of the Town of Oyster Bay. According to Chapter 135, Section 54 (Compliance with Notice; Assessment of Costs) of the Code of the Town of Oyster Bay, the Town can be reimbursed for the clean-up costs by approving an assessment to the subject property's tax bill. Enclosed are copies of the supporting documentation and costs relating to the clean-up of the subject property. The costs for the subject property's clean-up are as follows:

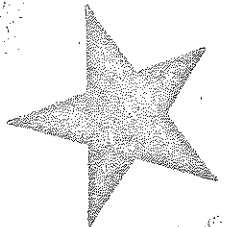
1). T.O.B. Highway Department Clean-Up Costs: \$ 1,890.29

It is respectfully requested that your Office take the necessary steps in order to obtain an approval for an assessment of \$1,890.29 to be added to the subject property tax bill in order to be reimbursed for the Town's work to clean-up the subject property.

Thank you for your attention to this matter. If you have any questions, kindly contact Code Enforcement, Suzanne Fitzgerald, at extension 6255.

  
TIMOTHY R. ZIKE  
Deputy Commissioner

ME:sf  
Encls.



1743  
THIS INDENTURE, made the 12<sup>th</sup> day of September, nineteen hundred and ninety seven  
BETWEEN

[REDACTED], his wife

party of the first part, and

STUART ZUCKER and [REDACTED], his wife  
26 Roseanne Drive,  
Woodbury, NY

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 Description

Sec- 15  
Bk- 175  
Lot- 66

Said premises also known as 26 Roseanne Drive, Woodbury, NY

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.

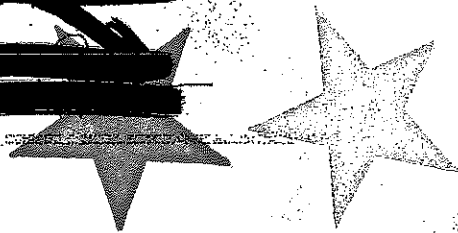
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

*[Signature]*  
Robert Kaschek

[REDACTED SIGNATURE]



**Town of Oyster Bay  
Inter- Departmental Memo**

December 13, 2023

**TO:** DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JOHN C. TASSONE, CHIEF DEPUTY COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS


**SUBJECT:** 26 ROSANNE DRIVE, WOODBURY  
REMOVE REAR FENCE

---

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

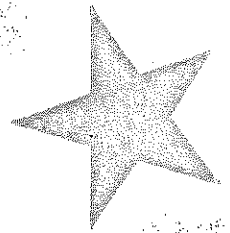
In accordance with the rectification of this violation it is asked that this division be reimbursed in the total amount of \$1,890.29.

If you have any questions pertaining to the above subject, please feel free to contact this office.

  
\_\_\_\_\_  
**JOHN C. TASSONE**  
**CHIEF DEPUTY COMMISSIONER**  
**DEPARTMENT OF PUBLIC WORKS**

JCT/kjb

Enc. T & M sheet





# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (15-175-66) 26 ROSANNE DR WOODBURY 11797

Date Dec 8, 2023

Work Order # 111164

## Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
KEVIN FREIBERG	General Maintenance	02:00	\$40.63	00:00	0	\$81.26
MICHAEL RICCARDO	General Maintenance	02:00	\$51.92	00:00	0	\$103.84
BRIAN TROTTA	General Maintenance	02:00	\$33.89	00:00	0	\$67.78
JASON WAHL	General Maintenance	02:00	\$39.18	00:00	0	\$78.36
BRIAN DIEMICKE	General Maintenance	02:00	\$27.40	00:00	0	\$54.80
Total Labor						\$386.04

## Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PU437	PICK UP 2012 FORD F250 TAN (8 / 008)	\$79.00	02:00	\$158.00
PU454	PICK UP TRUCK 2019 FORD F350 YW	\$79.00	02:00	\$158.00
PU458	2020 FORD F350 PICK UP YW	\$79.00	02:00	\$158.00
TD744	2019 FORD F450 YW POWER WAGON	\$105.00	02:00	\$210.00
Total Equipment				\$684.00

## Materials

Material	Cost Per Unit	Units	Line Cost
Administrative Fee	\$750.00	1	\$750.00
Tipping Fee (per ton)	\$88.92	0.79	\$70.25
Total Materials			\$820.25

**Grand Total \$1890.29**

## Description of Work:

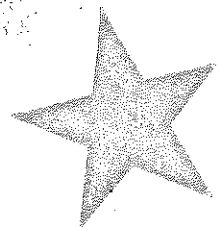
REMOVE REAR FENCE AT 26 ROSEANNE DRIVE WOODBURY

Signature: 

Name: PETER BROWN

Title: DIRECTOR OF HIGHWAY OPERATIONS

Date: Dec 12, 2023



WHEREAS, pursuant to Sections 96-15 and 96-20 of the Code of the Town of Oyster Bay, the Department of Planning and Development, by its emergency powers, authorized the Highway Department to secure the dwelling located at, 59 Berry Hill Road, Syosset, New York 11791, also known as Section 25, Block 9, Lots 10, 21 and 22 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank M. Scalera, Town Attorney, and Ralph P. Healey, Deputy Town Attorney, by memorandum dated February 12, 2024, pursuant to Section 96-19 of the Code of the Town of Oyster Bay, have requested that the cost of securing the premises on September 21, 2023, in the amount of \$971.58, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank M. Scalera, Town Attorney, and Ralph P. Healey, Deputy Town Attorney, as set forth in their memorandum dated February 12, 2024, 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 \$971.58 may be assessed by the Legislature of the County of Nassau against the parcel known as 59 Berry Hill Road, Syosset, New York 11791, also known as Section 25, Block 9, Lots 10, 21 and 22 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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

OR  
REVIEWED BY  
OFFICE OF TOWN ATTORNEY  
Ralph P. Healey

1168

**Town of Oyster Bay  
Inter-Departmental Memo**

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: February 12, 2024

SUBJECT: Property Cleanup Assessment  
59 Berry Hill Road, Syosset, New York 11791  
Section 25, Block 9, Lots 10, 21 and 22

---

By the emergency powers granted to the Department of Planning and Development, the Highway Department, vacated and secured the premises located at 59 Berry Hill Road, Syosset, New York 11791, also known as Section 25, Block 9, Lots 10, 21 and 22 on the Land and Tax Map of the County of Nassau. The Highway Department has, by memorandum dated September 28, 2023, advised that the property was secured by a crew from the Highway Department on September 21, 2023. The cost incurred by the Town of Oyster Bay was \$971.58.

Pursuant to Section 96-19 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.

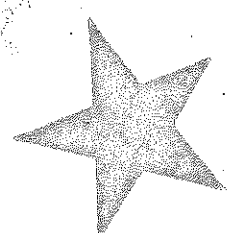
FRANK M. SCALERA  
TOWN ATTORNEY



Ralph P. Healey  
Deputy Town Attorney

RPH:aml  
Attachments

S:\Attys\aml\Cleanup MD&Reso\MD 59 Berry Hill Rd Bdup 2.12.2024



2023-9319  
Commercial

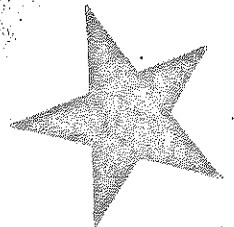
Ken Bishop

---

From: Margaret Lippolt  
Sent: Wednesday, September 20, 2023 3:28 PM  
To: Richard Lenz; John Tassone; Ken Bishop; Daniel Kornfeld; Peter Brown  
Cc: Hal Mayer; Timothy R. Zike; Scott Byrne; Anthony Ciervo  
Subject: 59 Berry Hill Rd. Angel Spa 25-9-10, 21+22

Good Afternoon,  
As per Deputy Commissioner Tim Zike, can you please secure the property at 59 Berry Hill Rd. Syosset, Angel Spa. As per Inspector 2 locks and hasps will be needed. Inspector Ciervo can meet you there at 9:15 tomorrow morning.

Thank you,  
Margie Lippolt for Michael Esposito  
Code Compliance Bureau  
Town of Oyster Bay  
74 Audrey Avenue  
Oyster Bay, New York 11771  
516-624-6190  
[mlippolt@oysterbay-ny.gov](mailto:mlippolt@oysterbay-ny.gov)



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4  
3,275,000

NY 005 - Partial and Sale Deed with Covenants against Grantor's Acts Individual or Corporation (Single State) (NYSTU 0092)

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

THIS INDENTURE, made the 30th day of June, in the year 2006  
BETWEEN

Lau & Lau Properties LLC  
133-47 Sanford Ave. UCLIE  
Flushing, NY 11355

party of the first part, and  
55 Berry Hill LLC  
825 East 233rd Street  
Bronx, NY 10466

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 Schedule A annexed hereto

S-25  
B-9  
L-10, 21, 22

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 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.

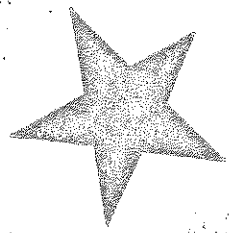
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.  
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party 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:

Lau & Lau Properties LLC

By: Albert Lau, Managing Member



AL

Town of Oyster Bay  
**Inter-Departmental Memo**

**TO:** FRANK M. SCALERA, TOWN ATTORNEY  
**FROM:** HAROLD B. MAYER JR., COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
**DATE:** October 06, 2023  
**SUBJECT:** 59 BERRY HILL ROAD, SYOSSET, NEW YORK 11791  
SECTION 25, BLOCK 9, LOT(S) 10

---

The above referenced property was boarded-up by the Town of Oyster Bay, following the procedures of Chapter 96 (Dangerous and Abandoned Buildings), Section 20 (Emergencies) of the Code of the Town of Oyster Bay. According to Chapter 96, Section 19 (Reimbursements for work performed) of the Code of the Town of Oyster Bay, the Town can be reimbursed for the board-up costs by approving an assessment to the subject property's tax bill. Enclosed are copies of the supporting documentation and costs relating to the board-up of the subject property. The costs for the subject property's board-up are as follows:

- 1) T.O.B. Highway Department Board-Up Costs: \$ 971.58

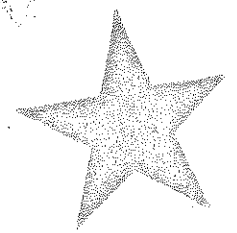
It is respectfully requested that your Office take the necessary steps in order to obtain an approval for an assessment of \$971.58 to be added to the subject property tax bill in order to be reimbursed for the Town's work to board-up the subject property.

Thank you for your attention to this matter. If you have any questions, kindly contact Margie Lippolt at extension 6190 in the Code Enforcement Bureau.

*Timothy R. Zike, D.C.*  
HAROLD B. MAYER JR.  
COMMISSIONER

ME:ml  
Encls.

2023 OCT 11 PM 4:57  
TOWN OF OYSTER BAY



**Town of Oyster Bay  
Inter- Departmental Memo**

September 28, 2023

**TO:** HAROLD B. MAYER, JR., COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JOHN C. TASSONE, CHIEF DEPUTY COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS


**SUBJECT:** 59 BERRY HILL ROAD, SYOSSET  
BOARD-UP

---

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Division. 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 division be reimbursed in the total amount of \$971.58.

If you have any questions pertaining to the above subject, please feel free to contact this office.

  
\_\_\_\_\_  
JOHN C. TASSONE  
CHIEF DEPUTY COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS

JCT/kjb

Enc. T & M sheet



# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (25-9-10) 55 -69 BERRY HILL RD SYOSSET 11791

Date Sep 21, 2023

Work Order # 108943

## Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
PAUL GEDULIG, JR.	General Maintenance	01:30	\$42.55	00:00	0	\$63.82
Total Labor						\$63.82

## Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
TU052	TRUCK UTILITY 2012 FORD F-350 YW (RR911)	\$79.00	01:30	\$118.50
Total Equipment				\$118.50


## Materials

Material	Cost Per Unit	Units	Line Cost
Administrative Fee	\$750.00	1	\$750.00
Hasps	\$7.24	2	\$14.48
Locks	\$12.39	2	\$24.78
Total Materials			\$789.26

**Grand Total \$971.58**

## Description of Work:

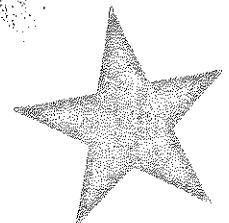
BOARD UP 59 BERRY HILL ROAD

Signature: 

Name: PETER BROWN

Title: DIRECTOR OF HIGHWAY OPERATIONS

Date: Sep 25, 2023



Meeting of February 27, 2024

Resolution No.169-2024

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 September 27, 2023, authorized the Highway Department to clean up the premises located at 107 Lawrence Street, Farmingdale, New York 11735, also known as Section 49, Block 229, Lot 2 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank M. Scalera, Town Attorney, and Ralph P. Healey, Deputy Town Attorney, by memorandum dated February 12, 2024, 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 October 5, 2023, in the total amount of \$1,864.90, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank M. Scalera, Town Attorney, and Ralph P. Healey, Deputy Town Attorney, as set forth in their memorandum dated February 12, 2024, 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 \$1,864.90 may be assessed by the Legislature of the County of Nassau against the parcel known as 107 Lawrence Street, Farmingdale, New York 11735, also known as Section 49, Block 229, Lot 2 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

7/2/24  
REVIEWED BY  
OFFICE OF TOWN ATTORNEY  
Ralph P. Healey

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

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

169

## Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: February 12, 2024

SUBJECT: Property Cleanup Assessment  
107 Lawrence Street, Farmingdale, New York 11735  
Section 49, Block 229, Lot 2

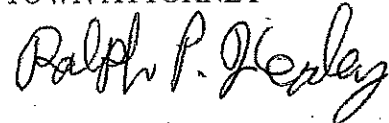
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The Department of Planning and Development, by memorandum dated September 27, 2023, directed the Highway Department to clean the premises located at 107 Lawrence Street, Farmingdale, New York 11735, also known as Section 49, Block 229, Lot 2 on the Land and Tax Map of the County of Nassau. The Highway Department has, by memorandum dated October 12, 2023, advised that the property was cleaned by a crew from the Highway Department on October 5, 2023. The cost incurred by the Town of Oyster Bay was \$1,864.90.

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.

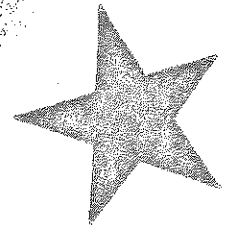
Kindly place this matter on the Town Board Action Calendar.

FRANK M. SCALERA  
TOWN ATTORNEY



Ralph P. Healey  
Deputy Town Attorney

RPH:aml  
Attachments



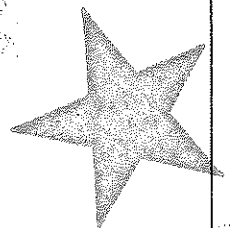
WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated September 27, 2023, authorized the Highway Department to clean up the premises located at 107 Lawrence Street, Farmingdale, New York 11735, also known as Section 49, Block 229, Lot 2 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank M. Scalera, Town Attorney, and Ralph P. Healey, Deputy Town Attorney, by memorandum dated February 12, 2024, 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 October 5, 2023, in the total amount of \$1,864.90, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank M. Scalera, Town Attorney, and Ralph P. Healey, Deputy Town Attorney, as set forth in their memorandum dated February 12, 2024, 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 \$1,864.90 may be assessed by the Legislature of the County of Nassau against the parcel known as 107 Lawrence Street, Farmingdale, New York 11735, also known as Section 49, Block 229, Lot 2 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

7/18/24  
REVIEWED BY  
OFFICE OF TOWN ATTORNEY  
Ralph P. Healey



2023-9358

TOWN OF OYSTER BAY

Inter-Departmental Memo

September 27, 2023

To: RICHARD W. LENZ, PE: COMMISSIONER/DPW  
From: HAROLD B. MAYER, JR: COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
Subject: 107 LAWRENCE STREET, FARMINGDALE, NEW YORK 11735  
SBL: 49-229-2

Notice of Violation number 005672 was issued to the owner of the above-referenced premises on 09/21/2023 for property non-maintenance, in violation of Chapter 135, Section 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 Chapter 135, Section 54, I am directing that:

- Lawn and vegetation to be cut on the subject property.
- Removal of all litter and debris.

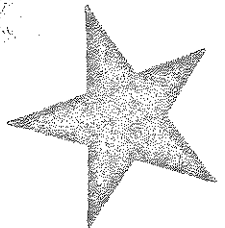
Pursuant to the provisions of Chapter 135, Section 54(C) of the Code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify this Department by e-mail, the date and time the cleanup is completed. Please proceed accordingly.

HAROLD B. MAYER, JR  
COMMISSIONER

  
MICHAEL ESPOSITO  
CODE ENFORCEMENT BUREAU

HBM:ME:sf  
cc: Frank Scalera, Town Attorney

No Deed





**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

HAROLD B. MAYER, JR.  
COMMISSIONER

ANGELO A. DELLIGATTI, ESQ.  
SPECIAL COUNSEL

TIMOTHY R. ZIKE  
DEPUTY COMMISSIONER

SCOTT L. BYRNE  
DEPUTY COMMISSIONER

September 27, 2023

Janis Curtain  
107 Lawrence Street  
Farmingdale, N.Y. 11735

RE: 107 LAWRENCE STREET, FARMINGDALE, NEW YORK 11735  
SECTION 49 BLOCK 229 LOT 2  
FAILURE TO MAINTAIN RESIDENTIAL PROPERTY

Janis Curtain,

Pursuant to Chapter 135 (Housing Standards), Section 53 (Notice of Violation) of the Code of the Town of Oyster Bay, please be advised that this Department has conducted an inspection of the above referenced property and issued Notice of Violation, Number 005672, dated 09/21/2023, which gave you five (5) days to clean-up the subject property. As of the date of this letter, you have failed to comply.

According to Chapter 135 (Housing Standards), Section 54 (Compliance with Notice; Assessment of Costs) of the Code of the Town of Oyster Bay, as the Commissioner of the Department of Planning and Development, I am empowered to direct the Town to clean-up the subject property, which includes the maintenance of lawn and vegetation to be under 8 inches in height and the removal of all litter and debris. Additionally, Chapter 135, Section 54 of the Code of the Town of Oyster Bay, allows the Town to be reimbursed for the cost of the work to maintain the subject property by approving an assessment to the subject property's tax bill. Pursuant to the above-mentioned Code provisions, I, as Commissioner, am directing the Town to clean-up the subject property.

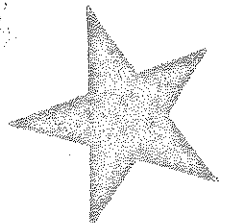
Interference with this order is considered a VIOLATION of Chapter 135 (Housing Standards), Section 55.1 (Violation of Directives) of the Code of the Town of Oyster Bay and may be subject to further Code Enforcement action and/or penal actions taken by other law enforcement agencies. If you have any questions regarding this matter, kindly contact this Department's Code Enforcement Bureau at (516) 624-6215.

Very truly yours,

*Timothy R. Zike*, Deputy Commissioner  
HAROLD B. MAYER, JR.  
COMMISSIONER

ME:sf

cc: Office of the Town Attorney  
cc: Andrew Preston, Esq., BRFH&D Attorneys at Law  
cc: Janis Curtain, P.O. Box 744, Farmingdale, New York 11735  
Enclosure



AL

**Town of Oyster Bay**  
**Inter-Departmental Memo**

**TO:** FRANK M. SCALERA, TOWN ATTORNEY

**FROM:** HAROLD B. MAYER JR., COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT

**DATE:** OCTOBER 19, 2023

**SUBJECT:** 107 LAWRENCE STREET, FARMINGDALE, NEW YORK 11735  
SECTION 49, BLOCK 229, LOT(S) 2

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The above referenced property was cleaned-up by the Town of Oyster Bay, following the procedures of Chapter 135 (Housing Standards), Article VI (Residential Property Maintenance) of the Code of the Town of Oyster Bay. According to Chapter 135, Section 54 (Compliance with Notice; Assessment of Costs) of the Code of the Town of Oyster Bay, the Town can be reimbursed for the clean-up costs by approving an assessment to the subject property's tax bill. Enclosed are copies of the supporting documentation and costs relating to the clean-up of the subject property. The costs for the subject property's clean-up are as follows:

1) T.O.B. Highway Department Clean-Up Costs: \$ 1,864.90

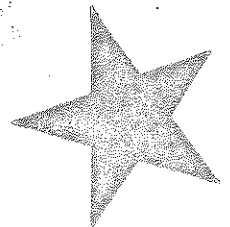
It is respectfully requested that your Office take the necessary steps in order to obtain an approval for an assessment of \$1,864.90 to be added to the subject property tax bill in order to be reimbursed for the Town's work to clean-up the subject property.

Thank you for your attention to this matter. If you have any questions, kindly contact Code Enforcement, Margie Lippolt, at extension 6190.

*Timothy R. Zike, D.C.*  
HAROLD B. MAYER JR.  
COMMISSIONER

ME:ml

cc: Andrew Preston Bee, Ready, Fishbein, Hatter, & Donovan, LLP.  
Encls.



**Town of Oyster Bay  
Inter- Departmental Memo**

October 12, 2023

**TO:** HAROLD B. MAYER, JR., COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JOHN C. TASSONE, CHIEF DEPUTY COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS

**SUBJECT:** 107 LAWRENCE STREET, FARMINGDALE  
CLEAN-UP

---

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Division. 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 division be reimbursed in the total amount of \$1,864.90.

If you have any questions pertaining to the above subject, please feel free to contact this office.

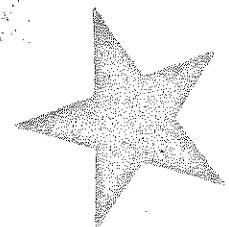


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**JOHN C. TASSONE  
CHIEF DEPUTY COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS**

JCT/kjb

Enc. T & M sheet





# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (49-229-2) 107 LAWRENCE ST FARMINGDALE 11735

Date Oct 5, 2023

Work Order # 109107

## Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
BRYAN BOYLE	General Maintenance	01:30	\$47.60	00:00	0	\$71.40
MICHAEL MCGEEVER	General Maintenance	01:30	\$33.89	00:00	0	\$50.84
JOHN STERGIOPOULOS	General Maintenance	01:30	\$29.57	00:00	0	\$44.36
SCOTT KELLY	General Maintenance	01:30	\$15.00	00:00	0	\$22.50
DANIEL MCQUAID	General Maintenance	01:30	\$24.52	00:00	0	\$36.78
RAYMOND QUEALY	General Maintenance	01:30	\$15.00	00:00	0	\$22.50
STEVEN KELLY	General Maintenance	01:30	\$26.68	00:00	0	\$40.02

Total Labor \$288.40

## Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PU500	2023 FORD F-250 YW	\$79.00	01:30	\$118.50
TD682	TRUCK DUMP 2010 FORD F-350 YW (T-205) - Power Wagons	\$105.00	01:30	\$157.50
TD688	TRUCK DUMP 2010 INTER 7300 YW (T-211)- 6 Wheeler	\$131.00	01:30	\$196.50
TD703	TRUCK DUMP 2011 FORD F350 YELLO (T-195) - Power Wagons	\$105.00	01:30	\$157.50
TD778	2023 INT. DUMP TRUCK YELLOW	\$131.00	01:30	\$196.50

Total Equipment \$826.50

## Materials


Material	Cost Per Unit	Units	Line Cost
Administrative Fee	\$750.00	1	\$750.00

Total Materials \$750.00

**Grand Total \$1864.90**

## Description of Work:

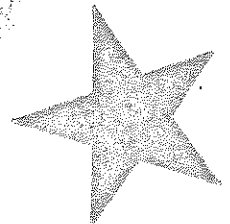
CLEAN UP 107 LAWRENCE STREET FARMINGDALE

Signature: 

Name: PETER BROWN

Title: DIRECTOR OF HIGHWAY OPERATIONS

Date: Oct 6, 2023



WHEREAS, pursuant to Sections 96-15 and 96-20 of the Code of the Town of Oyster Bay, the Department of Planning and Development, by its emergency powers, and by Court Order dated June 14, 2023, authorized the Highway Department, to demolish the garage located at 602 Clocks Boulevard, Massapequa, New York 11758, also known as Section 66, Block 135, Lots 167 and 566 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank M. Scalera, Town Attorney, and Ralph P. Healey, Deputy Town Attorney, by memorandum dated February 12, 2024, pursuant to Section 96-19 of the Code of the Town of Oyster Bay, have requested that the cost of demolishing the aforementioned premises on October 11, 2023, for \$9,795.60, with additional costs of \$520.00 and \$6,752.64, for a total amount of \$17,068.24, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank M. Scalera, Town Attorney, and Ralph P. Healey, Deputy Town Attorney, as set forth in their memorandum dated February 12, 2024, 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 \$17,068.24 may be assessed by the Legislature of the County of Nassau against the parcel known as 602 Clocks Boulevard, Massapequa, New York 11758, also known as Section 66, Block 135, Lots 167 and 566 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  
Ralph P. Healey

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

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

**Town of Oyster Bay  
Inter-Departmental Memo**

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: February 12, 2024

SUBJECT: Property Cleanup Assessment  
602 Clocks Boulevard, Massapequa, New York 11758  
Section 66, Block 135, Lots 167 and 566

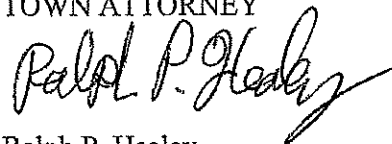
---

By the emergency powers granted to the Department of Planning and Development, and by Court Order dated June 14, 2023, the Highway Department was directed to demolish the garage located at the abovementioned property. The Highway Department has, by memorandum dated October 18, 2023, advised that the property was demolished by a crew from the Highway Department on October 11, 2023. The costs incurred by the Town of Oyster Bay were \$9,795.60, plus additional costs of \$520.00 (Top Soil and Seed) and \$6,752.64 (Outside Counsel) for a total cost of \$17,068.24.

Pursuant to Section 96-19 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.

