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In the Matter of a
Notice of Public Hearing
Re: Waterview Land Development, LLC

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350 Front Street
Hempstead, New York

June 19, 2017
9:00 a.m.

B E F O R E:
FREDERICK E. PAROLA, Executive Director
MICHAEL LODATO, Deputy Agency Administrator

Transcription by:
Dolly Fevola,
Court Reporter

1
2 (Whereupon, the Hearing was
3 opened at 9:00 a.m. by Mr. Parola
4 and the Notice of Public Hearing was
5 submitted for the record.)

6 This Supplemental Notice of
7 Public Hearing supplements the
8 Notice of Public Hearing originally
9 published by the Town of Hempstead
10 Industrial Development Agency on
11 June 9, 2017 to reflect the correct
12 address of the Facility.

13 This Notice is hereby given
14 that a public hearing pursuant to
15 Title 1 of Article 18-A of the New
16 York State General Municipal Law
17 will be held by the Town of
18 Hempstead Industrial Development
19 Agency (the "Agency") on the 19th
20 day of June, 2017, at 9:00 a.m.,
21 local time, at 350 Front Street, 2nd
22 Floor, Hempstead, New York, in
23 connection with the following
24 matters:

25 Waterview Land Development,

1
2 LLC, a New York limited liability
3 company, on behalf of itself and/or
4 the principals of Waterview Land
5 Development, LLC and/or an entity
6 formed or to be formed on behalf of
7 the foregoing (the "Company"), has
8 applied to the Town of Hempstead
9 Industrial Development Agency (the
10 "Agency"), to enter into a
11 transaction in which the Agency will
12 assist in the acquisition of an
13 approximately 2.5 acre parcel of
14 land located at 6 Waterview Road,
15 Island Park, Town of Hempstead,
16 Nassau County, New York (Section 43,
17 Block 118. Lots 406 (406-407, 452),
18 408 (408-410), 411, 412 (412-416),
19 417, 431, 421 (421-430), 461) (the
20 "Land"), the demolition of two
21 existing buildings located thereon,
22 and the construction, equipping and
23 furnishing of an approximately
24 100,000 square foot 4-story
25 (including a ground floor parking

1
2 garage) apartment building to be
3 located thereon (containing
4 approximately 26 one-bedroom units
5 and 60 two-bedroom units) (the
6 "Improvements"), and the acquisition
7 and installation therein of certain
8 equipment and personal property (the
9 "Equipment"); and, together with the
10 Land and the Improvements, the
11 "Facility"), which Facility is to be
12 subleased and leased to the Company
13 to be used by the Company as a
14 multi-family rental apartment
15 complex. The Facility will be
16 initially owned, operated and/or
17 managed by the Company.

18 The Agency contemplates that it
19 will provide financial assistance to
20 the Company in the form of
21 exemptions from mortgage recording
22 taxes in connection with the
23 financing or any subsequent
24 refinancing of the Facility,
25 exemptions from sales and use taxes

1
2 and abatement of real property
3 taxes, consistent with the policies
4 of the Agency.

5 A representative of the Agency
6 will, at the above-stated time and
7 place, hear and accept written
8 comments from all persons with views
9 in favor of or opposed to either the
10 proposed financial assistance to the
11 Company or the location or nature of
12 the Facility. At the hearing, all
13 persons will have the opportunity to
14 review the application for financial
15 assistance filed by the Company with
16 the Agency and an analysis of the
17 costs and benefits of the proposed
18 Facility.

19 Dated: June 10, 2017.

20 Town of Hempstead Industrial
21 Development Agency by Frederick E.
22 Parola, Executive Director and Chief
23 Executive Officer.

24 (Whereupon, Mr. Parola calls on
25 anyone wishing to be heard.)

(First to be heard was **Ms.**

Rosemarie Bovino, Superintendant,
and a written document was submitted
which reads as follows:)

The Island Park Union Free
School District respectfully
requests that the IDA be mindful of
the impact that the tax breaks or
reductions have on the other
taxpayers in the District,
particularly the residential
taxpayers who still have not fully
recovered from the devastation of
Hurricane Sandy. The IDA should
also be mindful of the uncertainty
caused by the pending tax certiori
proceedings regarding the Barrett
Power Plant, which makes up 49% of
the District's tax base.

The District is aware and
appreciative of the fact that the
proposed PILOT does not contain a
reduction in school taxes for the
first three years, which covers the

1
2 construction phase. The District
3 does, however, have concerns
4 regarding the reduced tax amounts
5 during the subsequent years. We
6 also strenuously oppose the
7 Applicant's anticipated request for
8 further reductions during the
9 initial 3 years of construction.

10 The proposed development is
11 said to contain 60 two-bedroom
12 apartments. Mr. Vitale has
13 represented that he does not
14 anticipate any residents of the
15 development having children in the
16 District. Based on the proposed
17 number of 2-bedroom apartments, the
18 District finds this difficult to
19 believe. The average cost to
20 educate a child is approximately
21 \$25,000.00. This cost is borne, in
22 large part, by the taxpayers. Even
23 in the event that the development
24 yields only 30 enrolled children in
25 the District, it will still result

1
2 in a cost of at least \$750,000.00 to
3 the District. The District never
4 anticipates that the entire cost is
5 covered by taxes as there are some
6 revenues from other sources such as
7 State aid, however, the \$300,000
8 proposed tax payment in year 4 is
9 not enough to sustain the potential
10 number of new children. The taxes
11 deferred between years 4 and 10 is
12 significant, but the number of jobs
13 created during this same time period
14 is minimis. If the property
15 generated tax revenues of \$420,000
16 beginning in year 4, instead of
17 \$300,000, many of the District's
18 increased costs would be offset.

19 (Next to be heard was **Mr. Jack**
20 **Vobis**, President of Island Park
21 Board of Education who submitted the
22 following written document.)

23 "On behalf of the School Board
24 of the Island Park School District,
25 (the "District"), of which I am

1
2 president, I present this statement
3 in opposition to the tax relief
4 sought by Waterview Land
5 Development, LLC ("Waterview").

6 Along with my fellow trustees
7 on the Island Park School Board, I
8 was elected to represent the
9 interests of the children and
10 taxpayers of the District, which
11 encompasses all of the 11558 zip
12 code. Like my fellow trustees and
13 constituents, I am a taxpayer and
14 share the common objective of
15 minimizing the financial impact of
16 school taxes, while at the same
17 time, maximizing the resources
18 available to provide the children of
19 the District with the best possible
20 educational opportunity. The
21 mandate often results in a dichotomy
22 and requires difficult choices -
23 weighing the benefits and costs of
24 programs and implementing plans that
25 serve that, at times, can be a

1
2 diversity of interests. However,
3 today there is no such difficult
4 choice to be made. A tax abatement
5 for Waterview will result in an
6 increased reliance on the other
7 taxpayers in the District, most
8 significantly, homeowners, and
9 likely will have a detrimental
10 effect on the resources available to
11 the District and breath and depth of
12 educational and recreational
13 programs the District is able to
14 provide to its most precious
15 resource, the schoolchildren.

16 This application by Waterview
17 comes at a time when the taxpayers
18 of the District face an extremely
19 uncertain future. The E.F. Barrett
20 Power Plant ("Barrett"), located,
21 for the most part, within the
22 District, has been operating and
23 providing power through the Long
24 Island Power Authority ("LIPA") and
25 its predecessors for decades.

1
2 Notably, Barrett's current property
3 tax liability constitutes
4 approximately 49% of the tax base in
5 11558, including school taxes. The
6 District and other similarly
7 situated school districts are
8 currently parties in litigation with
9 LIPA wherein the District seeks to
10 enforce an agreement with LIPA to
11 not seek reductions in property
12 taxes for its power plants,
13 including Barrett, through tax
14 certiori proceedings. The
15 litigation is presently in the
16 discovery phase and the outcome is
17 uncertain, but the prospect of any
18 result other than a complete
19 repudiation of LIPA's tax certiori
20 claim is daunting, and will heap
21 additional tax liability on the
22 other taxpayers of the District, or
23 at least those without the
24 exemptions and abatements such as
25 that sought by Waterview.

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Moreover, until recently, plans had been in place to "repower" Barrett, which essentially means that the plant would be updated through the construction of new fuel efficient turbines and continue to operate and provide power as it has in the past. However, a recent study commissioned by LIPA altered those plans and, citing a perceived downturn in future energy needs, LIPA announced that the re-powering of Barrett would not be necessary to accommodate future electrical demands. The bottom line to the District is that because Barrett is responsible for almost half of property taxes collected on behalf of the District, any reduction or, as the case may be, elimination of the amount of taxes paid to the District by LIPA for the Barrett property would be borne by the rest of the taxpayers. Significantly,

1
2 any taxpaying entities covered by
3 agreements such as the one sought by
4 Waterview would not bear any
5 additional responsibility, as
6 generally those agreements call for
7 fixed payments that are not subject
8 to property valuation or other
9 variables that would expose the rest
10 of the tax base to astronomical
11 increases. Essentially, any tax
12 abatement granted to Waterview would
13 grant that entity special status,
14 insulating it (and its future
15 residents) from the real financial
16 perils faced by other taxpayers and
17 residents of the District.

18 The application by Waterview
19 also raises many questions that must
20 be considered and answered before
21 any decisions can be made.

22 Waterview claims that without the
23 tax exemptions and abatements it
24 seeks, it would be unable to build
25 the planned apartment complex. The

1
2 land on which Waterview proposes to
3 build some 86 apartments sits on the
4 former site of two restaurants,
5 Paddy McGee's and Coyote Grill,
6 owned by John Vitale. Mr. Vitale is
7 also the principal of Waterview.
8 After Hurricane Sandy, neither Paddy
9 McGee's nor Coyote Grill reopened
10 and Mr. Vitale put forth the plan
11 that is the subject of Waterview's
12 application; however, other
13 establishments also owned by Mr.
14 Vitale directly adjacent to the
15 Waterview site were also damaged by
16 Hurricane Sandy, but were quickly
17 rebuilt, renovated or repaired and
18 were back up and running within
19 weeks. This raises a few questions,
20 specifically, were any federal or
21 State funds, subsidies or grants,
22 including, but not limited to those
23 offered by FEMA, New York Rising and
24 the New York Small Business
25 Administration, distributed to any

1
2 of Mr. Vitale's properties and, if
3 so, how much and for what purpose?
4 Additionally, were any insurance
5 claims paid for the Waterview
6 property? This inquiry is
7 legitimate as it bears on the
8 choices made regarding what property
9 to rebuild or not to rebuild and how
10 any funds were utilized that may
11 have been realized for damage caused
12 by Hurricane Sandy. Nevertheless,
13 although the answers to these
14 questions are relevant and may shed
15 further light on the application by
16 Waterview, clearly the relief sought
17 by Waterview is not a grant from the
18 State of Federal government, but a
19 shifting of the burden from a
20 for-profit business entity to the
21 hardworking residential taxpayers.

22 Speaking of the residential
23 taxpayers, on Father's Day morning I
24 took the opportunity to drive up and
25 down each and every block in Island

1
2 Park, Harbor Isle, Barnum Isle and
3 the Incorporated Village. By way of
4 background, it must be noted that
5 100% of the structures in Island
6 Park were impacted by the
7 floodwaters of Hurricane Sandy. On
8 my drive, I noted the houses that
9 were actively in the process of
10 elevating in order to comply with
11 new flood zone standards and also
12 those that have been abandoned or
13 remain unoccupied since October 29,
14 2012, the day Hurricane Sandy
15 struck. By my unofficial count, 61
16 houses were being raised and another
17 37 were abandoned and/or unoccupied,
18 not to mention an empty lot where
19 Village Hall once stood.
20 Significantly, residents that are
21 raising their homes, more than 4
22 years after Hurricane Sandy, are
23 doing so with a combination of State
24 and Federal grants, insurance funds,
25 loans and personal financing. No

1
2 tax exemption or abatement has been
3 offered or received by those
4 residents. In fact, they have been
5 responsible for the taxes on their
6 property since October, 2012 and
7 continue to bear that obligation
8 while rebuilding and thereafter. If
9 Waterview's application for a tax
10 exemption and abatement so that it
11 can build and maintain apartments
12 for future residents is approved, it
13 is these existing residents and
14 their neighbors that will likely
15 have to shoulder the burden of
16 Waterview's fair share of the taxes
17 in the District. Just the thought
18 of such a scenario evokes the
19 inherent inequity and injustice that
20 would exist should it come to pass.
21 And to hammer home that point, one
22 need to look no further than the 37
23 unoccupied homes. Sadly, those
24 owners were unable to harness the
25 necessary resources to rebuild their

1
2 homes.

3 Similarly, Waterview purports
4 that it will be unable to build
5 without the tax relief it seeks, an
6 assertion that is unsupported and,
7 quite frankly, difficult to believe.
8 Interestingly, when Mr. Vitale first
9 revealed his plan to build an
10 apartment complex in the aftermath
11 of Hurricane Sandy, his closest
12 neighbors, the Yacht Club, voiced
13 much concern and serious
14 reservations about the plan.
15 However, the Yacht Club had problems
16 of their own in the form of
17 insufficient insurance funds to
18 complete necessary post-Sandy
19 repairs; it was short by almost \$3
20 million. As reported by the
21 president of the Yacht Club Board of
22 Directors in an article in the March
23 2016 issue of Habitat Magazine,
24 representatives of the Yacht Club
25 met with Mr. Vitale regarding the

1
2 Waterview proposal and dropped its
3 opposition after a meeting that
4 resulted in an agreement which
5 included some concessions and a
6 "substantial contribution from
7 Vitale to our repair efforts." Some
8 unhappy Yacht Club residents accused
9 the Board of selling out. In any
10 case, based on the generous subsidy
11 by Mr. Vitale to the Yacht Club, it
12 appears as though funds are
13 available at Waterview. Additional
14 evidence of that fact is the recent
15 extensive renovations to another
16 adjacent property, the Loft at
17 Bridgeview, which is also owned by
18 Mr. Vitale. However, even in the
19 absence of available capital or
20 government subsidies or insurance
21 funds for storm damage, Waterview
22 can seek private funding just like
23 the other taxpayers of the District,
24 although, unlike Waterview, the
25 primary purpose of residential

1
2 taxpayers is to rebuild their homes,
3 not make a profit.

4 Finally, another issue that
5 merits attention is the drain on
6 school resources that the possible
7 influx of school-age children would
8 have on the District without any
9 reciprocal contributions from
10 Waterview. Plans call for 60
11 two-bedroom apartments and 26
12 one-bedroom apartments.

13 Respectfully, any belief that
14 Waterview will attract only young
15 professionals with no children,
16 especially given the number of
17 two-bedroom apartments offered, is
18 short-sighted and must be
19 reconsidered. Quite simply, the
20 offering would be attractive to
21 young families and create the
22 potential problems for the District
23 in accommodating the expanding
24 student population. Programs may
25 need to be expanded, but at what

1
2 cost and to whom? More likely,
3 programs would need to be curtailed
4 or even abandoned, as the drain on
5 the already financially-stressed tax
6 base would be too much to bear on a
7 community already facing the specter
8 of a doubling of taxes should the
9 LIPA scenario end in its worst case.

10 The story of the New Rochelle
11 IDA provides a cautionary tale
12 regarding the corollary between tax
13 burdens, increases in school
14 population and illusory promises of
15 job creation. Briefly, in 1999, the
16 New Rochelle IDA entered into tax
17 break agreements with Avalon Bay,
18 the terms of which were based, in
19 part, on the estimated number of
20 school children that would reside in
21 the apartments to be built. The
22 bottom line is that since the
23 inception of the PILOT agreement
24 with Avalon Bay, the actual number
25 of children in the schools has far

1
2 surpassed the original estimate and
3 the astronomical cost of educating
4 all those children has fallen to the
5 other taxpayers in the school
6 district. Using \$25,000.00 per year
7 as the average total cost of
8 educating a child, an additional 20
9 children would result in the
10 additional cost of \$500,000.00,
11 which is more than the total payment
12 in the proposed agreement in any
13 year. Notably, the District would
14 only receive its proportional share
15 of the PILOT payment, making the
16 inequity of the arrangement that
17 much more evident. Unambiguously,
18 absent the review and analysis of
19 any reliable study evaluating the
20 impact on the school-age population
21 that the Waterview project would
22 have, there can be no true
23 assessment of the effect that the
24 introduction of an unknown number of
25 children into the District's schools

1
2 will have on the resources,
3 financial or otherwise, available to
4 the District.

5 In conclusion, I would be
6 remiss not to acknowledge Mr.
7 Vitale's contributions to the Island
8 Park community. His establishments
9 have provided many good times and
10 memories, and have been a staple in
11 Island Park for years. However,
12 being a good neighbor is not a
13 reason to be excused from paying
14 your fair share of taxes. Without
15 an articulable, reliable projection
16 of benefits to the community that
17 would outweigh the real certain
18 detriment, there is no reason to
19 grant special status to Waterview
20 and impose an increased burden on
21 the existing tax base. For this
22 reason and all the reasons stated
23 above, I ask on behalf of the Island
24 Park School District and the
25 taxpayers of Island Park that this

1
2 Board reject the application by
3 Waterview Land Development, LLC, and
4 deny the request for tax exemptions
5 and abatements.

6 Very truly yours, Jack Vobis,
7 President Island Park Board of
8 Education.

9 (Next speaker was **Richard**
10 **Schurin**, Harbor Isle. Mr. Parola's
11 notes reflect the comments by Mr.
12 Schurin and read as follows: "There
13 will be a direct impact on this
14 small school district. PILOTS
15 should not be granted.
16 Homeowners.")

17 (Next speaker was **Arthur**
18 **Gipson**, Plumber's Union. Mr.
19 Parola's notes reflect the comments
20 by Mr. Gipson and read as follows:
21 "Jobs - 90% - agreements.")

22 (Next speaker was **Richard**
23 **O'Kane**, Nassau-Suffolk Building
24 Trades. Mr. Parola's notes reflect
25 the comments by Mr. O'Kane and read

1
2 as follows: "A certain local.
3 Charge retirees for certain aspects
4 of their medical benefits. Do their
5 own training - \$35,000 -
6 apprenticeship program.")

7 (Next speaker was **Charles**
8 **Lucchesi**, Island Park resident. Mr.
9 Parola's notes reflect the comments
10 by Mr. Lucchesi and read as follows:
11 "Great deal of damage Sandy did and
12 terrible impact to Island Park.
13 Economic impact. Need people to
14 reside in community and be
15 productive.")

16 (Next speaker was **Michael**
17 **Ranieri**. Lamb & Barnosky.)

18 (Next speaker is **Robert May**.
19 Mr. Parola's notes reflect comments
20 by Mr. May and read as follows:
21 "Opposed. I don't wish to
22 subsidize. Market value.")

23 (Next speaker is **Barbara**
24 **Rubin-Perry**, member of Chamber of
25 Commerce and Island Park Theatre

1
2 Group. Ms. Rubin-Perry submitted a
3 written document which reads as
4 follows:)

5 Greetings. My name is Barbara
6 Rubin-Perry and I come to you as a
7 member of the boards of both
8 Chambers of Commerce and of the
9 Island Park Theatre Group, but I
10 speak today for the Island Park
11 Business and Residential Chamber of
12 Commerce.

13 Since Hurricane Sandy, Island
14 Park (both the Town and the Village
15 portion) is a shadow of its former
16 self. Prior to the storm it was a
17 bustling community filled with shops
18 and occupied homes. Now it is
19 laced, peppered if you will, with
20 zombie homes and empty stores.

21 Mr. John Vitale has stated that
22 he needs this PILOT for his
23 apartment project to go through.
24 What does this mean for Island Park
25 and how this will change it? Many

1
2 of the residents are senior citizens
3 or soon to be. I count myself as
4 one. I am a homeowner and like
5 many, my house is being raised. I
6 do not want to go back to a huge
7 house, climb stairs, mow the lawn
8 and shovel the snow, yet I would
9 like to stay in the area. I know
10 many my age who express the same
11 sentiment.

12 My niece moved to Pennsylvania
13 with her husband and two children.
14 Even though she and her husband had
15 jobs and he worked an extra job on
16 the weekends, they could never
17 afford to buy a house in the Island
18 Park area. Even before they had
19 kids they lived with me. They could
20 have rented an apartment.

21 Have any of you ever commuted
22 to New York City? I did for many
23 years. It was hard then; it is
24 impossible now. All you want to do
25 is come home and kick off your

1 shoes, not care for a house. The
2 days of living in the suburban house
3 and commuting to the City have
4 passed. Look at the growth on Long
5 Island, places like the Ronkonkoma
6 Hub and Wyandanch Rising, the Modera
7 in Mineola, the Meadows at Yaphank,
8 Country Point in Plainview and in
9 Brooklyn and Long Island City.
10 These are not single-family homes.
11 These are apartments and condos.
12 This is what the people want.
13 Growth and modernization is
14 happening all around us. Growth and
15 modernization is what Island Park
16 desperately needs.

17
18 Mr. Vitale has successfully
19 build the King Kullen Shopping
20 Center, home to the King Kullen
21 anchor store, restaurants and shops.
22 The area was well constructed, is
23 clean and well maintained and has,
24 in spite of many naysayers, proven
25 to be a boon to the area. He has

1
2 proven himself as a developer.

3 I have no doubt there are other
4 developers looking to build and
5 would build in Island Park if we had
6 the population to support their
7 projects. As things stand now, we
8 do not have enough children in out
9 schools to maintain a separate
10 district. We have no place to
11 attract young people unless they
12 want to buy a house, which in
13 today's market is a very costly
14 undertaking. We are facing possible
15 property tax reductions from the
16 Barrett Power Plant potential
17 reassessment and related cuts on our
18 schools. You all know the movie
19 line "If you build it, they will
20 come." Well, if these apartments
21 are built people will come, will
22 move in, will shop our stores and
23 spend their money.

24 Mr. Vitale has made concessions
25 on this project to his neighbors, to

1
2 both municipalities and to the
3 citizens. It is time for Island
4 Park and the Town to mover forward,
5 to join the other developments and
6 to welcome new apartment dwellers to
7 our area. This project is a major
8 key to Island Park's redevelopment.
9 Besides, my husband and I are more
10 than ready to give up our house and
11 be the first new tenants.

12 Barbara Rubin-Perry, 131
13 Waterford Road, Island Park, New
14 York 11558.

15 (Additional documents were
16 submitted to be attached to the
17 final transcript of this hearing.)

18 (Time noted: 9:54 a.m.)
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CERTIFICATION

I, DOLLY FEVOLA, a Notary Public in
and for the State of New York, do hereby certify:

THAT the within transcript is a true record
of handwritten documents submitted by all
parties for transcription.

I further certify that I am not related,
either by blood or marriage, to any of the parties
to this action; and

THAT I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 24th day of June, 2017.

DOLLY FEVOLA

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