

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on July 15, 2010.

The meeting was called to order at 7:00 p.m. by Mayor Pontieri with Deputy Mayor McGiff, Trustees Crean, Devlin, Hilton, Keyes, Krieger, Village Attorney Egan, and Village Clerk Seal present.

The flag salute was made. Mayor Pontieri read the safety message.

Mayor Pontieri stated: This is a special public hearing for the purpose of a change of zone requested by RAM Associates, Inc. As we all know, they will be moving to a new facility in Yaphank and that property is becoming available for redevelopment. I am going to turn this over to the Village Attorney to go through what is going to be done this evening and then the applicants will make presentations as to what they propose and we will make our decision from that proposal.

Village Clerk Seal stated: Notice is hereby given that a combined public hearing will be held on Thursday, July 15, 2010 at 7:00 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Board of Trustees of the Village of Patchogue relative to the following: 1. Change of zone on the application of Ram Associates, LLC (applicant) from D5 Business District to D2 Business District for tax lot 204-13-3-25, and a Special Permit to permit a multi family residential development within the D2 Business District and E Industrial District for certain properties totaling 12.15 acres bounded by Railroad Avenue on the south and Patchogue River to the west; 2. The Draft Environmental Impact Statement (DEIS) heretofore submitted by the applicant and accepted as complete by the Board of Trustees by resolution dated June 14, 2010. Copies of the Change of Zone Application, site plan and DEIS are available for public review in the office of the Village Clerk. At said public hearing any person interested will be given the opportunity to be heard and written comments on the DEIS will be accepted thru July 26, 2010.

Village Attorney Egan stated: As stated by the Village Clerk, tonight's agenda is: 1) to request approval from D-5 Business District to D-2 Business District for the applicant RAM Associates LLC. As background, D-5 Business District is provided for in the Village Code 435-24 that is the existing D-5 Business District designated uses are public garages, filling stations, drive-in restaurants, motor vehicle washing business, sale and distribution and dispense of any goods, mini storage facilities and the like. The proposed change is to the D2 Business District which is provided for in 435-21 and provides for any uses permitted in the D1 Business District except for one family and two family dwellings. The controlling provision of the D1 Business District is 435-20(A) which would allow in this instance 435-20(A3) are apartment houses when approved by the Board of Trustees pursuant to 435-80 of this Chapter. 435-80 in this Chapter provides in part that the District where apartment houses are permitted uses that no building permit shall be issued unless the Board of Trustees of the Village of Patchogue shall approve after a hearing an application of the same procedures for an amendment of the zoning map pursuant to Article 11 of this code. The application for such apartment house shall be accompanied by an application fee which shall be in addition to any other such fees. This is the pertinent part for tonight; it shall be within the discretion of the Board to grant or withhold approval after consideration of the nature of the site, parking facilities, drainage and sewer facilities, suitability to the neighborhood, size of structure and any other factors which the Board deems pertinent. A recreation/play area shall also be provided on the premises as defined in 435-1. Also, on tonight's request for approval is the issuance for a special permit to allow the multi-family residential development within this new D2 Business District and E Industrial District. The Board is very well familiar with the provisions of special permits under 435-66(C) which talks about the consideration of the Board would consider for tonight including the character of the existing and probable development of uses, conservation of property values, affect of the location both on use, vehicular traffic, congestion, public streets and highways. And all the other considerations the Board often considers with special permits will more than likely be made in the presentation tonight by the applicant.

David Sloane, Certilman & Balin, attorney for the applicant RAM Associates, LLC, stated: I am here to represent the applicant RAM Associates LLC which is an organization made up of the Rose family which is known for Clare Rose Beer Distributorship. As we all know, Clare Rose has outgrown the facility which is there and makes up approx. 9 acres of the facility. As this Board is well aware, this family is very important as far as this Village is concerned, and supports

various charities, Brookhaven Hospital and the YMCA. In moving out they want to leave a legacy as far as this property is concerned and not leave a white elephant. The problem at the present time is the building has been built onto year after year in order to accommodate the beer industry and the distributorship that they have there. I respectfully submit that what is there at the present time is not usable by another industry or another user. As indicated, the application before you this evening is for 12.15 acres. In addition to the change of zone which Mr. Egan referred to in the special permit for this use, this hearing is also to obtain comments on the Draft Environment Impact Statement which was submitted to the Village on May 14, 2009 pursuant to draft dated April 27, 2009. The original application which was made and the project description which was in this environmental impact stated it was for 214 units. After various meetings with various officials and members of the community this has been dropped down to the alternative which we prefer, and I would assume this Board would prefer and the community, of 163 units which is 51 units less than originally proposed. This revised 163 unit alternative was added as an alternative on May 10, 2010 and on June 14, 2010 the DEIS has accepted this hearing as scheduled on both comments on the DEIS as well as the change of zone for the one parcel and the special permits. As I have indicated, the engineering you see and will hear about this evening is relative to the 163 unit development and not the 214 development or the 205 units which was also intended under the DEIS, which is as I indicated before is 51 less units than originally proposed. The density is 13.4 units per acre which I submit is substantially less than certain other projects that have been developed within the Village. The original density was 17.6 units and we are down at this point to 13.4; instead of the 20 buildings we will have 18; the landscaped area which you will hear about will be 5.54 acres as opposed to 3.95 under the original plan. I would just like to say that I think this Board has to take into consideration the consequences that if an application like this is not approved. The consequences with Clare Rose moving is going to lead to additional vacancies on that strip, reduced property taxes, more blight, you won't have the Riverwalk which you spoke about doing in connection which you will hear about this evening; it would be inconsistent to this Board's agenda of revitalization which has been so affective in the past, with Copper Beech, Sea Crest, as well as other projects. Not to mention, the Tri-tec development at the four corners which is getting a kick start. If nothing happens, the character of this area will primarily be vacancies or blight which is not something certainly my client wants to leave as a legacy or anything I am sure that this Village wants. Mike Kelly who is assisting the Rose family will go over the plan into detail and then he will introduce the next speaker. I would like at this time to submit the response letter dated July 15, 2010 which was received from Suffolk County Planning.

