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IN THE MATTER OF A SPECIAL MEETING

RE: AVALONBAY

Presentation and Consideration for AvalonBay
amended PILOT and Authorizing Resolution

-----X

350 Front Street
Hempstead, New York

February 19, 2019
9:00 a.m.

- B E F O R E:
- FLORESTANO GIRARDI, Chairman
 - JACK MAJKUT, Board Member
 - JAMES MARSH, Board Member
 - REV. DR. ERIC MALLETT, Board Member
 - JOHN ARDITO, Board Member
 - GERILYN SMITH, Board Member

A P P E A R A N C E S :

TOWN OF HEMPSTEAD
INDUSTRIAL DEVELOPMENT AGENCY
350 Front Street
Hempstead, New York 11550
BY: FREDERICK PAROLA, ESQ.

ALSO PRESENT:

JOHN RYAN
EDIE LONGO
MICHAEL LODATO
ARLYN EAMES
LORRAINE RHOADS
LAURA TOMEO

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2 CHAIRMAN GIRARDI: I'd like to
3 call to order the meeting of the
4 Town of Hempstead IDA.

5 Can everybody please stand and
6 join me in the Pledge of Allegiance.

7 (Pledge recited.)

8 CHAIRMAN GIRARDI: I'd like to
9 begin the meeting by saying there is
10 questions as to why we recalled a
11 special meeting for the developer.

12 Before the last meeting was
13 adjourned, the developer asked for
14 reconsideration of the benefits. I
15 directed staff at the previous
16 meeting to renegotiate the PILOT.
17 The full board was not present for
18 the original vote and clarification
19 was needed by Board members on the
20 environmental issues on that site.
21 The school district had requested
22 additional information. Additional
23 information was requested about the
24 number of school-aged children in
25 comparison to other similar

1
2 developments and we increased the
3 PILOT years four, five and six with
4 additional funds going to the taxes
5 jurisdiction. So with that being
6 said --

7 MR. MARSH: Mr. Chairman, I
8 would, at this time, move to table
9 this special meeting and adjourn the
10 agenda item to our March meeting.

11 This special meeting was called
12 virtually almost immediately after
13 the last meeting and the last vote.
14 At that time, the date was fixed
15 about two weeks ago. I asked that
16 all the information that you have
17 referenced be forwarded to me
18 because that is the purpose of the
19 special meeting and none of it came
20 until Thursday midday which left one
21 business day to look at it. Most of
22 the information you listed on your
23 summary this morning of what the
24 basis of the reconsideration is for
25 I did not see in the package. It

1
2 was very bad bones.

3 This morning we were just
4 handed a couple of other e-mails
5 that apparently came in on Friday.
6 Frankly, I don't think this Board
7 has had an opportunity to review all
8 of the information that staff was
9 supposed to obtain and furnish to us
10 so I move that we put it off to the
11 March meeting.

12 I've been told that the
13 February meeting is already
14 overbooked so that we can't do it
15 then. I believe this is a serious
16 matter and requires serious
17 consideration in getting
18 fast-pitched, one business day
19 before the meeting is not the way we
20 should be operating.

21 MR. RYAN: Mr. Chairman, we
22 have a motion. Anyone want to
23 second the motion?

24 Hearing none, motion failed.

25 MR. MARSH: Excuse me, Mr.

1
2 Ryan, who's running the meeting, the
3 Chairman or you?

4 MR. GIRARDI: Motion failed.
5 In the matter of AvalonBay Island
6 Park project, we're going to take a
7 revote. I'll make a motion.

8 UNKNOWN SPEAKER 1: After we
9 get a few minutes?

10 CHAIRMAN GIRARDI: Anyone want
11 to speak?

12 UNKNOWN SPEAKER 1: Yes.

13 MR. GIRARDI: We're going to
14 keep it at two to three minutes per
15 speaker. It's not a public hearing.
16 We had a meeting. This is another
17 meeting. I just want to keep -- I
18 really want to keep it for the
19 people who have not spoken which is
20 probably a little difficult --
21 excuse me.

22 UNKNOWN SPEAKER 1: This is a
23 new hearing.

24 MS. LONGO: It's not a hearing
25 and she's recording this. You need

1
2 to announce who --

3 UNKNOWN SPEAKER 1: Are you
4 going to vote on this today?

5 MR. GIRARDI: Yes, we are.

6 UNKNOWN SPEAKER 1: Then it
7 should be a new hearing because
8 there's changes to it.
9 Legitimately, there is changes to
10 their PILOT program. You have to
11 hold another meeting so that the
12 residents and the local businesses
13 and so on can --

14 MR. GIRARDI: The increase in
15 the PILOT -- I don't want to, you
16 know, the increase in the PILOT was
17 put on the website. There has been
18 an increase in the years, I think,
19 three, four and five.

20 UNKNOWN SPEAKER 1: There is
21 other ways to handle this if you're
22 not going to follow through. There
23 are lawsuits that can be brought.
24 There is a lot of problems.

25 MR. RYAN: Are you going to

1
2 make a statement?

3 UNKNOWN SPEAKER 1: I do want
4 to make a statement. My name is
5 Mark Tannenbaum. I live at 184
6 Harrison Avenue. I'm a resident. I
7 was the president of Long Beach
8 Chamber of Commerce that took in
9 over 35 businesses in Island Park
10 and I did fight the last Avalon
11 project which Avalon pulled out
12 because they knew they were wrong.
13 I'd like to come up and give a
14 statement.

15 CHAIRMAN GIRARDI: Please do.

16 MR. TANNENBAUM: This PILOT
17 program is defective. It's
18 defective because you're going to
19 bring in two and three-family -- and
20 I know there is a two and three
21 bedrooms. I know there is one
22 bedroom in there but two and three
23 bedrooms that will bring more
24 children into the community. We
25 have problems going forward with

1
2 possible increases because we may
3 lose tax from the power plant.

