

S T A T E   O F   N E W   Y O R K

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S. 3643--A  
Cal. No. 1255

A. 4678--A

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

February 7, 2013

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IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee and committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

IN ASSEMBLY -- Introduced by M. of A. THIELE, HENNESSEY -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to a plan for the development of the Enterprise Park at Calverton

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative findings.  
2     The former Calverton Naval Weapons Industrial Reserve Plant in the  
3     Town of Riverhead, county of Suffolk, now known as the Enterprise Park  
4     at Calverton (hereinafter "EPCAL"), was formerly owned by the Navy and  
5     leased by the Grumman Corporation. In 1998, Northrop Grumman closed  
6     nearly all facilities located on Long Island and chose not to renew its  
7     lease for the EPCAL site causing economic dislocation and unemployment  
8     for residents of the town of Riverhead and the surrounding region.  
9     The Navy conveyed 2900 acres to the Town of Riverhead Community Development Agency ("CDA") for no consideration conditioned upon the Town's  
10    reuse of the property for economic development.  
11    In 2011, the town and CDA renewed their efforts to reuse the property  
12    for economic development and invested significant funds to update,  
13    develop and implement a reuse and revitalization plan to meet the  
14    current economic, market and site conditions. The town and CDA, with the  
15

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD03494-03-3

1 assistance of a firm with expertise in planning and environmental analy-  
2 sis for large scale revitalization and development projects, updated the  
3 real estate market study; retained experts in the field of engineering,  
4 survey and topographical analysis; retained experts in the fields of  
5 sewer and water; and met with state, regional and local departments,  
6 agencies and special interest groups to identify, address, remedy or  
7 mitigate all concerns and potential adverse impacts related to the town  
8 and CDA's goal of economic development at the EPCAL site.

9 The comprehensive and extensive analysis of economic, market, environ-  
10 mental, traffic, sewer, water, and myriad other factors, together with  
11 participation of state, regional, local departments, agencies, and other  
12 stakeholders, including but not limited to New York state department of  
13 transportation, New York state department of environmental conservation,  
14 Suffolk county planning and public works departments, town of Riverhead  
15 planning, engineering, water and sewer departments resulted in a reuse  
16 and revitalization plan that meets the economic and urban renewal goals  
17 of the original conveyance and will assist the state, county, and town  
18 to recapture potential investment, growth and employment opportunities  
19 for this region.

20 It is the purpose of this act to promote the expeditious and orderly  
21 conversion and redevelopment of EPCAL for uses consistent with an urban  
22 renewal plan adopted by the town in order to prevent further blight,  
23 economic dislocation and additional unemployment, and to aid in  
24 strengthening the New York state economy, the regional economy and the  
25 economy of the town of Riverhead.

26 S 2. Definitions.

27 1. "EPCAL" shall mean the Enterprise Park at Calverton.

28 2. "EPCAL redevelopment area" shall include the land area of EPCAL, to  
29 be designated as an urban renewal area, pursuant to article 15 of the  
30 general municipal law, more particularly bounded and described as  
31 follows:

32 The boundaries of which include all the land area of EPCAL more  
33 particularly described as follows:

34 All that certain plot, piece or parcel of land, situate, lying and  
35 being at Calverton, Town of Riverhead, County of Suffolk, State of New  
36 York as shown on a survey prepared by L.K. McLean Associates, P.C. dated  
37 October twenty-first, two thousand eleven. Said parcel being more  
38 particularly bounded and described as follows:

39 Beginning at a point formed by the intersection of the westerly bound-  
40 ary line of Peconic Avenue (not-open), and the northerly boundary line  
41 of Grumman Boulevard (River Road);

42 Said point of beginning being at coordinates N. 271,175.86, E.  
43 1,326,712.70 in the New York State Plane Coordinate System, Long Island  
44 Zone, NAD 1983.

