

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 Wednesday, March 3, 2004, at 2:00 p.m.

Present:

Philip Cardinale,	Chairman
Edward Densieski,	Member
Barbara Blass,	Member
Rose Sanders,	Member

Also Present:

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

Absent:

George Bartunek,	Member
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Chairman Cardinale called the meeting to order at 3:37 p.m.

Chairman Cardinale: "Open the CDA and Andrea, would you like us to pass a resolution?"

Resolution #3

Andrea Lohneiss: "Declares the lead agency and determines environmental significance upon-- the contract of sale, I understand, has been revised?"

Chairman Cardinale: "That's correct."

Andrea Lohneiss: "Real property to FRP Development Corp."

Chairman Cardinale: "Right. And, Andrea alluded to and the Board is aware of each place on this, where it indicates conveyance, should read contract of sale and at the final line, when it ends with may not be prepared, there should be added, and I have it here for you, Barbara, prior to contract of sale but will be required and prepared prior to any conveyance. Not Barbara, another name challenge. What's our Deputy's name? Melissa. Okay, with those

amendments, I'd like to call for someone to move that resolution."

Member Densieski: "I'd like to move resolution #3 of the CDA. So moved."

Member Sanders: "And seconded."

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

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

Resolution #4

Andrea Lohneiss: "Calls a hearing that was referred to earlier on a designation sponsor for FRP for March the 16th at 2:05."

Chairman Cardinale: "Yeah, I'd like to look at this, Andrea, relevant to the comments of Sal, just to make sure that it correctly states what we're trying to say."

We're calling a public hearing on the Community Development Agency's designation of FRP as a qualified and eligible sponsor for the 150 acres at the industrial park at Calverton, and the sale by the CDA of such property to them for redevelopment as a theme park."

Andrea Lohneiss: "Right. There would be a subsequent resolution that would authorize you to sign a deed."

Chairman Cardinale: "Yeah, I think that's what he was alluding to. When we say sale, why don't we add- I think we've got the same problem. Why don't we say contract, for the contract. That's really what we're doing here. We're kind of- we're getting authorization to- we're determining whether or not we should find them to be qualified and eligible sponsors and deal with them in regard to a contract for the property."

Andrea Lohneiss: "Well, you're not finding them qualified to sign a contract."

Chairman Cardinale: "I understand."

Andrea Lohneiss: "You're finding them qualified to acquire and develop."

Chairman Cardinale: "Okay. Why are we adding and for the sale of the CDA for such property, other than the fact we always do it."

Andrea Lohneiss: "That's correct. For the particular use that's stipulated here in this resolution."

Chairman Cardinale: "Okay. Why don't- how about this? Do you think it would make any difference if we said we're doing that- we're doing a resolution calling for a public hearing to determine them as qualified and eligible sponsors, blah, blah, blah, regarding the sale?"

Andrea Lohneiss: "Okay."

Chairman Cardinale: "Okay. That works. It's- we're discussing whether they're qualified regarding that sale."

Andrea Lohneiss: "Right, okay."

Chairman Cardinale: "And with that change, I would ask that it be moved for a vote."

Member Sanders: "Is that change going (inaudible) replaced throughout the rest of the resolution because the rest of the resolution will also refer to as a sale."

Chairman Cardinale: "Yes."

Andrea Lohneiss: "Right, in the therefore, be it resolved clause."

Member Sanders: "Okay."

Chairman Cardinale: "So wherever the indication is we would correct and with the corrections I am moving it. Anybody want to- I can't move it. Somebody else move it. I could, but I'm not going to."

Member Sanders: "So moved."

Member Densieski: "Seconded."

Chairman Cardinale: "Rose moves, Ed seconds. Vote please."

Andrea Lohneiss: "Okay."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. Resolution 4 is adopted."

Chairman Cardinale: "Okay. Now I'd like to adjourn the CDA meeting- not adjourn, I guess close it.

You know what I find interesting about this resolution? Come on up here for a second, that we just passed, looking at it. We have all these whereas in this resolution. You take a look at it?"

Andrea Lohneiss: "Yes."

Chairman Cardinale: "But we don't have a resolution."

Andrea Lohneiss: "Yes, therefore, be it resolved."

Chairman Cardinale: "Oh, okay. Now I've got it. There's actually two of them. Because if I skip that page, which I did, you go to be it further resolved. Okay, so we do have a resolution. Thank you."

Meeting adjourned: 3:50 p.m.

Andrea Lohneiss
Gour Lab

3/3/04

Adopted

Town of Riverhead Community Development Agency

Resolution # 3

Declares Lead Agency and Determines Environmental Significance Upon the Contract of Sale of Real Property to FRP Development Corp.

