

Minutes of a Community Development Agency Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, June 21, 2005 at 2:00 p.m.

Present:

| | |
|-------------------|----------|
| Philip Cardinale, | Chairman |
| Edward Densieski, | Member |
| George Bartunek, | Member |
| Barbara Blass, | Member |
| Rose Sanders, | Member |

Also Present:

| | |
|--------------------|---------------|
| Andrea Lohneiss, | Director |
| Barbara Grattan, | Town Clerk |
| Dawn Thomas, Esq., | Town Attorney |

Chairman Cardinale: "And reconvene as members of the Community Development. What I want-- CDA board and look at 14-- don't we have two of them? 13 and 14. Well, you know what? Here it is. Could you tell us what 13 and 14-- 13 says?"

Resolution #13

Andrea Lohneiss: "13 is a resolution adopting findings and determinations pursuant to Article 2 of the Eminent Domain Procedure Law regarding the acquisition of title interest if any that Swezey Riverhead Holding LLC has in the properties described herein, located on Main Street and Roanoke Avenue, Riverhead, New York.

We had a hearing the prior meeting."

Chairman Cardinale: "Yes. I remember that."

Andrea Lohneiss: "Is there a motion?"

Member Densieski: "I'd like to move Reslution #13 of the CDA which is a resolution adopting the findings and determinations pursuant to Article 2 of the Eminent Domain Procedure Law regarding acquisition to title interest if any that Swezey Riverhead Holding LLC

has in the properties described herein located on Main Street and Roanoke Avenue, Riverhead, New York. So moved."

Member Blass: "And seconded."

Chairman Cardinale: "Moved and seconded. Vote please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #14

Member Blass: "This resolution authorizes the publishing and posting of a public notice regarding a request for expressions of interest and qualifications. So moved."

Member Bartunek: "And seconded."

Chairman Cardinale: "Moved and seconded. Vote please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Chairman Cardinale: "That ends the business for the CDA. We're going to adjourn the meeting of the CDA or terminate it or close it."

Meeting adjourned: 3:18 p.m.

*Barbara Hutton
Town Clerk*

Adopted

6/21/05

TOWN OF RIVERHEAD
RIVERHEAD COMMUNITY DEVELOPMENT AGENCY

Resolution # 13

**RESOLUTION ADOPTING FINDINGS AND DETERMINATION PURSUANT TO
ARTICLE 2 OF THE EMINENT DOMAIN PROCEDURE LAW REGARDING
ACQUISITION OF THE TITLE INTEREST, IF ANY, THAT SWEZEY-
RIVERHEAD HOLDING LLC HAS IN THE PROPERTIES DESCRIBED HEREIN,
LOCATED ON MAIN STREET AND ROANOKE AVENUE
RIVERHEAD, NEW YORK**

COUNCILMAN DENSIESKI

offered the following resolution, was seconded
by **COUNCILWOMAN BLASS** :

WHEREAS the Town Board of the Town of Riverhead held a public hearing pursuant to Article 2 of the Eminent Domain Procedure Law, regarding the acquisition of the title interest, if any, that Swezey-Riverhead Holding LLC. may have in the parcels of land described below, located at Roanoke Avenue and Main Street, Riverhead, on June 7, 2005 to inform the public and to review the public use to be served by the acquisition and to review the impact of the acquisition on the community.

