

Legals

AMENDMENTS AND CHANGES TO THE BUILDING ZONE ORDINANCES TO THE TOWN OF BROOKHAVEN CHAPTER 85

THE BUILDING ZONE ORDINANCE, CHAPTER 85, ARTICLE V OF THE TOWN OF BROOKHAVEN CONCERNING THE FOLLOWING PARCEL:

TIME CREATIONS, INC. FOR A CHANGE OF ZONE AND SPECIAL PERMITS ON PROPERTY LOCATED IN PORT JEFFERSON STATION, NEW YORK

ADOPTED

BY THE BROOKHAVEN TOWN BOARD

DECISION NO.
MEETING: DECEMBER 8, 2009

RESOLUTION OF ADOPTION - GRANTING THE APPLICATION OF TIME CREATIONS INC. FOR A CHANGE OF ZONE FROM J BUSINESS 2 TO J BUSINESS 5 AND FOR SPECIAL PERMITS FOR A GASOLINE FILLING STATION AND CONVENIENCE STORE ON PROPERTY LOCATED IN PORT JEFFERSON STATION

WHEREAS, on December 8, 2009, a duly advertised public hearing was held to consider the application of Time Creations Inc. for a change of zone from J Business 2 to J Business 5 and for special permits for a gasoline filling station and convenience store on property located on the corner of Dayton Avenue and Route 112, Port Jefferson Station, further identified as SCTM No. 200-137-02-12; and

WHEREAS, approval of this application will allow for redevelopment of the site with a gasoline filling station with a 1,752 sq. ft. convenience store; and

WHEREAS, after due consideration and deliberation;

BE IT RESOLVED that the above-captioned application for a change of zone is hereby conditionally approved subject to the following:

CONDITIONS

1. The applicant must submit proof that the covenants, approved as to form and substance, referenced below have been filed with the Suffolk County Clerk's office.

and be it further

RESOLVED, that the property owner shall impose covenants and restrictions which run with the land and in such form as shall be approved as to substance and form by the Town Attorney's office, recorded in the Suffolk County Clerk's office and thereafter filed with the Town Clerk requiring the following:

COVENANTS AND RESTRICTIONS

1. A minimum 10 foot landscape front yard along Route 112 & Dayton Avenue.
2. Not more than one curb cut per street frontage.
3. A minimum 10 foot landscaped buffer consisting of a double staggered hedgerow of mixed evergreen trees provided along the southerly and westerly property lines.
4. The proposed convenience store shall not be more than 1,752 square feet

and be it further

RESOLVED that the above application for a special permit for a gasoline filling station is hereby conditionally approved subject to obtaining a variance from \$85-256(C); and be it further

RESOLVED that the above ap-

plication for a special permit for a convenience store is conditionally approved for 750 sq. ft. subject to obtaining a special permit for a gasoline filling station, and the applicant may make application to the Board of Zoning Appeals to increase same, however, in no event shall the maximum permitted square footage exceed 1,752 sq. ft.

CC#: C10-10648 COUNTY CLERK'S OFFICE STATE OF NEW YORK COUNTY OF SUFFOLK

I, JUDITH A. PASCALE, Clerk of the County of Suffolk and the Court of Record thereof, do hereby certify that I have compared the annexed with the original instrument **DECLARATION** recorded in my office on **02/10/2010** under Liber **D00012616** and Page **120** and, that the same is a true copy thereof, and of the whole of such original. In Testimony Whereof, I have hereunto set my hand and affixed the seal of said County and Court this **03/23/2010**

SUFFOLK COUNTY CLERK
JUDITH A PASCALE

SEAL

DECLARATION OF COVENANTS AND RESTRICTIONS

TIME CREATIONS, INC., with offices located at 200 Route 112, Port Jefferson, NY 11776, as fee owner (hereinafter "Declarant"), of a certain 0.361 acre parcel of real property located on the southwest corner of Route 112 & Dayton Avenue, in Port Jefferson, in the Town of Brookhaven, Suffolk County, New York, which property is designated as District 0200, Section 137, Block 2, Lot 12 on the Suffolk County Tax Map, and which is more particularly described in Exhibit "A" annexed hereto (the "Premises"), declare as follows:

WHEREAS, Time Creations, Inc. submitted an application to the Town Board of the Town of Brookhaven for the purposes of obtaining a change of zone from the "J Business 2" District to the "J Business 5" District and for special permits for a gasoline filling station and convenience store use on the Premises; and

WHEREAS, a duly advertised public hearing on said application was held by the Town Board of the Town of Brookhaven on December 8, 2009; and

WHEREAS, the Town Board of the Town of Brookhaven approved said application subject to certain conditions and the imposition of certain covenants and restrictions, as set forth in a Town Board Resolution dated December 8, 2009; and

WHEREAS, Declarant, for the purposes of preserving the value and assuring the orderly development of the Premises, does hereby agree to impose certain covenants and restrictions;

NOW, THEREFORE, Declarant hereby imposes the following covenants and restrictions:

1. A minimum 10' landscape front yard along Route 112 and Dayton Avenue.
2. Not more than one curb cut per street frontage.
3. A minimum 10' landscape buffer consisting of a double staggered hedgerow of mixed evergreen trees provided along the southerly and westerly property lines.
4. The proposed convenience store shall not be more than 1,752 s.f.

IN WITNESS WHEREOF, I have hereunto subscribed my name 21 day of January 2010

TIME CREATIONS, INC.
Tufan Karaosmanoglu,
President

STATE OF NEW YORK)
) ss.
COUNTY OF SUFFOLK)

On the 21 day of January, in the year 2010, before me, the undersigned, a notary public in and for said State, personally appeared TUFAN KARAOSMANOGLU, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

DONNA M. RYAN
Notary Public, State of New York
No. 01RY6049682
Qualified in Suffolk County
Commission Expires 10/23, 2010

Schedule A Description

ALL those certain lots, pieces or parcels of land, situate, lying and being in the Town of Brookhaven, County of Suffolk and State of New York, known and designated as lots 24 to 26 inclusive on a certain map entitled. "Map of Rogers Court, located at Port Jefferson Station, Long Island, surveyed for E.H. Rogers, surveyed April 1924, Herman P. Hawkins, C.E., Port Jefferson, L.I., New York", and filed in the Office of the Clerk of the County of Suffolk on August 25, 1924 as Map No. 117, said lots being more particularly bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of Dayton Avenue with the westerly side of N.Y. State Route 112;

RUNNING THENCE along the southerly side of Dayton Avenue South 82 degrees 35 minutes West 112.50 feet to the westerly line of lot 24 on said map;

RUNNING THENCE along the westerly line of lots 24, 25 and 26 on said map South 7 degrees 25 minutes East (South 7 degrees 19 minutes East in Deed) 125 feet;

RUNNING THENCE North 82 degrees 35 minutes East 139.10 feet to the westerly side of N.Y. State Route 112;

RUNNING THENCE along the westerly side of N.Y. State Route 112 North 19 degrees 25 minutes 48 seconds West 127.80 feet (North 19 degrees 47 minutes West 127.9 feet in Deed) to the corner aforesaid at the point or place of BEGINNING

Section 137000 Block 0200 Lot 012000

DATED: APRIL 22, 2010

**AT: FARMINGVILLE, NEW YORK
STATE OF NEW YORK)
COUNTY OF SUFFOLK)**

I, PATRICIA A. EDDINGTON, Town Clerk of Brookhaven, State of New York, do hereby certify that the annexed foregoing is a true copy of the amendments and changes to the Code of the Town of Brookhaven Chapter 85 Article V which amendment and change was duly adopted by a motion of the Town Board on the 8th day of DECEMBER, 2009 as herein above set forth

**as the same appears in the minutes of said meeting on file in my Office. IN TESTIMONY WHERE OF I have hereunto set my hand and annexed the seal of the said Town the 22ND day of APRIL, 2010.
PATRICIA A. EDDINGTON
TOWN CLERK
TOWN OF BROOKHAVEN**

