

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, April 5, 2005 at 7:00 p.m.

Present:

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

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Town Attorney

Absent:

Andrea Lohneiss,	Director
------------------	----------

Chairman Cardinale: "And open the CDA Community Development Agency meeting for the purpose of considering the proposed resolutions which, Mark, did you want to comment on? Come on it."

Mark Houraney: "A couple questions. What is going to be available for the public to review before the public hearing as far as financials and the resolution I read outside says that there's an agreement already drawn up. Is that true? For Wilpon?"

Chairman Cardinale: "There's a proposed draft contract that Chris Kent, the town attorney, deputy town attorney, has proposed a contract and they are discussing it back and forth. That will be filed 10 days before the hearing."

Dawn Thomas: "Yeah. It has to be in 10 days before the hearing."

Chairman Cardinale: "The contract in its current draft form--"

Mark Houraney: "Right."

Chairman Cardinale: "-- would have to be filed by the 9th of

April. We have requested but I haven't been— and Chris would know better than I because he's handling this, Chris Kent, we have indicated to the applicant the rules that we passed in regard to what's required in a qualified and eligible sponsorship hearing. I think you've seen them because— "

Mark Houraney: "Right."

Chairman Cardinale: "-- and I don't know what he's gotten. But anything he's gotten would be— should be on file on the 9th. They don't have to give it to us early but we've urged him to have it here early because it would be helpful to have it early. But at that time he's going to have to justify his experience and his capitalization for the project."

Mark Houraney: "But don't you think it helps if the people have something to look at beforehand, you know, so we don't end up with another FRP where everybody is surprised at what's presented, you know. The public should be able to review, you know, whatever documents, experience or anything so they can, you know, intelligently speak that night."

Chairman Cardinale: "Chris— in an ideal world that would be the case. I think the only thing that has to be on file is the contract but, Chris— the proposed contract. Anything we have I will instruct him to make available."

Mark Houraney: "Can we make it available without FOIL-ing it because obviously, you know— "

Chairman Cardinale: "Well it would be at the Clerk's office, correct, Dawn, in a file."

Mark Houraney: "Including the draft agreement you're saying?"

Chairman Cardinale: "Yes, absolutely. That would be— but remember that would be the draft agreement, right."

Mark Houraney: "Okay. The other question I have is if he's— if the agreement states that he's building 108 homes and two golf courses, then why does he still need the total amount of land for the original project?"

Chairman Cardinale: "Because we indicated that that's what we wanted to sell, the 750 acres. Because if you start cutting up that

land, a portion of it is below the line and not really fully useable so the deal that the town made is we did not want him to cherry pick the land and leave the hard to develop land to the town and take the best."

Mark Houraney: "But why not do that so you could preserve the 7,000 foot runway for future use whether it be for safety or evacuation or anything."

Chairman Cardinale: "That's a good question. That's a good question. And I would like to do it honestly if I could. But if you look at where the 7,000 foot runway is, there's absolutely no way that we could exclude that land and develop that side of the parcel. I did look at that. And I don't have my map that I carry around all the time, but you have seen it. But it's right in the middle of the-- "

Mark Houraney: "I'm very familiar with it. But, you know, I think something could be worked out but, you know, I'm not surprised."

The other question is that at the Calverton Civic meeting somebody had asked you would you take the chance of jeopardizing the air bus deal by putting the Wilpon deal in front of it and you said no, you wouldn't. And I'm just curious. Have you a guarantee from air bus that they absolutely don't need the other runway-- "

Chairman Cardinale: "Yeah."

Mark Houraney: "-- and what's the basis of that."

Chairman Cardinale: "That's a good question, too, and I did mean what I said. I would slow this deal if I thought it was jeopardizing in any way our viability, our attractiveness. They advertised in their RFP that they wanted one operating runway so we asked-- Andrea asked that question. Would it be-- is it required that you have anything other than one operating runway? And they said, no, that's all they need, just one operating runway. So that's how we left it."

Mark Houraney: "Well, but would it be an advantage to us as one of the 32 people-- "

Chairman Cardinale: "They indicated that there was no advantage to having two or they would have put it in the RFP. I'll ask-- if you want to talk with Andrea directly-- I've spoken to her on that-- "

Mark Houraney: "I just want to make sure, you know, you said it at the meeting."

Chairman Cardinale: "Yes."

Mark Houraney: "So obviously I'd hate to jeopardize that deal with all the real jobs for, you know, for the other situation especially if we could come to a happy medium and give up some of that land that he obviously is not going to build on. Because he's just building 108 homes. Obviously he's buying a lot of land that he's not going to use is what you're saying."

Chairman Cardinale: "Well, yes. The zoning requires a lot of open space."

Mark Houraney: "Okay. Okay, thank you."

Chairman Cardinale: "Thank you, Mark. Anything else? Larry, go ahead."

Larry Oxman: "Good evening. Larry Oxman."

Chairman Cardinale: "Yes."

Larry Oxman: "If Mr. Wilpon- if Mr. Wilpon does indeed pass the- becomes a qualified and eligible sponsor, what's the next procedure after that? I had asked Andrea Lohneiss if a public hearing would be held, I guess, on his proposal and I think her response was that it does not necessarily have to be held. So what would the town's position be?"

Chairman Cardinale: "Well, the qualified and eligible sponsorship hearing in effect- I mean fair game is the project. That's what- he has to establish the qualified and eligible sponsorship hearing pursuant to the rules and regulations we passed back in 2004 for every project which is within an urban renewal district which EPCAL is.

If you're not- if you're selling within that district and you're selling on a qualified and eligible sponsorship process, he has to establish the nature of the project which as we know is destination resort, a- two golf courses, 108 homes. He has to establish the details of the project, what his plan is.

In the contract that he signs, he lays out in the land

acquisition agreement, exactly what he's going to do and if he doesn't do it, he is-- he suffers penalty of reversion of the land. That's happened in actual-- you've got to develop the property in the manner in which you've laid out. So if that is the case, it's going to part of the contract, he's got to explain that to the public. He's got to explain his experience in this area.

And in this instance, he's got to explain where the 66 million dollars for the land acquisition is coming from and the-- and the 70 or 80 million-- the construction cost is going to come from. So you should be hearing that in the hearing and in the process of the review of the contract. We should all know that."

Larry Oxman: "I'm not so concerned about his qualifications. My guess is that he would pass with flying colors as far as being able to do this type of project."

Chairman Cardinale: "Right."

Larry Oxman: "More-- the specifics of the project. For instance, you just mentioned open space. Look at Tanger as an example where people thought there was going to be open space and it turned out there was never any deed restriction or any type of an easement placed against that property. So is there going to be a deed restriction on the remaining quote unquote open space he doesn't develop or can he use that for some other type of use that would be in line with the zoning? So I guess-- I don't expect you to answer that question-- "

Chairman Cardinale: "I understand what you're asking though."

Larry Oxman: "-- it's just that there are a lot of details that I think are of the project itself that are well beyond just whether the gentleman can afford to do the project and if he has the wherewithal and the expertise-- "

Chairman Cardinale: "Well that-- but there's also-- but what you're forgetting, of course, is that there's a full site plan procedure that he has to go through and there's the subdivision of the parcel from the main parcel. And then there's the site plan procedure in which exactly what he's going to do on there has to be approved by this Board. So you're going to know it because-- "

Larry Oxman: "But he's already in contract at that point in time. There's a binding agreement-- "

Chairman Cardinale: "The only thing you're going to know when he's in contract is the plan, the land acquisition plan, the purpose of his acquiring it and the general format of what he's planning is going to have to be in that contract. And it is important that there be detail, but, for example, how many-- what is the plan? How large a hotel? What kind of golf course? All of that is part of the plan.

Now, for example, when Mr. Burman bought the industrial park, the same questions might have been asked and he's committed basically to redevelop the industrial park and to develop the remaining land consistent with the industrial zoning. That's all we knew when we sold that property to him.

What we will know about this gentleman is that-- if we ever sold it to him, is that he is committed to developing the property in the fashion set forth in the contract which-- it will be consistent with zoning, which will occur within a specified period and which will occur simultaneously-- in other words the major development is the destination resort. That's your primary use.

The accessory uses as set forth in the zoning are the golf courses and the 108 homes surrounding the golf courses. The primary use is by zoning, resort conference center-- destination resort conference center.

He's going to have to lay that out and he has to tell us what time period he's going to build it in. If he doesn't do it, he's breached his contract. So there will be a good deal of detail gradually coming out.