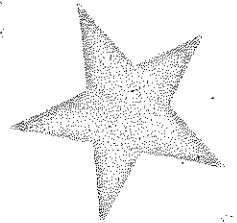
FRANK M. SCALERA  
TOWN ATTORNEY



Ralph P. Healey  
Deputy Town Attorney

RPH:aml  
Attachments

S:\Attys\aml\Cleanup MD&Reso\MD 602 Clocks Blvd Demolition 2.12.2024



2023-9359

**Daniel Kornfeld**

---

**From:** Richard Lenz  
**Sent:** Thursday, June 15, 2023 11:57 AM  
**To:** John Tassone; Peter Brown  
**Cc:** Eileen Walsh  
**Subject:** FW: 40:1815.035 - 602 Clocks Blvd., Massapequa - Inspection Report

Richard W. Lenz, P. E.  
Commissioner  
Department of Public Works / Highway  
150 Miller Place, Syosset NY 11791  
(516) 677-5124



**From:** Brian Nevin <bnevin@oysterbay-ny.gov>  
**Sent:** Thursday, June 15, 2023 11:53 AM  
**To:** Andrew Preston <APreston@beereadylaw.com>  
**Cc:** Timothy R. Zike <tzike@oysterbay-ny.gov>; John Tassone <jtassone@oysterbay-ny.gov>; Hal Mayer <hmayer@oysterbay-ny.gov>; Michael Esposito <mesposito@oysterbay-ny.gov>; Margaret Lippolt <mlippolt@oysterbay-ny.gov>; Christopher Neumann <cneumann@beereadylaw.com>; Richard Lenz <rlenzen@oysterbay-ny.gov>  
**Subject:** Re: 40:1815.035 - 602 Clocks Blvd., Massapequa - Inspection Report

Agreed. No press

On Jun 15, 2023, at 11:49 AM, Andrew Preston <APreston@beereadylaw.com> wrote:

**CAUTION:** This email originated from outside of our organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

All,  
The garage is to be demolished, but not the house; the house is occupied. I would not recommend a press event...  
Thanks,  
Andrew

Andrew K. Preston  
Bee, Ready, Fishbein, Hatter, & Donovan, LLP.  
170 Old Country Road, Suite 200  
Mineola, NY 11501  
Phone: (516) 746-5599 Ext: 273



Fax: (516) 746-1045

**From:** Timothy R. Zike <[tzike@oysterbay-ny.gov](mailto:tzike@oysterbay-ny.gov)>  
**Sent:** Thursday, June 15, 2023 11:47 AM  
**To:** John Tassone <[jtassone@oysterbay-ny.gov](mailto:jtassone@oysterbay-ny.gov)>; Brian Nevin <[bnevin@oysterbay-ny.gov](mailto:bnevin@oysterbay-ny.gov)>  
**Cc:** Hal Mayer <[hmayer@oysterbay-ny.gov](mailto:hmayer@oysterbay-ny.gov)>; Andrew Preston <[APreston@BeeReadyLaw.com](mailto:APreston@BeeReadyLaw.com)>; Michael Esposito <[mesposito@oysterbay-ny.gov](mailto:mesposito@oysterbay-ny.gov)>; Margaret Lippolt <[mlippolt@oysterbay-ny.gov](mailto:mlippolt@oysterbay-ny.gov)>; Christopher Neumann <[cneumann@beereadylaw.com](mailto:cneumann@beereadylaw.com)>; Richard Lenz <[rlenz@oysterbay-ny.gov](mailto:rlenz@oysterbay-ny.gov)>  
**Subject:** FW: 40:1815.035 - 602 Clocks Blvd., Massapequa - Inspection Report

[EXTERNAL]

John and Brian,

Attached is a Supreme Court Order allowing the Town to demolish the detached garage at 602 Clocks Boulevard, Massapequa.

Brian, do you want to do any type of press event?

John, can you have your Department prepare for the demolition and then coordinate with Brian Nevin a date for the actual demolition?

Additionally, I need to inform this Department's outside legal counsel (Andrew Preston) of the date so he in turn can notify the property owner.

Thank you for your assistance and cooperation.

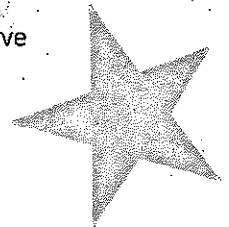
***Timothy R. Zike***

Deputy Commissioner  
Town of Oyster Bay  
Department of Planning and Development  
(516) 624-6267

**From:** Andrew Preston <[APreston@BeeReadyLaw.com](mailto:APreston@BeeReadyLaw.com)>  
**Sent:** Thursday, June 15, 2023 10:12 AM  
**To:** Timothy R. Zike <[tzike@oysterbay-ny.gov](mailto:tzike@oysterbay-ny.gov)>  
**Cc:** Hal Mayer <[hmayer@oysterbay-ny.gov](mailto:hmayer@oysterbay-ny.gov)>; Michael Esposito <[mesposito@oysterbay-ny.gov](mailto:mesposito@oysterbay-ny.gov)>; Margaret Lippolt <[mlippolt@oysterbay-ny.gov](mailto:mlippolt@oysterbay-ny.gov)>; Christopher Neumann <[cneumann@beereadylaw.com](mailto:cneumann@beereadylaw.com)>  
**Subject:** RE: 40:1815.035 - 602 Clocks Blvd., Massapequa - Inspection Report

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Good morning Tim,  
The entered order is attached. Once a demolition date is set, please let me know so that we can serve notice on the owner.  
Thank you,  
Andrew



Andrew K. Preston  
Bee, Ready, Fishbein, Hatter, & Donovan, LLP.  
170 Old Country Road, Suite 200  
Mineola, NY 11501  
Phone: (516) 746-5599 Ext: 273  
Fax: (516) 746-1045

**From:** Timothy R. Zike <[tzike@oysterbay-nv.gov](mailto:tzike@oysterbay-nv.gov)>  
**Sent:** Wednesday, June 14, 2023 3:02 PM  
**To:** Andrew Preston <[APreston@BeeReadyLaw.com](mailto:APreston@BeeReadyLaw.com)>  
**Cc:** Hal Mayer <[hmayer@oysterbay-nv.gov](mailto:hmayer@oysterbay-nv.gov)>; Michael Esposito <[mesposito@oysterbay-nv.gov](mailto:mesposito@oysterbay-nv.gov)>;  
Margaret Lippolt <[mlippolt@oysterbay-nv.gov](mailto:mlippolt@oysterbay-nv.gov)>; Christopher Neumann <[cneumann@beereadylaw.com](mailto:cneumann@beereadylaw.com)>  
**Subject:** RE: 40:1815.035 - 602 Clocks Blvd., Massapequa - Inspection Report

[EXTERNAL]

Andrew,

I will work out a demolition date with the other Town Department's upon receipt of the entered copy of the order.

Thank you.

***Timothy R. Zike***

Deputy Commissioner  
Town of Oyster Bay  
Department of Planning and Development  
(516) 624-6267

**From:** Andrew Preston <[APreston@BeeReadyLaw.com](mailto:APreston@BeeReadyLaw.com)>  
**Sent:** Wednesday, June 14, 2023 2:40 PM  
**To:** Timothy R. Zike <[tzike@oysterbay-nv.gov](mailto:tzike@oysterbay-nv.gov)>  
**Cc:** Hal Mayer <[hmayer@oysterbay-nv.gov](mailto:hmayer@oysterbay-nv.gov)>; Michael Esposito <[mesposito@oysterbay-nv.gov](mailto:mesposito@oysterbay-nv.gov)>;  
Margaret Lippolt <[mlippolt@oysterbay-nv.gov](mailto:mlippolt@oysterbay-nv.gov)>; Christopher Neumann <[cneumann@beereadylaw.com](mailto:cneumann@beereadylaw.com)>  
**Subject:** RE: 40:1815.035 - 602 Clocks Blvd., Massapequa - Inspection Report

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Good afternoon Tim,

We have now received the court order directing demolition of the garage structure at 602 Clocks; a copy is attached. I will forward an entered copy of the order on receipt. Please let me know when the Town is available to conduct the demolition.

Thank you,  
Andrew

Andrew K. Preston  
Bee, Ready, Fishbein, Hatter, & Donovan, LLP.

170 Old Country Road, Suite 200  
Mineola, NY 11501  
Phone: (516) 746-5599 Ext: 273  
Fax: (516) 746-1045

**From:** Andrew Preston  
**Sent:** Thursday, January 26, 2023 10:11 AM  
**To:** Timothy R. Zike <[tzike@oysterbay-ny.gov](mailto:tzike@oysterbay-ny.gov)>  
**Cc:** Hal Mayer <[hmayer@oysterbay-ny.gov](mailto:hmayer@oysterbay-ny.gov)>; Michael Esposito <[mesposito@oysterbay-ny.gov](mailto:mesposito@oysterbay-ny.gov)>; Margaret Lippolt <[mlippolt@oysterbay-ny.gov](mailto:mlippolt@oysterbay-ny.gov)>  
**Subject:** RE: 40:1815.035 - 602 Clocks Blvd., Massapequa - Inspection Report

Good morning Tim,  
We will. Thank you.

Andrew K. Preston  
Bee, Ready, Fishbein, Hatter, & Donovan, LLP.  
170 Old Country Road, Suite 200  
Mineola, NY 11501  
Phone: (516) 746-5599 Ext: 273  
Fax: (516) 746-1045

**From:** Timothy R. Zike <[tzike@oysterbay-ny.gov](mailto:tzike@oysterbay-ny.gov)>  
**Sent:** Wednesday, January 25, 2023 3:54 PM  
**To:** Andrew Preston <[APreston@BeeReadyLaw.com](mailto:APreston@BeeReadyLaw.com)>  
**Cc:** Hal Mayer <[hmayer@oysterbay-ny.gov](mailto:hmayer@oysterbay-ny.gov)>; Michael Esposito <[mesposito@oysterbay-ny.gov](mailto:mesposito@oysterbay-ny.gov)>; Margaret Lippolt <[mlippolt@oysterbay-ny.gov](mailto:mlippolt@oysterbay-ny.gov)>  
**Subject:** FW: 40:1815.035 - 602 Clocks Blvd., Massapequa - Inspection Report

[EXTERNAL]

Andrew,

Please see the attached assessment of 602 Clocks Boulevard, Massapequa.

Kindly proceed accordingly.

Thank you.

***Timothy R. Zike***  
**Deputy Commissioner**  
Town of Oyster Bay  
Department of Planning and Development  
(516) 624-6267

**From:** Ryan Rosenberg <[RRosenberg@csflc.com](mailto:RRosenberg@csflc.com)>  
**Sent:** Wednesday, January 25, 2023 2:38 PM  
**To:** Timothy R. Zike <[tzike@oysterbay-ny.gov](mailto:tzike@oysterbay-ny.gov)>  
**Cc:** Hal Mayer <[hmayer@oysterbay-ny.gov](mailto:hmayer@oysterbay-ny.gov)>; Andrew Preston <[APreston@BeeReadyLaw.com](mailto:APreston@BeeReadyLaw.com)>  
([APreston@BeeReadyLaw.com](mailto:APreston@BeeReadyLaw.com)) <[APreston@BeeReadyLaw.com](mailto:APreston@BeeReadyLaw.com)>; Steve Ferretti <[Sferretti@csflc.com](mailto:Sferretti@csflc.com)>;

Kevin Rate <KRate@csfllc.com>; Jacqueline Santiago <JSantiago@csfllc.com>  
Subject: 40:1815.035 - 602 Clocks Blvd., Massapequa - Inspection Report

**CAUTION: This email originated from outside of our organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!**

Deputy Commissioner Zike,

I have attached the signed and sealed report for 602 Clocks Blvd., Massapequa. Our office will also send out via US mail. Claim for services rendered to follow.

If you have any questions, comments, or concerns, please do not hesitate to let me know.

Thanks,

<image001.png>

This message (including any attachments) may contain confidential information and is intended only for the individual or individuals named. If you are not the intended recipient, you should delete this message immediately. If you received this message in error, please notify the sender immediately.

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# NOTICE

Date: October 4, 2023

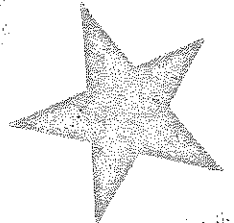
Subject: Section 66 Block 135 Lots 166 and 566  
602 Clocks Blvd.  
Massapequa NY, 11758

**BE ADVISED**, pursuant to the Town of Oyster Bay Town Code §96-16 and the enclosed June 14, 2023, Order of Hon. R. Bruce Cozzens, JSC in the action bearing Supreme Court, Nassau County Index Number 612867/2022, demolition of the accessory garage structure will be performed by representatives of the Town of Oyster Bay on Wednesday October 11, 2023 commencing at 9:00 A.M.

Enc.



Andrew K. Preston  
Bee, Ready, Fishbein, Hatter, & Donovan, LLP  
Of Counsel to the Town Attorney  
170 Old Country Road, Suite 200  
Mineola, NY 11501  
Phone: (516) 746-5599 Ext: 273  
Fax: (516) 746-1045



AL

Town of Oyster Bay  
**Inter-Departmental Memo**

**TO:** FRANK M. SCALERA, TOWN ATTORNEY

**FROM:** TIMOTHY R. ZIKE, DEPUTY COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT

**DATE:** OCTOBER 25, 2023

**SUBJECT:** 602 CLOCKS BLOULEVARD, MASSAPEQUA, NEW YORK 11758  
SECTION 66, BLOCK 135, LOT(S) 167

---

The above referenced property's garage was demolished by the Town of Oyster Bay, following the procedures of Chapter 96 (Dangerous and Abandoned Buildings), Section 20 (Emergencies) of the Code of the Town of Oyster Bay. According to Chapter 96, Section 19 (Reimbursements for work performed) of the Code of the Town of Oyster Bay, the Town can be reimbursed for the demolition costs by approving an assessment to the subject property's tax bill. Enclosed are copies of the supporting documentation and costs relating to the demolition of the subject property's garage. The costs for the subject property's garage demolition are as follows:

- |  |                  |
|--|------------------|
| 1) T.O.B. Highway Department Demo Costs: | \$ 9,795.60      |
| 2) Top soil and seed:                    | <u>\$ 520.00</u> |

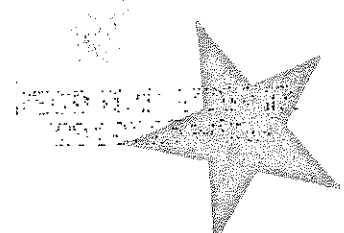
**Total amount:** **\$10,315.60**

It is respectfully requested that your Office take the necessary steps in order to obtain an approval for an assessment of \$10,315.60 to be added to the subject property tax bill in order to be reimbursed for the Town's work to demolish the subject property's garage.

Thank you for your attention to this matter. If you have any questions, kindly contact Margie Lippolt at extension 6190 in the Code Enforcement Bureau.

