

PLANNING BOARD MEETING MINUTES
TOWN OF BABYLON
TOWN HALL
200 EAST SUNRISE HWY, LINDENHURST
MONDAY, MARCH 2, 2026
7:00 P.M.

PRESENT: PATRICK HALPIN, CHAIRPERSON
GERALD O'NEILL, ACTING CHAIRMAN
UMEKO HEALY, ALTERNATE
JULIANNE NOLAN
FRANK SANTOS
DANIEL TRUCHAN III
EDWARD WYNN

ABSENT: JUAN LEON

PRESENT: RICHARD CASEY, COUNSEL FOR THE TOWN PLANNING BOARD
MATTHEW ESPOSITO, SENIOR PLANNER
GREG GAXIOLA, ENVIRONMENTAL CONTROL
DIANE HALL, SECRETARY

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The Planning Board shall have the right to rely on any information that is presented by the Applicant. If any such information is later found to be inaccurate or incorrect, the Planning Board may determine that any approvals, building permits or other actions previously granted in connection with the application are null and void.

A. PUBLIC HEARING/SITE PLAN REVIEW

1. JOB# 23-38A (HPLN-3); AV BX Group LLC
Location: n/w/c/o Wellwood Ave. & Gear Ave., Lindenhurst
SCTM: 0100-125-01-026.001
Proposes: To legally maintain an industrial building for four tenants to include 2 warehouse tenants, a public garage tenant and an automobile sales tenant.
Zone – G Industry
SEQRA – Type II Action
Hearing Closed, Decision Reserved

Appeared

Nicole Blanda, Esq.
Buzzell Blanda and Visconti, PC
535 Broad Hollow Road
Melville, New York 11743

Chairman Halpin stated okay, good. Have you had the opportunity to review the memorandum regarding this application from the Planning Commissioner Denise Graziano?

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Ms. Blanda stated yes.

Chairman Halpin stated do you have any issues, any concerns, anything that you would like to bring to our attention regarding anything in this memorandum, but especially any of the Covenants and Restrictions?

Ms. Blanda stated that the only slight issue is with the hours of operation. One of the tenants does come to the site in early morning hours, but as I go through my presentation, I'll point that out.

Chairman Halpin stated all right, fine.

Ms. Blanda stated It might be a non-issue, but I want to make the Board aware of it.

Chairman Halpin stated all right, fair enough. Thank you. We'll pay attention. Okay. Especially, carefully at that point.

Ms. Blanda stated okay. I'm here tonight seeking site plan approval to maintain this existing industrial building that presently has four tenants. It's located on the northwest corner of Wellwood Avenue and Gear Avenue in Lindenhurst. It has a lot area of just over an acre at 44,753sf. It has street frontage on both Wellwood Avenue and Gear Avenue.

Gear Avenue is an industrial road that dead-ends. All the properties over here are zoned Industry G. This building does have a CO dating back to 1967. This configuration that you currently see, the survey that's on file with the Town, matches the building that is there. Now, this industrial building is 22,028sf. The 67 CO indicates that it was for light industrial. There was also a prior ZBA approval from 1967, which granted relief from the landscaping requirements at this site, at that time, and allowed front yard parking and also permitted some front loading off of Wellwood Avenue.

Then, in 1971, there was a ZBA approval that allowed a portion of the building to be utilized as a public auto garage. That CO was issued then in 1971, and another CO was issued in 74 for new and used auto parts. Doesn't specifically say if that was for storage of those parts or for sale, but it says new and used auto parts.

So, there is a history of CO's being issued to this building. I just wanted to point that out because obviously, as the Board can see, the building is tight for the site. It is L-shaped, but the parcel itself is an irregular shape. So, it does present some site issues. But the purpose of this site plan application was to resolve the issues as best as the property owner can.

So, the application is essentially to legalize the current uses as part of the overall site plan approval. There are currently four tenants utilizing this building. I'll go through each tenant's use for the Board. But first, I'll briefly go through the overall site plan, and then if there are any questions that I cannot answer, I do have with me tonight our engineer, Rich Muse. He can come up and talk to the Board about any engineering or design questions.

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The site does have multiple curb cuts. So, there's a curb cut on the northerly side of the building off of Wellwood Avenue. It is an existing curb cut, and we are proposing that it be made a one-way entrance into the site, and so there'll be a do not enter sign added so that traffic cannot exit from the site from that curb cut. The idea is for the site circulation to flow from that curb cut, then on the north around the back of the building, and to the southwesterly curb cut. If a vehicle comes in from that northerly spot, they can then exit from the southernly curb cut. There is also an existing dropped curb in front of the L-shape along Wellwood Avenue. Cars coming into the site do have the option to either utilize some of those parking spaces that are in front of the building or if a car is being dropped off for the auto body shop, an employee can take the car south through the little hand going through the site plan, cars can be brought southernly and then there's overhead doors where the cars to be repaired will be brought inside the building. So, you know, customers can then travel that same way and exit onto Gear Avenue if they choose to.

Otherwise, they could if they're utilizing those spaces; they can back out and go back onto Wellwood Avenue.

The two curb cuts that are on Gear are going to be one entrance coming in, and then one will be an exit going out. Both will have signs indicating "do not enter" for their respective ways that you do not want them to enter.

There are parking spaces along the perimeter of the site. The ones that are along the perimeter are parallel parking spaces. They have been updated to meet town specs. in terms of dimensions. There are also five parking spaces in front of the building, where I'm calling out the kind of L-shape, they're tucked in there.

In total, the site provides 24 spaces, 48 are required. We will be seeking a parking variance from the Zoning Board of Appeals, and we did have a parking and traffic study prepared. Rebecca Goldberg from IMEG is here tonight to talk to the Board about her traffic and parking study and provide her expert testimony as soon as I finish walking you through the site plan.

So the drainage on the site, there obviously is existing drainage, but that will be upgraded, and there will be additional drainage added to the site, all to meet Town specs. All site lighting will be dark sky compliant, also to Town specs. Landscaping is going to be added to the site. So, right now there is no landscaping, but we are proposing landscaping at the corner of Wellwood and Gear. Also, there's a strip that's along the building in the northerly portion facing Wellwood that will have some landscaping as well. So, there'll be a little greenery on the site.

The refuge enclosure is located in the northwest corner of the site. There has been a traffic circulation plan to show that trucks can make their way around the building, and as far as I'm aware, the Town DEC Office has accepted the circulation plan and has said that the refuge enclosure can be accessed properly by sanitation trucks. And so, as you can see, as I said before, if a truck comes in off that northwesterly curb cut, they can come around the building. The calculations have been done to ascertain whether or not the trucks can actually make it, and I'm told they can, and then they can proceed south through that, southerly curb cut to exit the site.

There are four tenants that are currently on this site. The first tenant is Dent Buster. They're an auto body shop providing full-service auto body collision repairs. They have eight employees

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and their hours of operation are Monday to Friday, 7:00 a.m. for employees, 8:00 a.m. for customers to come in, and they're open till 5:00 p.m. And then on Saturdays from 7 a.m. to 2 p.m. So, on Sundays, that particular tenant is closed. As you can see from the floor plan, there are overhead doors. There'll be cars brought inside for repairs. The owner understands that there's a covenant no outside storage of vehicles and that there will be no repairs done outside in the parking lot. So all work will be done indoors.

The second tenant is DB car rental, doing business as DB auto sales. It's related to Dent Buster. Sales are arranged online. So there are some cars kept inside this unit, but really, it's not like a normal auto sales lot where you have all these cars parked outside, and you have customers coming and going. The point of sale is really done online. Maybe you'll have someone come and see something inside, but it would be by appointment only.

How many employees?

Ms. Blanda stated one to two employees, depending on any particular day, but for the most part, I'm told it would be one employee, and again, everything's by appointment only.

The electrician is the third tenant. It's one employee, no visits from the public. Mostly, he's storing his electrical equipment and what have you in that unit.

And then the fourth tenant is first-class truck hauling. They store their truck cabs inside the building, and they work on them. They do repairs on their cabs. They don't, and they're not supposed to keep their trailers on site. There has been an issue between the landlord and the tenant, and he's been telling them that they have to remove any trailers from the site because they will no longer be allowed to be there. The lease is up this spring, I'm told. So the landlord has the leverage to say, if you can't comply, then you have to leave. So you know they have been spoken to about that. This is the use that I just wanted to point out to the Board in terms of the hours of operation.

So during the day, the hours of operation are fine. They fix their cabs, and they leave. I'm told they might even leave by 2 p.m. or 3 p.m. at night, someone comes to the site, they take a cab, it could be 8:00 at night. They leave. They go to another site, and they pick up the trailer that they'll be using to deliver their goods. When they're done making their deliveries, they bring that trailer to another site, and then they come back with the cab. So, there could be days that they come back with the cab at 7 a.m. and then we don't have a problem. Or there could be days when they come back with the cab at 5:00 a.m. or 6 a.m., but they don't stay. It's not like the lights are on inside and they're actually conducting business. They're simply there to drop off their cab because they're done with their overnight deliveries. So, when I saw the hours of operation, you know, obviously, I don't want anyone to get in trouble in the future should this tenant stay. So, I wanted to point that out to the board.

But that really is it's a very limited, you know, activity. Again, it's not like somebody staying there overnight and actually occupying the space. It really is just to drop off the vehicle in the morning, but it could be.

Chairman Halpin stated could you repeat the hours of operation again? I lost track of this particular tenant.

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Ms. Blanda stated so this tenant would be fine with the hours of operation that the Board is requesting in terms of during the day. Normally 7:00 a.m. to I think it was 9:00 p.m. at night. Let's see. Monday to Friday, 7:00 a.m. to 9:00 p.m. is fine for their normal business, which is to fix their cabs. There are deliveries that I guess you would say originate from this site. So, if I'm the truck driver, I might come in at 8, pick up my cab, leave, and go to another site. I pick up my trailer, attach it to my cab, and I go make my deliveries. I then have to drop my trailer off at another site, not this site, and I'm going to bring my cab back to this site. I could be bringing my cab back to this site at 5 in the morning, which is obviously prior to the covenant, which says 7:00 a.m. So, I just don't know how to work that out. I'm not saying we have to work it out tonight, but I want to make the Board aware of it, and we can discuss it further with Planning.

But again, it's very limited in terms of the variances that we need; we haven't been written up for our denial yet. So, I can't specifically say each of the variances, obviously, there are we have CO's, and so I don't believe we'll be written up for any kind of setback variances, but we will need a special permit for the auto body.

We will need a special permit for the auto sales. There is a spray booth in here, so I believe we'll need a special permit, but that would all be in conjunction with the same user. So, those applications will be applied for once we get to that step.

So, if we look at the surrounding area, this is an industrial block. I'm sure you know, just from traveling around this area, you might be familiar with it. You have New Horizons to the west, which is the planned industrial park, but this is industrial, simply industrial. Over here, we're north of the tracks; you have a gas station to the north of us. You have V&J Auto Body to the south. So, you know, similar uses, and like I said on Gear Avenue, you could see there are others. I believe there's Amendola Fence, there are other manufacturing uses, and it just dead ends over there.

So, if the Board has questions for me right now, I'm happy to answer. Otherwise, I would have Rebecca Goldberg, our Traffic Engineer, come up and she could go over her traffic and parking study with the Board.

Chairman Halpin stated do any of the Board Members have any questions?