Michael Kelly stated: Thank you for the opportunity tonight to present the Clare Rose development. As David has mentioned, the Clare Rose organization will be relocating to their new Yaphank facility sometime early October this year. As such, we have been working to provide to you and the Village a redevelopment opportunity that will transform West Avenue and act as a cornerstone connecting Main Street to the river. Our design principles for this redevelopment area are several. In particular, I will go through the four principles that we hope will drive this redevelopment, namely starting with the fact that on Railroad Ave. and Gerard there is a very successful community called Copper Beech. What we would like to do is enhance Railroad Avenue streetscape by creating a mirror image of the Copper Beech style homes which will again enhance Railroad Avenue. That was a design principle that would act as a transition from Copper Beech down towards the west and on to the river. Our second design principle was to transform West Avenue from its current industrial use to a tree-lined landscaped boulevard. What we have been doing recently is working with the LI Power Authority to come up with a plan where we can take the powerlines that run on the east side of West Avenue and bury those lines which will again further enhance the streetscape and make it a more residential style rather than the industrial area it is. West Avenue itself will also contain a series of pavers throughout the north to the south and this would create more of a rumble street so when vehicular traffic is passing through, they will feel that rumble and will be aware that a transition is occurring—that they are coming into a residential community. The third valued principle would be to create a riverwalk, enabling public access to a public park. Along this riverwalk there will be a series of park benches, street lighting, the walkway itself will be of a porous type pavement, there will be docks at four various locations so that citizens can sit and enjoy the flow of the river. The final detail of that we will work on with the DEC under a special permit, but input is sought. The fourth valued principle would be the development of a greenbelt creating anywhere from a 65 foot width to a 95 foot width greenbelt which would contain a meandering walkway which would run from Railroad Avenue down to the river. On the east side of West Avenue we would have a focal point along this meandering walkway. That focal point would be a large Colorado blue spruce. As you meander through this walkway there will also be benches and a landscaped area

right along West Avenue so that people can sit and relax and enjoy the greenspace that we created. Across West Avenue we created a cobblestone style walkway so that you can easily cross West Avenue. As you go down towards the river we sited a gazebo so residents can sit at the gazebo and enjoy the shade as they go farther down the riverwalk. Overall, we are looking to create a walkable transit oriented community. And we are able to do that by styling the homes on Railroad Avenue and the homes on West Avenue—we style them as railroad townhomes, so the garages are actually in the rear of the homes. That will enable continuous walkways and sidewalks along Railroad Ave. and along both sides of West Avenue. These railroad garages enhance the streetscape of the homes and also creates the walkability that we are looking for. Buddy Johnson who is our landscape architect will talk in a lot more detail about the spectacular landscaping plan that we created. What we have done is we created a low line hedgerow which will run along Railroad Avenue and then along both sides of West Avenue. That low line hedgerow will create a separation from our homes and the streets. Front yards are approx. 20 feet to the back of the curb. On West Ave. it is approx. 35 feet to the back of the curb. It really creates a large front yard to the homeowners on both streets, on West and Railroad Ave. Overall again, the redevelopment area that we are talking about is within the Village, but we are creating this so that it connects and blends to the greater Village, with its open space and public amenities. Recently the Long Island Index came out with a study stating that the majority of the residents on Long Island would prefer to be close or actually live in a downtown setting. We are offering this as a home ownership in a downtown setting. Targeting buyers wanting to be close to a vibrant downtown, those people can take advantage of walking to Main Street. We know Main Street realized tremendous success from Copper Beech and we believe this will further enhance business on Main Street. Our homes will be a mix of two and three bedroom homes. We designed the three bedroom largely from some comments of the residents of Copper Beech who said they love where they lived, but would like a little bit larger. They wanted to remain downtown but needed some more space. We have created larger townhomes which are located on the west side and along up and down West Avenue. We planned to manage our construction in phases. What we would like to do upon final approvals and building permits we would start construction on the east side of West Avenue, starting with some landscape opportunities on West Avenue, to enhance our marketing ability, to start the landscape median and curb appeal and the road improvements. We are very excited about this opportunity. Again, we are looking forward to continuing the success that happened at Copper Beech. Next to speak will be Louis Giacalone, the architect who designed our project.

