

**AUGUST 19, 2014**

**CDA RESOLUTION LIST:**

**CDA**

**Res. #15** Authorizes The Town Of Riverhead Community Development Agency to Incur Indebtedness in an Amount Not to Exceed \$6,000,000.00 to be Secured by a Mortgage on Property Known and Described as EPCAL and Authorizes the Supervisor to Execute a Loan Agreement, Note and Mortgage or Similar Agreements in Connection therewith on Behalf of the Riverhead Community Development Agency and Such Other Documents as Required in Connection with Such Loan and Mortgage for the Benefit of the Town of Riverhead Community Development Agency and the Town of Riverhead

**CDA**

**Res. #16** Authorizes The Supervisor To Execute Application For Subdivision Of Property Described And Identified In The Comprehensive Development Plan For EPCAL (EPCAL Reuse & Revitalization Plan) And Draft Supplemental Generic Environmental Impact Statement And Authorizes Referral Of The Application For Subdivision To The Planning Board For The Town Of Riverhead

**TOWN BOARD RESOLUTION LIST:**

**Res. #588** Authorizes Town Clerk to Publish and Post a Public Notice to Consider Adopting a Local Law to Override the Tax Levy Limit Established by and Set Forth in Article Two §3-c of the General Municipal Law

**Res. #589** Authorizes the Town of Riverhead Community Development Agency to Incur Indebtedness in an Amount Not to Exceed \$6,000,000.00 to be Secured by a Mortgage on Property Known and Described as EPCAL; The Town of Riverhead to Guarantee Such Loan Incurred by the Town Of Riverhead Community Development Agency and Authorizes the Supervisor to Execute a Loan Agreement, Note and Mortgage, or Similar Agreements in Connection Therewith on Behalf of the Riverhead Community Development Agency and Execute a Guaranty of the Town Of Riverhead to Guarantee Such Loan and Such Other Documents as Required in Connection with Such Loan, Mortgage and Guaranty for the Benefit of the Town of Riverhead Community Development Agency and the Town of Riverhead

**TOWN OF RIVERHEAD  
Community Development Agency**

**Resolution # 15**

**AUTHORIZES THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY TO INCUR INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$6,000,000.00 TO BE SECURED BY A MORTGAGE ON PROPERTY KNOWN AND DESCRIBED AS EPCAL AND AUTHORIZES THE SUPERVISOR TO EXECUTE A LOAN AGREEMENT, NOTE AND MORTGAGE OR SIMILAR AGREEMENTS IN CONNECTION THEREWITH ON BEHALF OF THE RIVERHEAD COMMUNITY DEVELOPMENT AGENCY AND SUCH OTHER DOCUMENTS AS REQUIRED IN CONNECTION WITH SUCH LOAN AND MORTGAGE FOR THE BENEFIT OF THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY AND THE TOWN OF RIVERHEAD**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town of Riverhead, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York, duly organized and existing pursuant to the laws of the State of New York, and the Town of Riverhead Community Development Agency, a New York Public Benefit Corporation dedicated to promoting, sponsoring and overseeing economic development within the Town of Riverhead, have spent considerable time and effort to develop a revised land use plan, associated zoning, updated market assessment, and subdivision plan for the former Calverton Naval Weapons Industrial Reserve Plant (hereinafter "EPCAL"); and

**WHEREAS**, the Town of Riverhead has previously incurred certain economic development/urban renewal costs at or related to EPCAL on behalf of the Town of Riverhead Community Development Agency in an amount not less than \$2,800,000.00 ("Prior Economic Development Expenditures"); and

**WHEREAS**, the Town of Riverhead Community Development Agency expects to incur costs and expenses in connection with the ongoing development of the revised land use plan, associated zoning, updated market assessment, subdivision plan and proposed sale of certain land parcels at EPCAL; and

**WHEREAS**, the Town of Riverhead Community Development Agency proposes to incur a non-restoring line of credit loan evidenced by a note ("Note") from Suffolk County National Bank ("Lender") secured by a mortgage on the property known and described as EPCAL ("Mortgage"), in an amount not to exceed \$6,000,000.00, for a maximum term of two years, at an interest rate of prime plus 0% floating, with no prepayment penalty ("Loan"), in order to repay to the Town of Riverhead all or a portion of the Prior Economic Development Expenditures and to pay for a portion of the Riverhead Community Development Agency's costs and expenses to be incurred in connection with the ongoing development of the revised land use plan, associated

zoning, updated market assessment, subdivision plan and proposed sale of certain land parcels at EPCAL; and