Ms. Nolan stated so when I went to inspect the building in January, when this was originally scheduled, what you are saying about the direction of the vehicle flow on the north side of the building, where that cab was, there was no access around this building whatsoever. There was a tractor-trailer in that area. I couldn't see down the back alleyway because there were all the cars, as there are here now, a lot of parking, and also in front of Dent Busters. Tons of parking all over the sidewalks, the road up against the building. Ironically, the parking spaces in front of the building is where I parked. They were open. So, I just want to make sure that what this plan is that it's going to be adhered to, so that there aren't cars and tractor trailers all over the place and overflowing onto the sidewalks and the street.

Ms. Blanda stated yes. And there is an actual Covenant that addresses cars overflowing. it says that they can't be in any pedestrian areas or any sidewalks, or anything of that nature. I've gone

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over it with the property owner. Like I said, the truck hauling tenant might be leaving, and that would alleviate any trailer issue. But it's also been made clear to this tenant that they cannot keep their trailers there any longer and that it's illegal to do so. So, we're hopeful that that will get cleared up.

As far as cars in other areas, this is the site plan they have to adhere to. So any spillover I also pointed out that there is the Covenant or maybe it's in the Conditions which is a typical Condition when you need a parking variance that if there's any complaints or if the Town has any issues with spillover parking whether it's in the streets or if the site just looks too packed that they'll be brought back before this Board and they'll have to either show that they can lease off-site space for additional parking or they'll have to show that they can actually adhere to the site plan. But right now, this is the site plan we're proposing, and they understand that once this is approved, this is what they have to adhere to. Thank you.

Chairman Halpin stated Matt, could you do me a favor and go back to, is it possible to split the screen and have this new site plan with the aerial photo? And if you don't mind, Matt, could you walk us through with the aerial photo and describe it? How is this going to work with the flow, with the one-way all the way around? Start where you see you know one 965.

Ms. Blanda stated if I may just point out one thing right now on the aerial, that's angled parking in the back. We're proposing parallel parking.

Chairman Halpin stated no I understand that. I do understand that. The distance is what, 10 feet? I'm sorry, is it 18 feet from the back of the building? Yeah. And then you have that area about 10 feet or so from the fence. Okay, Matt, could you just? I don't know how this is going to work. Thank you for asking that question, Matt. If you could just grab the microphone and walk us all through this, how this is going to flow, and use your arrow not on the proposed, but on what exists now with this satellite photo. So, we'll get a better feel for this.

Mr. Esposito stated yes, so I'll start in the northeast corner of the site. I'll kind of point out on the map and on the plan, but this is a one-way entrance, only one way travel aisle around the back of the building, as shown on the site plan. The existing curb cut in the front provides access to the five parking stalls and the overhead doors for these tenant spaces. There's also the ability to drive around the side of the building here. This will be a one-way travel on Gear Avenue with limited parking and access to the overhead doors. And then the curb cuts on Gear Avenue will be reduced to two. One entrance only on the east side and one exit only on the west side.

Chairman Halpin stated okay. Does anybody have follow-up questions? I do. So, the area, I guess, would be on the corner of Wellwood and Gear. So, we're also eliminating all that parking there, too.

Ms. Blanda stated unfortunately, we're not. I mean, it's not my call, but we were asked to put landscaping there on that corner that you see. And so, you'll still have an aisle. You can kind of see it outlined right now, where it's between the existing parking. But then you're going to have, I guess, a grassed-over area. And then there'll be a few spaces. You could see that there's going to be an inset with a couple of spaces, including handicap. There'll be an ADA-compliant ramp

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curb drop-down at the corner. So that'll be an improvement. But yes, you will be losing those spaces and that asphalt.

Okay. And I don't know if you know or not, but the way it is right now, the cars that are back there, do you know what business that is?

The cars that are parked cars that are parked out.

Yeah.

Ms. Blanda stated I don't know when this picture was taken, so I'm not really certain when it's from.

Right. Thank you,

Chairman Halpin stated Matt. Just so where you see the number 965, is that a tractor-trailer truck there? Oh, there we go. Let's get that street view. Matt, if you don't mind. Oh, that gives us a pretty good picture. So, you're telling me that that's not going to happen anymore?

Ms. Blanda stated correct.

Chairman Halpin stated you're telling this Board, not me, the Board.

Ms. Blanda stated it has to stop because we're agreeing to have it stop, and we don't have outside storage, so it can't be parked there.

Chairman Halpin stated but they had outside storage, and they were allowed to do this with the current.

Ms. Blanda stated no, they didn't have outside storage. They didn't have permission to have outside storage.

Chairman Halpin stated so they broke the rule that they didn't have permission to have outside storage?

Ms. Blanda stated correct. They were not compliant. Correct.

Chairman Halpin stated, but there are those who, whenever they receive summonses and so this is before it's fixing everything. One right behind.

Ms. Blanda stated okay.

Chairman Halpin stated so, my concern is, is this going to work right given the tenants?

Ms. Blanda stated yes.

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Chairman Halpin stated so, please have your expert come up. Be happy if they try to address that. And who is that?

Chairman Halpin swears in

Rebecca Goldberg
IMEG
formerly known as Cameron Engineering
177 Crossways Park Drive
Woodbury, NY

Good evening, Mr. Chairman, Board Members. I prepared a traffic and parking report dated February 11th. So, just as a sidebar, that does conform with the prior site plan and does not reflect the site plan that you have here. So, I can just summarize any differences here tonight. The overall report approach that we had was to determine if granting the parking variance that's going to be needed would satisfy the genuine need and then to gauge if there would be any traffic or circulation negative impacts with the proposed plan.

The traffic aspect, I'll cover that first. It's very straightforward. There's no real proposed change in outside traffic or use. So, there is no traffic impact from this application or impact on the surrounding streets. Then, just in combination with the February 25th memo from the Planning Department, it could result in a net benefit with respect to condition number 14, which reads that the applicant would have to contribute to the fund for the installation and maintenance of emergency vehicle optical preemption equipment on traffic signals in the area.

So, just for the record, what that term emergency preemption means is that you modify the controller of a traffic signal so that when there is an emergency vehicle that is approaching with its license and siren activated, the responders traffic light either stays green until it gets past the intersection or if it's approaching a red light, the other direction's green light will transition early to red so that the first responder will get the green light sooner. It helps reduce emergency response time which is an improvement in overall safety.

The predominant part of my report was based on parking. The revised plan and the new plan has the same proposed number of spaces, 24. The variance is, however, reduced because of the different spaces within the building and the mezzanine. So, the new plan requires 48 spaces, by our calculation, pending the notice of disapproval, when we believe the variance is required to be 24, with 24 spaces provided. The other parking features would satisfy the code. Parking stalls themselves would be 9 ft by 19, or the parallels would be 10 x 22. The drive aisles are sufficient. Minimum is 12 foot for the one-way operation on the south side of the building. Also, there are two handicapped accessible spaces, whereas one is required for the proposed parking.

So again, similar to traffic, the genuine parking demand isn't changing with the application, nor is the fact that the demand is predominantly from the body shop. It has the highest number of employees and the highest chance for customers to come into the building. This particular body shop is similar to others that I've studied from an engineering standpoint, similar to others that I patronized from time to time. They're almost never customers in the building except for very periodic, short visits. Someone drops off a vehicle, someone picks up a vehicle, or someone is

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waiting for a car rental. Peak times for drop off tend to be Monday or Tuesday morning, but again, it's random. Pickups are pre-arranged in advance, depending on when someone's vehicle is ready and completed with service. Most of the activity at the site throughout the day is comprised of employees if they're moving cars within the property or in and out of the indoor service bays.

The other tenants typically have no customers, or there might be one customer at a sporadic time. So, based on the reported staffing and activity for the four tenants is in my report. I calculated a demand for 18 spaces for the employees and customers, in addition to cars that might be worked on or pending sale for two of the tenants. The numbers include three or four spaces for customers, and there are seven spaces along the east side of the building in the area where customers would park. So, because that number is higher than the customer count, that means that customers would not be in a difficult time searching for parking. And then the 24 spaces should satisfy the day-to-day demand.

I also note in my report there is on-street parking permitted on the north side of Gear Avenue along the frontage. That would not change the demand for on-street parking, which would be the same with or without the application. I understand employees can and do use that street parking to leave the site more open, and again, that would continue.

So my team, we performed parking counts at the site on a Monday morning and a Tuesday afternoon in January and February. There had been no active snow or recent snow for two days prior to either of our counts, which this winter was a challenge, for sure. We did not happen to observe any customers; traffic-wise, we saw one truck at a time entering or exiting the property. I did see the tractor cabs. So those cabs are actually included in my count, and I they would not be included going forward once the application and its Covenants become active.

So, we did see 24 to 25 vehicles that were parked in the publicly accessible areas in line with the proposed plan. And then when we include the gated area around the west side of the building, that was up to 35. That includes vehicles being worked on for the body shop those employees would be able to move to a service bay or out front when it was ready.

The function at a body shop is very similar to what I call a valet operation. Cars being worked on; they're being stored in areas that are not accessible to the public. They could be stacked temporarily in these controlled areas without blocking any customers without blocking anyone in. Employees have vehicle key access at all times. So, there's no concern with any interactions from the customers again. So, the traffic flow for the customers is separate from any traffic flow from vehicles being moved into and out of the service base.

Then I think Nicole mentioned just the context of Gear Avenue. It is a short end, a short, dead-end industrial street. Little to no bypassing traffic. Just based on where this site is, it's obviously between Route 109 and Town Hall. I've driven past or through this intersection, I don't know how many hundreds of times, have never seen a traffic backup at the intersection or through the intersection, and I would expect that to continue. And that concludes my presentation. Thank you very much.

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Chairman Halpin stated all right. Do any of the Board Members have any questions? No further questions. Thank you.

Ms. Blanda stated if the Board has any more site design questions, we do have our engineer, but if there are no questions?

Chairman Halpin stated okay. All right, are there any plans to make this a little bit more inviting from the standpoint of the facades?

Ms. Blanda stated the facade was recently improved. Rich, do you want to come up and kind of talk about what happened with the facade with the elevations?

The Board can see that is what was done. It was new stucco, and it was painted. And then obviously the landscaping, the idea behind it would be that it would dress up the asphalt. It looks better than some of the other buildings that are on Gear. It's an interesting neighborhood. Let's put it that way.

So, can you go back to that picture you just had? Now, obviously, we don't know when this was taken, but again, there's that big tractor-trailer.

So, what you're saying is that they'll be there, not they, they'll be storing the trailer somewhere else. Is that so? The trailer right now, once it's gone, that is actually going to be a grass or a landscaped area. Okay. So, right, you see exactly where that rectangle is, where the trailer is currently parked. He's got to go because we have to plant landscaping over there in order to get RCO. So, he's gone, and if he can't comply, then his lease is over.

Chairman Halpin stated all right. Okay. Any other questions or comments? All right. Thank you. And there's no one else who would like to address the Board regarding this application. All right. Since there is no one else here to address the Board regarding this application, I'm going to request a motion from the Board to close the hearing and to reserve decision. So, could I have a motion from the Board to close the hearing and reserve decision? Motion by Mr. O'Neill. Motion. Second by Ms. Nolan. Second. All in favor? Approved.

