

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on January 20, 2009.

The meeting was called to order at 7:30 p.m. by Mayor Pontieri with Trustees Crean, Dean, Devlin, Krieger, McGiff, Village Attorney Egan and Village Clerk Seal present. Trustee Hilton not present.

The flag salute was made.

Mayor Pontieri read the safety message.

Village Clerk Seal read: Notice is hereby given that a combined public hearing will be held on Tuesday, January 20, 2009 at 7:30 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 Downtown Patchogue Redevelopers, LLC (Applicant) from D2 Business District and D3 Business District to Downtown Redevelopment District (DRD) for certain properties, totaling 4.31 acres, located on the north side of West Main Street, the east and west sides of Havens Avenue the north and south sides of Lake Street and the west side of North Ocean Avenue. 2) Site plan and architectural review for mixed-use development, consisting of proposed residential units, hotel, retail and associated parking and appurtenances on the properties set forth above. The site plan also includes an additional 0.51 acre parcel located at the northwest intersection of Lake Street and Jennings Avenue. 3. The Draft Environmental Impact Statement (DEIS) (heretofore submitted by the applicant and accepted as complete by the Board of Trustees by resolution dated December 8, 2008. Copies of the change of zone application, site plan and DEIS are available for public review at 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 through February 2, 2009.

Village Attorney Egan stated: Tonight's hearing is to consider the draft of the environmental impact statement which was submitted by the developer and deemed complete by resolution of this Board on December 8, 2008. As a lead agency, tonight is to consider the completeness of the DEIS. Previously we had issued a positive declaration and required the evaluation of certain issues that is being consider under the DEIS, e.g. soils and topography, water resources, land use zoning and community character and transportation. Those issues are extensively addressed in this DEIS and the purpose of tonight's public hearing is to address some of those issues that are contained in here and to deem the DEIS not only complete, but also ultimately to issue a negative declaration or some positive declaration in the future. Again, that is not a determination we are going to make tonight, that is a determination that the Board, the lead agency, is going to make after February 2, 2009, which is the close of the public comment period.

David Sloane of Certilman Balin, attorney for the applicant, Downtown Patchogue Redevelopers, LLC which is a subsidiary of Tritec Corp. stated: Just for clarification, the hearing this evening is not only on the DEIS, but is a hearing on the proposed change of zone and on the site plan. On April 21, 2008 this Board adopted both pursuant to Local Law 3.2008 and established a Downtown Redevelopment District (DRD). This was forwarded to the Secretary of State and became effective in late May, 2008. This Local Law in effect created a Floating Zone within a limited area of the Village. It is bounded on the east by North Ocean Avenue, on the south by West Main St., on the west by West Avenue and on the north by Lake Street. This merely created the zoning classification,. Thereafter, an application was filed by my client to rezone properties within that area; however, not the entire area. The area which is the subject of the Change of Zone application goes from North Ocean Ave. to the former Maggio Bowling alley property which is just west of Havens Street. The ordinance that this Board adopted authorized a broad array of uses including a hotel, residential units, retail on the first floor and office. When this application was filed for the Change of Zone on Sept. 19, 2008, the plans submitted and the plans before you this evening comply 100% with this ordinance and Local Law except we will require a parking variance for reasons our team will later on go into. The Village Board of Trustees on Nov. 10, 2008, declared itself lead agency under SEQRA and adopted a positive declaration, meaning that an environmental impact statement had to be drafted and submitted. That is the document before the Village Attorney that goes through the various impacts and the proposal and how we propose to take care of these impacts. You will hear this in detail from our traffic engineers, our civil engineers and client. A complete analysis is contained in that document, including traffic, parking analysis, economic impacts, water, soils, availability of community services such as fire, ambulance and solid waste. On Dec. 10, 2008, as previously indicated, the Trustees adopted a resolution finding that the Draft Environmental Impact Statement was complete and scheduled this hearing this evening on both the DEIS, the change of zone and the

