

Town of Brookhaven

Industrial Development Agency

MEETING AGENDA

Wednesday, January 23, 2024 at 12:35 PM

1. ROLL CALL

2. MINUTES

November 15, 2023

December 6, 2023

3. CFO'S REPORT

Actual vs. Budget Report – November 30, 2023

Timely Payments

4. RESOLUTIONS

Organizational Resolutions

Ronk Hub NOVA, LLC (2B)

HSRE EB Mt. Sinai

Hawkins Ave. Development RHP2, LLC Subtenant – Poki Poke Ronkonkoma

Holtsville Industrial Subtenant – Orange County Transit

WF Industrial XIII Subtenant – NY CDG 009, LLC

WF Industrial XII Subtenant – 1001 Expressway Drive Building A Solar, LLC

WF Industrial XII Subtenant – 1001 Expressway Drive Building B Solar, LLC

WF Industrial XII Subtenant – 1001 Expressway Drive Building C Solar, LLC

5. CEO'S REPORT

Segme Brookhaven LLC

LIBDC June Dinner

Board Assessments

Harassment Training

Fiduciary Responsibilities

February Meeting Date

Herald Real Estate Achievement and Leadership Award

6. EXECUTIVE SESSION

The next IDA meeting is scheduled for Wednesday, February 7, 2024.

TOWN OF BROOKHAVEN
INDUSTRIAL DEVELOPMENT AGENCY

MEETING MINUTES

NOVEMBER 15, 2023

MEMBERS PRESENT: Frederick C. Braun, III
Martin Callahan
Mitchell H. Pally
Gary Pollakusky
Ann-Marie Scheidt
Frank C. Trotta

EXCUSED MEMBER: Felix J. Grucci, Jr.

ALSO PRESENT: Lisa M. G. Mulligan, Chief Executive Officer
Lori LaPonte, Chief Financial Officer
Amy Illardo, Director of Marketing
Jocelyn Linse, Executive Assistant
Terri Alkon, Administrative Assistant
Annette Eaderesto, IDA Counsel
William F. Weir, Nixon Peabody, LLP
Howard Gross, Weinberg, Gross & Pergament, LLP (via Zoom)
Barry Carrigan, Nixon Peabody, LLP (via Zoom)
Cheryl Felice
E. Anne Hayes
Eric J. Russo, Vanbrunt Juzwiak & Russo, PC
Kelley Heck, Tritec
Jim Coughlan, Tritec
Steve Losquadro
Gary Hisiger, Morrit Hock & Hamroff, LLP
Daniel Prokopy, Ion Renewables
Dan Deegan, Forchelli Deegan Terrana, LLP (via Zoom)
Len D'Amico, D & F Patchogue A.L., LLC (via Zoom)
Guy Germano, Germano & Cahill, P.C. (via Zoom)
Gregg Rechler, R Squared Patchogue (via Zoom)

Chairman Braun opened the Industrial Development Agency meeting at 12:35 P.M. on Wednesday, November 15, 2023, in the Agency's Office on the Second Floor of Brookhaven Town Hall, One Independence Hill, Farmingville, New York. A quorum was present.

At 12:36 P.M., Mr. Callahan made a motion to enter executive session to discuss proposed, pending or current litigation. The motion was seconded by Ms. Scheidt and unanimously approved.

At 1:11 P.M., Mr. Trotta made a motion to resume the regular meeting. The motion was seconded by Ms. Scheidt and all voted in favor. No action was taken in executive session.

MEETING MINUTES OF OCTOBER 23, 2023

The motion to approve these minutes as presented was made by Mr. Pollakusky, seconded by Mr. Callahan, and unanimously approved.

CFO'S REPORT

Ms. LaPonte presented the Operating vs. Budget Report for the period ending October 31, 2023. Office expenses and depreciation are over budget due to moving IT services from the Town. Bank interest rates have continued to increase. All payroll taxes and related withholdings have been paid timely in accordance with Federal and State guidelines. All regulatory reports have been made in a timely fashion. The 2024 budget was filed with the State prior to the November 1st deadline.

The motion to accept the CFO's report was made by Ms. Scheidt and seconded by Mr. Callahan. All voted in favor.

HAWKINS AVENUE DEVELOPMENT RHP2, LLC – TRITEC – SUBTENANT APPLICATION

Tritec is requesting to sublease 15,590 square feet at the Hawkins Development RHP2, LLC project for office space. They will retain 74 employees and create three new full-time equivalent employees.

The motion to accept this subtenant application was made by Mr. Pally, seconded by Mr. Pollakusky, and unanimously approved.

**HAWKINS AVENUE DEVELOPMENT RHP2, LLC – REDEFINE MARKET
RONKONKOMA – SUBTENANT APPLICATION**

Redefine Market Ronkonkoma is requesting to sublease approximately 1,100 square feet at the Hawkins Avenue Development RHP2, LLC project for a grab and go prepackaged meal business. There will be four full-time equivalent employees.

The motion to accept this subtenant application was made by Mr. Callahan and seconded by Mr. Pollakusky. All voted in favor.

The representatives from Tritec left the meeting at 1:15 P.M.

FERRANDINO & SON DEVELOPMENT GROUP, LLC – APPLICATION

This application is for 262 residential rental units on West Main Street in Patchogue. Six existing buildings totaling approximately 41,000 square feet will be demolished. The proposal is to build two four-story buildings with 10% of the units set aside as affordable housing and 10% set aside as workforce housing. Units will range from studios to two-bedrooms, there will be two parking garages and a small retail space. The trolley house will be refurbished and used by the Chamber of Commerce. This project is expected to cost approximately \$153 million, and five full-time equivalent jobs will be created as well as approximately 300 construction jobs. The applicant is requesting exemptions from sales and mortgage recording taxes as well as a 20-year PILOT. It was noted that the Village of Patchogue is supportive of this project; Mr. Russo detailed pending approvals with the Village. The retail portion of the project would not be included in the PILOT. A feasibility study is expected to be completed shortly and environmental reviews are in progress. Mr. Braun has reviewed the company's financial statements.

The motion to accept the application and schedule a public hearing was made by Mr. Pally and seconded by Mr. Trotta. All voted in favor.

CEO'S REPORT

BLSF, LLC Extension Request

This solar array to be constructed on the cap of the landfill has requested a three-month extension of its final authorizing resolution.

The motion to approve this extension was made by Mr. Pally, seconded by Mr. Callahan, and unanimously approved.

Holtsville Solar, LLC Extension Request

This solar carport project to be located at the Holtsville Ecology site has requested a six-month extension of the financial authorizing resolution as well as a 30-year PILOT. Since the original proposed PILOT was for 20 years a new public hearing will need to be held.

The motion to approve the six-month extension and set a new public hearing was made by Mr. Pally and seconded by Mr. Pollakusky. All voted in favor.

MAC Solar, LLC Extension Request

This solar carport project to be located at the Moriches Athletic Complex has also requested a six-month extension of the final authorizing resolution and a 30- year PILOT.

The motion to approve the six-month extension request and set a new public hearing was made by Mr. Pally, seconded by Mr. Callahan, and unanimously approved.

Mastic Beach Solar, LLC Extension Request

This solar carport project to be located at the Mastic Beach Aquatic Center has also requested a six-month extension of the final authorizing resolution and a 30-year PILOT.

The motion to approve the six-month extension and set a new public hearing was made by Mr. Trotta and seconded by Mr. Pollakusky. All voted in favor.

Mr. Prokopy left the meeting at 1:35 P.M.

SCALAMANDER COVE, LLC – APPLICATION

This applicant has submitted applications in 2019 and 2021 and has now submitted an updated application for a 96-unit residential housing complex in Middle Island. An extension on their application was requested last month. There will be 10% affordable and 10% workforce units set aside. Project costs have increased to approximately \$35.5 million and they expect there to be 1.5 full-time equivalent employees. Mr. Deegan, the applicant's attorney, advised that a six-month extension should be sufficient.

The motion to approve a six-month extension of the application acceptance was made by Mr. Pollakusky, seconded by Mr. Trotta, and unanimously approved.

CEO'S REPORT (REVISITED)

D & F Patchogue A.L., LLC Request

This assisted living facility has requested that their PILOT be extended by five years. There are nine years left on their fifteen-year PILOT. Currently, 116 of the 128 units are occupied. Mr. Deegan explained that COVID impacted the ability to fill the units. Mr. D'Amico provided the Board with details on the project financing.

The Board determined an extension on the PILOT would not be considered at this time.

Port Jefferson Commons, LLC Extension Request

This 53-unit 100% affordable housing facility proposed to be built on Main Street in Port Jefferson has requested an extension of the application acceptance until May 31, 2024 to continue work on their site plan and tax credit funding.

The motion to approve this extension was made by Mr. Pally and seconded by Mr. Trotta. All voted in favor.

AIREF Station Road Logistic Center, LLC & AIREF Station Road 2, LLC

This matter was tabled at the last meeting. Since then, there has been a meeting with Agency staff, the project and counsel on how to resolve comments and concerns. A six-month extension of the application acceptance was requested.

Ms. Eaderesto noted she has had extended conversations with the project's counsel that comments made at the Planning Board hearing need to be addressed.

Mr. Pally made a motion to approve that the project receive a six-month extension but must close in that time period. The motion was seconded by Mr. Pollakusky and approved with Mr. Trotta voting no.

Spec Industrial Warehouses

Mr. Pollakusky made a motion to place a six-month moratorium on new spec industrial warehouses over 100,000 square feet. The motion was seconded by Mr. Callahan and unanimously approved. An updated warehouse study will be requested from Camoin Associates.

Medford Logistics, LLC Extension Request

This project has requested a six-month extension of the application acceptance on their spec industrial warehouse facility in Medford.

The motion to approve that the project receive a six-month extension but must close within six-months was made by Mr. Pally, seconded by Mr. Pollakusky, and unanimously approved.

**MT. SINAI KNOLLS PORTFOLIO HOLDINGS – FINAL AUTHORIZING
RESOLUTION**

The cost benefit analysis and PILOT were included in the meeting packets for this assumption of a 225-unit senior rental facility from Engel Burman. A public hearing was held earlier in the day with no comments received. Mr. Weir informed the Board that the sale of more than 49% of the interest in the company can't proceed without the IDA's consent. There is a current lawsuit involving Engel Burman; as a condition of the Agency's approval of this transfer Engel Burman

and the principals of Engel Burman will need to indemnify and hold the Agency harmless and provide legal defense of the Agency if the Agency is sued.

Mr. Pally recused himself from the discussion and excused himself from the meeting.

Moving forward, the new owners will need to continue to indemnify the Agency. Mr. Pollakusky made a motion to approve the resolution. The motion was seconded by Mr. Callahan and approved with Mr. Pally recusing himself.

Mr. Pally returned to the meeting.

