

The Special Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on March 10, 2011.

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. Village Treasurer Krawczyk was not present.

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

Mayor Pontieri stated: This evening we have three motions, all of them relating to the proposed redevelopment of what was formerly the Swezey Department Store site. This project has been in development probably since 2006, very seriously in 2007 properties were acquired by Tritec Real Estate in August 2007. Since that time it has gone through various considerations and changes and also some that we wish it stayed in, but because of the economy and changes, are not in. Over the last two months, we received numerous letters. Those that were received by the 14th will be part of the official record. Any letters received after the 14th have been distributed to all of the trustees for review, including we received one today from the Patchogue Fire Department about concerns that they have. They will not be part of the official record, but will be part of the decision that we make going forward in relationship to the project itself. Like all things, this is a living, breathing process. It will change as it goes forward and it will move as it goes forward, but it will always be done for the betterment of the community. This evening we have three specific things we are going to do.

Village Clerk Seal stated: Notice is hereby given that a Public Hearing will be held on Thursday, March 10, 2011 at 7:00 p.m., in the Municipal Building, 14 Baker Street, Patchogue, New York, 11772, by the Village Board of the Incorporated Village of Patchogue to consider the amended site plan of New Village of Patchogue submitted by Downtown Patchogue Redevelopers, LLC for the property located on the north side of West Main Street, the west side of North Ocean Avenue, the north and south sides of Lake Street and the west side of Havens Avenue to construct a mixed use development including retail and residential units. The Public Hearing is open to the public, but closed to public comment.

Mayor Pontieri stated: The hearing has been closed. The only comments that will be made will be by the Board this evening. I would like to request the approval to designate the Board of Trustees as the Lead Agency for the application for a mixed use development by Downtown Patchogue Redevelopers, LLC.

Motion made by Trustee Keyes, seconded by Trustee Krieger, voted in favor by Trustee Devlin and Mayor Pontieri, and opposed by Deputy Mayor McGiff, Trustees Crean and Hilton, to approve request to designate the Board of Trustees as the Lead Agency for the application for a mixed use development by Downtown Patchogue Redevelopers, LLC. Motion carried.

Mayor Pontieri stated: We have a request for approval to consider a Notice of Determination of Non-Significance for the application of a mixed use development of Downtown Patchogue Redevelopers, LLC and declare the action a Negative Declaration as per SEQRA.

Trustee Crean stated: At this time, Mr. Mayor, I would like to make a motion to reserve decision until the Zoning Board of Appeals has an opportunity to review the site plan. There is a discussion going on right now that they need relief for certain dimensions of the parking spaces that they are looking to provide. And, if we continue this evening, we would, in effect, not be the last and final word on this application. All along we have been the Lead Agency trying to steer this project. And at this particular point and time, without the Zoning Board's opinion on this, I think it is premature and would, in effect, leave the ultimate and final decision in their Board, with officials

who are non-elected officials. At this particular time, Mr. Mayor, I would like to make a motion to reserve decision on the decision for this evening.

Deputy Mayor McGiff seconded motion.

Mayor Pontieri asked for discussion on that.

Trustee Crean stated: There are certain spaces that are on the site plan that the dimensions that are defined by the applicant and are not consistent with what our Village code requires. And they need to get relief for those dimensions from the Zoning Board. And if that, in effect, is denied, they are going to need to redraw their parking plan.

Mayor Pontieri stated: There is nothing in here that deals with that as a specific issue.

Trustee Crean stated: Mr. Mayor, I understand that, but perhaps that is one of the most single action issues about this application, the parking.

Deputy Mayor McGiff stated: I believe on Nov. 4th we received a letter from Mr. Sloane, Counsel, stating that unlike the prior application, variances are no longer required. I believe last Friday the Village Clerk received a letter asking to go before the Zoning Board of Appeals for a variance. So, the applicant itself is asking for relief. I think we will essentially do this twice, if in fact, the ZBA denies that variance. In the interest of expediency, perhaps we should wait a week.

Trustee Crean stated: If the spaces get denied and they need to re-draw the size of those spaces, they are either going to acquire additional land or refigure exactly how it is going to be laid out. We are told it may impact the use or the density of the project.

Trustee Hilton stated: The minimum sized parking space in the Village of Patchogue as far as the Code book is 9x20. The bulk of the parking spots within this project are 9x19, many of them were 9x18. We even have 8x18 in spots. Relief of this kind has been granted in the past, but we don't know exactly what the Zoning Board is going to do as this point.

Trustee Keyes stated: There are parking spots in the Village which are not 9x20. It would not be uncommon to find a 9x19 or 9x18.

Trustee Devlin stated: I would like to ask Village Attorney Egan if it is possible, should this Board approve this site plan, to making it pending ZBA.

Village Attorney Egan stated: It is possible. If I could direct the Board to look at page 5 of the Draft SEQRA Negative Declaration decision. The Transportation Section, Section 2, acknowledges that there has to be a minimum to not require a variance for denied parking spaces and that these spaces include a combination of subsurface and surface parking. It does acknowledge in SEQRA, the last line, that variance will be required from the Zoning Board of Appeals, to modify the size of Village Code parking spaces. So, for SEQRA purposes it does acknowledge that a variance would be required. This motion may potentially want to be revisited on a site plan determination, but not necessarily under SEQRA. Based upon a Negative Declaration that has been drafted, I would say it is up to the Board as a complete record you would be able to pass upon whether they feel that there would be a determination of non-significance to the project. Having said that, the Board has already passed the SEQRA before with prior reviews, it would appear that the Negative Declaration would be appropriate here at this junction.

Deputy Mayor McGiff stated: So you say that if we are going to make that vote, it should be under C not B.

Village Attorney Egan, stated: Correct. Only because the need for a variance is recognized by SEQRA.

Trustee Crean stated: SEQRA is asking us to declare the action as a negative declaration and with parking being the single, largest concern of many, the Board members as well as residents and merchants, I don't know how we could declare the action negative. It is just a question that I am raising.

Village Attorney Egan stated: It is certainly a legitimate perspective and a reasonable conclusion.

Mayor Pontieri stated: What it doesn't do is jeopardize anything going forward.

Village Attorney Egan stated: The applicant has acknowledged that they must go to the Zoning Board of Appeals for a variance. They have to do that. What the ZBA may or may not do on that application is up to that Board. It is beyond the jurisdiction of the Board of Trustees. The ZBA will make a determination as to whether that variance would be granted or not.

Mayor Pontieri stated: That issue is covered, in my estimation from what I have read and what I see, is covered within the SEQRA. There is nothing in there that binds us to size or that we agree that it should be 8x19.

Village Attorney Egan stated: It acknowledges the jurisdiction of the Zoning Board and preserves for them the determination as to whether they are going to grant a variance or not.

Mayor Pontieri stated: Does it bind in any way, shape or form that Board to any decision?

Village Attorney Egan stated: It does not and cannot.

Trustee Crean stated: In all due respect, I just do not know how we could declare this a negative declaration as for SEQRA without knowing what the parking plan is going to look like. As I said earlier, I think it is premature and that is why I raised that particular point at that time.

Mayor Pontieri stated: I guess I would agree with you if I felt that it bound either the Zoning Board or our hands to a decision. But, it doesn't bind anybody to a decision. All it says is that we can move forward with that as a step in the process. I guess what we have to do is decide that motion.

Motion by Trustee Crean, seconded by Deputy Mayor McGiff, to reserve decision on the site plan pending ZBA review of the site plan. Deputy Mayor McGiff, Trustees Crean and Hilton voted in favor. Mayor Pontieri, Trustees Krieger, Devlin and Keyes voted against. Motion failed.

Deputy Village Mayor McGiff, stated: Village Attorney Egan, it looks like from 2008 there was an increase in gallonage of 88,000 gal per day potable water, which seems to be significant, and is that addressed in this SEQRA.

Village Attorney Egan stated: Yes. If you look at page 3 Section (1), "Water Resources I & II," the first paragraph details the potable water and the second details the impact on the sanitary waste. It does take into account the decrease from 89,000 to 81,000.

Trustee Hilton stated: As far as the garbage impact, where is that in SEQRA?

Village Attorney Egan stated: It is page 6, number 3, it addresses the municipal solid waste.

Trustee Hilton stated: It says “Sanitation services are currently provided to the subject property by the Village of Patchogue and thus the proposed action would not result in the need for new services.” That in no way binds us to providing sanitation.

Village Attorney Egan stated: No.

Motion made by Trustee Devlin, seconded by Trustee Krieger, voted in favor by Trustee Keyes and Mayor Pontieri, and opposed by Deputy Mayor McGiff, Trustees Crean and Hilton, to approve request to consider a Notice of Determination of Non-Significance for the application of a mixed-use development of Downtown Patchogue Redevelopers, LLC and declare the action a Negative Declaration as per SEQRA. Motion carried.

Mayor Pontieri stated: We have a request to grant site plan approval for the application of a mixed-use development by Downtown Patchogue Redevelopers, LLC. Discussion on the motion please.

Trustee Keyes stated: The project, for all the beauty it brings, certainly brings a lot of questions, issues, concerns and controversy. I would like to thank the Planning Board for guiding us through a lot of things, for their input and comments. It has been a bit of an education to us, learning what questions to ask. Also, so many comments from our residents, e-mails, public comments, going back to the public forum, up until to this point. Again, some interesting and insightful input was gained. For myself, I received some zealous comments as well as some expert opinion that I had the opportunity to research. When the formal decision comes, I feel I will be able to make it with enough confidence to feel that it is the right one for today and for Patchogue--the right one for tomorrow. I say that because we don't know 15-20 years from what the four corners in Patchogue is going to look like. No one can say with 100% certainty that a hotel would be the stellar legacy that this administration is looking to leave. Nor could anyone say with 100% certainty that the apartments are destined to be low-income, troublesome slums. I think the growth of Long Island in the 50's and 60's--and I guess they didn't use the term smart growth then—but, I guess when developments grew all over the Island and people bought the house on the block that looked like 200 other houses on their block, and everybody mowed the same size lawn on the weekend, and trimmed hedges, and painted shutters. At the time that they did it, it was right for them and right for the economical growth and development on Long Island. Some of those developments stayed very well, Sayville, Levittown and Oakdale. Others, not so much, Brentwood, C.I. and North Bellport. The point is that in the 50's and 60's that was the right thing to do and no one could forecast what would happen 20 years down the road. I would hope that if this passes that we would encourage Tritec to partner with us and acquire additional parking. It is a concern, obviously. Tier parking is probably going to be in our vocabulary for awhile. I happen to think, again based on the information that I researched and with many conversations with Tritec, residents, research into regional experts, I think this kind of project is what is vital to downtown revitalization---maybe not 5 or 10 years ago, but I believe it is critical to downtown revitalization, not only to the Village of Patchogue but everywhere. Mr. Mayor, I know when the time comes to vote, I know I will be able to make it with great confidence.

Trustee Devlin stated: First of all, I want to acknowledge all the hard work that has gone on amongst everybody on the Board. I know everybody has given it careful deliberation and I appreciate all the comments that I have gotten. Not just from my Village Board members, but also from Village residents who have taken the right to comment. I don't think anybody could have predicted what a big change has happened in the world from the time that Tritec bought the property with the thought of a hotel, condominiums and mixed-use of that sort, and what has gone on in the world since the real estate bubble, through the real estate recession, and where we are now. I have done a lot of research and looked at a lot of projects like this on the internet and there are many projects of this kind that are very successful in many parts throughout the United States. The Harris Interactive pole of the National Apartment Association said that 76% surveyed now believe renting is a better option. We have had a whole change in trends; this is something we

have to look out carefully. I have done my research, listened to all the residents, and think when I make the decision it will be right.

Deputy Mayor McGiff stated: History is a great guide and educator. The fact remains that high-density housing does not work in Patchogue. It is a great design. I take my hat off to the Coughlin team, to Rob, and Mr. Sloane. But in my heart of heart, I believe this project is bad. High density rental apartments do not work here. When the Tiffany was built, it was cutting edge and Maple. I hear that the young people of Long Island need affordable housing and that is true. My retort to that is that the Village of Patchogue has shouldered that burden for much too long. The numbers vary from 50-56% rental in this 2.2 square mile Village, 11,000 to 12,000 known residents. There is a lot of rentals; let them be somewhere else for once. If you just peruse the numbers of high density apartments in the Village, Artspace 45 (and not all of these are rental, but most of them are), 234 River has 96 units, Patchogue Capri Gardens on Park Ave. has 15, 28 units on Church and Railroad-the garden spot of Patchogue, 250 River Avenue has 64 units, Fairfield at West Lake has 37, Fairfield on the Bay has 132. Heatherwood has 272, Maple and Thorne has 84, Seacrest Village has 30, Terry Apartments has 65, Tiffany Apartments has 88, Patchogue Wave on Waverly has 80 units. Is there really a housing shortage in the Village of Patchogue, I think not. And I think back to when we created the DRD. When we crafted this, it was going to be for an important public benefit. And the question I ask is where is the public benefit to 291 rental units on our historic four corners. I have wrestled with that, thought about it, taken steps back, and at the end of the day cannot see it. I hope history proves me wrong, but we shall see. We can talk all day about the traffic, parking, sewers, all the effects on our infrastructure. And if you look at the Suffolk County Planning, part of their decision said the Village carefully consider the precedent setting nature of this project and to make sure it is consistent with the community character. The Village should carefully analyze the impact to the existing infrastructure such as sewers, etc. The Village should carefully consider the adequacy of the parking plan and they even used the word problematic. The Village should consider a diversity of residential unit types including owner occupied units to better meet the community needs. They also made comment that the increase in density not be tied to the transfer of development rights which has the potential it promotes. There are two points that people always throw out—Newsday. Newsday is good for only one thing, west coast box stores. You can always rely on catching a west coast baseball game. Other than that, Newsday---whatever. Jim Mulvaney who the Mayor and I got to know, a Pulitzer Prize winner, left Newsday. He said the problem with Newsday staff was their reporters neither grew up on Long Island nor choose to live on Long Island when they report about Long Island. They went to Harvard or Yale from Indiana or somewhere else and choose to live in Manhattan, but cover Long Island. So, anything they write, I look at it with a skeptical eye. Then everyone else trumps out Pearl Keamer. I don't know Ms. Keamer; she looks like a nice lady. I don't know, but she is an academic and my retort to that is that she probably never worked for a living. And she is the wise sage—everyone says she can predict the future. If you Google her, you find out not all of her predictions were right. In 2007 at the peak of the housing bubble, Keamer and the L.I. Association were screaming that we needed more housing to keep up with Las Vegas, California and Florida. And this person writes, happily Long Island did not jump off that cliff and the housing market did not crash as badly as the rest of the country did. So, I think the advantage of being a Patchogean, is you use your own experience and you access your own opinion. I am not going to put my life and my family's life in the hands of Newsday or Pearl. That is what I want to say about that. As Paul said, we are all passionate about this. This is not an attack on anyone, but to get into some of the specifics. We talked about the parking and I am against this project. But, if the project does pass, parking is problematic. And what are we going to do about it—worry about it later. I think that is a dangerous road to that if we go down. I think that being the biggest project to hit this Village in generations, we went about the approvals very haphazardly. We usurped the power of the Planning and Zoning Boards and acted as a lead agency and we have never done that before. It is like going from Little League to Major Leagues and trying to hit a fast ball. We met here a couple of weeks ago for the first and only time as a Planning Board. I would not say it was fruitful; it was another three hours I spent away from my family. With all do respect, every suggestion that we made to Tritex is rebuffed because, I will be frank, they have the votes. And that is human nature, why

would you negotiate against yourself when you don't have to. But, who does that benefit at the end of the day; it doesn't benefit us as a community. I will end with this. In the beginning when we took office and we dealt with all this illegal housing, we used to say the sins of the father who let a house be built in back of a house in the 50's where 30 people were living. I just hope it doesn't come to fruition that people will say the sins of the father and mother (we are more diverse now). I hope that doesn't happen and I am proven wrong.

Trustee Hilton stated: As a past member of the Planning Board, a past Chairman of the Zoning Board, I feel that I can give a professional opinion that there are serious parking deficiencies with this project. A total of 65 parking spots should be rejected from the applicant's modified site plan, based on the following: 1) there are 10 dead-end spots that are contained in areas where there is not adequate room to turn. They are inconvenient for day to day for drivers to use or a hazard to drivers and has the potential of endangering them and their passengers and firemen and EMT lives will be put at risk. Twenty four on-street parking spots on Havens and West Main have been counted as parking provided. On-street parking cannot be substituted for off-street parking. Seventeen parallel parking spots have been created by the developer on Lake Street. Lake Street is the quickest route southeast for Patchogue Fire Department. Lake Street is not wide enough to accommodate parallel parking while allowing safe passage of emergency vehicles through traffic, especially with the increase of cars from the proposed underground parking garage. To remove 91 parking spots from an already crowded municipal lot and place 41 of them on street is inexcusable. There are 45 compact parking spots underground. Even with the Board's approval to allow a minimum parking space size of 9x18, ten of these spots would be eliminated. In the proposed parking lot on the corner of Jennings and Lake Street, four spots should be eliminated because of the cars having to back into an ingress or egress. With the enormous incentives that the applicant has been awarded, the savings should be used to purchase more property for parking. By not doing so, the applicant has shifted the responsibility of parking from themselves to Village residents and business owners. The residents and business owners will have to pay for the new parking that will be desperately needed because of this project. I would like the Board to revisit the comments of the Suffolk County Planning Commission's decision for this application. I feel that we as a Board have not taken them into consideration. The Suffolk County Planning Commission has approved this application, subject to the following conditions and comments. Comments were "1) The Village Board should carefully consider the precedent setting nature of the proposed change of zone in order to ensure that the increased scale of development is consistent with community character (I don't think we have done that). In addition, the Village should carefully analyze potential impacts to existing infrastructure. 2) The Village should consider public safety in Universal Design Standards with the proposed development consistent with the Suffolk County Planning Commission guidelines. (I believe the faults we have discovered in the parking area definitely not considered the public safety.) 3) The Village should consider a diversity of residential unit types, including owner-occupied units in order to better meet community needs." This was the Suffolk County Planning Commission.

