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NOTICE OF PUBLIC HEARING  
IN THE MATTER OF  
AVALONBAY COMMUNITIES, INC.

-----X

221 North Village Avenue  
Rockville Centre, New York

June 15, 2015  
10:09 a.m.

B E F O R E:  
FREDERICK E. PAROLA  
Executive Director and CEO

Stephanie O'Keefe  
Court Reporter

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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

ALSO PRESENT:

ROBERT BARTELS  
Assistant Superintendent Rockville Centre UFSD

RUSKIN MOSCOU FALTISCHEK PC  
COUNSEL FOR AVALONBAY COMMUNITIES, INC.  
1425 RXR Plaza  
Uniondale, New York 11556  
BY: MICHAEL L. FALTISCHEK, ESQ.

INGERMAN SMITH LLP  
COUNSEL FOR ROCKVILLE CENTRE UFSD  
150 Motor Parkway, Suite 400  
Hauppauge, New York 11788  
BY: CARRIE-ANNE TONDO

1  
2 MR. PAROLA: Good morning. My  
3 name is Fred Parola. I'm the Executive  
4 Director of the Town of Hempstead IDA.

5 This the public hearing with  
6 respect to an application by AvalonBay  
7 Communities, Inc, a Maryland based  
8 corporation, on behalf of itself and  
9 its principals for certain benefits  
10 from the Industrial Development Agency  
11 of the Town the Hempstead.

12 Written notice of public hearing  
13 was given:

14 NOTICE IS HEREBY GIVEN that a  
15 public hearing pursuant to Title 1 of  
16 Article 18-A of the New York State  
17 General Municipal Law will be held by  
18 the Town of Hempstead Industrial  
19 Development Agency on the 16th day of  
20 June, 2015, at 10:00 a.m., local time,  
21 at Rockville Centre Public Library, 221  
22 North Village Avenue, Rockville Centre,  
23 New York in connection with the  
24 following matters:

25 AvalonBay Communities, Inc., a

1 Maryland business corporation, on  
2 behalf of itself and/or the principals  
3 of AvalonBay Communities, Inc. and/or  
4 an entity formed or to be formed on  
5 behalf of the foregoing (collectively,  
6 the "Company"), submitted its  
7 application, for financial assistance  
8 (the "Application") to the Town of  
9 Hempstead Industrial Development Agency  
10 (the "Agency"), to enter into a  
11 transaction in which the Agency will  
12 assist in (i) the acquisition of an  
13 approximately 2.2 acre parcel of land  
14 located at 80 North Centre Avenue in  
15 the Village of Rockville Centre, New  
16 York (the "Land"), (ii) the demolition  
17 of an existing approximately 45,944  
18 square foot building located thereon,  
19 and (iii) the construction, equipping  
20 and furnishing of an approximately  
21 251,827 square foot 4-story, 165 unit  
22 apartment building and including a mix  
23 of studio apartments, one-bedroom  
24 apartments, all located thereon (the  
25

1 "Improvements" and "Equipment"; and,  
2 together with the Land, the  
3 "Facility"), all to be leased by the  
4 Agency to the Company and subleased by  
5 the Company to future tenants for use  
6 as multi-family apartment building.  
7 The Facility will be initially owned,  
8 operated and/or managed by the Company.  
9

10 At the end of the lease term, the  
11 Company will purchase the Facility from  
12 the Agency. The Agency contemplates  
13 that it will provide financial  
14 assistance to the Company in the form  
15 of exemptions from mortgage recording  
16 taxes in connection with the financing  
17 or any subsequent refinancing of the  
18 Facility, exemptions from sales and use  
19 taxes and abatement of real property  
20 taxes, consistent with the policies of  
21 the Agency.

22 A representative of the Agency  
23 will, at the above-stated time and  
24 place, hear and accept written comments  
25 from all persons with views in favor of

1  
2 or opposed to either the proposed  
3 financial assistance to the Company or  
4 the Location or nature of the Facility.  
5 At the hearing, all persons will have  
6 the opportunity to review the  
7 application for financial assistance  
8 filed by the Company with the Agency  
9 and an analysis of the costs and  
10 benefits of the proposed Facility.

11 Dated June 4, 2015. Town of  
12 Hempstead Industrial Development  
13 Agency.

14 Anyone who would like to speak is  
15 welcome to at this point.

16 Let me just observe, we opened the  
17 hearing at 10:09, we were here at  
18 10:01.

19 MR. BARTELS: My name is Robert  
20 Bartels, I'm the Assistant  
21 Superintendent for the Rockville Centre  
22 School. I'd like to read a statement  
23 into the record.