Mr. Halpin stated this decision has been reserved in order for us to review the feedback we have received this evening and any open site plan issues. The record will remain open for written comments. To follow up on the status of the application or to submit additional written comments, you can contact the Planning Department in either of the following methods:

- In person. The Planning Department is located on the west wing of Babylon Town Hall. Applications, documents and plans are available for inspection between the hours of 9am and 4pm.
- Via phone at 631.957.3103
- Via email at planningcomments@townofbabylonny.gov

B. INFORMATIONAL HEARING

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1. JOB# 25-32A (HPLN-22); Aromatic Gardens
Location: n/e/c/o Edison Ave. & Eads St., West Babylon
SCTM: 0100-074-02-024.014
Proposes: Interior alterations to an existing 12,013sf warehouse in order to change the use to an adult use cannabis dispensary.
Zone – GB Industry
SEQRA – Type II Action
Hearing Closed, Decision Reserved

Appeared

Janice Whelan, Esq.
23 Green Street, Suite 205
Huntington, New York, 11742

I represent Aromatic Gardens seeking to change the use of an existing warehouse at 231 Edison Avenue in West Babylon to an adult-use cannabis dispensary with site improvements and interior alterations shown on the latest site plan prepared by Spaces Architecture dated January 8th, 2026.

Chairman Halpin stated okay, before you go any further, there's a memo from the Planning Commissioner, Denise Graziano, regarding this application dated the 25th of February 2026. Have you had the opportunity to review this with your client?

Ms. Whelan stated I have not seen the February memo. Is February correct?

Chairman Halpin stated Matt, does that sound about right? Matt, that sounds about right because we haven't had any meetings for the month of February. And are there any big changes to this?

Ms. Whelan stated I know that we reviewed the last memo from Nunzio, and we agree with all of those conditions. We agree with all the Conditions, the Covenants, and Restrictions.

Chairman Halpin stated I'm sorry. Does anybody know if any of those Conditions are okay? All right. Can you take a quick look to see if you know?

Ms. Whelan stated we have seen this and we agree to it fully. All of the Conditions and the C&R's were from the previous memo.

Chairman Halpin stated thank you very much. We now have that for the record. Okay. Please proceed.

Ms. Whelan stated appearing with me tonight in support of this application is George Badger, Registered Architect and Principal of Spaces Architecture. He prepared the site plan and revisions in response to all the departmental comments. He's here to answer any questions about the site plan, the design, or the elevations that you may have. Also, Mr. Learie Tinto, who is the operator. He holds the license from New York State. Mr. Tinto is a lifelong Suffolk resident and a four-year football coach for a local football club. He's very interested in bringing the site to

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West Babylon and to the Town of Babylon. Also appearing is Michael James, the applicant State Licensing Attorney, in case you have any questions in that regard. And finally, Mr. Sean Mulryan of Mulryan Engineering, who performed the traffic assessments and will present his conclusions to the Board.

First of all, thank you to the Planning Commissioner and the staff with whom we've worked very closely for the past seven months. This Thursday, we have a Board of Appeals hearing requesting the special exception for the use, the parking variance for the number and location of parking spaces, and very small area variances relating to the existing building conditions.

Chairman Halpin stated okay. Could you just tell us exactly what those variances will be?

Ms. Whelan stated first, we request a parking variance where the calculation is that we require 35 spaces, and that's divided between the 4200sf for the retail use and the 7,000sf for the warehouse use. But important to note that the warehouse is going to be completely vacant, empty, not used for storage. It's dead space. So, because of the one per 700 for warehouse parking count, and one per 200 for office. The Town calculates that we require 35 spaces, but we can only provide 22. But I'm going to defer to Mr. Mulryan, who will go into details with his conclusion that the available parking will meet or exceed what we need during peak parking hours.

Okay. Another variance that we need is for the building area. The building exists with 43% lot coverage. The code requires a maximum of 40%. It's a very dominus request. Another variance is for the location of three parking spaces in the front yard setback. And the last variance is for a front yard setback of 29 feet 10 inches, where the code requires 30. And I guess these are existing conditions that we're not creating here.

Mr. Badger provided a professional certification on July 7th, and that certification confirms that the location of this site meets all of the requirements of Section 2131-1663. It's more than the required distance from the protected uses of residences, religious uses, educational facilities, playgrounds, child care areas, any area where youth would come to visit, and not within 500 feet of another cannabis establishment.

I'll go through our site details and improvements, and then into our operational details, which have been relayed to both Mr. James and Mr. Tinto, who will be operating the site. Just by way of an overview, there's absolutely no on-site consumption ever permitted on this site in the building or in the parking lot. There are no special events that would be permitted on the site or outside. We will have 24 hours, 7 days a week surveillance. We understand this Board's concern with security and safety. Age verification will be done in an enclosed vestibule by a guard before anyone can even enter the retail facility.

Chairman Halpin stated yeah. Why don't you walk us through the layout now that you've mentioned it.

Ms. Whelan stated well, public access is going to be on Ead Street, which is the side street. There is office access on Edison, but the public is not going to enter the building through that entrance. The cannabis retail area will be 4798sf. It includes the backroom area, the offices, and the vestibule for security, which checks the age before a patron can enter the site, and counter space.

PLANNING BOARD MEETING MINUTES

There is a partition that separates the retail area from the vault where packages are created. There's a window where a processor would deliver the package to the counterperson and then to the client.

Again, the warehouse space is 7200sf. It's not going to be any storage. There's no parking. Nothing will happen in that area. There's no employee parking or delivery in that area. As I said, the two delivery vehicles that we propose are going to be taken home by employees. So, there'll be no outdoor storage at the site.

Again, the secure vestibule is an area on the site as you enter on Eads Street. There's a guard, and the guard will check for age, and then if that person meets the age requirements, that person, the customer, would get buzzed into the retail area. No one can enter that retail area unless they see the guard first. There's a defined sale and retail area with counters, displays, and there'll be TV monitors which show the products available for purchase, the price, and the weight.

We have ADA customer restrooms. Again, I mentioned the partitions. We have a secure waste room in accordance with New York State standards. Outside in the rear parking area, we've got a receiving dock with secure building access. There's a receiving staging area, a control office, offices for the operators, the reception area for online phone orders, administration, security, and again secure access from the warehouse to all unused space.

At this point, I'd like to go through the description of operations, if you'd let me. So, the requested days and hours of operations are in accordance with the other cannabis dispensaries that this Board has approved. We'd like to be open Monday through Saturday from 9:00 a.m. to 9:00 p.m., and Sunday from 10:00 a.m. to 8:00 p.m. Deliveries, which I'll discuss in a little bit, will end 1 hour before the business closes. We propose 8 to 10 employees. We anticipate some will drive, some will carpool, and some will take public transportation. Again, there is no on-site consumption. The staff is tasked with monitoring the site to ensure compliance with that regulation by New York State.

How is the product delivered to the site? Goods are sold prepackaged and delivered to the site, maybe five days a week, in very small minivans. There are no big trucks. We anticipate that deliveries will literally take minutes. Product would be automatically inventoried and stored in the vault that's in the retail section, which is separated from the counters by a partition. Again, patrons enter and exit through that guarded vestibule on Eads. After identification is checked, the customer is buzzed into the area.

We'll employ two levels of security. An in-person security and digital security. Physical in-person security will be managed by a security company that's fully licensed and insured. We'll have two unarmed guards, one in the check-in area, checking the ages, and another one guarding the retail floor. In the event of any issue requiring security intervention, the guards will de-escalate any situation, remove the patron, and call police if that's necessary. Many security companies employ former law enforcement for their guards as well. So the guards will have the proper training, they'll know protocol, and based on their experience, they'll be able to address any situation, which we are not anticipating. A separate company, perhaps one that we are looking into, called Secure Tech will handle digital security and alarms. Surveillance will happen 24 hours a day, 7 days a week, of the interior all access points and the building perimeter, both

PLANNING BOARD MEETING MINUTES

during working hours and off hours. Tapes have to be retained for 60 days per state requirements. The State Licensing has access to all of the surveillance that we would be providing.

I'm sure you want to know how transactions are handled. After a patron's age is verified, a customer service employee would greet that patron at the counter area where samples are displayed for viewing and handling.

Again, we have TV menus which would describe pricing, the type of product, and the weight. After a customer decides on an order, the order is placed through the partition. Another employee would deliver that product through the window. The processor hands the order to the employee. The customer pays, obtains the product, and then exits the facility through the same vestibule they walked in. There is no drive-up. There is no curbside delivery.

In terms of online orders and delivery, online orders will be placed through the company website, which entails a system check after creating an account, identification, and age, again verified with the same protocol as a walk-in patron. Delivery orders will be processed through the business website with verification protocols in place. Online and delivery orders are paid for in the same manner as store purchases.

How are purchases paid for? Through cash, debit, and ACH transactions in the vestibule area before entering the retail site. We're going to have an ATM machine there. And again, there's a security guard there for good, for security reasons.

So, with delivery, a delivery order is processed in the store and assigned to a driver. The delivery is tracked through a GPS system called Onfleet, which provides a driver application, visibility and tracking for that driver to the main office, proof of delivery, and a client portal. The customers, upon delivery, are required to present identification to prove who they are, and that delivery information is uploaded to the delivery application for verification and recordkeeping purposes. Delivery will occur in small vehicles with no marking or commercially identifiable markers.

Does the Board have any questions about the site plan or the elevations? I didn't get to say so, but everything's going to be taken care of to bring the site into compliance. The site's going to be fully ADA-compliant. It's going to have a fire alarm system. It'll have a sprinkler system. The drainage will be upgraded. The elevations are a tremendous improvement over what the building looks like now. There'll be new windows, new entry doors, both on Edison for the operators and on Eads for the patrons. The parking lot's going to be completely repaved. There's going to be new sidewalks, curbing, and drainage. There'll be existing drainage and upgraded drainage.

Chairman Halpin stated Matt, could you pull up the existing site just so we can compare it? Okay. So, if you see that area, you're going to pave that over. Why? It looks so beautiful.

Ms. Whelan stated we're actually able to site three parking spaces there. The site will have two handicap spaces. One will be in the front of Edison, and the second handicap space will be on the side of the Eads. There's going to be a lot of landscaping added. There's going to be a lot of grass. There'll be street trees. And in the rear, in the parking lot right by our new refuge

PLANNING BOARD MEETING MINUTES

enclosure, we're going to have a very pretty planting area, very decorative. It'll be a tremendous improvement.

Now, I didn't get to mention that we're removing the loading dock, at a very tremendous expense, in order to add three more parking spaces. We've really done everything to maximize the parking on the site.

Mr. Badger has indicated that there's sufficient turning radius for sanitation vehicles. He's cleared fire truck access with the Fire Marshall. Again, we are completely ADA-compliant in our spaces and curb drops. There's no parking in the building or overnight storage outside, a fully automated fire sprinkler system, and a fire alarm. The existing building, the onsite sanitary, was approved by Suffolk County Department of Health Services. The existing and rear drainage will be upgraded, new landscaping, and all lighting, both on the building and in the parking lot will be dark sky compliant. The building address will be visible on Edison with the name of the business above it, and signage will be undertaken by a separate application, but fully compliant with Town requirements.

Chairman Halpin stated okay, questions.

Mr. O'Neill stated you mentioned that the warehouse was not going to be used for anything.

Ms. Whelan stated nothing.

Mr. O'Neill stated number 21 says the rear warehouse shall be limited to storage and vehicles.

Ms. Whelan stated we have elected not to even take advantage of that. The delivery vehicles are going to go home with the employees. We're not storing the delivery vehicles in the building.

Mr. O'Neill stated but it says you can store the product back there.