**WHEREAS**, the Town of Riverhead, in order induce the Lender to extend the Loan, proposes to guaranty the Loan pursuant to Section 503-a(3) of Article 15 of the New York General Municipal Law ("Urban Renewal Law"); and

**WHEREAS**, the Town Board, acting as governing body of the Community Development Agency, by resolution #4 adopted on February 4, 2014, did authorize the Supervisor to execute an agreement with Harris Beach, PLLC for legal services related to and necessary to secure a short term loan to be incurred by the Community Development Agency secured by property owned by the Community Development Agency located within EPCAL in an amount not to exceed \$6,000,000 and legal services related to the lease, sale or increment financing related to specific projects or infrastructure within EPCAL subject to the following: (1) an agreement between Harris Beach, PLLC and the Town of Riverhead Community Development Agency which includes (a) a restriction that fee for legal services related to a short term loan secured by property located within EPCAL shall not exceed the municipal rate of \$275.00 per hour (b) professional liability insurance equal to the amount of any such loan or financing secured for the Community Development Agency, (c) authorization, via Town Board resolution, for all such other tasks and/or assignments related to negotiation and/or preparation of documents for development projects and/or infrastructure improvements within EPCAL (d) the fees for all such other tasks and/or assignments outlined in 1 (c) shall not be borne by the Town of Riverhead and instead the fees for such services will be made the responsibility of any development project/lessee/purchaser of lands within EPCAL, and (e) such other terms deemed necessary and appropriate by the Office of the Town Attorney of the Town of Riverhead; and

**WHEREAS**, Harris Beach, PLLC was consulted and did provide legal advice with respect to all matters referenced in paragraphs 2 through 7 above.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board acting on behalf of the Town of Riverhead Community Development Agency does hereby authorize the Town of Riverhead Community Development Agency to incur the Loan, issue the Note, secure the Loan with the Mortgage on the property known and described as EPCAL, and enter into and provide such agreements and such other documents as may be required to effectuate the Loan and the Mortgage, and authorizes the payment of \$25,000.00 as and for commitment fee to Suffolk County National Bank; and be it further

**RESOLVED**, that the Town Board does hereby authorize the Supervisor acting on behalf of the Town of Riverhead Community Development Agency to execute a loan agreement or similar agreement, the Note a mortgage and such other documents as may be required to effectuate the Loan and the Mortgage, and authorizes the payment of \$25,000.00 as and for commitment fee to Suffolk County National Bank; and be it further

**RESOLVED**, that upon the direction of the Supervisor, the Financial Administrator is authorized to prepare and deliver such reports as may be required by the Lender

related to said Loan and prepare required accounting records, i.e. operating accounts, transfer of proceed reports, for and on behalf of the Town of Riverhead Community Development Agency to record said Loan and any such transactions involving said Loan; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Harris Beach, PLLC, and a copy to Christine Kempner, Community Development Agency Director, and Office of the Town Attorney; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from electronic storage and if needed, a certified copy of same may be obtained from the Town Clerk's office.

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten - ABSENT      Dunleavy Yes No  
Walter Yes No

The Resolution Was Thereupon Duly Declared TABLED

TABLED

**TOWN OF RIVERHEAD  
Community Development Agency**

**Resolution # 16**

**AUTHORIZES THE SUPERVISOR TO EXECUTE APPLICATION FOR SUBDIVISION  
OF PROPERTY DESCRIBED AND IDENTIFIED IN THE COMPREHENSIVE  
DEVELOPMENT PLAN FOR EPCAL (EPCAL REUSE & REVITALIZATION PLAN)  
AND DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT  
AND AUTHORIZES REFERRAL OF THE APPLICATION FOR SUBDIVISION TO  
THE PLANNING BOARD FOR THE TOWN OF RIVERHEAD**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, on December 8, 2011, VHB Engineering, Surveying and Landscaping Architecture, P.C. (VHB), on behalf of the Town and Community Development Agency (CDA), presented, during an open and public session of the Town Board, a plan for development and an alternate plan for development (hereinafter referred to as development plan "B") incorporating the recommendations and findings of the market study prepared by RKG; and

**WHEREAS**, the Town Board, as governing body of the Town of Riverhead and acting as governing body of the Town of Riverhead Community Development Agency, by Town Board Resolution #937 of 2011, accepted and adopted the findings and recommendations for EPCAL redevelopment prepared by RKG Associates (RKG) and also authorized VHB to proceed towards the requisite State Environmental Quality Review (SEQR) of their alternative plans for development; and

**WHEREAS**, by CDA Resolution # 5 of 2013, adopted on May 7, 2013, the Town Board, as governing body of the Town of Riverhead and acting as governing body of the Town of Riverhead Community Development Agency, accepted for SEQR purposes the Full Environmental Assessment Form (EAF) Part I, the Alternative Subdivision Sketch C for Enterprise Park at Calverton dated April 26, 2013 and the draft scope of issues necessary for the anticipated Draft Supplemental Generic Environmental Impact Statement (SGEIS) prepared by VHB for that portion of land within EPCAL owned by the Community Development Agency; and

**WHEREAS**, the Part 1 of the Full Environmental Assessment Form, a subdivision sketch plan (referred to as Alternative Subdivision Sketch C for Enterprise Park at Calverton dated April 26, 2013) and a preliminary Draft Scope for the Draft Supplemental Generic Environmental Impact Statement were distributed to all involved agencies indicating the Town Board's intention to declare itself as lead agency if upon expiration of the coordination period no objections to same had been received by the Town Board; and

**WHEREAS**, the Town Board, as governing body of the Town of Riverhead and acting as governing body of the Town of Riverhead Community Development Agency, upon completion of coordinated review pursuant to 6 NYCRR Part 617.6 and having received no objection from any involved agencies did, by adoption of CDA Resolution

#10 on June 18, 2013, declare itself to be the lead agency for the proposed action, classified it as a Type I action pursuant to 6 NYCRR Part 617.4 and having determined the proposed action had the potential to result in significant adverse impacts, adopted a Positive Declaration of Significance requiring that, pursuant to 6 NYCRR Part 617.10, a Draft Supplemental Generic Environmental Impact Statement be prepared; and

**WHEREAS**, the Town Board determined that the proposed action has the potential to result in significant adverse impacts to the environment and adopted a Positive Declaration requiring that a Draft Supplemental Generic Environmental Impact Statement be prepared; and

**WHEREAS**, by CDA Resolution #11 adopted on June 18, 2013, the Town Board authorized the Town Clerk to publish and post Notice of Scoping Hearing upon the Draft Scope for Draft Supplemental Generic Environmental Impact Statement required for a comprehensive development plan for EPCAL, including Amendment to Zoning and Subdivision for EPCAL; and

**WHEREAS**, on July 17, 2013, the Town Board, acting as governing body of the Community Development Agency, conducted a public Scoping Hearing on the Draft Scope for the Draft Supplemental Generic Environmental Impact Statement supporting the proposed action to wit: the creation of a conceptual development plan (Reuse & Revitalization Plan) including subdivision (referred to as Alternative Subdivision Sketch C for Enterprise Park at Calverton dated April 26, 2013) of the EPCAL property into 50 lots for ultimate redevelopment with a mix of uses (e.g., business [commercial and retail], industrial, residential, recreation, utilities) and the retention of substantial open space; the amendment to the Town of Riverhead Comprehensive Plan; the amendment of the zoning code and zoning map of the Town of Riverhead to rezone the 2,323.9 acre EPCAL property consistent with the Reuse & Revitalization Plan for property owned by the CDA within EPCAL described as approximately 2,323.9 acres of real property located south of Middle Country Road (SR25), north of Grumman Boulevard and east of Wading River Manor Road (CR25), Calverton Hamlet, being more particularly described as Suffolk County Tax Map No. 0600-135-1-7.1,7.2,7.33&7.4.; and

**WHEREAS**, for a period of one week after the close of the public hearing on the Draft Scope, the Town Board did accept written comments on the Draft Scope for the Draft Supplemental Generic Environmental Impact Statement; and

**WHEREAS**, the Town Board and members of the Planning Staff for the Town of Riverhead, with the assistance and participation of VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB), did review all comments made at the public Scoping Hearing and all written comments received pursuant to the Notice of Scoping Hearing; and

**WHEREAS**, the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, by CDA Resolution #14 adopted on October 1, 2013, did thereby adopt a Final Scope for the Draft Supplemental Generic Environmental Impact Statement supporting the proposed action, to wit: the creation of a conceptual development plan (Reuse & Revitalization Plan) including subdivision of the EPCAL property into 50 lots for ultimate redevelopment with a mix of uses (e.g., business [commercial and retail], industrial, residential, recreation, utilities) and the retention of substantial open space; the amendment to the Town of Riverhead Comprehensive Plan; the amendment of the

zoning code and zoning map of the Town of Riverhead to rezone the 2,323.9 acre EPCAL property consistent with the Reuse & Revitalization Plan for property owned by the CDA within EPCAL described as approximately 2,323.9 acres of real property located south of Middle Country Road (SR25), north of Grumman Boulevard and east of Wading River Manor Road (CR25), Calverton Hamlet, being more particularly described as Suffolk County Tax Map No. 0600-135-1-7.1,7.2,7.33&7.4; and