4 The PILOT program that these
5 guys are looking for, they bring in
6 union workers from New Jersey and
7 Pennsylvania and it's been
8 documented. They don't bring in
9 local people. New York just forced
10 Amazon to leave because they were
11 looking for PILOT programs and
12 Amazon was going to bring 25,000
13 plus jobs and billions of dollars
14 into New York. This development is
15 not going to do that. It will
16 become an expense. You're going to
17 have maybe two people working there.
18 I know they say six but we all know
19 how these buildings work.

20 It would be criminal,
21 literally, to award this program.
22 And it would be criminal to bring
23 this meeting forward today without a
24 good time when it's not during the
25 holiday week where the kids are all

1
2 off from school so half the people
3 are away and the other half that are
4 not away at 9 o'clock in the morning
5 have to go to work. They can't take
6 off work. This should be held at
7 six or 7 o'clock in the evening just
8 like most of the Nassau County
9 hearings are held, and not in the
10 morning.

11 You guys should be listening to
12 the community, not to AvalonBay.
13 That's my statement.

14 MR. PAROLA: Thank you.

15 MR. SCHURIN: Hi. My name is
16 Richard Schurin, 167 Jefferson
17 Avenue. I was present at the
18 previous public hearing. I spoke
19 along with dozens of community
20 members there who all spoke. My
21 understanding was there was a
22 hearing two days previous where
23 testimony was taken.

24 I spoke to Mr. Parola after I
25 found out there was a revote and my

1
2 concern, based on my discussion with
3 Mr. Parola, my concern is that the
4 Board is not getting complete and
5 accurate information from Mr.
6 Parola. If they are relying on
7 information from Mr. Parola, it's
8 clear that you're getting
9 misinformation.

10 First of all, as far as the
11 environmental work that is supposed
12 to be done, that environmental work
13 is required to be done whether or
14 not the building takes place. The
15 owner has gotten various extensions.
16 They have a legal obligation to do
17 that work. Whether or not AvalonBay
18 proceeds with the development so
19 that cannot be a justification for a
20 PILOT. The owner has a legal
21 obligation to remedy the condition
22 regardless so that's a bogus reason
23 for granting them this PILOT.

24 Number two. The representation
25 that Mr. Parola is making to -- I've

1
2 heard it on telephone messages he's
3 left with community members -- is
4 that between five and nine students
5 will be added to the District. That
6 is completely wrong.

7 In Princeton, AvalonBay had a
8 similar project, more apartments but
9 the school district calculated 130
10 students based on 280 units. I sent
11 an e-mail, perhaps that is what this
12 gentleman is referring to,
13 documenting that. If you do that
14 same math, it's going to add 80
15 students to our school. Our school
16 currently has less than 800 students
17 so you will be increasing our school
18 population by 10 percent. It's not
19 insignificant. It's not something
20 that the school can just absorb.
21 The added cost to the School
22 District are real. This is not a
23 situation where we have 2,000
24 students and we're adding 50. We
25 have 800 students and we're adding

1
2 80. My concern is that Mr. Parola
3 is out there spreading
4 misinformation to members of the
5 community trying to persuade them
6 not to come to this hearing.

7 I have it on tape, Mr. Parola,
8 and I spoke to you for half an hour.

9 Those are two very important
10 points. If the Board is relying on
11 information provided by Mr. Parola,
12 they are getting bad information.

13 The last point that I want to
14 make, and I made this point before,
15 this parcel has been in litigation
16 for over 10 years. The developer
17 has, at various times, made
18 different proposals to build. Those
19 proposals were fought by the Town of
20 Hempstead in litigation and taken
21 all the way to the Court of Appeals
22 for 10 years. So the
23 representation, once again, that Mr.
24 Parola is making that this property
25 has been dormant for 10-20 years and

1
2 nothing is going to happen and that
3 if this doesn't pass it's going to
4 be another 20 years is completely
5 false.

6 This is a highly desirable
7 location and something will be built
8 on this location. The developer
9 prior to AvalonBay who I think owns
10 the property, Posillico, who has
11 spent millions of dollars making
12 proposals to the Town Board and has
13 fought it in litigation for many,
14 many years, they want to build.
15 This is extremely desirable piece of
16 property. You don't need to provide
17 them with immense financial
18 incentive to build.

19 The representation that Mr.
20 Parola and other people are making
21 to the community that this is not
22 going to be built if you don't give
23 them the PILOT is false. It's
24 demonstratively false just by
25 looking at the record. That's all I

1
2 want to say.

3 MR. RANDAZZO: Good morning.
4 My name is Vincent Randazzo. I'm
5 the Assistant Superintendent of
6 Schools. Unfortunately, due to the
7 fact that this meeting was called
8 during a vacation break, our
9 Superintendent of Schools, Dr.
10 Bovino could not be here but I'm
11 going to read a statement that was
12 prepared.

13 Before permitting the AvalonBay
14 Communities project to move forward,
15 I respectfully request that you
16 consider the following:

17 Since 1927 when the Francis X.
18 Hegarty School was built in the
19 village of Island Park, flooding has
20 occurred on its surrounding streets.
21 I do call your attention to this
22 photo of a very recent flooding that
23 happened, not during any particular
24 period. You can see that both
25 Warwick Road and Radcliffe Road are

1
2 completely flooded out and you can
3 see the traffic that is building up
4 all the way behind that.

5 Today news stores on Channel 12
6 an YouTube provide proof positive
7 that flooding continues. Moderate
8 flooding brings about 6 to 8 inches
9 of water that rises above the street
10 curbs to the sidewalk. However,
11 several times during the year
12 streets turn to rivers with water
13 that can be 18 to 24 inches or more.
14 Again, you can see that in the
15 poster there.