Ms. Whelan stated product is not going to be stored back there. it. Well, we may be given that opportunity. Product is only going to be stored in the area where it can be secured by the vault. And that's not in the warehouse.

Mr. O'Neill stated should this be changed? I mean, if they say they're not going to use it and some of the parking is because of that.

Mr. Esposito stated we could take a look at the condition based off the presentation, but we can't not accommodate for this space and the parking calculations just for potential future users of the building.

Mr. O'Neill stated but I thought they're getting a variance for parking because that warehouse is not going to be used? No.

Ms. Whelan stated no. Well, the variance, if you, Matt, do you want to answer?

Mr. Esposito stated no.

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Ms. Whelan stated the variance we're required is because the calculation of the retail space and the warehouse space equals 35. But we're not going to use the warehouse. So, but the code still requires 35 spaces. But I'm going to defer to Mr. Mulryan, who will present his findings that the available parking that we do provide and the available parking in the area will exceed what the peak parking demand is.

Mr. O'Neill stated even counting using the warehouse.

Ms. Whelan stated we're not counting using the warehouse.

Mr. O'Neill stated okay. Are you asking for a variance from the 35 spaces?

Ms. Whelan stated correct. Yes.

Mr. O'Neill stated is that because you're saying you're not going to use the warehouse?

Ms. Whelan stated I don't believe so. No.

Mr. Truchan stated can I ask a question? You need 35 spaces because of the square footage of the whole property, correct?

Ms. Whelan stated correct. The square footage of the building.

Mr. Truchan stated right? So, whether you use it or not doesn't matter. It's based on the square footage. Correct?

Ms. Whelan stated correct.

Mr. Truchan stated so it's not like we're chopping off the end of the building. They have to have it based on square footage whether used or not.

Mr. O'Neill stated but the variance.

Mr. Truchan stated based on square footage, not based on the use.

Mr. O'Neill stated I'll listen to him.

Mr. Casey stated the variance will be based on the total square footage. They may take account use of storage or dead space, but that's only,

Ms. Whelan stated we didn't count those the two delivery spaces in the building. We didn't even count it. So, we didn't take a credit for it. We didn't count it at all.

Councilman Halpin swears in

Sean Mulryan, Mulryan Engineering

PLANNING BOARD MEETING MINUTES
1225 Franklin Avenue
Garden City, New York

I just wanted to speak up because the question was about the parking variance. Obviously, this week we're also going to go before the Zoning Board to ask for a parking variance. The parking variance will be in there, and we wanted to put employee parking in there. We were told by the Planning Department that we would not be allowed. So, the warehouse is now not going to be used. That creates an issue for us in terms of the parking. So, one of the things that we did is go out to the subject site and review the parking on the streets surrounding the property. This property is in a very industrial area. There are three cemeteries, one to the north, one directly to the south, and one to the west. So, this is a heavy industrial area. The properties behind the site are industrial. There are the delicatessen next to us. And we're proposing a retail store that proposes somewhat of an offset use in terms of retail uses, which will tend to be busier maybe later in the day, whereas industrial uses start early in the morning, they leave early in the afternoon, and on Saturdays, these areas are very underutilized. There certainly will be still be cars coming in and out, but not as heavily as during the week.

We believe that, based on the Institute of Transportation Engineers Trip Generation, the subject's site and the parking on the streets surrounding it will be sufficient to satisfy the demand based on the retail store that's being proposed. Again, to the warehouse space, we are not proposing any usage within that building, but we are still subject to the parking that is required based on the square footage of that portion of the site.

Chairman Halpin stated okay, any questions? I have a question, and maybe you're not the right person to answer this. How long is a typical transaction for somebody who's coming into the retail space? And what percentage of your business do you anticipate will be online versus a customer coming in?

Ms. Whelan stated I'm going to bring up Mr. James, who is the State Licensing Attorney. So, the two questions are how long do you anticipate or, generally speaking, would each transaction take? And the second question is what percentage of your business will be online and therefore delivery versus retail.

Appeared

Michael James, Esq.
585 Stewart Avenue, Suite 615
Garden City, NY

Okay. Good evening, Board. So, the typical transaction will take between five and 10 minutes. Most of the customers will know exactly what they want based on the online menu. If they are coming in to review products, then the customer service representative will be able to walk them through the product selection within five to 10 minutes, and cash them out.

Chairman Halpin stated all right. So, I have a question now that, as I'm thinking about being there, not that I smoked pot, I might have done it once. So, does a retail person get to smell the product?

PLANNING BOARD MEETING MINUTES

Mr. James stated yes, based on regulations, they can smell it. They can also view it and touch it within the confines of the dispensary. There are products that allow the person to smell them but not actually touch the actual product. And it will be secured, whether it's by tether or the customer service representative can open the display and then give it to them, and then put it back in. But they will be able to touch and or smell.

Ms. Whelan stated but I just want to make a point. A customer is never left alone to their own devices with the product. They're always supervised by an employee of the operation.

Mr. James stated correct. And you asked the second question of the percentage. The breakdown. Most of the customers are going to visit the store, but they will see an online menu. They're able to access an online menu, and so they're quick transactions once again, and then pickup orders are a large part of it as well. So they'll come in and pick up the orders very quickly.

Chairman Halpin stated any other questions about operations? Anything? Okay.

Mr. Wynn stated your delivery people won't be handling cash will they?

Mr. James stated no. So, delivery, the payment methods are essentially ACH, you think of PayPal just be a transaction, or they'll be able to phone in a debit card payment over the phone. So, no cash.

Ms. Nolan stated the delivery vehicles, the vans, do they have any type of advertising on them?

Ms. Whelan stated no there's absolutely no commercial markings on them and I believe that that's a state requirement as well, again, not to attract attention, not to be enticing to the youth, but no, there's no markings on.

Mr. Truchan stated I just think this is the most thorough presentation we have had regarding this type of presentation.

Ms. Whelan stated given the benefit of everybody else's application.

Mr. Truchan stated I'm just saying that was great. Thank you for the full presentation.

Chairman Halpin stated now, I have a question for whoever the most appropriate person is. I mean, obviously you're legal, you've been licensed, you have all of these standards that you have to meet and probably will exceed. With taxes and all that, how do you compete against the underground economy?

Ms. Whelan stated I think that's a business risk and decision that the operator has made, right? That he wants to do everything the way it has been set forth by New York State and he wants to have a legitimate business. He's, as I said, he's a lifelong Suffolk resident, and he wants is to do good in his community.

Chairman Halpin stated how do you make a profit, considering you have an underground that's strong and vibrant?

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Chairman Halpin swears in

Learie Tinto
191 Timberline Drive
Brentwood, NY

To answer that question, we are just looking to clean up the communities. There are a lot of people who like to indulge in marijuana, and by presenting a new storefront where they can say our community is cleaner, we can go purchase it legally instead of it having to be underground or creating a nuisance in our community.

Chairman Halpin stated now talk to me about this whole thing from seed-to-sale. This is required, right, and the product has to come from New York, I presume? Is that a better answer?

Mr. James stated yes. So, I first want to add to the question add to his answer about how to compete against the black market. The opportunity that we have here is to present a tested product. You know the source; you know exactly what's in it. The issue with the black market is you're never certain exactly what's in that product, where it comes from, or where it originates from. And the things that we have, we take for granted to be able to hold someone accountable for our food products. Well, you know, they don't have that in the cannabis black market; you don't have that opportunity. So, this business would allow us to have some accountability in what we're consuming. Well, whoever does consume it, what we're consuming, as well. Now, with seed-to-sale tracking, that is a system metric, it's called metric, and this State has implemented it. We did work on it. He is fully signed up on it. Even though he has not even opened the platform, it will track. It's called seed-to-sale. They will track it from the time it goes into the ground and grows, to the time it goes off to that customer and places it in their hands. So, once he opens, he'll be fully compliant with seed-to-sale, and every product will be tracked by the State.

Ms. Whelan stated exactly. The state has very strict microphone. Oh, the State has inventorying mandates even as much as if there's waste, and how that waste is disposed of. So, even from seed to going in the garbage, there are rules about everything. And of course, with things like fentanyl around and all these other things, it doesn't take much to kill somebody. And I think that to follow up on what Mr. James said, for people who want to use this product or even to buy the topical pain cream, they would feel more secure knowing that they're buying it from somebody licensed, who's been vetted, who's getting it from a legitimate source. So, I think that is the biggest distinction about why go to the store versus a more nefarious way.

Chairman Halpin stated no, I actually I kind of knew the answer to the question I was asking, but I like to get that on the record because people need to understand just how highly regulated and controlled the cannabis marketplace in New York State is for that matter virtually every other state that has legalized it is as compared to the open black market that isn't.

Ms. Whelan stated right. There's no quality control in an unregulated market. Quality control in how Mr. Tinto is going to get his products. Do you have any other questions? I have Mr. Badger. Any questions? No.

PLANNING BOARD MEETING MINUTES

I just want to confirm that the last condition, I don't think it's correct, with regard to the rear house warehouse area, storage shall be limited to storage. We couldn't store any product in there in accordance with the State compliance.

Chairman Halpin stated yeah, we'll go over that. And get that modified as a condition so that that's explicit.

The hearing and reserve decision. So, let's see. We'll have a motion by Mr. Truchan, Motion to close the hearing and reserve decision. Second by Mr. Wynn. Second. All in favor? Aye.

Mr. Halpin stated this decision has been reserved in order for us to review the feedback we have received this evening and any open site plan issues. The record will remain open for written comments. To follow up on the status of the application or to submit additional written comments, you can contact the Planning Department in either of the following methods:

- In person. The Planning Department is located on the west wing of Babylon Town Hall. Applications, documents and plans are available for inspection between the hours of 9am and 4pm.
- Via phone at 631.957.3103
- Via email at planningcomments@townofbabylonny.gov

C. WORK SESSION/GRANTING RELIEF OF PLANNING BOARD COVENANT AND RESTRICTION

1. JOB#: 25-54DI (HPLN-5); Nevada Street Properties, Inc.
Location: e/s/o Teddy Pl., 65' s/o Sunrise Hwy South Service Rd., W. Babylon
SCTM#: 0100-159-03-027.007 & 027.008
Proposes: To lift covenant limiting the lots to "owner-occupied use only".
Zone: D Residence

D. RESOLUTION/GRANTING RELIEF OF PLANNING BOARD COVENANT AND RESTRICTION

1. JOB#: 25-54DI (HPLN-5); Nevada Street Properties, Inc.
Location: e/s/o Teddy Pl., 65' s/o Sunrise Hwy South Service Rd., W. Babylon
SCTM#: 0100-159-03-027.007 & 027.008
Proposes: To lift covenant limiting the lots to "owner-occupied use only".
Zone: D Residence
Approved

RESOLUTION NO. 2026-021
GRANTING RELIEF OF COVENANTS AND RESTRICTIONS

PLANNING BOARD MEETING MINUTES
NEVADA STREET PROPERTIES, INC.
PLANNING BOARD JOB #HPLN-5 (25-54DI)
MONDAY, MARCH 2, 2026

WHEREAS, pursuant to the Code of the Town of Babylon, Chapter 186, Sections 1-17, a formal application for a site plan review entitled was submitted to the Planning Board of the Town of Babylon on October 8, 2025 and a fee of \$1,150.00 was paid; and

WHEREAS, said site development, more specifically, to lift previously imposed Planning Board Covenant and Restrictions for the subject parcels that specifically states “Owner-occupied use only,” as recorded on July 1, 2005 in Liber 12395 pages 844, 846, and 848 and as imposed by the Planning Board on September 27, 2004 and December 13, 2004 by Resolution No. 2004-177. Additionally, the Town Board imposed the Covenant and Restriction “owner-occupied use only” on November 16, 2004 and December 7, 2004 by Resolution No 826, and the Zoning Board of Appeals imposed the Covenant and Restriction “owner-occupied use only” as per Case # 05-039 on March 10, 2005. The development is located on the east side of Teddy Place, 65’ south of Sunrise Highway South Service Road, in the hamlet of West Babylon, and identified by Suffolk County Tax Map No. 0100-159-03-027.007 and 0100-159-03-027.008; and

WHEREAS, a public hearing was held on October 27, 2025 said application at the Town Hall in Lindenhurst, New York; and

WHEREAS, upon the referral of the Planning Department, a Relief of Covenant and Restriction “owner-occupied use only” imposed by Town Board Resolution No. 826 was granted and adopted by the Town Board on January 28, 2026 by Resolution No. 110; and

WHEREAS, the subdivision plat was approved by the Planning Board on December 13, 2004 by Resolution No. 2004-177; and

WHEREAS, the applicant has requested relief of the covenant and restriction #1, “Owner-occupied use only”, imposed by Resolution No. 2004-177; and

WHEREAS, the Commissioner of Planning and Development has reviewed this amendment and has found it to be acceptable; and

NOW THEREFORE, BE IT

RESOLVED that the request of Nevada Street Properties, Inc. for relief of Covenant and Restriction #1 “Owner-occupied use only” is hereby approved.

