

**PUBLIC HEARING OF THE ZONING BOARD OF APPEALS OF THE  
TOWN OF BABYLON, HELD IN BABYLON TOWN HALL, 200 EAST  
SUNRISE HIGHWAY, LINDENHURST, NEW YORK, THURSDAY,  
MARCH 5, 2026 AT 6:00 P.M.**

**PRESENT: MICHAEL KANE, CHAIRMAN  
CHARNEICE McCULLOUGH, VICE CHAIR  
JOHN SHEPARD  
NICHOLAS F. RIGNEY  
STEVEN DELLAVECCHIA  
MARCO PARODI  
JOSEPH MONTIGLIO**

**PAMELA J. GREENE, COUNSEL TO BOARD  
DONNA SOMMA, ALTERNATE COUNSEL TO BOARD  
KATIE REILLY, PLANNER  
JOSEPH RUSSO, DEC  
GREG GAXIOLA, DEC  
DOREEN SNYDER, RECORDING SECRETARY**

**Chairman Kane called the meeting to order and the Pledge of Allegiance to the Flag was recited.**

**The procedure was explained in which each calendar listing would be heard. Each applicant will hand in the affidavit of posting, proceed to the podium, give their name and address.**

**Mr. Kane will read into the record certain items contained in the file. The applicant will then make his/her presentation. The Board will ask what questions they deem appropriate. The public will be asked to comment.**

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HEARING OF MARCH 5, 2026**

**NEXT HEARING DATE: MARCH 12, 2026**

**6:00 p.m.**

- |                     |   |
|---------------------|---|
| 1. Application No.: | 26-3  |
| Applicant:          | Michael J. and Nicole Kilbridge, 153 14 <sup>th</sup> Street, West Babylon, NY  |
| Location:           | south side of Fourteenth Street, 50' west of Second Avenue,<br>West Babylon, NY |
| SCTM No.:           | 0100-130-3-7  |
| Zoning District:    | Residence C   |

Variances requested:

1. to increase total building area from 30% to 42.8 % (over by 1,299.5 sq. ft.). All in connection with the installation of an inground swimming pool and paver patio.

APPEARED: Anthony Powell  
9 Humphrey Lane  
Blue Point, NY 11715

Mr. Powell was duly sworn before testimony.

The following documents were submitted as exhibits before the start of the hearing: Planning Division memo dated 2/25/26; DEC memo dated 2/26/26; if approved, this application will not result in significant impact; survey by Michael K. Wicks dated 10/07/20; plans by Kenneth T. Barthman dated 3/27/24; 4 photographs.

Mr. Powell stated the application before the Board is for permission to increase the total building area from the maximum permitted 30% to 42.8% in connection with an inground swimming pool and surrounding paver patio in the rear yard. As the Chairman indicated, the Planning department reviewed the application and indicated that the pool and patio are located in conforming locations. Planning also recommended that the patio maintain a minimum 2' setback from property lines. The proposed layout exceeds that recommendation with 3' rear yard setback and 4' side yard setback. The Planning department further noted that two of the abutting neighboring properties already contain inground pools and patios, which we feel this supports that this type of improvement is consistent with the surrounding neighborhood. The Department of Environmental Control also reviewed the application and classified it as a type two action under SEQRA. Indicating that the project would not result in any significant environmental impact. There are no open complaints on the property and to our knowledge no objections from neighboring property owners. For these reasons we respectfully request that the Board grant these variances requested.

Mr. Shepard asked do you agree all pavers and patios maintain a 2' setback off the property lines?

Mr. Powell stated yes, sir.

Mr. Shepard stated and no further increase in building area.

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Mr. Powell stated yes, sir.

No further registrants were heard on this application.

A motion was made by Mr. Shepard to APPROVE application (26-3) of Michael J. and Nicole Kilbridge with CONDITIONS all paver/patios must maintain a minimum 2' setback from all property lines, no further increase in building area. The motion was seconded by Mr. Parodi. The motion carried, all members present voting "AYE".

**6:05 p.m.**

2. Application No.: 26-10  
Applicant: Maria Tatti-Rashidi, 20 Strathmore Drive, North Babylon, NY  
Location: south side of Strathmore Drive, 336.44' east of Banner Lane,  
North Babylon, NY  
SCTM No.: 0100-148-2-69  
Zoning District: Residence A

Variances requested:

1. to increase number of sheds per lot allowed from two (2) to three (3)

All in connection with legally maintaining three (3) sheds.

APPEARED: Maria Tatti-Rashidi  
20 Strathmore Drive  
North Babylon, NY 11703

Ms. Tatti-Rashidi was duly sworn before testimony.

The following documents were submitted as exhibits before the start of the hearing: Planning Division memo dated 2/25/26; DEC memo dated 2/26/26; If approved this application will not result in significant impact; survey by L & R Surveying dated 8/16/25; plans by Chien Han Architect dated 6/26/25; 8 photographs.

Ms. Tatti-Rashidi stated it's all in connection with legally maintaining three sheds on my property. It came up because I had put in for a building permit and I was told by Kevin that I needed a variance for the third shed, which I was unaware of. I am asking permission to legally maintain three sheds on my property and they are all within the proper placement on the property.

Ms. McCullough asked are they all under 12 feet?

Ms. Tatti-Rashidi stated yes.

Ms. McCullough asked how long have you had the three sheds?

Ms. Tatti-Rashidi stated within the past year.

Ms. McCullough asked and they are all being fully occupied; you can't remove any?

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Ms. Tatti-Rashidi stated yeah.

Ms. McCullough stated you said you were applying for a building permit.

Ms. Tatti-Rashidi stated I did apply for a building permit and Kevin Bertolini is the examiner and he said in order to do the building permit, he saw there were three sheds and he asked me to get a variance in order to get the building permit.

Ms. McCullough asked if we do approve this application tonight, would you agree that if any sheds are in disrepair or taken down, they cannot be rebuilt without Zoning Board of Appeals approval.

Ms. Tatti-Rashidi stated correct, yes.

No further registrants were heard on this application.

A motion was made by Ms. McCullough to APPROVE application (26-10) of Maria Tatti-Rashidi with the CONDITION should any of the sheds be in disrepair, or taken down, they cannot be rebuilt without Zoning Board of Appeals approval. The motion was seconded by Mr. Shepard. The motion carried, all members present voting “AYE”.

**6:10 p.m.**

3. Application No.: 26-8  
Applicant: Nicholas Olson and Menaza Townsend, 641 Arlington Road,  
West Babylon, NY  
Location: northwest corner of Arlington Road and Arnold Avenue,  
West Babylon, NY  
SCTM No.: 0100-214-2-110  
Zoning District: Residence C

Variations requested:

1. diminish front yard setback from 30' to 26' – 7'' on Arlington Road
2. diminish distance to front street line from 40' to 7' – 6'' on Arnold Avenue (for pavilion)

All in connection with a proposed second-story addition and to legally maintain a pavilion.

APPEARED: Nicholas Olson  
641 Arlington Road  
West Babylon, NY

Mr. Olson was duly sworn before testimony.

The following documents were submitted as exhibits before the start of the hearing: Planning Division memo dated 2/25/26; DEC memo dated 2/26/26; if approved, this application will not result in significant impact; survey by Island Wide Surveyors dated 10/14/25; plans by Design Element dated 11/4/25; 6 photographs.

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Mr. Olson stated we are looking to put a second-floor dormer on the home, and the denial came back that I believe we are too close on the front yard. I believe that is what the variance is for. It says it would be 26'.7" and there was a comment about our pavilion.

Mr. Shepard asked can you describe to me the pavilion, what is it used for?

Mr. Olson stated it's just an outdoor pavilion for shade.

Mr. Shepard asked you sit under it?

Mr. Olson stated yeah.

Mr. Shepard asked is it bolted, cemented, anyway it could be moved to a conforming location?

Mr. Olson stated it could be moved.

Mr. Shepard asked can you put it somewhere else so it's not so close to the street?

Mr. Olson stated sure. I could also take it down.

Mr. Shepard stated that would be perfect, that is up to you. It's not in a good location. Wherever you put it, you can't enclose it.

Mr. Olson stated I can just take it down.

Mr. Kane stated if you agree to that, you do realize you have to take it down.

Mr. Olson stated yeah, I'll remove it.

No further registrants were heard on this application.

A motion was made by Mr. Shepard to DELETE variance #2 on application (26-8) of Nicholas Olson and Menaza Townsend. The motion was seconded by Mr. Parodi. The motion carried, all members present voting "AYE".

A motion was made by Mr. Shepard to APPROVE application (26-8) of Nicholas Olson and Menaza Townsend with the CONDITION the pavilion be removed permanently. The motion was seconded by Mr. Parodi. The motion carried, all members present voting "AYE".

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4. Application No.: 26-4  
Applicant: Christine Sewell, 20 Hawthorne Street, East Farmingdale, NY  
Location: north side of Hawthorne Street, 552.89' east of Melville Road,  
East Farmingdale, NY  
SCTM No.: 0100-30-1-53  
Zoning District: Residence C

Variances requested:

1. to increase total building area from 30% to 51.9% (over by 1,647.69 sq. ft.)
2. increase total building area of rear yard for accessory structures from 45% to 68.4% (over by 761.25 sq. ft.)
3. diminish distance to west side lot line from 2' to 1.5'
4. diminish distance to rear lot line from 2' to 1.5'
5. diminish distance to west side lot line from 6' to 5' (for pool)
6. diminish distance to rear lot line from 6' to 5' (for pool)

All in connection with the installation of an inground pool and paver patio.

APPEARED: Jonathan Lyons  
20 Hawthorne Street  
Farmingdale, NY

Mr. Lyons was duly sworn before testimony.

The following documents were submitted as exhibits before the start of the hearing: Planning Division dated 2/25/26; DEC memo dated 2/26/26; if approved, this application will not result in significant impact; site plan by North Coast Civil dated 10/27/25; 7 photographs.