BE IT RESOLVED, that the Town Board of the Town of Riverhead makes the following Findings and Determination:

FINDINGS AND DETERMINATION

1. The acquisition will benefit the public.
2. The acquisition will be for the purpose of urban renewal pursuant to the Town of Riverhead East Main Street Urban Renewal Plan, adopted October 19, 1993.
3. The following five parcels located on Main Street and Roanoke Avenue had been assembled pursuant to an "Acquisition and Disposition Agreement Pursuant to General Municipal Law Articles 15 and 15A, dated November 12, 1998, entered into in connection with the petition of Swezey-Riverhead Holding LLC to be declared a qualified and eligible sponsor for an urban renewal project that called for the demolition of all structures located thereon and the construction of a new, three story, 60,000 square foot department store building, (commonly known as the "Swezey's Project"):
 - a. property formally known as 24 East Main Street (the Acard building)
SCTM 0600-128.00-06.00-55.000

- b. property formally known as 14 East Main Street,
SCTM 0600-128.00-06.00-53.000
- c. property formally known as part of the Riverhead
Parking District No. 1
SCTM 0600-128.00-06.00-66.003 (formerly part of
Lot 66.001)
- d. property formally known as the Rimland Building
0600-128.00-06.00-50.001
- e. property formally known as the Suburban Furniture
Building
0600-128.00-06.00-51.000

4. In accordance with Section 507 of the General Municipal Law, the aforesaid agreement and deeds of record for Parcels "b" "c" "d" and "e" provided that Swezey-Riverhead Holding LLC. had three years to substantially complete construction of the department store. The Agreement and deeds provided that in the event Swezey-Riverhead Holding LLC. failed to do so, title to those four parcels would revert to the Town of Riverhead upon the Town's election.

5. Swezey-Riverhead Holding LLC. failed to commence construction of the department store and thus did not substantially complete the building within the time period specified, including a one year extension thereof. As a result, the Town of Riverhead exercised its right of reverter as to Parcels "b" "c" "d" and "e".

6. Swezey-Riverhead Holding LLC. has refused to execute deeds transferring title to Parcels "b" "c" "d" and "e", claiming that it is due certain payments.

7. That issue is pending before the Supreme Court of Suffolk County.

8. Parcels "b" "c" "d" and "e" should remain assembled with Parcel "a" in order to facilitate the future development of the combined property for a use consistent with the Town of Riverhead East Main Street Urban Renewal Plan, adopted October 19, 1993.

9. It is therefore necessary for the Town to acquire Parcel "a" and assemble it with the parcels it already has title rights to by virtue of the reverter clauses referred to above. To ensure full and complete title, this acquisition will also include any interest Swezey-Riverhead Holding LLC has or claims to have in Parcels "b" "c" "d" and "e".

10. This urban renewal project has been determined by the Town Board of the Town of Riverhead, as lead agency, to be an unlisted action without a significant impact on the

environment, as more fully set forth in the resolution of the Town Board adopted May 3, 2005; and be it further

RESOLVED, that the firm of Rogers and Taylor is hereby appointed as appraisers for the Town with respect to this acquisition. In the event that firm is not available to perform these services, then the Supervisor is hereby authorized to appoint a substitute appraiser; and be it further

RESOLVED, that the Town Clerk is hereby directed to have the annexed synopsis of these Findings and Determination published in two (2) successive issues of the *Traveler Watchman*, the official newspaper of the Town of Riverhead with general circulation within the Town, commencing on Thursday, June 23, 2005; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution and the attached notice to Frank A. Isler, Esq., P.O. Box 389, 456 Griffing Avenue, Riverhead, New York 11901; James Taylor, Rogers & Taylor Appraisers, Inc., 300 Wheeler Road, Suite 302, Hauppauge, New York 11788; the Town Attorney; and Andrea Lohneiss, Director of the Community Development Agency.

This resolution was prepared by Frank A. Isler, Esq. as Special Counsel to the Town Board.

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

PUBLIC NOTICE

Pursuant to Article 2 of the Eminent Domain Procedure Law, a public hearing regarding the acquisition of the title interest, if any, that Swezey-Riverhead Holding LLC. may have in the parcels of land described below, located at Roanoke Avenue and Main Street, Riverhead, was held by the Town Board of the Town of Riverhead on June 7, 2005 to inform the public and to review the public use to be served by the acquisition and to review the impact of the acquisition on the community.