CVI AGL ASSET CO., LLC – APPLICATION

This application would transfer the equity interest of the AE-ESS Cassel project on North Ocean Avenue to CVI AGL Asset Co., LLC. They will acquire 100% of the interest in this approximately \$4.3 million project; Agilitas will continue to manage the project during and after construction.

The motion to accept the application and set a public hearing was made by Ms. Scheidt and seconded by Mr. Pollakusky. All voted in favor.

CEO'S REPORT (REVISITED)

Thanx MS Zorn / MDS Building Request

Both of these projects are owned 50% each by Mike Savino and Dana Savino. They have requested to transfer 45% of Dana's share to an irrevocable insurance trust.

The motion to approve this request was made by Mr. Pally, seconded by Ms. Scheidt, and unanimously approved.

East Setauket Energy Storage Extension Request

This 125-megawatt BESS project on Sheep Pasture Road in Port Jefferson Station has requested an extension of the application acceptance until December 1, 2026 to complete Town and various other approvals.

The motion to approve this extension was made by Mr. Pollakusky and seconded by Ms. Scheidt. All voted in favor.

Holtsville Energy Storage Extension Request

This 110-megawatt BESS project on the South Service Road of the Long Island Expressway in Holtsville has requested an extension of the application acceptance until August 1, 2024 to complete approvals.

The motion to approve this extension was made by Mr. Callahan, seconded by Ms. Scheidt, and unanimously approved.

Yaphank Energy Storage Extension Request

This 77-megawatt BESS project to be located on Ramsay Road in Shirley is requesting an extension of the application acceptance until August 1, 2024 to complete agreements and easements.

The motion to approve this extension was made by Ms. Scheidt and seconded by Mr. Trotta. The motion was approved with Mr. Braun abstaining.

R Squared Patchogue Extension Request

This 91-unit apartment complex to be built on Main Street in East Patchogue has submitted a request for an extension of the application acceptance and amendments to their application reflecting increased project costs and corresponding changes to the requested benefits. The PILOT study will need to be amended by Camoin Associates.

IDA Meeting
November 15, 2023

The motion to approve a six-month extension was made by Mr. Pally, seconded by Mr. Pollakusky, and unanimously approved.

CD Ramsay Realty, LLC Extension Request

This project has requested an extension to close until February 15, 2024.

The motion to approve this extension was made by Mr. Pally and seconded by Mr. Trotta. All voted in favor.

Ronk Hub

This development is continuing to move forward and there has been progress in closing with various property owners and renting space to subtenants.

Ratify Power Women Cost

Mr. Pally made a motion to ratify the cost of just under \$5,000 for this event. The motion was seconded by Ms. Scheidt and unanimously approved.

December Meeting

The time for the December meeting may be moved to earlier in the afternoon.

The motion to close the meeting at 2:21 P.M. was made by Mr. Callahan and seconded by Ms. Scheidt. All voted in favor.

The next IDA meeting is scheduled for December 6, 2023.

TOWN OF BROOKHAVEN
INDUSTRIAL DEVELOPMENT AGENCY

MEETING MINUTES

DECEMBER 6, 2023

MEMBERS PRESENT:

Frederick C. Braun, III
Martin Callahan
Felix J. Grucci, Jr. (via Zoom)
Mitchell H. Pally
Ann-Marie Scheidt
Frank C. Trotta

EXCUSED MEMBER:

Gary Pollakusky

ALSO PRESENT:

Lisa M. G. Mulligan, Chief Executive Officer
Lori LaPonte, Chief Financial Officer
Amy Illardo, Director of Marketing
Jocelyn Linse, Executive Assistant
Terri Alkon, Administrative Assistant
Annette Eaderesto, IDA Counsel
Howard Gross, Weinberg, Gross & Pergament
William F. Weir, Nixon Peabody, LLP
Barry Carrigan, Nixon Peabody, LLP

Chairman Braun opened the Industrial Development Agency meeting at 2:10 P.M. on Wednesday, December 6, 2023, in the Agency's Office on the Second Floor of Brookhaven Town Hall, One Independence Hill, Farmingville, New York. A quorum was present.

MEETING MINUTES OF NOVEMBER 15, 2023

These Minutes will be deferred until the January 2024 meeting.

HAWKINS AVENUE DEVELOPMENT RHP2, LLC RESOLUTION – SUBTENANT – TRITEC

During the November meeting, the Board clearly voted to accept the application but the vote for the resolution was not clearly done. For clarity, the Board reaffirmed the resolution.

The motion to approve this resolution was made by Mr. Pally and seconded by Ms. Scheidt. All voted in favor.

HAWKINS AVENUE DEVELOPMENT RHP2, LLC RESOLUTION – SUBTENANT – REDEFINE MARKET RONKONKOMA

Similarly, the voting on the resolution to approve Redefine Market Ronkonkoma as a subtenant was unclear.

The motion to approve this resolution was made by Ms. Scheidt, seconded by Mr. Trotta, and unanimously approved.

Mr. Weir and Mr. Carrigan joined the meeting at 2:14 P.M.

MT. SINAI KNOLLS PORTFOLIO HOLDINGS RESOLUTION – RATIFYING & CONFIRMING NAME CHANGE

All documents will be amended to reflect a name change for Engel Burman at Mt. Sinai, LLC, to Fairfield Knolls at Mt. Sinai Fee Owner, LLC.

The motion to ratify and confirm the name change was made by Mr. Callahan, seconded by Ms. Scheidt and approved with Mr. Pally abstaining.

FOURGEN-S, LLC – SALES TAX & COMPLETION DATE EXTENSION

The original completion date for this project is December 31, 2023, FourGen-S, LLC has requested an extension on their sales tax exemption and completion date.

The motion to extend the sales tax exemption and completion date to June 30, 2024 was made by Mr. Callahan and seconded by Ms. Scheidt. The motion passed with Mr. Pally recusing himself.

FOURGEN-H, LLC – SALES TAX & COMPLETION DATE EXTENSION

Four-Gen-H, LLC has also requested an extension of their sales tax exemption and completion date.

The motion to extend the sales tax exemption and completion date to June 30, 2024 was made by Mr. Braun, seconded by Mr. Trotta and passed with Mr. Pally recusing himself.

CEO'S REPORT

AE-Manorville 2, LLC – Application Extension Request

This project has requested an extension on their application acceptance.

The motion to approve an extension until June 6, 2024 was made by Mr. Pally and seconded by Mr. Trotta. All voted in favor.

Camoin Associates Study Cost

The cost to update the spec warehouse study is \$9,000. Camoin estimates starting work on this in January.

The motion to approve this expense was made by Mr. Trotta, seconded by Ms. Scheidt, and unanimously approved.

Crestwood Farms

This project did not meet their job creation numbers. Crestwood Farms has informed the Board that the business was hit hard by the pandemic. Business has started to rebound and they expect to hire ten to fifteen full-time equivalent employees.

Any project that doesn't meet their job creation numbers will be connected with the Workforce Development Institute for assistance.

2024 Meeting Schedule

The motion to approve the 2024 meeting schedule was made by Mr. Trotta and seconded by Mr. Pally. All voted in favor.

IDA Meeting
December 6, 2023

CVI AGL Assetco, LLC

At the last meeting it was erroneously stated that a public hearing is required for the transfer of the equity interest of the AE-Ess Cassel project to CVI AGL Assetco, LLC. A public hearing is not required for this action.

The motion to close the IDA meeting at 2:33 P.M., was made by Mr. Callahan, seconded by Ms. Scheidt, and unanimously approved.

The next IDA meeting is scheduled for Wednesday, January 10, 2024.

DRAFT

2024 IDA RESOLUTIONS

- 1 Appointment of CEO/Executive Director
- 2 Appointment of Chief Financial Officer
- 3 Appointment of Executive Assistant
- 4 Appointment of Administrative Assistant
- 5 Appointment of Director Marketing and Project Development
- 6 Appointing of Legal Counsel
- 7 Appointment of Insurance Broker of Record
- 8 Slate of IDA Board Officers
- 9 Adoption of Committee Charters and Establishment and Appointing of
Governance, Finance and Audit Committee
- 10 Adoption of Fee Schedule
- 11 Company Owned Auto Policy
- 12 Hourly Requirement
- 13 2024 Meeting Schedule
- 14 Appointment of Website Design and Maintenance
- 15 Banking and Investing
- 16 Adopting a Mission Statement and Measurement Report
- 17 Adopting the Town of Brookhaven Ethics Policy, Procurement Policy and
Property Acquisition & Disposal Policy.
- 18 Adopting a Uniform Tax Exemption Policy
- 19 Adopting Compensation Policy
- 20 Adopting a Policy Concerning Board Member and Employee Loans
- 21 Adopting a Prevailing Wage Policy

- 22 Adopting an Adaptive Reuse Policy
- 23 Delegating and Authorizing Execution of IDA Documents
- 24 Adopting an Incentive Compensation Policy
- 25 Longevity
- 26 Adoption of Deferred Compensation Program Policy
- 27 Holiday Schedule
- 28 Adopting a Travel & Discretionary Funds Policy
- 29 Adopting an Accrual Policy for Management Employees
- 30 Adopting an Accrual Policy for Full Time Non-Management Employees
- 31 Audit and Accounting Services
- 32 Adopting a Bereavement Policy
- 33 Conflict of Interest Policy
- 34 Appointment of Insurance Risk Manager
- 35 Approval of unlawful harassment and unlawful sexual harassment prohibition policy
- 36 Approval of 2023 Incentive Compensation
- 37 Jury Duty
- 38 Employee Health Insurance
- 39 Cancer Screening
- 40 Appointment of Public Relations Firm
- 41 Supplemental Benefits Insurance
- 42 Shared Services Agreement
- 43 Newspaper of Record
- 44 Acquisition of Real Property

45 Record Retention Policy

46 Separation Payout

TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY
APPLICATION FOR CONSENT TO SUBLEASE

APPLICATION OF: Holtsville Industrial LLC (“Company”)
FOR CONSENT TO SUBLEASE TO
Orange County Transit LLC (“Subtenant”)
FACILITY/PROJECT: 1 Corporate Drive, Holtsville, New York
DATE: December ____, 2023

Please respond to all items either by filing in blanks, by attachment (by marking space “see attachment number 1”, etc.) or by N.A., where not applicable.

Application must be filed in one (1) original and one (1) electronic form.

A \$750.00 non-refundable application fee made payable to the Town of Brookhaven Industrial Development Agency is required at the time of submission to the Agency.

Information provided herein will not be made public by the Agency prior to the passage of an official Resolution but may be subject to disclosure under the New York State Freedom of Information Act.

Please write or call:

Town of Brookhaven Industrial Development Agency
One Independence Hill
Farmingville, New York 11738

(631) 406-4244

I. Company Data

A. Company: Holtsville Industrial LLC
Contact: Tod Buckvar
Title/Position: Member
Address: 510 Broadhollow Road, Suite 210, Melville, NY
Phone: 631-393-2834
Federal Employer I.D.: [REDACTED]

B. Related User of the Facility:

Name	Relationship
_____	_____
_____	_____
_____	_____

C. Company Counsel

Firm Name: Presberg Law, PC
Individual Attorney: Andrew Presberg, Esq.
Address: 100 Corporate Plaza, Suite B102, Islandia, NY
Phone: 631-232-4444

II. Project/Facility Data

A. Location of Project: 1 Corporate Drive
Address: Holtsville, New York
S.C. Tax Map:
District 0200 Section 835.00 Block 01.00 Lot 005.000

B. Current Occupants, Area Occupied, and Uses

Current Occupant	Area Occupied (Sq. Ft.)	Use	Current # of FTEs
Traffic Systems Inc.	+/- 18,000	office/wh	11
Heritage Landscape Supply Group	+/- 28,000	office/wh	10

III. Proposed Subtenant

A. Name of Subtenant: Orange County Transit, LLC

B. Address: 7 Todd Court, Yaphank, New York

C. Contact:

 Name: John Mensch

 Phone: [REDACTED]

D. Affiliates Names and Addresses: _____

E. Current Location: 7 Todd Court, Yaphank, NY 11980

F. Subtenant Counsel:

 Firm Name: DelBello Donnellan Weingarten Wise & Wiederkehr, LLP

 Individual Attorney: David Newberg

 Address: One North Lexington Avenue, White Plains, NY 10601

 Phone: [REDACTED]

I. Has the Subtenant, or any subsidiary or affiliate of the Subtenant, or any stockholder, partner, member, officer, director, or other entity with which any of these individuals is or has been associated with:

i. Ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding?

YES _____ NO _____

1. If yes, please explain

ii. Been convicted of a felony, or misdemeanor, or criminal offense (other than a motor vehicle violation)?

YES _____ NO _____

1. If yes, please explain

J. Relationship of Subtenant to Company (e.g., affiliate, arm's-length tenant, etc.)

Arms length tenant

K. Proposed area of the facility to be occupied by the Subtenant (Sq. Ft.) approx 3,100 sq. ft _____

L. Describe the specific operations of the Subtenant or other users to be conducted at the project site:

Corporate offices and local dispatch offices for school bus company

M. Does the proposed use and occupancy of the Subtenant conform with all applicable zoning, planning, building and Environmental Laws, ordinances, rules and regulations of governmental authorities having jurisdiction over the Facility?

YES X NO _____

i. If no, please explain

IV. Proposed Sublease Agreement Terms

A. **Attach a copy of Executed Sublease Agreement (may be conditioned upon Agency approval)**

Term: 6 years
Commencement Date: November 1, 2023
Guarantors: John Mensch
Base Rent: \$50,400 per annum
Base Rent Increases and Intervals: _____
Common Area Rent: -0-

B. **Improvements to Proposed Demised Area to be Made by Company**

Description: None

Cost: _____

Source of Payment: _____

C. **Improvements to Proposed Demised Area to be Made by Subtenant**

Description: None

Cost: _____

Source of Payment: _____

D. Fair Market Rent Evaluation

Is rent to be charged Fair Market? YES NO _____

How was Fair Market rent determined? (Attach supporting documentation)

Rent includes the current proportionate share of PILOT
inclusive of benefits and abatement. But for the PILOT, the FM rent
would be higher.

E. Does or will any of the "Financial Assistance" provided by the Agency, including Real Estate Tax Exemption, Sales and Use Tax Exemption, benefit the Subtenant in any manner?

YES NO _____

If yes, explain

Real estate tax exemption passes through to Subtenant thereby
allowing rent to be more competitive and attract its use of the Facility.

F. How many Full-Time Equivalent Employees (FTEs) are there presently at the subtenant's current location: 15 (including office workers and drivers)- employer: EEBL Management, Inc.

How may additional FTEs are to be expected at the Facility regarding this application: 28 additional drivers and 4 additional office (12 office total)- employer: Orange County Transit

G. Salary and Fringe Benefits by Subtenant

Jobs To be Created:

	Average Salary	Average Fringe Benefits
Salary Wage Earners	<u>65,000</u>	<u>-0-</u>
Commission Wage Earners	<u> </u>	<u> </u>
Hourly Wage Earners	<u>42,000</u>	<u>-0-</u>
1099/Contract Workers	<u> </u>	<u> </u>

What is the annualized salary range of jobs to be created?

\$ 42,000 to \$ 65,000

What is the number of construction jobs created as a result of this Subtenant

Application? -0- (FTEs)

V. Mortgagees

Have the Holders of all mortgages or record consented to the proposed sublease?

YES _____ NO _____ N/A

If yes, attach evidence thereof.

COMPANY CERTIFICATION

Tod Buckvar _____ [Insert name of Chief Executive Officer/Manager/Partner of proposed Company] deposes and says that s/he is the Member _____ [insert title] of Holtville Industrial LLC [insert name of Company], the company named in the attached application; that s/he has read the foregoing application and knows the contents thereof; that the same is true to her/his knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by _____

[insert name of Company] is because the said company is a limited liability company [insert type of entity]. The grounds of deponent's belief relative to all matters in the said application which are not stated upon her/his own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as an officer of and from books and papers of said company.

As an Member _____ [insert position, e.g., officer, member, manager, partner] of said company (hereinafter referred to as the "applicant"), deponent acknowledges and agrees that applicant shall be and is responsible for all costs incurred by the Town of Brookhaven Industrial Development Agency (hereinafter referred to as the "Agency") in connection with this application and all matters relating to the proposed sublease, including the Agency's attorneys' fees, regardless of whether or not the applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified period of time to take reasonable, proper, or requested action or withdraws, abandons, cancels, or neglects the application or if the applicant is unable to consummate the sublease for any reason. upon presentation of invoices, applicant shall pay to the agency, its agents or assigns, all costs incurred with respect to the application, including fees to counsel for the agency and fees of general counsel for the agency.



Chief Executive Officer/Member/Manager/Partner of Company

Sworn to before me this
14th day of December 2023

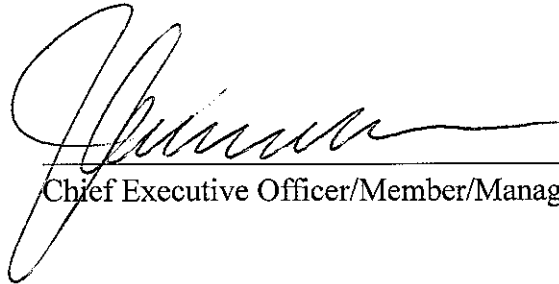


NOTARY PUBLIC

SUBTENANT CERTIFICATION

John Mensch _____ [*Insert name of Chief Executive Officer/Manager/Partner of proposed Subtenant*] deposes and says that s/he is the President _____ [*insert title*] of Orange County Transit, LLC [*insert name of Subtenant*], the proposed subtenant named in the attached application; that s/he has read the foregoing application and knows the contents thereof; that the same is true to her/his knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by Orange County Transit, LLC [*insert name of Subtenant*] is because the said proposed subtenant is a Limited Liability Corporation _____ [*insert type of entity*]. The grounds of deponent's belief relative to all matters in the said application which are not stated upon her/his own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as an officer of and from books and papers of said proposed subtenant.



Chief Executive Officer/Member/Manager/Partner of Subtenant

Sworn to before me this
1 day of December 2023


NOTARY PUBLIC

CHRISTINA LANGSTON
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01LA6279682
QUALIFIED IN SUFFOLK COUNTY
MY COMMISSION EXPIRES MAY 23, 2025

**Industrial Development Agency
2023 Board Assessment**

Rating Scale:
1 = Do Not Agree
2 = Somewhat Agree
3 = Agree
4 = Highly Agree
5 = No Opinion

Circle One:

Mission, Values, Vision and Strategic Direction:

1 2 3 4 5 The Board's policy and strategic decisions reflect and support the IDA's mission, values and vision.

Comments:

1 2 3 4 5 The Board is actively involved in strategic planning.

Comments:

Board Structure and Processes:

1 2 3 4 5 Board disagreement is seen as a search for solutions rather than a win/lose proposition.

Comments:

1 2 3 4 5 The Board contains a sufficient range of qualities (i.e. expertise, perspectives, external relationships and size) to ensure effectiveness.

Comments:

1 2 3 4 5 Board agendas provide adequate time for discussing significant issues impacting our IDA's progress, and requiring Board action.

Comments:

1 2 3 4 5 I receive meeting materials in advance and come prepared to engage in meaningful dialogue and critical decision-making.

Comments:

1 2 3 4 5 The timeliness, quality, quantity and presentation of information provided to the Board meets our needs in understanding issues and challenges and enables effective decision-making.

Comments:

1 2 3 4 5 The Board demonstrates good problem solving skills.

Comments:

1 2 3 4 5 The Board Chair leads fairly and effectively.

Comments:

1 2 3 4 5 The number of meetings, meeting length and attendance of directors is sufficient for our IDA's needs. Board agendas provide adequate time for discussing significant issues impacting our IDA's progress and requiring Board action.

Comments:

1 2 3 4 5 The time and day of IDA meetings is convenient and productive.

Comments:

Board / CEO Relationships:

1 2 3 4 5 A climate of trust, respect and support exist between the Board and the CEO.

Comments:

1 2 3 4 5 The Board supports the CEO in implementing Board policy; Board members understand their 'policy-making' vs. the CEO's 'management' role.

Comments:

1 2 3 4 5 The Board receives timely and helpful information from the CEO on how well the IDA is meeting its planned objectives.

Comments:

Servicing the Community:

1 2 3 4 5 The Board is effective in representing and promoting the IDA in the community.

Comments:

1 2 3 4 5 Board members receive appropriate continuing education and orientation to better understand their role in providing healthy community leadership.

Comments:

1 2 3 4 5 The Board develops a positive image for our IDA and has gained a high level of public confidence.

Comments:

1 2 3 4 5 The Board is well-informed about market, environmental and competitive factors that affect its services and programs.

Comments:

Finances:

1 2 3 4 5 The Board effectively carries out its responsibility for the oversight of fiscal resources.

Comments:

1 2 3 4 5 Financial reports are presented in a format that builds understanding and enables effective decision-making.

Comments:

1 2 3 4 5 The Board adopts operating and capital budgets (where applicable) annually and consistently monitors performance.

Comments:

1 2 3 4 5 The Board has committed the resources necessary to address community issues and challenges.

Comments:

1 2 3 4 5 The Board has a corporate compliance plan in effect, and ensures that compliance policies and procedures are fully functioning.

Comments:

1 2 3 4 5 This survey tool is an appropriate length to gather pertinent data.

Comments:

Additional Comments:

Signature

Date



INTERNET:
www.presberg.com

100 Corporate Plaza, Suite B102
Islandia, NY 11749

(631) 232-4444
FACSIMILE:
(631) 232-2603

December 21, 2023

Via: Fedex Overnight

Town of Brookhaven Industrial Development Agency
One Independence Hill
Farmingville, New York 11738

Attn: Lisa Mulligan

Re: Holtsville Industrial LLC with Orange County Transit LLC
1 Corporate Drive. Holtsville, New York

Dear Lisa:

In connection with the above-referenced premises owned by Holtsville Industrial LLC, we have enclosed an Application for Consent to Sublease by Orange County Transit LLC. This Subtenant will occupy the approximately 3,100 sq. ft. of vacated office space formerly occupied by Hotgen Health Inc. As you can see from the application, the Subtenant recently received a school bus contract for the Sachem School District, thus requiring an increase in dispatch and related space and an increase of employment to service same as their current space in Yaphank is also leased, and which lease is terminating and, nevertheless has insufficient space to handle the Subtenant's expected growth and expansion.

As noted in the application, the Subtenant currently employs 15 FTE equivalent office workers and drivers at its existing location, which employees will be relocated to the herein site and will be expected to increase such employment over the next year by 4 additional office workers and 28 additional drivers whose office location of employment will be the subject subleased premises. The average salary for salaried workers is approximately \$65,000 per year and \$42,000 per year for hourly wage earners. You should note that the office and drive employees are actually employed at the premises by 2 different, affiliated entities for the purposes of payroll, so that a review of their NYS-45's will show different entities as the "employer" and just wanted you to be aware of same to avoid any confusion.

We have enclosed a copy of the Lease for the Board's review, as well as the application fee of \$750.00 and NYS- 45's for the Subtenant (and affiliate employers). Please let you know if you require any additional information or documentation.

Thank you for your courtesies and consideration.

Very truly yours,



ANDREW PRESBERG

Dozens of new battery storage facilities eyed for Long Island



WATCH NOW • 2:04

The future of battery storage plants on LI

Battery storage facilities across Long Island, intended to replace small fossil-fueled power plants, face opposition from some residents who are afraid they pose a fire hazard. NewsdayTV's Steve Langford reports. Credit: Newsday/Thomas A. Ferrara, John Paraskevas; Randee Daddona

By Mark

[Harringtonmark.harrington@newsday.com](mailto:mark.harrington@newsday.com) [MHarringtonNews](#) Updated

December 15, 2023 11:24 am

SHARE

As developers line up in preparation for dozens of battery storage facilities across Long Island to replace a generation of small fossil-fueled power plants, they likely will face growing unease from residents about potential fire hazards and whether they're being provided enough information.

A list of proposed facilities that have signed up for grid connection through the New York Independent System Operator shows developers eyeing sites from

Southold and Quogue to Far Rockaway, many at or near LIPA substations that house small power plants.

All will require state and local approvals that some municipalities already are wary of providing. Southold and Southampton have moratoriums on battery systems, and at least one other Long Island town is considering such a move.

Battery storage plants are an important pillar in plans by the state and LIPA to transition the electric grid to all green energy by 2040. The battery plants house structures packed with lithium-ion cells, which can store power to help stabilize the grid when wind and sun power aren't available. The plants include sophisticated battery management and fire suppression systems that proponents say make them safe.

But as project plans begin to make their way through approval processes, residents aware of recent fires at some battery storage locations are growing uneasy.

"It blows my mind what they think is safe," said Ben Caccavale, who lives a few hundred feet from the proposed facility along the Long Island Expressway Service Road and Morris Avenue in Holtsville, where residents have expressed concerns about the project's potential safety impacts.

A Newsday review of applications filed with the New York Independent System Operator, which manages the state grid, found that a roster of 50 separate projects have signed up for potential connection to the power grid over the next three years. While not all of them will be built, developers are seizing upon the state's call for about 6,000 megawatts of battery storage by 2030 and LIPA's own plan for at least 750 megawatts in the same period.

"The state as a whole has identified a really large 6,000-megawatt need for energy storage systems across New York State, a lot of that being located in Long Island due chiefly to the amount of offshore wind energy" slated for the region, Camille Kaynor, development manager of energy company Savion, said to residents at a forum in Holtsville on Monday. "So what I can say is that Holtsville might be one of the first projects, but it is certainly not the last."

LIPA notes that many of the developers have filed the plans to "hold a place in the interconnection queue" should their projects get selected by LIPA or the

New York State Energy Research and Development Authority, which also is awarding the contracts.

Some of the plants that have applied for connection are considerably larger than a six-acre facility planned for Holtsville.

Among the projects that have requested grid connection between now and 2026 are a 300-megawatt project at Glenwood Landing, a 200-megawatt project planned for the E.F. Barret power station in Island Park, and a 400-megawatt facility eyed for Port Jefferson. The facility planned for Holtsville is smaller by comparison — 110 megawatts.

Many of the facilities would replace existing small fossil-fuel burning power plants known as peakers, which are used during the peak summer period to handle higher electric loads. The state envisions most or all such plants being taken offline by 2040, unless they are powered by a new generation of renewable fuels that don't contribute to greenhouse gas emissions.

"There are a lot of sites that currently have fossil units that you could place storage on," said LIPA chief Tom Falcone, after the utility's recent release of a future power road map that includes extensive battery storage. "And so there are opportunities there and we are going to have to work through them."

The facilities generally "don't take up that large a footprint," Falcone said. "If you didn't know it was storage, most people would drive by and not see it."

Long Island already has two battery storage units, both rated at 5 megawatts and costing some \$110 million, located near LIPA substations in Montauk and East Hampton. The latter has been out of commission since a May 31 fire that was contained within the barnlike structure, but which will require a full replacement and a spill remediation overseen by the state Department of Environmental Conservation, *Newsday* has reported.

The East Hampton unit isn't expected to be back in service until next summer, officials have said. The facility is only a few hundred feet from nearby homes and businesses. Southold and Southampton towns have enacted moratoriums on battery storage until more is learned about the batteries, and Gov. Kathy Hochul has created an interagency task force to examine the fires and hone standards for new systems.

“I think there’s a lot of education that has to happen,” Falcone said. “It’s [the] early days” of battery storage.

If a November session for Holtsville residents was the model for that education, residents say considerably more is needed.

Savion officials held the meeting online, and residents could ask questions by typing into a drop-down form. Five presenters appeared in voice only. “We are here today because we understand people have a lot of questions and curiosities about this project,” said Kaynor, of Savion.

Officials said while the planned 110-megawatt facility they are proposing will be unmanned, it will be remotely monitored 24/7 by teams of experts, and include safety systems and designs that will make it safe. Savion, a Kansas City-based developer of solar and battery storage systems owned by the Shell Group, is spending \$160 million to develop the plant.

Nicolas Petrakis, a senior consultant at Energy Safety Response Group, which is working with Savion, said the latest “rigorous” safety standards, UL-listing requirements and testing has “significantly reduced the occurrences of failures that have been occurring in the industry.”

Companies are taking a “belts and suspenders approach to safety, where there’s a lot of different levels of safety incorporated into the technology,” he said.

One resident who listened in said she wasn’t impressed.

“They were very selective in their communication,” said Gabrielle Corso, a Holbrook resident who listened from her workplace. The session ended at 5 p.m. sharp. “I wish they had this after hours,” Corso said, adding that presenters “glazed over questions.”

Savion officials said the session was only the first as they move closer to building and other needed permits and construction by the first quarter of 2025.



By [Mark Harrington](#)

mark.harrington@newsday.com [MHarringtonNews](#)

Authorities Budget Office Policy Guidance



No. 10-01

Date Issued: March 1, 2010

Supersedes: New

Subject: Acknowledgement of Fiduciary Duty

Statutory Citation: Public Authorities Law Section 2824(1)(h)

Provisions: Section 6(i) of Public Authorities Law, as amended by Chapter 506 of the Laws of 2009 (“The 2009 Public Authorities Reform Act” or “PARA”), requires the Authorities Budget Office (ABO) to develop and issue a written acknowledgement that all board members must execute as part of their duties and responsibilities under Section 2824 of Public Authorities Law. By signing this acknowledgement a board member is stating they understand their role and fiduciary responsibilities as well as their duty of loyalty and care to the organization and commitment to the authority’s mission and the public interest.

Pursuant to PARA, every board member of a Public Authority is required to sign an acknowledgement of fiduciary duty at the time they take the oath of office. The effectiveness of the acknowledgement will be deemed applicable throughout the duration of such board member's term and/or for as long as such director continues to serve in such capacity. Board members appointed to their positions prior to the effectiveness of PARA and the implementation of this new requirement are required to execute an acknowledgement by May 1, 2010.

Authorities Budget Office Policy Guidance: The primary responsibility of a board member is to understand the mission and public purpose of the Authority and to act in the best interests of the Authority, its mission, and the public. The intent of this written acknowledgement is to re-affirm the importance of this duty to board members.

The ABO is directing all state and local public authorities to use the attached acknowledgement form to satisfy this statutory requirement. Public authorities are to maintain signed copies of the acknowledgement throughout the official term of each active board member. State and local authorities will also be expected to certify as part of the Annual Report submission that these statements were executed in accordance with Section 2824 of Public Authorities Law. The failure to execute this acknowledgment will be considered a failure to comply with the requirements of Public Authorities Law. The failure to act in accordance with the principles stated in this acknowledgment can be considered a breach of fiduciary duty and could result in a recommendation that the board member be sanctioned.

A board member is to sign a new acknowledgement document at the start of each new term to which the board member is appointed.



Acknowledgement of Fiduciary Duties and Responsibilities

As a member of the Authority's board of directors, I understand that I have a fiduciary obligation to perform my duties and responsibilities to the best of my abilities, in good faith and with proper diligence and care, consistent with the enabling statute, mission, and by-laws of the Authority and the laws of New York State. The requirements set forth in this acknowledgement are based on the provisions of New York State law, including but not limited to the Public Authorities Reform Act of 2009, Public Officers Law, and General Municipal Law. As a member of the board of directors:

I. Mission Statement

I have read and understand the mission of the Authority; and the mission is designed to achieve a public purpose on behalf of the State of New York. I further understand that my fiduciary duty to this Authority is derived from and governed by its mission.

I agree that I have an obligation to become knowledgeable about the mission, purpose, functions, responsibilities, and statutory duties of the Authority and, when I believe it necessary, to make reasonable inquiry of management and others with knowledge and expertise so as to inform my decisions.

II. Deliberation

I understand that my obligation is to act in the best interests of the Authority and the People of the State of New York whom the Authority serves.

I agree that I will exercise independent judgment on all matters before the board.