45 Thence from said point of beginning westerly along said northerly bound-  
46 ary line of Grumman Boulevard (River Road), the following ten (10)  
47 courses and distances;

48 i. North 69° 21' 24" West, a distance of 3.10 feet to a point, thence

49 ii. North 84° 02' 24" West, a distance of 616.74 feet to a point,  
50 thence

51 iii. South 87° 05' 16" West, a distance of 602.20 feet to a point,  
52 thence

53 iv. South 85° 37' 16" West, a distance of 313.16 feet to a point of  
54 curvature, thence

1 v. Westerly along the arc of a curve bearing to the right having a  
2 radius of 614.17 feet, an arc length of 99.78 feet to a point of tangen-  
3 cy, thence  
4 vi. North 85° 04' 14" West, a distance of 732.38 feet to a point,  
5 thence  
6 vii. North 71° 24' 04" West, a distance of 91.27 feet to a point,  
7 thence  
8 viii. North 71° 22' 44" West, a distance of 418.08 feet to a point,  
9 thence  
10 ix. South 69° 37' 16" West, a distance of 674.80 feet to a point,  
11 thence  
12 x. North 62° 22' 44" West, a distance of 43.38 feet to a point formed  
13 by the intersection of the aforementioned northerly boundary line of  
14 Grumman Boulevard (River Road) and the easterly boundary line of The  
15 Wells Family Cemetery;  
16 Thence along said boundary line of the Wells Family Cemetery, the  
17 following two courses and distances;  
18 i. North 2° 22' 14" West, a distance of 286.12 feet to a point, thence  
19 ii. South 85° 20' 16" West, a distance of 90.00 feet to a point formed  
20 by the intersection of the northerly boundary line of The Wells Family  
21 Cemetery and the easterly boundary line of lands of The United States of  
22 America (Navy Parcel "B");  
23 Thence northerly along said easterly boundary line of lands of The  
24 United States of America (Navy Parcel "B") the following three courses  
25 and distances;  
26 i. North 4° 39' 44" West, a distance of 114.29 feet to a point, thence  
27 ii. North 66° 46' 00" West, a distance of 1108.62 feet to a point,  
28 thence  
29 iii. North 53° 05' 17" West, a distance of 66.28 feet to a point  
30 formed by the intersection of the easterly boundary line of lands of The  
31 United States of America (Navy Parcel "B") and the southerly boundary of  
32 Map of Calverton Camelot II, Filed in The Suffolk County Clerk's office  
33 March 9, 2007 as Map No. 11500;  
34 Thence along the boundary of said Map of Calverton Camelot II, the  
35 following nine courses and distances;  
36 i. South 89° 01' 31" East, a distance of 1480.82 feet to a point,  
37 thence  
38 ii. North 69° 37' 16" East, a distance of 318.93 feet to a point,  
39 thence  
40 iii. North 49° 39' 50" West, a distance of 8453.30 feet to a point,  
41 thence  
42 iv. South 40° 20' 10" West, a distance of 3321.67 feet to a point,  
43 thence  
44 v. South 4° 05' 28" East, a distance of 2564.03 feet to a point,  
45 thence  
46 vi. North 90° 00' 00" East, a distance of 330.33 feet to a point,  
47 thence  
48 vii. South 30° 00' 00" East, a distance of 318.71 feet to a point,  
49 thence  
50 viii. North 82° 58' 57" East, a distance of 1633.67 feet to a point of  
51 curvature, thence  
52 ix. Easterly along the arc of a curve bearing to the right having a  
53 radius of 3,634.79 feet, an arc length of 400.24, to a point on the  
54 westerly boundary line of Burman Boulevard, said curve having a chord  
55 bearing of North 86° 08' 14" East and chord distance of 400.04 feet;