24  
25 MR. PAROLA: It's your nickel.

1  
2  
3 MR. BARTELS: On behalf of the  
4 Rockville Centre Public School, I would  
5 like to thank you for providing the  
6 school district with the opportunity to  
7 address the application of AvalonBay  
8 Communities which is currently pending  
9 before the IDA. The District has a  
10 strong interest in the outcome of the  
11 IDA's decision to grant a pilot for  
12 this project.

13 At the outset, we want to clearly  
14 and unequivocal state that the District  
15 supports economic development and the  
16 efforts of the IDA and the applicant  
17 which with may result in job creation  
18 in our community.

19 We also recognize, however, that  
20 those efforts may result in financial  
21 benefits to the applicant which in turn  
22 may result in unintended consequences  
23 to the District and its community. The  
24 District takes very seriously any and  
25 all matters that could potentially have

1  
2 an adverse impact on the District  
3 and/or decrease the limited sources of  
4 revenue available to the District and  
5 our community, especially in light of  
6 the Tax Cap Legislation.

7 As a municipality that receives  
8 the largest portion of tax revenue from  
9 the property at issue, the possibility  
10 of a pilot arrangement that subjects  
11 the District to a decrease in projected  
12 revenue presents eminent and crucial  
13 concerns for the District. The outcome  
14 of this matter could result in a  
15 financial impact to the District and  
16 our taxpayers who would ultimately be  
17 responsible for any reduction  
18 authorized and supported by the IDA.  
19 Moreover, the proposed project has the  
20 potential to directly impact the demand  
21 for school services without providing  
22 for additional funding for these  
23 demands.

24 The District has been actively  
25 analyzing the complex issues



1 surrounding the proposed project and  
2 the application submitted to the IDA  
3 including the demand on the school  
4 system since receiving public notice of  
5 this hearing. Such an analysis  
6 includes the financial impact that the  
7 phase one Avalon project has had on the  
8 School District.

9  
10 Upon receiving the public notice  
11 of this hearing concerning the pilot  
12 that is being sought on the project ten  
13 short days ago, the District reached  
14 out to the IDA to gather documents  
15 concerning the proposed project and  
16 also met with the applicants to better  
17 understand the impact that this project  
18 will have on the District. We  
19 appreciate the cooperation that has  
20 been received to date and look forward  
21 to receiving additional information  
22 from all of the entities involved,  
23 including, but not limited to, the IDA,  
24 the applicants and other effected  
25 taxing jurisdictions.

1                   The District remains hopeful that  
2  
3                   all involved entities will make  
4  
5                   themselves readily available to timely  
6  
7                   address and respond to any concerns  
8  
9                   raised by the District, that the IDA is  
10                  aware the issues presented are complex  
11                  and require careful consideration and  
12                  detailed analysis. Since the District  
13                  potentially stands to be impacted the  
14                  most as a result of the proposed  
15                  project, it would seem prudent to  
16                  adjourn the June 23 IDA Board Meeting  
17                  to provide the District with the  
18                  opportunity to carefully review the  
19                  impact that this proposed project will  
20                  have on the District, it's programs,  
21                  budget, operations and ultimately its  
22                  taxpayers. Six short business days is  
23                  simply not feasible or fair to complete  
24                  this type of analysis. The District  
25                  requires and should be provided with  
                  ample time to gather, review and  
                  analyze all necessary information, as  
                  well as have an opportunity to meet its

1 Board of Education concerning any  
2 potential impacts to the District as a  
3 result of the proposed project.  
4

5 The District believes that the  
6 representatives of the IDA would also  
7 deem it necessary to have all relevant  
8 information prior to rendering any  
9 decision. This information, at a  
10 minimum, should certainly include the  
11 potential impact that the proposed  
12 project will have on the District and  
13 its taxpayers as well as an economic  
14 analysis and thorough environmental  
15 assessment.

