4/5/05

TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY

Adopted

Resolution # 9

DECLARES LEAD AGENCY AND DETERMINES ENVIRONMENTAL SIGNIFICANCE OF THE CONVEYANCE OF APPROXIMATELY 755 ACRES OF REAL PROPERTY TO KENNETH I. WILPON, AS AGENT, INC.

COUNCILMAN BARTUNEK offered the following resolution, which was seconded by COUNCILWOMAN SANDERS:

WHEREAS, the Riverhead Community Development Agency ("the Agency") has prepared a Agreement of Sale with Kenneth I. Wilpon, As Agent, Inc. for the conveyance of approximately 755 acres of real property currently held by the Agency and known as part of the former Naval Weapons Industrial Plant (the "Calverton Site"); and

WHEREAS, the New York State Department of Environmental Conservation Law and its implementing regulations require an environmental review of any sale of real property by the Agency; and

WHEREAS, the Town Board of the Town of Riverhead on November 2, 1995 did adopt a Findings Statement concluding the environmental review (Generic Environmental Impact Statement) of the redevelopment of the Calverton Site; such Generic Environmental Impact Statement and resulting Findings Statement contemplating the sale of the entire property, or a portion thereof, for economic development purposes;

WHEREAS, the Planning Department has recommended that the proposed conveyance be considered a Type 1 Action pursuant to 6NYCRR Part 617.6(b); and

WHEREAS, the proposed conveyance does not require the permission of any other governmental agency, rendering coordinated review neither constructive nor required; and

WHEREAS, the Community Development Agency has carefully considered the merits of the proposed conveyance, the SEQRA Record created to date, as well as other relevant planning, zoning and environmental information; and

THEREFORE, BE IT FURTHER RESOLVED, that in the matter of the conveyance of approximately 755 acres of real property from the Agency to Kenneth I. Wilpon, As Agent, Inc., the Community Development Agency hereby declares itself to be the Lead Agency pursuant to 6NYCRR Part 617.6; and

THEREFORE, BE IT FURTHER RESOLVED, that the action be considered Type 1 pursuant to 6NYCRR Part 617.4; and

THEREFORE, BE IT FURTHER RESOLVED, that the proposed conveyance is considered to be in conformance with those Findings resulting from the SEQRA Process undertaken for the redevelopment of the Calverton Site and that such conveyance does not pose any adverse impacts to either the natural or social environment and that a Supplemental Environmental Impact Statement need not be prepared, and

THEREFORE, BE IT FURTHER RESOLVED, that the Planning Department be directed to publish and post those notices of non-significance as required by law; and

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to the Planning Department, the Community Development Director, the Town Attorney's Office and Ann Nowak, Esq. (attorney for Kenneth I. Wilpon, As Agent, Inc.).

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

Adopted

TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY

At a meeting of the Members of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York, held at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, in said Town, on April 5, 2005 at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Chairman Cardinale, and upon roll being called, the following were

PRESENT:

Chairman Philip J. Cardinale
Member Rose Sanders
Member Barbara Blass
Member Edward Densieski
Member George Bartunek

ABSENT:

COUNCILMAN BARTUNEK

The following resolution was offered by Member _____ who moved its adoption, seconded by Member COUNCILWOMAN SANDERS viz:

Resolution Dated April 5, 2005.

Town of Riverhead

Community Development Agency

Resolution #_10

A RESOLUTION CALLING A PUBLIC HEARING ON THE AGENCY'S DESIGNATION OF KENNETH I. WILPON, AS AGENT, INC., AS A QUALIFIED AND ELIGIBLE SPONSOR FOR THE PURCHASE AND DEVELOPMENT OF 755 +/- ACRES OF THE PROPERTY COMMONLY KNOWN AS EPCAL AND FOR THE SALE BY THE AGENCY OF SUCH PROPERTY TO KENNETH I. WILPON, AS AGENT, INC., FOR REDEVELOPMENT CONSISTENT WITH THE USES PERMITTED IN THE PLANNED RECREATIONAL PARK ZONING USE DISTRICT FOR HOTEL CONVENTION CENTER AND GOLF COURSE SUBDISTRICTS

WHEREAS, the Town of Riverhead Community Development Agency (the "Agency") is the owner of an approximately 1980 acre parcel of land, together with the buildings located thereon within the Planned Recreational Park Zoning Use District of property formerly known as the Naval Weapons Industrial Reserve Plant and commonly known as the EPCAL Property located on the south side of Middle Country Road (NYS Route 25), Calverton, New York and identified as SCTM 0600-135-01-007.33, said property being more particularly depicted upon "Schedule A" annexed hereto and made a part hereof, and hereinafter referred to as the "EPCAL Site", a portion of which is located within an Economic Development Zone duly designated as such pursuant to the New York Sate Economic Development Zones Act, being Article 18-B of the General Municipal Law; and