Mr. Lyons stated as the application states, looking to put an inground pool in the property. We did receive a copy of the letter from the Planning Board and their concerns. It is a reduction in the building area as well as the rear yard is due to the plans and the shape of the yard, I think it's reasonable for the request for these pavers. The other concerns of the reduction in the lot lines. The intent of it is a sport pool, which is less gallons than a standard pool. A sport pool has two shallow ends and a deep end, and the length of the pool is contingent upon the deep end and having the slope and having it safer than having a shorter pool. Despite the sport pool having 4' deep on both sides, there is a part in the middle, who doesn't want to jump in the pool as well in the 6' area. That is why we are asking for the variance of the reduction 6 inches on the rear side and the west side as well as a closer area to the pool to be 5' instead of 6'. With that in mind, it also helps with drainage on our end. We are putting in additional drains within the yard to result in the case if there is any overflow. So, based on that, we are asking for the variance for those reasons.

Mr. Kane asked explain that pool to me again.

Mr. Lyons stated the pool has two sides. Instead of having to climb in there are steps on each side and then it is shallow on one end with a little deep end in the middle. So, instead of it going from one side to the other, shallow to deep. There is actually not as great of a deep end, which results in less gallons than a typical pool and results in to be able to play volleyball or basketball, it's safer that it's not deep throughout.

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I do have two daughters, that will want to jump in the middle, that's why we have the deep side.

Mr. Kane stated I guess this pool comes in standard sizes because we were asking you, could you make the pool smaller.

Mr. Lyons stated based on the slope and depth to get to the 6', it can be made smaller but there is recommendations for best practices for the size property that we have and usage. It's recommended to have a 16 x 32. I think it's 18 x 36.

Mr. Kane stated 16 x 36 right?

Mr. Lyons stated yes, thank you.

Mr. Kane asked you also have an existing patio in the back?

Mr. Lyons stated yes, there are existing pavers that we would just tie in.

Mr. Kane stated tie into the pool pavers.

Mr. Lyons stated yes, with the addition and have the ability to have the pool just set back an extra 6 inches, we would maintain a larger grass lot and have more grass and foliage in the middle of the yard. As you can see, there is an existing pool on the rear side that is right up against the property, so, I don't think it would infringe on the neighbor behind us, and I know the neighbor next to us doesn't mind either.

No further registrants were heard on this application.

***HEARING CLOSED – DECISION RESERVED***

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**6:20 p.m.**

5. Application No.: 26-2  
Applicant: Robert Perticone (applicant)/109 Partners LLC (prop. owner),  
55 Evergreen Street, West Babylon, NY  
Location: north side of Farmingdale Road (Route 109), 737.21' west of  
Glenda Drive, West Babylon, NY  
SCTM No.: 0100-209-3-8  
Zoning District: Senior Citizen Multiple Residence  
Subject Premises: 195 Farmingdale Road, West Babylon, NY

Variations requested:

1. to erect a senior citizen multiple residences building on 0.56 acres where two (2) acres is required
2. diminish front yard setback from 30' to 5'- 2'' at Farmingdale Road (Route 109)
3. diminish north side yard setback from 20' to 3'
4. diminish common outdoor recreational area from 1,350 sq. ft. required to 812 sq. ft. provided
5. diminish common indoor recreational area from 1,500 sq. ft. required to 1,140 sq. ft. provided

All in connection with a proposed two (2) story, nine (9) unit, senior citizen multiple residence building.

12. *E-MAIL: From: Michael Lollo – RE: ZBA #26-2 of Robert Perticone – opposing application*
13. *E-MAIL: From: Maureen Melia – RE: ZBA #26-2 of Robert Perticone – opposing application*
14. *E-MAIL: From: Mary Schmidt – RE: ZBA #26-2 of Robert Perticone – opposing application*
16. *E-MAIL: From: West Babylon Public Library Board of Trustees – RE: ZBA #26-2 of Robert Perticone – opposing application*
17. *E-MAIL: From: Noreen Wood – RE: ZBA #26-2 of Robert Perticone – opposing application*

APPEARED: Nicole Blanda, Esq.  
535 Broadhollow Road  
Melville, NY

The following documents were submitted as exhibits before the start of the hearing: Planning Division memo dated 2/25/26; DEC memo dated 2/27/26; SEQRA complete; subject to Fire Marshal comments dated 2/13/26; survey by Pinnacle Land Surveyors dated 6/16/22; Suffolk County Planning memo dated 3/5/26; decision of local determination, take no position for or against; plans by Spaces dated 8/25/25; 3 photographs; correspondence items 12, 13, 14, 16 and 17.

Ms. Blanda stated I am here tonight on behalf of the property owner 109 Partners LLC seeking variances in connection with the redevelopment of this site with a 9-unit senior citizen apartment complex. On December 3, 2025, the Town Board approved a change of zone for this site and rezoned it from originally residence A and there was an application for industrial, but they rezoned it to senior citizen, multiple residence on that date. Following the change of zone, the Planning Board approved the site plan on December 15, 2025, after careful departmental review. As the Board knows, there are multiple departments

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review this type of application as part of a Planning Board approval, including but not limited to Engineering, Highway, Fire Marshal, Traffic Safety and the Town DEC. So, as part of the process, they have the applicant go through revisions, if necessary, they make comments and make suggestions and then we have to address them. Once they deem it all addressed, the Planning Board decides whether or not they want to approve it. So, the Planning Board did have a public hearing on December 15<sup>th</sup> they approved the site plan that you are looking at right now. However, we do need several variances. It is a deep lot, irregularly shaped, it's kind of narrow. There is an existing dwelling that has a letter in lieu, meaning that it is a non-conforming structure with a detached garage, and the existing dwelling is basically at zero lot line. There is a portion of it that I would say is even on the sidewalk. It does angle to a certain extent, but it is pretty close to the street. This house would be demolished as part of this application as would the detached garage.

The applicant is seeking variance relief to develop this site with 9 one-bedroom units, a recreation room within the senior complex as well as an outdoor rec space that would be in the rear of the site. Notably, we are not seeking a density variance. We are under the allowed density in the senior citizen zone you are allowed to have 25 units per acre. So, mathematically here, 14 could be a possibility, but we are only seeking nine. We are also not seeking a parking variance; we meet the required parking. We are required to provide 14 spaces and we are doing so.

If we look at the site plan, the curb cut is located on the southerly side. You come in, ingress and egress would be from there. There is a 24' travel aisle. The turnaround area for sanitation trucks and emergency vehicles would be immediately in the rear of the building and I do have my architect, Chuck Lembo, from Spaces to talk a little bit more about why it has to be where it has to be to meet both Fire Marshal regs and the Town DEC regs, but essentially, we need to be at the widest point of the lot. So, in other words, the turnaround has to be in that location in order for it to function properly. Just beyond the turnaround area, would be the refuge enclosure and the backup generator tucked behind that refuge enclosure with landscaping around it. Beyond that, as you can see, is the parking lot with the 14 spaces as required. There will be all new onsite curbing and paving and new parking striping. In the rear of the property, there is a nice landscape buffer area and there will also be some patio tables, a bike rack and a fully ADA compliant and accessible area so that if the seniors want to have an outdoor space, they can do so.

The variances that we are here for are lot area. We are seeking to reduce the required 2 acres to .56 acres. The first story in the front is the recreation room as required by code. We are seeking a variance in connection with the recreation area. We are looking to diminish the indoor space from 1,500 sq. ft. to 1,140 sq. ft. and the outdoor space in the rear from 1,350 sq. ft. to 812 sq. ft. The other variances are the front yard setback variance. We are looking to diminish it from 30' required to 5'- 2". We are also seeking to diminish the north side setback from 20' to 3'. The property to the north is the West Babylon Library and we are immediately adjacent to their parking lot. There will be in the back along our parking area, trees and other plantings as a buffer as well.

To the north are industrial zoned properties, even though they are not being used industrially, again such as the library and PC Richards. To the south is the Noce Funeral Home, that is Zone Business E, across Route 109 to the west are other multi-resident complexes that are both zoned SCMR and MR. To the east is the West Babylon Junior High School and that is zoned residence A. As the Board knows, route 109 is a state road. So, having a dwelling on this site doesn't make much sense. If you are coming out of this site, you cannot make a left, it is right turn only. I reviewed the letter that was received from the library, and I understand the concern about the curb cut. I took a photo and the curb cut that is closest to our site is entrance only, that is what it is paved to show. There is an arrow showing that it is in only. We don't feel

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there would be an issue because there is no traffic coming out at that location. The other curb cut is further to the north, I believe another couple of hundred feet for the library, that is where they would exit the property. Traffic Safety, Nelson and Pope was the town's traffic engineer on this, and they had no issues or concerns with either traffic or site line visibility or anything of that nature.

APPEARED: Charles Lembo, Architect  
410 West Montauk Highway  
Lindenhurst, NY

Mr. Lembo was duly sworn before testimony.

Mr. Lembo stated what you see on that sheet (handed a copy to the Board) are the available options in the New York State Fire Code that give you descriptions of the type of turnaround you can use in order to bring fire vehicles in and out of the site. I have highlighted the one that is applicable to the dimensions of our site, and what it says is any site that is deeper than 150', you must have an area delineated in the state fire code in order for the truck to turn around. It's basically a T-shape with the wider part being 120' and then the stick of the T being 70' minimum. As the site gets narrower, as you go to the right in the site plan, once you pass perpendicular to where I have that hatched rectangle, you are less than 70'. So, that is the absolute deepest I can go into the site before I have to be able to have the trucks turn around because they will not have room to back up and make a three-point turn. You need 120' clear centered on that, which we obviously have because that's in the drive aisle. If you look at my drawing, ST-4, you can actually see the turnaround and the dimensions drawn on it. (Handed the Board ST-4)

Mr. Shepard asked what is the need for 9 units? Can we make it smaller for fire trucks and everything?