Louis Giacalone of Elasz Giacalone Architects of Farmingdale stated: I am here to present the project of which we are very proud. This is an important project for us and the Clare Rose family. They have challenged us to a design which will not be typical Long Island. What we have created is a design that mixes a series of different materials, brick stone & stone, as well as siding, as well a panel, in order to come up with a variety of buildings so that the building style as well as the creation of the neighborhood would have the variety you would see in a well established neighborhood even though we are building it from start. On your boards if you were to look at the elevations first, you will note the first one which I would like to talk about is the Laurel and the Oatmeal. This is the three story townhouse designed so that it would give you the image of individual units. We wanted the individual homes to have their own identity. One of the great criticisms of residential architecture on Long Island is everything looks the same. We are going to dispel that so that you are living in a townhouse that is all brick, or in a townhouse that is part brick and siding, or part stone and brick, or part siding and stone. That style is exhibited on this particular design. All of the names that are represented on the bottom of these renderings are shown on the site plan. This acts as a transition from development that is across from Railroad Ave. This would be the first phase of the construction on the east side. The second I would like to draw your attention to is the Rialto and the Rosebud. These are two story townhouses. Again, we are using the same brick and stone and siding, however in a slightly different pattern. We have created a slightly different style, a little more horizontal. But, again still identify each individual homeowners home by the identification of brick or siding. The third is the Clifton or the Roe. This is also a two story unit. It is two apartments, one above the other. Again, the units are identifiable. You can see the doors to the upper unit are facing you and the doors to the lower unit are on the side. What we wanted to do is avoid having a series of doors lined up at one elevation so we only exposed half of them to the front and the other half you enter from the side off a small, private porch. The two bedroom apartment on the lower level and the other two bedroom is on the upper level with a loft which gives a little more space to the homeowner. The remainder of the photographs you have are renderings and while it might be a little difficult to start. This one indicates the traffic area on Clare Rose Blvd. looking south which really enhances the view. We have photographs of the site and I am sure you can recognize the

various positions. It is quite an improvement to the community as well as the visual relationship of the development to the community. In this row you will see the hedgerow design, the sidewalk that is not just a straight line, but that will weave and carry through the community and connect with the greenspace within the community. The other rendering, looking north on Clare Rose Blvd., demonstrates the quality of the architecture and the landscaping, and most importantly the quality of the neighborhood that we are looking to develop here. Another rendering is the riverwalk to give you an impression of what the riverwalk will be. One of the most important parts of this development is not only to enhance the neighborhood, but also to create a community where people would want to walk within their community—to enhance the riverwalk where people can relax, where children can play, there are greenspace areas. There is a tremendous amount of acreage designated towards greenspace. The design is a variety of materials that we are looking to enhance the variety of the buildings and the variety experience in the neighborhood. Next to speak is William Johnson, a NYS registered landscaper from Southold.

Buddy Johnson, William Johnson Landscape Architect, Southold, stated: Mike had pointed out on the plan that there were changes from the previous 214 unit which facilitated a large green space in the middle of the project running from east to west off of Railroad Avenue all the way to the river. We foresaw that as a passive, relaxing park area. It has a meandering walkway through it, a gazebo on the other end, it terminates at the river with a deck that will overlook the river. I will landscape that with a tremendous amount of canopy trees so it will look like a very casual, open area park. Along the way we can have cement game tables to play; somebody could just throw a blanket on the lawn and enjoy the afternoon if they want. The other great space is the open park on the northwest corner. Both of these areas on the previous plan were buildings, parking areas and roadways so a lot of green space has been added to this plan. Clare Rose Blvd., Mike had mentioned, is going to be a very green corridor. We have street trees in the main island in the middle of the boulevard with shrub materials below. On either side we are going to have large canopy trees on the north and south length of Clare Rose Blvd. and Mike had mentioned the hedgerow. The hedgerow is on the sidewalks along Clare Rose Blvd. so it is a privacy factor for the people in the houses along that area. So in addition to the canopy trees you have the hedgerow and the median strip so there is going to be a lot of greenery along that to soften the look of the homes and really provide eventually a nice canopy over Clare Rose Blvd. What we have added here in the amount of canopy trees is 251 trees on the site and 306 evergreens, so there is a substantial amount of tree plantings that are going into the project. We have hundreds of shrubs. Relative to native species, 85% of the species that we use are native or native inhabitant species that are not fertilizer dependent and require very little irrigation. In general, I think we formulated a very attractive landscape plan that is also ecologically friendly.

Mayor Pontieri asked: One of the concerns we have is what are the plants that you are going to use on the median and will they be resistant to salt used during snow removal.

Buddy Johnson stated: There will be a couple different varieties of junipers. These plants are very hardy because this is a rough area in comparison to the interior of the project and we wanted to make sure they survive there. The trees that are along there are also narrower than the average tree. That area will also be irrigated as necessary. This will have perennials for cover.

Trustee Crean stated: Mr. Kelly had mentioned that this will give us the opportunity to make the connector from Main Street to the river and this site seems very beautifully landscaped, much more beautifully landscaped than the surrounding area. I am just wondering if the Rose family would be willing to assist us in maybe furthering that landscape plan closer to Main where it might invite people to walk from Main Street to South Street where it seems to be—while a know it is not a wide barren streetscape—be able to make that really connect to Main Street. It seems from Main Street to South Street there is no median there. I don't know how far north you could go up there if it were at all possible.

