

May 7, 2009

Adopted

TOWN OF RIVERHEAD

CDA RESOLUTION # 11

A RESOLUTION DESIGNATING REPCAL, LLC AS A QUALIFIED AND ELIGIBLE SPONSOR FOR THE REDEVELOPMENT OF APPROXIMATELY 300 ACRES OF PROPERTY WITHIN THE LIGHT INDUSTRIAL ZONE DISTRICT OF THE EPCAL SITE

COUNCILWOMAN BLASS

_____ offered the following

resolution, which was seconded by _____ COUNCILMAN DUNLEAVY

WHEREAS, the Town of Riverhead Community Development Agency owns, among other properties at the Enterprise Park at Calverton, some 300 acres of property located in the Light Industrial Zone, south of Route 25, Calverton, New York (hereinafter "the Property"); and

WHEREAS, by Resolution # 16 of 2007, the AGENCY determined that REPCAL, LLC was a Qualified and Eligible Sponsor pursuant to Section 507(2)(d) of the General Municipal Law for the redevelopment of the approximately 300 acres of property as an industrial development of approximately 2,500,000 square feet of industrial space construction; and

WHEREAS, by Resolution # 1005 of 2007, the Town Board approved the determination of the AGENCY; and

WHEREAS, a Contract of Sale was entered into among REPCAL, the AGENCY and the Town of Riverhead on October 2, 2007; and

WHEREAS, the parties are contemplating a modification of the terms of the Contract of Sale which will require a public hearing pursuant to Section 507(2)(d) of the General Municipal Law to determine whether REPCAL is a Qualified and Eligible Sponsor for the redevelopment of the approximately 300 acres of property as an industrial development of approximately 2,500,000 square feet of industrial space construction, pursuant to the terms of the Contract of Sale as modified by the terms of the proposed Modification; and

WHEREAS, the Agency believes the redevelopment is consistent with the purposes and objectives of the Calverton Enterprise Park Urban Renewal Plan (1998) and the Light Industrial Zoning Use District; and

WHEREAS, Section 507(2)(d) of the General Municipal Law requires that a person, firm or corporation which proposes to develop municipally owned property within an Urban Renewal Area be designated as a Qualified and Eligible Sponsor pursuant to the rules and procedures of the Agency prior to the transfer of property to said person, firm or corporation pursuant to Section 507(2)(d) of the General Municipal Law; and

WHEREAS, after due public notice, the Agency conducted a hearing pursuant to Section 507(2)(d) of the General Municipal Law on April 21, 2009 to hear testimony and review documents and related submittals on the question of designating REPCAL, LLC as a Qualified and Eligible Sponsor for the redevelopment of the Property located within the Light Industrial Zoning District at EPCAL; and

WHEREAS, said hearing having been duly closed; and

WHEREAS, the sale of the Property and the designation of REPCAL as a Qualified and Eligible Sponsor for this redevelopment project is in conformance with the conditions and thresholds established in the Final Generic Impact Statement (FGEIS) of October 6, 1998, as supplemented by the Final Supplemental Environmental Impact Statement (FSEIS) of September 2005 and the Finding Statement adopted on February 22, 2006 in conjunction with the adoption of Town Code Article XXVII (Light Industrial District), and therefore pursuant to SEQRA regulations (6 N.Y.C.R.R. 617.10(d)(1) no further SEQRA review is required for this action. Site specific SEQRA review, which has been commenced on the Sponsor's applications for approvals for the redevelopment project, will continue.

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

1. Based upon the public hearing on April 21, 2009, held by the Agency at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, , and upon all the documentation and information received by the Agency, the Town Board, as the governing body of the Agency, hereby designates REPCAL, LLC as a Qualified and Eligible Sponsor pursuant to the rules and procedures of the Agency and Section 507(2)(d) of the General Municipal Law for the redevelopment of the Property.

2. The Town Clerk is hereby directed to forward a copy of this resolution to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901, Guy Germano, Esq., Germano & Cahill, PC., 4250 Veterans Memorial Highway, Suite 275, Holbrook, New York 11741; Chris Kempner, Director of the Community Development Agency, and Dawn C. Thomas, Esq., Town Attorney.