1 Thence South  $4^{\circ} 07' 36''$  East along said westerly boundary of Burman  
2 Boulevard, a distance of 721.60 feet to a point formed by the inter-  
3 section of the westerly boundary line of Burman Boulevard and the north-  
4 erly boundary line of Grumman Boulevard (Swan Pond Road);  
5 Thence along said northerly boundary line of Grumman Boulevard (Swan  
6 Pond Road) the following two courses and distances;  
7 i. Westerly along the arc of a curve bearing to the left having a  
8 radius of 2,914.79 feet, an arc to a point of tangency, said curve  
9 having a chord bearing of South  $86^{\circ} 33' 36''$  West and chord distance of  
10 363.75 feet, thence  
11 ii. South  $82^{\circ} 58' 57''$  West, a distance of 1069.85 feet to a point  
12 formed by the intersection of the northerly boundary of Grumman Boule-  
13 vard (Swan Pond Road) and the easterly boundary line of lands of The  
14 United States of America (Navy Parcel "A");  
15 Thence along said lands of The United States of America (Navy Parcel  
16 "A") the following five (5) courses and distances;  
17 i. North  $4^{\circ} 20' 00''$  West, a distance of 525.31 feet to a point, thence  
18 ii. North  $90^{\circ} 00' 00''$  West, a distance of 560.57 feet to point, thence  
19 iii. North  $30^{\circ} 00' 00''$  West, a distance of 436.40 feet to a point,  
20 thence  
21 iv. North  $90^{\circ} 00' 00''$  West, a distance of 790.00 feet to a point,  
22 thence  
23 v. South  $0^{\circ} 00' 00''$  West, a distance of 1099.72 feet to a point formed  
24 by the intersection of the westerly boundary line of said lands of The  
25 United States of America (Navy Parcel "A") and the northerly boundary  
26 line of Grumman Boulevard (Swan Pond Road);  
27 Thence along said northerly boundary line of Grumman Boulevard (Swan  
28 Pond Road) the following eight courses and distances;  
29 i. South  $82^{\circ} 58' 57''$  West, a distance of 243.60 feet to a point of  
30 curvature, thence  
31 ii. Westerly along the arc of a curve bearing to the left having a  
32 radius of 11,509.16 feet, an arc length of 176.33 feet to a point of  
33 tangency, said curve having a chord bearing of South  $82^{\circ} 32' 37''$  West  
34 and chord distance of 176.33 feet thence  
35 iii. South  $82^{\circ} 06' 17''$  West, a distance of 2226.10 feet to a point of  
36 curvature, thence  
37 iv. Westerly along the arc of a curve bearing to the right having a  
38 radius of 2,241.83 feet, an arc length of 504.77 feet to a point of  
39 tangency, said curve having a chord bearing of South  $88^{\circ} 33' 18''$  West  
40 and chord distance of 503.70 feet, thence  
41 v. North  $84^{\circ} 59' 41''$  West, a distance of 2,524.17 feet to a point of  
42 curvature, thence  
43 vi. Westerly along the arc of a curve bearing to the left having a  
44 radius of 2,341.83 feet, an arc length of 215.04 feet, to a point of  
45 tangency, said curve having a chord bearing of North  $87^{\circ} 37' 31''$  West  
46 and chord distance of 214.96 feet, thence  
47 vii. South  $89^{\circ} 44' 39''$  West, a distance of 974.35 feet to a point,  
48 thence  
49 viii. North  $48^{\circ} 03' 55''$  West, a distance of 107.56 feet to a point  
50 formed by the intersection of said northerly boundary line of Grumman  
51 Boulevard (Swan Pond Road) and the easterly boundary line of Wading  
52 River - Manorville Road (C.R. 25);  
53 Thence northerly along said easterly boundary line of Wading River -  
54 Manorville Road (C.R. 25) the following five courses and distances;  
55 i. North  $5^{\circ} 25' 40''$  West, a distance of 730.69 feet to a point of  
56 curvature, thence

