

10/3/00

Town of Riverhead Community Development Agency

Resolution # 28

Declares Lead Agency and Determines Unlisted Action With Regard to Proposed Conveyance of Land to State University of New York at Stony Brook

Member COUNCILMAN DENSIESKI offered the following resolution,

which was seconded by Member COUNCILMAN LULL.

WHEREAS, the Riverhead Community Development Agency (CDA) is in receipt of a proposal from the State University of New York at Stony Brook (Stony Brook) to be designated as a qualified and eligible sponsor pursuant to Section 507(2)(d) of the General Municipal Law in order to allow the conveyance of a 50 +/- acre area of real property owned by the CDA at Calverton, New York to encourage the development of a 17,000 square foot building and associated site improvements in order to “incubate” small businesses pursuing research and technology development in the fields of aquaculture and agriculture; and

WHEREAS, the Town of Riverhead, pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder by the New York State Department of Environmental Conservation (DEC) has by Resolution Number 614 of 1998 accepted a Final Generic Environmental Impact Statement upon the redevelopment of the subject real property and has further adopted a Finding Statement contemplating the conveyance of a portion of the real property for business “incubator” use; and

WHEREAS, the CDA) is in receipt of an Environmental Assessment Form describing the action and identifying impacts associated with such contemplated conveyance; and

WHEREAS, the Planning Department has recommended that the proposed action be considered unlisted pursuant to 6NYCRR Part 617 and that an Environmental Impact Statement need not be prepared; and

WHEREAS, the CDA has carefully considered the merits of the proposal of Stony Brook, the SEQRA record created to date, the report of the Planning Department, as well as all other relevant planning, zoning and environmental information.

THEREFORE, BE IT RESOLVED, that in the matter of the conveyance of 50 +/- acres of CDA-owned property for the furtherance of the construction of a 17,000 square foot business “incubator,” the Riverhead CDA hereby declares itself the Lead Agency.

AND BE IT FURTHER RESOLVED, that the CDA determines that the proposed conveyance is in conformance with such aforementioned Findings Statement and further determines that the conveyance is considered an unlisted action that does not pose significant impacts to either the natural or social environment and that a Supplemental Environmental Impact Statement need not be prepared.

AND BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Community Development Agency Director Andrea Lohneiss, IDA Director Monique Gablenz and Planning Director Richard Hanley.

The Vote:

Member Densieski	<u>yes</u>
Member Cardinale	<u>yes</u>
Member Kent	<u>yes</u>
Member Lull	<u>yes</u>
Chairman Kozakiewicz	<u>yes</u>

THE VOTE

Densieski Yes No Cardinale Yes No

Kent Yes No Lull Yes No

Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT

THEREUPON IT WAS ADOPTED

Adopted

RESOLUTION # 29

At a regular meeting of the Members of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York, held at the Town of Riverhead Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on October 3, 2000, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Kozakiewicz and upon roll being called, the following were

PRESENT: Supervisor Robert F. Kozakiewicz
Councilman Edward Densieski
Councilman Philip Cardinale
Councilman Chris Kent
Councilman James Lull

Town Clerk Barbara Grattan
Town Attorney Dawn Thomas

ABSENT:

The following resolution was offered by Member COUNCILMAN LULL, who moved its adoption, seconded by Member COUNCILMAN DENSIESKI, to-wit:

RESOLUTION DATED OCTOBER 3 , 2000.

A RESOLUTION CALLING A PUBLIC HEARING ON THE AGENCY'S DESIGNATION OF THE STATE UNIVERSITY OF NEW YORK AT STONY BROOK AS A QUALIFIED AND ELIGIBLE SPONSOR FOR REDEVELOPMENT OF APPROXIMATELY FIFTY ACRES OF LAND, AND FOR THE TRANSFER BY THE AGENCY OF SUCH PROPERTY TO THE TOWN OF RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY, AS AGENT OF AND FOR THE STATE UNIVERSITY OF NEW YORK AT STONY BROOK.

WHEREAS, the Town of Riverhead Community Development Agency (the "Agency") is the owner of a certain parcel of land of 50 acres located within the Enterprise Park at Calverton with approximately 900 feet of road frontage along New York State Route 25 beginning approximately 200 feet east of the intersection of New York State Route 25A and New York State Route 25, Calverton (the "Property"); and

WHEREAS, there has been submitted to the Agency a proposal (the "Proposal") for, or in connection with, and the Agency is considering, (i) designating the State University of New York at Stony Brook ("Stony Brook") the "qualified and eligible sponsor" (the "Sponsor"), pursuant to Section 507(2)(d) of the General Municipal Law and in accordance with the established rules and procedures provided by the Agency, for the redevelopment of the Property, (ii) transferring the Property, for no monetary consideration, pursuant to Sections 507(2)(d) and 556(2) of the General Municipal Law, to the Town of Riverhead Industrial

Development Agency (the "IDA), as agent of and for Stony Brook, (iii) the redevelopment of a portion of the Property by the IDA, as agent of and for Stony Brook, as part of the Millennium Technology Center being developed by Stony Brook and, specifically, by the construction of a facility or facilities to "incubate" small businesses pursuing research and technology development in the fields of aquaculture, agriculture and environment (the "Business Incubator"); and (iv) the future redevelopment of the remainder of the Property by Stony Brook in a manner consistent with Stony Brook's education mission; and