*Timothy R. Zike*  
TIMOTHY R. ZIKE  
Deputy Commissioner

*As per they  
No back up  
for top soil + seed  
\$520 - they can't  
generate in their system.  
AL*



**SHORT FORM ORDER**

**SUPREME COURT - STATE OF NEW YORK**

**Present: HON. R. BRUCE COZZENS - SUPREME COURT JUSTICE**

In the Matter of the Application of

THE TOWN OF OYSTER BAY,

Petitioner,

-against-

DOROTHY CORTEZ, DOROTHY HERTEL,  
KEITH CORTEZ, and DAVID FORMAN,

Respondents.

For an Order Pursuant to Chapters 96 and 135 of the  
Town Code of the Town of Oyster Bay sounding in  
Declaratory and Injunctive Relief.

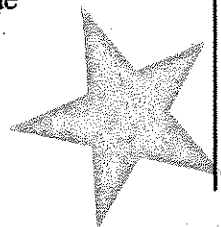
**TRIAL/ IAS PART 1  
NASSAU COUNTY  
INDEX NO. 612867/2022  
MOT SEQ. #001**

The following papers read on this Motion pursuant to Oyster Bay Town Code  
§96-16:

OSC/Affidavit/Affirmation/ Exhibits.....X

The application pursuant to Oyster Bay Town Code §96-16 declaring the accessory building (garage) on real property located at 602 Clocks Boulevard, Massapequa, New York 11758 to be a nuisance and pursuant to Oyster Bay Town Code §96-16 directing the accessory building (garage) on real property located at 602 Clocks Boulevard, Massapequa, New York 11758 be demolished, taken down and removed is hereby granted there being no opposition thereto.

The accessory building is located at Section 66, Block 135, and Lots 167 and 566, also known as 602 Clocks Boulevard, Massapequa, New York 11758. The Petitioner has previously established through the supporting papers including the affidavit of Timothy R. Zike, the Deputy Commissioner of the Department of Planning and Development for the Town of Oyster Bay, (a qualified code enforcement officer for the Town of Oyster Bay), the Notice of Violation, the photographs of the structure, and the complaints of neighbors, that the Town of Oyster Bay was entitled to a search warrant for the Offending Premises for the purpose of allowing the Petitioner to conduct a survey as contemplated by Section 12 of Chapter 96 of the Oyster Bay Town Code



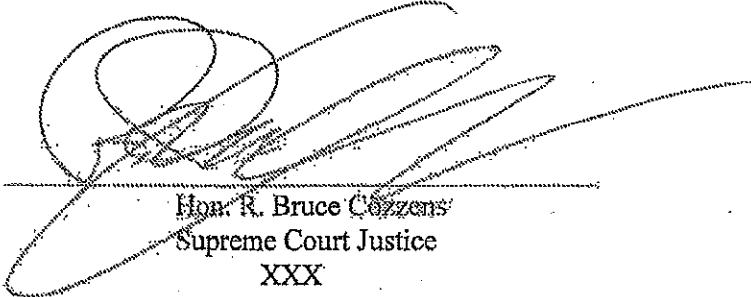
including the taking of photographs and recording observations to ascertain the safety of the property to protect the health and safety of the other residents of the Town of Oyster Bay. The Court found that the Respondents' failure to maintain the accessory building (garage) was violative of the Oyster Bay Town Code. The Court therefore declared a permanent injunction ordering the Respondents to refrain from using the accessory building (garage) on the Offending Premises in any manner contrary to that permitted by the Oyster Bay Town Code. The accessory building (garage) on the offending Premises was declared a Public Nuisance. The accessory building (garage) on the Offending Premises is a "Dangerous Building" in accordance with Chapter 96 of the Oyster Bay Town Code.

The Court retained jurisdiction of this matter granting the Petitioner leave to make subsequent application to this Court for an Order directing the accessory building (garage) on the offending Premises be demolished, taken down and removed should a survey so determine.

The survey of the accessory building(garage) was conducted on January 18, 2023 and a report was annexed to the moving papers as Exhibit D. The survey revealed "numerous building code violations and conditions," including *inter alia* violations of the 2020 Property Maintenance Code of New York State, the 2020 Fire Code of New York State, the 2020 Building Code of New York State and the Town Code of the Town of Oyster Bay. The survey includes that "...this building is considered to be unsafe, unsanitary, lacks maintenance and is in a state of much needed repair". The recommendation is for the accessory structure to be demolished.

The Court grants the request of petitioner that pursuant to Oyster Bay Town Code §96-16 the accessory building (garage) on the property located at 602 Clocks Boulevard, Massapequa, New York 11758 is declared a nuisance. Pursuant to Oyster Bay Town Code §96-16 the Court directs the accessory building (garage) on the property located at 602 Clocks Boulevard, Massapequa, New York 11758 be demolished, taken down and removed.

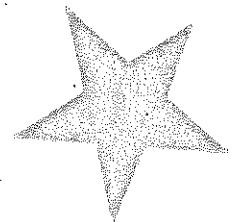
Dated: JUN 14 2023

  
Hon. R. Bruce Cozzens  
Supreme Court Justice  
XXX

**ENTERED**

**Jun 14 2023**

NASSAU COUNTY  
COUNTY CLERK'S OFFICE



**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU**

In the Matter of the Application of THE TOWN OF OYSTER BAY,

vs

DOROTHY CORTEZ, DOROTHY HERTEL, KEITH CORTEZ, and DAVID FORMAN,  
For an Order Pursuant to Chapters 96 and 135 of the Town Code of Oyster Bay sounding in Delaratory and Injuntive  
Relief.

*Petitioner*

*Respondent*

N  
INDEX #: 612867/2022  
HON. R. BRUCE COZZENS  
DATE FILED:  
COURT DATE:  
Job #: 582430  
Your File No: BEE READY

CLIENT'S FILE NO.: BEE READY

STATE OF NEW YORK: COUNTY OF NASSAU ss:

**AFFIDAVIT OF SERVICE**

I, Frank Sicilia, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of New York.

That on 10/04/2023 at 7:29 PM at

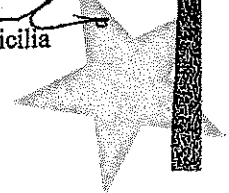
602 CLOCKS BOULEVARD, MASSAPEQUA, NY 11758 SUBJECT: SECTION 66 BLOCK 135 LOTS 167 & 566; 602  
CLOCKS BOULEVARD, MASSAPEQUA, NY 11758  
Deponent served the within NOTICE, SHORT FORM ORDER.

on 602 CLOCKS BOULEVARD, MASSAPEQUA, NY 11758 SUBJECT: SECTION 66 BLOCK 135 LOTS 167 & 566; 602  
CLOCKS BOULEVARD, MASSAPEQUA, NY 11758 recipient therein named. Service was made by affixing a true copy thereof to the door of said premises, within the State of New York - AFFIXED.

Sworn to before me on 10/05/2023  
Jason A Saccone 015A6001537  
Notary Public, State of New York  
Qualified in Nassau County  
Commission Expires January 20th 2026



  
Frank Sicilia



**Town of Oyster Bay  
Inter- Departmental Memo**

October 18, 2023

**TO:** HAROLD B. MAYER, JR., COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JOHN C. TASSONE, CHIEF DEPUTY COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS

**SUBJECT:** 602 CLOCKS BOULEVARD, MASSAPEQUA  
GARAGE TAKE DOWN

---

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Division. 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 division be reimbursed in the total amount of \$9,795.60 for labor and material as well as \$520.00 for topsoil and seed for a total amount of \$10,315.60.

If you have any questions pertaining to the above subject, please feel free to contact this office.

  
\_\_\_\_\_  
**JOHN C. TASSONE**  
CHIEF DEPUTY COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS

JCT/kjb

Enc. T & M sheet



# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (66-135-167) 602 CLOCKS BLVD MASSAPEQUA 11758

Date Oct 11, 2023

Work Order # 109507

## Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
MICHAEL R GIORDANO	General Maintenance	05:00	\$34.62	00:00	0	\$173.10
MICHAEL SOLOMON	General Maintenance	03:00	\$30.29	00:00	0	\$90.87
ANDREW HOUGHTON	General Maintenance	05:00	\$31.73	00:00	0	\$158.65
BRIAN TROTTA	General Maintenance	05:00	\$33.89	00:00	0	\$169.45
MICHAEL CALAMIA	General Maintenance	05:00	\$30.29	00:00	0	\$151.45
BRIAN DIEMICKE	General Maintenance	05:00	\$27.40	00:00	0	\$137.00
PETER K SELL	General Maintenance	05:00	\$28.13	00:00	0	\$140.65
JAMES KOZIKOWSKI	General Maintenance	05:00	\$33.17	00:00	0	\$165.85
JOHN MURRAY	General Maintenance	05:00	\$24.52	00:00	0	\$122.60
Total Labor						\$1309.62

## Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
BH014	COMPACT EXCAVATOR 2011 DERE 50D BL	\$168.00	05:00	\$840.00
PU409	PICK UP 2011 FORD F250 TAN (11 / 007)	\$79.00	05:00	\$395.00
SK014	2018 GEHL SKID STEER	\$26.00	05:00	\$130.00
TD600	TRUCK DUMP 2006 INTL 7400 YW (PT919) -10 Wheeler	\$93.00	05:00	\$465.00
TD697	TRUCK DUMP 2011 INTER 7400 YW (T-239) -10 Wheeler	\$93.00	03:00	\$279.00
TD749	2019 INTER 7300 6 WHEELER YW	\$131.00	05:00	\$655.00
TD753	PICK UP 2019 FORD F450 YW	\$79.00	05:00	\$395.00
TD757	10 WHEEL DUMP 2020 INTL HV607 YW	\$93.00	05:00	\$465.00
TD765	2020 FORD F 450 YW POWER WAGON	\$105.00	05:00	\$525.00
TD769	2021 INT HV607 10 WHEELER YW	\$93.00	05:00	\$465.00
Total Equipment				\$4614.00

## Materials

Material	Cost Per Unit	Units	Line Cost
Administrative Fee	\$750.00	1	\$750.00
Tipping Fee (per ton)	\$88.92	35.11	\$3121.98
Total Materials			\$3871.98

**Grand Total \$9795.60**

## Description of Work:

DEMO GARAGE AT 602 CLOCKS BLVD MS

Signature: Peter Brown

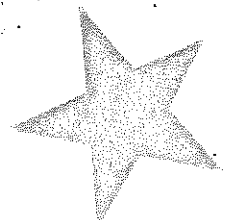
Name: PETER BROWN

Title: DIRECTOR OF HIGHWAY OPERATIONS

Date: Oct 17, 2023

# 520.00

10,315.60  
for top soil &  
seed



Nov/14/2023

Bee Ready Fishbein Hatter &amp; Donovan, LLP

Page: 5

## Client Ledger

ALL DATES

Date	Received From/Paid To	Chq#	General	Bld	Trust Activity	
Entry #	Explanation	Rec#	Ropts	Disbs	Fees	Inv# Acc Ropts Disbs Balance
	file and prepare correspondence to Tim Z. re:					
Oct 13/2023	Lawyer: 93 0.25 Hrs X 225.00				56.25	70620
1112676	E-mails with John T. re completion of demolition					
Oct 16/2023	Lawyer: 93 0.25 Hrs X 225.00				56.25	70620
1112698	Draft/revise litigation status update to client					
Oct 31/2023	Billing on invoice 70620					
1114429	FEES: 562.50				0.00	70620
	DISBS: 55.00					

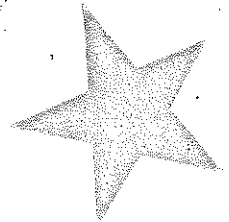
TOTALS	CHE	+	UNBILLED	+	FEES	=	TOTAL	DISBS	+	FEES	+	TAX	-	RECEIPTS	=	A/R	TRUST
PERIOD	0.00		0.00		0.00		0.00	1351.39		6187.50		0.00		6752.64		786.25	0.00
END DATE	0.00		0.00		0.00		0.00	1351.39		6187.50		0.00		6752.64		786.25	0.00

FIRM TOTAL	CHE	+	UNBILLED	+	FEES	=	TOTAL	DISBS	+	FEES	+	TAX	-	RECEIPTS	=	A/R	TRUST
PERIOD	0.00		0.00		0.00		0.00	1351.39		6187.50		0.00		6752.64		786.25	0.00
END DATE	0.00		0.00		0.00		0.00	1351.39		6187.50		0.00		6752.64		786.25	0.00

## REPORT SELECTIONS - Client Ledger

Layout Template Default  
 Advanced Search Filter None  
 Requested by Andrew  
 Finished by Tuesday, November 14, 2023 at 11:40:54 AM  
 Ver 2023 (14.6.20230117)  
 Matters 7094-2208  
 Clients All  
 Major Clients All  
 Client Intro Lawyer All  
 Matter Intro Lawyer All  
 Responsible Lawyer All  
 Assigned Lawyer All  
 Type of Law All  
 Select From Active, Inactive, Archived Matters  
 Matters Sort by Default  
 New Page for Each Lawyer No  
 New Page for Each Matter No  
 No Activity Date Dec/31/2199  
 Firm Totals Only No  
 Totals Only No  
 Entries Shown - Billed Only No  
 Entries Shown - Disbursements Yes  
 Entries Shown - Receipts Yes  
 Entries Shown - Time or Fees Yes  
 Entries Shown - Trust Yes  
 Incl. Matters with Retainer Bal No  
 Incl. Matters with Neg Unbld Disb No  
 Trust Account All  
 Working Lawyer All  
 Include Corrected Entries No  
 Show Check # on Paid Payables No  
 Show Client Address No  
 Consolidate Payments No  
 Show Trust Summary by Account No  
 Show Interest No  
 Interest Up To Nov/14/2023  
 Show Invoices that Payments Were Applied to No  
 Display Entries in Date Order



Meeting of February 27, 2024

CORRECTED COPY

Resolution No. 171-2024

WHEREAS, by Resolution No. 180-2023, adopted on March 7, 2023, the Town Board awarded Contract No. HFR23-258, Requirements Contract for Fence Replacement at Various Locations Throughout the Town of Oyster Bay to The Landtek Group, Inc., 105 Sweeneydale Avenue, Bay Shore, New York 11706 for a period of one year from the date of the award, with an option for four (4) one (1) year extensions upon the same terms of the original contract; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works, by memorandum dated February 8, 2024, requested Town Board authorization to exercise the first one-year extension of Contract No. HFR23-258, with The Landtek Group, Inc., for the period commencing March 7, 2024 through March 6, 2025, at the same prices, conditions and terms provided for in the original contract, in an amount not to exceed \$500,000.00; and

WHEREAS, Commissioner Lenz by said memorandum, informed the Town Board that, to date, The Landtek Group, Inc.'s work under Contract No. HFR23-258 has been satisfactorily completed in a timely manner, and further advised that the proposed vendor's disclosure questionnaire has been reviewed and has satisfied the Town's Procurement Policy,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby approved, and Contract No. HFR23-258 with The Landtek Group, Inc. is hereby extended, for the period from March 7, 2024 through March 6, 2025, upon the same prices, conditions, and terms as provided in the original contract, in an amount not to exceed \$500,000.00.