1 ii. Northerly along the arc of a curve bearing to the left having a  
2 radius of 868.51 feet, an arc length of 317.24 feet to a point, said  
3 curve having a chord bearing of North 15° 53' 32" West and chord  
4 distance of 315.48 feet, thence  
5 iii. North 6° 15' 09" West, a distance of 124.46 feet to a point,  
6 thence  
7 iv. North 32° 55' 09" West, a distance of 97.96 feet to a point,  
8 thence  
9 v. North 59° 52' 49" West, a distance of 289.20 feet to a point formed  
10 by the intersection of the southerly boundary line of lands of Henry  
11 Zebrowski and the easterly boundary line of Wading River Manorville Road  
12 (C.R. 25);  
13 Thence North 30° 07' 11" East along said southerly boundary line of  
14 lands of Henry Zebrowski, a distance of 200.00 feet to a point,  
15 Thence North 59° 52' 49" West along the easterly boundary line of lands  
16 of Henry Zebrowski and then along lands of Bridgette Lynn Associates,  
17 Inc., a distance of 354.90 feet to a point,  
18 Thence South 30° 07' 11" West along the northerly boundary line of lands  
19 of Bridgette Lynn Associates, Inc. a distance of 192.28 feet to a point  
20 formed by said northerly boundary line of lands of Bridgette Lynn Asso-  
21 ciates, Inc. and the easterly boundary line of Wading River - Manorville  
22 Road (C.R. 25);  
23 Thence northerly along said easterly boundary line of Wading River -  
24 Manorville Road (C.R. 25) the following two courses and distances;  
25 i. Northerly along the arc of a curve bearing to the right having a  
26 radius of 904.93 feet, an arc length of 576.68 feet to a point of  
27 tangency, said curve having a chord bearing of North 34° 06' 33" West  
28 and chord distance of 566.98 feet thence  
29 ii. North 15° 51' 10" West, a distance of 1320.93 feet to a point  
30 formed by the intersection of the southerly boundary line of Middle  
31 Country Road (N.Y.S. Rt. 25) and the easterly boundary line of the  
32 aforementioned Wading River - Manorville Road (C.R. 25);  
33 Thence easterly along said southerly boundary line of Middle Country  
34 Road (N.Y.S. Rt. 25) the following nine (9) courses and distances;  
35 i. North 53° 57' 26" East, a distance of 153.37 feet to a point of  
36 curvature, thence  
37 ii. Easterly along the arc of a curve bearing to the left having a  
38 radius of 5,769.65 feet, an arc length of 407.82 feet to a point of  
39 tangency, thence  
40 iii. North 49° 54' 26" East, a distance of 41.47 feet to a point,  
41 thence  
42 iv. South 40° 05' 34" East, a distance of 85.30 feet to a point,  
43 thence  
44 v. North 49° 54' 26" East, a distance of 147.64 feet to a point,  
45 thence  
46 vi. North 40° 05' 34" West, a distance of 85.30 feet to a point,  
47 thence  
48 vii. North 49° 54' 26" East, a distance of 690.89 feet to a point of  
49 curvature, thence  
50 viii. Easterly along the arc of a curve bearing to the right having a  
51 radius of 1,392.69 feet, an arc length of 407.82 feet to a point of tangency, thence  
52 ix. North 60° 22' 23" East, a distance of 1935.68 feet to a point  
53 formed by the intersection of the westerly boundary line of lands of  
54 Island water Park Corp. and the aforementioned southerly boundary line  
55 of Middle Country Road (N.Y.S. Rt. 25);