On the 21st day of June, 2005, the condemner made its findings and determinations based on the hearing. A copy of the findings and determination will be forwarded to any interested person without cost upon written request to the Clerk of the Town of Riverhead, 200 Howell Avenue, Riverhead, New York, 11901.

A synopsis of the findings and determinations is as follows:

The Town Board of the Town of Riverhead has found and determined that the acquisition of the title interest, if any, that Swezey-Riverhead Holding LLC. may have in the parcels listed below, will benefit the public for future use for redevelopment pursuant to the Town of Riverhead, East Main Street Urban Renewal Plan, adopted October 19, 1993.

The property to be acquired is

- a. property formally known as 24 East Main Street (the Acard building)
SCTM 0600-128.00-06.00-55.000

as well as whatever title interest, if any, Swezey-Riverhead LLC. has in the following four parcels:

- b. property formally known as 14 East Main Street,
SCTM 0600-128.00-06.00-53.000
- c. property formally known as part of the Riverhead Parking District No. 1
SCTM 0600-128.00-06.00-66.003 (formerly part of Lot 66.001)
- d. property formally known as the Rimland Building
0600-128.00-06.00-50.001
- e. property formally known as the Suburban Furniture Building
0600-128.00-06.00-51.000

This acquisition has been determined by the Town Board of the Town of Riverhead, as lead agency, to be an unlisted action without a significant impact on the environment.

Dated: June 21, 2005

By Order of the Town Board of
the Riverhead, Town of
Riverhead Community
Development Agency

Barbara Grattan
Town Clerk

Adopted

6/21/05

Town of Riverhead
Community Development Agency

Resolution # 14

Authorizes Publishing and Posting of a Public Notice Regarding Request for Expressions of Interest and Qualifications

COUNCILWOMAN BLASS offered the following resolution, which was seconded by COUNCILMAN BARTUNEK.

WHEREAS, the Town of Riverhead has adopted a Comprehensive Plan for the Town and a Downtown Strategy for the greater downtown area; and

WHEREAS, the Town desires to encourage the development of creative, visionary and well-funded projects for the downtown which will provide economic development consistent with the recommendations of the Plan and Strategy; and

WHEREAS, the subject property is located within the East Main Street Urban Renewal Area within which the CDA has undertaken numerous projects including acquisition of property for development of a tourist destination project and subsequent sale of the property to the private sector for construction of the Atlantis Aquarium, acquisition and sale to the private sector of the Suffolk Theatre, renovations to the Vail Leavitt Theatre to allow for its use for public purposes, as well as public infrastructure improvements to encourage use of the riverfront and public park space by residents and visitors; and

WHEREAS, the CDA has developed a **Request for Expressions of Interest and Qualifications** to solicit interest in the downtown riverfront area of the Town by the private sector and the preparation of substantive, innovative and funded proposals for consideration by the Town of Riverhead.

THEREFORE, BE IT RESOLVED, that the CDA Board hereby authorizes the publishing and posting of the attached public notice once in the Traveler Watchman, once as a display ad in the Newsday, and once as a display ad in the Sunday Metro Region edition of the New York Times.

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Andrea Lohneiss, CDA Director and the Office of Accounting.

THE VOTE
Bartunek yes no Sanders yes no
Blass yes no Densieski yes no
Cardinale yes no
THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY
PUBLIC NOTICE**

PLEASE TAKE NOTICE THAT the Community Development Agency of the Town of Riverhead is seeking expressions of interest and qualifications from experienced developers for a high-quality mixed use development along the riverfront in downtown Riverhead. The goal of this effort is to encourage the development community to assess the potential for revitalization by providing retail/commercial, residential and/or recreational opportunities. The Request for Interest and Qualifications is available for a non-refundable \$50 fee from the Riverhead Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY 11901. Telephone inquiries can be directed to (631) 727-3200, x287.

Andrea Lohneiss
Secretary

Dated: June 21, 2005