And there is also the entire-- the real possibility that, you know, people don't get by the hearing. The last guy we had here did not get by the hearing. Couldn't show us where the money was coming from. He couldn't show us that he had any plan to develop it. So-- "

Larry Oxman: "Well, I guess I would just urge the Board to consider once-- if, in fact, he is deemed as being qualified and an eligible sponsor, that the Board then consider another public hearing of some sort to discuss the actual nature of the project.

I think with all due respect to the newspapers, they don't always get it quite right. I think that there's a lot of uncertainty as to what exactly the project is."

Chairman Cardinale: "Well, we know it's going to be consistent

with the zoning so you should start by looking at the zoning code. You'll know that- what I could do possibly- I'm not- I don't want to discuss this, is you're going to have a qualified and eligible sponsorship hearing at a point when the contract is in discussion, is in draft.

Prior to signing the- prior to signing a- prior to authorization by this Board for me to sign that contract and we're way ahead of ourselves because this deal could or could not go forward, I do not know. You are going to have a copy of this contract including the land acquisition promises, what they're going to do with the property, and you're going to be doing the same thing you're doing tonight which is getting up to the podium at a public hearing and saying, look, I read this. I want to know what does this mean, what does that mean.

So there will be a public hearing to review the terms of the contract because we can't pass it without public comment on that contract in its completed form."

Larry Oxman: "And that would take place after- "

Chairman Cardinale: "That would take place after a hearing. Yes. So that's probably what would suffice your point."

Larry Oxman: "Yes. That addresses my concern. Because I think in the past, I don't know if that was done with some other sales- "

Chairman Cardinale: "You're exactly right. Because some of the deals I've forgotten which, we made the contract- we passed the contract subject to the hearing. In this deal we elected to have the hearing before we went into contract thinking that was a more conservative way of approaching it. So we'll have a hearing on the contract as well."

Larry Oxman: "I think the public really needs to know exactly what is being- what is going to be utilized- "

Chairman Cardinale: "I couldn't agree with you more."

Larry Oxman: "-- at the property. Thank you."

Chairman Cardinale: "Thank you. Any other comment on any of these resolutions? If there's no further comment, we'd like to start reviewing them.

Could you give us- I'm adjourning the Town Board meeting, opening the CDA meeting for consideration of the first resolutions before the CDA."

Resolution #9

Dawn Thomas: "Declares lead agency and determines environmental significance of the conveyance of approximately 755 acres of real property to Kenneth I. Wilpon, As Agent, Inc."

Member Bartunek: "So moved."

Member Sanders: "Seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski."

Member Densieski: "Before I'd like to vote I'd like to read part of the first Whereas.

Whereas, the Riverhead Community Development Agency has prepared an agreement of sale of Kenneth Wilpon.

Now I know we have open government and everything, but I didn't authorize nor did I even receive a copy of the draft contract. And what the resolution fails to mention is that this is the first official action taken by the Town Board. Obviously there were other actions and contract talks that I wasn't informed of, but so be it.

This resolution paves the way for residential housing at EPCAL that in my opinion is simply a sell (inaudible) of our future. When this administration takes actions that I don't agree with, I usually just wait 'til the vote and pontificate my distaste or disagreement but this issue, the sale of the Grumman gift, is too important just to sit back and watch yet another blunder.

So between now and the qualified and eligible hearing, I will hold a press conference to share with the general public my thoughts on housing at EPCAL.

I vote no."

The Vote (Cont'd.): "Cardinale."

Chairman Cardinale: "I vote yes and as I've been discussing with Ed, his persistence that we can disregard the zoning which a prior Board passed. The zoning- this deal, is absolutely consistent with the zoning code in effect, legally in effect by the Town Board since 1999 and if we are going to elect to operate on laws other than those that are passed by the public- in public by the Board, then we are really lost.

Whether was make this deal or not is of really no great consequence in my mind. I made- I've got the potential of a deal. I'm asking the Board to consider it. But I think it's a really, really bad policy to not abide by existing zoning. If you can get three votes to change the zoning or four, change it. But right now and since '99 and ever since we received that property, it has been zoned for accessory residential use. And that's exactly what's happened here.

I vote yes."

Dawn Thomas: "The resolution is adopted."

Resolution #10

Dawn Thomas: "I don't have the Council people's names. Okay, so- does somebody want to move it?"

Member Bartunek: "Resolution calling- okay, Dawn?"

Dawn Thomas: "Yes."

Member Bartunek: "Resolution calling a public hearing on the Agency's designation of Kenneth I. Wilpon as a qualified and eligible sponsor for the purchase and development of 755 plus or minus 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 subdivision. So moved."