16 Moreover, because we cannot
17 close the schools every time it
18 floods, we are reliant on the Island
19 Park Fire Department and the police
20 department to close off local roads,
21 re-direct traffic as well as provide
22 fire trucks and other high axle
23 vehicles to assist our teachers and
24 students into and out of the
25 elementary school building. The

1
2 fact is, whether we have six or
3 16 inches of rain, the traffic on
4 the local roads surrounding the
5 elementary school are chock-a-block
6 with school buses car and emergency
7 vehicles for up to 2 hours.

8 Worth mentioning is the fact
9 that there is no public
10 transportation in or out of Harbor
11 Isle. Thus, the residents must
12 drive into and out of the community.
13 Consider the 480 residences of
14 Harbor Isle dealing with nearly
15 twice as many cars, let's say 800,
16 and the 172 new residences of
17 AvalonBay with twice as many cars,
18 let's say 300. This could mean
19 upwards of 1,000 or more vehicles
20 departing on the only two roads that
21 run through the area of Harbor Isle,
22 which is just 0.2 square miles.

23 Now, envision a day with
24 driving rains and the new volume of
25 traffic on the roads along with 20

1
2 or more school buses crossing and 50
3 to 60 cars from employees coming to
4 work at the Hegarty School. I worry
5 that I may not be able to ensure the
6 safety of my students.

7 It is my understanding that a
8 traffic study was conducted in 2006
9 for a different project to be
10 developed by Posillico Development
11 and that it did not examine traffic
12 flow during driving rains and when
13 flooding occurs. And let's be
14 honest, it was done in 2006. That
15 was six years prior to Hurricane
16 Sandy and everyone knows that the
17 infrastructure in and around Island
18 Park has been completely compromised
19 since Sandy.

20 Envision the scene during a
21 Nor'easter evacuation. How will
22 emergency responders gain access to
23 the only two bridges with ingress to
24 Harbor Isle on Warwick Road and
25 Island Parkway North with all of the

1
2 traffic trying to exit? And let's
3 keep in mind, if you look at that
4 map right there where the bridge is,
5 the elementary school is located
6 just two blocks away from that
7 egress point.

8 Furthermore, Island Parkway
9 North, which runs parallel to Island
10 Park Harbor, becomes Long Beach Road
11 when it crosses Waterford Road in
12 Island Park. Long Beach Road is the
13 main emergency evacuation route for
14 the public living in the southwest
15 quadrant of Nassau County. In fact,
16 it is designated by Nassau County as
17 a Hurricane Evacuation Route B for
18 the residents of the City of Long
19 Beach and all of Island Park.

20 Coincidentally, Austin Boulevard
21 is intended to be narrowed from six
22 lanes to five lanes in the next year
23 or so when the Town of Hempstead
24 completes its traffic project with
25 anticipated funds from a \$5 million

1
2 Federal grant. The cars from
3 AvalonBay will add to the number of
4 cars backed up from Long Beach Road
5 to Island Parkway and all the way
6 back to Harbor Isle.

7 For these reasons the District
8 respectfully requests that the IDA
9 Board not reverse its prior decision
10 today. At the very least, it should
11 seek to obtain a comprehensive
12 traffic study of the roads into and
13 out of the proposed AvalonBay
14 Communities, as well as the
15 immediate streets around the Francis
16 X. Hegarty Elementary School and the
17 greater community of Island Park,
18 which, by the way, is comprised of
19 three island communities; the
20 Village, Harbor Isle and Barnum
21 Island, each surrounded by water and
22 completely vulnerable to flooding.
23 As I mentioned, as you know, the
24 infrastructure has been completely
25 compromised since Hurricane Sandy.

Beyond the safety concerns expressed, there are some additional points I would like to bring to your attention. The Wall Street Journal reported quarterly net income of nearly \$4 million for AvalonBay Communities at the end of December 2018. Its quarterly balance sheet for the same period reflects total assets of almost \$20 billion. Following super-storm Sandy, Island Park property owners' ability to pay taxes decreased significantly. Our low socio-economic poverty rate increased to 42 percent, nearly half of the students and family members. In contrast, AvalonBay's financial growth over the past several years has been significant. It is an S&P 500 company. As such, it should not be shifting tax responsibility onto the shoulders of homeowners who do not have the ability to pay. I do not believe AvalonBay is entitled to

1
2 a PILOT, but certainly there is no
3 objective basis for allowing a
4 15-year PILOT. Fixed payments in
5 lieu of taxes for a period of 15
6 years provides AvalonBay with
7 corporate welfare.

8 What is the most anticipated
9 rising cost to the community? The
10 Island Park community faces a
11 potential 25% increase in taxes due
12 to the tax challenge by LIPA
13 regarding the Barrett Power Plant.
14 Were AvalonBay Communities to pay
15 the going Class 2 rate, Island Park
16 Schools would realize approximately
17 \$14.6 million versus \$8 million in
18 15 years' time. This would help the
19 community compensate for the
20 education in revenue from the power
21 plant. Our District counsel will
22 provide more detail with respect to
23 this.

24 Finally, there is concern that
25 AvalonBay two-and-three bedroom

1
2 apartments will raise the cost of
3 education and the School District's
4 annual budget. We believe the new
5 development will attract many
6 families with young children to
7 Island Park for its "free" Universal
8 Pre-kindergarten Program. It is
9 well known that following Sandy, I
10 wrote and was awarded a competitive
11 NYS Universal Pre-kindergarten Grant
12 for the families of Island Park.
13 Unfortunately, this \$600,000 grant
14 is fixed by the State to provide
15 annual full-day instructional
16 program for just sixty 4 year-olds.
17 The grant is intended to relieve
18 current Island Park parents of the
19 cost of pre-kindergarten, which is
20 \$10,000 per child. Might AvalonBay
21 commit to paying this annual
22 Universal Pre-kindergarten fee for
23 any child residing in the AvalonBay
24 development so that Island Park
25 families with less ability to pay

1
2 who have come to depend on the
3 program need not compete for pre-k
4 places with parents living in luxury
5 rental apartments? You have said
6 AvalonBay developments in Rockville
7 Centre and other communities have
8 not attracted families with
9 children; however, the developments
10 in these other communities do not
11 have access to a school with free
12 Universal Pre-k. We believe ours
13 will not only attract additional
14 four-year-olds but older siblings as
15 well. In this case, there is the
16 very real possibility that
17 additional students in kindergarten
18 through Grade 8 will drive up
19 employee and program costs at a time
20 when local property owners cannot
21 afford this.