Trustee Crean stated: I guess without having to go into a lot of things that have already been spoken about, when it comes right down to it, the allowances that I am personally willing to grant to the applicant under their initial proposal were a trade off for the public benefit that they were looking to provide. And when that use changed, the more I thought about it, to replace the hotel with 51 additional residential units really doesn't benefit anybody but the applicant and the developer themselves. And based upon the current parking plan, the only way that I can really see this working is that the use be changed. And, to better and more effectively share those spaces that some of the square footage that is designed to be built out should be converted to commercial office space. Where the parking stalls that they are looking to provide would be shared during the day and then in the evening and the weekend. Where the people using the office would be using those spaces during the daylight hours and the residents would be using them in the evening and the weekend. The on street parking that we have talked about just is totally unallowable, to be counted towards their parking count and reduces their parking that they are looking to provide on their property to 470 spaces. There are currently approximately 170 spaces in the lot already. So,

they are looking to create an additional 300 spaces for 291 units of housing and 36,000 sq.ft. of retail space which I am sure they are, hopefully, going to be able to find tenants for. So, I am in total agreement with both the Deputy Mayor and Trustee Hilton that the parking plan is totally inadequate. What I would like to discuss at this particular point and time is a draft of certain conditions that are being made to the applicant if their plan is to be approved. I want to thank the Village Attorney for pulling a lot of our thoughts together and drafting something that I think has been very useful to us with regard to certain conditions that they would need to comply to. I guess that we look at it and go through one by one and formalize them on the record would be helpful. It talks about noise, inspections, landscaping and all of those things. The thing that I want to make quite known to everybody that is in attendance tonight is that the parking that they are looking to provide or that is designed on their plan, that any on street parking space delineated on this site plan is subject to the control and jurisdiction of the Village and cannot be counted towards the parking spaces required for the applicant's parking calculations. Any sort of decision that is made--I guess I would like to ask the Mayor as to how we are going to attach these to the record.

Village Attorney Egan stated: This will be the basis for the motion that is before the Board now. An affirmative vote in approval of the revised site plan is also a vote for this in the form of the motion that would be covenants and restriction that would bind the contract. I would also like to add one more thought. Trustee Hilton added an excellent point before to make clear again along this same line, I would recommend to the Board that they consider on this motion adding a #27 that will say sanitary services will be the responsibility of the applicant; just so that is crystal clear.

Trustee Crean stated: No. 20 reads "The Board of Trustees shall retain jurisdiction over the roads, access roads and internal courtyard so as to ensure that vehicular and pedestrian traffic moves in a smooth and orderly fashion." This past winter we go a little more snow than usual; what about snow removal? Is that the responsibility of the Village or of the developer?

Village Attorney Egan stated: The areas that are public, the roadway that interior area, is ultimately going to be deeded back to the Village, that interior courtyard parking area. When the subdivision is finally approved that area will come back to the Village; the roadway, the Havens Ave., and the returned municipal parking lot will be the responsibility of the Village.

Mayor Pontieri stated: That will give us the opportunity in terms of enforcement, too. To make sure whatever the parking issues are within that are managed and monitored by us.

Trustee Crean stated: I am curious just to how many parking spaces were used by the snow plow.

Mayor Pontieri stated: Maybe 4 to 8 of them.

Trustee Crean stated: Any approval of this site plan is also approval of these conditions. Everything else has been said very well by Deputy Mayor.