Member Densieski offered the following resolution,

which was seconded by Member Sanders:

WHEREAS, the Town of Riverhead Community Development Agency ("CDA") is considering designating FRP Development Corp. as a qualified and eligible sponsor pursuant to 507(2)(c) and (d) of the General Municipal Law and further considering the sale of approximately 150 acres of vacant land to allow the development of a theme attraction and other recreational and commercial uses at the Calverton Enterprise Park site; and

WHEREAS, the New York State Environmental Law and its implementing regulations require environmental review of any sale of the property by the Town of Riverhead Community Development Agency; and

WHEREAS, by resolution dated November 2, 1998, the Riverhead Town Board did adopt a Findings Statement pursuant to 6 NYCRR Part 617 respecting the redevelopment of the Calverton Enterprise Park site; such findings statement contemplating the sale of the entire property, or a portion thereof, for the redevelopment of the property, and

WHEREAS, the proposed contract of sale to FRP Development Corp. will not require either approvals or permits by any other governmental agency rendering coordinated review pursuant to 6 NYCRR Part 617 as neither constructive nor required; **NOW**

THEREFORE, BE IT RESOLVED, that in the matter of the contract of sale of approximately 150 acres of real property from the Riverhead CDA to the FRP Development Corp., the Riverhead CDA hereby declares itself to be the lead agency pursuant to 6 NYCRR Part 617 and further determines the action to be Type 1 pursuant to 6 NYCRR Part 617.4; and

BE IT FURTHER RESOLVED, that the proposed contract of sale is determined to be in conformance with the SEQRA Findings Statement as adopted by the Riverhead Town Board by Resolution dated November 2, 1998 and that a Supplemental Environmental Impact Statement need not be prepared prior to contract of sale, but will be required and prepared prior to any conveyance; and

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Charles Cuddy, Esq., 445 Griffing Avenue, Riverhead, NY 11901, Jack O'Connor, CBRE, Inc., 88 Froehlich Farm Blvd., Suite 100, Woodbury, NY 11797 and Community Development Agency Director Andrea Lohneiss.

The Vote:

Member Bartunek	<u>ABSENT</u>
Member Sanders	<u>YES</u>
Member Blass	<u>YES</u>
Member Densieski	<u>YES</u>
Chairman Cardinale	<u>YES</u>

The Resolution is ADOPTED.

THE VOTE

ABSENT
Bartunek ___ yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

Resolution # 4

A Resolution Calling a Public Hearing on the Community Development Agency's Designation of FRP Development Corp. as a Qualified and Eligible Sponsor for Redevelopment of Approximately 150 acres of Vacant Land at the Former Naval Weapons Industrial Reserve Plant, Calverton Regarding for the Sale by the CDA of Such Property to FRP Development Corp. for Redevelopment as a Theme Park and for other Recreational and Commercial Purposes and Uses

Member Sanders offered the following resolution,

which was seconded by Member Densieski :

WHEREAS, the Town of Riverhead Community Development Agency ("CDA") is the owner of an approximately 2,400 acre parcel of land, together with the buildings located thereon, in Riverhead, which land is known as the former Naval Weapons Industrial Reserve Plant (Calverton Site) a portion of which is located within an Empire Zone duly designated as such pursuant to the New York State Economic Development Zone Act, being Article 18-B of the General Municipal Law; and

WHEREAS, there has been submitted to the CDA a proposal for, and the CDA is considering, (i) designating FRP Development Corp., a corporation organized and existing under the laws of New York, the "qualified and eligible sponsor" (Sponsor), pursuant to Section 507(2)(c) and (d) of the General Municipal Law and in accordance with the established rules and procedures provided by the CDA, for the redevelopment of approximately 150 acres of vacant land of the Calverton Site, and other rights in connection therewith ("the Property") and (ii) selling the Property, pursuant to 507(2)(d), 556(2) and 968(b) of the General Municipal Law to FRP Development Corp. pursuant to certain Agreement of Sale by and between the CDA and FRP Development Corporation, a draft of which Agreement of Sale is on file in the office of the Town Clerk of the Town of Riverhead and is available for public inspection during regular business hours ("the Agreement of Sale," for \$50,000 per acre for redevelopment by FRP Development Corporation as a theme park and for other recreational and/or commercial purposes and uses; and

WHEREAS, Sections 556(2), 507(2)(c) and (d), and 968(b) of the General Municipal Law require that a public hearing, following at least ten (10) days public notice, be held by the Agency on the question of designating FRP Development Corporation the Sponsor for the redevelopment of the Property and selling the Property to FRP Development Corp.; and

WHEREAS, the Town of Riverhead ("Town"), pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder by the State Department of Environmental Conservation ("SEQRA") has by Resolution Number 614 of 1998 accepted a final Generic Environmental Impact Statement upon the redevelopment of the Calverton Site and has further adopted a Findings Statement contemplating the sale of the Real Property or a portion thereof; and