16 To our knowledge, an impact  
17 analysis has not been conducted to  
18 date. It is respectfully requested  
19 that this analysis be undertaken by the  
20 IDA before rendering any decision on  
21 the pending application. Notably the  
22 IDA's uniform tax exemptions policy  
23 relative to deviation identifies  
24 certain factors that the IDA may  
25 consider when deviating from this

1 policy. Such factors include the  
2 extent to which the proposed project  
3 will require a provision of additional  
4 services including educational  
5 services. Clearly this project will  
6 have an impact on the District and, as  
7 such, should be a factor considered by  
8 the IDA.  
9

10 The District also wishes to stress  
11 that the time period given to effected  
12 tax jurisdictions, including the School  
13 District as outlined above to respond  
14 to this deviation or any proposed  
15 application or deviation is simply  
16 insufficient. In order to review and  
17 understand the reasoning and rationale  
18 behind the proposed deviation and more  
19 importantly the potential financial  
20 impact that it may have on the  
21 District, a reasonable period of time  
22 should be provided.

23 Due the swiftness of the action  
24 proposed, the District does not believe  
25 that that it has been afforded all the

1 information necessary to fully  
2 formulate an educated opinion with  
3 respect to the financial impact that  
4 the proposed applications have on the  
5 District. We would like to note for  
6 the record that the time between the  
7 Avalon phase one hearing and the IDA  
8 meeting concerning the deviation  
9 afforded entities with a significant  
10 time period for thoughtful review and  
11 consideration. Eight days from today  
12 is not enough time.

13  
14 In closing, the District cannot  
15 make an informed decision about its  
16 position relative to the application  
17 without additional information, nor  
18 should it be forced to make a decision  
19 without such information. The District  
20 should be a part of the process,  
21 likewise, the IDA cannot make an  
22 informed decision on the application  
23 without all necessary information.  
24 Based upon the forgoing, the District  
25 urges the IDA to adjourn the June 23

1 meeting and reiterates its request for  
2 the IDA to undertake and will require  
3 the necessary analysis concerning the  
4 impact to the District be independently  
5 undertaken. The District is more than  
6 willing to provide the IDA with all  
7 necessary information and data  
8 concerning the District in its  
9 possession and assist with the process.

10  
11 Thank you again for the  
12 opportunity to address the IDA  
13 regarding this matter which is critical  
14 importance to the District.

15 The District respectfully reserves  
16 its right to submit its position to the  
17 IDA in writing or orally upon receipt  
18 of all necessary information.

19 MR. PAROLA: Thank you.

20 Would anyone else like to be  
21 heard?

22 Mr. Faltischek.

23 MR. FALTISCHEK: Thank you, Mr.  
24 Parola.

25 Michael Faltischek, counsel for

1  
2 AvalonBay Communities, Inc.

3 I am certainly sensitive to the  
4 concerns of the school district, as has  
5 been my client throughout. There have  
6 been several meetings with  
7 administration well prior to even the  
8 first submission for this project.

9 The Board of Zoning Appeals as  
10 part of its due diligence designated  
11 itself as lead agency to SEQRA. In  
12 that process, notice was given to all  
13 effected agencies, which includes the  
14 school district.

15 Thereafter, after determinations  
16 were made, there were hearings on  
17 variances which were noticed publically  
18 and given to all interested parties,  
19 including the school district.

20 Thereafter, there were hearings  
21 before the Planning Board, during which  
22 notices were issued by the Authority,  
23 including the school district.

24 At no time did the school district  
25 speak up at any of those opportunities.

1  
2 A reference was made to the  
3 experience in phase one, where a  
4 considerable amount of the time  
5 elapsed. That particular fact was a  
6 critical element in the decision by the  
7 Court's finding that the agencies had  
8 acted improperly in extending the time  
9 over too long a period of time.

10 In that process, the school  
11 district was very active and, in fact,  
12 very supportive and did its own  
13 economic analysis and submitted it, and  
14 it was incorporated into the final  
15 SEQRA reports.

16 I think it's a little late at this  
17 stage to be asking for more time to do  
18 something that could have been done and  
19 should have been done as part of SEQRA.

20 The Board of Zoning Appeals, in  
21 evaluating the factors, which include  
22 the impact on the school district made  
23 negative determinations as to all of  
24 these issues. Only one issue was  
25 identified as needing further input,



1 and that had to do traffic at a  
2 particular intersection. That input  
3 has been sought by the applicant and  
4 has been responded to by the Department  
5 of Transportation and that information  
6 has been provided to Village.  
7

8 At this point, this project is  
9 ready to move forward in an expeditious  
10 fashion. Our own experience as an  
11 owner of residential apartments,  
12 rentals in Nassau County and Suffolk  
13 County and throughout the nation,  
14 demonstrate that there will be very  
15 little impact in terms of school-aged  
16 children from this new addition to the  
17 Rockville Centre community.