Ms. Blanda stated a lot goes into any project as you know, and there is a 20% affordable housing component. So, 2 units will be at a lower rent, affordable housing, leaving 7 units at market rate. In a normal multi-res project, you don't need the rec space, here we do. So, it does take up more square footage of the building. In theory it sounds easy, just chop the building down and you will have less units, but you'll actually cut even further into it because you still need the rec space. That's the reason behind any job; there are numbers that have to be met in order for any job to even make sense.

Mr. Shepard asked so, there is no way you can move it? You can't go back, forward.

Ms. Blanda stated we certainly can't go back.

Mr. Shepard asked and we can't bring the rear forward? You are already asking for a reduction in unit size right?

Ms. Blanda stated no.

Mr. Shepard stated didn't you say they are going from 1,500 sq. ft. to 1,140?

Ms. Blanda stated oh, just for the recreation space. If we cut the building back further, we would lose more recreation space in theory if we took a little off the front of the building.

Mr. Kane asked is that a requirement, the amount of recreation space?

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Ms. Blanda stated I am here for a variance on it, yeah. There is outdoor and indoor. Indoor is a little bit less of a variance, we are required to have 1,500 where at 1,140. There could be a solution, but I believe there is a balancing to it.

Mr. Dellavecchia asked the first 22' is one-story.

Ms. Blanda stated yeah, I believe so.

Mr. Dellavecchia asked what the first 22' is, what will be inside of that?

Ms. Blanda stated the rec area is in the one-story portion.

Mr. Dellavecchia stated so that's the rec area.

Ms. Blanda stated yeah.

Mr. Lembo stated you will see the dash line where the 22' dimension stops that you are talking about. So, that one-story portion plus the hatched area to the right of that line is all the first-floor rec space. So, the first-floor rec space goes underneath the first, second-floor unit and see where it says one story, two story?

Mr. Dellavecchia stated yup.

Mr. Lembo states so, all the hatched area is the recreational space on the first floor. So, most of it is in the two-story envelope and then the saw tooth bit closer to the street, is one story.

Mr. Shepard asked so, "You have 4 units on the first floor and 5 units on the second floor?"

Mr. Lembo stated that's correct.

APPEARED: Kathryn Gambill, Board of Trustees  
West Babylon Library  
211 Route 109  
West Babylon, NY

Ms. Gambill was duly sworn before testimony.

Mr. Kane asked are you speaking on behalf of trustees?

Ms. Gambill stated speaking on behalf of the trustees. Our concern in regard to this new site, one was addressed before in regard to turnaround and access to fire apparatus, which I did not see on the plans yesterday. I possibly missed it. All fine and well for one fire engine, but if two fire engines are required on that property, they will be required to back out on 109 in order to exit. The diminishing of the north side down to 3', ends up being right on the fence of the library property. The only access at this point for firefighters is so diminished for the back of that building and access would probably be from the parking lot of the library itself. We don't think it's safe. If you look at the plans, you will see that Noce on the south sides exit driveway is directly next to the entrance driveway for this facility. Then just a little down the road is the entrance for the library. On a major thoroughfare with very little room for any types of mistakes, hesitation, mishaps in regard to entering and exiting any of those properties. We see there are 14 parking

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spots within this property. We find overflow parking ends up in the library parking lot. As we know, from our recent snow, there are no sidewalks. It is safety for the residents at this point.

Mr. Dellavecchia stated the fire trucks, as we saw with the recent fire on Great Neck. If God forbid there is a fire there, all the trucks will be parked on 109. They will be pulling in there and backing up regardless. The road would be shut down in that instance. I personally have been to the previous fire on Great Neck and on both sides, all traffic would be shut down on all lanes. 70' should be more than enough for all trucks to get in there.

Ms. Blanda stated I did note on the portal, I had conversations with Fire Marshal Morgan Davis, he was also the Fire Marshal on the planning application. He did note, he had no objections.

Ms. Reilly stated any new build is subject to Planning Board comments.

No further registrants were heard on this application.

***HEARING CLOSED – DECISION RESERVED***

**6:25 p.m.**

6. Application No.: 26-7  
Applicant: Deer Park Auto Collision (tenant)/MEHR 93 LLC (prop. owner),  
93 West 1<sup>st</sup> Street, Deer Park, NY  
Location: east side of W. 1<sup>st</sup> Street, 150.30' north of Grand Boulevard,  
Deer Park, NY  
SCTM No.: 0100-63-1-65.005  
Zoning District: Business E

Variations requested:

1. renewal of a special exception permit to operate a public garage for auto body repair
2. allow outdoor storage of vehicles awaiting repair as per site plan

All in connection with an existing building (previously approved for three (3) years, expired September 29, 2025).

APPEARED: Michael Arato, Captain Permit  
535 Broadhollow Road, Suite B  
Melville, NY

Mr. Arato was duly sworn before testimony.

The following documents were submitted as exhibits before the start of the hearing: Planning Division memo dated 2/25/26; DEC memo dated 2/26/26; Fire Marshal comment dated 2/20/26 has a valid permit; survey by D'Amario Engineering & Surveying dated 3/30/22; plans by D'Amario Engineering dated 1/8/05; 7 photographs.

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A motion was made by Mr. Kane to AMEND application (26-7) of Deer Park Auto Collision (tenant)/MEHR 93 LLC (prop. owner) to read **All in connection with an existing building previously approved for one year, expired 2/13/26**. The motion was seconded by Ms. McCullough. The motion carried, all members present voting “AYE”.

Mr. Arato stated we are here today for the renewal of a special exception permit to continue to operate the Deer Park auto body repair shop. As mentioned, we were in front of this Board back in February 2025 and since then the site has not been changed or altered. We are unaware of any town tickets, violations or issues occurring. The site has remained well-kept and in good condition over the past year. Since the site has been operating as an auto body shop since 2014 and has been operating by the current owner for over a year without any incidents, we would like the Board to grant permission to have the permit approved for three years instead of one year. We are unaware of anyone calling in or writing in in opposition to this application.

Mr. Montiglio asked do you guys have a spray booth there?

Mr. Arato stated yes.

Mr. Montiglio asked do you have a DEC permit for it?

Mr. Arato stated he does have it and he also just got the renewal put in as of the 2<sup>nd</sup>.

Mr. Montiglio stated so, it’s in the works.

Mr. Arato stated it’s in the works.

Mr. Montiglio asked if this was approved it is subject to all the conditions and covenants and restrictions that you had in the past?

Mr. Arato stated yup, nothing has changed.

Mr. Montiglio asked same business model, nothing has changed beside the new owner?

Mr. Arato stated yup, even since 2014. He took the building over, cleaned it up, there were some site changes that were needed last year.

Mr. Montiglio stated it’s all sided now, it looks nice.

No further registrants were heard on this application.

A motion was made by Mr. Montiglio to APPROVE application (26-7) of Deer Park Auto Collision (tenant)/MEHR 93 LLC (prop owner) with the **CONDITIONS & COVENANT & RESTRICTIONS** for auto body repair and **SUBJECT** to the approval of the DEC permit for a **PERIOD OF THREE YEARS**. The motion was seconded by Mr. Dellavecchia. The motion carried, all members present voting “AYE”.

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**6:30 p.m.**

7. Application No.: 26-9  
Applicant: Burger Brothers Restaurant Group Inc. (tenant)/  
Burger King Company LLC (prop. owner), 1300 Deer Park  
Avenue, North Babylon, NY  
Location: west side of Deer Park Avenue between Easton Avenue and  
Shipman Avenue, North Babylon, NY  
SCTM No.: 0100-113-3-48  
Zoning District: Business Ea

Variations requested:

1. to diminish front yard setback from 60' to 12.7'
2. diminish rear yard setback from 50' to 44.1'

All in connection with proposed interior alterations, a new addition, and front canopy along with site improvements.

APPEARED: John Farrell, Esq.  
1300 Veterans Memorial Hwy., Suite 100  
Hauppauge, NY

The following documents were submitted as exhibits before the start of the hearing: Planning Division memo dated 2/25/26; DEC memo dated 2/26/26; still need Fire Marshal; survey by Seccafico Land Surveying dated 2/12/23; still need Suffolk County Planning; plans by Key Civil Engineering dated 4/30/25; 5 photographs.

Mr. Farrell stated the subject property is presently improved with a Burger King restaurant, it's had a drive-through, I think it's been Burger King this whole time for nearly 50 years. Improvements have been made over the years to keep up with the corporate standards and branding. The site is very well maintained; their landscaping is in very good shape. They take excellent care of their properties. We are here tonight seeking two relatively minor variances in connection with improvements being made to the restaurant. We are seeking to reduce the rear yard setback from 50' to 44.1' for the addition of a larger walk-in box and to reduce the front yard setback from 60' to 12.7' for the canopy along the frontage for Deer Park Avenue. As the Board knows, Deer Park Avenue is a well-traveled, busy commercial thoroughfare. There are all types of uses on this roadway. There are fast food restaurants, convenience stores, self-storage, apartments, offices if you can think of it, it's probably located on Deer Park Avenue. With that said, there is no real defined pattern of development. There is no standard setback that any one site follows. There are some properties that are right on the street front, the old Panera Bread, Parkway Car Stereo, which is directly across the street, is right hard up on the street. There are other sites that have been developed in recent years that have 20' and 30' setbacks. Very few have a 60' setback. I think the only ones might be in the Sunset Plaza Shopping Center that are setback that far.

This site has been existing for quite some time and the front yard setback we are seeking to reduce is to put a canopy over an existing walkway that's in front of the building so they can provide some cover for some outdoor seating. If you look at the survey or site plan, you can see that the property line kind of as you head toward the north, kind of angles in. So, the shortest point is 12.7 for the canopy but if you go to the south corner of the building for the canopy, that's a little over 20' to the property line. They are probably further

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back because there's sidewalk improvements there as well. I think even with 12.7 they are probably 19' or so from the actual street line. Again, the site is very well landscaped, and I don't think this is going to have a significant impact on the surrounding community. I think it's going to enhance the building.

