NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Title 1 of Article 18-A of the New York State General Municipal Law will be held by the Town of Hempstead Industrial Development Agency on the 22nd day of January, 2019, at 9:30 a.m., local time, at Hempstead Town Hall, Room 234A, 350 Front Street, Hempstead, New York, 11550 in connection with the following matters:

AvalonBay Communities, Inc., a Maryland business corporation authorized to transact business in the State of New York, on behalf of itself and/or the principals of AvalonBay Communities, Inc. and/or an entity formed or to be formed on behalf of the foregoing (the "**Company**"), has applied to the Town of Hempstead Industrial Development Agency (the "**Agency**") to enter into a transaction in which the Agency will assist in the acquisition of an approximately 11.6 acre parcel of land located at Sheridan Place and Island Parkway, Town of Hempstead, Nassau County, New York (the "**Land**"), the construction and equipping of an approximately 266,267 square foot apartment complex containing approximately 172 units (to be a mixture of 1-bedroom, 2-bedroom and 3-bedroom luxury apartments) located thereon (the "**Improvements**" and "**Equipment**"; and, together with the Land, the "**Facility**"), to be used by the Company as a waterfront rental community (the "**Project**"). The Facility will be initially owned, operated and/or managed by the Company.

The Agency contemplates that it will provide financial assistance to the Company in the form of exemptions from sales and use taxes and abatement of real property taxes, consistent with the policies of the Agency

A representative of the Agency will, at the above-stated time and place, hear and accept written comments from all persons with views in favor of or opposed to either the proposed financial assistance to the Company or the location or nature of the Facility. At the hearing, all persons will have the opportunity to review the application for financial assistance filed by the Company with the Agency and an analysis of the costs and benefits of the proposed Facility.

Dated: January 6, 2019

TOWN OF HEMPSTEAD INDUSTRIAL
DEVELOPMENT AGENCY

By: Frederick E. Parola
Title: Chief Executive Officer

NEWSDAY
AFFIDAVIT OF PUBLICATION

HEMPSTEAD IDA
350 FRONT ST RM #240
HEMPSTEAD, NY 11550-4040

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Sunday January 06, 2019 Nassau

SWORN to before me this
9 Day of January, 2019.

CHRISTOPHER LAWSON
Notary Public – State of New York
No. 01LA6348406
Qualified in Suffolk County
My Commission Expires September 26, 2020

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Legal Notice # 21456162
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Dated: January 6, 2019
TOWN OF HEMPSTEAD INDUSTRIAL DEVELOPMENT AGENCY
By:mFrederick E. Parola
Title: Chief Executive Officer

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NOTICE OF DEVIATIONS FROM
UNIFORM TAX EXEMPTION POLICY

January 4, 2019

Honorable Laura Gillen
Town Supervisor
Town of Hempstead
Town Hall
One Washington Street
Hempstead, New York 11550

Rosemarie T. Bovino
Island Park UFSD
150 Trafalgar Blvd.
Island Park, New York 11558

Honorable Laura Curran
County Executive
Nassau County
1 West Street
Mineola, New York 11501

Re: Town of Hempstead Industrial Development Agency
(AvalonBay Communities, Inc. – Island Park 2019 Facility)

Ladies and Gentlemen:

AvalonBay Communities, Inc., a Maryland business corporation authorized to transact business in the State of New York, on behalf of itself and/or the principals of AvalonBay Communities, Inc. and/or an entity formed or to be formed on behalf of the foregoing (the "**Company**"), has applied to the Town of Hempstead Industrial Development Agency (the "**Agency**") to enter into a transaction in which the Agency will assist in the acquisition of an approximately 11.6 acre parcel of land located at Sheridan Place and Island Parkway South in the Town of Hempstead, Nassau County, New York (the "**Land**"), the construction and equipping of

an approximately 266,267 square foot apartment complex containing approximately 172 units (to be a mixture of 1-bedroom, 2-bedroom and 3-bedroom luxury apartments) located thereon (the "**Improvements**" and "**Equipment**"; and, together with the Land, the "**Facility**"), to be used by the Company as a waterfront, rental community (the "**Project**"). The Facility will be initially owned, operated and/or managed by the Company. In connection therewith, the Agency will acquire a leasehold interest in the Facility and will provide financial assistance to the Company in the form of exemptions from sales and use taxes in connection with the construction and equipping of the Facility and abatement of real property taxes levied upon the Facility.

At this time the Company has requested that the Agency enter into a lease and project agreement (the "**Lease Agreement**") to provide financial assistance to the Company in the form of abatements of real property taxes for a term of fifteen (15) years (the "**PILOT Benefit**"). The PILOT Benefit deviates from the Agency's Uniform Tax Exemption Policy (the "**Policy**") adopted January/2015, as amended to date, because the proposed PILOT Benefit will be for a term of up to fifteen (15) years instead of ten (10) years. Copies of the proposed fifteen (15) year PILOT Schedule are available at the office of the Agency and will be available at the Public Hearing begin held on January 22, 2019, as described below, and will be available at the Agency Board Meeting on January 24, 2019, as described below. The Agency proposes to deviate from the Policy due to the current nature of the property and because the Facility will provide housing solutions for the Town of Hempstead and the Project would not be economically viable without a fifteen (15) year PILOT.

The Agency will hold a public hearing (the "**Public Hearing**") relating to the Project on January 22, 2019 at 9:30 a.m., local time, at Hempstead Town Hall, Room 234A, 350 Front Street, Hempstead, New York, 11550. Attached is a copy of the Notice of Public Hearing describing the Project and the financial assistance requested by the Company as Exhibit A. The Notice of Public Hearing will be published in *Newsday* on January 6, 2019.

The Board of the Agency will consider a resolution approving the financial assistance to be granted to the Company including the fifteen (15) year PILOT Benefit, at the Agency's Board Meeting (the "**Board Meeting**") on January 24, 2019 at 9:00 a.m. local time, at 1 Washington Street, Town Hall Pavilion, Hempstead, New York 11550.

You and your representative are welcome to attend such Public Hearing on January 22, 2019 and/or the Agency's Board Meeting on January 24, 2019 at which time you will have an opportunity, both orally and in writing, to present your views with respect to the requested financial benefits. We are providing this notice to you, pursuant to Sections 859-a and 874 of the New York General Municipal Law, as the chief executive officer of an affected tax jurisdiction within which the Project is located.

Very truly yours,

TOWN OF HEMPSTEAD INDUSTRIAL
DEVELOPMENT AGENCY

By: Frederick E. Parola
Title: Chief Executive Office

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Board of Education
99 Radcliffe Rd.
Island Park, NY 11558

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One West St.
Mineola, NY 11501

JAN - 8 2019

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Legislator Denise Ford
1550 Franklin Ave
Mineola, NY 11501

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1. Article Addressed to:

Rosemarie T. Bovino
Island Park UFSD
150 Trafalgar Blvd.
Island Park, New York 11558

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----------X

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

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

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

(Pledge recited.)

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

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

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

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

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

was very bad bones.

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

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

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

Hearing none, motion failed.

MR. MARSH: Excuse me, Mr.

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

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

UNKNOWN SPEAKER 1: After we get a few minutes?

CHAIRMAN GIRARDI: Anyone want to speak?

UNKNOWN SPEAKER 1: Yes.

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

UNKNOWN SPEAKER 1: This is a new hearing.

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

to announce who --

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

MR. GIRARDI: Yes, we are.

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

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

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

MR. RYAN: Are you going to

make a statement?

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

CHAIRMAN GIRARDI: Please do.

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

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

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

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

1 off from school so half the people
2 are away and the other half that are
3 not away at 9 o'clock in the morning
4 have to go to work. They can't take
5 off work. This should be held at
6 six or 7 o'clock in the evening just
7 like most of the Nassau County
8 hearings are held, and not in the
9 morning.
10 You guys should be listening to
11 the community, not to AvalonBay.
12 That's my statement.
13 MR. PAROLA: Thank you.
14 MR. SCHURIN: Hi. My name is
15 Richard Schurin, 167 Jefferson
16 Avenue. I was present at the
17 previous public hearing. I spoke
18 along with dozens of community
19 members there who all spoke. My
20 understanding was there was a
21 hearing two days previous where
22 testimony was taken.
23 I spoke to Mr. Parola after I
24 found out there was a revote and my
25

concern, based on my discussion with Mr. Parola, my concern is that the Board is not getting complete and accurate information from Mr. Parola. If they are relying on information from Mr. Parola, it's clear that you're getting misinformation.