David Sloane stated: I will discuss that with the Rose family.

Trustee Devlin asked: What type of tree is the hedgewood made of?

Buddy Johnson stated: Yews and pink berry holly, so there is a contrast. We use them because of wanting to have evergreen along there.

Theresa Elkowitz, Principal of VHB Engineering, Surveying and Landscape Architecture, P.C. Hauppauge, New York, stated, it was our office that was responsible for preparing the Draft Environmental Impact Statement in accordance with a positive declaration that this Board issued several months ago. Clearly, I am not going through all the information in the DEIS, but I will tell you that we did address all of the issues that you identified in your positive declarations warranting evaluation which includes soils, topography, water resources, land use, zoning and community character, transportation, socioeconomics, community facilities and services, aesthetics and cultural resources. If the Board has questions regarding the DEIS, I have with me Candice Andre from my office who has prepared the majority of the DEIS, and also Harold Flood who is responsible for the traffic study. There are just a couple of little things I would like to address, however. As Mr. Egan said, we are here tonight for the Board to consider a special exception permit for multi family use. And in Section 435-66C of the code there are criteria that the applicant must demonstrate that meet in order for this Board to be able to grant that. We have evaluated all of those issues in the DEIS. I just want to briefly go over some of them. The first one is that the use will not prevent the orderly and reasonable use of adjacent properties or properties in adjacent use district. The second one is very similar. It says the use will not prevent the orderly and reasonable use of permitted or legally established uses in the district where the proposed use is to be located or in an adjacent district. I respectfully submit that we do comply with that. Overall our impervious surface or impervious development on this property is going to decrease substantially from what currently exists. Currently, we have 9.6 acres of building or pavement on this 12.15 acre site. We are going to be reducing that to approximately 6 acres. Moreover as Mr. Johnson has just explained to you, we will be substantially increasing landscaping. Currently, there is about 1.2 acres of landscaping and we will be increasing that to about 5.4 acres. We are also creating a riverwalk and enhancing public access. And we respectfully submit that we do comply with these criteria because we will have a more cohesive and especially pleasing development which will encourage development and upgrades around us. The third one is that the safety, health, welfare, comfort, convenience and order of the Village will not be adversely affected by the proposed use. All of these issues are addressed in the draft environmental impact statement. We have a detailed traffic study that demonstrates among other things, truck traffic is going to be significantly reduced. You have heard about the median and crosswalk as traffic calming measures. And we will of course comply with all building codes and are increasing open space. I respectfully submit that we conform to the criteria. Finally, the use will be in harmony with the code and the general purpose and content of this chapter in the zoning code. We really are trying to develop a residential, transit oriented development that will bring you a population here that will help you with the revitalization of your downtown and will bring people and enhance the vitality of your downtown. I respectfully submit that we have met all of these criteria and I request that you grant a special use permit.

David Sloane stated: This concludes our presentation and I would like to reserve the right to come up after the audience speaks.

Mayor Pontieri stated: I would like to hear any comments or questions from the Board before we go to the public to speak.

Trustee Krieger stated: The one thing that draws me to it is how it works along the river. For many years we have spoken about the riverwalk and how that will create totally different properties on the river. It seems that Clare Rose is making an extremely grand effort to create something very special along the river and it is a great part of the project and something that the public will be able to benefit from a great deal. I want to commend the designers of the property for creating that space. It is a great open space and something that we have been looking forward to for a long time and maybe this is the start of the riverwalk that we all envisioned for that area. That is something that I think is really terrific. And also that promenade going from Railroad Avenue to the river really creates a great use space. I think it creates a great park area for the middle of town which we don't really have. There is no place like it for the Village of Patchogue that is for public access.

David Sloane stated: I would like to point out that those two items were substantially increased from the original plan. We were able to do that because the density went down substantially, 51 units, which enabled us to increase the riverwalk in that area through there.

Trustee Crean stated: The opportunity that sits before us is quite exciting. It is something that has been discussed for the last couple of years. While we are sad to see the Clare Rose family move out of the Village, that opportunity does allow us to create that connector from Main

Street—at least start to make that connector from Main Street to the riverbank. I have a tremendous amount of confidence in Mr. Kelly. He has worked very close, hand to hand with us, in the first seed that we planted, Copper Beech. It has gotten rave reviews not only from our residents but the new residents that moved to the community. It is a shining example of how the private sector can work with a local municipality. When I look at Copper Beech, the only thing that I wished that we maybe did a little bit differently is that the rear of the buildings didn't look all the same—all sided in same color and manner. I would hope that the designer would use a little variety of materials on both sides of the building, not just on the front side. I can't recall the numbers off the top of my head and maybe Ms. Elkowitz can enlighten us all—the tax revenue that this development is going to generate to our Village will be a tremendous positive. The number of school aged children that is scheduled to be residing in this development will have a minimal impact on our district. The tax revenue will be a tremendous positive not only for our sewer plant, but also for our local tax roll. I am excited to continue to work with the applicant and to make this thing a success. It is a tremendous opportunity.

Theresa Elkowitz stated: Currently, the property generates approximately \$216,000 for your taxes and the projection is that this development will generate approximately \$946,000 per year which is an increase of approximately \$729,000. There will be approximately 24 students.

Trustee Hilton stated: My compliments to the designers of the project and I would not expect anything less of the Rose family. I am very much in favor of it.

Mayor Pontieri asked: The one question I have is when you did the traffic pieces of it, did you do a comparison to the number of employees coming in and the number of truck traffic coming in against the number of trips based upon the number of units? Because the concern that I had registered to me by people is that going up on Waverly Avenue in the morning and night, the amount of traffic--you sit there in traffic. The only thing I do realize is they have about 100 employees that work out of there and 70 trucks that pull in and out. If you could give me that comparison, I would appreciate that.

Harold Lutz, Director of Traffic Engineering and Transportation at VHP Engineering, licensed NYS professional engineer, Hauppauge, NY, stated: In answer to your question, we do not do direct counts of the driveways through the site. But what we did do was made observations in there. Essentially, we go out and count the existing traffic on the roadways at the intersections that we see that would be primarily affected by the development. As part of that we would encompass any traffic coming and going from the Clare Rose site plus you Village community using the roadways. Essentially, we then go look at any other planned developments in the area and then we would add some background traffic for growth of an area, add to those the existing traffic volumes at the locations, where we would identify potential impacts, and then we go and generate traffic for the proposed site, and then add that on top of what we call a no bill analysis. Then we would do basically an analysis using standard traffic analysis procedure to determine and identify any impacts. Comparison from the bill to the no bill is how you would identify impact on a location. In which case for this particular project, we did not identify any impacts based upon the traffic scan. I will just comment as a professional traffic engineer for twenty years, while you may eliminate between 70 and 100 trucks, there is also what is called passenger car equivalent. Seventy or one hundred trucks is really 82-120 passenger cars, which are primarily traffic cars. Not to leave out actually, this is what you would consider a transit oriented development. We would anticipate you getting automobile ownership and for those who are not commuting by car, they have the opportunity to use mass transit which is in close proximity to the site.

Mayor Pontieri asked: Would you, at some point, take a look at the number of employee vehicles that go on and off that property, because there is an offset? It is not like a virgin piece of land that nobody is using at this point and time. It is a highly densely used piece of property with probably 60-70 employees. That would help with the public's perception. You could talk about your numbers, but being able to say that we have 160 units which translates into 1.5 cars per each unit, therefore. That kind of an offset. It is a highly traffic area with a tremendous amount of in and outs all day long which I would suspect that 160 unit may or may not have. If I could get that I would appreciate it.

Deputy Mayor McGiff stated: I guess in a perfect world I would like for Rose family to donate this and make it into a park, or perhaps maybe ten single family houses—that would be nice, but that is not going to happen. So in the alternative, what do we have here? I want to commend the

team because when we first sat down to look at this project, I think the entire board had a problem with the density, the numbers, the design. I want to commend the work, the improvements to the design, the greenspace. Personally, I am not too keen on the Rialto and Rosebud, but the other designs are great and sharp. I think one of the big criterias here is the history—if we look at it as a Village, what is the alternative. Clare Rose is so rooted and we are going to miss them. It is an industrial area and pretty seedy and not an area we can be proud of. If we look at Copper Beech on South Ocean and what an improvement—we seem to forget how nasty that portion of South Ocean was and in the not too distant past. Now you have young families there and a vibrancy. Maybe because most of our parents came from Brooklyn or Queens and we have this fear of multi-housing—these projects can and do work. It goes down to design and putting some thought into it. I think it is going to work out. The only two questions I have is we had a recommendation from John Rocco, Village Planning Board; I think the vote was not to exceed 163 units. I don't want to usurp there job. And Attorney Egan has concern about, given the code provisions, with the parking—what percentage of the variance or are you not at all.

David Sloane stated: We have revised. I apologize because I was not aware of the code verification with regard to the garage element. We have modified that now. I think 367 are required and we have 367 spaces which includes 60 spaces that are land banked. However, we feel that the 360 parking spaces we have will be adequate. The land banked spaces are all throughout the side.

Dayne Kenyon with Sidney B. Bowne & Son, LLP, Mineola, New York stated: We were responsible for preparing the engineering aspect of this project. We had identified some of land banked parking lots, some of the concept of open park areas, some of landscape items which were not required by code have also been land banked, and areas behind the Rosebud driveway we also identified several areas of parking that have been land banked. This is true of both sides of the project. In general, it is areas adjacent to some driveways.

Trustee Devlin stated: I am very excited about seeing this redevelopment begin and think it is going to be a great improvement and in favor of transit oriented developments. It is one of our gateways to our Village, and maybe this is all people see who are traveling to the ferry. I find the Rialto design very suburban looking and would think you not put it on the main thoroughfare. Other than that, I think everything else is great.

Trustee Keyes stated: I came on board long after this project was underway. I want to commend this board and the developer as I sense the commitment for making a beautiful project for the Clare Rose property. I am really excited to see it happen. I think we have seen success in high density projects we have in the Village like Pulte homes and Bay Village. I think it is a good project.

Public Comment:

Manuel Roman, 95 Railroad Avenue, Patchogue, stated: A gentlemen over here said the Village is going to get another \$600,000 in taxes. They say New Jersey has the highest taxes—they pay on the average \$7,000. I already pay \$10,000, but there is a big difference as I am retired with me and my wife. With this \$600,000 are you going to lower our taxes or are you going to find a new way to spend another \$600,000.