In terms of the rear yard setback, they are proposing to put in a new walk-in box which reduces the rear yard setback to 44.1'. Right now, I think it's 49.1 so, it's really just a 5' extension. There are a number of uses that have less than 50' of setback along Deer Park Avenue. The old Checkers, now a Dunkin Donuts is less than 50, CVS is less than 50, AutoZone is less than 50. So, 50' rear yard setback I would argue is very rare in an E Business in the Town of Babylon unless you are dealing with a large shopping center like Great South Bay Shopping Center or something along those lines.

I have reviewed the planning memo and there was one note to ask why my client needed the larger walk-in cooler and I wish I had some amazing answer for that, but the simple answer is they just need to keep stuff cold than they had to in the past. The nature of the restaurant is changing, they get a lot more frozen product, a lot colder products. My client would not want to put this in if it wasn't required by Burger King as the franchisor. It's an expensive undertaking to build this because these are a custom-made apparatus. That is all I can really say about it.

Ms. McCullough stated I have seen other sites be demolished and reconstructed, we are just getting a facelift pretty much.

Mr. Farrell stated exactly.

Ms. McCullough stated and there is a current cooler box in the back, and we are just expanding.

Mr. Farrell stated yes.

No further registrants were heard on this application.

A motion was made by Ms. McCullough to APPROVE application (26-9) of Burger Brothers Restaurant Group Inc. (tenant)/Burger King Company LLC (prop. owner). The motion was seconded by Mr. Shepard. The motion carried, all members present voting "AYE".

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**6:35 p.m.**

8. Application No.: 26-6  
Applicant: Roberts Plywood (tenant)/45 N. Industry Partners, LLC  
(prop. owner), 45 N. Industry Court, Deer Park, NY  
Location: west side of North Industry Court, 1,861.62' north of  
Grand Boulevard, Deer Park, NY  
SCTM No.: 0100-68-1-8.004 & 8.001  
Zoning District: Industry Ga

Variations requested:

1. special exception permit to allow retail sales of plywood
2. diminish off-street parking from one hundred forty-one (141) parking stalls required to eighty-nine (89) parking stalls provided
3. allow two (2) buildings where one (1) is permitted

All in connection with a proposed warehouse and canopy on an existing building.

APPEARED: Tom Abbate, Esq.  
88 Sunnyside Boulevard  
Plainview, NY

The following documents were submitted as exhibits before the start of the hearing: Planning Division memo dated 2/25/26; DEC memo dated 2/27/26; if approved, this application will need a Negative Declaration; Fire Marshal dated 2/24/26 – subject to Planning Board comments; survey by Gallas Surveying Group dated 5/9/25; plans by Nelson & Pope dated 5/27/25; 21 photographs.

Mr. Abbate stated tonight's appeal concerns a site located in the heart of the industrial park in Deer Park. It possesses just over 5.5 acres of lot area. As part of your E packet tonight and on the screen, you can see that the entire rear yard is abutted by the Long Island Railroad tracks, but that's not all. As you can see from the aerials, plans and photographs, we have a railroad spur which traverses the middle of our lot. That's an active freight line. In fact, it's essential to the operation of the business which is cited here at 45 North Industry Drive. The spur provides much of the practical difficulty which engenders the need for relief tonight. We need three forms of relief. The first is to erect a second warehouse building on site. The second is off-street parking relief because if we are allowed to build this additional warehouse space, we won't meet that which is otherwise required by code to provide in terms of parking stalls on site. Lastly, a special exception so that we can establish a small retail component within the building. The business that I refer to is known as Roberts Plywood. Roberts Plywood started in 1977, they make architectural plywood, lumber, veneers and hardwood. We don't do any wood fabrication on site. We do some coatings. One of their premier customers is Steinway Pianos, but other than that, we don't do any fabrication on site. We presently operate out of the existing warehouse building, and that measures 65,000 sq. ft. all but 2,800 sq. ft. of that building is warehouse. That balance, the 2,800 sq. ft. is used for offices.

We wish to expand our storage space. So, let's go back to the spur, In an ordinary situation, you would just build an addition to your warehouse. We have the spur, we can't. So, we need to put it on the other side of

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the railroad tracks. The railroad tracks are essential to our operation because that's how product comes to us. Freight trains come on to our lot. We can fit about four or five freight cars there and then our employees offload. That is the reason why we need a variance for two buildings on one lot. As part of this, we are also proposing to erect an 11,000 sq. ft. canopy off of the existing warehouse building, and then to the railroad

tracks. That does not connect the two buildings, even if it did connect, it wouldn't magically make this one building under the zoning code. We do want the canopy because it protects our workers and our product as we are offloading freight cars. It does not need relief, but it is part and parcel of our plan and you should know about it.

The second form of relief is an off-street parking reduction. Again, engendered by the proposed construction which we have before you this evening. We have three facets to Roberts Plywood warehouse, office and as I am going to get to in a moment, retail. So, under section 213-286 of our code they all have differing rates by which you have to park. In the warehouse, you park at one stall for every 700 sq. ft., for the offices one per 150 and for the retail one per 200. Overall, when you combine them all, we are required to provide 141 stalls. We can only provide 89. I can see that number looks significant, but as you are going to here from our traffic expert, Mr. Osman Barrie of Nelson and Pope, who I'm going to ask you to recognize as a traffic expert. We not only have enough parking onsite for the use as it will exist, but we will have a surplus. Bear in mind this is a very low intensity use. I think by the numbers I already gave you; you could tell that the vast portion, 80% or more, is devoted to warehousing.

That leaves our third form of relief and that's to establish a small retail component. Section 213-181 governs our code and it incorporates the G Zone by reference. So, under 213-166F you can have retail within the GA Zone by special exception and it's solely the jurisdiction of this Board.

Of the 83,500 sq. ft. of building area that we are proposing, just 1,700 sq. ft. of that will be retail, and only 2,800 of that will be office. It's a very small retail component. Clearly, this spot is devoted to warehouse use. Moreover, because of the nature of Roberts Plywood business, it's really geared towards contractors and perhaps a smattering of architects. You and I can go in there, we are allowed to go in there but we wouldn't. It's the kind of thing that someone with knowledge of the building trade and industry would go in for a particular product. It is not going to be a traditional store. After you place your order, that order will be transmitted to the warehouse, that order will be filled on the spot or for delivery or pickup at a later date. Moreover, as to that retail component, we limit it. Roberts Plywood presently operates from 6 a.m. to 9 p.m. The retail component will operate solely from 8 a.m. to 3 p.m. That is for our benefit. The bulk of Roberts Plywood is filling the orders for specific products.

Our employees work in three shifts. First shift is from 6 a.m. to 3 p.m., second is from 9 a.m. to 6 p.m. and the last from 11 a.m. to 8 p.m. With shift overlap, we have at peak 32 employees on site at any one time. Should you grant us that relief necessary to build this warehouse, we expect that it will add 10 to 12 new employees, they will be split over three shifts. Overall figure is about 65 employees.

By engaging in this, we are also improving the site overall. Right now, it's a bit of a mishmash and what we were able to do through Mr. Vorhis, Project Manager with Nelson and Pope, we are changing site circulation in the parking scheme so it functions more smoothly, for employees, contractors, customers and for those who are taking delivery and those who are providing delivery.

APPEARED: Christopher Voorhis, PE  
Project Manager, Nelson & Pope  
70 Maxus Road  
Melville, NY

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Mr. Voorhis was duly sworn before testimony.

Mr. Voorhis stated existing condition building is located on the southeast portion of the site as well as the site entrances which there are two. The existing site entrance on the northern access point is where we have the main parking lot that services the office area as well as other staff employees. Around the building to the south is the site entrance. That access goes to the rear paved area. You can see there is a grey hatch that represents the asphalt. There's a loading dock zone in that portion that the larger vehicles will access. Both site entrances are both in and out. The site currently has the rail spur that was described previously which cuts off access to the rear of the property.

Our proposed plan, so the main changes that we're affecting here start with our site circulation improvement. As I indicated before, both site access points are two-way. Our proposal is to maintain a small portion of two-way. However, the majority of the site circulation will be counterclockwise, one-way direction. You can see the existing northern site entrance continues up to the northern edge of the property crossing the tracks to allow for a full circulation drive aisle around the perimeter of the property. We took a lot of care to look at both large tractor trailers as well as fire safety vehicles. That can be seen with widened turning maneuvers specifically on the northwest corner of the property. There is three main areas of parking, one will be the improved parking area in the front. The main enhancement of this is it separates the inbound trucks from the passenger vehicles. You can see there is an area striped out along the main truck drive aisle. That allows for vehicles to pull over, get out of the way of the drive aisle and check in with the main office area. Continuing to the north to where the proposed warehouse building is located, we have an expanded parking field that serves that new building. The remaining parking area is going to be on the western property line, that's existing and remains largely unchanged. Our office area will be where you check in, there are three different loading zones whether you pick up or deliver. We have a loading dock zone with an elevated loading platform as well as two roll up doors on either side of the building.

Mr. Shepard asked what is the overall height of the canopy?

Mr. Voorhis pointed out there is a hatch that represents the canopy it's kind of the two triangular areas. On the northwest corner there is one there and then the triangle shape just to the left of the building wall Extending from the loading platform to that building.

APPEARED: Giovanni Coello, Architect  
255 Main Street, suite 200  
Huntington, NY 11743

Mr. Coello was duly sworn before testimony.

Mr. Coello stated the canopy is roughly about 28 feet in height. It actually hovers about 3 or 4' below the height of that building that it marries up to. So, it's below that height and it will extend to the perimeter of the platform and the intent is to keep the employees safe in inclement weather when the train containers are there and they are uploading and offloading. It will be lit, and it is just a safety factor without having any problems with the weather.

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APPEARED: Osman Barrie, PE  
Traffic Expert, Nelson & Pope  
70 Maxus Road  
Melville, NY

Mr. Barrie was duly sworn before testimony.