I understand that any interested party may comment on any matter or proposed resolution that comes before the board of directors consistent with the laws governing procurement policy and practice, be it the general public, an affected party, a party potentially impacted by such matter or an elected or appointed public official. However, I understand that the ultimate decision is mine and will be consistent with the mission of the Authority and my fiduciary duties as a member of the Authority's board of directors.

I will participate in training sessions, attend board and committee meetings, and engage fully in the board's and committee's decision-making process.

III. Confidentiality

I agree that I will not divulge confidential discussions and confidential matters that come before the board for consideration or action.

IV. Conflict of Interest

I agree to disclose to the board any conflicts, or the appearance of a conflict, of a personal, financial, ethical, or professional nature that could inhibit me from performing my duties in good faith and with due diligence and care.

I do not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of my duties in the public interest.

Signature: _____

Print Name: _____

Authority Name: _____

Date: _____

Jefferson's Ferry named among the best nursing homes in New York by U.S. News & World Report

by [Press Release](#) - December 8, 2023

0 196



Jefferson's Ferry

Jefferson's Ferry, a Life Plan community located in South Setauket, was recently named among the top nursing homes in New York State by U.S. News and World report. Jefferson's Ferry received a 5 out of 5 rating overall, also achieving the top (3 out of 3) high performance rating in multiple categories including short term rehabilitation and long term care.

The rigorous U.S. News & World Report standards for Best Nursing Homes in New York is determined by state-conducted health inspections, nursing staffing and medical quality measures. They evaluate more than 15,000 nursing homes on care, safety, infection rates, staffing and health inspections. Of the more than 600 nursing homes in New York, Jefferson's Ferry stood out as one of the best in the state and one of only 10 recognized for excellence on Long Island.

“Being named among the Best Nursing Homes in New York is a great honor and a testament to the outstanding care our exceptional staff provides each day to every resident,” said Bob Caulfield,

President and Chief Executive Officer of Jefferson's Ferry. "We take great pride in cultivating and recognizing the exceptional talent and compassion demonstrated by our staff, which has a direct impact on the superior care we provide to our residents. This is what is at the heart of Jefferson's Ferry."

Anthony Comerford, Vice President of Health Services at Jefferson's Ferry concurred and added, "This prestigious acknowledgement not only showcases Jefferson's Ferry commitment to providing outstanding care and service to its residents, it is especially gratifying to our staff and management to have their commitment and professionalism documented by such a well recognized outside authority." For more information visit www.jeffersonsferry.org



Michael L. Webb
Counsel

Direct Dial: 516.227.0696
Direct Fax: 516.336.2296
mwebb@farrellfritz.com

400 RXR Plaza
Uniondale, NY 11556
www.farrellfritz.com

Our File No.
TBD

December 19, 2023

VIA E-MAIL

Town of Brookhaven IDA Board
Lisa M.G. Mulligan, CEO
1 Independence Hill
Farmingville, NY 11738

Re: HSRE-EB MOUNT SINAI, LLC 2019 FACILITY

Dear Ms. Mulligan and Members of the Board:

I write regarding a proposed Second Amendment to Loan Documents (the "Amendment") to be entered into between HSRE-EB Mount Sinai, LLC and Wells Fargo Bank, National Association. A copy of the Amendment document is attached. This Amendment primarily extends the maturity date of the loan to January 9, 2025. HSRE-EB Mount Sinai, LLC is not borrowing any additional funds, and does not seek any additional economic assistance from the Brookhaven IDA.

Please allow this letter to serve as my client's request, in accordance with the existing Agency lease documents, that the Agency execute and deliver the requested Consent and Reaffirmation of Agency. The delivery of this document has been requested by Wells Fargo in connection with the closing of the Amendment.

Please feel free to contact me with any questions.

Very truly yours,

Farrell Fritz, P.C.

FARRELL FRITZ, P.C.

CC: William F. Weir, Esq.
Terance V. Walsh, Esq.
Eric J. Brenner, Esq.
Ms. Elizabeth Wood
Peter L. Curry, Esq.
Craig Masheb, Esq.
Mr. Steven Krieger
Mr. Andrew Levy

Nicholas J. Cappadora, Esq.

WEST BABYLON

AMPED-UP DEBATE

Town mulling a plan to build a battery storage facility — or answer calls for a moratorium

ONLY IN NEWSDAY

BY DENISE M. BONILLA

denise.bonilla@newsday.com

The Town of Babylon is considering a temporary moratorium on lithium-ion battery storage facilities even as municipal officials evaluate a proposal for such a facility in West Babylon.

The proposed legislation for a six-month moratorium on battery energy storage system facilities is centered on fire and environmental concerns, Town Attorney Joe Wilson said.

It comes after fires at three of the facilities in the state last year, including one in East Hampton in July.

Lithium-ion battery facilities are used to complement renewable energy sources such as wind and solar by storing electrical energy that can be used to meet elevated energy demands at peak times, town officials said.

The facilities are considered a key part of the state's plan to have a zero carbon emission electric grid by 2040, according to Katy Tatzel, a spokeswoman for PSEG Long Island, which manages the grid owned by LIPA.

But the batteries can overheat and explode, leading to fires that can be difficult to extinguish, Wilson said. A moratorium would give town officials "time to draft a new code which would address these facilities and where they can be in the town," he added.

A public hearing on the moratorium will take place at 3 p.m. on Jan. 31 at Town Hall. The towns of Southamptn, Southold and Huntington already have moratoriums on battery storage facilities.

An application pending before Babylon's planning board for a battery energy storage facility on Bahama Street next to a LIPA substation wouldn't be subject to the moratorium, according to Wilson.

Albany-based KCE NY 30



An aerial view of the open site at the corner of Bahama and Henry streets, where a battery storage facility could go. ■ Video: newsday.tv

What's at stake?

- A proposal for a **50-megawatt facility** in West Babylon is before the town's planning board.
- At the same time, officials are considering a **six-month pause** on such projects.
- The pending **proposal wouldn't be affected** by such a moratorium.
- The town **will hold a public hearing** on the possible moratorium on Jan. 31.

LLC has proposed a 50-megawatt facility on 3½ acres it leases from National Grid, according to the company's application.

The project was chosen by PSEG Long Island, which had issued a request for proposals for bulk energy storage on behalf

of LIPA in 2021, Tatzel said.

The facility would have 118 batteries "within containerized enclosures," with each enclosure being nearly 31 feet long, nearly 6 feet wide and more than 8 feet tall. Once completed, the site would "predominantly operate unmanned" 24 hours a day, the application states.

Babylon Assistant Chief Fire Marshal Anthony Cardali said local first responders have had to deal with smaller-scale lithium-ion battery fires, such as in e-bikes. He said such fires are "problematic to extinguish," requiring a "copious amount of water" even before they can reignite.

The concern with battery storage facilities is thermal runaway, where the batteries overheat and the resulting fire burns "very rapidly" and can reach temperatures of more

than 3,000 degrees, according to the fire official.

"We just don't have 100% all of the best information on how to extinguish it," Cardali said.

Gov. Kathy Hochul announced the creation of an interagency fire safety group after last year's three fires, whereby the state will inspect the facilities and ensure first responders have the proper fire suppression training.

Last month, the safety group said the three fires, which didn't result in any injuries, didn't produce any harmful toxins or migration of contaminants.

But Rich Groh, Babylon's chief environmental analyst, said he is worried about hazardous materials being released if there's a fire at the proposed facility. He said it is close to schools, a nursing home and residences, along with the San-

tapogue Creek watershed and wetlands — which he called a "critical environmental area."

Phil Denara, KCE NY 30 LLC's director of development, said in an email to Newsday that the proposed facility would be "designed to contain any thermal or fire incident, if one were to occur, which is extremely rare."

He said because the system would be remotely monitored on a constant basis, KCE would know "in real time if there is anything not operating correctly" and "the entire facility or any portion of it can be turned off within seconds."

Denara said the West Babylon site could provide enough energy to power about 40,000 homes and that such facilities are "fast-responding, flexible solutions that will help keep the electric grid reliable and stable."

NEWSDAY / J. CONRAD WILLIAMS JR.

newsday.com NEWSDAY, THURSDAY, JANUARY 11, 2024



NEWSDAY / JOHN PARASKEVAS

A new city law would allow attendees to bring reusable water bottles, with certain specifications, into NYC stadiums and arenas.

REUSABLE BOTTLE PLAN FOR NYC SPORTS VENUES

BY MATTHEW CHAYES

matthew.chayes@newsday.com

Sports venues in New York City would need to let attendees enter with a reusable bottle, under legislation passed by the City Council.

The legislation, which passed Wednesday by a veto-proof vote of 40-7, covers bottles made primarily of aluminum or stainless steel and would punish venues for failing to comply. The move is aimed at cutting back on the use of disposable plastic bottles.

"Sports venues would be able to require reusable beverage containers be empty upon entering the venue and to restrict entry with a reusable beverage container capable of holding more than 24 fluid ounces," according to a council summary of the legislation, Introduction No. 1161-A.

Mayor Eric Adams' press office did not respond to an emailed inquiry about the legislation. Madison Square Garden, where the Rangers and Knicks play; Barclays Center, home of the Nets; and the Mets also failed to respond. Yankee Stadium allows nonglass reusable bottles of a certain size.

The mayor can sign or veto the bill, but if he vetoes it, it would be sent back to the council, which can override a veto with a two-thirds vote. Once enacted, the law would take effect 120 days later.

Under the legislation, a venue that broke the law would face a fine of \$500 for the first violation, \$750 for the second violation on a different day within 12 months, and \$1,000 for the third and each violation thereafter.

At a news conference in ad-

vance of the vote, lead sponsor Councilman Shaun Abreu said: "If we want to adopt good habits then we have to make it easy for them, and that's what we're doing today."

The U.S. Open already allows attendees to bring their own plastic or metal bottles and provides on-site refill stations. "We are happy to have other venues join us in these efforts," Daniel Zausner, chief operating officer of the USTA National Tennis Center, said in a letter Abreu posted to X, formerly Twitter, earlier this week.

The legislation is supported by the Natural Resources Defense Council, which said in a statement that the law "is expected to eliminate the consumption and disposal of hundreds of thousands of plastic water bottles at New York City stadiums and arenas, every year."

The legislation doesn't require that venues provide water to fill a bottle — but that's next on the legislative agenda, Abreu told Newsday.

"We're activating a bill that would now require sport venues to provide for portable water stations," he said, citing what the Open provides.

It's not the first time that the New York City government has passed rules aimed at helping the environment by focusing on business practices.

As of November 2021, it was illegal for food-service establishments to give out single-use plastic straws, except if asked.

In late July 2023, establishments began being prohibited from providing plastic utensils and other items in delivery or takeout orders except upon request.