548 4/29 1x ptr

NOTICE TO BIDDERS

Bids will be received, publicly opened and read aloud at 11:00 a.m. in the Division of Purchasing of the Town of Brookhaven, One Independence Hill, Third Floor, Farmingville, NY 11738, for the following item(s) on the dates indicated:

ARTS & CRAFTS
MAY 11, 2010

PREFABRICATED CONCRETE BUILDINGS
MAY 13, 2010

LUMBER & SUPPLIES
MAY 13, 2010

Specifications for the above-referenced bids will be available beginning April 29, 2010 at the Division of Purchasing on any business day, Monday through Friday, between the hours of 9:00 A.M. and 4:30 P.M. ONLY THOSE VENDORS OUT OF THE SUFFOLK AREA WILL BE MAILED BIDS UPON REQUEST.

The Town of Brookhaven reserves the right to reject and declare invalid any or all bids and to waive any informalities or irregularities in the proposals received, all in the best interests of the Town. The Town of Brookhaven welcomes and encourages minorities and women-owned businesses to participate in the bidding process.

Further information can be obtained by calling (631) 451-6252.

Anthony T. DeMaio
Director of Purchasing
TOWN OF BROOKHAVEN

553 4/29 1x ptr

The U.S. Environmental Protection Agency will be cleaning a portion of Old Mill Creek in Port Jefferson, NY. This is being conducted in an effort to elevate any localized flooding that may be due to sedimentation buildup in the Creek and culvert located under Barnum Avenue Bridge. Lane closures are expected on Barnum Avenue between Roessner Lane and West Broadway. On or about May 3, 2010 with continuation onto or about May 13, 2010, expect delays and detours in the immediate vicinity.

545 4/29 1x ptr

NOTICE OF SALE SUPREME COURT: SUFFOLK COUNTY

SUTTON FUNDING, LLC; Plaintiff(s)
vs. RODY MARMOL; DIANA ROSA; JOSELITO FERNANDEZ; JOSE FERNANDEZ; et al; Defendant(s)
Attorney (s) for Plaintiff (s): ROSICKI, ROSICKI & ASSOCIATES, P.C., 2 Summit Court, Suite 301, Fishkill, NY 12524 (845)897-1600
Pursuant to judgment of foreclosure and sale entered herein on or about December 15, 2008, I will sell at Public Auction to the highest bidder at Brookhaven Town Hall, 1 Independence Hill, Farmingville, NY 11738.
On May 27, 2010 at 11:00 AM Premises known as 52 Nadine Lane, Port Jefferson, NY 11776 District: 0200 Section: 227.00 Block: 08.00 Lot: 019.000
ALL THAT CERTAIN PLOT, PIECE, OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in

the Town of Brookhaven, County of Suffolk and State of New York, and designated as Lot Number 43 on a certain map entitled, "Map of Chatham Park" situated at Terryville and filed in the Office of the Clerk of the County of Suffolk on January 14, 1965 as Map Number 4248.

As more particularly described in the judgment of foreclosure and sale.
Sold subject to all of the terms and conditions contained in said judgment and terms of sale.
Approximate amount of judgment \$459,056.92 plus interest and costs.
INDEX NO. 6934/08
ANNETTE EADERESTO, Esq.,
REFEREE

543 4/29 4x ptr

COMSEWOGUE SCHOOL DISTRICT
County of Suffolk
Town of Brookhaven
State of New York

REQUEST FOR PROPOSAL

The Board of Education of Brookhaven-Comsewogue Union Free School District, Port Jefferson Station, Town of Brookhaven, County of Suffolk, New York, hereby invites the submission of proposals in a sealed envelope for the following:

Physical Therapy Services Occupational Therapy Services Special Education Related Services

Proposals will be received until Monday, May 17, 2010 at 10:00 A.M. in the District Administration Office at 290 Norwood Avenue, Port Jefferson Station, New York, at which time and place all proposals will be publicly opened, but will not be read aloud. Any interested party may attend. There will be no discussion at the time of the opening of the proposals. The names of the proposing firms shall be available following the proposal opening.