Mr. Barrie stated based on the town code, the proposed project will require 141 parking spaces. The site plan provides 89 parking spaces, resulting in a requested variance of 52 parking spaces. We conducted a study to justify the variance. Field parking counts were conducted on May 7, 2025, between 9 a.m. and 7 p.m. at 30-minute intervals to evaluate the parking demand at the facility. The study identified a peak occupancy of 42 vehicles at the existing facility representing approximately 84% of available parking. The observed demand equates to approximately one parking space 1,550 sq. ft. of building area which is substantially lower than the parking ratio assumed by the zoning code. Applying the observed demand rate to the proposed building area of 87,122 sq. ft. this will result in a parking demand of approximately 57 parking spaces. So, the project fully built out will absolutely need a parking demand of 57 spaces. With 89 spaces provided the project will provide 32 spaces above the demand. Excess of 32.

Mr. Montiglio asked where would the retail portion of this go in the new warehouse or the old?

Mr. Abbate stated it is actually going to be in both. We are going to have a little bit up front and then a little in back for a total of 1,700 sq. ft.

Mr. Montiglio asked the deliveries will be out of the new proposed warehouse?

Mr. Abbate stated yes, correct.

Mr. Montiglio confirmed you said there are only about 10 more employees for the retail.

Mr. Abbate stated not even so much for the retail but for the additional storage space, it will be mostly warehouse employees.

Mr. Montiglio asked and all deliveries will be out of there as well?

Mr. Abbate stated correct.

Mr. Rigney asked do you store any trucks on site?

Mr. Abbate stated no, I don't believe we do.

Mr. Rigney asked you guys don't do any deliveries of your own?

Mr. Abbate stated no, they pick up. Tom Farrell is here, he is one of the proprietors, he said they do have Trucks and they are stored at another one of their properties but not here.

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Mr. Rigney asked fueling stations.

Mr. Abbate stated no.

Mr. Parodi asked do you ever have any plans to have truck storage?

Mr. Abbate stated we do not, I don't know where we would fit them. We've been operating all this time without it and we haven't had the need.

Mr. Kane asked you guys don't deliver anything? You don't have a truck that you own that delivers?

Mr. Abbate stated Mr. Farrell corrected me. We do deliver, I just hadn't seen any of our trucks on site. He told me they are at our other locations. So, if there is a delivery, they will summon a truck.

APPEARED: Tom Farrell, Owner  
15 Tall Tree Circle  
Riverhead, NY

Mr. Farrell was duly sworn before testimony.

Mr. Farrell stated I can't guarantee there is no truck there overnight. I'm a longtime investor, a shareholder of the business, I look after their real estate and acquisitions. We have multiple lumber yards in Long Island. I can't say 100% there's no trucks there, I'd have to get back to you on that. I do know, the bulk of the business is a lot of pick-up business here, that's why we are particularly excited about reworking the traffic circulation. It's primarily one way counterclockwise. It really makes a better experience for our customers. For me to say there are zero trucks there, I'd have to get back to you on that.

Mr. Kane stated get back to us then, if you are going to store trucks overnight.

Mr. Shepard asked do you agree to merge the two properties?

Mr. Abbate stated absolutely that makes all the sense in the world.

Mr. Kane asked you went before the Planning Board?

Mr. Abbate stated we did, in September of last year.

Mr. Kane asked so, none of these variances will affect that?

Mr. Abbate stated no, it's precisely the same plan without a single change.

Mr. Kane asked and nothing is going to change with the variances you are asking for?

Mr. Abbate stated nothing.

No further registrants were heard on this application.

***HEARING CLOSED – DECISION RESERVED – RECORD OPEN***

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**6:40 p.m.**

9. Application No.: 26-1  
Applicant: Aromatic Gardens (tenant)/Brooke Rose Realty LLC (prop. owner),  
231 Edison Avenue, West Babylon, NY  
Location: northeast corner of Edison Avenue and Eads Steet, West Babylon,  
NY  
SCTM No.: 0100-74-2-24.014  
Zoning District: Industry GB

Variations requested:

1. special exception permit to operate a retail marijuana dispensary
2. increase total building area from 40% to 43.10% (over by 878.8 sq. ft.)
3. diminish front yard setback from 30' to 29' – 10'' on Eads Street
4. allow three (3) parking stalls beyond the front building line
5. diminish off-street parking from thirty-five (35) parking stalls required to twenty-two (22) parking stalls provided

All in connection with interior alterations to a portion of an existing building to allow a retail marijuana dispensary.

APPEARED: Janice Whalen, Esq.  
23 Green Street, Suite 205  
Huntington, NY

The following documents were submitted as exhibits before the start of the hearing: Planning Division memo dated 2/25/26; DEC memo dated 2/27/26; If approved, this application will need a Negative Declaration; Fire Marshal dated 2/26/26 subject to Planning Board comments; survey by Pinnacle Land Surveyors dated 5/15/25; plans by Spaces dated 1/8/26; 5 photographs.

Ms. Whalen stated tonight I represent Aromatic Gardens. The variations we seek before you tonight relate to the number of off-street parking. The location of three parking spaces fronts of the building line, a 2'' variance for a setback and a very diminimus variance for lot coverage. The last two variations relate to solely to the existing building conditions. In addition, we also seek a special exception to permit the adult use cannabis dispensary at this location. Appearing tonight with me in support of this application is George Badger, registered architect, principal at Spaces Architecture. He prepared the plans in accordance with all the department comments and he is here to answer any site specific or elevation specific questions. I also have the president of Aromatic Gardens and the New York State license holder from the New York State Office of Cannabis Management. He's a lifelong Suffolk resident and long-term football coach to a local football club. Also, I have Mr. Michael James, he is an attorney, the applicant state licensing attorney in case you have any state specific questions. Lastly, I have Mr. Sean Mulryan of Mulryan Engineering who performed the traffic assessment and will present his conclusions. I emailed Mr. Tom Dixon today, the town's traffic consultant and he indicated to me that he did review Mr. Mulryan's report and he had no objection to Mr. Mulryan's findings that the available on-street parking, onsite parking and street parking will more than satisfy the peak parking demand of 27 cars between 2 and 3 on weekdays.

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I thank the Planning Department, the Planning Commissioner and the ZBA staff for your courtesy extended during this application process. I want to clarify some issues raised in the Planning Departments February 25<sup>th</sup> memorandum to this Board. We made amendments in January of this year effectively

Sterilizing 7,200 sq. ft. of warehouse area. We are the only tenant in this building. The building measures about 12,000 sq. ft. We are proposing about 4,700 of that for retail. The balance of the warehouse space will be completely vacant. We're not using it for any storage or any parking of any vehicles. We are not proposing any parking in the building, whether it's delivery, customer, or employee parking. We are proposing two delivery cars that will be taken home at night by the employees. So, there will be no overnight storage on the site.

To answer the Planning Department's inquiry, the Edison Street entrance is only going to be a secured entrance of Aromatic Gardens. It's secured; no patrons will enter on Edison Street. There will be no additions made to this building, as a matter of fact, we are subtracting from the building. We are removing the existing loading dock to create 3 more onsite parking spaces. Lastly, we fully consent to the Planning Department's recommendation that in the event and we hope this never happens that there was substantial complaints of excessive parking that we would be given the opportunity to implement spillover parking Plan. So, we fully consent to that condition.

This past Monday we had our Planning Board informational hearing at which we discussed a number of the site improvements. The façade renovation is going to be a complete rehabilitation of what this building looks like. Interior alterations, parking sufficiency, business and security operations. I know it's a condition of the town code section 213-1663 that we meet the location requirements. We are in an industrial district and we are not within the prescribed area for the protected uses. Residences, religious uses, any educational facility, any playground or any youth venue. We are not within a radius of 500' of any existing operating cannabis facility. The nearest is Planet Nug, I believe it's 2.3 miles away.

All of our operations are not only subject to town regulation, but to New York State regulation. There is no on site consumption is allowed at this premises or any other premises. No special events will be held at our site or on the building outside. Age verification will occur in a guarded vestibule before any patron is allowed to be buzzed into the retail portion of the building.

Security cameras are inside the building and out 24/7. Only pre-packaged products are offered for sale. There is no packaging done on site. We are installing a fire alarm and sprinkler to ensure the safety of all occupants.

We have a one-story building which received a CO in 1983 for light manufacturing, it's located in the GB District. It measures about 28,300 sq. ft. The building measures about 12,000 sq. ft. It's a commercial area. The site and building will be fully renovated to maximize off-street parking for functionality, accessibility, safety, security, protection of neighboring uses and esthetics. The latest site plan prepared by Spaces dated January 8, 2026 shows that vehicles can enter two areas. They can enter first on Edison to access the three parking spaces that are located at the front of the building line. Secondly, they can access on Edison to the vast majority of parking spaces. Incidentally, the Fire Marshal has approved the radius and the site can be accessed safely and securely by sanitation trucks. The site will be fully compliant with all New York State accessibility regulations. We will provide new curbs, sidewalks and an asphalt driveway. Again, we will remove the rear loading dock to provide three more spaces. All drainage will meet town specifications, all lighting will be dark sky compliant. Signage will comply with all town regulations but will be under separate permit. In terms of Interior alterations, public access will be through a door on Eads Street. The cannabis retail area is under 5,000 sq. ft. As soon as someone enters the site from the door on Eads, there's a secure

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vestibule for checking identification for age verification mandated by NY State. There will be accessible customer restrooms. A counter space with retail behind it. Also, a secure waste room is also regulated by NY State which has regulations about how any product would get disposed of.

We request the same days and hours as any other cannabis site that came before this Board. Seven days a week, Monday through Saturday 9 to 9 and Sunday 10 to 8.

Delivery operations will cease one hour before the close of operations. We anticipate 8 to 10 employees. Staff is tasked with the monitoring of the site. All goods are sold pre-packaged and delivered to the site in small minivans. It could be five days a week. We expect deliveries to take minutes in the rear of the building loading and unloading. There will be two unarmed guards on site at all times, employed by a fully licensed and insured security company.