Mayor Pontieri stated: This isn't about taxes; that is a discussion for another time. If you like, call Ms. Seal to make an appointment with me or any member of the board and we can have that discussion.

Manuel Roman, 95 Railroad Avenue, Patchogue, stated: Nationwide there are almost two million foreclosures. How are you going to finance this, and how much are people going to pay for these houses—what guarantees, and what happens if you cannot sell, will the city buy it and turn it into welfare, you haven't told us who is going to finance it, how much is each apartment going to cost, or how much each house is going to cost, and is there a guarantee that you can sell them.

Michael Kelley stated: There are three products. The starter is \$299,000 for two bedroom, two bath. Similar homes are now selling in Bay Village for \$360,000, so we brought the price down considerably. Copper Beech homes on Railroad Avenue market rate units sold anywhere from \$335,000 to \$350,000. Our proposal that we will be selling similar type homes for \$300,000. Then we move up to a three bedroom, 2 ½ bath which is approx. 1,800 sq. ft, which we are

selling now for \$375,000-\$385,000, considerably less than those homes selling on Waverly, Pinewood Terrace. In terms of financing, we are with the banks right now and it is all part of the process.

David Sloane stated: If there is no financing, they are not going to build. You don't build these things on specs. You build a model, people come, you take a deposit and once you get a certain number of deposits then you get your finance, and then you build. You don't put up 163 homes and hope people show. It is a pure economics.

Michael Kelly stated: One of the things that we have learned over the years is exactly what you are concerned about. It is about managing your construction. Some of these buildings will have 8 or 12 homes and we are not going to start building that home, until we are 70% sold. So in terms of vacancies or welfare—we are not building these homes until they are presold.

Mayor Pontieri stated: There is no Village money or Village properties involved in this at all. This is a totally private venture. Other projects that we have done, whether it be Artspace or Copper Beech, there was Village participation. Our participation for this is in zoning and planning and permits.

Adrianna Barry, Electric Street, Patchogue, stated: Before I start my questions which might seem that I am not for the project, I am 100% for the project. This happens to be extremely personal to me. I am the only residential home that has access on the river at this particular time, within 200 feet of their project on the west part of the river. They are going to be opening up the whole river to my view and I go down there and try to visualize what it is going to look like. It is going to raise the value of my property. It is very closed in and my family has enjoyed it for eleven years. I am excited to get more neighbors that can help keep the river clean, plus I think it will look much nicer than the industrial buildings I look out now and getting rid of the trucks that come in and out all hours. Is the project downsized to 163 units.

Mayor Pontieri answered: Yes.

Adrianna Barry asked: They said they don't leave a variance for the parking spots. The parking spots that I looked at on the DEIS had 387 spots and they are only requiring 367. So are they eliminating 20 spots, and if so which are they?

Theresa Elkowitz stated: The plan was revised since the time that the DEIS was done and Mr. Sloane recently submitted the plans that show the 367 spaces. Mr. Sloane will give you a copy.

Adrianna Barry asked: Are there any spots that are encroaching on 75 ft right of way? My main question is there 9 parking spots on the original plan that are encroaching on the 75 ft. right of way; has that been removed?

Harold Lutz stated: That area has been redesigned. There are no spots at all encroaching on that 75 feet.

Adrianna Barry stated: I am assuming that there was demolition in that wetland setback area that was removed from the plans as well. And I am curious how come the DEC is not involved since it is within the wetland area.

Theresa Elkowitz stated: The application has not been submitted to the DEC as of yet. They are involved. As a matter of fact, as part of this process that the board is going through with the DEIS, the DEC has also gotten a copy of the DEIS to review. But, we are required to submit a full application to them and then comply with any conditions the DEC imposes. We are applying for a fresh water DEC permit.

Adrianna Barry asked: The 35,000 cubic yards of fill that are coming into the property, how much of that is going to raise the grade along the river.

Harold Lutz stated: The grades along the river will not change. The DEC has requested that we maintain the vegetation along the river. The grade change will be within the development of the buildings. The cubic yardage is now 28,000.

Adrianna Barry stated: My family has been the only family taking care of this river, looking at it for the last eleven years. There are certain things that go on there—certain fish that vegetate under certain trees, a 100 year old hickory, certain things that I want to see the same. However, when you look at the pictures that they are providing of the river, those vegetations are not there. They look pretty, but they are clearing out and making grassland. Where there are certain trees in those pictures that should be staying. The riverwalk which everyone has spoken of and been talking about like it is happening, but reading through these documents every once in a while you read, well maybe not—maybe we are just going to contribute to the construction of the riverwalk if the site plans for the Village are not complete. Are the site plans complete and is the riverwalk really going to happen.

Mayor Pontieri stated: The riverwalk is going to happen. And the format that it may happen is going to be somewhat dependent on DEC approval. Whether it goes as a wooden boardwalk, whether it is a stone, but the DEC is going to have a lot of control over what happens with it. There will definitely be a public access path along the river.

Harold Lutz stated, the construction of the riverwalk will be porous pavement, crushed stone. Or the equivalent of wood with spacing that allows rain and material to flow through. As the Mayor said, it is going to be up to the DEC to determine, how much there is of it and where it can go.