WHEREAS, in accordance with the Proposal, the IDA intends to cause the Business Incubator to be constructed for Stony Brook and will pay construction costs with the proceeds of a State grant to the IDA made for such purposes; and

WHEREAS, in accordance with the Proposal, upon completion of construction of the Business Incubator the IDA's interest in the property and in the Business Incubator will terminate and full title thereto will rest in Stony Brook; and

WHEREAS, in accordance with the Proposal, Stony Brook intends to cause the Business Incubator to be operated by either The Research Foundation of State University of New York (the "Research Foundation") or by a not-for-profit corporation to be created by the Research Foundation for such purposes; and

WHEREAS, Sections 507(2)(d) and 556(2) of the General Municipal Law require that a public hearing, following at least ten days public notice, be held by the Agency on the question of designating Stony Brook the Sponsor for the redevelopment of the Property and transferring the Property to the IDA as agent of and for Stony Brook; and

WHEREAS, the Town Board of the Town of Riverhead as governing body of the Community Development Agency, pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder by the State Department of Environmental Conservation ("SEQRA") declared itself "lead agency" for the transfer and redevelopment of the Property by the construction of the Business Incubator, the Town has concluded its SEQRA analysis with respect to the transfer and redevelopment of the Property by the construction of the Business Incubator and has determined the transfer and such redevelopment of the Property to be an Unlisted Action pursuant to SEQRA, the implementation of which, as proposed, the Town Board has determined will not result in any significant environmental effects; and

WHEREAS, the Agency now desires to call a public hearing on the designation of Stony Brook as the Sponsor for the redevelopment of the Property in the manner described herein and

the transfer of the Property by the Agency to the IDA as agent of and for Stony Brook; and

WHEREAS, a majority of the Town Board of the Town, 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 the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town on November 8, 2000 at 7:05 o'clock P.M., Prevailing Time, on the question of designating Stony Brook the Sponsor for the redevelopment of the Property and the transfer of the Property by the Agency to the IDA as agent of and for Stony Brook, in the manner described in the preambles hereof, 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 *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, such publication to be made not less than ten 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 days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached:

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 Novemer 8, 2000, at 7:05 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on whether the State University of New York at Stony Brook ("Stony Brook"), should be designated the "qualified and eligible sponsor" for the redevelopment of a parcel of land of 50 acres located within the Enterprise Park at Calverton with approximately 900 feet of road frontage along New York State Route 25 beginning approximately 200 feet east of the intersection of New York State Route 25A and New York State Route 25, Calverton (the "Property"), and whether the Property should be transferred, for no monetary consideration, to the Town of Riverhead Industrial Development Agency (the "IDA"), as agent of and for Stony Brook, for redevelopment of a portion of the Property by the IDA, as agent of and for Stony Brook, as part of the Millennium Technology Center being developed by Stony Brook and, specifically, by the construction of a facility or facilities to "incubate" small

businesses pursuing research and technology development in the fields of aquaculture, agriculture and environment (the "Business Incubator") and for future redevelopment of the remainder of the Property by Stony Brook in a manner consistent with Stony Brook's educational mission.

The IDA intends to cause the Business Incubator be constructed for Stony Brook and to pay construction costs with the proceeds of a State grant made to the IDA for such purpose. Upon completion of construction of the Business Incubator, the IDA's interest in the Property and the Business Incubator will terminate and full title thereto will vest in Stony Brook. Stony Brook intends to cause the Business incubator to be operated by either The Research Foundation of State University of New York (the "Research Foundation") or by a not-for-profit corporation to be created by the Research Foundation for such purposes.

The Town Board of the Town of Riverhead as governing body of the Community Development Agency, pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder by the State Department of Environmental Conservation ("SEQRA") declared itself "lead agency" for the transfer and development of the Property by the construction of the Business Incubator, the Town has concluded its SEQRA analysis with respect

to the transfer and such redevelopment of the Property and has determined the transfer and such redevelopment of the Property to be an Unlisted Action pursuant to SEQRA, the implementation of which, as proposed, the Town Board has determined will not result in any significant environmental effects.

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

Dated: Riverhead, New York
October 3 _____, 2000

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

By Andrea Lohneiss
Secretary

Section 4. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

_____ VOTING.
_____ VOTING
_____ VOTING
_____ VOTING
_____ VOTING

The resolution was thereupon declared duly adopted.

* * * *

Councilman Kent offered the following resolution to be amended, which was seconded by Councilman Cardinale.

Councilman Densieski no Councilman Cardinale yes
Councilman Kent yes Councilman Lull no
Supervisor Kozakiewicz no

The resolution was voted down to be amended.

Councilman Lull offered the following resolution, which was seconded by Councilman Densieski.

THE VOTE
Densieski Yes ___ No ___ Cardinale Yes ___ No ___
~~ABSTAIN~~ Kent ___ Yes ___ No ___ Lull Yes ___ No ___
Kozakiewicz Yes ___ No ___
THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY ADOPTED

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

I, the undersigned Secretary of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Members of said Agency, including the resolution contained therein, held on October 3 _____, 2000, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all Members of said Agency had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

News Review

October 3, 2000

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)
of posted notice

Date of Posting

Town Board Bullentin Board

October 4, 2000

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency on October 3, 2000.

Andrea Lohneiss
Secretary

(CORPORATE
SEAL)