NOW THEREFORE, be it

FURTHER RESOLVED that the relief items stated above are hereby granted subject to the following conditions:

1. Subject to the applicant obtaining and maintaining a valid rental permit for the subject

PLANNING BOARD MEETING MINUTES

premises.

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

Patrick Halpin	X
Edward Wynn	X
Julianne Nolan	X
Gerald O’Neill	X
Daniel Truchan	X
Frank Santos	X
Umeko Healy	X

The resolution was thereupon declared duly adopted.
Dated March 2, 2026 Town of Babylon New York.

E. WORK SESSION/SITE PLAN REVIEW/ CHANGE OF ZONE

- 1. JOB# 23-26AE (HPLN-8); G&R Building Corp.
 Location: s/s/o Cedar Rd, 573’ w/o Center St/Columbus Blvd, North Amityville
 SCTM: 0100-122-02-019.001 & 040.002
 Proposes: to demolish existing structures and requests a change of zone from
 B-Residence to SCMR-Senior Citizen Multiple Residence, in order to construct four
 (4), two-story buildings for a total of 24 one-bedroom apartments with dens, along
 with associated site improvements.
 Zone: B Residence to SCMR
 SEQRA: Unlisted Action, Uncoordinated Review

F. RESOLUTION/NEGATIVE DECLARATION/SITE PLAN REVIEW/CHANGE OF ZONE

- 1. JOB# 23-26AE (HPLN-8); G&R Building Corp.
 Location: s/s/o Cedar Rd, 573’ w/o Center St/Columbus Blvd, North Amityville
 SCTM: 0100-122-02-019.001 & 040.002
 Proposes: to demolish existing structures and requests a change of zone from
 B-Residence to SCMR-Senior Citizen Multiple Residence, in order to construct four
 (4), two-story buildings for a total of 24 one-bedroom apartments with dens, along
 with associated site improvements.
 Zone: B Residence to SCMR
 SEQRA: Unlisted Action, Uncoordinated Review

PLANNING BOARD MEETING MINUTES

Approved

RESOLUTION NO. 2026-022

DETERMINING THAT PLANNING BOARD JOB NO. HPLN-8 (23-26AE)

G&R BUILDING CORP.

WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT

MONDAY, MARCH 2, 2026

WHEREAS, the Planning Board of the Town of Babylon hereby declares its intent to be the lead agency for the application of G&R Building Corp., located on the south side of Cedar Road, 573' west of Center Street/Columbus Boulevard in the hamlet of North Amityville, identified by Suffolk County Tax Map No. 0100-122-02-019.001 and 0100-122-02-040.002 in accordance with the State Environmental Quality Review Act (SEQRA) and the Town of Babylon Environmental Quality Review Act (TOBEQRA); and

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

WHEREAS, in accordance with the requirements of 6NYCRR Sections 617.6 and 617.7, and Sections 114-6 and 114-7 of Chapter 114 of the Code of the Town of Babylon, the Department of Environmental Control has reviewed the Environmental Assessment Form with respect to the site plan, prepared by Andrew Stolzenberg, Licensed Professional Engineer, License No. 101484, dated May 16, 2025; and

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

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

WHEREAS, that the Planning Board classifies the action as an Unlisted Action with an Uncoordinated Review having been conducted; and

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

1. The project will not result in an adverse change in existing air quality.
2. The project will not result in a substantial adverse change in existing ground or surface water quality or quantity.
3. The project will not result in substantial adverse change in traffic or noise levels.
4. The project will not result in a substantial increase in solid waste production.
5. The project will not result in a substantial increase in drainage problems.
6. The project will not create a major change in the use of either the quantity or type of energy.

PLANNING BOARD MEETING MINUTES

NOW, THEREFORE, BE IT RESOLVED that the Planning Board as lead agency hereby determines that the proposal by G&R Building Corp. will not have a significant adverse impact on the environment.

AND FURTHER, be it

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

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

Patrick Halpin	X
Edward Wynn	X
Julianne Nolan	X
Gerald O’Neill	X
Daniel Truchan	X
Frank Santos	X
Umeko Healy	X

The resolution was thereupon declared duly adopted.
Dated March 2, 2026 Town of Babylon New York.

G. RESOLUTION/SITE PLAN REVIEW/ CHANGE OF ZONE

- 1. JOB# 23-26AE (HPLN-8); G&R Building Corp.
Location: s/s/o Cedar Rd, 573’ w/o Center St/Columbus Blvd, North Amityville
SCTM: 0100-122-02-019.001 & 040.002
Proposes: to demolish existing structures and requests a change of zone from B-Residence to SCMR-Senior Citizen Multiple Residence, in order to construct four (4), two-story buildings for a total of 24 one-bedroom apartments with dens, along with associated site improvements.
Zone: B Residence to SCMR
SEQRA: Unlisted Action, Uncoordinated Review
Approved

RESOLUTION NO. 2026-023
APPROVAL OF SITE PLAN
G&R BUILDING CORP.
P.B. JOB NO. HPLN-8 (23-26AE)
MONDAY, MARCH 2, 2026

WHEREAS, pursuant to the Code of the Town of Babylon, Chapter 186, Sections 1-17, a formal application for site plan review, entitled, G&R Building Corp., was submitted to the

PLANNING BOARD MEETING MINUTES

Planning Board of the Town of Babylon, on July 27, 2023 and an application fee of \$ 2000.00 was paid; and

WHEREAS, said proposed site development is to demolish existing structures and requests a change of zone from B-Residence to SCMR-Senior Citizen Multiple Residence, in order to construct four (4), two-story buildings for a total of 24 one-bedroom apartments with dens, along with associated site improvements. The development is located on the south side of Cedar Road, 573' west of Center Street/Columbus Boulevard in the hamlet of North Amityville, and is identified by Suffolk County Tax Map No. 0100-122-02-019.001 and 0100-122-02-040.002, and

WHEREAS, a public hearing was held on said site plan application at Babylon Town Hall in Lindenhurst, New York on August 11, 2025; and

WHEREAS, upon the recommendation of the Department of Environmental Control, it has been determined that in accordance with the State Environmental Quality Review Act (SEQRA) and the Town of Babylon Environmental Quality Review Act (TOBEQRA), the proposed action is an Unlisted Action, Uncoordinated Review and a Negative Declaration was adopted by the Planning Board on March 2, 2026 by Resolution No. 2026-022; and

WHEREAS, upon the referral of the Planning Department, a Change of Zone was granted and adopted by the Town Board on January 14, 2026 by Resolution No. 810 of December 3, 2025; and

WHEREAS, the Planning Board has reviewed the site plan and requirements and recommendations of the Department of Public Works, Divisions of Engineering, Building, Environmental Control, Fire Prevention, Traffic Safety and the Department of Planning and Development at the meetings of August 11, 2025, and March 2, 2026; and

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

NOW, THEREFORE, be it

RESOLVED that the application of G& R Building Corp., for approval of the site plan prepared by Andrew Stolzenberg, Licensed Professional Engineer, License No. 101484 dated May 16, 2025, is hereby APPROVED and that the applicant be advised that a building permit must be obtained within one hundred and eighty (180) days of FINAL approval and that the Chairperson of the Planning Board be authorized to endorse approval on said site plan subject to the following conditions;

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

1. No exterior-mounted steel security gates or shutters permitted. Only interior-mounted mesh type security gates permitted.
2. All site lighting to be contained on site and must conform to dark-sky lighting regulations.

PLANNING BOARD MEETING MINUTES

3. The owner/developer is responsible for maintaining all applicable site development improvements including, but not limited to, the following: fire and smoke detection system, automatic fire sprinkler system, building, drainage, curbs, sidewalks, fencing, asphalt, landscaping, etc.
4. Fire and smoke detection systems and carbon monoxide detectors should be installed in accordance with NFPA 72.
5. Owner/applicant shall comply with all NYS regulations for handicapped accessibility, including but not limited to handicapped ramps and handicapped parking spaces.
6. All noise generating equipment on-site including but not limited to heating ventilation and air conditioning (HVAC), chillers, refrigeration units, and compressors shall operate in conformance with Chapter 156 Town of Babylon Noise Code. In the event that any such equipment exceeds Chapter 156 standards immediate steps shall be taken to mitigate those noise levels.
7. All buildings, structures, signs, fences, and landscaping shall be maintained in accordance with all applicable codes and ordinances of the Town of Babylon, and violations thereof may be prosecuted and enforced in the same manner as provided therein.
8. No further development of the site without planning board approval.
9. All refuse shall be contained within the perimeter and height of the refuse enclosure as approved by the site plan.
10. Maintenance access shall be in accordance with Section 189-8 of the Code of the Town of Babylon. The Town of Babylon shall be provided with access to the stormwater infrastructure at reasonable times for periodic inspection by the Town of Babylon and its officers to ensure that the infrastructure is maintained in proper working condition to meet design standards and any other provisions established by Chapter 189. This agreement shall be binding on all subsequent landowners.
11. Maintenance after construction shall be in accordance with Section 189-8 of the Code of the Town of Babylon. Stormwater management practices installed in accordance with Chapter 189 shall be operated and maintained to ensure that the goals of Chapter 189 are fully achieved. Proper operation and maintenance includes, at minimum, the following:
 - a. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of Chapter 189. A written record of stormwater management system maintenance activities shall be established and maintained on site and be available for review by the Town of Babylon upon request.
 - b. Written procedures for operation and maintenance and training new maintenance personnel shall be prepared and maintained on site and will be available for review by the Town of Babylon upon request.
 - c. Discharges from SMPs shall not exceed design criteria or contribute to water quality standard violations in accordance with § 189-8B of the Code of the Town of Babylon.
12. Upon completion of construction, any stormwater control structures impacted during construction shall be cleaned by the owner or operator. Routine maintenance of the stormwater infrastructure on the site will include the following:
 - a. Monitoring of the drainage inlets (catch basins) will be completed routinely, particularly after larger storm events and must be kept free from obstruction by