Upon entry into the retail area after age is verified, a customer service employee greets the customer at the customer counter area where samples are displayed for viewing and handling. We'll have TV menus showing the product name, price and weight. Once the customer decides, they will tell the service agent what they want, that order will be processed in the back room, handed to another customer service agent at the register. The customer pays and exits the building. We expect based upon other facilities that transactions should take no more than 15 minutes. All in store transactions are paid by cash, debit card or ACH transactions.

A separate security company will handle digital security and surveillance 24 hours a day, 7 days a week of the interior, all access points and the perimeter during operating hours and beyond. The tapes are retained for 60 days per NY State regulations and the state has access to these tapes as well. There is no drive through or curbside pickup. Orders can be placed online through the business website, which entails another system that tells who the person is and their age. Delivery orders can be processed through the website. Online and delivery orders can only be paid for through debit or ACH, no cash. The delivery is tracked through GPS software. Once that delivery person finds the residence, the customer is required to show photo ID upon delivery. That ID is uploaded for verification and record keeping. The deliveries will occur via sedans with no markings or commercial identifiable indications.

APPEARED: Sean Mulryan, PE  
1225 Franklin Avenue, Suite 325  
Garden City, NY

Mr. Mulryan was duly sworn before testimony.

Mr. Mulryan stated the industrial uses surrounding the subject site tend to be busy early in the morning and the workers tend to leave earlier in the afternoon. This is a little off-peak compared to the subject site as a cannabis distribution center which would tend to have busier hours later in the day and on weekends. On Saturdays, this industrial area is generally quite quiet. We do have 22 parking spaces on site, we are required to have 35. The requirement is based on both sides of the building, we are not using the warehouse space. We had initially proposed to have employee parking within the building and we were told by planning that would not be permitted. We did look at the parking on Eads, there is no parking along Edison, but we did find there was sufficient parking to accommodate any overflow this site may have based on the shortage of parking. We did find the on-street parking and the parking supplied on the subject site would accommodate the use as proposed.

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Mr. Shepard asked the loading dock is going to be backfilled and asphalted over. That will be an entrance for deliveries?

Ms. Whalen stated correct. Those deliveries will be secured and occur in minivans.

Mr. Shepard asked in the rear parking lot?

Ms. Whalen stated correct.

Mr. Shepard stated we move around to the west side of the building; there is a single door there?

Ms. Whalen stated correct.

Mr. Shepard asked that's going to be the main entrance for customers?

Ms. Whalen stated that's the only entrance for customers.

Mr. Shepard stated the employees' entrance is going to be on Edison Avenue.

Ms. Whalen stated correct. The reason for one patron entrance is for the security protocol we have to follow.

Mr. Parodi asked the employee parking lot, it's only four. Are you planning on having more employees Or is that the number of employees that will be working.

Ms. Whalen stated we don't anticipate more than 8 employees and maybe not even at the same time. We are not sure if it's one shift or maybe two. In the parking calculations, employees are not separate. They are included in the one per 200 and the one per 700. They are already accounted for in the town's parking calculations. We are not using the warehouse space anyway.

Mr. Mulryan stated the question I think is driven by the parking in the front. Parking in front is not restricted to employees only. The entrance is restricted to employees only. So, employees will park in the front or the back. The spaces will be available on a first come first serve basis. The entrance is what dictates the use in the front. We looked at the Institute of Transportation Engineers, the parking manual to prepare an assumption of how many cars would be anticipated and we believe that at some points during the day there might be a few extra cars above and beyond the spaces at the subject site and that is why we looked at the availability for on-street parking.

Mr. Shepard asked you will be responsible for security of the entire building? The warehouse building that is not being used?

Ms. Whalen stated we are the only operation in this building. We are responsible for that security.

Mr. Shepard, secured, wired and cameras?

Ms. Whalen stated exactly.

Mr. Parodi asked so nothing in the warehouse.

Ms. Whalen stated nothing, no storage, no cars, no product, nothing. It's effectively sterilized area.

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HEARING OF MARCH 5, 2026**

However, because in warehouse the parking count is one in 700 it brought up the number of required parking spaces, but we are not utilizing it at all. It can't be because with the one per 200 we have enough parking for the defined retail space that we have now.

Mr. Parodi asked would you agree to a condition for that?

Ms. Whalen stated yes.

Mr. Shepard asked and do you agree to the conditions on the Planning memo?

Ms. Whalen stated absolutely, most relate to state requirements anyway. My only question was the last condition, number 21. It seemed to suggest that we were using the warehouse for parking and storage and we are not.

Mr. Shepard stated okay, but do you agree to those conditions?

Ms. Whalen stated we do. We respectfully submit that we have met the criteria for our proposed use which is conditionally permitted in this district. We met the location criteria. No adverse impact will be brought to the neighborhood or the pattern of development. With respect to the requested parking variances, based on Mr. Mulryan's expert testimony, we don't feel that the requested variances would produce any undesirable change to the neighborhood. This Board has granted parking variances in two other cannabis cases, one is Strain Stars under case 23-030 and the second case was Long Island Cannabis club under case 23-199. (Submitted decisions into the record)

No further registrants were heard on this application.

***HEARING CLOSED – DECISION RESERVED***

**NOTICE OF PUBLIC HEARING  
TOWN OF BABYLON – ZONING BOARD OF APPEALS  
HEARING OF MARCH 5, 2026**

**6:45 p.m.**

10. Application No.: 26-5  
Applicant: 1116-1118 Realty, LLC, 1108 Route 110, Farmingdale, NY  
Location: west side of Route 110, 298.04' north of Parkway Court, Farmingdale, NY  
SCTM No.: 0100-121-1-14.002 & 13.001  
Zoning District: Residence B & Business E  
Subject Premises: 1116 & 1118 Broadway, East Farmingdale, NY

Variances requested:

1. to diminish front yard setback from 25' to 3.5'
2. diminish rear yard setback from 50' to 43.7'
3. diminish off-street parking from twenty-one (21) parking stalls required to fifteen (15) parking stalls provided

All in connection with the proposed erection of a one-story restaurant with a drive thru.

11. *E-MAIL: From: Alison A. Lapointe, Esq. – RE: ZBA #26-5 and ZBA #26- 20 of 1116 – 1118 Realty LLC – requesting adjournment to March 19, 2026 hearing as the public notice signs were not posted as required*

***Adjourned to March 19, 2026***

**6:50 p.m.**

11. Application No.: 26-20  
Applicant: 1116-1118 Realty, LLC, 1108 Route 110, Farmingdale, NY  
Location: west side of Route 110, 298.04' north of Parkway Court, Farmingdale, NY  
SCTM No.: 0100-121-1-14.002 & 13.001  
Zoning District: Residence B & Business E  
Subject Premises: 1116 & 1118 Broadway, East Farmingdale, NY

Variances requested:

1. to increase number of signs on south wall from one (1) to two (2)
2. increase number of signs on north wall from one (1) to two (2)
3. increase number of signs per parcel from one (1) to six (6)
4. diminish distance to west lot line from 10' to 3'

All in connection with the erection of non-conforming wall and ground signs.

11. *E-MAIL: From: Alison A. Lapointe, Esq. – RE: ZBA #26-5 and ZBA #26- 20 of 1116 – 1118 Realty LLC – requesting adjournment to March 19, 2026 hearing as the public notice signs were not posted as required*

***Adjourned to March 19, 2026***

**NOTICE OF PUBLIC HEARING  
TOWN OF BABYLON – ZONING BOARD OF APPEALS  
HEARING OF MARCH 5, 2026**

***Mr. Kane stated this concludes the live streaming portion of tonight’s meeting. Our work session will continue. The meeting remains open to the public.***

**EXTENSION OF TIME**

**Application No.: 23-189a (Lot #1)**

Applicant: Edward Ratuszny & Krzysztof Ratuszny, 33 Paine Street, Lindenhurst, NY  
Location: southwest corner of 50<sup>th</sup> Street & Buffalo Avenue, Lindenhurst, NY  
SCTM No.: 0100-207-1-p/o 62  
Zoning District: Residence B  
Subject Premises: p/o 207 50<sup>th</sup> Street, Lindenhurst

Variations requested:

1. diminish width at front property line from 80’ to 65.21’ on 50<sup>th</sup> Street
2. diminish total lot area from 10,000 sq. ft. to 6,532.08 sq. ft.
3. diminish front yard setback from 30’ to 23.5’ on 50<sup>th</sup> Street
4. diminish front yard setback from 30’ to 18.80’ on Buffalo Avenue
5. diminish west side yard from 12’ to 10.1’
6. to subdivide a parcel of land from 100.17’ x 125.21’ into 100.17’ x 65.21’

All in connection with the subdivision of a parcel of land into two (2) lots and to legally maintain an existing single-family dwelling with front porch on Lot #1 (previously heard on November 16, 2023).

**AND**

**Application No.: 23-189b (Lot #2)**

Applicant: Edward Ratuszny & Krzysztof Ratuszny, 33 Paine Street, Lindenhurst, NY  
Location: south side of 50<sup>th</sup> Street, 64’ west of Buffalo Avenue, Lindenhurst, NY  
SCTM: 0100-207-1-p/o 62  
Zoning District: Residence B  
Subject Premises: p/o 207 50<sup>th</sup> Street, Lindenhurst

Variations requested:

1. diminish width at front property line from 80’ to 60’
2. diminish total lot area from 10,000 sq. ft. to 6,010.2 sq. ft.
3. to subdivide a parcel of land from 100.17’ x 125.21’ into 100.17’ x 60’

All in connection with the subdivision of a parcel of land into two (2) lots and the erection of a proposed single-family dwelling with front porch on Lot #2 (previously heard on November 16, 2023).