-#-

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

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

OPS  
Reviewed By  
Office of Town Attorney

**TOWN OF OYSTER BAY  
INTER-DEPARTMENTAL MEMO**

February 8, 2024

**TO:** MEMORANDUM DOCKET

**FROM:** RICHARD W. LENZ, P.E., COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS

**SUBJECT:** REQUEST APPROVAL FOR EXTENSION  
CONTRACT HFR23-258  
FENCE REPLACEMENT REQUIREMENTS  
THE LANDTEK GROUP, INC.

---

The Highway Division has reviewed the work performed by The LandTek Group, Inc. with respect to Fence Replacement Requirements Contract under contract number HFR23-258 which was awarded by Town Board Resolution Number 180-2023 on March 7, 2023. This will be the first extension of a four year extension option.

The work performed by The LandTek Group, Inc. was satisfactory and completed in a timely manner. Therefore, it is hereby requested by the Highway Division contract HFR23-258 be extended March 7, 2024 through March 6, 2025.

In addition, it is hereby requested an amount of \$500,000.00 annually be authorized for the use of the above subject contract at various locations within the Town of Oyster Bay as per the contract specification.

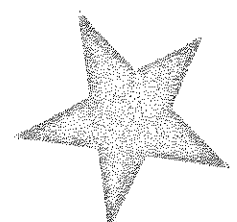
The vendors disclosure questionnaire has been reviewed and the Town is satisfied that the Procurement Policy standards have been met.



RICHARD W. LENZ, P.E.  
COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

 RWL/lb

Cc: John C. Tassone, Chief Deputy Commissioner/DPW  
Grace Santamaria, Highway Administration





L.B.  
105 SWEENEYDALE AVENUE, BAY SHORE, NY 11706  
OFFICE (631) 691-2381 • FAX (631) 598-8280

February 1, 2024

Town of Oyster Bay  
Department of Public Works/Highway  
150 Miller Place  
Syosset, New York 11791  
Attn: John C. Tassone  
Chief Deputy Commissioner

**RE: HFR23-258 -Fence Replacement Throughout the Town of Oyster Bay**

The LandTek Group, Inc. is requesting permission to extend our contract referenced above for our first one (1) year extension, from March 6<sup>th</sup>, 2024, to March 6<sup>th</sup>, 2025. Under the same terms, conditions and pricing as awarded in the original contract.

We trust our request will receive your recommendation and approval.

Federal Tax ID# [REDACTED]

Thank you,

Michael Ryan, President



**Michael Ryan**  
President

The LandTek Group, Inc.  
105 Sweeneydale Ave. Bay Shore, NY 11706  
Office 631-691-2381 Fax: (631) 598-8280



***"Building Champions from the Ground Up"***  
[www.landtekgroup.com](http://www.landtekgroup.com)

Meeting of February 27, 2024

Resolution No.172-2024

WHEREAS, Frank M. Scalera, Town Attorney, by memorandum dated February 13, 2024, requested that the Town Board reappoint Margaret Eaton, 239 Lee Avenue, Hicksville, New York 11801, to serve on the Board of Ethics for a five-year term, from March 1, 2024 through February 28, 2029.

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted, and Margaret Eaton is hereby reappointed to serve on the Board of Ethics for the Town of Oyster Bay, from March 1, 2024 through February 28, 2029.

#

DRS  
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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

**Town of Oyster Bay  
Inter-Departmental Memo**

To : Memorandum Docket  
From : Office of the Town Attorney  
Date : February 13, 2024  
Subject : Ethics Board the Town of Oyster Bay

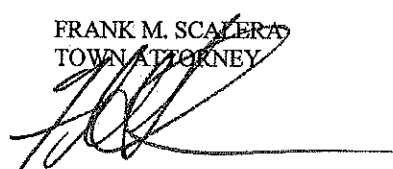
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By Resolution No. 87-2019, adopted January 29, 2019, the Town Board appointed Margaret Eaton, 239 Lee Avenue, Hicksville, New York 11801, to serve on the Board of Ethics for a five-year term.

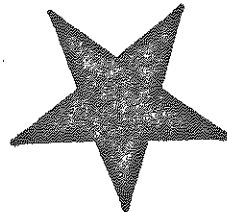
It is respectfully requested that Margaret Eaton be reappointed to the Board of Ethics to serve a five-year term commencing March 1, 2024 and ending February 28, 2029.

It is my recommendation and request that the Town Board approve the reappointment of Margaret Eaton to serve on the Board of Ethics for the term stated above and that the Town Board act on this recommendation at the next Town Board meeting on February 27, 2024.

FRANK M. SCALERA  
TOWN ATTORNEY



FMS:la  
Attachment



Meeting of February 27, 2024

Resolution No. 173-2024

WHEREAS, the Town Board of the Town of Oyster Bay has reviewed a proposed Local Law entitled "A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF OYSTER BAY, NEW YORK, CHAPTER 93 – BUILDING CONSTRUCTION, TO ADD NEW SECTION 93-16.4 – CONSTRUCTION SITE SAFETY TRAINING, AND AMEND EXISTING SECTION 93-16.4 AND RENUMBER IT AS SECTION 93-16.5"; and

WHEREAS, a duly advertised Public Hearing on said legislation was held by the Town Board of the Town of Oyster Bay on October 4, 2022, 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, by memorandum dated April 10, 2023, recommended Town Board determination that the subject legislation is deemed to fall under the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c), Type II Actions List, as Item No. 26, pertaining to "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" and Item No. 30, pertaining to "inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession," and as such does not require completion of an Environmental Impact Statement or other environmental consideration,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Oyster Bay declares that such Local Law to amend the Code of the Town of Oyster Bay is a Type II Action, pursuant to the New York State Environmental Quality Review Act (6 NYCRR, Part 617, Section 617.5[c]), Type II Actions List, Item No. 26 and Item No. 30; and be it further

RESOLVED, That said Local Law 1 -2024, entitled "A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF OYSTER BAY, NEW YORK, CHAPTER 93 – BUILDING CONSTRUCTION, TO ADD NEW SECTION 93-16.4 – CONSTRUCTION SITE SAFETY TRAINING, AND AMEND EXISTING SECTION 93-16.4 AND RENUMBER IT AS SECTION 93-16.5", is hereby adopted and shall take effect immediately upon filing with the Secretary of State; and be it further

RESOLVED, That the Town Attorney is hereby authorized and directed to file this Local Law with the Secretary of State.

-#-

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

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Meeting of February 27, 2024

Resolution No. 174-2024

WHEREAS, Frank M. Scalera, Town Attorney, and Anthony C. Curcio, Deputy Town Attorney, by memorandum dated February 21, 2024, advised that the Town of Oyster Bay ("Town") and New York State Department of Environmental Conservation ("DEC"), entered into an agreement dated December 26, 2012, granting the Town a license to use, occupy and manage the property, owned by New York State, located at West End Avenue, Oyster Bay, New York 11771, more particularly described on the Nassau County Land and Tax Map as Section 27, Block A, Lots 5 and 35, consisting of approximately 1.685 acres ("Western Waterfront"); and

WHEREAS, Messrs. Scalera and Curcio, by said memorandum, further advised that the Town currently owns property located at the intersection of Route 107 and Meadowbrook Club Road, Jericho, New York 11753, more particularly described on the Nassau County Land and Tax Map as Section 17, Block 11, Lot 55, consisting of approximately 8.33 acres of vacant land ("Underhill Preserve"); and

WHEREAS, Messrs. Scalera and Curcio, by said memorandum, further advised that the Town and the DEC believe that a proposed mutual exchange of the Western Waterfront and Underhill Preserve will yield mutually beneficial results to both parties; and

WHEREAS, Messrs. Scalera and Curcio, by said memorandum, further advised that the Town's acquisition of Western Waterfront from the DEC, will give the Town complete jurisdiction over the entire Western Waterfront are eliminating the need for a license agreement and management guidelines imposed by the license agreement; and

WHEREAS, Messrs. Scalera and Curcio, by said memorandum, further advised that the DEC's acquisition of Underhill Preserve from the Town will give the DEC land that it could use as a staging area for the hiking trails in the vicinity and necessary parking; and

WHEREAS, Messrs. Scalera and Curcio, by said memorandum, further advised that the proposed exchange involves property that has been previously designated as "parkland" and State legislation would be required in order to effectuate the exchange and the Office of the Town Attorney has already contacted several New York State Senators and New York State Assemblymen to request that sponsorship of the necessary legislation at the next New York State Legislative Session; and

WHEREAS, Julia Schneider, Director of TEQR, Department of Environmental Resources, by memorandum dated February 15, 2024, stated that the Department of Environmental Resources concluded that this proposed action is classified as Type II pursuant to the SEQR Type II Actions List, at 6 NYCRR §617.5(c), item #32, pertaining to, "license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities" and thus the proposed action does not require the completion of an Environmental Impact Statement (EIS), or any additional environmental review or other procedural activities pursuant to SEQR/TEQR; and

REVIEWED BY  
OFFICE OF TOWN ATTORNEY

WHEREAS, Messrs. Scalera and Curcio, by said memorandum, requested Town Board authorization to proceed with said exchange of the Western Waterfront and the Underhill Preserve subject to adoption of the required State legislation, and subject to a permissive referendum,

NOW, THEREFORE, BE IT RESOLVED, That the requests and recommendations as hereinabove set forth are hereby accepted and approved, that the Town Board authorizes the exchange of the Western Waterfront and the Underhill Preserve subject to adoption of the required State legislation, and be it further

RESOLVED, The exchange shall be subject to a thirty (30) day permissive referendum; and be it further

RESOLVED, That the Town Clerk is directed and authorized to publish a Public Notice of the adoption of this Resolution in a newspaper of general circulation.

-#-

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

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

38

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**Town of Oyster Bay  
Inter-Departmental Memo**

TO: MEMORANDUM DOCKET

FROM: OFFICE OF THE TOWN ATTORNEY

DATE: February 21, 2024

SUBJECT: Western Waterfront Land Swap between the Town of Oyster Bay and the NYS Department of Environmental Conservation

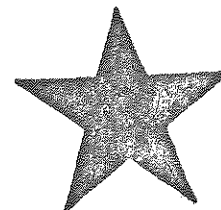
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The Town of Oyster Bay ("Town") and New York State Department of Environmental Conservation ("DEC"), entered into an agreement dated December 26, 2012. Said agreement granted the Town a license to use, occupy and manage the property, currently owned by New York State, located at West End Avenue, Oyster Bay, New York 11771, more particularly described on the Nassau County Land and Tax Map as Section 27, Block A, Lots 5 and 35, consisting of approximately 1.685 acres ("Western Waterfront").

The Town currently owns property located at the intersection of Route 107 and Meadowbrook Club Road, Jericho, New York 11753, more particularly described on the Nassau County Land and Tax Map as Section 17, Block 11, Lot 55, consisting of approximately 8.33 acres of vacant land ("Underhill Preserve").

Both the Town and the DEC believe that a proposed mutual exchange of the Western Waterfront and Underhill Preserve will yield mutually beneficial results to both parties. The Town's acquisition of Western Waterfront from the DEC will give the Town complete jurisdiction over the entire Western Waterfront area. This will eliminate the license agreement and management guidelines imposed by said agreement. Moreover, the DEC's acquisition of Underhill Preserve from the Town will give the DEC land that it could use as a staging area for the hiking trails in the vicinity, and necessary parking.

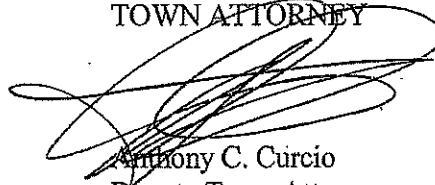
However, since the proposed exchange involves property that has been previously designated as "parkland", State legislation would be required in order to effectuate the exchange. As such, this Office has already contacted several New York State Senators and New York State Assemblymen to request that they sponsor the necessary legislation at the next New York State Legislative Session.



This Office is requesting Town Board authorization to proceed with said exchange of property. As part of this conveyance involves Town owned property subject to adoption of the required State legislation, the exchange would be subject to a thirty (30) day permissive referendum.

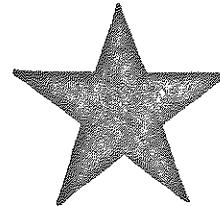
Submitted herewith is a resolution for the foregoing item. Kindly suspend the rules and place this matter on the February 27, 2024 Town Board action calendar.