22 As you can see, this is much to
23 consider. Safety is my first
24 concern; however, the financial
25 sustainability of our schools and

1
2 programs is, in deed, a close
3 second. There is simply no good
4 reason to renege on your original
5 vote. Thank you for your time.

6 MR. SPEZIALE: Mr. Chairman, my
7 name is Sal Speziale. 1600 Walt
8 Whitman Road, Long Island. I
9 represent General Building Laborers,
10 local 66. I'm representing my
11 members that live in Island Park.

12 It is our understanding that
13 one of the considerations to get a
14 PILOT program is the job creation.
15 Now, 90 percent of, you know, the
16 construction jobs that Avalon hires
17 are non-union. Ninety percent of
18 the workers on those projects are
19 non-union. They have a history of
20 hiring out-of-state contractors to
21 perform work here.

22 After this is done, how many
23 jobs will those apartment buildings
24 create? Five, six at the most?
25 While 90 percent of the construction

1
2 work is being done by substandard
3 contractors that aren't paying the
4 area standards to live in the Town
5 of Hempstead.

6 So on behalf of Labors Local
7 66, we ask the Board to vote no on
8 this project. Thank you.

9 Also, I have a point of order.
10 I believe Jack should recuse himself
11 from this vote since him and his
12 union directly negotiate with Avalon
13 and there could be a conflict of
14 interest here.

15 Thank you, Mr. Chairman for
16 that consideration.

17 MR. PAROLA: Just for the
18 record, you're going to deny other
19 people a chance to vote if you
20 overspeak and we need new
21 information. Most of what has
22 already been said is on the record.
23 The record is what counts so please
24 keep that in mind respectfully for
25 those that maybe should speak.

1
2 MR. VOBIS: My name is Jack
3 Vobis. I'm the President of the
4 Board of Education in Island Park.
5 I was not present at the last
6 meeting so thank you for the
7 opportunity to speak here today.

8 I'm not going to read my full
9 statement at this time. I will
10 provide a copy. A lot of it has
11 already been said by the community
12 members and also by our Assistant
13 Superintendent.

14 I would like to reiterate that
15 a PILOT program for Avalon will
16 severely impact the taxpayers of
17 Island Park of which I am one and of
18 which I represent all the taxpayers.
19 In fact, the Board of Education is
20 the only body in Island Park that
21 represents all of the taxpayers.
22 The Village is one section but the
23 Town of Hempstead encompasses Harbor
24 Isle where this project is and also
25 Barnum Isle. So we feel it is our

1
2 responsibility and our duty to
3 represent those taxpayers at
4 hearings just like this.

5 As I spoke here two years ago
6 for the Waterview project for a
7 similar tax break for that project,
8 I had the occasion on Father's Day
9 two years ago to drive up and down
10 every block in Island Park and I did
11 an informal tally of how many houses
12 were abandoned or destroyed by
13 Hurricane Sandy, how many houses
14 were being raised and there were
15 over 60 houses being raised at that
16 time.

17 Now, if you drive around Island
18 Park, there are still houses being
19 raised to this day. There are
20 houses that are up that have never
21 come down because people ran out of
22 money. There are houses because
23 people that were scammed by
24 contractors that took their money
25 and left while the house was still

1
2 in the air. All of those people did
3 not get a tax break, not a single
4 dime. Their property was taxable.
5 They were living somewhere else.
6 They were paying their mortgage and
7 their taxes. No one helped them.
8 Some of them are not even able to
9 get back in their houses because
10 they couldn't afford to do both.
11 They had no money or they were
12 scammed out of their money.

13 When we're talking about, as
14 Mr. Randazzo said, a company like
15 Avalon, which yesterday went on --
16 just did a check trading at \$196.07
17 a share up from one year ago,
18 \$160.42. That's well over
19 30 percent increase in one year.

20 If you read any of the stock
21 information on Avalon, Avalon is a
22 highly-regarded real estate
23 investment trust and it's well known
24 for its dividends. So it's
25 something that is very, very

1
2 attractive to investors and for a
3 company like that to come to our
4 community and tell this Board that
5 we cannot afford to do this project
6 unless we get a tax break is
7 preposterous and I think intelligent
8 people like you and everyone here to
9 take that at face value and accept
10 it and believe it after the
11 information we heard about the
12 wealth and the money they make, I
13 think it's disgraceful. I really
14 think that anyone that can sit here
15 and accept that statement and say
16 that they cannot build this project
17 without the tax break, I think that
18 person should look at themselves in
19 the mirror because for me to go back
20 to the community and tell the
21 community that these people are
22 going to get a tax break but your
23 neighbor whose home was destroyed in
24 Hurricane Sandy got nothing, and
25 then go and look and see the wealth

1
2 that this company possesses, I think
3 that's ridiculous. I don't think
4 the community should stand for it
5 and this body should stand for it.

6 One other comment Mr. Schurin
7 made about an Avalon project in
8 Princeton. Two years ago I also did
9 some research. There was an Avalon
10 project in New Rochelle which had a
11 very similar study that was done and
12 they said there were only going to
13 be a few school children that were
14 going to be added by the apartments
15 that were there. Well, as it turns
16 out, they were wrong by about 100
17 kids and at the cost of over \$1
18 million a year to the New Rochelle
19 school district.

