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NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PUBLIC HEARING
ROSLYN PLAZA HOUSING ASSOCIATES, L.P.
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Town of North Hempstead
220 Plandome Road
Manhasset, New York

December 14, 2017

B E F O R E : HON. JOSEPH J. KEARNEY,
Hearing Officer

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

For the School District

INGERMAN SMITH LLP
150 Motor Parkway, #400
Hauppauge, NY 11788
BY: CARRIE ANNE TONDO, ESQ.

For the Applicant

FORCHELLI, CURTO, DEEGAN,
SCHWARTZ, MINEO & TERRANA
333 Earle Ovington Blvd.
Uniondale, NY 11553
BY: DANIEL DEEGAN, ESQ.

For the IDA

PHILLIPS LYTTLE, LLP
Bond Counsel
340 Madison Avenue
17th Floor
New York, New York 10173
BY: PAUL O'BRIEN, ESQ.

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HEARING OFFICER: Good morning.

My name is Joseph J. Kearney,
and I am the Executive Director of the
Nassau County Industrial Development
Agency.

I have been authorized to hold a
public hearing, today, December
14, 2017. The time is now 11:55.

We are at North Hempstead Town
Hall in the Town Attorney's office
conference room located at 220
Plandome Road, Manhasset, the Town of
North Hempstead, in the County of
Nassau, State of New York.

This is a public hearing
pursuant to Section 859-a of the
General Municipal Law, as amended.

The Agency has received an
application for financial assistance
in connection with the following
matter:

Roslyn Plaza Housing Associates
L.P., a limited partnership organized
and existing under the laws of the

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2 State of New York has presented an
3 application to the Agency, which
4 application requests that the Agency
5 consider undertaking a project
6 consisting of the following:

7 (A) (1) the acquisition of an
8 interest in an approximately 4.29-acre
9 parcel of land located at 101-172
10 Laurel Street in Roslyn Heights, in
11 the Town of North Hempstead, Nassau
12 County, New York; more particularly,
13 Section 7, Block 60, Lot 321.

14 (2) the renovation of the
15 existing approximately 96,806 square
16 foot building on the land and other
17 related improvements to the land,

18 (3) the acquisition of certain
19 furniture, fixtures, machinery and
20 equipment necessary for the completion
21 thereof; all of the foregoing for use
22 by the applicant as a residential
23 rental facility consisting of
24 104-units, of which 103 units shall be
25 affordable units, and one unit shall

1
2 be a building superintendent's unit.

3 (B) the granting of certain
4 financial assistance within the
5 meaning of Section 854(14) of the
6 General Municipal Law with respect to
7 the foregoing;

8 (C) the lease, license or sale
9 of the Project Facility to the
10 applicant or such other entity as may
11 be designated by the applicant as
12 agreed upon by the Agency.

13 The Project Facility would be
14 initially owned, operated and/or
15 managed by the applicant or such other
16 entity or entities as may be
17 designated by the applicant and agreed
18 upon by the Agency.

19 The company would receive
20 financial assistance from the Agency
21 in the form of potential exemptions or
22 partial exemptions from real property
23 taxes and sales and use taxes.

24 Notice of this public hearing
25 was published in Newsday in the Nassau

1
2 County edition on November 29, 2017,
3 and provided to the Chief Executive
4 Officer of each County, City, Town,
5 Village, School District and other
6 affected tax jurisdiction within which
7 the Project Facility is or will be
8 located by letter dated November 29,
9 2017.

10 The purpose of this hearing is
11 to provide an opportunity for all
12 interested parties to present their
13 views, both orally and in writing,
14 with respect to the project.

15 I note that folks are here. And
16 I assume Ms. Tondo you wish to be
17 heard.

18 MS. TONDO: Yes, sir. Thank
19 you.

20 Good morning. Carrie Anne Tondo
21 from Ingerman Smith, 150 Motor
22 Parkway, Suite 400, Hauppauge, New
23 York, 11788.

24 I am here on behalf of the
25 Roslyn Union Free School District.

1
2 Also, with me this morning is
3 Mr. Joseph Dragone; he's the Assistant
4 Superintendent for business and
5 administration at the School District.

6 Again, thank you for the
7 opportunity to speak this morning at
8 this public hearing concerning Roslyn
9 Plaza Associates' application for
10 financial assistance.

11 We received the notice of this
12 public hearing last week.

13 Since receiving that notice, we
14 have requested additional information
15 from the IDA, which has been provided.

16 We also received communications
17 from counsel for the applicant since
18 that time and in advance of the
19 hearing notice being provided to the
20 School District letting us know that
21 this project was being brought to the
22 IDA, and we do appreciate the efforts
23 of both the applicant and the IDA for
24 making the documents and themselves
25 available to discuss the project.

1
2 But, we are currently reviewing
3 that information received, as well as
4 waiting additional information from
5 the applicant concerning a prior tax
6 exemption agreement, which went for a
7 40-year period in which the applicant
8 was a party with the County of Nassau.

9 We are hopeful that that
10 information will be provided to us
11 soon. But, it will require analysis
12 and providing the information
13 concerning that matter to my client,
14 the Board of education, so that they
15 can be fully educated on the prior and
16 the proposed application.

17 While the School District,
18 again, appreciates the effort of the
19 IDA and its counsel and yourself in
20 moving the hearing towards the end of
21 the process whereby enough information
22 is made available so that affected
23 jurisdictions can make an informed
24 decision on the impact to the affected
25 jurisdiction in this case the School

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District, we do submit that an IDA --
meeting of the IDA Board for the
deviation from the Uniform Tax
Exemption Policy just a couple of days
from the date of the hearing is simply
not enough time to be able to complete
this analysis.

I know I have requested this
information before. But, I would
respectfully request on the record
that moving forward that there be an
additional period of time to allow for
further information to accrue between
the hearing and the date that the IDA
makes its determination. It's just
not enough time to consider the full
financial impact to the affected
jurisdiction.

With that being said, I would
respectfully request in this
particular instance at a minimum that
the counsel for the applicant work
with me over the next two business
days so that we can gather the

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necessary information before the IDA's hearing -- meeting of the IDA, so that the District has enough information to make a decision on the impact -- or analyze the impact to the School District under the proposed project.

I would respectfully -- as I've done in the past -- reserve the District's right to submit further comments in writing to the IDA up until the date of the hearing and to present to them, if necessary, on the morning of the hearing if there is any information that raises concern including matters that relate to the past tax exemption agreement and the proposed allocation of the distribution of the gross shelter ramps under the proposed agreement.

HEARING OFFICER: Thank you.

You will have every opportunity to provide and seek and ask for whatever information that you need, to the extent that the IDA has it

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available -- has access to it -- it will be provided to us.

MS. TONDO: May I just add one more point?

The only concern I have, Mr. Kearney, is in the event that that information is not made available in the next two days -- while I understand that the meeting is on the 19th -- if that information is not readily available, that there may be consideration of adjourning that meeting on Tuesday until such information is provided so that the affected jurisdiction has enough information to be informed as to the impact to its School District as a result of the proposed applicant.

I just might add that currently there are 34 students from this particular property that attend the Roslyn Union Free School District.

HEARING OFFICER: I'm mindful of your concerns.

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2 And to the extent that the IDA
3 can offer you any and all of the
4 relief, we'll certain consider that.

5 Mr. Deegan, could you please --
6 the issue that -- as I understand
7 it -- maybe Paul it will be better off
8 coming from you as counsel to the IDA.

9 The timing on this is not of the
10 IDA's doing, and there are constraints
11 on the applicant, as I understand it,
12 because of its situation. Certain
13 things had to be done by the end of
14 the year.

15 It's unfortunate that we're in
16 this bind -- that you're in this bind;
17 that we're in this bind. The
18 applicant is in the bind.

19 But, I think if everybody puts
20 their heads together and works
21 judiciously we can have resolution
22 that is satisfactory to all sides.

23 MR. O'BRIEN: And I would add
24 only this.

25 If the information is

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insufficient for you to do the analysis that you discussed -- since the IDA Board is called for and any matters are heard or adjourned at the determination of the Board Members -- if that's your request that you submit it in writing before the Board meeting so it can be given to them.

Mr. Kearney obviously can't commit to what would be the agenda or not be the agenda.

If you are making a request at that time, please submit it in writing, so the Board Members can see it.

MS. TONDO: Thank you. We will do so, if necessary.

MR. DEEGAN: On behalf of the applicant's counsel, Dan Deegan, Forchelli, Curto & Deegan.

Of course, we're going to give you all the information. We're working, right now, to get some of the checks submitted to the County under

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the historical agreement.

I can assure you that we have been sending checks to the County every year.

We have records going back at least 6, 7 or 8 years, which we're trying to figure out the actual checks at this point.

MS. TONDO: We appreciate your assistance on behalf of the School District.

HEARING OFFICER: Anyone else wish to be heard?

(No response)

HEARING OFFICER: Thank you, all.

I hereby call the hearing to a close. The time noted is 12:05 p.m.

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C E R T I F I C A T E

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

I, RICH MOFFETT, a Notary Public
within and for the State of New York,
do hereby certify:

That the public hearing
hereinbefore set forth is a true
record of the testimony given.

I further certify that I am not
related to any of the parties to these
proceedings by blood or marriage; and
that I am in no way interested in the
outcome of these matters.

IN WITNESS WHEREOF, I have
hereunto set my hand this 14th day of
December, 2017.

RICH MOFFETT

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