Trustee Krieger stated: I agree that everything has been said. The only thing I look at is that the Village of Patchogue has been developed on big decisions. Right from incorporation in 1893, putting in sewers in the Village of Patchogue, back in the 40's and 60's when there was a parking problem, it was deemed the right thing to do to take away entire neighborhoods, entire pieces of land where people lived and had businesses, to create parking. It was not a unanimously popular decision, but the Village fathers in the 50's and early 60's realized it was something needed to happen in order for the Village to survive. And all those decisions were correct. Another big decision was to take the property along the Great South Bay which is probably the most premium property here in the Village and to turn it into parkland for the people of the Village of Patchogue and the region. These were big decision that at the time had to be made and were made. Today we are in the same situation. Probably if you rate all the big decisions that the Village has made over the past 120 years, this one is right up there at the top. The impact that this project will have on the Village is significant and we all know that. And that is why all of us together have worked very,

very hard, discussing it, batting it around, talking, trying to come to the right conclusion for the people of the Village of Patchogue. Many years ago, during the great depression, back in the 1920's and 30's, the way President Roosevelt dealt with that was to build things, give people jobs, to progress, not to stop, not to wait, not to see what happens, not to predict what is going to happen in 30-40 years. It was to build things and they built things. And they built things where people could live and where people could work. And they built things that were useful. And they built things that are still there today. I think this project is one of those things to build.

Deputy Mayor McGiff stated: Since we just got this right before we came out, Mr. Egan, I am looking at the actual covenants and I was wondering if we pass this today, one of the suggestions was that no apartment be used other than for single family occupancy. Is there a reason why that was taken out?

Village Attorney Egan stated: Instead of running afoul of any possibility as to the definition of family, what I thought to do was to reference the housing standards that are already set forth in the Village's Chapter 238(24). I also thought to note for the Board, again as a continuing jurisdiction over this property that this does not go afield once this thing is approved, that it also says "as it is from time to time amended by the Board of Trustees."

Upon a motion made by Trustee Krieger, seconded by Trustee Keyes, voted in favor by Trustee Devlin and Mayor Pontieri, and opposed by Trustee Crean, Hilton & Deputy Mayor McGiff to approve request to grant site plan approval for the application of a mixed-use development of Downtown Patchogue Redevelopers, LLC, with covenants and pending Zoning Board approval. Motion carried.

**BOARD OF TRUSTEES
VILLAGE OF PATCHOGUE, STATE OF NEW YORK**

Resolution #38-2011

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In the Matter of the Application of

DOWNTOWN PATCHOGUE REDEVELOPERS, LLC

for Site Plan Approval

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WHEREAS, a resolution was duly adopted by the VILLAGE OF PATCHOGUE BOARD OF TRUSTEES (hereinafter the "Board") for a series of public hearing to be held by said Board at the Village Hall to hear all interested parties on an application for revised site plan review pursuant to the Village Code submitted by DOWNTOWN PATCHOGUE REDEVELOPERS, LLC, relative to the proposed action:

To construct a total of 291 residential units, 36,149 square feet of retail space, an underground parking structure and associated appurtenances on parcels located on the north side of West Main Street, the east and west sides of Havens Avenue, the south side of Lake Street, and the west side of North Ocean Avenue. The instant application also includes the redevelopment of a 0.51±-acre parcel on the north side of Lake Street for surface parking, in the same manner as the previously-approved development, with a portion of the parcel to be dedicated to the Village; improvements to

Havens Avenue, including the alignment with Jennings Avenue; the relocation and rehabilitation of the Carnegie Library and a land swap between the applicant and the Incorporated Village of Patchogue.

WHEREAS, notice of said public hearings was duly advertised in the Long Island Advance, the official newspaper of the Village and mailed to owners of land identified by the Applicant in accordance with the Village Code, and

WHEREAS, said public hearings were duly held at the Village Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said application, and

WHEREAS, an application was previously submitted to the Board of Trustees in September 2008 for a mixed-use development consisting of the following (hereinafter the "previously-approved development"): a change to the zoning classification of 11 parcels to the Downtown Redevelopment District (DRD); the redevelopment of the 11 parcels in accordance with the DRD regulations, with 240 residential units, 28,460 square feet of retail space, an 111-room hotel, and associated parking and appurtenances; the redevelopment of the parcel located at the northwestern corner of Lake Street and Jennings Avenue with a surface parking lot; the improvement of Havens Avenue and alignment of the northern portion with Jennings Avenue; a land swap of approximately 1.68 acres between the applicant and the Village to facilitate the proposed redevelopment; and