20 If you look at the cost of
21 educating a child in Island Park,
22 it's approximately \$25,000 per
23 child. So if you talk about 50 kids
24 coming in there, that's
25 \$1.25 million that the community has

1
2 to bear.

3 If this project is going to be
4 built, that's fine. There are going
5 to be 172 apartments there. If
6 there's going to be people in there,
7 50 kids, those kids should go to
8 school in Island Park. They should
9 get the same education but they
10 should not get it on the backs of
11 all the other taxpayers. Everyone
12 has to pay their fair share.
13 Especially a company that's making
14 money like they're making.

15 Thank you for your time. I
16 hope you reconsider your vote to
17 reconsider the vote. I don't think
18 that's a good idea.

19 MS. SCHNITZER: My name is
20 Lauren Schnitzer. I'm with the Law
21 Firm Lamb & Barnosky. We're
22 attorneys for the Island Park School
23 District.

24 This morning you've heard
25 from -- there was a statement that

1
2 was written by the Superintendent of
3 Schools, Dr. Bovino. Because of the
4 school break she could not be here
5 today. And you just heard from the
6 school board member, Jack Bovis. I
7 would like to just speak about a
8 couple of points and some additional
9 points.

10 The last time we were here,
11 which was the January 24th Board
12 Meeting, we did explain there was no
13 reason to deviate from the IDA's
14 uniform past exemption policy and
15 guidelines that places a 10-year cap
16 on AvalonBay's requested PILOT
17 agreement. This is not an
18 affordable housing project. Their
19 application to the Town lists it as
20 a market value apartment complex so
21 the 10-year cap on the PILOT does
22 stay and they have to be approved
23 for this 5-year deviation that they
24 are seeking.

25 Since that January meeting,

1
2 there was a change to the PILOT
3 agreement that was discussed earlier
4 adding \$95,000 at years four, five
5 and six. This was originally an
6 \$8 million PILOT. That's
7 approximately a 1% increase in this
8 PILOT. A 1% increase is not a
9 substantial change. There is no
10 reason to reconsider your prior vote
11 because nothing has changed. This
12 is almost the same application that
13 you voted on last month.

14 What would be relevant for the
15 Board to review is a traffic study
16 in response to AvalonBay's request
17 for you to reconsider to replace the
18 2006 traffic study that was done for
19 a different project that proposed
20 167 units, not the current proposed
21 172 units by Posillico Development,
22 not AvalonBay.

23 And as stated earlier, 2006 was
24 prior to Hurricane Sandy and the
25 situation in Island Park has

1
2 changed. And, in addition, the full
3 environmental assessment form that
4 was prepared by AvalonBay which was
5 submitted in August of 2018, it
6 stated that the project, this
7 172 unit project in Harbor Isle,
8 they wrote down it will not result
9 in a substantial increase in traffic
10 above present levels and that it
11 would not substantially increase the
12 demand for transportation.

13 The New York State Department
14 of Environmental Conservation has a
15 workbook that explains how to fill
16 out this environmental assessment
17 form and the DEC has stated as a
18 matter of fact that if you have a
19 complex of more than 150 units --
20 here we have 172 -- over 150 units
21 this "will" result in an increase in
22 traffic. The DEC is very clear over
23 150 units this will result in an
24 increase and will likely result in
25 the need for a traffic analysis

1
2 which AvalonBay did not have
3 conducted in this case.

4 As stated earlier, there are
5 only two ways in and out of Harbor
6 Isle. There is a bridge that goes
7 right onto Warwick Road and that
8 bridge is shown -- The road for that
9 bridge is shown on the back of that
10 picture. And in this photograph it
11 shows the two bridges. There is a
12 bridge in the southern part of
13 Harbor Isle and that goes directly
14 into the elementary school that was
15 discussed earlier today. There is a
16 bridge higher up that goes into town
17 but this is the project. The
18 project site is on the lower end and
19 the nearest bridge of the two
20 bridges out of Harbor Isle goes
21 directly past the elementary school
22 and, as you can see from these
23 photos and the explanation a few
24 moments ago on behalf of the
25 Superintendent, Hagerty Elementary

1
2 School is frequently flooded and
3 this is exactly where these 172
4 units are going to come out of
5 Harbor Isle in the morning and after
6 work, going back and forth.

7 This analysis has to be done
8 because the traffic is already bad.
9 The flooding is already bad. We've
10 been told that frequently, because
11 the flooding is so poor, they can't
12 close school every time it rains so
13 instead they have to have the police
14 and fire department come out to help
15 the students get in and out and to
16 help with traffic, so this analysis
17 needs to be done.

18 UNKNOWN SPEAKER 2: Permission
19 to circulate this.

20 MR. GIRARDI: Sure.

21 MR. PAROLA: Thank you.

22 MS. SCHNITZER: You also heard
23 today that the residents of Island
24 Park cannot afford an additional
25 shift in their taxes that would

1
2 result in a 15-year PILOT.

3 As also stated, I want to give
4 some more information that there is
5 a potential that the Barrett Power
6 Plants, which is located in Island
7 Park, will have a 50 percent or up
8 to 50 percent decrease in its tax
9 assessment and this would result in
10 an average increase in our Class 1
11 residential taxpayers of almost
12 32 percent.

13 MR. RYAN: Where is that
14 decrease coming from?

15 MS. SCHNITZER: The Barrett
16 Power Plant property is subject to
17 several tax certiorari petitions in
18 Nassau County Supreme Court and it's
19 being negotiated as we speak. And
20 similar settlements in Long Island
21 have been 50 percent reduction, so
22 that is a possibility. Similar
23 settlements with LIPA have been 50
24 percent.

25 UNKNOWN SPEAKER 2: They are

1
2 seeking 90.

3 MS. SCHNITZER: They're seeking
4 90.

5 MS. LONGO: Wait. Just one
6 second. She's typing for the
7 record. You can't just interject.

8 MS. SCHNITZER: Just for
9 clarification, the tax certiorari
10 petitions that were filed by the
11 owners of the Barrett Power Plant
12 they are seeking in their court
13 papers up to a 90 percent reduction
14 in their tax assessment; however, in
15 terms of negotiating a settlement,
16 similar settlements on Long Island
17 have decreased their tax assessment
18 by 50 percent. That is by way of
19 settlement to avoid the courts
20 having the uncertainty of the court
21 system and that settlement was with
22 the Town of Brookhaven.

23 So we respectfully urge that
24 you stand by your original decision
25 denying the 15-year PILOT. And the

1
2 10-year PILOT, if the Board insists
3 on going through with this, the
4 10-year PILOT could end with a
5 million year ten. On the other
6 hand, if the Board is determined to
7 grant a 15-year PILOT against the
8 community's wishes, we would suggest
9 that formulating that PILOT the last
10 five years be frozen at the current
11 estimated taxes of the project once
12 it's built and that's estimated, to
13 be by AvalonBay 1.091,713.

14 Again, the average Island Park
15 homeowner cannot afford to subsidize
16 one of the wealthiest developers on
17 Long Island. Thank you.

18 MR. SKULLY: My name is Michael
19 Skully. I'm a property owner and
20 business owner in Island Park. I
21 live about 555 feet from the
22 entrance of the project.

23 I don't need to go on with
24 anything. Everyone has covered
25 everything pretty thoroughly but I

1
2 have two quick statements.

3 We've already been, on this
4 project, suffered and damaged enough
5 by the Town's inability to approve
6 the 96 units that were asked for
7 many years ago, which the same Town
8 Board then gave 172 units to, so we
9 are passed that. However, I ask
10 that maybe some or all of you or a
11 few of you can visit Island Park,
12 visit the school, visit the
13 community. Take a look at what we
14 have there before you make your
15 decision.

16 And finally, I'm a little
17 confused why there is a revote. Can
18 somebody explain.

19 MR. GIRARDI: I made a
20 statement when we opened.

21 MR. SKULLY: Thank you.

22 MR. MARSH: They didn't like
23 our decision. That's the real short
24 answer.

25 MR. SKULLY: Who?

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MR. MARSH: Avalon.

MR. SKULLY: Is there new information that's going to persuade the community --

MR. MARSH: We have to listen to what they have to say.

MR. SKULLY: Thank you.

MR. KEATING: Good morning. My name is John Keating, business representative for Roofers and Waterproofers Local 154 in Nassau and Suffolk County. I'm here to speak on behalf of my members and especially my members that live in Island Park.

AvalonBay has never utilized roofers and waterproofers 154 that always pays the area standard. Thank you.

MR. GRANDE: Good morning. My name is Don Grande. I'm a business agent for Local 1 Bricklayers and Allied Craftworkers. As for Local 1 and my members that live in Island

1
2 Park, we are not in favor of this
3 project due to Avalon using
4 out-of-state workers and non-union
5 workers. Again, we are note for
6 this project.

7 CHAIRMAN GIRARDI: You're going
8 to be the last one.

9 MR. McCARTHY: My name is Tim
10 McCarthy. IBAW Local 25. We are in
11 favor of this project.

12 A couple of points I would like
13 to touch on is the economic
14 developments that these developments
15 always bring. It is going to bring,
16 you know, tax revenues to the Town
17 of Hempstead all and all. There's a
18 remediation that is going to take
19 place that AvalonBay is going to eat
20 the cost of, which is, you know,
21 more of a relief for the Town of
22 Hempstead.

23 And for the record, we have not
24 negotiated with AvalonBay on this at
25 all but we do want to. We've done

1
2 their work in the past. We want to
3 continue to do their work.

4 MR. GIRARDI: I take it that
5 the Board --

6 MR. ROTOLO: I'm a
7 representative for the Sheet Metal
8 Workers, Local 28. My name is
9 Robert Rotolo. I'm here on behalf
10 of my members also and I'm all about
11 responsible building, I really am,
12 because that's how my members make
13 their money. This is not a project,
14 in my opinion, that is representing
15 responsible building. You're not
16 looking at the studies. You're not
17 listening to the people in the
18 neighborhood.

19 You represent the people.
20 That's your job. Listen to them.
21 Don't vote for this project in its
22 current form. Make them meet the
23 standards required for this town to
24 make it a better place to live, not
25 to cost the people that live here

1
2 money. This project is going to
3 cost the people of this town more
4 money to live here.

5 Regardless of who represents or
6 it doesn't, look at the facts. It's
7 all numbers and the numbers don't
8 lie. This project will cost the
9 people of this town more money to
10 live here. It's not good business.
11 This is a business. Run it like
12 one. Be responsible. Do what you
13 were elected to do. Thank you.

14 MR. BONESSO: Good morning, Mr.
15 Chairman and members of the agency.
16 William Bonesso, Forchelli Deegan &
17 Terrana, 333 Earle Ovington
18 Boulevard, Uniondale, New York. I'm
19 here on behalf of AvalonBay
20 Communities, Inc.

21 Thank you again for this
22 opportunity to reconsider the
23 application before the Board and
24 before the Agency. As indicated,
25 the PILOT has been modified to

1
2 provide an additional \$95,000 in the
3 years four, five and six.

4 As you know, AvalonBay is a
5 national builder with an excellent
6 reputation. It has an excellent
7 track history and has been good
8 partners with the IDA in the past.
9 The Rockville Centre facility that
10 they operate is thriving, fully
11 occupied. It was assisted with IDA
12 benefits.

13 The items that you heard
14 brought up today, first of all, with
15 all due respect to the comments that
16 were made, those comments are
17 misplaced with regard to traffic,
18 with regard to flooding, with regard
19 to things involving infrastructure.
20 That's not the purview of this
21 Board, with all due respect. Those
22 items are the purview of the Town
23 Board during a site plan review. If
24 those are concerns that were
25 absorbing or very important to the

1
2 community, they could have made
3 those known to the Town Board during
4 the site plan review process. The
5 process has been completed. The
6 Town Board adopted a SEQRA
7 declaration with very strict
8 language and a great deal of
9 safeguards involving the overall
10 cleanup and, after the remediation,
11 the continued use and operation of
12 the facility.

13 The SEQRA determination and the
14 approval by the Board gives the
15 Department of Conservation and
16 waterways unprecedented authority to
17 require further and continuing
18 remediation on the part of the
19 Applicant. They are required to put
20 a financial undertaking in place in
21 order no safeguard and make sure
22 that future upkeep and maintenance
23 of the facility is done in that
24 regard.

25 But that being said, those are

1
2 all really Town Board issues. The
3 issues before this Board are the
4 PILOT program and the request for
5 the sales tax exemption.

6 Now, with regard to the --

7 MR. MARSH: Sir, could you tell
8 us exactly how you think this
9 project fits within the purview of
10 this Board giving this tax break to
11 Avalon for 15 years?

12 You're right, that's our issue
13 but tell us how many jobs are you
14 going to be creating. Tell us how
15 this is going to be good for the
16 economic benefit of the rest of the
17 members of the Town of Hempstead who
18 are going to have to subsidize this
19 for 15 years.

20 MR. CAPECE: My name is Chris
21 Capece. I'm with AvalonBay
22 Communities and I thank the Board
23 for allowing us the time to present
24 today.

25 We've heard a lot of the

1
2 typical concerns that we often hear
3 throughout these applications. This
4 is not a unique situation. You
5 know, in preparation for this I had
6 a chance to look back and look at
7 the institutional size multi-family
8 developments that have been approved
9 in Nassau County, whether it be by
10 the Town of Hempstead IDA Board or
11 by the Nassau County Board and a
12 quick math, there have been at least
13 10 this over the last number of
14 years.

15 These types of project don't
16 get approved and don't get built
17 without the help of the IDA Board.
18 You know, in looking through the
19 PILOT duration, the average was
20 20 years. I think one of the
21 concerns was about a deviation. The
22 real number is 20 years. Remember,
23 this is a contaminated grounds field
24 site. That is language for a very
25 long time now. And maybe 3.5

1
2 million gallons of petroleum storage
3 on Reynold's Channel was a good idea
4 in the forties, fifties and sixties
5 but not today.

6 MR. MARSH: But how is that our
7 problem? Doesn't the DEC have
8 jurisdiction if they want a cleanup?
9 Can't they force a cleanup from the
10 current owner?

11 MR. CAPECE: What the DEC will
12 tell you is that the worse thing
13 that you can do is let it sit and
14 that's what they said publicly. If
15 you let it sit, there is the
16 opportunity for it to continue to
17 contaminate.

18 MR. MARSH: Then they let it
19 sit.

20 MR. CAPECE: As part of the
21 overall development program, we're
22 working with the land seller. We
23 don't own the site right now.
24 Posillico owns the site right now.
25 As part of the overall development

1
2 program, if the site is going to be
3 cleaned up to residential standards,
4 which is part of the process. It's
5 something that we have done in other
6 sites on Long Island.

7 MR. MARSH: Why should the
8 other taxpayers -- To your issue, we
9 should mind our Ps and Qs and not
10 listen to all the other concerns
11 that were expressed this morning,
12 okay. How are you developing jobs,
13 long-term jobs that justifies
14 15 years' worth of benefits and
15 making everybody else pay for it?
16 The environmental cleanup should not
17 factor into that.

18 MR. CAPECE: And I appreciate
19 that question because it's kind of a
20 part of what we're talking about
21 right here, which is these types of
22 communities don't get built without
23 the IDA assistance and that's been
24 proven.

25 MR. MARSH: Our business, as I

1
2 understand it, is to try to induce
3 the production of jobs, not to
4 induce the production of market-rate
5 housing.

6 This project could be built.
7 The question is -- The problem is
8 what the anticipated rate of return
9 to the developer is. You're not
10 going to build it if you don't get
11 what you want as a rate of return.
12 You figure you can't get a rate of
13 return unless we give and transfer
14 the taxes that you should be paying
15 to everybody else in the Town of
16 Hempstead.

17 MR. CAPECE: Look, I stood up
18 here because there were a lot of
19 concerns that were voiced and I
20 wanted to stand up and answer the
21 concerns. I'm happy to do so.

22 MR. MARSH: But your answers to
23 the concern is that they are not
24 relevant to what this Board's about
25 and you're right, they're not.

1
2 MR. CAPECE: I don't think
3 anybody said that.

4 MR. MARSH: That's what you
5 started with.

6 MR. CAPECE: I don't think I
7 said that.

8 MR. ARDITO: Mr. Capece, sir,
9 what is the expected timeframe from
10 the time that you begin cleanup
11 until the time that someone takes
12 occupancy in the apartments there?
13 What is the anticipated timeframe?

14 MR. CAPECE: The anticipated
15 timeframe from cleanup to occupancy
16 is about 30 months.

17 MR. ARDITO: That's the
18 estimate. So three years likely?

19 MR. CAPECE: Three years
20 likely.

21 MR. ARDITO: So what is the
22 cost of that cleanup?

23 MR. CAPECE: It's a little over
24 \$9 million.

25 MR. ARDITO: With respect to

1
2 the site plan review, and either
3 yourself or counsel can answer this
4 question, with respect to the site
5 plan review approved by the Town of
6 Hempstead, was there a traffic study
7 as part of that review?

8 MR. BONESSO: The traffic study
9 that was reviewed by the Town was
10 the 2006 traffic study that was
11 prepared in association with the
12 rezoning. They did not request an
13 additional traffic study.

14 MR. ARDITO: When was that site
15 plan review? When did the Town
16 approve the site plan?

17 MR. BONESSO: Earlier this
18 year.

19 MR. ARDITO: So the Town of
20 Hempstead Board that approved the
21 site plan, they obviously knew that
22 this was an area impacted by Sandy
23 so that was something that was taken
24 into consideration when they
25 approved the site plan.

1
2 MR. BONESSO: Clearly.

3 MR. ARDITO: With respect to
4 Mr. Schurin's point, there was
5 litigation involving this property
6 and one of the reasons I voted no at
7 the last meeting was because I
8 wanted more time to understand the
9 litigation and I wanted more time to
10 understand the Barrett Power station
11 issue. I had intended to make a
12 motion to adjourn at that last
13 meeting but Mr. Majkut made the
14 motion to go forward at that last
15 meeting. I felt I didn't have
16 enough information so I was one of
17 the "no" votes.

18 I've done some research with
19 respect to the litigation. Mr.
20 Schurin says this litigation went up
21 to the Court of Appeals. Did the
22 Court of Appeals say that a
23 development such as what has been
24 presented now and intended to be
25 developed by AvalonBay was an

1
2 acceptable development at this
3 location?

4 MR. BONESSO: The Court of
5 Appeals did not accept certiorari on
6 this case. The Town made motion to
7 the Court of Appeals to be heard but
8 the Court of Appeals is not required
9 to hear a case. Instead, it
10 rejected it. So that left the
11 Appellate Division determination to
12 be the last ruling judgement in the
13 matter and they upheld Posillico's
14 right to improve the property and to
15 utilize it the way they --

16 MR. ARDITO: So with respect to
17 the litigation, the courts upheld
18 that a development such of this
19 nature is permissible at this site?

20 MR. BONESSO: Yes.

21 MR. ARDITO: Counsel, Mr. Ryan,
22 is that an accurate statement by
23 counsel?

24 MR. RYAN: Yes, it is.

25 MR. ARDITO: With respect to

1
2 the Barrett power station, I
3 understand there's a tax certiori
4 issue there. It would seem at some
5 point that there would be another
6 landowner in Island Park to bear a
7 brunt of the tax burden. AvalonBay,
8 based on the residents that have
9 spoken here, have indicated, and our
10 research and our history with
11 AvalonBay have shown that they are a
12 very viable entity, so we anticipate
13 that after this 15-year PILOT is
14 lapsed that AvalonBay is going to
15 have to bear their fair burden of
16 whatever taxes will be assessed by
17 the government at that site,
18 correct?

19 MR. BONESSO: That's actually a
20 point I was going to make in
21 response to the concerns of the
22 potential reduction in taxes for the
23 Barrett Power Plant.

24 It would only make sense to
25 have another ratable in the

1
2 community such as AvalonBay which as
3 the PILOT proceeds through the years
4 will increase in its tax
5 contributions to the community.

6 MR. ARDITO: Mr. Capece, to Mr.
7 Marsh's point, can you briefly
8 summarize for us what is anticipated
9 in terms of job creation and the
10 economic benefit to the local
11 community?

12 MR. CAPECE: Sure. So the
13 application we have six permanent
14 jobs that will be created as part of
15 the overall development plan and
16 that's inclusive of on-site leasing
17 staff and maintenance.

18 And then, there will be
19 approximately 350 jobs, construction
20 jobs, that will be created as part
21 of the overall development plan.

22 MR. ARDITO: Now, you've heard
23 these union members that have come
24 up and speak. Is it AvalonBay's
25 intention to use the locals here on

1
2 Long Island to construct that
3 project?

4 MR. CAPECE: Yes. And so, to
5 that end, I also, after the last
6 public hearing --

7 MR. ARDITO: You're on the
8 record, sir.

9 MR. CAPECE: I had a chance to
10 go back and research and during our
11 Rockville Centre 2 community
12 construction, which this IDA had
13 approved, we had over 90 percent
14 local labor and we plan to do the
15 same.

16 MR. ARDITO: Thank you.

17 MR. BONESSO: I would point out
18 one other item. With regard to
19 school-age children, we looked at
20 the Rockville Centre Avalon and
21 phases 1 and 2 as of 2018 generated
22 27 school-age children. That's a
23 total of 514 units.

24 Based on that generation of
25 students which is .053 students per

1
2 unit, we would expect a generation
3 of 9.04, let's call it even 10,
4 students added to the school
5 district once fully occupied and
6 operating.

7 MR. GIRARDI: Thank you.

8 We have a Board member who has
9 made a motion. We're going to make
10 a motion on the project. Do we have
11 a second?

12 MR. ARDITO: Second.

13 MR. GIRARDI: Vote.

14 MS. SMITH: Aye.

15 MR. MAJKUT: Aye.

16 REV. MALLETT: Aye.

17 MR. ARDITO: Aye.

18 MR. MARSH: Can I have the
19 motion read back.

20 CHAIRMAN GIRARDI: We voted on
21 the PILOT for the new Island Park
22 with the \$95,000 more a year and a
23 final authorizing resolution
24 thereto.

25 MR. MARSH: Okay. "No." I

1
2 think this is one of the worse cases
3 of corporate welfare I've seen.

4 CHAIRMAN GIRARDI: Meeting
5 ended.

6 (Time noted: 9:55 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 witness whose testimony is herein
before set forth, was duly sworn by me; and

THAT the within transcript is a true record
of the testimony given by said witness.

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 25th day of February, 2019.

DOLLY FEVOLA

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