Adrianna Barry asked: That particular part is being donated to the Village—is that going to be the entire riverwalk?

Mayor Pontieri stated: The length of their development is what they are donating. That whole 75 foot setback will not be identified and actually stated as parkland but that will actually be land dedicated for public use.

Adrianna Barry stated: In the original DEIS I read there were some four units being dedicated to workforce house, has that changed?

Mayor Pontieri stated: No. That property was from the County, was a condemnation on a piece of property, which they gave to us and we agreed that they would be affordable/workforce housing.

Adrianna Barry stated: There was a letter from the Suffolk County Water Authority about the cost of a water main being \$250,000. It said something about the Village being the lead agency, so does that mean the Village is responsible for that cost? Why is it an out of district hook-up? There was also a letter in there from the Village to the Dept. of Health in regards to retaining the permits to do the expansion to the sewer plant and there was a comment that they approve this based upon the fact that the sewer plant will be located next to vacant land and industrial buildings and not close to any surrounding dwelling and that obviously has changed—but, I guess their plans have changed a little bit.

Mayor Pontieri stated: It is an out of district hook up because of the way the lines were drawn many years ago. The capacity obviously will be there based upon the new construction and will be completed hopefully by January 1st—they will be knocking down buildings around then. One of the reasons the development plans changed was because of the discussion about having a greater buffer area.

Adrianna Barry asked: What is going to be the construction of the bio-retention area location with the 75 ft setback?

Harold Lutz stated: That is going to be an area for stormwater runoff. An area that temporally holds water. There will be a series of catch basins, drywells within the development, overflows all runoff to the bi-retention areas which will seep eventually into the groundwater which is typical for Long Island. There is no discharge to the river at all.

Adrianna Barry stated: In the old DEIS, page 23, it talks about a spill that came out of West Ave. that involved a significant release of 15,000 gallons of—but, didn't say what it was, but it stated how it is going to impact future developments. We have no idea where it is and where it came from.

Theresa Elkowitz stated: It was a DEC recorded spill, but the information is not there. That spill goes back many years. I think it was gasoline.

Adrianna Barry asked: Are there any affects of this project when knocking down these buildings and different impacts it is going to have on the river itself?

Mayor Pontieri stated: Not any more than once you scrape away that blacktop you will get percolation into soil.

Attorney Egan stated: Because of it being so sensitive down by the water, the Village in January, 2009, adopted a Stormwater Pollution Control Section that they have to comply with, a very detailed water compliance. The Building Department has to supervise all the construction. They have a detailed plan they have to comply with.

Mayor Pontieri stated: This project, because of the Wastewater Treatment Plant next door to it, it is very much on the DEC radar. I don't suspect anything is going to happen without them swooping in.

Adrianna Barry asked: Is there a plan for cleanup of the river to make it more appealing to look at? For example, remove the truck tires, siding from the Clare Rose buildings, wooden pallets.

Mayor Pontieri stated: Once that project begins it is going to have to be cleared whether it be north or south, it will be cleaned all the way up to the bridge. The accessibility to it has always been a problem. Once those buildings come down, we can do a little cleanup.

Adrianna Barry stated: Looking at the color schemes of the plans, does the yellow seem a little shocking. Is it possible to get a little more earthy, especially by the river?

Harold Lutz stated: The difficulty in the printing process, is colors never come out exactly how you want them. The yellow is intended to be a softer, more earth color as well as the other colors on the building. We will have other buildings with other color schemes. That yellow will certainly be toned down.

Mayor Pontieri stated: Adrianna, please give your address and phone number to Ms. Seal because there are certain meetings that the public is invited to but not advertised. We will make sure that you are involved in the process as they go along.

Mark Fauci, 541 South Ocean Avenue, stated: I have a question on the economics as the last gentleman has raised. The Village history has had some extraordinary things happen over the last twenty years. Magnificent Victorians and wonderful hotels and other such things because of dips in the economy have turned into welfare housing, boarding houses and things that still continue to be a millstone around the Village's neck. The economics of these things are important. The Copper Beech developer was very fortunate as he completed those units at exactly the top of the market. The Bay View had to take, I believe, about \$20,000 off per unit. So, he didn't get, at least for the last dozen or so units he built, anywhere near what he expected. Probably a more extreme example is the development on Waverly Avenue near DPW. A year ago they were asking for relief so they could rent the place out which I understand they did not get. So, the economics of this thing is really important and I would recommend to the board, or least ask the question—I don't expect you guys to go through the economic openly, but at some point an analysis be done with a best case and a worst case scenario. In some people's opinion the housing market of 2006 or '07 is gone and is not coming back for a very long time, at least not in our lifetimes. What you guys are asking for the units vs. what you can get for the units and what happens if the market is such that he can't get it and you stop building—that is not going to be practical and you have partially built sidewalks and open areas and you can't build a structure—that's a problem. If they are built and they can't be sold, then what happens—one of the worst case scenarios given the realities of the real estate market? It is something of a community nightmare for a wonderful thing like a Victorian or a hotel or in this a case a development to become not an asset but actually a nightmare or liability because the economics don't work any more. Things like covenants like owner occupied should be part of this and not be used for any other purpose but that.