18 That is supported by the fact of  
19 the approved one hundred sixty-five  
20 units, fifty-three are studios, which  
21 are unlikely to house more than one  
22 person at any given time. There are a  
23 limited number of larger units that are  
24 two bedroom, two bedrooms with dens and  
25 three bedrooms, I think in the

1  
2 aggregate that's about sixty-four of  
3 the hundred sixty-five units would have  
4 those attributes and may will have  
5 school-aged children.

6 When you compare that number to  
7 the, roughly, close to hundred and  
8 ninety, I believe, two-bedroom units in  
9 phase one and the number of children in  
10 those units, it demonstrate that there  
11 will be less than ten spread throughout  
12 the various grades so that there would  
13 be minimal impact on any one level,  
14 likely.

15 So we respect the school  
16 district's concerns and we'll certainly  
17 provide them with whatever other  
18 information they want, but, I think at  
19 this point, it's imperative that this  
20 project move forward without a delay so  
21 that that no additional costs are  
22 incurred and the project can bring the  
23 benefits intended for this community.

24 MR. PAROLA: Thank you, Mr.

25 Faltischek.

1  
2 For the record, I sat through the  
3 hearings for the first Avalon projects  
4 in the village of Rockville Centre, and  
5 my Board has been concerned with  
6 respect to the number of students that  
7 might be generated as a result of this  
8 project. Those question had been asked  
9 by my Board as well as staff, including  
10 myself.

11 We have been greatly satisfied in  
12 the answers provided by Avalon based  
13 upon not only this project but the  
14 other projects that they have done on  
15 Long Island. They have been basically  
16 right on target with respect to the  
17 number of children generated, filling  
18 the schools.

19 I recall with some disfavor, the  
20 insanity that I witnesses from a  
21 community that was elevated to levels  
22 of stupidity by certain leaders, not  
23 here, but certain leaders who expected  
24 sixty, seventy, eighty, ninety, a  
25 hundred children generated from this

1 projects.

2  
3 I think I can speak for my Board  
4 when I say that we are pretty well  
5 satisfied that this is going have a  
6 deminimis impact on the schools and  
7 we're sensitive to that. We  
8 understand, you know, this Board is  
9 very sensitive to the kind of impact on  
10 villages especially, and on school  
11 districts because we know how difficult  
12 things are.

13 Just for the record, in some  
14 jurisdictions in Suffolk, they will cut  
15 the taxes in half. We never do that.  
16 This Board will start at -- yeah, we'll  
17 take the lowest level we can get for  
18 the formative period of the first three  
19 years, and then as construction occurs,  
20 we will elevate up, but we are very  
21 sensitive to the fact that it's going  
22 to have an impact.

23 But I know my Board has vetted  
24 this, we discussed this at length  
25 because of the very tough history here.

1 It does not exactly bring fuzzy  
2 memories to my mind, the five hours  
3 getting my brains kicked in, but that's  
4 why I make the big bucks.

5 We understand your concerns, but I  
6 think the Board is, and you're welcome  
7 to come to the hearing, but it  
8 certainly is not going to be put off.  
9 I can tell you that because we've  
10 already discussed it and your concerns  
11 can be discussed there. We'll provide  
12 information to you, as I know Avalon  
13 will before that time, the 23rd.

14 We are pretty sure that their  
15 thoughts, based upon their expertise as  
16 to the number of students that will be  
17 generated is not going to have a  
18 chilling negative effect on the school  
19 district.

20 MS. TONDO: May I speak.

21 MR. PAROLA: Please. Just  
22 identify yourself for my stenographer.  
23

24 MS. TONDO: Carrie-Anne Tondo,  
25

1  
2 Ingerman Smith, 150 Motor Parkway,  
3 Suite 400, Hauppauge, New York. Good  
4 morning.

5 Our firm, Ingerman Smith serves as  
6 legal counsel to the Rockville Centre  
7 School District.

8 I just wanted to respond to  
9 several of the comments that were made  
10 this morning following Mr. Bartels  
11 commentary to the IDA.

12 We certainly, on behalf of the  
13 school district, appreciate the  
14 willingness of Avalon to meet with the  
15 district, and we did as recently as  
16 yesterday. We certainly appreciate  
17 their willingness to continue to meet  
18 up and until and hopefully after the  
19 scheduled IDA meeting.