WHEREAS, the Board of Trustees, as lead agency, issued a positive declaration, dated November 10, 2008, on the previously-approved development, and Draft and Final Environmental Impact Statements were prepared; and

WHEREAS, the Board of Trustees subsequently issued a Findings Statement, dated April 13, 2009, that concluded the SEQRA process, and issued approvals for the change of zone and site plan for the previously-approved development; and

WHEREAS, in on November 8, 2010, the Applicant submitted a Revised Site Plan for Approval removing of the hotel use, adding 51 residential units and 7,689 square feet of retail space and a subsurface parking area), and

WHEREAS, the Applicant along with the revised site plan submitted a Part 1- EAF, with attachments. A revised Part 1- EAF, with attachments was also submitted that reflected the requirement for a variance for the size of parking spaces. The Part 1- EAF attachments included a project description and history; a comparison of environmental impacts between the previously-approved development and the proposed action; an evaluation of potential significant environmental impacts of the proposed action; and a consistency analysis of the proposed action with the prior Findings Statement; and

WHEREAS, by resolution dated March 10, 2011, the Board of Trustees has reviewed the instant application, and has determined that the proposed action will not have a significant adverse impact on the environment and issued a negative declaration under SEQRA; and

WHEREAS, the Board, after due deliberation and consideration of public health, safety and welfare concerns, finds it in the best interest of the Village to approve said site plan subject to certain covenants hereinafter set forth,

NOW, THEREFORE, the Village of Patchogue Board of Trustees does hereby APPROVE the application of DOWNTOWN PATCHOGUE REDEVELOPERS, LLC to

To construct a total of 291 residential units, 36,149 square feet of retail space, an underground parking structure and associated appurtenances on parcels located on the north side of West Main Street, the east and west sides of Havens Avenue, the south side of Lake Street, and the west side of North Ocean Avenue. The instant application also includes the redevelopment of a 0.51±-acre parcel on the north side of Lake Street for surface parking, in the same manner as the previously-approved development, with a portion of the parcel to be dedicated to the Village; improvements to Havens Avenue, including the alignment with Jennings Avenue; the relocation and rehabilitation of the Carnegie Library, and a land swap between the applicant and the Incorporated Village of Patchogue.

on the aforesaid premises subject to compliance by said Applicant with the following covenants:

1. Noise: During and after construction is complete and a certificate of occupancy has been granted, applicant agrees to obey the terms of the Noise Ordinance of the Village.

Further, to control noise and disruption to surrounding and nearby properties, there shall be no construction before 8 am or after 7pm or on Sundays.
2. Village Inspections: Applicant grants the Chief Building Inspector, Code Enforcement Officer, Mayor, and/or their designees a license to enter upon premises to determine that these covenants are being fulfilled notwithstanding any signs or other notices purporting to limit access to the property.
3. Landscaping: Prior to the issuance of any building permits or Certificates of Occupancy, there shall be submitted to the Village of Patchogue Building Department for review and subject to approval a landscaping plan indicating in detail the proposed landscaping treatment, which shall include pavers, benches, signage and other exterior improvements.
4. Lighting: All lighting shall be positioned or shielded so as to illuminate only the subject parcel and to comply with the Village Code. Prior to the issuance of any building permits or Certificates of Occupancy, there shall be submitted to the Village of Patchogue Building Department for review, and subject to approval, a landscaping plan indicating in detail the

5. All improvements specified in this declaration shall be maintained by the property owner. This shall include, but is not limited to, pavement, fencing, buffers and landscaping.
6. The subject parcel shall be maintained in a neat, clean, litter-free condition. The applicant/owner(s) shall be responsible for adequate refuse collection to ensure compliance with this condition.
7. Garbage: Applicant will police the area of the establishment and remove garbage and debris left by patrons. The Board of Trustees reserves jurisdiction to require the addition of exterior garbage receptacles if it deems such necessary
8. Except as provided herein, the applicant/owner agrees to comply in all respects of all portions of the Patchogue Village Code.
9. If substantiated complaints, as determined by the Board of Trustees, arise from the use of the subject parcel, the Board of Trustees reserves the right to modify aspects of these covenants and restrictions, after due public hearing if violations of the covenants occur.
10. The Carnegie Library will be donated to the Village and the obligations, terms and conditions of the Agreement dated September 14, 2010 executed between the Village and the Applicant with regard to the relocation of the Library are incorporated as if fully set forth herein.
11. This approval is conditioned upon, and subject to, issuance of all other necessary permits and approvals, including approval by the Zoning Board of Appeals.
12. This revised site plan as approved is strictly predicated upon the 12/1/2010 site plan drawings, building elevations, and the color renditions annexed hereto as Exhibit A, except as technically modified pursuant to paragraph 18 by the Village's Building Department, Engineers and/or Board of Trustees.
13. Demolition of the existing structures is required within six (6) months from issuance of building permits or an unappealable approval, whichever is later. The (Building Inspector or Board of Trustees) shall issue rules and guidelines concerning the demolition process which shall be deemed conditions on the demolition and building permits so as to minimize interference with adjacent roadways and to adjacent properties and the Village generally. The (Building Inspector or Board of Trustees)