HEARD: February 29, 2024

APPROVED: March 7, 2024

MOTION: Nicholas Rigney

SECONDED: John Careccia

AYES: M. Kane, J. Careccia, S. Dellavecchia, M. Parodi, N. Rigney, J. Shepard, C. Kordidis

ABSENT: C. McCullough

*17. EXTENSION OF TIME: From: Nicole Blanda, Attorney – RE: ZBA #23-189a (Lot #1) & 23-189b (Lot #2) of Edward Ratuszny & Krzysztof Ratuszny – requesting 4<sup>th</sup> extension of time – (3/15/2026 thru 9/15/2026)*

**NOTICE OF PUBLIC HEARING**  
**TOWN OF BABYLON – ZONING BOARD OF APPEALS**  
**HEARING OF MARCH 5, 2026**

A motion was made by Mr. Rigney to APPROVE the FOURTH EXTENSION of TIME on applications (23-189a Lot #1) and (23-189b Lot #2) of Edward Ratuszny & Krzysztof Ratuszny. The motion was seconded by Mr. Dellavecchia. The motion carried, all members present voting “AYE”.

**HEARING OF MAY 15, 2025**

**HEARING CLOSED: DECISION RESERVED**

Application No.: 25-064  
Applicant: 859 Sunrise Highway DIA LLC (tenant)/859 Sunrise Auto LLC  
(prop. owner), 859 Sunrise Highway, West Babylon, NY  
Location: northeast corner of Sunrise Highway & Harvard Road,  
West Babylon, NY  
SCTM No.: 0100-160-1-48.001, 47, & 46  
Zoning District: Business Eb  
Subject Premises: 859 Sunrise Highway & 11 Harvard Road, West Babylon, NY

Variations requested:

1. special exception permit for used car sales; outdoor storage of vehicles as per site plan

All in connection with an existing building (previously approved for one (1) year, expired April 11, 2024).

***DECISION RESERVED – record open***

3. *E-MAIL: From: Alison A. Lapointe, Esq. – RE: ZBA #25-064 of 859 Sunrise Highway DIA LLC – requesting to withdraw special exception application*

A motion was made by Mr. Shepard to WITHDRAW application (25-064) of 859 Sunrise Highway DIA LLC (tenant)/859 Sunrise Auto LLC (prop. owner). The motion was seconded by Mr. Parodi. The motion carried, all members present voting “AYE”.

**HEARING OF JULY 31, 2025**

**HEARING CLOSED: DECISION RESERVED**

Application No.: 25-097  
Applicant: Oktay Top, 344 West 8<sup>th</sup> Street, Deer Park, NY  
Location: southeast end of West 8<sup>th</sup> Street, Deer Park, NY  
SCTM No.: 0100-86-3-10  
Zoning District: Residence C

Variations requested:

1. diminish rear yard setback from 30’ to 8’ (for second-story deck and stairs)

**NOTICE OF PUBLIC HEARING  
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HEARING OF MARCH 5, 2026**

2. diminish distance to east side lot line from 6' to 2.6' (for shed) (*existing*)**AMENDED**

All in connection with legally maintaining a shed and a rear second-story deck and stairs.  
**DECISION RESERVED – as amended**

**HEARING OF NOVEMBER 20, 2025**  
**HEARING CLOSED: DECISION RESERVED**

Application No.: 25-206  
Applicant: Terrell Flagg-Jones, 1114 4<sup>th</sup> Street, West Babylon, NY  
Location: north side of 4<sup>th</sup> Street, 100' east of 11<sup>th</sup> Avenue, West Babylon,  
NY  
SCTM No.: 0100-135-3-95.001  
Zoning District: Residence B

Variances requested:

1. to diminish distance to rear lot line from 2' to 0' (for patio)

All in connection with legally maintaining a patio around an inground pool.  
**DECISION RESERVED**

**HEARING OF DECEMBER 11, 2025**  
**HEARING CLOSED: DECISION RESERVED**

Application No.: 25-218  
Applicant: Kimraj Kevin Ramdhanie and Lisa Marie Tenreiro, 22 W. 16<sup>th</sup> Street,  
Deer Park, NY  
Location: west side of W. 16<sup>th</sup> Street, 225.45' south of Long Island Avenue,  
Deer Park, NY  
SCTM No.: 0100-60-3-81  
Zoning District: Residence C

Variances requested:

1. to increase total building area from 30% to 49.7% (over by 1,485.9 sq. ft.)
2. increase total building area of rear yard for accessory structures from 45% to 83%  
(over by 1,133.23 sq. ft.)
3. diminish total side yards from 25' to 24.4' (for pergola)

All in connection with legally maintaining an outdoor kitchen, gazebo, and pool patio.

4. *MEMO: From: Kevin Bertolini, Plans Examiner – RE: ZBA #25-218 of  
Kimraj Kevin Ramdhanie – variance changes based on revised Site Plan submitted*

**NOTICE OF PUBLIC HEARING  
TOWN OF BABYLON – ZONING BOARD OF APPEALS  
HEARING OF MARCH 5, 2026**

A motion was made by Mr. Montiglio to AMEND per Kevin Bertolini’s memo application (25-218) of Kimraj Kevin Ramdhanie and Lisa Marie Tenreiro. The motion was seconded by Mr. Kane. The motion carried, all members present voting “AYE”.

A motion was made by Mr. Montiglio to APPROVE as AMENDED application (25-218) of Kimraj Kevin Ramdhanie and Lisa Marie Tenreiro with the CONDITION the pergola not to be enclosed. The motion was seconded by Mr. Rigney. The motion carried, all members present voting “AYE”.

**HEARING OF DECEMBER 18, 2025**  
**HEARING CLOSED: DECISION RESERVED**

Application No.: 25-226  
Applicant: 7-9 Connor Lane DP LLC, 2005 Deer Park Avenue, Deer Park, NY  
Location: south side of Conner Lane, 308.23’ east of Brook Avenue,  
Deer Park, NY  
SCTM No.: 0100-118-3-25.007  
Zoning District: Industry G  
Subject Premises: 7-9 Connor Lane, unit 9F, Deer Park, NY

Variations requested:

1. a special exception permit to operate a public garage auto repair.

All in connection with a portion of an existing building.

***DECISION RESERVED – record open***

**HEARING OF JANUARY 8, 2026**  
**HEARING CLOSED: DECISION RESERVED**

Application No.: 25-232  
Applicant: Leo and Ellen Marie DeNicola, 51 Village Line Road, Babylon, NY  
Location: north side of Village Line Road, 586.84’ east of Deer Park Avenue, Babylon,  
NY  
SCTM No.: 0100-162-4-42  
Zoning District: Residence C

Variations requested:

1. to diminish distance to front street line from 40’ to 0’ on Oak Rest Lane (for outdoor shower)
2. diminish distance to front street line on Oak Rest Lane from 40’ to 2.1’ (for sauna)
3. diminish distance to front street line from 6’ to 0.5’ on Oak Rest Lane (for shed)
4. increase total building area from 30% to 32% (over by 186.62 sq. ft.)
5. diminish distance to west side lot line from 6’ to 2.1’ (for shed)
6. diminish distance to east lot line from 2’ to 1’ (for paver patio and wood deck)
7. diminish distance to east lot line from 2’ to .7’ (for cold plunge tub)
8. increase number of accessory structures from two (2) to three (3)

**NOTICE OF PUBLIC HEARING  
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All in connection with legally maintaining a shed, sauna, paver patio, roofed front porch, outdoor kitchen, cold plunge tub, sauna and outdoor shower.

***DECISION RESERVED***

**HEARING OF JANUARY 8, 2026**

**HEARING CLOSED: DECISION RESERVED**

Application No.: 25-231  
Applicant: Popeye’s (tenant)/756 Broadway Realty LLC (prop. owner),  
983 Willis Avenue, Albertson, NY  
Location: northwest corner of NYS Route 110 (Broadway) and Lindy Avenue, North  
Amityville, NY  
SCTM No.: 0100-164-1-6  
Zoning District: Business E  
Subject Premises: 756 North Broadway, North Amityville, NY

Variances requested:

1. to increase area of three (3) directional signs from 4 sq. ft. to 6 sq. ft.
2. increase allowable height of three (3) directional signs from 2’ – 6’’ to 3’
3. increase number of signs on east wall from one (1) to two (2)
4. increase number of signs on north wall from one (1) to two (2)
5. increase number of signs on south wall from one (1) to two (2)
6. increase number of signs per parcel from one (1) to three (3)
7. increase sign height on north wall from 6’ to 8’ – 6’’
8. increase sign height on south wall from 6’ to 6’ – 6’’
9. increase sign height on east wall from 6’ to 6’ – 3’’

All in connection with the erection of non-conforming wall and ground sign.

***DECISION RESERVED – record open***

15. *LETTER: From: Lalmir Sultanzada, owner – RE: ZBA #25-231 of Popeye’s – providing additional information as requested by the Board and willing to reduce height of three (3) directional ground signs*

**NOTICE OF PUBLIC HEARING  
TOWN OF BABYLON – ZONING BOARD OF APPEALS  
HEARING OF MARCH 5, 2026**

Application No.: 25-235  
Applicant: Tire Kings Collision (tenant)/245-255 Skidmore Road LLC  
(prop. owner), 255 Skidmore Road, Deer Park, NY  
Location: west side of Skidmore Road, 255.91' north of Bayshore Road,  
Deer Park, NY  
SCTM No.: 0100-118-2-16  
Zoning District: Industry G

Variations requested:

1. a special exception permit to operate a public garage for auto body repair

All in connection with a portion of an existing building.

***DECISION RESERVED***

**HEARING OF JANUARY 15, 2026**  
**HEARING CLOSED: DECISION RESERVED**

Application No.: 25-238  
Applicant: Jose Espinal (applicant)/JRE Development LLC (prop. owner),  
229 West 21<sup>st</sup> Street, Deer Park, NY  
Location: east side of South 35<sup>th</sup> Street, 100' south of Brooklyn Avenue,  
Wyandanch NY  
SCTM No.: 0100-54-3-13  
Zoning District: Residence B  
Subject Premises: 5 South 35<sup>th</sup> Street, Wyandanch, NY

Variations requested:

1. to diminish rear yard setback from 40' to 30'

All in connection with a proposed two-story single-family dwelling.