First of all, as far as the environmental work that is supposed to be done, that environmental work is required to be done whether or not the building takes place. The owner has gotten various extensions. They have a legal obligation to do that work. Whether or not AvalonBay proceeds with the development so that cannot be a justification for a PILOT. The owner has a legal obligation to remedy the condition regardless so that's a bogus reason for granting them this PILOT.

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

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

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

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

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

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

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

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

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

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

want to say.

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

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

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

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

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

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

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

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

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

or more school buses crossing and 50 t0 60 cars from employees coming to work at the Hegarty School. I worry that I may not be able to ensure the safety of my students.

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

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

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

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

Coincidently, Austin Boulevard is intended to be narrowed from six lanes to five lanes in the next year or so when the Town of Hempstead completes it traffic project with anticipated funds from a $5 million

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

For these reasons the District respectfully requests that the IDA Board not reverse its prior decision today. At the very least, it should seek to obtain a comprehensive traffic study of the roads into and out of the proposed AvalonBay Communities, as well as the immediate streets around the Francis X. Hegarty Elementary School and the greater community of Island Park, which, by the way, is comprised of three island communities; the Village, Harbor Isle and Barnum Island, each surrounded by water and completely vulnerable to flooding. As I mentioned, as you know, the infrastructure has been completely 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

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

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

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

apartments will raise the cost of education and the School District's annual budget. We believe the new development will attract many families with young children to Island Park for its "free" Universal Pre-kindergarten Program. It is well known that following Sandy, I wrote and was awarded a competitive NYS Universal Pre-kindergarten Grant for the families of Island Park. Unfortunately, this $600,000 grant is fixed by the State to provide annual full-day instructional program for just sixty 4 year-olds. The grant is intended to relieve current Island Park parents of the cost of pre-kindergarten, which is $10,000 per child. Might AvalonBay commit to paying this annual Universal Pre-kindergarten fee for any child residing in the AvalonBay development so that Island Park families with less ability to pay

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

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

1 programs is, in deed, a close
2 second. There is simply no good
3 reason to renege on your original
4 vote. Thank you for your time.
5 MR. SPEZIALE: Mr. Chairman, my
6 name is Sal Speziale. 1600 Walt
7 Whitman Road, Long Island. I
8 represent General Building Laborers,
9 local 66. I'm representing my
10 members that live in Island Park.
11 It is our understanding that
12 one of the considerations to get a
13 PILOT program is the job creation.
14 Now, 90 percent of, you know, the
15 construction jobs that Avalon hires
16 are non-union. Ninety percent of
17 the workers on those projects are
18 non-union. They have a history of
19 hiring out-of-state contractors to
20 perform work here.
21 After this is done, how many
22 jobs will those apartment buildings
23 create? Five, six at the most?
24 While 90 percent of the construction
25

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

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

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

Thank you, Mr. Chairman for that consideration.

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

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

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

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

1 responsibility and our duty to
2 represent those taxpayers at
3 hearings just like this.
4 As I spoke here two years ago
5 for the Waterview project for a
6 similar tax break for that project,
7 I had the occasion on Father's Day
8 two years ago to drive up and down
9 every block in Island Park and I did
10 an informal tally of how many houses
11 were abandoned or destroyed by
12 Hurricane Sandy, how many houses
13 were being raised and there were
14 over 60 houses being raised at that
15 time.
16 Now, if you drive around Island
17 Park, there are still houses being
18 raised to this day. There are
19 houses that are up that have never
20 come down because people ran out of
21 money. There are houses because
22 people that were scammed by
23 contractors that took their money
24 and left while the house was still
25

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

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

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

attractive to investors and for a company like that to come to our community and tell this Board that we cannot afford to do this project unless we get a tax break is preposterous and I think intelligent people like you and everyone here to take that at face value and accept it and believe it after the information we heard about the wealth and the money they make, I think it's disgraceful. I really think that anyone that can sit here and accept that statement and say that they cannot build this project without the tax break, I think that person should look at themselves in the mirror because for me to go back to the community and tell the community that these people are going to get a tax break but your neighbor whose home was destroyed in Hurricane Sandy got nothing, and then go and look and see the wealth

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

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

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

to bear.

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

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

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

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

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

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

Since that January meeting,

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

What would be relevent for the Board to review is a traffic study in response to AvalonBay's request for you to reconsider to replace the 2006 traffic study that was done for a different project that proposed 167 units, not the current proposed 172 units by Posillico Development, not AvalonBay.