1 Thence along said boundary line of lands of Island water Park Corp. the  
2 following seven courses and distances;  
3 i. South  $6^{\circ} 07' 37''$  East, a distance of 1100.62 feet to a point,  
4 thence  
5 ii. South  $8^{\circ} 18' 58''$  East, a distance of 1088.48 feet to a point,  
6 thence  
7 iii. South  $6^{\circ} 06' 42''$  East, a distance of 1143.05 feet to a point,  
8 thence  
9 iv. South  $84^{\circ} 59' 41''$  East, a distance of 815.30 feet to a point,  
10 thence  
11 v. North  $6^{\circ} 06' 42''$  West, a distance of 2222.50 feet to a point,  
12 thence  
13 vi. North  $84^{\circ} 59' 41''$  West, a distance of 832.48 feet to a point,  
14 thence  
15 vii. North  $6^{\circ} 07' 37''$  West, a distance of 1116.41 feet to a point  
16 formed by the intersection of the southerly boundary line of Middle  
17 Country Road (N.Y.S. Rt. 25) and the easterly boundary line of said  
18 lands of Island water Park Corp;  
19 Thence easterly along said southerly boundary line of Middle Country  
20 Road (N.Y.S. Rt. 25) the following three courses and distances;  
21 i. North  $60^{\circ} 22' 23''$  East, a distance of 407.76 feet to a point of  
22 curvature, thence  
23 ii. Easterly along the arc of a curve bearing to the right having a  
24 radius of 5689.65 feet, an arc length of 304.56 feet to a point of  
25 tangency, thence  
26 iii. North  $63^{\circ} 26' 24''$  East, a distance of 307.82 feet to a point  
27 formed by the intersection of the southerly boundary line of Middle  
28 Country Road (N.Y.S. Rt. 25) and the westerly boundary line of lands of  
29 The Riverhead Water District,  
30 Thence along said boundary lines of lands of The Riverhead Water  
31 District, the following three courses and distances;  
32 i. South  $6^{\circ} 32' 47''$  East, a distance of 304.98 feet to a point, thence  
33 ii. North  $83^{\circ} 27' 13''$  East, a distance of 465.80 feet to a point,  
34 thence  
35 iii. North  $6^{\circ} 32' 47''$  West, a distance of 434.49 feet to a point  
36 formed by the intersection of the southerly boundary line of Middle  
37 Country Road (N.Y.S. Rt. 25) and the easterly boundary line of said  
38 lands of The Riverhead Water District;  
39 Thence easterly along said southerly boundary line of Middle Country  
40 Road (N.Y.S. Rt. 25) the following eleven courses and distances;  
41 i. North  $70^{\circ} 28' 19''$  East, a distance of 704.60 feet to a point of  
42 curvature, thence  
43 ii. Easterly along the arc of a curve bearing to the left having a  
44 radius of 5,769.65 feet, an arc to a point of tangency, thence  
45 iii. North  $62^{\circ} 56' 21''$  East, a distance of 537.40 feet to a point of  
46 curvature, thence  
47 iv. Easterly along the arc of a curve bearing to the right having a  
48 radius of 1870.08 feet, an arc length of 273.06 feet to a point of  
49 tangency, thence  
50 v. North  $71^{\circ} 18' 19''$  East, a distance of 484.30 feet to a point of  
51 curvature, thence  
52 vi. Easterly along the arc of a curve bearing to the right having a  
53 radius of 5,689.65 feet, an arc length of 334.34 feet to a point of  
54 tangency, thence  
55 vii. North  $74^{\circ} 40' 19''$  East, a distance of 2552.80 feet to a point of  
56 curvature, thence

1 viii. Easterly along the arc of a curve bearing to the right having a  
2 radius of 5,689.65 feet, an arc length of 622.32 feet to a point of  
3 tangency, thence  
4 ix. North 80° 56' 20" East, a distance of 1395.90 feet to a point of  
5 curvature, thence  
6 x. Easterly along the arc of a curve bearing to the left having a  
7 radius of 11,499.19 feet, an arc length of 525.22 feet to a point of  
8 tangency, thence  
9 xi. North 80° 10' 09" East, a distance of 155.88 feet to a point  
10 formed by the intersection of the westerly boundary line of lands of the  
11 State of New York and the southerly boundary line of Middle Country Road  
12 (N.Y.S. Rt. 25);  
13 Thence along said boundary line of lands of the New York State the  
14 following three courses and distances;  
15 i. South 13° 18' 00" East, a distance of 2246.37 feet to a point,  
16 thence  
17 ii. South 90° 00' 00" East, a distance of 970.64 feet to a point,  
18 thence  
19 iii. North 13° 18' 00" West, a distance of 2333.65 feet to a point  
20 formed by the intersection of the southerly boundary line of Middle  
21 Country Road (N.Y.S. Rt. 25) and lands of The State of New York;  
22 Thence easterly along said southerly boundary line of Middle Country  
23 Road (N.Y.S. Rt. 25) the following two courses and distances;  
24 i. North 88° 00' 13" East, a distance of 1015.57 feet to a point,  
25 thence  
26 ii. North 88° 34' 37" East, a distance of 1511.20 feet to a point on  
27 the westerly boundary of lot 6 as shown on Map of James H. Smith's Farm,  
28 filed with the Suffolk county Clerk's office on December 15, 1894 as  
29 file No. 491;  
30 Thence South 5° 43' 17" East along the westerly boundary line of lot 6  
31 as shown on said Map of James H. Smith's Farm, a distance of 2164.07  
32 feet to a point;  
33 Thence North 86° 48' 00" East along the southerly boundary of said lot 6  
34 and through lot 7 as shown on said Map of James H. Smith's Farm, of a  
35 distance of 321.08 feet to a point;  
36 Thence South 6° 34' 40" East along the westerly boundary of lot 7 as  
37 shown on said Map of James H. Smith's Farm, a distance of 503.88 feet  
38 to a point;  
39 Thence North 83° 46' 40" East through lots 7, 8, 9, 10 & 11 as shown on  
40 said filed map and continuing through the southerly boundary of lot 1 as  
41 shown on "Map of Property of Edwin Brown" filed with the Suffolk county  
42 Clerk's office on March 21, 1920 as file No. 761, a distance of 1628.84  
43 feet to the southerly boundary line of lot 2 and the northerly boundary  
44 line of lot 5 as shown on the aforementioned filed map;  
45 Thence along the boundary lines of lot 5 as shown on said "Map of Prop-  
46 erty of Edwin Brown" the following four courses and distances;  
47 i. South 6° 14' 40" East, a distance of 1656.83 feet to a point,  
48 thence  
49 ii. South 83° 36' 20" West, a distance of 265.45 feet to a point,  
50 thence  
51 iii. South 6° 24' 00" East, a distance of 499.92 feet to a point,  
52 thence  
53 iv. North 83° 21' 52" East, a distance of 1721.36 feet to a point  
54 formed by the intersection of the southerly boundary line of lot 5 as  
55 shown on said "Map of Property of Edwin Brown" and the westerly boundary  
56 line of Peconic Avenue (not open);