THIS RESOLUTION HAS BEEN PREPARED BY FRANK A. ISLER,
SPECIAL COUNSEL.

THE VOTE
Buckley yes no Wooten yes no
Dunleavy yes no Blass yes no
Cardinale yes no
THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

Adopted

May 7, 2009

TOWN OF RIVERHEAD

CDA RESOLUTION # 12

AUTHORIZES THE CHAIRMAN TO EXECUTE THE FIFTH AMENDMENT TO AGREEMENT OF SALE DATED OCTOBER 2, 2007 WITH REPCAL LLC

COUNCILMAN DUNLEAVY

offered the following

resolution, which was seconded by COUNCILMAN WOOTEN

WHEREAS, the Town of Riverhead and the Town of Riverhead Community Development Agency have entered into an Agreement of Sale to sell some 300 acres of property located in the Light Industrial Zone at the Enterprise Park at Calverton, south of Route 25, Calverton, New York; to Repcal LLC; and

WHEREAS, the parties have negotiated a modification to the Agreement of Sale (the Fifth Amendment to Agreement of Sale), which modification has been filed with the Town Clerk; and

WHEREAS a public hearing pursuant to General Municipal Law Section 507 (2)(d), was held April 21, 2009; and

WHEREAS, after the close of the public hearing, the Community Development Agency has found REPCAL LLC to be a Qualified and Eligible Sponsor for this project under the terms of the Agreement of Sale as modified by the Fifth Amendment to Agreement of Sale;

NOW, THEREFORE BE IT RESOLVED,

That the Chairman is hereby authorized to execute the Fifth Amendment to the Agreement of Sale dated October 2, 2007 in the form and substance in the form and substance as filed with the Town Clerk;

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution and attached notice to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901, Guy Germano, Esq., Germano & Cahill, PC., 4250 Veterans Memorial Highway, Suite 275, Holbrook, New York 11741; Chris Kempner, Director of the Community Development Agency, and Dawn C. Thomas, Esq., Town Attorney.

THIS RESOLUTION HAS BEEN PREPARED BY FRANK A. ISLER, SPECIAL COUNSEL.

	THE VOTE		
Buckley	yes	no	Wooten <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Dunleavy	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Blass <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
	Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

May 7, 2009

RESOLUTION # 452

TOWN OF RIVERHEAD

AUTHORIZES THE SUPERVISOR TO EXECUTE FIFTH AMENDMENT TO AGREEMENT OF SALE DATED OCTOBER 2, 2007 WITH REPCAL LLC

~~COUNCILMAN WOOTEN~~

_____ offered the following resolution, which was seconded by _____ COUNCILWOMAN BLASS

WHEREAS, the Town of Riverhead and the Town of Riverhead Community Development Agency have entered into an Agreement of Sale to sell some 300 acres of property located in the Light Industrial Zone at the Enterprise Park at Calverton, south of Route 25, Calverton, New York; to Repcal LLC; and

WHEREAS, the parties have negotiated a modification to the Agreement of Sale (the Fifth Amendment to Agreement of Sale), which modification has been filed with the Town Clerk; and

WHEREAS a public hearing pursuant to General Municipal Law Section 507 (2)(d), was held April 21, 2009; and

WHEREAS, after the close of the public hearing, the Community Development Agency has found REPCAL LLC to be a Qualified and Eligible Sponsor for this project under the terms of the Agreement of Sale as modified by the Fifth Amendment to Agreement of Sale;

NOW, THEREFORE BE IT RESOLVED,

That the Supervisor is hereby authorized to execute the Fifth Amendment in the form and substance as filed with the Town Clerk;

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution and attached notice to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901, Guy Germano, Esq., Germano & Cahill, PC., 4250 Veterans Memorial Highway, Suite 275, Holbrook, New York 11741; Chris Kempner, Director of the Community Development Agency, and Dawn C. Thomas, Esq., Town Attorney.

THIS RESOLUTION HAS BEEN PREPARED BY FRANK A. ISLER, SPECIAL COUNSEL.

THE VOTE
Buckley yes no Wooten yes no
Dunleavy yes no Blass yes no
Cardinale yes no
THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED