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IN THE MATTER OF A
NOTICE OF PUBLIC HEARING
RE: THE GARDENS AT BUFFALO, LLC

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46 N. Ocean Avenue
Freeport, New York

September 11, 2023
10:00 a.m.

B E F O R E:
ROBERT T. KENNEDY, Mayor
FREDERICK E. PAROLA, CEO
MICHAEL LODATO, Deputy Executive Director

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: MICHAEL LODATO,
Deputy Executive Director

ALSO PRESENT:

PAUL O'BRIEN, ESQ., Phillips Lytle, LLP
JACK MARTINS, ESQ., Harris Beach PLLC

FREEPORT IDA MEMBERS

MAYOR ROBERT T. KENNEDY
VILMA LANCASTER
MARK DAVELLA
LADONNA TAYLOR

1
2 (Whereupon, the Pledge of
3 Allegiance was recited.)

4 MAYOR KENNEDY: I would ask if
5 you have a phone to please silence
6 it. Thank you. Mike.

7 MR. LODATO: Good morning. My
8 name is Michael Lodato. I'm the
9 Deputy Executive Director for the
10 Town of Hempstead IDA. I'm
11 accompanied by CEO Fred Parola.

12 Would everyone like to
13 introduce themselves?

14 MS. TAYLOR: Ladonna Taylor.

15 MR. DAVELLA: Mark Davella.

16 MAYOR KENNEDY: Robert Kennedy.

17 MS. LANCASTER: Vilma
18 Lancaster.

19 MR. LODATO: We are here on
20 behalf of a public hearing with
21 regards to The Gardens At Buffalo,
22 L.L.C. This will also be uploaded
23 to our YouTube channel for the Town
24 of Hempstead IDA. I will now read
25 the Notice of Public Hearing into

1
2 the record.

3 Notice is hereby given that a
4 public hearing pursuant to Title 1
5 of Article 18-A of the New York
6 State General Municipal Law (the
7 "Hearing") will be held by the Town
8 of Hempstead Industrial Development
9 Agency (the "Agency") on the 11th
10 day of September, 2023, at 10:00
11 a.m., local time, at 46 N. Ocean
12 Avenue, Village of Freeport, Town of
13 Hempstead, New York, in connection
14 with the following matters:

15 The Gardens at Buffalo LLC, a
16 limited liability company, organized
17 and existing under the laws of the
18 State of New York, on behalf of
19 itself and/or the principals of The
20 Gardens at Buffalo, LLC, and/or an
21 entity formed or to be formed on
22 behalf of any of the foregoing
23 (collectively, the "Company"),
24 submitted an application for
25 financial assistance (the

1
2 "Application") to the Town of
3 Hempstead Industrial Development
4 Agency (the "Agency") to enter into
5 a transaction in which the Company
6 has requested that the Agency assist
7 in the acquisition of an interest in
8 an approximately 2.5355 acre parcel
9 of land located at 80-84 Albany
10 Avenue and 17-33 Buffalo Avenue,
11 Village of Freeport, Town of
12 Hempstead, Nassau County, New York
13 (together, the "Land"), the
14 demolition of an existing
15 approximately 11,451 square foot
16 structure and certain other
17 improvements on the land, the
18 renovation of an existing
19 approximately 85,932 square foot
20 building on the Land and the
21 construction of an approximately
22 80,004 square foot addition to such
23 building and related improvements on
24 the Land (collectively, the
25 "Improvements"), and the acquisition

1
2 of certain fixtures, equipment and
3 personal property necessary for the
4 completion thereof (the "Equipment";
5 and together with the Land and the
6 Improvements, the "Facility"), which
7 Facility would be subleased by the
8 Agency to the Company and further
9 subleased by the Company to future
10 tenants for use as a multifamily
11 rental housing facility consisting
12 of approximately 10 studio units,
13 100 on-bedroom units, 70 two-bedroom
14 units and 20 three-bedroom units, at
15 least 10% of which units shall be
16 workforce housing units (the
17 "Project").

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

1
2 and abatement of real property
3 taxes.

4 The Company has requested that
5 the Agency provide financial
6 assistance to the Company in the
7 form of an abatement of real
8 property taxes for a term of up to
9 twenty-five (25) years (the "PILOT
10 Benefit"). The proposed PILOT
11 Benefit deviates from the Agency's
12 Uniform Tax Exemption Policy and
13 Guidelines, as amended to date (the
14 "Policy"), because the proposed
15 PILOT Benefit would be for a term of
16 up to twenty-five (25) years instead
17 of ten (10) year. Copies of the
18 proposed PILOT payment schedule are
19 available on the Agency's website at
20 www.tohida.org. The Agency is
21 considering the proposed deviation
22 from the Policy due to the current
23 nature of the property and because
24 the Company would not undertake the
25 Project and Project would not be

1
2 economically viable without a PILOT
3 Benefit for a term of up to
4 twenty-five (25) years.

5 A representative of the Agency
6 will, at the above-stated time and
7 place, hear and accept oral comments
8 from all persons with views in favor
9 of or opposed to either the Project
10 or the financial assistance
11 requested by the Company. Comments
12 may also be submitted to the Agency
13 in writing or electronically prior
14 to or during the Hearing by
15 e-mailing them to
16 idamail@hempsteadny.gov. Minutes of
17 the Hearing will be transcribed and
18 posted on the Agency's website.

19 Members of the public have the
20 opportunity to review the
21 application for financial assistance
22 filed by the Company with the Agency
23 and an analysis of the costs and
24 benefits of the proposed Project,
25 which can be found on the Agency's

1
2 website at www.tohida.org.

3 To the extent practicable, the
4 Hearing will streamed on the
5 Agency's website in real-time in
6 accordance with Section 857 of the
7 New York State General Municipal
8 Law. A video recording of the
9 Hearing will be posted on the
10 Agency's website, all in accordance
11 with Section 857 of the New York
12 State General Municipal Law.

13 The Agency anticipates that the
14 members of the Agency will consider
15 a resolution to approve the Project
16 and the financial assistance
17 requested by the Company, including
18 the proposed twenty-five (25) year
19 PILOT Benefit, at the Agency's Board
20 Meeting (the "Board Meeting") to be
21 held on September 19, 2023, at 9:00
22 a.m., local time, at Town of
23 Hempstead Town Hall Courtroom, 350
24 Front Street, Hempstead, New York
25 11550.

1
2 If anyone would like to be
3 heard, please come up and state your
4 name and where you're from and we'll
5 put you on the record.

6 MR. MARTINS: Good morning.
7 Jack Martins, Harris Beach, 333
8 Earle Ovington Boulevard, Uniondale,
9 New York.

10 Mr. Mayor and Members of the
11 Board, Mr. Executive Director,
12 Deputy Executive Director, I'm here
13 on behalf of Gardens At Buffalo,
14 L.L.C. Thank you for the
15 opportunity to speak with you this
16 morning and just to reiterate the
17 need for this.

18 As part of this project, the
19 project is the construction or
20 renovation of 200 units of housing
21 at what used to be the old Moxey
22 Rigby Housing Development. It is
23 located between Buffalo Avenue and
24 Albany Avenue north of East Merrick
25 Road here in Freeport.

1
2 There are three components that
3 we ask. One is, given the cost of
4 this project, approximately
5 \$49 million that we'll be financing
6 about \$30 million so we ask for
7 relief with regard to mortgage tax.

8 Sales tax is going to be about
9 \$12 million worth of goods that are
10 going to be placed in materials as
11 part of this project. We would ask
12 for a relief from sales tax.

13 And, as was mentioned earlier
14 in the introduction, relief from
15 property taxes for a term of
16 25 years.

17 We thank you for your
18 consideration of this request. We
19 know that there have been reports
20 presented by Harris Cronin &
21 Associates, NEC and Camoin which are
22 already part of the record and I
23 would ask that this be, again,
24 approved today.

25 Thank you. If there are any

1
2 questions?

3 Thank you.

4 MAYOR KENNEDY: I have a couple
5 of questions if you don't mind.
6 Have the construction plans complied
7 with the Village of Freeport
8 Building Department and all
9 requirements?

10 MR. MARTINS: All construction
11 will comply with the Building
12 Department requirements. The
13 permits will be, I'm assuming,
14 issued subsequent to those
15 requirements and we have made every
16 effort to work with the Building
17 Department.

18 The Building Department, the
19 Mayor would be happy to know, has
20 been exceptional in their approach
21 to this project as they usually are
22 and this is no exception.

23 There are certain approvals we
24 still need to get with regard to
25 site plan, approvals having to do

1
2 with colors, textures, layout,
3 landscape plan, lighting plans and
4 the like. There is a hearing that
5 is to be scheduled, I believe, early
6 October but aside from that
7 everything else, I believe, is in
8 order.

9 MAYOR KENNEDY: Great. And
10 when are you anticipating starting
11 this construction and how long would
12 it take do you estimate?

13 MR. MARTINS: Construction
14 should take about 2 years.
15 Commencement should be either late
16 2023 or early 2024. We would expect
17 early '24 weather permitting. They
18 certainly would like to start sooner
19 but given the winter months and how
20 sometimes that could be difficult,
21 we may need to push back a little
22 bit until early 2024 but the hope is
23 to start as soon as possible.

24 MAYOR KENNEDY: Also, I just
25 want to mention if it does start in

1
2 '24, please take notice of security
3 on that property. Where we have had
4 problems in the past, make sure it's
5 checked and locked on a regular
6 basis.