1 Thence along the westerly boundary line of Peconic Avenue (not open) the  
2 following five courses and distances;

3 i. South 6° 04' 58" East, a distance of 2077.59 feet to a point,  
4 thence

5 ii. South 13° 07' 16" West, a distance of 77.19 feet to a point,  
6 thence

7 iii. South 5° 57' 48" East, a distance of 639.29 feet to a point,  
8 thence

9 iv. South 6° 35' 47" East, a distance of 657.42 feet to a point,  
10 thence

11 v. South 6° 02' 13" East, a distance of 744.57 feet to the point or  
12 place of beginning.

13 Said parcel containing 92,535,335± square feet or 2,124.319± acres  
14 more or less.

15 3. "EPCAL reuse and revitalization plan" shall mean the urban renewal  
16 plan prepared for the EPCAL redevelopment area pursuant to article 15 of  
17 the general municipal law.

18 4. "GEIS" shall mean the generic environmental impact statement  
19 prepared in conjunction with the EPCAL reuse and revitalization plan for  
20 the EPCAL redevelopment area pursuant to the provisions of article 8 of  
21 the environmental conservation law.

22 5. "SEQR" shall mean the State Environmental Quality Review Act.

23 6. "Town Board" shall mean the town board of the town of Riverhead.

24 7. "Town" shall mean the town of Riverhead, county of Suffolk.

25 S 3. Planning and environmental review. 1. Pursuant to article 15 of  
26 the general municipal law, the town is hereby authorized to designate  
27 the EPCAL redevelopment area as an urban renewal area and to prepare and  
28 approve and adopt an urban renewal plan for the EPCAL redevelopment  
29 area.

30 2. In conjunction with the preparation of the urban renewal plan, the  
31 town shall also prepare or cause to be prepared a generic environmental  
32 impact statement pursuant to article 8 of the environmental conservation  
33 law. Impacts of individual actions proposed to be carried out in  
34 conformance with the adopted plan and the thresholds or conditions iden-  
35 tified in the GEIS may require no or limited SEQR review if such GEIS  
36 and its findings set forth specific conditions or criteria under which  
37 future actions will be undertaken or approved, including requirements  
38 for any subsequent SEQR compliance. This may include thresholds and  
39 criteria for supplemental environmental impact statements to reflect  
40 specific significant impacts, such as site specific impacts, that were  
41 not adequately addressed or analyzed in the GEIS.