***DECISION RESERVED***

**NOTICE OF PUBLIC HEARING**  
**TOWN OF BABYLON – ZONING BOARD OF APPEALS**  
**HEARING OF MARCH 5, 2026**

Application No.: 25-236  
Applicant: Donald S. and Teresa M. Skene, 127 Kellum Street,  
West Babylon, NY  
Location: north side of Kellum Street, 315' west of Shelton Street,  
West Babylon, NY  
SCTM No.: 0100-133-3-49  
Zoning District: Residence C

Variations requested:

1. to diminish front yard setback from 30' to 26' – 6''
2. diminish west side yard setback from 10' to 5' - ¾''
3. diminish east side yard setback from 10' to 4' – 10'' (for cellular entrance)
4. diminish total side yards from 25' to 10' – 2 ¾''
5. allow an outside cellar entrance in the side yard, a non-permitted location
6. increase total building area from 30% to 35.56% (over by 333.74 sq. ft.)
7. diminish distance to west side lot line from 6' to 1' – 8'' (for shed)
8. diminish distance to rear lot line from 2' to 1' – 11'' (for shed)
9. diminish distance to east side lot line from 2' to 0' (for concrete patio)

All in connection with a proposed second-story addition and to legally maintain a deck, concrete patio, and two (2) sheds.

***DECISION RESERVED***

**NOTICE OF PUBLIC HEARING  
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**HEARING OF JANUARY 29, 2026**  
**HEARING CLOSED: DECISION RESERVED**

Application No.: 25-248  
Applicant: Costello’s Ace Hardware (tenant)/Central View Property LLC and  
11 Monument LLC (prop. owners), 770-11 Grand Boulevard,  
Deer Park, NY  
Location: north side of Broad Hollow Road, 1,409.35’ east of Great Neck Road,  
Farmingdale, NY  
SCTM No.: 0100-95-1-46.001  
Zoning District: Industry G  
Subject Premises: 242 Broad Hollow Road, Farmingdale, NY

Variances requested:

1. to diminish distance to east property line from 10’ to 6’ – 5’’
2. diminish distance to south property line from 10’ to 4’ – 5’’;
3. increase allowable obstruction of glass area for a window sign from 50% to 100%  
(for two (2) window signs at east elevation)
4. increase allowable obstruction of glass area for a window sign from 50% to 100%  
(for seven (7) window signs at north elevation)
5. increase allowable obstruction of glass area for a window sign from 50% to 100%  
(for three (3) window signs at west elevation)
6. increase allowable obstruction of glass area for a window sign from 50% to 100%  
(for eight (8) window signs at south elevation)
7. increase number of signs on east wall from one (1) to seven (7)
8. increase number of signs on north wall from one (1) to eight (8)
9. increase number of signs on west wall from one (1) to three (3)
10. increase number of signs on south wall from one (1) to eight (8)

All in connection with the erection of non-conforming wall and ground signs.

***DECISION RESERVED – record open***

**NOTICE OF PUBLIC HEARING**  
**TOWN OF BABYLON – ZONING BOARD OF APPEALS**  
**HEARING OF MARCH 5, 2026**

Application No.: 25-247  
Applicant: MRM Ventures LLC (tenant)/John and Paul Watral (prop. owners),  
429 Centre Island Road, Oyster Bay, NY  
Location: south side of Grand Boulevard, 272.70' west of Brandywine Drive,  
Deer Park, NY  
SCTM No.: 0100-67-1-10.020  
Zoning District: Industry G  
Subject Premises: 786 Grand Boulevard, Deer Park, NY

Variances requested:

1. special exception permit to operate a retail recreational marijuana dispensary
2. diminish allowable radius from lots zoned or used for residential from 750' required to 460' provided

All in connection with a portion of an existing business.

***DECISION RESERVED – pending Fire Marshal***

5. *LETTER: From: Ina Monte, Managing Member – RE: ZBA #25-247 of MRM Ventures LLC – addressing concerns discussed at the hearing*
6. *E-MAIL: From: John Allan, Resident – RE: ZBA #25-247 of MRM Ventures LLC – opposing application*
7. *E-MAIL: From: June Karpel Satchell, Resident – RE: ZBA #25-247 of MRM Ventures LLC – opposing application*
8. *E-MAIL: From: Laura Baluta, Resident – RE: ZBA #25-247 of MRM Ventures LLC – opposing application*

***HOLD***

**NOTICE OF PUBLIC HEARING**  
**TOWN OF BABYLON – ZONING BOARD OF APPEALS**  
**HEARING OF MARCH 5, 2026**

Application No.: 25-242  
Applicant: Phillip J. Malfitani, 70 Lemay Street, West Hartford, CT  
Location: south side of Lakewood Street. 231.60' east of Doe Street,  
Wyandanch, NY  
SCTM No.: 0100-57-2-24  
Zoning District: Residence C  
Subject Premises: 22 Lakewood Street, Wyandanch, NY

Variances requested:

1. diminish width at front street line from 60' to 40' on Grand Boulevard
2. diminish width at front street line from 60' to 46.23' on Lakewood Street

All in connection with a proposed two-story, single-family dwelling.

***DECISION RESERVED – record open***

2. *LETTER: From: Mark R. Garabrant, Esq. – RE: ZBA #25-242 of Philip J. Malfitani – requesting record remain open until April 9, 2026*

**NOTICE OF PUBLIC HEARING  
TOWN OF BABYLON – ZONING BOARD OF APPEALS  
HEARING OF MARCH 5, 2026**

**CORRESPONDENCE OF MARCH 5, 2026**

***All Correspondence Read & Filed***

1. REPORT: From: TOB Fire Marshal – RE: ZBA #25-243 TLC Auto & Truck Repair – Fire Marshal inspection report (approved January 29, 2026)
2. LETTER: From: Mark R. Garabrant, Esq. – RE: ZBA #25-242 of Philip J. Malfitani – requesting record remain open until April 9, 2026 (decision reserved January 29, 2026)
3. E-MAIL: From: Alison A. Lapointe, Esq. – RE: ZBA #25-064 of 859 Sunrise Highway DIA LLC – requesting to withdraw special exception application (decision reserved May 15, 2025)
4. MEMO: From: Kevin Bertolini, Plans Examiner – RE: ZBA #25-218 of Kimraj Kevin Ramdhanie – variance changes based on revised Site Plan submitted (decision reserved December 11, 2025)
5. LETTER: From: Ina Monte, Managing Member – RE: ZBA #25-247 of MRM Ventures LLC – addressing concerns discussed at the hearing (decision reserved January 29, 2026)
6. E-MAIL: From: John Allan, Resident – RE: ZBA #25-247 of MRM Ventures LLC – opposing application (decision reserved January 29, 2026)
7. E-MAIL: From: June Karpel Satchell, Resident – RE: ZBA #25-247 of MRM Ventures LLC – opposing application (decision reserved January 29, 2026)
8. E-MAIL: From: Laura Baluta, Resident – RE: ZBA #25-247 of MRM Ventures LLC – opposing application (decision reserved January 29, 2026)
9. NOTICE: From: TOB Department of Environmental Control – RE: LEAD AGENCY COORDINATION REQUEST – Proposed East Farmingdale Overlay Zoning District East Farmingdale, NY (copy of full notice in ZBA Office)
10. NOTICE: From: TOB Department of Environmental Control – RE: LEAD AGENCY COORDINATION REQUEST – SM (NY) QRS 14-93, Inc., 1000 New Horizons

**NOTICE OF PUBLIC HEARING**  
**TOWN OF BABYLON – ZONING BOARD OF APPEALS**  
**HEARING OF MARCH 5, 2026**

Boulevard, Amityville (copy of full notice in ZBA Office)

11. E-MAIL: From: Alison A. Lapointe, Esq. – RE: ZBA #26-5 and ZBA #26-20 of 1116 – 1118 Realty LLC – requesting adjournment to March 19, 2026 hearing as the public notice signs were not posted as required (#’s 10 & 11 on tonight’s agenda)
12. E-MAIL: From: Michael Lollo – RE: ZBA #26-2 of Robert Peticone – opposing application (#5 on tonight’s agenda)
13. E-MAIL: From: Maureen Melia – RE: ZBA #26-2 of Robert Peticone – opposing application (#5 on tonight’s agenda)
14. E-MAIL: From: Mary Schmidt – RE: ZBA #26-2 of Robert Peticone – opposing application (#5 on tonight’s agenda)
15. LETTER: From: Lalmir Sultanzada, owner – RE: ZBA #25-231 of Popeye’s – providing additional information as requested by the Board and willing to reduce height of three (3) directional ground signs (decision reserved January 8, 2026)
16. E-MAIL: From: West Babylon Public Library Board of Trustees – RE: ZBA #26-2 of Robert Peticone – opposing application (#5 on tonight’s agenda)
17. E-MAIL: From: Noreen Wood – RE: ZBA #26-2 of Robert Peticone – opposing application (#5 on tonight’s agenda)
18. EXTENSION OF TIME: From: Nicole Blanda, Attorney – RE: ZBA #23-189a (Lot #1) & 23-189b (Lot #2) of Edward Ratuszny & Krzysztof Ratuszny – requesting 4<sup>th</sup> extension of time – (3/15/2026 thru 9/15/2026)

**ACCEPT MINUTES OF:** January 22, 2026

A motion was made by Mr. Parodi to ACCEPT the minutes of the Zoning Board of Appeals meeting of January 22, 2026. The motion was seconded by Mr. Shepard. The motion carried, all members present voting “AYE”.

**REVIEW MINUTES OF:** January 29, 2026

**NOTICE OF PUBLIC HEARING**  
**TOWN OF BABYLON – ZONING BOARD OF APPEALS**  
**HEARING OF MARCH 5, 2026**

**There being no further business to come before the Board, a motion was made by Mr. Parodi to ADJOURN the Zoning Board of Appeals meeting of March 5, 2026, at 8:01 p.m. The motion was seconded by Ms. McCullough. The motion carried, all members present voting “AYE”.**