FRANK M. SCALERA  
TOWN ATTORNEY



Anthony C. Curcio  
Deputy Town Attorney

ACC:acc.  
Attachments



**PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN, that on February 27, 2024, the Town Board of the Town of Oyster Bay, County of Nassau, New York, at a regular meeting thereof, adopted the following Resolution, subject to permissive referendum:

WHEREAS, Frank M. Scalera, Town Attorney, and Anthony C. Curcio, Deputy Town Attorney, by memorandum dated February 21, 2024, advised that the Town of Oyster Bay ("Town") and New York State Department of Environmental Conservation ("DEC"), entered into an agreement dated December 26, 2012, granting the Town a license to use, occupy and manage the property, owned by New York State, located at West End Avenue, Oyster Bay, New York 11771, more particularly described on the Nassau County Land and Tax Map as Section 27, Block A, Lots 5 and 35, consisting of approximately 1.685 acres ("Western Waterfront"); and

WHEREAS, Frank M. Scalera, Town Attorney, and Anthony C. Curcio, Deputy Town Attorney, by said memorandum, further advised, that the Town currently owns property located at the intersection of Route 107 and Meadowbrook Club Road, Jericho, New York 11753, more particularly described on Nassau County Land and Tax Map as Section 17, Block 11, Lot 55, consisting of approximately 8.33 acres of vacant land ("Underhill Preserve"); and

WHEREAS, Messrs. Scalera and Curcio, by said memorandum, further advised that the Town and the DEC believe that a proposed mutual exchange of the Western Waterfront and Underhill Preserve will yield mutually beneficial results to both parties; and

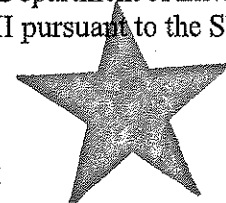
WHEREAS, Messrs. Scalera and Curcio, by said memorandum, further advised that the Town's acquisition of Western Waterfront from the DEC, will give the Town complete jurisdiction over the entire Western Waterfront are eliminating the need for a license agreement and management guidelines imposed by the license agreement; and

WHEREAS, Messrs. Scalera and Curcio, by said memorandum, further advised that the DEC's acquisition of Underhill Preserve from the Town will give the DEC land that it could use as a staging area for the hiking trails in the vicinity and necessary parking; and

WHEREAS, Messrs. Scalera and Curcio, by said memorandum, advised that the proposed exchange involves property that has been previously designated as "parkland" and State legislation would be required in order to effectuate the exchange and the Office of the Town Attorney has already contacted several New York State Senators and New York State Assemblymen to request that sponsorship of the necessary legislation at the next New York State Legislative Session; and

WHEREAS, Julia Schneider, Director of TEQR, Department of Environmental Resources, by memorandum dated February 15, 2024, stated that the Department of Environmental Resources concluded that this proposed action is classified as Type II pursuant to the SEQR Type

REVIEWED BY  
OFFICE OF TOWN ATTORNEY



II Actions List, at 6 NYCRR §617.5(c), item #32, pertaining to, "license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities" and thus the proposed action does not require the completion of an Environmental Impact Statement (EIS), or any additional environmental review or other procedural activities pursuant to SEQR/TEQR; and

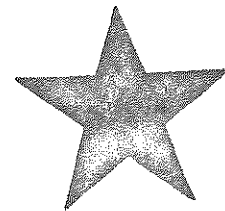
WHEREAS, Messrs. Scalera and Curcio, by said memorandum, requested Town Board authorization to proceed with said exchange of the Western Waterfront and the Underhill Preserve subject to adoption of the required State legislation, and subject to permissive referendum,

NOW, THEREFORE, BE IT RESOLVED, That the requests and recommendations as hereinabove set forth are hereby accepted and approved, that the Town Board authorizes the exchange of the Western Waterfront and the Underhill Preserve, and be it further

RESOLVED, The exchange shall be subject to a thirty (30) day permissive referendum; and be it further

RESOLVED, That the Town Clerk is directed and authorized to publish a Public Notice of the adoption of this Resolution in a newspaper of general circulation.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF OYSTER BAY. JOSEPH S. SALADINO, Supervisor and RICHARD L. LAMARCA, Town Clerk. Dated: February 27, 2024.



## PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that on February 27, 2024, the Town Board of the Town of Oyster Bay, County of Nassau, New York, at a regular meeting thereof, adopted the following Resolution, subject to permissive referendum:

WHEREAS, Frank M. Scalera, Town Attorney, and Anthony C. Curcio, Deputy Town Attorney, by memorandum dated February 21, 2024, advised that the Town of Oyster Bay ("Town") and New York State Department of Environmental Conservation ("DEC"), entered into an agreement dated December 26, 2012, granting the Town a license to use, occupy and manage the property, owned by New York State, located at West End Avenue, Oyster Bay, New York 11771, more particularly described on the Nassau County Land and Tax Map as Section 27, Block A, Lots 5 and 35, consisting of approximately 1.685 acres ("Western Waterfront"); and

WHEREAS, Frank M. Scalera, Town Attorney, and Anthony C. Curcio, Deputy Town Attorney, by said memorandum, further advised, that the Town currently owns property located at the intersection of Route 107 and Meadowbrook Club Road, Jericho, New York 11753, more particularly described on Nassau County Land and Tax Map as Section 17, Block 11, Lot 55, consisting of approximately 8.33 acres of vacant land ("Underhill Preserve"); and

WHEREAS, Messrs. Scalera and Curcio, by said memorandum, further advised that the Town and the DEC believe that a proposed mutual exchange of the Western Waterfront and Underhill Preserve will yield mutually beneficial results to both parties; and

WHEREAS, Messrs. Scalera and Curcio, by said memorandum, further advised that the Town's acquisition of Western Waterfront from the DEC, will give the Town complete jurisdiction over the entire Western Waterfront are eliminating the need for a license agreement and management guidelines imposed by the license agreement; and

WHEREAS, Messrs. Scalera and Curcio, by said memorandum, further advised that the DEC's acquisition of Underhill Preserve from the Town will give the DEC land that it could use as a staging area for the hiking trails in the vicinity and necessary parking; and

WHEREAS, Messrs. Scalera and Curcio, by said memorandum, advised that the proposed exchange involves property that has been previously designated as "parkland" and State legislation would be required in order to effectuate the exchange and the Office of the Town Attorney has already contacted several New York State Senators and New York State Assemblymen to request that sponsorship of the necessary legislation at the next New York State Legislative Session; and

WHEREAS, Julia Schneider, Director of TEQR, Department of Environmental Resources, by memorandum dated February 15, 2024, stated that the Department of Environmental Resources concluded that this proposed action is classified as Type II pursuant to the SEQR Type

REVIEWED BY  
OFFICE OF TOWN ATTORNEY

II Actions List, at 6 NYCRR §617.5(c), item #32, pertaining to, "license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities" and thus the proposed action does not require the completion of an Environmental Impact Statement (EIS), or any additional environmental review or other procedural activities pursuant to SEQR/TEQR; and

WHEREAS, Messrs. Scalera and Curcio, by said memorandum, requested Town Board authorization to proceed with said exchange of the Western Waterfront and the Underhill Preserve subject to adoption of the required State legislation, and subject to permissive referendum,

NOW, THEREFORE, BE IT RESOLVED, That the requests and recommendations as hereinabove set forth are hereby accepted and approved, that the Town Board authorizes the exchange of the Western Waterfront and the Underhill Preserve, and be it further

RESOLVED, The exchange shall be subject to a thirty (30) day permissive referendum; and be it further

RESOLVED, That the Town Clerk is directed and authorized to publish a Public Notice of the adoption of this Resolution in a newspaper of general circulation.  
BY ORDER OF THE TOWN BOARD OF THE TOWN OF OYSTER BAY. JOSEPH S. SALADINO, Supervisor and RICHARD L. LAMARCA, Town Clerk. Dated: February 27, 2024.

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**DRAFT**

WHEREAS, The Oyster Bay Historical Society, a 501(c)(3) charitable organization ("OBHS"), incorporated under the laws of the State of New York, has operated the Town-owned Earle-Wightman House, located at 20 Summit Street, Oyster Bay, New York 11771, pursuant to a license agreement with the Town of Oyster Bay; and

WHEREAS, the most recent agreement has expired; and

WHEREAS, Frank M. Scalera, Town Attorney, and Anthony C. Curcio, Deputy Town Attorney, by memorandum dated February 22, 2024, advised that the Office of the Town Attorney has negotiated a new license agreement with OBHS, and recommended and requested that the Town Board authorize the Supervisor, or his designee, to execute the agreement, for a five (5) year period, from January 1, 2024 and terminating on December 31, 2028, nunc pro tunc, at a cost of \$123,600 per year, with the option of two (2) five (5) year extensions, each at the discretion of the Town,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation and request as hereinabove set forth are hereby accepted and approved, and the Supervisor, or his designee is hereby authorized and directed to execute a license agreement with OBHS, for a five (5) year period, from January 1, 2024 and terminating on December 31, 2028, nunc pro tunc, at a cost of \$123,600 per year, with the option of two (2) five (5) year extensions, each at the discretion of the Town.

-#-

Reviewed By  
Office of Town Attorney

39

175

## Inter-Departmental Memorandum

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: February 22, 2024

SUBJECT: Authorization to enter a License Agreement with the Oyster Bay Historical Society

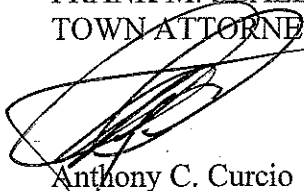
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The Oyster Bay Historical Society, a 501(c)(3) charitable organization ("OBHS"), incorporated under the laws of the State of New York, has operated the Town-owned Earle-Wightman House, located on 20 Summit Street, Oyster Bay, New York 11771, pursuant to a license agreement with the Town of Oyster Bay, and the most recent agreement has expired.

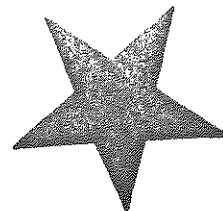
The Office of the Town Attorney has negotiated a new license agreement with OBHS, and recommends and requests that the Town Board authorize the Supervisor, or his designee, to execute the agreement, for a five (5) year period, from January 1, 2024 through and including December 31, 2028, nunc pro tunc, at a cost of \$125,000 per year.

Kindly suspend the rules and place this matter on the February 27, 2024 Town Board action calendar.

FRANK M. SCALERA  
TOWN ATTORNEY

  
Anthony C. Curcio  
Deputy Town Attorney

ACC:acc  
Attachment



## AGREEMENT

DATED:

PARTIES: TOWN OF OYSTER BAY, municipal corporation, with offices at Town Hall, Oyster Bay, New York, hereinafter referred to as the "TOWN"; and

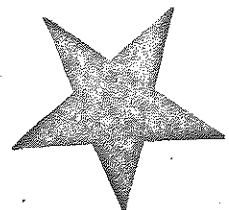
OYSTER BAY HISTORICAL SOCIETY, a nonprofit organization incorporated under the laws of the State of New York, with offices at 20 Summit Street, Oyster Bay, New York, hereinafter referred to as the "SOCIETY".

### WITNESSETH:

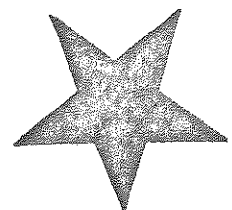
1. That the SOCIETY is hereby granted a license, to operate the TOWN'S Earle-Wightman House at 20 Summit Street, Oyster Bay, New York. In addition, the SOCIETY is hereby granted a concurrent license to use the TOWN building located at 20 Summit Street, Oyster Bay, New York for the purpose described in Paragraph 14 herein. The parties hereto understand and agree that all rights, grants and authorizations heretofore granted by the TOWN to the SOCIETY with respect to the supervision, operation, concessions and staffing of the Earle-Wightman House, are hereby rescinded and superseded by this Agreement.
2. The parties hereto understand and agree that the Earle-Wightman House was donated to the TOWN by Bruce Wood Hall, by letter dated July 19, 1966 under certain conditions, including the requirement that the Earle-Wightman House be made available to the SOCIETY, without charge or expense to it, for, among other things, its use as its headquarters, as a repository for memorabilia and for exhibitions of historical interest and that the TOWN, by Resolution No. 1629-66 adopted on October 18, 1966,

accepted the offer of a gift of the Earle-Wightman House and agreed to abide by the above referenced conditions.

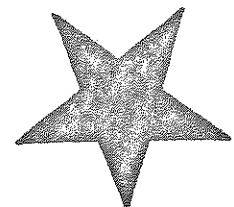
3. The parties agree that the SOCIETY museum building, located immediately behind the Earle-Wightman House, was donated to the Town in 2012 under the same general conditions applicable to the Earle-Wightman House, to wit, that the TOWN make the SOCIETY museum available to the SOCIETY without charge or expense so that the SOCIETY can continue its not-for-profit mission.
4. The parties agree that the SOCIETY, in an effort to both maximize its educational mission and reduce the costs associated with operating both the Earle-Wightman House and the SOCIETY museum (collectively, the "MUSEUMS"), has combined the management and resources of the MUSEUMS by, among other things, sharing and allocating personnel and management procurement functions.
5. Unless sooner terminated or extended as herein provided, the Term of this agreement shall be for five (5) years commencing on January 1, 2024 and terminating on December 31, 2028, with the option of two (2) five (5) year extensions provided the SOCIETY is not in default and/or there is no cause for termination of this Agreement, at the mutual agreement of the parties. In the event the SOCIETY elects to exercise the extension options provided, written notice shall be provided to the TOWN no later than six (6) months from the termination of the Term.
6. The TOWN agrees to annually pay the SOCIETY the sum of \$123,600.00 from January 1, 2024 through December 31, 2028, in quarterly installments on March 1<sup>st</sup>, May 1<sup>st</sup>, August 1<sup>st</sup> and October 1<sup>st</sup> for staffing and operating of the programs to be conducted.
7. The SOCIETY is to provide all of the necessary staffing to operate said MUSEUMS.