42 3. When a final GEIS has been filed pursuant to article 8 of the envi-  
43 ronmental conservation law:

44 (a) No further SEQR compliance is required if a subsequent proposed  
45 action will be carried out in conformance with the conditions and thres-  
46 holds established for such actions in the GEIS or its findings state-  
47 ment;

48 (b) An amended findings statement must be prepared if the subsequent  
49 proposed action was adequately addressed in the GEIS, but was not  
50 addressed or was not adequately addressed in the findings statement for  
51 the GEIS;

52 (c) A negative declaration must be prepared if a subsequent proposed  
53 action was not addressed or was not adequately addressed in the GEIS and  
54 the subsequent action will not result in any significant environmental  
55 impacts; and



(d) A supplement to the final GEIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the GEIS and the subsequent action may have one or more significant adverse environmental impacts.

S 4. Approvals. 1. (a) After adoption of the EPCAL reuse and revitalization plan and the final GEIS, the town may make application to such state agencies with jurisdiction to issue general permits for the review of any actions to implement the EPCAL reuse and revitalization plan. Such state agencies shall not unreasonably withhold, deny or delay issuance of such permits if the proposed actions have been determined not to have a significant impact on the environment.

(b) After adoption of the EPCAL reuse and revitalization plan and the final GEIS, the town may also make application to such local agencies with jurisdiction to review, approve, license or permit all local actions to implement the EPCAL reuse and revitalization plan, including but not limited to subdivisions of land, conceptual development plan, including designated or permitted zoning uses, dimensions, lot area, lot coverage, necessary infrastructure improvements, including sewer and water, and such other development or improvements proposed and set forth in the EPCAL reuse and revitalization plan. Such local agencies shall not unreasonably withhold, deny or delay approval of such application provided the application is consistent with the EPCAL reuse and revitalization plan, the GEIS, and applicable local, state and federal law.

2. All approvals granted as a result of such applications shall inure to the town and further inure to and for the benefit of and be binding upon any person leasing, acquiring, constructing, maintaining, using, or occupying any lands in the EPCAL redevelopment area.

S 5. All subsequent actions to be consistent. 1. (a) After the adoption of the EPCAL reuse and revitalization plan by the town and issuance of any general permits by state agencies pursuant to section four of this act, the town board shall have jurisdiction to determine whether an application for a proposed action in the EPCAL redevelopment area is complete for purposes of submission to state agencies pursuant to subdivision 2 of this section.

(b) After the adoption of the EPCAL reuse and revitalization plan by the town and issuance of all local licenses or permits pursuant to section four of this act, the town board shall have jurisdiction to determine whether an application for a license or permit in the EPCAL redevelopment area is complete for purposes of review for conformity by all involved local agencies pursuant to subdivision 2 of this section.

2. The town board shall refer an application for a permit for a proposed action in the EPCAL redevelopment area to all relevant state and local agencies within ten days of receipt of a complete application by the town board. Each such state and local agency shall determine whether the application for a permit for the proposed action is in conformance with the plan and the thresholds or conditions identified in the GEIS and section four of this act within sixty days of the referral by the town board.

3. After the expiration of the sixty days and within ninety days of receipt of a complete application, the town board shall make final written findings and determinations. Such determination shall detail the findings of the state and local agencies including whether the proposed action is in conformance with the EPCAL reuse and revitalization plan. If the town board fails to make a final determination of conformance for local agency licenses or permits within the ninety day period, the development application shall be deemed approved for local agency

1 licenses and permits, unless said time is extended by the mutual consent  
2 of the applicant and the town board, not to exceed an additional sixty  
3 days.

4 4. Any proposed action that is not in conformance shall be subject to  
5 all existing applicable state and local requirements for such action,  
6 including but not limited to subdivisions of land, conceptual develop-  
7 ment plans, zoning uses, dimensions, lot area, lot coverage, necessary  
8 infrastructure improvements, including sewer and water, and such other  
9 development or improvements requirements as are required by law.

10 S 6. Nothing in this act shall be construed to eliminate the statutory  
11 or regulatory authority of state agencies.

12 S 7. This act shall take effect immediately.