7 MR. MARTINS: Absolutely. The
8 site will be secured and I will
9 certainly pass on a need that the
10 site continues to need to be
11 secured, not only the perimeter but
12 the facility itself.

13 MR. DAVELLA: One question.
14 While I'm in general favor of the
15 development, since the other housing
16 project where the old Jaguar used to
17 be went up since the access to the
18 property is limited by the Albany
19 Avenue extension and Merrick Road
20 and those are the only two roadways,
21 has a traffic plan been devised to
22 keep the delivery of materials since
23 it's a large rehab? Has that been
24 discussed with the Village by any
25 chance?

1
2 MR. MARTINS: There was a
3 traffic plan, I believe, presented
4 but access to the site would be from
5 Albany and Buffalo. There is a
6 parking facility that is going to be
7 constructed on the -- I believe on
8 the Albany side but there is a
9 through access between the two roads
10 once the warehouse that's there now
11 is taken down, which we'll be taking
12 down and that will be the staging
13 area for the balance of the work.

14 MR. DAVELLA: So just so that I
15 understand better, the industrial
16 building that's north of BMW on the
17 opposite side is going to be removed
18 at one point and that's going to be
19 the stage place of all the materials
20 and materials will be delivered off
21 the Albany Avenue extension into
22 that area.

23 MR. MARTINS: Albany and
24 Buffalo. Once that building comes
25 down there is cross access between

1
2 Albany and Buffalo north of the site
3 on the north area.

4 MR. DAVELLA: Perfect.

5 MR. MARTINS: For reference,
6 south of -- and so there will be
7 room there to stage and to stage the
8 balance of the work. We will not be
9 accessing the site from Merrick.

10 MR. DAVELLA: Thank you.

11 MR. MARTINS: Thank you, sir.

12 MAYOR KENNEDY: Any other
13 questions? Comments?

14 MS. LANCASTER: No, just a
15 question. You said that if you
16 start in '24 it would take 2 years.
17 For PILOT purposes, have you applied
18 for '26-'27 up to that point; is
19 that correct?

20 MR. MARTINS: Yes.

21 MS. LANCASTER: Okay. Thank
22 you.

23 MAYOR KENNEDY: Village
24 attorney, you have any questions?

25 MR. COLTON: No, Mayor.

1
2 MAYOR KENNEDY: Any public
3 comments?

4 Mike, please proceed.

5 MR. LODATO: We're going to
6 keep the public hearing open another
7 five or 10 minutes just so if anyone
8 shows up late.

9 THE REPORTER: Can I have the
10 gentlemen's name on the end for the
11 record?

12 MR. COLTON: Howard Colton,
13 Village attorney.

14 (Whereupon, a recess was
15 taken.)

16 MR. LODATO: So I don't see
17 anyone else here that would like to
18 be heard so we are now observing it
19 is 10:29 a.m. on September 11th. We
20 will be closing this Public Hearing
21 for The Gardens At Buffalo L.L.C.
22 sine die. Thank you very much
23 everyone.

24 MAYOR KENNEDY: Thank you.
25 Before we close, I want to make a

1
2 couple of comments. I want to thank
3 the Executive Director, Assistant
4 Director Mike Lodato for your
5 continued support and economic
6 improvement, economic development in
7 the Village of Freeport. Myself,
8 the Board and the residents greatly
9 appreciate what you've done.

10 And my condolences for all the
11 families and people that were lost
12 during the 9/11 tragedy.

13 Any other comments?

14 MR. PAROLA: We appreciate you
15 running a great administration.
16 Freeport is really well run and
17 we're happy to be a part of a
18 continuing renaissance of this great
19 south shore community.

20 MAYOR KENNEDY: Any other
21 comments? Any comments from the
22 public?

23 MS. TAYLOR: I just want to say
24 I know this is going to be an
25 amazing project and mainly because I

1
2 was raised at Moxey Rigby so I think
3 this is going to be great. A better
4 community for the people. Thank
5 you, Mayor. Thank you IDA.

6 MAYOR KENNEDY: Mr. Colton, any
7 comments?

8 MR. COLTON: None.

9 MAYOR KENNEDY: Please proceed,
10 Mike. Do we need a motion to close
11 the meeting?

12 MR. LODATO: No.

13 MR. PAROLA: We're good.

14 MAYOR KENNEDY: Ladies and
15 Gentlemen, thank you for joining us
16 today. We greatly appreciate it.
17 Get home safe. Have a good day.
18 Again, thank you everybody for all
19 your thoughts and input on this
20 development.

21 MR. MARTINS: Thank you.

22 (Time noted: 10:30 a.m.)
23
24
25

CERTIFICATION


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

THAT the within transcript is a true record
of my stenographic notes.

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 12th day of September,
2023.



DOLLY FEVOLA

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