8. All staff hired by the SOCIETY shall be under the direct supervision and accountable to the Board of Trustees of the SOCIETY. The TOWN shall be advised of the salary to be paid and the name of The Museum Director.
9. The SOCIETY shall provide all staff members with sexual harassment and other training that may be required by the New York State Department of Labor or other agencies having jurisdiction over such matters.
10. The SOCIETY shall provide to the TOWN a list of employees, staff, including volunteer staff that work for the SOCIETY. This list shall be constantly updated as staff is hired or terminated.
11. The SOCIETY shall provide certification to the TOWN that all employees, including volunteer staff, have been subject to a thorough background check with evaluation of the results to assure that there is no indication that the worker may present a risk to the patrons of the museum or to other staff members.
12. All revenue from admission charges collected from visitors to the MUSEUMS, during the term of this Agreement, are to be retained by the SOCIETY, using said funds to defray the MUSEUMS staffing and program expenses. Price or prices fixed for admission to the MUSEUMS are to be approved in advance by the Town Board of the TOWN.
13. The SOCIETY shall maintain accounting records containing sufficient information with respect to receipts collected, and disbursements made in its operation and supervision of Earle-Wightman House, and said records shall be available to the TOWN for review. The SOCIETY shall submit to the TOWN an Annual Finance Report on or before January 31<sup>st</sup> of each year.



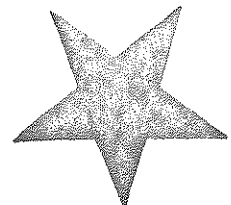
14. The SOCIETY is to provide educational programs for the benefit of the inhabitants and school children of the TOWN, and develop and promote museum activities for the purpose of explaining and exploring Oyster Bay's historical antecedents, and to nurture an interest and a respect for its history and traditions. All activities held under the auspices of the MUSEUMS, whether at the MUSEUMS or at any other premises, must be approved in advance by the TOWN. The MUSEUMS may serve beer, wine and champagne at fund-raising event and/or special functions, provided, however, that prior TOWN approval is obtained. Other activities or events sponsored by the SOCIETY, which are neither related to the MUSEUMS, nor the duties and/or obligations contained within this agreement do not require approval by the TOWN.
15. The TOWN agrees to allow the SOCIETY to use the premises at 20 Summit Street, Oyster Bay, for Museum-related activities, as follows: first floor-a welcome center for students on field trips and educational purposes, and a gift shop; second floor- office staff; attic-collections storage. The use of said premises for any other purpose may result in the termination of this agreement, at the discretion of the Town Board. The SOCIETY shall not use 20 Summit Street for residential accommodations, whether, temporary or permanent.
16. The TOWN assumes all responsibility for the maintenance of the buildings and grounds of the MUSEUMS, including payment of electric, gas, water, fuel and garbage removal (but not to include telephone, cable television or internet expenses). The SOCIETY assumes all responsibility for weekly cleaning. No interior or exterior work shall be performed at the MUSEUMS, including but not limited to, structural and electrical work, without prior TOWN approval. No consultants shall be retained in connection



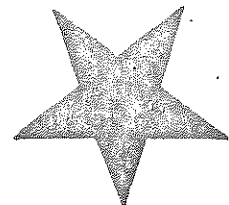
with the premises, nor independent testing performed, without prior TOWN approval.

If such consultants or testing are approved, The SOCIETY shall provide the TOWN with a copy of all written reports prepared in connection with same.

17. The SOCIETY shall grant unfettered access to the MUSEUMS at all reasonable times to the TOWN.
18. The SOCIETY shall obtain prior approval from the TOWN to use the TOWN's logo on any merchandise, paraphernalia, clothing, website, social media postings and printed material.
19. The SOCIETY is authorized to sell appropriate merchandise at the MUSEUMS during the term of this concession, and the net proceeds are to be retained by the SOCIETY to defray museum staffing and program expenses.
20. It is expressly understood and agreed that no land, building space or equipment is leased to the SOCIETY as this Agreement constitutes a license. It is further expressly understood and agreed that the TOWN may cancel this Agreement upon giving ninety (90) days written notice to the SOCIETY.
21. If, for any reason, the SOCIETY shall fail to carry out the terms of this Agreement, or for any reason this Agreement shall be terminated by either party, then in such case, it shall be lawful for the TOWN to serve, or cause to be served on the SOCIETY, a notice declaring this Agreement null and void, and the TOWN, upon giving ninety (90) days notice of such intent, in writing, may re-enter and repossess the premises.
22. In the event that this Agreement shall terminate pursuant to paragraph 22 above, the SOCIETY shall have the right to retain all sums therefore paid by the TOWN hereunder.

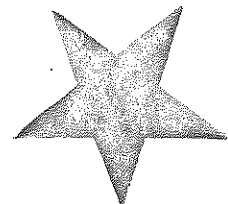


23. Nothing herein shall prevent the SOCIETY from raising money, or obtaining private donations and subscriptions for the benefit and improvement of the Museum and its collections or for special projects within the purposes of the SOCIETY's Certificate of Incorporation.
24. It is understood and agreed that the current collection of personal property now located at the MUSEUMS includes property owned by the SOCIETY, and that a complete itemization of same has been furnished to the TOWN and is attached as Exhibit "A." It is further understood that all such property, whether now owned or hereafter acquired, shall remain the absolute and exclusive property of the SOCIETY. Personal property owned by the TOWN, and located at the MUSEUMS, shall not be removed from said location for any reason whatsoever without prior TOWN approval. This includes deaccessioning and/or other disposition of TOWN-owned property. The TOWN agrees to insure the SOCIETY property by having same covered under the TOWN's scheduled fine arts policy, which shall provide for loss payment to the TOWN or the SOCIETY, as their respective interests may appear. While it is important to have all newly acquired items added to the fine arts schedule, the TOWN shall also maintain coverage for unscheduled property.
25. The SOCIETY waives any and all claims for compensation for any and all loss or damage sustained by reason of any defect, deficiency or impairment of the water supply systems, gas mains, electrical apparatus or wires furnished for the premises, except to the extent such loss or damage was caused in whole or in part by the negligence of the TOWN, or by reason of any loss of any gas supplies, water supplies, heat or current which may occur from time to time from any cause, or any other reasons whatsoever.



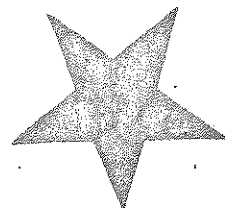
The SOCIETY releases and discharges the TOWN and its agents from any and all demands, claim, actions and causes of action arriving from any causes aforesaid, except to whatever extent such loss or damage was caused in whole or in part by the TOWN's own negligence. the SOCIETY further waives any and all claims for compensation, refund of its investment, if any, or by other payments whatsoever in the event this Agreement is terminated by the TOWN sooner than the fixed term, except to the extent set forth below.

26. The SOCIETY shall appoint a representative of the TOWN to the Board of Trustees and shall further appoint this representative to the SOCIETY's Executive Committee. The TOWN shall designate said representative and reserve the right to replace the Town representative upon notice to the SOCIETY. The SOCIETY shall maintain an appointed representative of TOWN for as long as the SOCIETY continues to remain LICENSEE of any TOWN-owned PREMISES.
27. The SOCIETY and TOWN agree to attend meetings as determined and scheduled by the TOWN to discuss ongoing operational, programmatic and capital projects as well as potential future endeavors.
28. The SOCIETY agrees to obtain insurance from a company authorized to do business in the State of New York, and keep in force during the term of this contract, a policy of comprehensive general liability on which the SOCIETY and the TOWN are each named insured, including, but not limited to, the torts and negligence of the SOCIETY personnel with a combined single limit of \$1,000,000 per occurrence for bodily injury and property damage; and



- a) The SOCIETY shall comply with all provisions of the Workers' Compensation Law, and shall furnish a certificate showing evidence of current coverage; and
- b) All insurance coverage as stipulated herein shall be subject to the approval of the Town Attorney of the TOWN;
- c) Commercial Automobile Liability Insurance in the amount per occurrence of \$500,000
- d) Property Damage Insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate.
- e) Such policies shall be issued in the name the SOCIETY, with the TOWN being named as an additional insured. Copies of the aforementioned insurance, and the appropriate endorsement from the insurance company indicating the TOWN'S additional insured status, must be filed with the TOWN. No such insurance policy shall be cancelled without thirty (30) days prior written notice to the TOWN. The failure of the SOCIETY to maintain such insurance policies, and to furnish such policies and/or certificates, may automatically terminate this Agreement. All such insurance shall be kept in full force and effect during the term of this Agreement and any renewals or extensions thereof.

29. a. The SOCIETY shall be responsible for and shall indemnify and hold harmless the TOWN, its officers, employees and agents from and against any and all liabilities, losses, costs, expenses (including, without limitation, attorney's fees and disbursement) and damages, arising out of or in connection with any of the SOCIETY's acts or omissions.

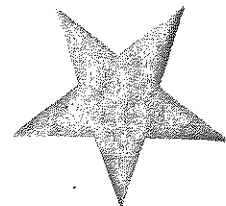


b. The TOWN shall be responsible for and shall indemnify and hold harmless the SOCIETY, its officers, employees and agents from and against any and all liabilities, losses, costs, expenses (including, without limitation, attorney's fees and disbursement) and damages, arising out of or in connection with any or TOWN's negligent acts or omissions.

c. The provisions of this section shall survive the termination of this Agreement.

31. The MUSEUMS shall not be used to host fundraisers of any kind including but not limited to not-for-profit corporations, civic associations, political parties, committees, political candidates and/or political issues. Use of the Museums for any other use other than provided herein shall be considered a material breach of this Agreement. Consequently, as a result of said material breach, this Agreement may be terminated immediately, and the SOCIETY shall cease and surrender use of the MUSEUMS in accordance with this Agreement.

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32. Periodically, the parties hereto shall furnish to each other evidence of the existence of the insurance coverages provided in paragraph 29 together with proof of premium payments.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

TOWN OF OYSTER BAY

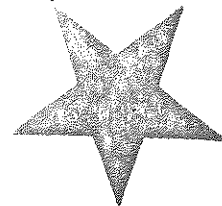
By: \_\_\_\_\_  
Name:  
Title:

THE OYSTER BAY  
HISTORICAL SOCIETY

By: \_\_\_\_\_  
Name:  
Title:

REVIEWED BY

By: \_\_\_\_\_  
Name:  
Title: Deputy Town Attorney



OYSTER BAY HISTORICAL SOCIETY LICENSE AGREEMENT

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NASSAU     )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me personally came and appeared \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that he is the \_\_\_\_\_ of the Town of Oyster Bay, the municipal corporation described in and which executed the foregoing instrument; that he knows the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Town Board of said corporation; and that he signed his name thereto by like order.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NASSAU     )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, 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 executed 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

\_\_\_\_\_  
NOTARY PUBLIC

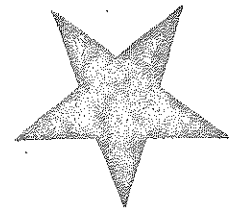
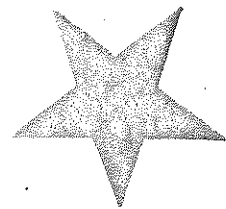


EXHIBIT "A"

PERSONAL PROPERTY LOCATED AT THE "MUSEUMS"



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**DRAFT**

WHEREAS, The Friends of Raynham Hall Inc., a 501(c)(3) charitable organization ("Friends"), incorporated under the laws of the State of New York, has operated the Town-owned Raynham Hall Museum, located at 20 West Main Street, Oyster Bay, New York 11771, pursuant to a license agreement with the Town of Oyster Bay; and

WHEREAS, the most recent agreement expired December 31, 2023; and

WHEREAS, Frank M. Scalera, Town Attorney, and Anthony C. Curcio, Deputy Town Attorney, by memorandum dated February 22, 2024, advised that the Office of the Town Attorney has negotiated a new license agreement with Friends, and recommended and requested that the Town Board authorize the Supervisor, or his designee, to execute the agreement, for a five (5) year period, from January 1, 2024 and terminating on December 31, 2028, nunc pro tunc, at a cost of \$123,600 per year, with the option of two (2) five (5) year extensions, each at the discretion of the Town,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation and request as hereinabove set forth are hereby accepted and approved, and the Supervisor, or his designee is hereby authorized and directed to execute a license agreement with Friends, for a five (5) year period, from January 1, 2024 and terminating on December 31, 2028, nunc pro tunc, at a cost of \$123,600 per year, with the option of two (2) five (5) year extensions, each at the discretion of the Town.

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Reviewed By  
Office of Town Attorney

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## Inter-Departmental Memorandum

TO: MEMORANDUM DOCKET  
FROM: Office of the Town Attorney  
DATE: February 22, 2024  
SUBJECT: Authorization to enter a License Agreement with the Friends of Raynham Hall Inc.

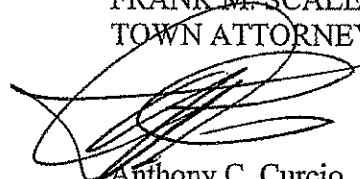
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The Friends of Raynham Hall Inc., a 501(c)(3) charitable organization ("Friends"), incorporated under the laws of the State of New York, has operated the Town-owned Raynham Hall Museum, located on 20 West Main Street, Oyster Bay, New York 11771, pursuant to a license agreement with the Town of Oyster Bay, which agreement expired on December 31, 2023.

The Office of the Town Attorney has negotiated a new license agreement with Friends, and recommends and requests that the Town Board authorize the Supervisor, or his designee, to execute the agreement, for a five (5) year period, from January 1, 2024 through December 31, 2028, nunc pro tunc, at a cost of \$123,600 per year, with the option of two (2) five (5) year extensions, each at the discretion of the Town.