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

1 changed. And, in addition, the full
2 environmental assessment form that
3 was prepared by AvalonBay which was
4 submitted in August of 2018, it
5 stated that the project, this
6 172 unit project in Harbor Isle,
7 they wrote down it will not result
8 in a substantial increase in traffic
9 above present levels and that it
10 would not substantially increase the
11 demand for transportation.
12 The New York State Department
13 of Environmental Conservation has a
14 workbook that explains how to fill
15 out this environmental assessment
16 form and the DEC has stated as a
17 matter of fact that if you have a
18 complex of more than 150 units --
19 here we have 172 -- over 150 units
20 this "will" result in an increase in
21 traffic. The DEC is very clear over
22 150 units this will result in an
23 increase and will likely result in
24 the need for a traffic analysis
25

which AvalonBay did not have conducted in this case.

As stated earlier, there are only two ways in and out of Harbor Isle. There is a bridge that goes right onto Warwick Road and that bridge is shown -- The road for that bridge is shown on the back of that picture. And in this photograph it shows the two bridges. There is a bridge in the southern part of Harbor Isle and that goes directly into the elementary school that was discussed earlier today. There is a bridge higher up that goes into town but this is the project. The project site is on the lower end and the nearest bridge of the two bridges out of Harbor Isle goes directly past the elementary school and, as you can see from these photos and the explanation a few moments ago on behalf of the Superintendent, Hagerty Elementary

1 School is frequently flooded and
2 this is exactly where these 172
3 units are going to come out of
4 Harbor Isle in the morning and after
5 work, going back and forth.
6 This analysis has to be done
7 because the traffic is already bad.
8 The flooding is already bad. We've
9 been told that frequently, because
10 the flooding is so poor, they can't
11 close school every time it rains so
12 instead they have to have the police
13 and fire department come out to help
14 the students get in and out and to
15 help with traffic, so this analysis
16 needs to be done.
17 UNKNOWN SPEAKER 2: Permission
18 to circulate this.
19 MR. GIRARDI: Sure.
20 MR. PAROLA: Thank you.
21 MS. SCHNITZER: You also heard
22 today that the residents of Island
23 Park cannot afford an additional
24 shift in their taxes that would
25

1 result in a 15-year PILOT.
2 As also stated, I want to give
3 some more information that there is
4 a potential that the Barrett Power
5 Plants, which is located in Island
6 Park, will have a 50 percent or up
7 to 50 percent decrease in its tax
8 assessment and this would result in
9 an average increase in our Class 1
10 residential taxpayers of almost
11 32 percent.
12 MR. RYAN: Where is that
13 decrease coming from?
14 MS. SCHNITZER: The Barrett
15 Power Plant property is subject to
16 several tax certiorari petitions in
17 Nassau County Supreme Court and it's
18 being negotiated as we speak. And
19 similar settlements in Long Island
20 have been 50 percent reduction, so
21 that is a possibility. Similar
22 settlements with LIPA have been 50
23 percent.
24 UNKNOWN SPEAKER 2: They are
25

seeking 90.

MS. SCHNITZER: They're seeking 90.

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

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

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

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

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

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

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

have two quick statements.

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

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

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

MR. SKULLY: Thank you.

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

MR. SKULLY: Who?

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

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

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

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

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

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

1 their work in the past. We want to
2 continue to do their work.
3 MR. GIRARDI: I take it that
4 the Board --
5 MR. ROTOLO: I'm a
6 representative for the Sheet Metal
7 Workers, Local 28. My name is
8 Robert Rotolo. I'm here on behalf
9 of my members also and I'm all about
10 responsible building, I really am,
11 because that's how my members make
12 their money. This is not a project,
13 in my opinion, that is representing
14 responsible building. You're not
15 looking at the studies. You're not
16 listening to the people in the
17 neighborhood.
18 You represent the people.
19 That's your job. Listen to them.
20 Don't vote for this project in its
21 current form. Make them meet the
22 standards required for this town to
23 make it a better place to live, not
24 to cost the people that live here
25

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

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

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

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

provide an additional $95,000 in the years four, five and six.