site plan. The site plan includes a parcel of property situated on the northwest corner of Jennings and Lake which is not within the DRD but is going to be additional parking in connection with the development, a part of all of which will be transferred to the Village for public parking. As indicated, we comply with each and every aspect of the criteria contained in Section 93.16(e) of the DRD code as far as the location. As far as the area, it was required that it be at least 1.75 acres and we have 4.31 acres. As far as ownership, my client either owns or controls all the properties which is within this application. The area within this application excludes, obviously, the areas that my client does not control which is the bank; the Brick House, as well as the Wedgewood structure which although my client owns that property is going to be developed separately. With reference to the height, the code authorizes anywhere, depending on the location of a structure, 60 to 130 feet in height. We are compliant in all respects and at the present time the building at the corner of North Ocean Avenue and West Main Street which is the highest will not exceed 90 feet. Workforce Housing is a requirement of the code, a minimum of 25%. We are proposing 28%. The eligibility under the code is that the first eligibility for Workforce Housing is for residents of the Village, then people who work in the Village, and the third category is everyone else. As I have indicated, the parking does not meet the code and we will have to go to the Zoning Board of appeals after we are through with this body and after SEQRA is complete. However, we have done a parking study and we feel that what we are proposing will work. Numerous public meetings have been held. This is a very public process. The last meeting that was held was a joint meeting before the Planning Board and the ARB which was a public hearing. I understand they will be making comments to this Board. The site plan authority in this zoning classification is within this Board. Under the SEQRA regulations this Board cannot make a decision on anything this evening. The hearing should be closed except for written comments which have to be accepted to Feb. 2, 2009.

Robert Loscalzo, Chief Operating Officer of Tritec Real Estate Co., along with Bob Conklin, Principal of Tritec, have been developing this property over the last few years, Kevin Walsh from Barrett, Bonacci & Van Weele, P.C., site civil engineers, Jim Graham from Eschbacher VHB Engineering, Surveying and Landscape Architecture, P.C. our traffic & parking engineer and Candice Andre from GHD but formerly from Freudenthal and Elkowitz Consulting Group, Inc. the environmental engineers who prepared the DEIS.

Robert Loscalzo stated: This project is the "Four Corners" known as the Swezey property, hopefully to be transformed in the next few years to what we want to see happen in the downtown. We have control and own sites 1, 2, 3, 4 and are in contract on sites 5 and 6 with an option to close in the next two years. Originally, the site included 1, 2, 3 and 5. Since that time we have basically acquired 4 and 6 and we spread the development over that entire site. Originally it had called for a 5 story parking structure. Right now we have a one story parking structure spread out over the entire site. In addition to that, by spreading the density out we have been able to reduce some of the height concerns especially at the Four Corners, no higher than 90 feet is currently projected for a 7 story hotel.

Bob and I have traveled all over the country to find out the best of what other developments that are happening and tried to incorporate suggestions from the Board of Trustees and public and tried to include it into this overall site plan. One of the things we are excited about is the Town Square. At the "Four Corners" there were some suggestions about opening up Oak Street and we have done that. We have maintained pedestrian passageways throughout the site and feel it adds to a promotes an active downtown and Main Street. One of the key elements here is establishing a central neighborhood.

The Patchogue Bank and The Brick House will remain. We purchased 31 West Main Street and were going to make that as part of the development, but are going to maintain it as an investment property, re-skin the front of it and re-tent it. We have gone before the ARB and Planning Boards and will be back before them relatively soon. The main floor of the hotel will be retail. We will have a passageway that will run underneath the residential. Basically, you would be able to access in off of North Ocean Avenue into the site. It will be two way traffic and we will signalize lights at Oak and Ocean. You will be able to make a left and right turn. On Lake Street you will be able to make a left and right as well and also potentially on West Street. The level one parking will sit underneath the four stories of residential and will be on grade and will be accessed from the interior up to the residential units. The orange shadowed corner areas are more retail.... It was expressed to try and fix the traffic pattern and we think we have done this by making this Town Square—it will be two way traffic on Havens and Lake Street. It will be one way traffic going around the Square....it will not promote traffic, but we do need that for circulation through the development. Along Havens Avenue we envision more retail and a restaurant. That will be a brick-lined street which will have benches and perhaps bike racks and there will be places for people to sit—perhaps a small ice cream shop on the corner. The plan calls for 28,000 sq.ft. of retail. That includes 9,000 sq.ft. at the base of 31 West Main Street—so it is about 19,000 sq.ft. of new retail. The original plan called for 38,000 sq.ft. of

office; the new plan calls for 12,600 sq.ft.—that is existing office spaces in 31 West Main. Since 31 West Main is not what we are talking about today, it is really zero office that is being added. The original plan called for 250 apartments; we have downsized that down to 240 apartments and there will be about 28% Workforce Housing. The original plan called for a 100 room hotel; right now the plan is coming in about 104 rooms.... We expect to take the home down on Jennings and turn that into surface parking to allow for 435 spaces that will be within the development site. This is the block that is outside of the ERD. At the plus five elevation, you have the hotel that starts at floor 2 and goes up to floor 7. You have buildings 1, 2 and 3 which are residential buildings and you can see how the pedestrian passageways take shape throughout the site. You will be able to have access to Lake Street across this serenity gardening. We expect the areas on the top of the parking to be green space-serenity garden for the residents. When we do construction, we will do it in phases. Phase I will be buildings 1, 2 and 3. Once we have about 80% occupancy we will start with Phase II and Phase II will be buildings 5 and 4. The Carnegie Library is a structure that is endeared to the Village and we are going to try to relocate that for the Village to a site that they designate within the Village. Should it not be able to be relocated to a site, then we have accommodated for it in our site plan, purple block, to duplicate elements of the parking lot area such as the roof line, the windows and incorporated to some sort amenity that will oversee the central neighborhood space, the Town Square. We met several times with the Fire Department and one of the first things we were concerned about was to make sure that the fire trucks can get in and around the Town Square. We took one of the largest trucks that are in Suffolk County and did a radius analysis to make sure that that truck—obviously safety of the residents is our primary concern—could get in and around the square. As you can see, the truck can get in and around the square and in addition to that should the truck have to run over a curb or two there are brick pavers and it will not impact the main square. We want this to be an intimate space. Currently we have pedestrian crosswalks in two places. The parking structure has a two story entryway—above and at the lobby, ground level. It is two story, has cornices and columns that breaks up the view line of the parking structure and at the base it doesn't look like a parking structure. We did an extensive analysis of parking and I know it is a great concern of the Village as it is to us. We have invested over 10 ½ million dollars into this property at this point and we need to make sure that parking works for us. We want to make sure that the residents have a place to park. We don't want to have a development that is one in which we don't have parking for retail, for the hotel and for residential use itself. We did a parking study and one of the things that came out was we did the study from 8 a.m. to 9 p.m. and did another study from 9 p.m. to 2 a.m. just to be certain that what we were looking at with respect to the number of spaces there are available within the Village. There is over 900 municipal parking spaces within a five minute walking distance of the site of which at the peak times during the first analysis there were 400 spaces available. There are 350 spaces available from 9 p.m. to 2 a.m. We feel that there is plenty of parking. This study was done on a Friday and Saturday, the busiest times during the week. We feel that there is adequate parking for the development. The proposed existing property that the Village owns is 1.68 acres and we will return 1.68 acres. We are just going to reconfigure where that land is. We did an analysis of the on street parking and the parking within the center court, there are 191 spaces that are existing, including along Havens. The new parking will return 192 spaces as currently configured, that will be 95 spaces in the current courtyard, 51 spaces we are going to add spaces along the street due to the use now, and 46 spaces in the Jennings Avenue lot. There will be 243 spaces allocated and reserved for the residential uses. We don't want to get to a point where we have 200 apartments rented and we don't have reserved space for the last four units.

We expect to start 31 West Main Street in February. We have engaged the architects. We are going to reskin the face of that building, refinish the interiors, the elevator and lobby. We actually have three tenants that I think you are going to like, one is a national tenant, one office tenant, and several have expressed an interest in being a part of this development. Phase I will be at Buildings 1, 2 and 3. We expect to start that demolition as soon as we have site plan approval. And we expect that to take 12-14 months to complete and then we will start Phase II. 85% occupancy of Phase I and we expect the whole project to be completed in two years.

We are negotiating a contract with a hotel operator and he has secured a flag Hilton Garden Inn for the Four Corners. These are his architect's initial renderings and we made sure that it kept in the spirit that we proposed initially with the stone at the base and brick above. There is ground floor retail. There will be a pool and spa area on the ground floor, there will be meeting rooms, a lounge and breakfast at the second floor and hotel room above.

The fact that Patchogue has the Theatre, it is a trans oriented development, the new YMCA, the new restaurants, the nearby colleges, the FINSS, etc., is why we are excited about coming into Patchogue. Some of the building amenities we expect to have is public green space, brick lined street scapes, state of the art security, residential lounges, fitness facilities and secure parking.

Target markets. Local and national retail as I mentioned. Young working singles and families and empty nesters. Again, the preference will be given to Village residents. These target income ranges are \$50,000 to \$80,000 for Workforce and \$65,000 to \$116,000 for market rate. These are some of the rent range numbers we will actually have units at \$1,050 and one bedroom units at \$1,150 and they will range up to three bedrooms at the market rate. It will be dictated based upon the view, etc. We have target sale ranges in here. There are no condominiums in this project. It is all rental housing, but should the market change in two years, we can easily convert this project to condos. But at this point it is 100% apartments.

Statistics: We really feel Workforce Housing is something that Long Island really needs and that it is a fact that we are losing our young people. As small business owners, we want to make sure we have places for our young people to live. In the last 15 years the number of 25-34 year olds has declined 35% on Long Island. The national average is 8%. So, there is a need for this type that is going on all over the country and it needs to happen on Long Island. 100% of the project will be geared for renters that are under 120% of their medium income, that is the standard set by Nassau and Suffolk Workforce Housing programs. The school district impact will be positive. The school will make money. Pearl Kamer, the Chief Economist for the Long Island Association, did a study on this development and it showed there would be only 27 school aged children that would be added to the school system from K through 12. The approximate total cost is \$130 million dollars, including the hotel. When you look at sales tax impact, the County will receive \$550,000 in tax revenues from the hotel, retail and restaurant space that is expected. From the construction impact they expect 2000 jobs to be created that will generate over 82.6 million of new payrolls. Of those 264 related construction jobs will be needed each year to complete the development.

Permanent Economic Impact – We expect about 473 new residents in this new development of which that translates into about 3.7 million discretionary spending power into the local economy. It is estimated that 300 full time equivalent jobs will be created and there is a ripple effect when those jobs are created, they will create more job, etc.....

The rendering of 31 West Main Street shows brick coming up to the top. In the background you can see the hotel. On Lake Street there are planters along the street line, two story entryway with cornices involved, the screening of the parking above. These are all residential units. We have broken up the architecture to make it look like this development was created over time as opposed to just one big, monolithic construction site. There is an entry way that passes through to the center court to Main Street. We envision brick lined street scapes—a restaurant row with awnings and café style dining standing out to the streets. The Village Square will be a community gathering space and we are going to try and program this space so there is always something going on throughout the year. The hotel envisions some type of observation deck up there.

#### Public Comments:

Dick Schroeder, Shore Road, stated: As I stated at the earlier meeting on January 8<sup>th</sup>, I was concerned about some of the traffic conditions. Looking at the Havens Ave. and North Ocean Ave. modifications, it seems to me you have taken what are currently free flowing avenues of traffic—especially when headed south in the case of Havens and north in the case of North Ocean Ave—and instead of being free flowing, they are now restrictive flowing. Especially Havens when you go around that little square; that is the main avenue of getting from the north central/west central part of Patchogue down to Main Street to make a left turn because you can't make a left turn at Ocean. So that means you have created sort of a roadblock; people will have to go all the way out Oak St. or down past Waverly Ave. to get heading east on Main Street. The other thing is the traffic flow on North Ocean Avenue. At the present time, traffic heading north on South Ocean Avenue can cue up back to Terry Street sometimes. Once the light changes on Main Street, the traffic has no impediment whatsoever, people can either continue north on North Ocean Avenue until they get up at least one block north on Lake Street or they can make a free turn at Lake Street because they have the right of way. By placing those two lights, the traffic heading north can conceivably back up so that the traffic reaches that first light at Oak Street—because it is a short block—and that means people that are intending to head farther up north on North Ocean Ave. have to stop at Main Street and wait for the traffic to clear up ahead or you might get some blocking the box on Main Street—the same thing could happen at Oak Street.....

David Sloane stated: From the standpoint of procedure, can I recommend that we hear everybody first and then we will either respond this evening or as part of the FEIS. The Final Environmental Impact Statement is really the comments and response to the comments that are heard at this hearing as well as the written comments that come in between now and Feb. 2<sup>nd</sup>.

Joe Arabia, 55 West 3<sup>rd</sup> Street, stated: We have more of a traffic nightmare on Waverly Avenue than this project is proposing. I think we should worry about that problem over a problem that is going to really develop this Village. I have lived in Patchogue for 46 years myself and Waverly Avenue has gone down the tubes, but this is not the meeting for that. It is just a comment. Second, I have been to most of the meetings and have written letters. I think the top of that hotel should be a restaurant and should be open to the public. I go to the beach a lot and would want to sit up in a 6-7 story hotel and be able to view the water. I think that is something they should consider. We can go to the city to see an observation deck. A place to go sit down and sit in the Village Square, I think most people in this village, now that this is a restaurant village, would kill to go sit on top of the building and have a view. Other than that I did they did a nice job.

Trustee Crean stated: I appreciate your presentation and the detail that you put into it. A lot of thought and a lot of public hearings have been held and a lot of good commentary from each meeting. It is a work in progress—a little enhancements here and there that will help the success of the project. The only concern I have is parking. From the report that Mr. Graham put together, it made some comments or assumptions that I disagree with. I know we are working on trying to solve a parking solution here, but to report that the current retail uses and brewery on that block has basically a zero need for evening parking is a flawed report to that regard. Like I said, it is a work in progress and will continue to work with the Mayor and the rest of the Board to try and solve the parking issue. We have some thoughts that we would like to present to Tritec in future meeting and work with the BID to hopefully be able to finance some of these solutions.

Trustee Krieger stated: Joe's comments about the public space on top of the hotel I think if that could be worked out would be a great magnet for people to have people come from miles and miles to see the view.

Mayor Pontieri stated: Obviously, that is a concern for the hotel because there is a valuable space up there. If they get people up there, they get people in the hotel rooms. We need to come up with a way, as Gerry was speaking, to come up with a way and the additional spaces that would be needed for it.

Village Clerk Seal read into record the following: "January 20, 2009. Memo to: Paul Pontieri, Mayor, Inc. Village of Patchogue. From: John V. Rocco, Chairman Patchogue Village Planning Board. cc: Village Trustee and Planning Board members. Ref: Downtown Redevelopers, LLC, West Main St., and North Ocean Avenue "Four Corners Project." Mr. Mayor, as you know our Board has met with this applicant on numerous occasions to help shape and design this most important of projects which will form the basis for a complete makeover and revitalization of our Village. The site plans officially presented to the Planning Board dated September 15, 2008 are a culmination of this work. On January 8, 2009 the planning board held a Public Hearing to gather specific input from all concerned citizens. Virtually all attendees who spoke at this meeting were positive about the project. Most concerns were addressed by the applicant to the public and these explanations were well received. We have listed a few issues which should be considered and incorporated into the official record we feel these should to be part of the final site plan approval (if and when) enacted by the Village Board of Trustees.

#### Traffic Flow:

- All electronic signals need to be coordinated and synchronized throughout the Main St. corridor to enhance traffic flow.
- All new traffic devices must be equipped with an "Opticom" receiver to allow Emergency vehicles to operate the device and control the flow of traffic to make a clear path for the emergency vehicle. Additionally, these devices must be enabled in such a manner as to insure that traffic cueing on North Ocean Avenue which could result from the installation of the light at Oak and North Ocean Ave does not back up southbound traffic on North Ocean Avenue. This back-up of traffic would make a right turn onto North Ocean Ave. from Lake St. very difficult for most fire apparatus to make.
- Right turns on red should be allowed where feasible to clear these corridors of traffic as quickly and as safely as possible.
- The "no left turn" on the Four Corners should be re-visited to ascertain if left turns signals would expedite traffic flow.
- No Parking of any kind should be allowed on either side of Lake Street from Jennings Avenue East to North Ocean Avenue in order to allow for the safe passage of Fire Apparatus. If possible, Lake Street should be widened nominally by 10 feet or so to create a right turn land onto North Ocean Avenue for southbound traffic.

- Suffolk County needs to step up and re-open the left hand turn from the westbound Lake St. Spur which will allow traffic to once again proceed southbound to West Avenue and points east and west via Main St. This access will give us the option of closing of Havens Avenue to all but emergency vehicle traffic and will greatly reduce the traffic generated around the “Village Square” as well as move traffic flow in the entire area.

Parking:

- While we have studied the parking plan of the applicant we are concerned that parking will be at a premium for this project as well as for future expansion plans of the Brick House Brewery. The Planning Board strongly suggests that additional parking be procured either by the applicant or the Village to support the various uses on this and adjoining parcels. Perhaps a Federal grant may be procured to create an elevated parking garage structure or additional property can be procured for ground level parking.

The New Village Square:

- This will be a welcome addition to this project and will have a beneficial effect for not only the applicant and it’s merchants but also for our citizens as well. The applicant has promised “Seasonally Appropriate Use” for the square and one prominent resident had a great idea of a skating rink for winter use. It was pointed out that Port Jefferson Village has installed a skating rink and it has created quite a buzz in the community and would be very worthwhile feature for the Village to endorse. We feel the applicant should take the necessary steps to insure that the infrastructure is put into place during the initial building phase to support this “Seasonally Appropriate” feature of the square.
- An additional concern was raised by a few speakers as to the traffic which will be created by the circle of roadway which by default becomes part of the Jennings Avenue extension and is the route by which people will have to reach Main Street via Havens Avenue. This risk to pedestrians posed by this thoroughfare could be reduced by limiting the number of pedestrian walks to two to access the square. Of course the reopening of the Spur by County as previously mentioned will also mitigate much of this risk as well.

These were the comments of the public as well as some additional concerns voiced by the members of the planning board. Aside from these issues, we feel this project is with merit and should be considered by the Village Board for approval. Sincerely, John V. Rocco, Chairman Patchogue Village Planning Board.”

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried at 8:45 p.m., the Board withheld decision and left meeting open for written comments only until Feb. 2, 2009.