WHEREAS, there has been submitted to the Agency a proposal for, and the Agency is considering, (i) designating Kenneth I. Wilpon, As Agent, Inc., a corporation duly formed under the laws of the Sate of New York, the "qualified and eligible sponsor (the "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 Agency, for the redevelopment of approximately 755 acres of the EPCAL Site as depicted upon Schedule A, and hereinafter referred to as "the Property", consistent with the uses permitted in the Planned Recreational Park Zoning Use District for Hotel Convention Center and Golf Course Subdistricts adopted by the governing board of the Agency on September 7, 1999; and (ii) selling the Property, pursuant to Sections 507(2)(d), 556(2) and 968(b) of the General Municipal Law, to Kenneth I. Wilpon, As Agent, Inc., pursuant to a certain Agreement of Sale by and between the Agency and Kenneth I. Wilpon, As Agent, Inc., 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 Sixty-Six Million Dollars ($66,000,000.00) for redevelopment by Kenneth I. Wilpon, As Agent, Inc., as a major hotel destination resort and convention center, with two championship golf courses and 108 upscale homes for persons aged 55 and over all in conformance with current zoning requirements; 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 Kenneth I. Wilpon, As Agent, Inc., the Sponsor for the redevelopment of the Property and selling the Property to Kenneth I. Wilpon, As Agent, Inc.,; and

WHEREAS, the Riverhead Town Board, 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 No. 614 of 1998 accepted a Final Generic Environmental Impact Statement for the redevelopment of the Property and has further adopted a Findings Statement contemplating the sale of the Property or a portion thereof; and

WHEREAS, the Agency, pursuant to SEQRA, declared itself "lead agency," by Resolution #_9_ dated April 5, 2005 for the sale of the Property to Kenneth I. Wilpon, As Agent, Inc., determined such sale of the Property to be a Type I Action pursuant to SEQRA, determined such sale of the Property is in conformance with such Findings Statement resulting from such Final 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 for such sale of the Property; and

WHEREAS, the Agency now desires to call a public hearing on the designation of Kenneth I. Wilpon, As Agent, Inc., as the Sponsor for the redevelopment of the Property and the sale of the Property by the Agency to Kenneth I. Wilpon, As Agent, Inc.,; and

WHEREAS, a majority of the Town Board of the Town of Riverhead, acting as Members of the Agency, will attend such public hearing, **NOW**

THEREFORE, BE IT RESOLVED, by the Members of the Agency, as follows:

Section 1. A public hearing will be held at Riverhead Town Hall, 200 Howell Avenue, in Riverhead, New York in said Town on April 19 at 7:10 P.M., Prevailing Time, on the question of designating Kenneth I. Wilpon, As Agent, Inc., the Sponsor for the redevelopment of the Property consistent with the uses permitted in the Planned Recreational Park Zoning District for Hotel Convention Center and Golf Course Subdistricts and the sale of the Property by the Agency to Kenneth I. Wilpon, As Agent, Inc., and to hear all persons interested 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 Agency is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the *Traveler-Watchman*, the newspaper hereby designated as the official newspaper for this purpose and one having general circulation in, and available to residents of, the Town, 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 the form attached:

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

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 (the "Agency"), will meet at the Town of Riverhead Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on April 19, 2005 at 7:10 P.M., Prevailing Time, for the purpose of conducting a public hearing on whether Kenneth I. Wilpon, As Agent, Inc., should be designated the "qualified and eligible sponsor" for the redevelopment of approximately 755 acres of vacant land of Agency-owned property formerly known as the Naval Weapons Industrial Reserve Plant and commonly known as the EPCAL site, located on the south side of Route 25, Calverton, New York (the "Property"), together with any buildings located thereon consistent with the uses permitted in the Planned Recreational Park Zoning Use District for Hotel Convention Center and Golf Course Subdistricts and whether the Property should be sold to Kenneth I. Wilpon, As Agent, Inc., pursuant to a certain Agreement of Sale by and between the Agency and Kenneth I. Wilpon, As Agent, Inc., 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 $66,000,000.00 for redevelopment of the Property by Kenneth I. Wilpon, As Agent, Inc., as a major hotel destination resort and convention center, with two championship golf courses and 108 upscale homes for persons aged 55 and over all in conformance with current zoning requirements.

The Riverhead Town Board, 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 No. 614 of 1998 accepted a Final Generic Environmental Impact Statement for the redevelopment of the Property and has further adopted a Findings Statement contemplating the sale of the Property or a portion thereof.

The Riverhead Town Board, pursuant to SEQRA, declared itself "lead agency", by Resolution dated April 5, 2005, for the sale of the Property to Kenneth I. Wilpon, As Agent, Inc., determined such sale to be a Type I Action pursuant to SEQRA, determined that such sale of the Property is in conformance with said Findings Statement resulting from such Generic Environmental Impact Statement and determined that such sale of the Property does not pose significant adverse impacts to either the natural or social environment and that a Environmental Impact Statement need not be prepared pursuant to SEQRA for such sale of the Property.

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

Dated: Riverhead, New York
April 5, 2005

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

By: _____
Andrea H. Lohneiss
Secretary

Section 4. This resolution shall take effect immediately.

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Community Development Director Andrea Lohneiss.

The Vote:

Member Bartunek yes
Member Sanders yes
Member Blass yes
Member Densieski no
Chairman Cardinale yes

The Resolution is ADOPTED.