14. Any on-street parking spaces delineated on the site plans are subject to the control and jurisdiction of the Village and cannot be counted towards the parking spaces required for the applicant's parking calculations.
15. Signage and pavement marking designed to control vehicular and pedestrian traffic on and near the premises shall be installed as required by the Chief Building Inspector and installed by the applicant. Such shall be deemed a condition on the building permits.
16. Tritec Real Estate Company, is committed to develop, construct, and maintain a controlling ownership interest in the project, and manage the development through the Applicant or affiliated entities through the issuance of the final certificate of occupancy, subject subordinate to the terms of any financing and/or operating agreements now or hereafter executed. The Village shall receive written notice of any transfer of any portion of ownership in the property within ten (10) days of any such transfer.
17. The access at the Oak Street Extension at North Ocean Avenue shall be designed to accommodate bollards so that, in the event it is deemed necessary in the future, this access can be converted to a pedestrian-only access, if directed by the Board of Trustees. Signage and pavement marking designating same shall be installed as required by the Chief Building Inspector.
18. This site plan approval and the construction connected therewith shall be subject to the Chief Building Inspector's review of the site plan for compliance with applicable federal, state and local building and fire codes.
19. The (Building Inspector or Board of Trustees) shall issue rules and guidelines concerning the construction process which shall be deemed conditions on the building permits so as to minimize interference with adjacent roadways and to adjacent properties and the Village generally. The (Building Inspector or Board of Trustees) shall require the posting of such bonds or other security as may be required to secure compliance with such rules and guidelines.
20. The Board of Trustees shall retain jurisdiction over the roads, access roads and internal courtyard so as ensure that vehicular and pedestrian traffic moves in a smooth and orderly fashion and there are no problems generated and may impose such restrictions or modifications as may be necessary to address problems which may arise after public hearing and

notice to the applicant.

21. The Applicant has agreed to join a parking district if such a district is created by the Board of Trustees. That consent is memorialized herein and made a requirement as no parking impact fee has been imposed on the project.
22. The applicant shall post such other bonds or security as may be required by the Building Inspector.
23. All demolition and construction shall be in full compliance with all laws, rules and regulations.
24. Occupancy shall be in strict accordance with Chapter 238 of the Village Code, as it is from time to time is amended by the Board of Trustees . In no event shall more than two (2) adults occupy studio or one-bedroom apartments.
25. The property owner is required to provide security for all interior and exterior common areas. If problems arise the Board of Trustees reserves jurisdiction to require the property owner to submit and to review a security plan.
26. The residential component of the application proposes market-rate rentals with a specified workforce housing component. The application is conditioned on the continued maintenance of such.
27. Sanitation services will be the responsibility of the Applicant.

Dated: Patchogue, NY
March 10, 2011

BY AUTHORITY OF THE BOARD OF TRUSTEES

By: Paul V. Pontieri, Jr., Mayor

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Trustee Crean stated: Is this decision subject to the Zoning Board's decision.

Mayor Pontieri stated: Yes; this decision is subject to the Zoning Board.

Trustee Crean stated: So the ultimate decision is left up to the Zoning board, appointed officials by our Board.

Mayor Pontieri stated: Patchogue has always been marked by progress. Jack said it and this is one more step in that. One of the things that Jack made comment to is that Roosevelt built a lot of things that are still here and still used—the building that we sit in now was a WPA Building, as is the old Brookhaven Town Hall across the street.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, the meeting was adjourned at 7:50 p.m.

Signed _____
Patricia M. Seal, Village Clerk

/id