NY: 'NO HARMFUL

Preliminary report from blazes at 3 battery facilities

BY MARK HARRINGTON

mark.harrington@newsday.com

Fires at three large battery-storage facilities, including one in East Hampton, resulted in "no harmful levels of toxins detected" in their aftermath, according to preliminary findings by a state task force released Thursday.

But critics of placing the barn-sized lithium-ion facilities in residential neighborhoods suggested the state's report raised more questions than it answered, and some are bracing for fights across the region after Newsday reported plans for dozens of the facilities across Long Island and the state in coming years. At least two Long Island towns, Southold and Southampton, already have moratoriums to block new battery storage facilities, and others are reported to be considering similar measures.

Gov. Kathy Hochul convened an Inter-Agency Fire Safety Working Group after

three separate fires this summer at the facilities, which store electricity and are an important pillar of the state's plan for a carbon-free electric grid by 2040.

In a news release, Hochul's office noted there were no reported injuries from the fires, and that "available analyses of air quality, soil or water data collected" days after found no harmful levels of toxins. The group also found "no evidence of significant off-site migration of contaminants associated with the fires."

Among the fires under review was one at a 5-megawatt battery plant in East Hampton on May 31 that has taken the facility out of operation until June, officials have said. Internal systems put out the fire but caused extensive damage to the plant that requires complete replacement.

In an analysis about the East Hampton fire provided to Newsday by the state Department of Environmental Conservation, plant co-owner NextEra Energy noted that the type of fire that occurred at the Cove Hollow Road facility has the potential "to generate intense heat, which can make it easy for the fire to spread, as well as release

fumes."

To quell the fire, which can be "incredibly hard to extinguish due to the intense heat generated," the facility maintained an emergency sprinkler system that kept running for approximately 30 hours after the blaze started, the report said.

"This resulted in water inside the building eventually exiting the building and migrating to the adjacent dirt road to the southwest of the compound."

While the samples detected aluminum, arsenic, barium, beryllium, calcium, chromium, copper, iron, lead, magnesium, manganese, mercury, nickel, potassium, silver, vanadium and zinc, the amounts were below "New York Soil Cleanup objects for commercial use" and "in most cases residential soil cleanup objectives."

The report added: "It is apparent that there are no adverse impacts to the soils as a result of the battery fire discharge water," and the owners recommended that "no further investigation or remedial activities" were needed. They requested the status of the spill be closed.

The analysis also discusses

Local elections to be held

BY YANCEY ROY

yancey.roy@newsday.com



OFFICE OF THE GOVERNOR OF NY VIA AP

Gov. Kathy Hochul signed the bill that will move local elections to even-numbered years, along with other bills, on Friday.

ALBANY — Gov. Kathy Hochul on Friday signed a new law that could radically transform local elections in New York, switching them to even-numbered years to coincide with gubernatorial and presidential elections.

It was one of many bills the Democratic governor signed or vetoed Friday, as part of the typical rush to act on bills just before New Year's Day. Other new laws will increase the number of judges statewide to handle courtroom backlogs; require insurance coverage for biomarker testing for cancer patients; prohibit use of certain pesticides; and outlaw any "wildlife derby" for coyotes and some other animals

LEVELS OF TOXINS' AFTER FIRES



The a 5-megawatt battery plant in East Hampton had a May 31 fire that will keep the facility out of operation until June, officials say.

VERONIQUE LOUIS

the inability of some contractors to test for lithium, though ultimately they did test for lithium.

One vocal opponent of a

state-approved plan to build a 110-megawatt battery in a neighborhood in Holtsville near existing power and fuel facilities, took issue with the state's pre-

liminary findings.

"I think the study was rushed and the lack of public transparency, involvement, lack of outreach to the local

elected officials, calls into question the full scope and validity of the working group's results," said Gabrielle Corso, who is leading a group of residents in

opposition to the Holtsville battery plant.

Corso said she'd like to know what specifically is being cleaned up at the site in East Hampton, where the May fire occurred. "I'd like to know what they measured" to justify its finding of "no harmful levels of toxins," Corso said.

Concerns caused by that fire and separate fires at plants in Jefferson and Orange counties have led to protests by neighborhood groups at proposed facilities on Long Island. The Orange County fire on school grounds in Warwick kept emergency crews working for days, Newsday reported, while a separate large fire near Watertown in Jefferson County produced smoke that officials warned residents to avoid inhaling.

LIPA and the state are planning dozens of such facilities to store energy — up to 6,000 megawatts statewide — to replace small local fossil-fuel fired peak power plants which must be retired by 2040. The batteries can store energy from a coming generation of offshore wind and solar power plants, then make that power available when the wind isn't blowing or the sun isn't shining.

in even-numbered years, beginning in 2026

in which the objective is to take wildlife.

The most important political measure will switch most local elections from odd-numbered years to even-numbered years. New York City is unaffected.

Advocates for the new law argue that New York traditionally has higher voter turnout in even-numbered years than in odd years when town and county offices are on the ballot.

But the key political point is Democrats historically have a much better turnout during gubernatorial and, particularly, presidential years.

The law will become effective in 2026, officials said.

"By signing this legislation, we are taking a significant step towards expanding access to the ballot box and promoting a

more inclusive democracy," Hochul, a Democrat, said in a statement.

Republicans criticized the new law as an attempt to nationalize local elections and boost Democrats' chances in contests for county executive, town supervisor and other local offices.

Senate Minority Leader Rob Ortt (R-North Tonawanda) said: "The touted benefits of this bill are a total sham concocted to hide the Democrat's goal of expanding one-party control to every level of government."

Democrats and a number of government watchdog groups praised Hochul's decision, citing the prospect of higher voter turnout and reduction in "voter fatigue" from going to the polls every year.

"We know from experience across the country that it will boost voter turnout, promote participation by a more representative electorate, and ensure that more eligible New Yorkers have a say in the decisions that affect their local communities," Joanna Zdany, counsel at the Brennan Center for Justice at New York University Law School, said in a statement.

State Assem. Michaele Solages (D-Elmont), chair of the Black, Puerto Rican, Hispanic & Asian Legislative Caucus, said: "By streamlining the election process and aligning it with a period of heightened civic activity, New York State aims to strengthen voter engagement and empower disadvantaged communities to select accountable representa-

tion at the local level."

Republicans contend the move is about political power and election advantage, not good government.

"Moving local elections to even-numbered years will completely shift the focus away from local candidates, campaigns and community concerns," Assembly Minority Leader Will Barclay (R-Pulaski) said Friday. "Those critical elections will now be shoved aside and sent down-ballot by bigger races on statewide and national scales."

Hochul faced a weekend deadline for signing or vetoing a number of bills the State Legislature approved earlier this year.

The pesticide bill will prohibit the use of "neonicotinoid pesticides" on corn and wheat

seeds, as well as turf. Sen. Brad Hoylman-Sigal (D-Manhattan) called them one of the most "ecologically destructive pesticides since DDT."

The law won't take effect until 2027. The nonprofit New York Farm Bureau, which represents agricultural interests, said the timing will allow for training and development of regulations as well as potential waivers in some cases. The bureau applauded Hochul for negotiating some flexibility into the new law.

The hunting bill bans any "wildlife derby" or similar competition for killing animals such as squirrels, coyotes, woodchucks and foxes. It won't apply to more established competitions for fish, bear, turkey or white-tailed deer. The law takes effect in November.

DRUG TREATMENT CENTER PLANNED

Vacant Yaphank nursing home to be converted

ONLY IN NEWSDAY

BY ROBERT BRODSKY
AND CARL MACGOWAN
robert.brodsky@newsday.com
carl.macgowan@newsday.com

The former John J. Foley nursing home in Yaphank, which has sat vacant for more than a decade, will be sold next month to a Manhattan real estate company that plans to transform the five-story building into an inpatient drug treatment and rehabilitation center for youth and adults, according to officials involved in the project.

Empire Equities Capital LTD, a company that purchases vacant buildings, is expected to close on the site next month, purchasing the 170,000-square-foot building for \$7.6 million from NYU Langone Health, according to the purchase and sale agreement, which was provided exclusively to Newsday.

Suffolk County, which previously owned and operated the 264-bed public nursing home, sold the property in 2016 to Brookhaven Memorial Hospital Medical Center for \$15 million. Brookhaven Memorial later became Long Island Community Hospital, which merged with NYU Langone in 2022.

Julie Vitrano, Empire Equities' property manager and the executive assistant to company president Daniel Rokeach, said the victims of Long Island's opioid and fentanyl crisis need long-term help, not only getting free of drugs but in readjusting to society.

"We don't want people to go in needing help and just being allowed to stay for three or four days, maybe a week. And the next thing you know, they're back on the streets," Vitrano said. "I want to be able to put something together where we can help them and then also teach them how to live without going back on the streets."

Vitrano said she's planning to bring in established organizations in the medical and drug rehabilitation field to help oper-



The former John J. Foley nursing home in Yaphank is being sold and will be converted to a drug treatment and rehabilitation center.

ate the new facility, including a detox center.

At the time of its purchase, Brookhaven Memorial had plans to provide "vital outpatient services" on the premises, such as dialysis, adult day care, Medicaid assisted living, pediatric services and drug alcohol rehabilitation, according to the hospital's proposal to the county.

But those plans never materialized and the building remains in virtually the same condition as when the last nursing home patient left in 2013.

In a statement, NYU Langone said Long Island Community Hospital "made a decision to market the property for sale. After NYU Langone Health's affiliation with the hospital took effect, the decision was made to sell the building. It is our hope that the property's new owners will find an appropriate community use for it."

Wing for younger patients

The proposed facility would have a separate wing focused on helping patients, primarily teens and young adults, readjust to society after getting clean, said Gary Bodenbun, a special-education teacher and administrator, who is part of the project.

"There's very few treatment programs," said Bodenbun, who ran unsuccessfully last month for Brookhaven Town Council.

"But on top of that, there's even fewer re-education programs; training these children and youth to be able to re-acclimate into society after beating drug addiction and not having greater recidivism back into these types of rehab programs."

It was not immediately clear how many inpatient beds the new facility would hold, although Bodenbun said a 400-to-800 estimate was possible.

The long-term plan, Vitrano said, is to potentially add an elder nursing or rehabilitation center wing to the property.

The drug rehabilitation center would require certification from the State Health Department.

Reopening the building would not require zoning approvals from the Town of Brookhaven but would require new building permits, site plan approval and variances for interior and exterior alterations, said incoming town Supervisor Dan Panico, adding the new owners have yet to submit any applications.

"We do not want to see empty, blighted buildings," said Panico, currently a town councilman. "We want to see the property renovated [and] active and, as it no longer is a county property, on the tax rolls."

Suffolk County said it is not involved in the development

and the applicant would not need their approval.

Long process

Plans to sell the nursing home stretch back to the administration of then-County Executive Steve Levy, who in 2007 proposed unloading the property to help plug county budget gaps.