Member Sanders: "And seconded."

Dawn Thomas: "Sanders, okay. The Vote."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski."

Member Densieski: "The Supervisor's right. He stands correct when he says I cannot get three votes to change the zoning but that doesn't make it any less wrong. The zoning is wrong.

Did anyone notice in the title that the word housing doesn't even appear in the title of this resolution? Next to hotel convention center and golf course subdistrict?"

Chairman Cardinale: "That's because there's no housing subdistrict there."

Member Densieski: "Mr. Supervisor, I have the floor."

Chairman Cardinale: "Go ahead."

Member Densieski: "Thank you. Yet it's the driving motivator for the offer. I guess it's coincidence.

I'm very concerned about the integrity of Mr. Wilpon's intentions and what will happen once he has site control. That's a very big concern of mine. Shenanigans and tomfoolery are a real concern here. For example, we received this letter just today from Mr. Wilpon's attorney and I'll read some of it to you.

Mr. Wilpon asked me to write to you to request an adjournment of the April 19, 2005 qualified and eligible sponsor hearing due to the fact that his joint venture partner, who still remains nameless, requires a bona fide contract in final form, signed or unsigned, in order to obtain final company approval for its financial commitment.

Please be advised that the final contract must include the following provisions. The contract must be contingent upon the purchaser making timely and good faith applications for all the necessary permits. Okay. And all necessary permits having been granted.

Have you ever had any dealings with the DEC, the Health Department or even this town? This could be years away from ever happening.

Skip down a little bit. Additionally, Mr. Wilpon respectfully requests that the town provide him with the written assurance that it will not accept any further bids on this parcel pending the duration of contract negotiations with him. So even before he's qualified and eligible, and before we even have a signed contract, we have to stop

marketing the property.

And, finally, Mr. Wilpon has asked me to request that the town consider modifying its height restrictions for the hotel convention center subdistrict, such that the proposed hotel convention center will be allowed to exceed the limit of six stories, 75 feet.

This request is based on the fact that in designing the project, Mr. Wilpon has been mindful of the Town Board's desire to preserve as much open space as possible. Does anybody really believe that that's Mr. Wilpon's mindset? I don't think so.

So I think there's going to be plenty of tomfoolery with this contract, which I have not even seen yet, and the facts will come out as this process continues.

So I will vote no."

The Vote (Cont'd.): "Cardinale."

Chairman Cardinale: "In order for the process to begin, this resolution calling for a public hearing to determine whether the developer is qualified and eligible and to get details of the plan is necessary. You can't-- you can't begin unless you begin. This is the beginning.

There's no promises that we will be able to successfully negotiate a contract. We're going to negotiate in the best interests of the town and we are not going to grant every request that Mr. Wilpon makes in any letter he may have made-- mailed to us.

That's the way the real world is. You negotiate a contract and they ask and you deny and in some instances you agree.

The reason that-- incidentally if you looked at the zoning, you would know that there's a hotel convention center and golf course subdistrict and there is no housing subdistrict because housing, again, is an accessory use to the principal use as set forth in the zoning which is hotel convention center, destination hotel convention center with two golf courses.

I don't know if this deal is going to happen or not happen. I'm doing my best to negotiate the best deal I can for the town if it's possible. I thought my job and that of the Board was to sell the parcel up there for the currently zoned uses. That's what the zoning

says. You can find- you can declare if you want to sell the parcel, it is zoned for certain uses.

Somebody's walked over and said I'll give you \$80,000 an acre of so, I'll use it for the zoned uses. I'll make a destination resort up there that will put Riverhead proud. I'll put 100 homes up on 755 acres next to 300 acres of core. It certainly sounds like a deal I'd like to have a hearing on.

I vote yes."

Dawn Thomas: "The resolution is adopted."

Chairman Cardinale: "Okay. Moving right along. We're going to end the CDA meeting."

Meeting closed: 8:21 p.m.

Barbara Gatten
Town Clerk

**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

TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY

Adopted

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., Prevaling 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~~ **COUNCILMAN BARTUNEK**:

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 State 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 State 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	<u>yes</u>
Member Sanders	<u>yes</u>
Member Blass	<u>yes</u>
Member Densieski	<u>no</u>
Chairman Cardinale	<u>yes</u>

The Resolution is ADOPTED.