PLANNING BOARD MEETING MINUTES

- leaves, trash, and other debris.
- b. Drainage grates must be kept free from obstruction by leaves, trash, and other debris.
 - c. Drainage structure shall be inspected annually to determine if sediment removal is necessary to ensure that the drainage structures are properly functioning and that they permit adequate conveyance throughout the system. If applicable, the manufacturer's specifications for maintenance procedures and frequency must be strictly followed.
 - d. The drainage structures must be routinely monitored for the removal of surface sediment and trash.
 - e. Street sweeping of the parking areas shall be conducted at least four times annually to remove sediment that may impact the drainage infrastructure and additionally, as necessary due to storm events.
 - f. The grounds and parking area shall be inspected for litter monthly and any litter shall be removed as necessary.
13. The entire building(s) is to have a fully automatic fire sprinkler system installed pursuant to NFPA 13 and Section 213-235 of the Town Zoning Code and as required by the Fire Marshal.
 14. The Town of Babylon is not responsible for any damage to the curbs or light poles on site in connection with solid waste pick up.
 15. All units to have central air conditioning or through the wall air-conditioning units, no window units to be permitted.
 16. The use of inorganic fertilizers, pesticides, and herbicides shall be minimized as standard operating procedure for the landscape maintenance of the site.
 17. Twenty percent of units (5) shall be designated as workforce/affordable housing. Units to be scattered equally throughout the site. Affordable/workforce units shall be targeted to qualified households making 80% or less than the Suffolk County HUD income limits, which are updated annually. A recognized affordable housing provider shall be engaged by the owner/applicant to oversee the affordable component. Proof of such engagement shall be provided to the Planning Department.
 18. By virtue of this site plan approval, SCTM#'s 0100-122-02-019.001 & 0100-122-02-040.002 are effectively merged. No parcel shall operate independent of the other parcels, since they only function conjointly as one contiguous site.
 19. The owner/operator is responsible for the implementation of pest control measures, which may include but not be limited to, retaining the services of a licensed exterminator, in order to prevent pest infestation on site or dispersion into surrounding areas.
 20. Dens shall not have closets or doors. Openings to the room shall exceed 4' in width.
 21. Recreation areas/rooms shall be for the use of tenants and their guests only.
 22. The development shall comply with all federal, state, and local fair housing and ADA requirements.

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

1. Subject to SCPC referral.
2. Subject to SCDPW Sewer Office approval.
3. Subject to ZBA approval for any associated variances.
4. Subject to SWPPP review and approval.

PLANNING BOARD MEETING MINUTES

5. Owner/applicant shall comply with the Town of Babylon Stormwater Code (Chapter 189).
 - a. An Industrial Agreement must be signed.
 - b. Stormwater application fee must be submitted.
 - c. Contain all stormwater runoff on-site to Engineering requirements.
6. A rodent control plan will be implemented prior to construction in order to remove rodent populations from the site. Additionally, the adjacent landowners will be notified prior to the commencement of construction.
7. Fugitive dust generation shall be controlled by appropriate means such as watering.
8. Fire and smoke detection systems and carbon monoxide detectors should be installed in accordance with NFPA 72.
9. Address number, building number, or approved building identification to be placed in a position visible from the street.
10. As a minimum measure to reduce noise levels, applicant/owner to install sound insulation panels around all air-conditioning units, chillers, refrigeration units and sound insulation blankets around all air-handling units if required by the Town.
11. During construction, owner/applicant is responsible to sweep access streets and keep the roadways free of dirt and mud.
12. Owner to contribute to the fund for the installation and maintenance of emergency vehicle optical pre-emption equipment on traffic signals in the area. Estimated cost to be \$1,500.00.
13. All regulatory and warning signs are to adhere to the Manual of Uniform Traffic Control Devices for Streets and Highways specifications. All signs must also be fabricated using high-intensity retro reflective sheeting.
14. Construction will be conducted between the hours of 7am and 8pm on weekdays and between the hours of 9am and 4pm on Saturdays. No exterior construction will be permitted on Sundays, only interior construction. Construction activities on the site shall be in strict conformance with Chapter 156-9D of the Noise Code of the Town of Babylon.
15. The location of new transformers and water service devices shall be approved by the Town of Babylon Planning Department prior to installation and shall not be located adjacent to any roadways.
16. Sewer district connection required and water savings plumbing fixtures to be utilized.
17. Subject to the requirements of Highway, Engineering, and the Fire Marshall.
18. Any site signage proposed must be located so as to not adversely impact site plan functionality and is subject to further review by the Town of Babylon Planning Department. Sign package and permit application to match elevations, renderings, and plans provided and approved by Planning Board. Upon filing proposed sign package with sign inspector, applicant shall simultaneously submit a copy to the Planning Department for review of location and suitability of proposed signage. Should proposed signage conflict with approved site plan, the Commissioner of the Planning Department reserves the right to require the applicant to file for a site plan modification.
19. SCTM #'s 100-122-02-019.001 & 100-122-02-040.002 shall be merged.
20. An automatic/manual fire detection/notification system shall be installed.
21. Audio/visual notifications for all alarms should be installed in all units.

VOTES: (7)

AYES: (7) NAYS: (0) ABSTAINED (0)

PLANNING BOARD MEETING MINUTES

Patrick Halpin	X
Edward Wynn	X
Julianne Nolan	X
Gerald O’Neill	X
Daniel Truchan	X
Frank Santos	X
Umeko Healy	X

The resolution was thereupon declared duly adopted.
Dated March 2, 2026 Town of Babylon New York.

H. WORK SESSION/SITE PLAN REVIEW/ CHANGE OF ZONE/REFERRAL TO TOWN BOARD

- JOB# 24-51AE (HPLN-62); LAG Associates LLC
Location: n/w/c/o Long Island Ave. & Irving Ave., Deer Park
SCTM: 0100-043-03-123 & 122
Proposes: Demolish existing structures and requests a change of zone to G Industry, in order to construct a 17,048sf (footprint), 2-story (above grade) with basement, self-storage facility, along with associated site improvements.
Zone: E Business & C Residence to G Industry
SEQRA: Unlisted Action, Uncoordinated Review

I. RESOLUTION/SITE PLAN REVIEW/ CHANGE OF ZONE/REFERRAL TO TOWN BOARD

- JOB# 24-51AE (HPLN-62); LAG Associates LLC
Location: n/w/c/o Long Island Ave. & Irving Ave., Deer Park
SCTM: 0100-043-03-123 & 122
Proposes: Demolish existing structures and requests a change of zone to G Industry, in order to construct a 17,048sf (footprint), 2-story (above grade) with basement, self-storage facility, along with associated site improvements.
Zone: E Business & C Residence to G Industry
SEQRA: Unlisted Action, Uncoordinated Review
Approved

RESOLUTION NO. 2026-024
REFERRAL TO THE TOWN BOARD
FOR A CHANGE OF ZONE
LAG ASSOCIATES, LLC
P.B. JOB NO. HPLN-62 (24-51AE)

PLANNING BOARD MEETING MINUTES
MONDAY, MARCH 2, 2026

WHEREAS, pursuant to the code of the Town of Babylon, Chapter 213, Article IV, Sections 30 – 35 a formal application for a change of zone from E Business and C Residence to G Industry has been submitted to the Planning Board of the Town of Babylon for review and referral to the Town Board and a \$2,700.00 has been paid;

WHEREAS, pursuant to the Code of the Town of Babylon, Chapter 186, Sections 1-17, a formal application for site plan review has been submitted to the Planning Board and a \$800.00 fee has been paid; and

WHEREAS, the subject development is to demolish existing structures and requests a change of zone to G Industry, in order to construct a 17,048sf (footprint), 2-story (above grade) with basement, self-storage facility, along with associated site improvements; and

WHEREAS, more specifically the subject parcels to be rezoned are located on northwest corner of Long Island Avenue and Irving Avenue, in the hamlet of Deer Park, and are identified by Suffolk County Tax Map Nos. 0100-043-03-123 and 0100-043-03-122; and

WHEREAS, a public hearing was held on said site plan application at Babylon Town Hall in Lindenhurst, New York on July 28, 2025; and

WHEREAS, the Planning Board has reviewed the revised site plan, dated April 1, 2025, and requirements and recommendations of Highway, Engineering, Building, Fire Prevention, Environmental Control, Traffic Safety and Planning at the meetings of July 28, 2025 and March 2, 2026;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board hereby refers to the Town Board the application of LAG Associates, LLC, PB Job No. 24-51AE, for a change of zone from E Business and C Residence to G Industry be reviewed; and

AND FURTHER BE IT,

RESOLVED that the Planning Board hereby recommends the following conditions of granting be adopted:

1. Subject to final site plan approval from the Planning Board.
2. Subject to ZBA approval for any associated variances.
3. If the use or construction as contemplated herein, is not commenced within (3) years of the date of the site plan approval resolution from the Planning Board, the zoning of the subject premises shall revert back to E-Business and this resolution will be of no further force or effect.

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

Patrick Halpin X

PLANNING BOARD MEETING MINUTES

Edward Wynn X
Julianne Nolan X
Gerald O'Neill X
Daniel Truchan X
Frank Santos X
Umeko Healy X

The resolution was thereupon declared duly adopted.
Dated March 2, 2026 Town of Babylon New York.

J. WORK SESSION/RESOLUTION/ SITE PLAN REVIEW

- 1. JOB# 23-27A (HPLN-78); NYCC1 LLC
Location: s/s/o NYS Route 109, 120' w/o Southern State Parkway, E. Farmingdale
SCTM: 0100-097-01-002.009
Proposes: to renovate an existing 10,000sf vacant single-story warehouse in order to change the use from warehouse to an Adult Use Retail Cannabis Dispensary, along with associated site improvements.
Zone: G-Industry
SEQRA: Type II Action

K. RESOLUTION/ SITE PLAN REVIEW

- 1. JOB# 23-27A (HPLN-78); NYCC1 LLC
Location: s/s/o NYS Route 109, 120' w/o Southern State Parkway, E. Farmingdale
SCTM: 0100-097-01-002.009
Proposes: to renovate an existing 10,000sf vacant single-story warehouse in order to change the use from warehouse to an Adult Use Retail Cannabis Dispensary, along with associated site improvements.
Zone: G-Industry
SEQRA: Type II Action

Approved

RESOLUTION NO. 2026-025
APPROVAL OF SITE PLAN
NYCC1 LLC
P.B. JOB NO. 23-27A (HPLN-78)
MONDAY, MARCH 2, 2026

WHEREAS, pursuant to the Code of the Town of Babylon, Chapter 186, Sections 1-17, a formal application for site plan review, entitled NYCC1 LLC, was submitted to the Planning Board of the Town of Babylon on July 31, 2023, and an application fee of \$650.00 was paid; and

WHEREAS, said proposed site development, is to renovate an existing 10,000sf vacant

PLANNING BOARD MEETING MINUTES

single-story warehouse in order to change the use from warehouse to an Adult Use Retail Cannabis Dispensary, along with associated site improvements; it is located on the south side of NYS Route 109, 120' west of Southern State Parkway, in the hamlet of East Farmingdale and is identified by Suffolk County Tax Map No. 0100-097-01-002.009; and

WHEREAS, a Site plan review was held on said site plan application at Babylon Town Hall in Lindenhurst, New York on April 28, 2025; and

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

WHEREAS, the Planning Board has reviewed the site plan and requirements and recommendations of Department of Public Works, Divisions of Engineering, Building, Environmental Control, Fire Prevention, Traffic Safety and the Department of Planning and Development at the meetings of April 28, 2025 and March 2, 2026; and

WHEREAS, the property must be maintained pursuant to Babylon Town Code Section 213-342, Property Maintenance, and regarding signs, Article XXXIII must be complied with;

NOW, THEREFORE, be it

RESOLVED that the application of NYCC1 LLC for approval of the site plan prepared by Thomas Petersen, Registered Architect, License No. 020757, dated January 5, 2026 (revised), is hereby APPROVED and that the applicant be advised that a building permit must be obtained within one hundred and eighty (180) days of FINAL approval and that the Chairperson of the Planning Board be authorized to endorse approval on said site plan subject to the following conditions;

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

1. No exterior-mounted steel security gates or shutters permitted. Only interior-mounted mesh type security gates permitted.
2. The applicant/owner agrees to policing the entire site for all non-contained or "free blowing" trade waste debris, which shall be removed from the subject property at 8am and 5pm daily.
3. All delivery vehicles servicing this location must be contained on-site so as to not impede pedestrian or vehicular traffic off site.
4. All site lighting to be contained on site and must conform to dark-sky lighting regulations.
5. No outdoor speakers or paging systems.
6. The owner/developer is responsible for maintaining all site development improvements including, but not limited to, the following: fire and smoke detection system, automatic fire sprinkler system, building, drainage, curbs, sidewalks, fencing, asphalt, landscaping, etc.