Three years later, the county Legislature rejected a plan to sell the site for \$36 million to Bronx nursing home operator Kenneth Rozenberg.

In 2012, County Executive Steve Bellone reached agreement with another nursing home operator to sell Foley for \$23 million. But that plan fell apart amid lawsuits filed by county lawmakers and the Association of Municipal Employees, which represented Foley workers.

The nursing home, which at the time was losing more than \$1 million per month, closed in July 2013.

Linda Petersen, a Yaphank civic leader, said the change in ownership — and the prospect that the site may finally return to active use — is a welcome development.

"I think that the people who live in that area would be very happy," said Petersen, vice president of the Yaphank Taxpayers and Civic Association. "I think it'll be great because it's sitting there wasting anyway."

Timeline

1871: Suffolk County buys Yaphank farm to build an almshouse for the poor and destitute. New infirmary and hospital buildings are constructed in 1919 and 1937.

1995: Suffolk County legislators opt to build a new nursing facility at Yaphank, the John J. Foley Skilled Nursing Center.

2008-2015: Several efforts to sell the home fail as the county searches for ways to close budget deficits. This included two offers from private nursing home operator Kenneth Rozenberg, both of which went nowhere.

September 2015: Brookhaven Memorial Hospital Medical Center makes \$15 million offer; hospital would use the facility to provide dialysis, mental health and drug rehab services. The center completes the purchase but never uses the facility and it continues to sit vacant.

2022: NYU Langone merges with Long Island Community Hospital, formerly Brookhaven Memorial Hospital Medical Center.

December 2023: Empire Equities Capital LTD, a company that purchases vacant buildings, announces plans to buy the building and property for \$7.6 million and make it a drug treatment center and nursing home.

NEWSDAY / ALEXANDRA VILA LOARCA

newsday.com

NEWSDAY / FRIDAY, DECEMBER 15, 2023

PORT JEFFERSON STATION

2nd pitch on tap for apartments proposal

BY CARL MACGOWAN
carl.macgowan@newsday.com

A Hauppauge developer is pushing forward with plans to build a 48-unit apartment complex in Port Jefferson Station despite opposition from civic leaders and a Brookhaven Town official.

Three civic associations last fall rejected the project, called Brook Meadows, which would include six two-story buildings on a 5.6-acre parcel at 16 Baylis Ave.

Brook Meadows would be the latest apartment complex near the Port Jefferson train station, joining four multifamily complexes with a total of about 200 units in Port Jefferson's Upper Port neighborhood.

But civic leaders say Brook Meadows would be too near industrial properties, including the former Lawrence Aviation, a federal Superfund cleanup site.

"It just doesn't make sense," said Ira Costell, president of the Port Jefferson Station-Terryville Civic Association. "There's no support [for the project] that I'm aware of."

Suffolk officials have announced plans to use parts of the 126-acre Lawrence Aviation site as a solar farm and rail yard, with 42 acres preserved as open space.

George Hoffman, president of the Three Village Civic Association, said the organization opposes Brook Meadows because it "could complicate future plans" for the shuttered airplane parts manufacturing site by adding housing to an industrial area.

Jim Tsunis, managing member of Northwind Group, the project's developer, said in an interview Tuesday he hopes to drum up public support for the project. He plans to address the Port Jefferson Civic Association on Monday. The 6:30 p.m. meeting will be at the Port Jefferson Library.

He said the complex, which also would include a clubhouse, barbecue pits, a playground and a small recreational area, would be located within walking distance of the Port Jefferson train station. A house and several sheds, barns and garages on

the site will be demolished, according to papers filed with the Suffolk County Planning Commission.

Northwind has filed papers asking the Brookhaven Town Board to change the property's zoning, which allows only light industrial uses, to permit multifamily housing, Tsunis said.

The town board has not scheduled a public hearing on that request, Town Clerk Kevin LaValle said in an email.

The county planning commission in an 8-4 vote on Oct. 4 ruled that Brook Meadows would be "incongruous" with industrial businesses in the area. Brookhaven officials had asked the commission to determine whether the plan would conform with current and existing businesses. The commission's vote does not affect whether Brookhaven approves the proposal.

Tsunis said the commission's conclusion "couldn't be further from the truth. The area is surrounded by residential [development] to the north, to the south and to the east."

He said an earlier proposal by another developer for an industrial business on the site was opposed in 2019 by local officials, adding 60 neighboring residents and a nearby church support the Northwind proposal.

Brookhaven Councilman Jonathan Kornreich, who represents Port Jefferson Station on the town board, said he "would not be prepared to cast a vote in favor of changing the zone," adding town officials have focused on redeveloping that section of the hamlet with upgraded retail and office buildings, rather than new housing.

Ana Hozyainova, president of the Port Jefferson Civic Association, said that group voted overwhelmingly last fall to oppose Northwind's proposal, adding she agreed to give Tsunis a chance at Monday night's meeting to persuade group members to change their minds. A second vote will be taken after Tsunis speaks at the meeting, she said.

"There might be a change of heart," she said. "I expect to have a robust discussion."



ATTENTION FIREFIGHTERS

Were you exposed to firefighting foam?

Firefighting foam, commonly used to fight jet fuel fires, has been widely used by the military and fire departments since the mid 1950s. However **firefighting foam contains chemicals known as PFAS**, which have been linked to illnesses like cancer.

Sokolove Law is currently investigating cases nationwide involving **pancreatic, kidney, testicular, thyroid, bladder, breast, liver, colon/colorectal and prostate cancer, as well as leukemia and lymphoma** after occupational exposure to firefighting foam.

If you or a loved one were diagnosed with cancer after exposure to firefighting foam, you may be entitled to receive **compensation**.

Call 844-230-8513 now
for a **FREE** legal consultation.



This is a paid advertisement for legal services. Sokolove Law, LLC (LLP in certain states), 1330 Boylston St, Chestnut Hill/MA. Ricky LeBlanc admitted in MA only. Members: Paul Dix, Alton, IL, admitted AR, Rich Grabow, 970 Farmington Ave West Hartford/CT (860) 904-7789, Paul J. Morgan, Winter Park/ FL, Nick Nighswander, Florence/KY, Michael Breaux, Gonzales, admitted LA, Gregg Hobbie, NJ, Matt Christian, 1007 East Washington Street, Greenville SC. Co-funder / AL: Environmental Litigation Group PC, Birmingham. The choice of a lawyer is an important decision that should not be based solely upon advertisements. No representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers. While this firm maintains joint responsibility, most cases of this type are referred to other attorneys for principal responsibility. Prior results do not guarantee a similar outcome. The Wyoming State Bar does not certify any lawyer as a specialist or expert. Anyone considering a lawyer should independently investigate the lawyer's credentials and ability, and not rely upon advertisements or self-proclaimed expertise. Free background information available upon request. ©2021 Sokolove Law, LLC



Developer continues push for Port Jefferson Station complex despite opposition.

TOM LAWRENCE

newsday.com
NEWSDAY, MONDAY, JANUARY 8, 2024

2/7/2024

EDITORIAL

Warehouses must yield to LI's needs

■ **MEMBERS OF THE EDITORIAL BOARD** are experienced journalists who offer reasoned opinions, based on facts, to encourage informed debate about the issues facing our community.

An effort by state lawmakers to establish air-quality standards for the massive warehouses sprouting up across the region and the state could impose some necessary and important regulations on a burgeoning industry.

But it may be too late to truly curtail the ever-growing warehouse boom. Long Island already has seen more than 11 million square feet of warehouse space proposed or built, much of which comes with round-the-clock activity, including large trucks regularly coming in and out. Many of those sprawling projects have already received government support, often through tax breaks.

The need and demand for such space remains enormous. The more Long Islanders are ordering from Amazon, Walmart, Target and other e-commerce entities, and expecting their deliveries within days, if not hours, the more such warehouses and last-mile delivery sites will be necessary.

But state lawmakers rightly argue that the industry's damaging side effects could adversely impact the state's efforts to meet its climate goals, and more immediately, affect a variety of neighborhoods, especially communities of color, which are facing increasingly dangerous

levels of pollution and other harmful hazards.

The proposed Clean Deliveries Act would establish reporting, monitoring and data-gathering requirements for current warehouses, and a permitting process for new or modified facilities that would require traffic and noise reduction and mitigate the impact of such warehouses on nearby



GARY LICKER

The Amazon warehouse, just north of the Long Island Expressway, in Syosset.

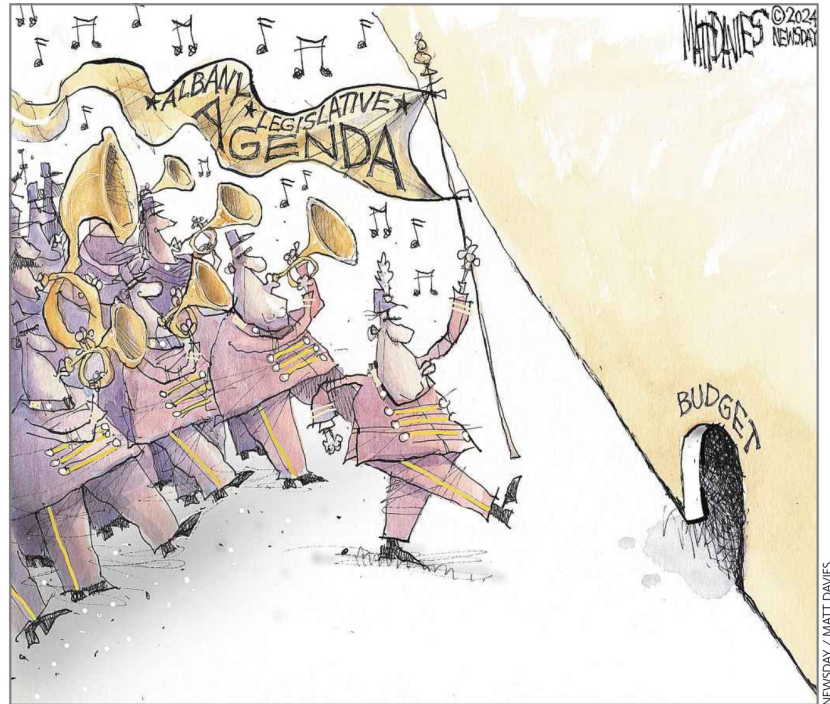
parks, schools, playgrounds, nursing homes and more. Also key: A plan to study the possibility of establishing low- or zero-emissions zones that could restrict deliveries or require trucks to meet specific standards.

Such regulations could help. But leaders across the region also must start prioritizing housing and other mixed-use development over the seemingly easier idea of adding warehouse space. The former Cerro Wire property in Syosset is a prime example. The site would've and should've been ideal for housing or a mix of uses that could have provided a significant boost to the neighborhood. But after years of community opposition to good proposals, the parcel, adjacent to the Long Island Expressway, became a massive Amazon warehouse, buoyed by Nassau County Industrial Development Agency tax breaks.