WHEREAS, the CDA, pursuant to SEQRA, declared itself lead agency by Resolution dated March 3, 2004 for the sale of the Property to FRP Development Corporation, determined such sale of the Property to be a Type I Action pursuant to SEQRA, determined that such sale of the Property is in conformance with such Findings Statement resulting from such Generic Environmental Impact Statement and determined that such sale of the Property does not pose significant impacts to either the natural or social environment and that a Supplemental Environmental Impact Statement need not be prepared pursuant to SEQRA; and

WHEREAS, the CDA now desires to call a public hearing on the designation of FRP Development Corp. as the Sponsor for the redevelopment of the Property and the sale of the Property by the Agency to FRP Development Corp.; and

WHEREAS, a majority of the Town Board, acting as Members of the CDA, will attend such hearing; Now

THEREFORE, BE IT FURTHER RESOLVED, as follows:

Section 1. A public hearing will be held at Town Hall, 200 Howell Avenue in Riverhead, New York, in said Town on March 16, 2004 at 2:05 p.m., prevailing time, on the question of designating FRP Development Corp. the Sponsor for the redevelopment of the Property regarding the sale of the Property by the CDA to FRP Development Corp., and to hear all interested persons in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Secretary of the CDA is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the News-Review, the newspaper hereby designated as the official newspaper for this purpose and one having general circulation in, and available to residents of, the Town of Riverhead, such publication to be made not less than ten (10) days before the date designated for the hearing. The Secretary is hereby further authorized and directed to cause a copy of such Notice of Public Hearing to be posted in such places as she deems appropriate under the circumstances, such posting to be done not less than ten (10) days before the date designated for the hearing.

Section 3. The Notice of Public Hearing shall be in substantially in the form attached hereto.

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Charles Cuddy, Esq., 445 Griffing Avenue, Riverhead, NY 11901, Jack O'Connor, CBRE, Inc., 88 Froehlich Farm Blvd., Suite 100, Woodbury, NY 11797 and Community Development Agency Director Andrea Lohneiss.

The Vote:

Member Bartunek
Member Sanders
Member Blass
Member Densieski
Chairman Cardinale

ABSENT
YES
YES
YES
YES

THE VOTE
~~Bartunek~~ ABSENT yes no Sanders yes no
Blass yes no Densieski yes no
Cardinale yes no

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

The Resolution is ADOPTED.

Notice of Public Hearing

Town of Riverhead Community Development Agency
Town of Riverhead, Suffolk County, New York

NOTICE IS HEREBY GIVEN that the Members of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York (CDA) will meet at the Town of Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY, in said Town, on March 16, 2004 at 2:05 p.m., prevailing time for the purpose of conducting a public hearing on whether FRP Development Corp. should be designated the "qualified and eligible sponsor" for the redevelopment of approximately 150 acres of vacant land at the CDA-owned Calverton site, being the former Naval Weapons Industrial Reserve Plant, Calverton (Calverton Site) and whether the Property should be sold to FRP Development Corp. pursuant to a certain Agreement of Sale by and between the CDA and FRP Development Corp., a draft of which Agreement of Sale is on file in the Office of the Town Clerk of the Town of Riverhead and is available for public inspection during regular business hours ("Agreement of Sale") for \$50,000 per acre in cash with no financing contingency, for redevelopment of the Property by FRP Development Corp. as a theme park and for other recreational and/or commercial purposes and uses.

The Town of Riverhead, pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder by the State Department of Environmental Conservation ("SEQRA") has by Resolution #614 of 1998 accepted a final Generic Environmental Impact Statement upon the redevelopment of the Calverton Site and has further adopted a Findings Statement contemplating the sale of the Real Property or a portion thereof.

The CDA, pursuant to SEQRA, declared itself "lead agency" by Resolution dated March 3, 2004 for the sale of the Property to FRP Development Corp. determined such sale of the Property to be a Type I Action pursuant to SEQRA, determined that such sale of the Property is in conformance with such Findings Statement resulting from such Generic Environmental Impact Statement and determined that such sale of the Property does not pose significant impacts to either the natural or social environment and that a Supplemental Environmental Impact Statement need not be prepared pursuant to SEQRA.

At said public hearing the Members of the Agency will hear all persons interested in the subject matter thereof.

Dated: Riverhead, New York
March 3, 2004

BY ORDER OF MEMBERS OF THE TOWN OF RIVERHEAD COMMUNITY
DEVELOPMENT AGENCY, TOWN OF RIVERHEAD. SUFFOLK COUNTY

By _____
Andrea Lohneiss