20 However, I just would like to note  
21 for the record, the notice of the  
22 public hearing, obviously is the first  
23 time you're notified from the IDA that  
24 they're going to deviate from their  
25 policy. In fairness, any meeting that

1  
2 may have happened prior in the past and  
3 certainly not in recent, during this  
4 school year did not address the  
5 deviation from the policy, nor did that  
6 address the financial impact to the  
7 school.

8 Looking at the number of students  
9 alone is not necessary a factor that  
10 determines what the financial impact  
11 is.

12 We met with the applicant and  
13 we'll continue to provide that data to  
14 them to show them what the actual  
15 dollar amount incurred by the district  
16 of the phase one project is. We  
17 certainly would like to provide that  
18 information to the IDA and respectfully  
19 request that in advance of any  
20 scheduled hearing that the school  
21 district can meet with the IDA to share  
22 this information because we do believe  
23 it's relevant and certainly has an  
24 impact and effect on the school  
25 district on any project moving forward.

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I understand the IDA's position.  
I do respectfully reiterate Mr. Bartels' request to adjourn that for the record, but certainly in lieu of that to at least have the opportunity to meet with the IDA prior to the scheduled June 23 meeting to be able to show this information with them so that the district's considerations and concerns can be adequately addressed.

Thank you.

MR. PAROLA: Thank you.

The IDA is certainly welcoming any input that you have. If you want to sit down with us before that date, we'll be happy to meet with you so that I can get the information to my Board before the hearing. Absolutely.

MS. TONDO: Thank you. It's much appreciated.

MR. PAROLA: Would anyone else like to be heard?

(Whereupon, a recess was taken.)

MR. PAROLA: I'm observing that



1  
2 it's 10:33 and we have no other witness  
3 present that seek to be heard on this  
4 matter, therefore, I'm going to adjourn  
5 sine die 10:33.

6 Mentful

7 (Time noted 10:33 a.m.)  
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<b>1</b>	alone [1] 23/9 already [1] 21/11 also [5] 2/6 7/19 9/16 11/6 12/10 am [3] 15/3 26/10 26/12 amount [2] 16/4 23/15 ample [1] 10/23 analysis [9] 6/9 9/6 10/9 10/21 11/14 11/17 11/19 14/4 16/13 analyze [1] 10/24 analyzing [1] 8/25 and/or [4] 4/3 4/4 5/9 8/3 ANNE [2] 2/14 21/25 answers [1] 19/12 any [16] 5/17 7/24 8/17 10/5 11/2 11/8 11/20 12/14 15/25 17/22 18/13 22/25 23/19 23/25 24/14 26/10 anyone [3] 6/14 14/20 24/22 apartment [2] 4/23 5/7 apartments [3] 4/24 4/25 17/11 Appeals [2] 15/9 16/20 applicant [4] 7/16 7/21 17/4 23/12 applicants [2] 9/16 9/24 application [10] 3/6 4/8 4/9 6/7 7/7 9/3 11/21 12/15 13/16 13/22 applications [1] 13/5 appreciate [3] 9/19 22/13 22/16 appreciated [1] 24/21 approved [1] 17/19 approximately [3] 4/14 4/18 4/21 are [10] 10/7 17/20 17/21 17/22 17/23 18/21 20/4 20/12 20/20 21/15 arrangement [1] 8/10 Article [1] 3/16 as [26] 5/7 8/7 10/11 10/24 10/25 11/3 11/13 11/13 12/7 12/13 15/4 15/9 15/11 16/19 16/23 16/25 17/10 19/7 19/9 19/9 20/19 21/13 21/16 22/5 22/15 22/15 asked [1] 19/8 asking [1] 16/17 assessment [1] 11/15 assist [2] 4/13 14/10 assistance [4] 4/8 5/14 6/3 6/7 Assistant [2] 2/7 6/20 attributes [1] 18/4 Authority [1] 15/22 authorized [1] 8/18 available [2] 8/4 10/4 Avalon [6] 9/8 13/8 19/3 19/12 21/13 22/14 AVALONBAY [7] 1/5 2/9 3/6 3/25 4/4 7/7 15/2 Avenue [3] 1/8 3/22 4/15 aware [1] 10/7	
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350 [1] 2/4		
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4-story [1] 4/22 400 [2] 2/13 22/3 45,944 [1] 4/18		
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80 [1] 4/15		
<b>A</b>		
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