PLANNING BOARD MEETING MINUTES

7. Owner/applicant shall comply with all NYS regulations for handicapped accessibility including, but not limited to, handicapped ramps and handicapped parking spaces.
8. All noise generating equipment on-site including, but not limited to, heating ventilation and air conditioning (HVAC), chillers, refrigeration units, and compressors shall operate in conformance with Chapter 156 Town of Babylon Noise Code. In the event that any such equipment exceeds Chapter 156 standards immediate steps shall be taken to mitigate those noise levels.
9. All buildings, structures, signs, fences, and landscaping shall be maintained in accordance with all applicable codes and ordinances of the Town of Babylon, and violations thereof may be prosecuted and enforced in the same manner as provided therein.
10. No further development of the site without Planning Board approval.
11. No truck idling is permitted at any time. Owner to post signs "No idling of Engines No Exceptions."
12. All refuse shall be contained within the perimeter and height of the refuse enclosure as approved by the site plan.
13. Maintenance access shall be in accordance with Section 189-9 of the Code of the Town of Babylon. The Town of Babylon shall be provided with access to the stormwater infrastructure at reasonable times for periodic inspection by the Town of Babylon and its officers to ensure that the infrastructure is maintained in proper working condition to meet design standards and any other provisions established by Chapter 189. This agreement shall be binding on all subsequent landowners.
14. Maintenance after construction shall be in accordance Section 189-9 of the Code of the Town of Babylon. Stormwater management practices installed in accordance with Chapter 189 shall be operated and maintained to ensure that the goals of Chapter 189 are fully achieved. Proper operation and maintenance includes, at minimum, the following:
 - a. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of Chapter 189. A written record of stormwater management system maintenance activities shall be established and maintained on site and be available for review by the Town of Babylon upon request.
 - b. Written procedures for operation and maintenance and training new maintenance personnel shall be prepared and maintained on site and will be available for review by the Town of Babylon upon request.
 - c. Discharges from SMPs shall not exceed design criteria or contribute to water quality standard violations in accordance with §189-8B of the Code of the Town of Babylon.
15. Upon completion of construction, any stormwater control structures impacted during construction shall be cleaned by the owner or operator. Routine maintenance of stormwater infrastructure on the site will include the following:
 - a. Monitoring of drainage inlets (catch basins) will be completed routinely, particularly after larger storm events and must be kept free from obstruction by leaves, trash, and other debris.
 - b. Drainage grates must be kept free from obstruction by leaves, trash, and other debris.

PLANNING BOARD MEETING MINUTES

- c. Drainage structures shall be inspected annually to determine if sediment removal is necessary to ensure that the drainage structures are properly functioning and that they permit adequate conveyance throughout the system. If applicable, the manufacturer's specifications for maintenance procedures and frequency must be strictly followed.
 - d. The drainage structures must be routinely monitored for the removal of surface sediment and trash.
 - e. Street sweeping of the parking areas shall be conducted at least four times annually to remove sediment that may impact the drainage infrastructure and additionally, as necessary due to storm events.
 - f. The grounds and parking area shall be inspected for litter monthly and any litter shall be removed as necessary.
16. The entire building is to have a fully automatic fire sprinkler system installed pursuant to NFPA 13 and Section 213-235 of the Town Zoning Code and as required by the Fire Marshal.
 17. The Town of Babylon is not responsible for any damage to the curbs or light poles on site in connection with solid waste pick up.
 18. There shall be no outdoor or indoor events on the premises.
 19. There shall be no outdoor storage of any kind on the subject premises, including, but not limited to, materials or vehicles, without explicit Planning Board approval of said outdoor storage.

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

1. Subject to SCPC referral.
2. Subject to NYSDOT approval for any work conducted in the NYS ROW.
3. Subject to ZBA approval for any associated variances.
4. Subject to SCDPW Sewer Office approval.
5. Subject to the requirements of Highway Engineering, Engineering, and Fire Marshal.
6. Owner/applicant shall comply with the Town of Babylon Stormwater Code (Chapter 189).
 - a. An Industrial Agreement must be signed.
 - b. Stormwater application fee must be submitted.
 - c. Contain all stormwater runoff on-site to Engineering requirements.
7. A rodent control plan will be implemented prior to construction in order to remove rodent populations from the site. Additionally, the adjacent landowners will be notified prior to the commencement of construction.
8. Fugitive dust generation shall be controlled by appropriate means such as watering.
9. During construction, owner/applicant is responsible to sweep access streets and keep the roadways free of dirt and mud.
10. Fire and smoke detection systems and carbon monoxide detectors should be installed in accordance with NFPA 72.
11. Address number, building number, or approved building identification to be placed in a position visible from the street.
12. As a minimum measure to reduce noise levels, applicant/owner to install sound insulation panels around all air-conditioning units, chillers, refrigeration units and sound insulation blankets around all air-handling units if required by the Town.

PLANNING BOARD MEETING MINUTES

13. The location of new transformers and water service devices shall be approved by the Town of Babylon Planning Department prior to installation and shall not be located adjacent to any roadways.
14. Sewer district connection required and water saving plumbing fixtures to be utilized.
15. An automatic/manual fire detection/notification system shall be installed.
16. All fire protection systems to be interconnected and electronically monitored.
17. All regulatory warning signs are to adhere to the Manual of Uniform Traffic Control Devices for Streets and Highways Specifications. All signs must also be fabricated using high-intensity retro reflective sheeting.
18. Owner to contribute to the fund for the installation and maintenance of emergency vehicle optical pre-emption equipment on traffic signals in the area. Estimated cost to be \$1,500.00.
19. Construction will be conducted between the hours of 7am and 8pm on weekdays and between the hours of 9am and 4pm on Saturdays. No exterior construction will be permitted on Sundays, only interior construction. Construction activities on site shall be in strict conformance with Chapter 156-9D of the Noise Code of the Town of Babylon.
20. Any site signage proposed must be located so as to not adversely impact site plan functionality and is subject to further review by the Town of Babylon Planning Department. Upon filing proposed sign package with sign inspector, applicant shall simultaneously submit a copy to the Planning Department for review of location and suitability of proposed signage. Should proposed signage conflict with approved site plan, the Commissioner of the Planning Department reserves the right to require the applicant to file for a site plan modification.
21. Because of the deficiency in parking, if substantiated complaints regarding spillover parking or parking in areas not designated for parking are received by the Planning Department, the Commissioner of the Town of Babylon Planning Department shall notify the property owner by certified mail to rectify any such parking problems. If the property owner fails to correct said overflow parking issue after thirty (30) days from the date of such mailing, the Planning Board reserves the right, after a duly noticed public hearing, to impose additional conditions of site plan approval including, but not limited to: requiring the property owner to lease unoccupied and/or to obtain use of additional parking spaces by means of a cross-access agreement. Such additional condition(s) of approval shall relate to parking only and shall not be unreasonably imposed. The property owner shall have the opportunity to implement the above item or prepare and/or implement a spillover parking plan for peaking parking periods acceptable to the Commissioner of Planning and Development prior to having a public hearing before the Planning Board.
22. Hours of operation shall be subject to the conditions set forth by the Zoning Board of Appeals upon review of the special permit.
23. All façade improvements shall be constructed in accordance with the approved elevations. Any deviation from the approved colors or materials will require the applicant to file for a modified site plan application.
24. Double yellow line pavement markings delineating on-site travel aisles shall be constructed as continuous solid lines and shall not be dashed.

VOTES: (7)

AYES: (7)

NAYS: (0)

ABSTAINED (0)

PLANNING BOARD MEETING MINUTES

Patrick Halpin	X
Edward Wynn	X
Julianne Nolan	X
Gerald O’Neill	X
Daniel Truchan	X
Frank Santos	X
Umeko Healy	X

The resolution was thereupon declared duly adopted.
Dated March 2, 2026 Town of Babylon New York.

L. COMMUNICATIONS

1. Letter dated February 2, 2026 from Greg Gaxiola to Pat Halpin, Chairman, Town of Babylon Planning Board regarding the proposed East Farmingdale Overlay Zoning District in East Farmingdale, NY.

Read and Filed

2. Memo dated February 17, 2026 from Denise Graziano, Commissioner to Patrick Halpin, Chairperson, regarding PB JOB# 24-29A; Joe’s Complete Tree Service Stating no objection to granting the second extension of time.

Read and Filed

3. Letter dated January 16, 2026 from Joseph J. Massaro to Denise Graziano regarding PB JOB# 24-29A; Joe’s Complete Tree Service requesting a second extension of time.

Approved

ACCEPTANCE OF MINUTES

January 12, 2026	Approved as amended
January 26, 2026	Approved as amended

RESERVED CALENDAR

May 1, 2017

1. JOB#17-04ADE; Gustave J. Wade, Carol E. Wade, Gustave J. Wade Family 2012 Irrevocable Trust and Colonial Springs Farms, LLC
Location: n/e/c/o Colonial Springs Rd & N 28th St. W.H.
Proposes: Change of zone from A residence to Multiple Residence to construct 264 (228 one-bedroom, 36 two-bedroom) rental units, a 6,475sf community

PLANNING BOARD MEETING MINUTES

building, a 228sf pump station, two (2) 750sf entrance booths, an outdoor recreation area with a 25'x45' pool along with associated site improvements, to amend previously imposed covenants and restrictions.

Zone: A Residence to MR

SEQRA Status: Type I Action-coordinated review

PB Recommendation to TB on 5/8/17

Record Extended – Decision Reserved

June 27, 2022 & October 2, 2023

1. PB JOB # 19-52AE; Robert Amendola

Location: n/s/o Sunrise Highway, 344' w/o Bayview Avenue, N. Amityville

Proposes: To rezone 10 parcels from EB Business and B Residence to G Industry, in order to legally maintain the expansion of a building and site for warehousing and outdoor storage, along with associated site improvements for an existing fencing company retail store, warehouse and storage yard.