**WHEREAS**, pursuant to NYCRR 617.9(a) and (b) after adoption of the Final Scope and consistent with the Final Scope, the Town Board and members of the Planning Staff for the Town of Riverhead, with the assistance and participation of VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB), did complete a Draft Supplemental Generic Environmental Impact Statement; and

**WHEREAS**, pursuant to NYCRR 617.9 (a)(2), the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, by Town Board Resolution # 582 adopted on August 7, 2014, did accept and determine that the Draft Supplemental Generic Environmental Impact Statement was adequate with respect to its scope and content for the purpose of commencing public review; and

**WHEREAS**, pursuant to NYCRR 617.9 (a)(3), the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, by Town Board Resolution # 582 adopted on August 7, 2014, did prepare a Notice of Completion of the Draft Supplemental Generic Environmental Impact Statement and authorized and directed the Town Clerk pursuant to 6 NYCRR Part 617.12 to file and publish the Notice of Completion, together with the Draft Supplemental Generic Environmental Impact Statement; and

**WHEREAS**, pursuant to NYCRR 617.9(a)(4), the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, by Town Board Resolution # 583 on August 7, 2014, determined that it is appropriate to hold a public hearing on the Draft Supplemental Generic Environmental Impact Statement and provide for public comment through the forum of a public hearing and submission of written comment and further determined that it is appropriate to conduct a combined hearing for the Draft Supplemental Generic Environmental Impact Statement, comprehensive development plan for EPCAL (EPCAL Reuse & Revitalization Plan), amendment to the Town of Riverhead Comprehensive Master Plan, creation and adoption of a Planned Development (PD) Zoning District, amendment to the zoning map of the Town of Riverhead to rezone the subject property to the PD Zoning District, and amendment to the Calverton Urban Renewal Plan

**WHEREAS**, the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, by Town Board Resolution #584 adopted on August 7, 2014, the Town Board did refer the EPCAL Reuse & Revitalization Plan (an updated and amended urban renewal plan for the redevelopment of a portion of property identified and designated as an urban renewal area under the original urban renewal Plan "Calverton Enterprise Park Urban Renewal Plan"), which as fully described in the EPCAL Reuse & Revitalization Plan and Draft Supplemental Generic Environmental Impact Statement for the EPCAL Reuse & Revitalization Plan includes subdivision of the EPCAL property into 50 lots for ultimate redevelopment with a mix of uses (e.g., business [commercial and retail], industrial, residential, recreation, utilities) and the retention of substantial open space;

the amendment to the Town of Riverhead Comprehensive Plan; the amendment of the zoning code and zoning map of the Town of Riverhead to rezone the 2,323.9 acre of the EPCAL property consistent with the Reuse & Revitalization Plan; and

**WHEREAS**, pursuant to the Town Code for the Town of Riverhead Chapter 108 Article XX, the Planning Board for the Town of Riverhead is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, and to approve preliminary plats within that part of the Town outside the limits of any incorporated city or village and the Planning Board is further authorized and empowered to approve the development of plats already filed in the office of the Suffolk County Clerk or Register of Suffolk County if such plats are entirely or partially undeveloped.

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, authorizes the Supervisor to complete and execute an application for subdivision and such other documents related to and necessary to complete the application and/or procedural prerequisites related to referral of the application to the Planning Board of the Town of Riverhead; and be it further

**RESOLVED**, that after completion and execution of the requisite application for subdivision, the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, authorizes the submission of the application for subdivision to the Town of Riverhead Planning Board; and be it further

**RESOLVED**, that the Town Clerk is authorized and hereby directed to post this resolution on the Town's website [www.townofriverheadny.gov](http://www.townofriverheadny.gov); and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to VHB Engineering, Surveying and Landscaping Architecture, P.C., 2150 Joshua's Path, Suite 300, Hauppauge, NY 11788; Supervisor of the Town of Riverhead, Sean W. Walter; Members of the Town Board of the Town of Riverhead; Christine Kempner, Community Development Agency Director; Rick Hanley, Planning Director; Jefferson Murphree, Building and Planning Administrator; and Annemarie Prudenti, Deputy Town Attorney, and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio  Yes  No                      Gabrielsen  Yes  No  
Wooten - ABSENT                      Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared ADOPTED