Proposal packets may be obtained at the same office by calling (631) 474-8116. The Board of Education reserves the right to waive any informalities in the proposals, or to reject any or all proposals or to accept any proposals, which in the opinion of the Board of Education, will be in the best interest of the school district.

Board of Education
Brookhaven-Comsewogue Union Free School District
290 Norwood Avenue
Town of Brookhaven
Suffolk County, New York

540 4/29 1x ptr

PUBLIC NOTICE

PLEASE TAKE NOTICE that after due public hearing the Board of Trustees of the Incorporated Village of Port Jefferson, New York, at a meeting held on the 5th day of April, 2010 did approve an amendment to the Code of the Incorporated Village of Port Jefferson as follows:

Section 215-14C of the Code of the Incorporated Village of Port Jefferson is deleted in its entirety.

Section 215-15 of the Code of the Incorporated Village of Port Jefferson is deleted in its entirety and there is substituted in lieu thereof a new Section 215-15 reading as follows:

215-15. Penalties For Offenses.
A. Whenever any owner, lessee, occupant or other person having charge or possession of improved or unimproved land shall violate the provisions of Section 215-12, 215-13 and/or Section 215-14, any

snow or ice placed or thrown by such person on or in the sidewalk or street may be caused to be removed by or on behalf of the Superintendent of Public Works. In that event, any duly authorized Code Officer of the Incorporated Village of Port Jefferson shall issue a violation to the Owner, lessee, occupant and/or other person having charge or possession of such land. All costs and expenses of the removal of the snow and/or ice by or on behalf of the Superintendent of Public Works shall be assessed against the owner, lessee, occupant or other person having charge or possession of the land and such expense shall, in addition, be assessed upon the land owned, occupied or possessed by the violator of this section and shall be made part of the annual tax levy on said land in the next ensuing fiscal year unless the amount is paid within fifteen (15) days after notice to such owner, lessee, occupant or other person. The cost and expense provided for herein shall be in addition to any penalty payable for any such violation.

B. In addition to the provisions of 215-15A above, each violation of Article 215 shall be punishable by a penalty of not more than \$250.00 or imprisonment for not more than fifteen (15) days, or both and a separate and distinct offense shall be deemed committed on each day during which a violation occurs or continues. In addition to such fine, the person against whom such fine is levied shall pay all costs and expenses incurred by the Incorporated Village of Port Jefferson in correcting such violation including, but not necessarily limited to, the cost and expense of removal of snow and ice.

DATED: April 7, 2010

BY ORDER OF THE
BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE
OF PORT JEFFERSON

ROBERT JULIANO,
Village Administrator/Clerk

531 4/29 1x ptr

NOTICE OF SALE
SUPREME COURT: COUNTY OF SUFFOLK - WELLS FARGO BANK, N.A. AS TRUSTEE UNDER POOLING AND SERVICING AGREEMENT DATED AS OF AUGUST 1, 2005 ASSET-BACKED PASS-THROUGH CERTIFICATES SERIES 2005-WHQ4, Plaintiff, AGAINST JOEL MELOFSKY, A/K/A JOEL E. MELOFSKY, ET AL., Defendant(s). Pursuant to a judgment of foreclosure and sale duly dated 3/31/2010, I, the undersigned Referee will sell at public auction at the Brookhaven Town Hall, One Independence Hill, Farmingville, New York, on 5/27/2010 at 9:30 AM, premises known as 19 JONAS BOULEVARD, CENTEREACH, NY 11720. All that certain plot piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village of CENTEREACH, Town of BROOKHAVEN, County of Suffolk and State of New York, Section, Block and Lot: Section 518 Block 1 Lot 22. Approximate amount of judgment \$305,853.68 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index #09-07045. Linda Morrison, Referee, **SHAPIRO, DICARO & BARAK, LLP**, Attorney for Plaintiff 250 Mile Crossing Boulevard, Rochester, NY 14624 Dated: 4/20/2010

530 4/29 4x ptr