Zone: Eb Business & B Residence

SEQRA: Unlisted Action, Uncoordinated Review

Record Extended – Decision Reserved

August 21, 2023

1. JOB# 22-52A; Bobby Lau

Location: n/s/o Sunrise Highway, 209' east of Albany Avenue, Amityville

Proposes to construct a 15,927sf single story retail center with partial second floor storage over one unit, as well as a proposed parking lot and associated site improvements.

Zone: E Business and EB Business

SEQRA: Unlisted Action, Uncoordinated Review

Record Extended – Decision Reserved

January 8, 2024

1. JOB# 23-03A; 875-999 Conklin Street, LLC

Location: n/s/o Conklin Street, 1,425' west of NYS Route 110, East Farmingdale

Proposes: To demolish all structures in order to construct a 121,931sf (footprint), one-story warehouse building and outdoor storage of tractor trailers, along with associated site improvements.

Zone: G Industry

SEQRA: Unlisted Action, Uncoordinated Review

The Planning Board is no longer accepting public comments.

Record Extended – Decision Reserved for applicant's response and Town review

August 12, 2024

1. JOB# 22-43D; Marcus Tepper

Location: e/s of North 20th Street, 150' south of Lee Avenue, Wheatley Heights

PLANNING BOARD MEETING MINUTES

Proposes: Applicant is requesting permission to lift previously imposed Planning Board Covenants and Restrictions in order to legally maintain an existing outside cellar entrance and finished basement.

Zone: A Residence

SEQRA: Type II Action

Record Extended – Decision Reserved

January 14, 2025

1. JOB# 23-41C; MR Property Builders LLC
Location: n/s/o 45th Street, 17.45' e/o Prospect Street, Copiague
Proposes: To subdivide two (2) parcels into nine (9) in order to construct nine (9) new single-family dwellings.
Zone: Residence B
SEQRA: Unlisted Action, Uncoordinated Review
Record Extended – Decision Reserved

April 14, 2025

1. JOB# 24-30ABE; Pinello Estates 109 LLC
Location: south side of NYS Route 109, 83.07' east of East Drive, West Babylon
Proposes: To subdivide an 89,532sf lot into two lots. On proposed Lot 1, which is to be 6,882sf, the applicant will maintain an existing 2,062sf office building, along with associated site improvements. On proposed Lot 2, which is to be 82,650sf, the applicant proposes a change of zone from G-Industry to MR-Multiple Residence, in order to construct 7 buildings for a total of fourteen (14), three-bedroom condominium units, along with associated site improvements
Zone: G Industry to G Industry and MR-Multiple Residence
SEQRA – Unlisted Action, Uncoordinated Review
Record Extended – Decision Reserved

April 14, 2025

1. JOB# 23-25A; Khalid Enterprises Inc.
Location: n/e/c/o Poplar Street and Deer Park Avenue, North Babylon
Proposes: To demolish the existing one-story building in order to construct a new 4,437sf (building foot print) two-story building with basement for medical use.
Zone – E Business
SEQRA – Unlisted Action, Uncoordinated Review
Record Extended – Decision Reserved

April 28, 2025

1. JOB # 23-27A; NYCC1, LLC
Location: w/s/o Route 109, 120' w/o SSP, E. Farmingdale
Proposes: Change of use from on auto repair shop to an adult use retail cannabis dispensary, along with associated site improvements.
Zone: G Industry
SEQRA: Type II Action
Record Extended – Decision Reserved

PLANNING BOARD MEETING MINUTES

Closed

July 28, 2025

1. JOB# 24-51AE; LAG Associates, LLC
Location: n/w/c/o Long Island Avenue & Irving Avenue, Deer Park,
Proposes: To demolish existing structures and requests a change of zone from E Business and C Residence to G Industry, in order to construct a 17,048sf (footprint), 2-story (above grade) with basement, self-storage facility, along with associated site improvements.
Zone – E Business and C Residence to G Industry:
SEQRA- Unlisted Action, Uncoordinated Review
Record Extended – Decision Reserved

August 11, 2025

1. JOB# 23-26AE; G&R Building Corp.
Location: s/s/o Cedar Road, 573' w/o Center Street/Columbus Boulevard, Amityville
Proposes: To demolish existing structures and requests a change of zone from B-Residence to SCMR-Senior Citizen Multiple Residence, in order to construct four (4), two-story buildings for a total of 24 one-bedroom apartments with dens, along with associated site improvements
Zone – Residence B to SCMR-Senior Citizen Multiple Residence
SEQRA – Unlisted Action, Uncoordinated Review
Record Extended – Decision Reserved
Closed

September 8, 2025

1. JOB# 24-57A; 45 N. Industry Court Partners, LLC
Location; n/w/c/o N. Industry Court and W. Industry Court, Deer Park
Proposes: To construct a second building on site for a 22,632sf warehouse and 11,290sf canopy addition to an existing warehouse building along with associated site improvements for expansion of an existing building around an existing railroad spur.
Zone- GA Industry
SEQRA – Unlisted Action, Uncoordinated Review
Record Extended – Decision Reserved

PLANNING BOARD MEETING MINUTES

October 27, 2025

1. JOB# 25-54DI; Nevada Street Properties, Inc.
Location: e/s/o Teddy Place, 65' s/s/o Sunrise Highway South Service Road,
West Babylon
SCTM# - 0100-159-03-027.007 and 0100-159-03-027.008
Proposes: To lift a Covenant and Restriction that limits the lots to “owner-occupied
use only”:
Zone – D Residence
Record Extended – Decision Reserved
Closed

November 17, 2025

1. JOB # 25-33AF; RAISING CANE’S RESTAURANT, LLC
Location: e/s/o Broadhollow Rd., 1,600’ n/o Southern State Pkwy., Farmingdale
SCTM # 0100-071-01-004.003
Proposes: Demolish existing Houlihan’s restaurant in order to construct a one-
story 4,054sf (footprint) Raising Cane’s counter service restaurant with two drive-
thru lanes, 72 indoor and 15 outdoor seats, and associated site improvements.
Zone: G Industry
SEQRA: Unlisted Action, Uncoordinated Review
Record Extended – Decision Reserved

December 8, 2025

1. JOB# 25-19A; Dominic Associates, LLC
Location: southerly terminus of Lucon Drive, 796.5’ s/o Grand Blvd., Deer Park
SCTM# - 0100-067-01-010.002
Proposes: Applicant proposes to construct two (2) 7,043sf single story industrial
buildings, along with associated site improvements.
Zone: G Industry
SEQRA: Unlisted Action, Uncoordinated Review
Record Extended – Decision Reserved
2. JOB# 23-44AI; Inter-County Realty, LLC
Location: n/s/o/ Long Island Avenue, approximately 393’ e/o Commack Road,
Deer Park
SCTM: 0100-045-01-002, 0100-045-01-003, 0100-045-01-005.002,
0100-045-01-009
Proposes: Applicant proposes to construct a 40,041sf (GFA) addition with four (4)
new loading docks to an existing 111,477sf (GFA) warehouse building, along with
associated site improvements and to lift Town Board Covenants and Restrictions.

PLANNING BOARD MEETING MINUTES

Zone: G Industry

SEQRA: Unlisted Action, Uncoordinated Review.

Record Extended – Decision Reserved

January 5, 2026

1. JOB#: 25-39AFE; GC- 2L, LLC.

Location: w/s/o Route 110, 350' s/o Great Neck Rd., Farmingdale

SCTM# - 0100-121.00-01.00-13.001 & 14.002

Proposes: To demolish existing structures to construct a 1,800sf (footprint) one-story restaurant with drive-thru and 30 indoor & 6 outdoor seats, along with associated site improvements

Zone – E Business & B Residence to E Business

SEQRA – Unlisted Action, Uncoordinated Review

Record Extended – Decision Reserved

January 12, 2026

1. JOB# 23-38A; AV BX Group LLC

Location: n/w/c/o Wellwood Ave. & Gear Ave., Lindenhurst

SCTM: 0100-125-01-026.001

Proposes: To legally maintain an industrial building for four tenants to include 2 warehouse tenants, a public garage tenant and an automobile sales tenant.

Zone – G Industry

SEQRA – Type II Action

Adjourned to March 2, 2026

2. JOB# 25-23A; Geraci Stone Gallery

Location: n/w/c/o New Highway & Dubon Court, Farmingdale

SCTM: 0100-003-01-004.015

Proposes: To demolish an existing structure in order to construct a 12,213.7sf single story industrial building, along with associated site improvements

Zone – GA Industry

SEQRA – Unlisted Action, Uncoordinated Review

Record Extended – Decision Reserved

3. JOB# 25-46A; Winters 19 Nancy LLC

Location: e/s/o Nancy St., 283' n/o Edison Ave., W. Babylon

SCTM: 0100-078-01-031 & 046

Proposes: Demolish existing building to construct a 28,800sf (footprint) pre-engineered transfer station and 720sf (footprint) scale house and employee office trailer.

Zone – GB Industry

SEQRA – Unlisted Action, Coordinated Review

Record Extended – Decision Reserved

PLANNING BOARD MEETING MINUTES

January 26, 2026

1. JOB#: 25-43B; Frank and Nancy Aprea
Location: s/w/c/o Farragut Road & America Ave., W. Babylon
SCTM: 0100-138-04-012.001
Proposes: To subdivide a 16,998.75sf parcel into one 6,000sf parcel (lot #1) and one 10,998.75 sf parcel (lot #2) in order to erect a new two-story single-family dwelling on Lot #1 and legally maintain the existing one-story single-family dwelling on Lot # 2.
Zone: Residence C
SEQRA: Unlisted Action, Uncoordinated Review
Record Extended – Decision Reserved

2. JOB#: 24-62A; Long Island Mosquito and Tick Control
Location: n/s/o Commerce Blvd., 1,428.06sf e/o Great Neck Rd., Amityville
SCTM: 0100-172-02-035.002
Proposes: Site work in connection with storage of commercial vehicles.
Zone: G Industry
SEQRA: Type II Action
Record Extended – Decision Reserved

3. JOB# 25-47L; Mystique Enterprises
Location: w/s/o S. 29th St., 100' n/o Brooklyn Ave., Wyandanch
SCTM: 0100-054-02-064 & 065
Proposes: To adjust the property line 25' to the south in order to create 2 conforming 75'x100' lots and erect a 2-story, single family dwelling on each lot.
Zone: Residence C
SEQRA: Unlisted Action, Uncoordinated Review
Record Extended – Decision Reserved

Addendum

M. COMMUNICATIONS

4. Letter dated February 19, 2026 from Mr. Gustave Wade to Rich Schaffer regarding PB Job# 17-04ADE; Gustave J. Wade requesting consideration and action.

Read and Filed

5. Letter dated February 25, 2026 from Rich Schaffer to Mr. Gustave Wade

PLANNING BOARD MEETING MINUTES

regarding PB Job# 17-04ADE; Gustave J. Wade denying the request.

Read and Filed

6. Memo dated February 27, 2026 from Denise Graziano to Pat Halpin regarding PB Job# 17-04ADE; Gustave J. Wade.

Read and Filed

7. Letter dated February 26, 2026 from Greg Gaxiola to Pat Halpin, Chairman, Town of Babylon Planning Board regarding Leading Agency Coordination Request.

Read and Filed

There being no further business to appear before the Board, a motion was made by Ms. Nolan, seconded by Mr. Santos, all members present voting aye, to adjourn the meeting at 8:30 p.m.