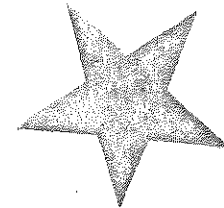
Kindly suspend the rules and place this matter on the February 27, 2024 Town Board action calendar.

FRANK M. SCALERA  
TOWN ATTORNEY



Anthony C. Curcio  
Deputy Town Attorney

ACC:acc  
Attachment



## AGREEMENT

DATED:

PARTIES: TOWN OF OYSTER BAY, municipal corporation, with offices at Town Hall, Oyster Bay, New York, hereinafter referred to as the "TOWN"; and

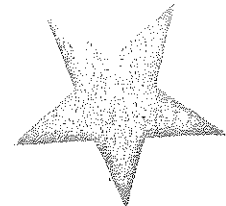
THE FRIENDS OF RAYNHAM HALL INC., a nonprofit organization incorporated under the laws of the State of New York, with offices at 20 West Main Street, Oyster Bay, New York, hereinafter referred to as "THE FRIENDS".

### WITNESSETH:

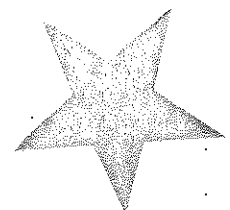
1. That THE FRIENDS are hereby granted a license, to operate the TOWN'S Raynham Hall Museum at 20 West Main Street, Oyster Bay, New York. In addition, the Friends are hereby granted a concurrent license to use the TOWN building located at 30 West Main Street, Oyster Bay, New York for the purpose described in Paragraph 13 herein. The parties hereto understand and agree that all rights, grants and authorizations heretofore granted by the TOWN to THE FRIENDS with respect to the supervision, operation, concessions and staffing of the Raynham Hall Museum, are hereby rescinded and superseded by this Agreement.
2. The parties hereto understand and agree that this Agreement is subject to the rights, conditions and provisions set forth in the Deed of Conveyance of the subject property, by the Daughters of the American Revolution, Oyster Bay Chapter, Inc., to the TOWN, dated October 2, 1947 as modified by its letter dated December 28, 1989.
3. Unless sooner terminated or extended as herein provided, the Term of this agreement shall be for five (5) years commencing on January 1, 2024 and terminating on December 31, 2028, with the option of two (2) five (5) year extensions provided THE

FRIENDS is not in default and/or there is no cause for termination of this Agreement, at the mutual agreement of the parties. In the event THE FRIENDS elect to exercise the extension options provided, written notice shall be provided to the TOWN no later than six (6) months from the termination of the Term.

4. The TOWN agrees to annually pay THE FRIENDS the sum of \$123,600.00 from January 1, 2024 through December 31, 2028, in quarterly installments on March 1<sup>st</sup>, May 1<sup>st</sup>, August 1<sup>st</sup> and October 1<sup>st</sup> for staffing and operating of the programs to be conducted.
5. THE FRIENDS are to provide all of the necessary staffing to operate said Museum.
6. All staff hired by THE FRIENDS shall be under the direct supervision and accountable to the Board of Trustees of THE FRIENDS. The TOWN shall be advised of the salary to be paid and the name of The Museum Director.
7. THE FRIENDS shall provide all staff members with sexual harassment and other training that may be required by the New York State Department of Labor or other agencies having jurisdiction over such matters.
8. THE FRIENDS shall provide to the TOWN a list of employees, staff, including volunteer staff that work for THE FRIENDS. This list shall be constantly updated as staff is hired or terminated.
9. THE FRIENDS shall provide certification to the TOWN that all employees, including volunteer staff, have been subject to a thorough background check, with evaluation of the results to assure that there is no indication that the worker may present a risk to the patrons of the museum or to other staff members.



10. All revenue from admission charges collected from visitors to the Raynham Hall Museum, during the term of this Agreement, are to be retained by THE FRIENDS, to be used to defray Museum staffing and program expenses. Price or prices fixed for admission to the Museum are to be approved in advance by the Town Board of the TOWN.
11. THE FRIENDS shall maintain accounting records containing sufficient information with respect to receipts collected, and disbursements made in its operation and supervision of Raynham Hall Museum, and said records shall be available to the TOWN for review. THE FRIENDS shall submit to the TOWN an Annual Finance Report on or before January 31<sup>st</sup> of each year.
12. THE FRIENDS are to provide educational programs for the benefit of the inhabitants and school children of the TOWN, and develop and promote museum activities for the purpose of perpetuating the memory, spirit and deeds of the men and women associated with the events in and about Raynham Hall, and the achievement of American Independence, and may do so in conjunction with the Oyster Bay Historical Society. THE FRIENDS may serve beer, wine and champagne at fund-raising events and/or special functions; provided, however, that prior TOWN approval is obtained.
13. The TOWN agrees to allow THE FRIENDS to use the premises at 30 West Main Street, Oyster Bay, for Museum-related activities, as follows: first floor-a welcome center for students on field trips and educational purposes, and a gift shop; second floor-Raynham Hall office staff; attic-collections storage. The use of said premises for any other purpose may result in the termination of this agreement, at the discretion of the

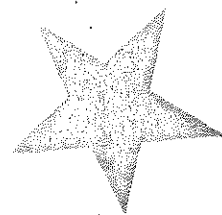


Town Board. THE FRIENDS shall not use 30 West Main Street for residential accommodations, whether, temporary or permanent.

14. The TOWN assumes all responsibility for the maintenance of the buildings and grounds of Raynham Hall and 30 West Main Street, including payment of electric, gas, water, fuel and garbage removal (but not to include telephone, cable television or internet expenses). THE FRIENDS assume all responsibility for weekly cleaning. No interior or exterior work shall be performed at either Raynham Hall or 30 West Main Street, including but not limited to, structural and electrical work, without prior TOWN approval. No Consultants shall be retained in connection with the premises, nor independent testing be performed, without prior TOWN approval. If such consultants or testing are approved, THE FRIENDS shall provide the TOWN with a copy of all written reports prepared in connection with same.
15. THE FRIENDS shall grant access to Raynham Hall and 30 West Main Street at all reasonable times to the TOWN.
16. THE FRIENDS shall obtain prior approval from the TOWN to use the Town logo on any merchandise, paraphernalia, clothing, website, social media postings and printed material.
17. THE FRIENDS are authorized to sell appropriate merchandise at the Museum during the term of this concession, and the net proceeds are to be retained by THE FRIENDS to defray museum staffing and program expenses.
18. It is expressly understood and agreed that no land, building space or equipment is leased to the THE FRIENDS as this Agreement constitutes a license. It is further expressly

understood and agreed that the TOWN may cancel this Agreement upon giving ninety (90) days written notice to THE FRIENDS.

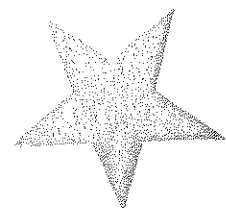
19. If, for any reason, THE FRIENDS shall fail to carry out the terms of this Agreement, or for any reason this Agreement shall be terminated by either party, then in such case, it shall be lawful for the TOWN to serve, or cause to be served on THE FRIENDS, a notice declaring this Agreement null and void, and the TOWN, upon giving ninety (90) days notice of such intent, in writing, may reenter and repossess the premises.
20. In the event that this Agreement shall terminate pursuant to paragraph 19 above, THE FRIENDS shall have the right to retain all sums therefore paid by the TOWN hereunder.
21. Nothing herein shall prevent THE FRIENDS from raising money, or obtaining private donations and subscriptions for the benefit and improvement of the Museum and its collections or for special projects within the purposes of THE FRIENDS' Certificate of Incorporation.
22. It is understood and agreed that the current collection of personal property now located at Raynham Hall includes property owned by THE FRIENDS, and that a complete itemization of same has been furnished to the TOWN and is attached as Exhibit "A". It is further understood that all such property, whether now owned or hereafter acquired, shall remain the absolute and exclusive property of THE FRIENDS. Personal property owned by the TOWN, and located at Raynham Hall, shall not be removed from said location for any reason whatsoever without prior TOWN approval. This includes deaccessioning and/or other disposition of Town-owned property. The TOWN agrees to insure THE FRIENDS' property by having same covered under the TOWN'S



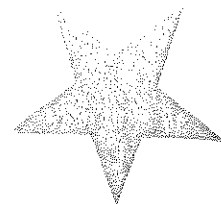
scheduled fine arts policy, which shall provide for loss payment to the TOWN or THE FRIENDS, as their respective interests may appear. While it is important to have all newly acquired items added to the fine arts schedule, the TOWN shall also maintain coverage for unscheduled property.

23. THE FRIENDS waive any and all claims for compensation for any and all loss or damage sustained by reason of any defect, deficiency or impairment of the water supply systems, gas mains, electrical apparatus or wires furnished for the premises, except to the extent such loss or damage was caused in whole or in part by the negligence of the TOWN, or by reason of any loss of any gas supplies, water supplies, heat or current which may occur from time to time from any cause, or any other reasons whatsoever. THE FRIENDS release and discharge the TOWN and its agents from any and all demands, claim, actions and causes of action arriving from any causes aforesaid, except to whatever extent such loss or damage was caused in whole or in part by the TOWN's own negligence. THE FRIENDS further waive any and all claims for compensation, refund of its investment, if any, or by other payments whatsoever in the event this Agreement is terminated by the TOWN sooner than the fixed term, except to the extent set forth below.

24. THE FRIENDS shall appoint a representative of the TOWN to the Board of Trustees and shall further appoint this representative to THE FRIENDS Executive Committee. The TOWN shall designate said representative and reserve the right to replace the Town representative upon notice to THE FRIENDS. "FRIENDS" shall maintain an appointed representative of "TOWN" for as long as "THE FRIENDS" continues to remain "LICENSEE" of any TOWN-owned "PREMISES".



25. THE FRIENDS and TOWN agree to attend meetings as determined and scheduled by the TOWN to discuss ongoing operational, programmatic and capital projects as well as potential future endeavors.
26. THE FRIENDS agree to obtain from an insurance company, authorized to do business in the State of New York and keep in force during the term of this contract, a policy of comprehensive general liability on which THE FRIENDS and the TOWN are each named insured, including, but not limited to, the torts and negligence of THE FRIEND'S personnel with a combined single limit of \$1,000,000 per occurrence for bodily injury and property damage; and
- a) THE FRIENDS shall comply with all provisions of the Workers' Compensation Law, and shall furnish a certificate showing evidence of current coverage; and
  - b) All insurance coverage as stipulated herein shall be subject to the approval of the Town Attorney of the TOWN;
  - c) Commercial Automobile Liability Insurance in the amount per occurrence of \$500,000
  - d) Property Damage Insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate.
  - e) Such policies shall be issued in the name THE FRIENDS, with the TOWN being named as an additional insured. Copies of the aforementioned insurance, and the appropriate endorsement from the insurance company indicating the TOWN'S additional insured status, must be filed with the TOWN. No such insurance policy shall be cancelled without thirty (30) days prior written notice



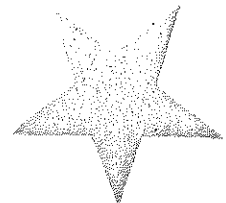
to the TOWN. The failure of THE FRIENDS to maintain such insurance policies, and to furnish such policies and/or certificates, may automatically terminate this Agreement. All such insurance shall be kept in full force and effect during the term of this Agreement and any renewals or extensions thereof.

27. a. THE FRIENDS shall be responsible for and shall indemnify and hold harmless the TOWN, its officers, employees and agents from and against any and all liabilities, losses, costs, expenses (including, without limitation, attorney's fees and disbursement) and damages, arising out of or in connection with any of THE FRIEND'S acts or omissions.

b. The TOWN shall be responsible for and shall indemnify and hold harmless THE FRIENDS, its officers, employees and agents from and against any and all liabilities, losses, costs, expenses (including, without limitation, attorney's fees and disbursement) and damages, arising out of or in connection with any or TOWN's negligent acts or omissions.

c. The provisions of this section shall survive the termination of this Agreement.

28. Raynham Hall shall not be used to host fundraisers of any kind including but not limited to not-for-profit corporations, civic associations, political parties, committees, political candidates and/or political issues. Use of Raynham Hall for another use other than provided herein shall be considered a material breach of this Agreement. Consequently, as a result of said material breach, this Agreement may be terminated immediately, and the FRIENDS shall cease and surrender use of the Raynham Hall in accordance with this Agreement.



29. Periodically, the parties hereto shall furnish to each other evidence of the existence of the insurance coverages provided in paragraphs 26 and 27 above, together with proof of premium payments.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

TOWN OF OYSTER BAY

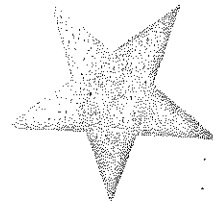
By: \_\_\_\_\_  
Name:  
Title:

THE FRIENDS OF  
RAYNHAM HALL INC.

By: \_\_\_\_\_  
Name:  
Title:

REVIEWED BY

By: \_\_\_\_\_  
Name:  
Title: Deputy Town Attorney



RAYNHAM HALL LICENSE AGREEMENT

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NASSAU     )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me personally came and appeared \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that he is the \_\_\_\_\_ of the Town of Oyster Bay, the municipal corporation described in and which executed the foregoing instrument; that he knows the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Town Board of said corporation; and that he signed his name thereto by like order.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NASSAU     )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, 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 executed 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

\_\_\_\_\_  
NOTARY PUBLIC

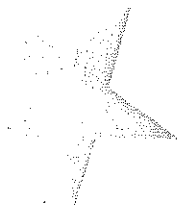


EXHIBIT "A"  
PERSONAL PROPERTY LOCATED AT RAYNHAM HALL

