

NOTICE OF ADOPTION OF RESOLUTION

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Babylon, County of Suffolk, State of New York, at a regular meeting thereof held on the 28th day of January, 2026, duly adopted a resolution to lift Town Board Covenant and Restrictions for Planning Board job #25-54DI; NEVADA STREET PROPERTIES, INC., an abstract of which is as follows:

RESOLUTION NO. 110 JANUARY 28, 2026 ADOPTING RESOLUTION TO LIFT TOWN BOARD COVENANT AND RESTRICTION FOR PLANNING BOARD JOB #25-54DI; NEVADA STREET PROPERTIES, INC.

WHEREAS, the Nevada Street Properties, Inc. (the "Petitioner") has heretofore petitioned this Board to lift a restrictive covenant, as per Town of Babylon Code §213-39, in connection with two existing two-family dwellings; and

WHEREAS, more specifically, said covenant, which is recorded in Liber 12395 Pages 843 and 844 and imposed by the Town Board on December 7, 2004 by Resolution No. 826, which states "Owner-occupied use only"; and

WHEREAS, the subject site is located on the e/s/o Teddy Place, 65' s/o Sunrise Highway South Service Road, West Babylon, New York, and is further identified by SCTM Nos. 0100-159-03-27.007 & 0100-159-3-27.008; and

WHEREAS, a public hearing was held on said petition on the 3rd day of December, 2025; and

WHEREAS, in accordance with Section 617.5(c)(9) State Environmental Quality Review (SEQR), this proposal involves the lifting of a restrictive covenant and it has been determined that the proposed action is a Type II Action; and

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the application of the Nevada Street Properties, Inc. (PB JOB #25-54DI) be approved and that restrictive covenant imposed by the Town Board, by Resolution No. 826 of December 7, 2004, which states, "#1. Owner-occupied use only;" and as recorded in Liber 12395 Pages 843 and 844 is hereby lifted, subject to the recording by the petitioner of an instrument effectuating the release and lifting of the covenant and restriction as authorized by this resolution, and subject to the approval of the Town Attorney, and subject to the following conditions:

Conditions:

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

BE IT FURTHER,

RESOLVED, that if the owners hereto, or any owner, its lessees, heirs, successors, or assignees shall violate or attempt to violate any of the terms of this Resolution it shall be lawful for the Town of Babylon to prosecute any proceedings at law or in equity, including but not limited to enforcement by way of injunctive relief; any remedies chosen by the Town Board to enforce any condition, covenant, or restriction herein shall be cumulative and at the discretion of the Town Board as to how best to enforce such condition, covenant, or restriction; the pursuit of one method of enforcement shall not constitute a bar to pursuing any other method of enforcement permitted by law.

Dated: January 28, 2026, Town of Babylon

BY ORDER OF THE TOWN BOARD, TOWN OF BABYLON
GERALDINE COMPITELLO, TOWN CLERK