John Bogack, 8 Noxon Street, stated: I have some reservations. I believe this is a good idea and know the board is going to approve this. This is the completion of what the board is going to do

for a long time in the Village. The only reservation I had—I actually met with someone today who said the value of my home has decreased by \$80,000 over the last several years—you know what kind of market it is. The Clare Rose people are very courageous and I wish them well actually because it is a pretty tough time. The other concern I had tonight is the ecological concerns. There is the greenspace, some spots where older trees are going to go and be replaced by other trees. I hope that in the end it will be a greener area. The last thing is the issue of public access. I want to make sure that we get it in the end. Because I sat in this room when the Riverview complex was discussed.

Mayor Pontieri stated: The thing about the Riverview was we knew they were landlocked on both sides by private properties. What we wanted and got from the Riverview is that if, in fact, at some point and time whether it be to the north side or the south side, if there is a change of ownership or a change in use, that we will still have that access that we could continue and create the access. Anybody who sat on the board at that point and time knows nobody is going down there because you just can't get to it. That was done for the future, but not for today.

John Bogack stated: Let's look at that future. Am I getting this concept right, they are going to build until they have 70%. They are going to start on that side and eventually go down the river sometime.

Mayor Pontieri stated: We are doing the same thing with this as we did with Riverview. In that, we are saying to these developers we need public access along that river. You are going to be able to get it from South Street and take advantage of it. We don't know what is going to happen to the property south—that is now a box factory, if they decide to redevelop it. We will do the same things with them. The wastewater treatment plant is our property, but you go down farther and it is private property. Your question is well taken, but our ability to control the use of other people's property just doesn't happen.

John Bogack stated: But this piece of property, eventually I want to be able to walk to that riverwalk and feel comfortable. I want to make sure we reinforce this—especially because I hear the co-op owners themselves are going to be maintaining the riverwalk. I don't want in time for them to think this is our riverwalk and we are paying for it and the public will not be welcome.

Mayor Pontieri stated: That issue is somewhat difficult for us as a board to control—in terms of patrolling people and saying, you have to be nice to him.

John Bogack stated: I am expressing this as a member of the public, as the Clare Rose people are here and believe they do want to do this—to make sure in the future that the public have access to the greenbelt and made to feel welcome and that the people moving into these projects understand that they are holding a public trust actually and this is not for them, but for the rest of the community.

Michael Kelly stated: Along those lines, what we can do is specify that particular comment in our offering plan so that when homeowners do buy each one of these individual homes, they are made aware through the offering plan that spells out this is public property and public access. We had very great success at Copper Beech creating that public access so you could walk through the community from corner to corner.

John Bogack stated: I don't feel comfortable walking through Copper Beech. You can, but it is a very tight setting and I feel I am walking onto someone's property. But, you are proposing something much grander. That is the promise here—the Village is saying you are offering this to the community as part of the deal. I am saying on this day in 2010 that as this evolves and develops, you are going to keep this promise because I want to be able to walk down the river and go down that greenbelt.

David Sloane stated: On behalf of my client as a show of good faith, and I don't want to put the Village on the spot, but if the Village wants a dedication to the greenbelt, we would do that.

Mayor Pontieri stated: I think one of the things for all of us to remember about that boulevard is that it is called Clare Rose Boulevard and knowing the Rose's as well as I have over the last forty years I can't suspect they would put anything up there in perpetuity that would have their family name on it that would embarrass the family name and legacy. As Mr. Fauci indicated, my concern is that it is done right and with quality.

William Smith, 165 Pineneck Ave. stated: I own a house at 107 West Ave. at the south end of the project that you are talking about. How close are they coming to my property?

Michael Kelly stated: There is a setback with a fence and a hedgerow as well. There are no terraces, there is a patio in back on the first floor. It is a 20 foot setback.

Mayor Pontieri stated: The road will be narrowed down to a single lane. Forty years' ago when they did that road there was supposed to be a median but it was taken out because of the Clare Rose need for tractor-trailers turning, and not for the need of four lanes coming in and out.

Resident asked: When reducing from four to two lanes with a median, will there be breaks in the median for turning. In the last 3-4 years that has been a dramatic increase in the number of residents.

Mayor Pontieri stated: That is why I asked the question about the number of employees and number of vehicles coming in and out and a comparison of those numbers to see whether it is a increase or decrease based upon what is already currently on site because it is a very active vehicle use site.

Resident stated: I used to enter and exit the Village through South Ocean, but now that is so difficult to move most of the time that I am actually using this in way for egress as it is four lanes.

Adrianna Barry asked: Since they are reducing it from four to two lanes is there a possibility of no parking on that particular road. Will it be like the issue we are having on River Avenue—over-congestion? Obviously, people don't park there now because it is industrial and there is no reason. But, you are bringing this nice community in and people will have visitors and will want to use the riverwalk.

Mayor Pontieri stated: That is something we will look at once we get farther down the road with the plans. If there is no further comment from the board, I would like to have a motion to close the hearing.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved motion to close the public portion of the hearing, leave the record open for written comments until July 26, 2010, and to schedule the decision for the Board of Trustees meeting to be held September 13, 2010.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, the board approved request to grant out of district sewer hook-up for the RAM Associates LLC residential development of 48,900 g.p.d.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the meeting was adjourned.

Signed _____
Patricia M. Seal, Village Clerk

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