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

The items that you heard brought up today, first of all, with all due respect to the comments that were made, those comments are misplaced with regard to traffic, with regard to flooding, with regard to things involving infrastructure. That's not the purview of this Board, with all due respect. Those items are the purview of the Town Board during a site plan review. If those are concerns that were absorbing or very important to the

1 community, they could have made
2 those known to the Town Board during
3 the site plan review process. The
4 process has been completed. The
5 Town Board adopted a SEQRA
6 declaration with very strict
7 language and a great deal of
8 safeguards involving the overall
9 cleanup and, after the remediation,
10 the continued use and operation of
11 the facility.
12 The SEQRA determination and the
13 approval by the Board gives the
14 Department of Conservation and
15 waterways unprecedented authority to
16 require further and continuing
17 remediation on the part of the
18 Applicant. They are required to put
19 a financial undertaking in place in
20 order no safeguard and make sure
21 that future upkeep and maintenance
22 of the facility is done in that
23 regard.
24 But that being said, those are
25

all really Town Board issues. The issues before this Board are the PILOT program and the request for the sales tax exemption.

Now, with regard to the --

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

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

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

We've heard a lot of the

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

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

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

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

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

MR. MARSH: Then they let it sit.

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

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

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

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

MR. MARSH: Our business, as I

1 understand it, is to try to induce
2 the production of jobs, not to
3 induce the production of market-rate
4 housing.
5 This project could be built.
6 The question is -- The problem is
7 what the anticipated rate of return
8 to the developer is. You're not
9 going to build it if you don't get
10 what you want as a rate of return.
11 You figure you can't get a rate of
12 return unless we give and transfer
13 the taxes that you should be paying
14 to everybody else in the Town of
15 Hempstead.
16 MR. CAPECE: Look, I stood up
17 here because there were a lot of
18 concerns that were voiced and I
19 wanted to stand up and answer the
20 concerns. I'm happy to do so.
21 MR. MARSH: But your answers to
22 the concern is that they are not
23 relevant to what this Board's about
24 and you're right, they're not.
25

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

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

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

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

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

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

MR. CAPECE: Three years likely.

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

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

MR. ARDITO: With respect to

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

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

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

MR. BONESSO: Earlier this year.

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

MR. BONESSO: Clearly.

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

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

acceptable development at this location?

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

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

MR. BONESSO: Yes.

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

MR. RYAN: Yes, it is.

MR. ARDITO: With respect to

1 the Barrett power station, I
2 understand there's a tax certiori
3 issue there. It would seem at some
4 point that there would be another
5 landowner in Island Park to bear a
6 brunt of the tax burden. AvalonBay,
7 based on the residents that have
8 spoken here, have indicated, and our
9 research and our history with
10 AvalonBay have shown that they are a
11 very viable entity, so we anticipate
12 that after this 15-year PILOT is
13 lapsed that AvalonBay is going to
14 have to bear their fair burden of
15 whatever taxes will be assessed by
16 the government at that site,
17 correct?
18 MR. BONESSO: That's actually a
19 point I was going to make in
20 response to the concerns of the
21 potential reduction in taxes for the
22 Barrett Power Plant.
23 It would only make sense to
24 have another ratable in the
25

1 community such as AvalonBay which as
2 the PILOT proceeds through the years
3 will increase in its tax
4 contributions to the community.
5 MR. ARDITO: Mr. Capece, to Mr.
6 Marsh's point, can you briefly
7 summarize for us what is anticipated
8 in terms of job creation and the
9 economic benefit to the local
10 community?
11 MR. CAPECE: Sure. So the
12 application we have six permanent
13 jobs that will be created as part of
14 the overall development plan and
15 that's inclusive of on-site leasing
16 staff and maintenance.
17 And then, there will be
18 approximately 350 jobs, construction
19 jobs, that will be created as part
20 of the overall development plan.
21 MR. ARDITO: Now, you've heard
22 these union members that have come
23 up and speak. Is it AvalonBay's
24 intention to use the locals here on
25

Long Island to construct that project?

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

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

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

MR. ARDITO: Thank you.

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

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

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

MR. GIRARDI: Thank you.

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

MR. ARDITO: Second.

MR. GIRARDI: Vote.

MS. SMITH: Aye.

MR. MAJKUT: Aye.

REV. MALLETT: Aye.

MR. ARDITO: Aye.

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

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

MR. MARSH: Okay. "No." I

1 think this is one of the worse cases
2 of corporate welfare I've seen.
3 CHAIRMAN GIRARDI: Meeting
4 ended.
5 (Time noted: 9:55 a.m.)
6
7
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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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