There's no question that the region will continue to need warehouse space to meet residents' ongoing e-commerce habits. But elected officials will have to find the right balance. They must find ways to meet the demand without overrunning the Island with warehouses that take up valuable land that could be used for more pressing interests. That can start with ending the practice of providing warehouses with tax breaks they neither qualify for nor need.

But there's a bigger task ahead. As warehouses continue to multiply, local officials must consider the potentially adverse impacts and the alternative economic development opportunities — including housing — Long Island still desperately needs. That's a far more important use of the land.

MATT DAVIES



■ **EDITORIAL CARTOONIST MATT DAVIES'** opinions are his own. You can see more of his work at: newsday.com/matt

LETTERS

Different lessons about LI teachers

I'm amazed that teachers making six figures are complaining about their commute and cost of living ["Commute, costs are driving away East End teachers," News, Jan. 3]. Long Island has historically been a commuter community. Many complain about their commutes.

For years, I drove from Northport to a courthouse in lower Manhattan, sometimes spending three to four hours a day in the car. It takes me 40 minutes just to

get to the highway in the morning.

Many endure this waste of time. Teachers do it, too, but most get their summers off. Their commute home is not even during rush hour.

I'm not quite sure what they're complaining about that's any different from the rest of us.

— ADRIENNE BRYANT,
NORTHPORT

Although the article refers to the East End, the same will happen to the rest of Long Island with young teachers having to leave. A family member has been

teaching for 12 years and doesn't even earn what the State Department of Labor says is the median elementary school teacher salary on Long Island — \$106,232.

Salaries must increase to allow young teachers to remain on Long Island and afford a place to live. The problem is, when will this happen, and will it be too late?

— SUSAN REDMOND,
WEST SAYVILLE

Can we fix housing and keep suburbia?

Aware of the good work of Nancy Douzinas and the Rauch Foundation, I read with interest her op-ed about Long Island's failure to provide sufficient multifamily housing ["Multifamily housing still an LI problem," Opinion, Jan. 2].

But I am not sure what she was really saying other

■ **WE ENCOURAGE YOU TO JOIN OUR DAILY CONVERSATION** by using our newly designed form. Just go to newsday.com/submitaletter and follow the prompts. Or email your opinion on the issues of the day to letters@newsday.com. Submissions should be no more than **200 words**. Please provide your full name, hometown, phone number and any relevant expertise or affiliation. Include the headline and date of the item you are responding to. Letters become the property of Newsday and are edited for all media. Due to volume, readers are limited to one letter in print every **45 days**. Published letters reflect the ratio received on each topic.

TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY
APPLICATION FOR CONSENT TO SUBLEASE

APPLICATION OF: Hawkins Ave Development RHP2, LLC (“Company”)
FOR CONSENT TO SUBLEASE TO
Poki Poke Ronkonkoma Inc. (“Subtenant”)
FACILITY/PROJECT: Hawkins Ave Development RHP2, LLC 2021 Facility - Ronk Hub Phase 2A
DATE: November ____, 2023

Please respond to all items either by filing in blanks, by attachment (by marking space “see attachment number 1”, etc.) or by N.A., where not applicable.

Application must be filed in one (1) original and one (1) electronic form.

A \$750.00 non-refundable application fee made payable to the Town of Brookhaven Industrial Development Agency is required at the time of submission to the Agency.

Information provided herein will not be made public by the Agency prior to the passage of an official Resolution but may be subject to disclosure under the New York State Freedom of Information Act.

Please write or call:

Town of Brookhaven Industrial Development Agency
One Independence Hill
Farmingville, New York 11738

(631) 406-4244

I. Company Data

A. Company: Hawkins Ave Development RH2, LLC

Contact: Robert J. Coughlan

Title/Position: Managing Member

Address: c/o Trilec Real Estate Company, Inc., ... Stony Brook Technology Center, 45 Research Way, Suite 100, East Setauket, NY 11733
[REDACTED]

Phone: [REDACTED]

Federal Employer I.D.: [REDACTED]

B. Related User of the Facility:

Name	Relationship
<u>N/A</u>	<u>N/A</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

C. Company Counsel

Firm Name: Farrell Fritz, P.C.

Individual Attorney: Peter L. Curry, Esq.

Address: 400 RXR Plaza, Uniondale, NY 11556

Phone: (516) 227-0772

II. Project/Facility Data

A. Location of Project: North Side of Railroad Avenue and East Side of Hawkins Avenue

Address: Railroad Avenue and Hawkins Avenue, Ronkonkoma, NY 11779

S.C. Tax Map:				044.000, 047.001, 048.000, 049.000, 051.001, 052.000,
District <u>0200</u>	Section <u>799.00</u>	Block <u>04.00</u>	Lot <u>053.000 & 054.000</u>	
0200	800.00 2	01.00	027.001	

B. Current Occupants, Area Occupied, and Uses

Current Occupant	Area Occupied (Sq. Ft.)	Use	Current # of FTEs
<u>Vacant</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

III. Proposed Subtenant

A. Name of Subtenant: Poki Poke Ronkonkoma Inc.

B. Address: 17 Opal Court, Hauppauge, NY 11788

C. Contact:

 Name: Andrew Kim

 Phone: [REDACTED]

D. Affiliates Names and Addresses: Poki Poke

E. Current Location: 1710-3 Route 112 Coram NY 11727

F. Subtenant Counsel:

 Firm Name: N/A

 Individual Attorney: Jesse James Burke, Esq.

 Address: 394 Old Country Road, Suite 206

 Phone: Garden City, NY 11530

G. Will the completion of the project or the subleasing to the Subtenant result in the removal of any facility or facilities of the Applicant from one area of the State to another OR in the abandonment of any facility or facilities of the Applicant located within the State?

YES _____ NO X

i. If no, explain how current facilities will be utilized

Current facilities will continue to operate regularly.

ii. If yes, please indicate whether the subleasing of the Facility to the Subtenant is reasonably necessary for the Subtenant to maintain its competitive position in its industry or remain in the State and explain in full:

N/A

H. Principal stockholders, members, or partners, if any, of Subtenant:

Name and Address	Percent Owned
<u>Andrew Kim</u>	<u>55</u>
<u>Vinny Greco</u>	<u>15</u>
<u>Jennifer and Alexa Quinn</u>	<u>30</u>

I. Has the Subtenant, or any subsidiary or affiliate of the Subtenant, or any stockholder, partner, member, officer, director, or other entity with which any of these individuals is or has been associated with:

i. Ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding?

YES _____ NO X _____

1. If yes, please explain

ii. Been convicted of a felony, or misdemeanor, or criminal offense (other than a motor vehicle violation)?

YES _____ NO X _____

1. If yes, please explain

J. Relationship of Subtenant to Company (e.g., affiliate, arm's-length tenant, etc.)

Arm's-length tenant

K. Proposed area of the facility to be occupied by the Subtenant (Sq. Ft.) 1,361

L. Describe the specific operations of the Subtenant or other users to be conducted at the project site:

The business of the operation of a fresh fish and sushi/poke bowl
and bubble tea food service similar to Subtenant's other stores.

M. Does the proposed use and occupancy of the Subtenant conform with all applicable zoning, planning, building and Environmental Laws, ordinances, rules and regulations of governmental authorities having jurisdiction over the Facility?

YES X NO _____

i. If no, please explain

IV. Proposed Sublease Agreement Terms

A. **Attach a copy of Executed Sublease Agreement (may be conditioned upon Agency approval)**

Term:	<u>15 years and 3 months</u>
Commencement Date:	<u>August 31, 2023</u>
Guarantors:	<u>Alexandra Quinn, Jennifer Quinn-Reph, Vincent Greco, Andrew Kim</u>
Base Rent:	<u>\$52,398.50</u>
Base Rent Increases and Intervals:	<u>3% annually.</u>
Common Area Rent:	<u>\$8.77 per square foot estimated common area costs.</u>

B. Improvements to Proposed Demised Area to be Made by **Company**

Description: See attachment 1.

Cost: _____

Source of Payment: Equity and construction loan.

C. Improvements to Proposed Demised Area to be Made by **Subtenant**

Description: Typical fit up for a "Poki Poke" store.

Cost: _____
Source of Payment: Company allowance and Subtenant equity.

D. Fair Market Rent Evaluation

Is rent to be charged Fair Market? YES NO

How was Fair Market rent determined? (Attach supporting documentation)

Company retained Long Island based commercial real estate broker.

E. Does or will any of the "Financial Assistance" provided by the Agency, including Real Estate Tax Exemption, Sales and Use Tax Exemption, benefit the Subtenant in any manner?

YES NO

If yes, explain

The Subtenant will benefit because the tax payment Subtenant is responsible for is lower than if there was no Financial Assistance and the Company's work letter will benefit from the sales tax exemption.

F. How many Full-Time Equivalent Employees (FTEs) are there presently at the subtenant's current location: 7

How may additional FTEs are to be expected at the Facility regarding this application: 5

G. Salary and Fringe Benefits by Subtenant

Jobs To be Created:

	Average Salary	Average Fringe Benefits
Salary Wage Earners	<u>84,000</u>	<u>Medical, Dental, Vision</u>
Commission Wage Earners	<u> </u>	<u> </u>
Hourly Wage Earners	<u>35,000</u>	<u>Medical, Dental, Vision</u>
1099/Contract Workers	<u> </u>	<u> </u>

What is the annualized salary range of jobs to be created?

\$ 35000 to \$ 84000

What is the number of construction jobs created as a result of this Subtenant Application? N/A (FTEs)

V. Mortgagees

Have the Holders of all mortgages or record consented to the proposed sublease?

YES NO X

If yes, attach evidence thereof.

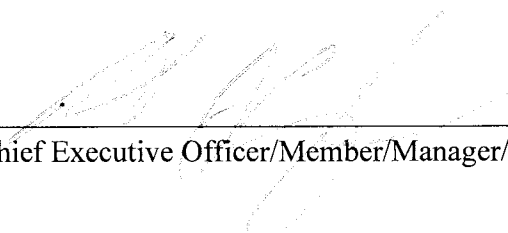
COMPANY CERTIFICATION

Robert J. Coughlan [Insert name of Chief Executive Officer/Manager/Partner of proposed Company] deposes and says that s/he is the Managing Member [insert title] of Hawkins Ave Development RHP2, LLC [insert name of Company], the company named in the attached application; that s/he has read the foregoing application and knows the contents thereof; that the same is true to her/his knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by Hawkins Ave Development RHP2, LLC

[insert name of Company] is because the said company is a limited liability company [insert type of entity]. The grounds of deponent's belief relative to all matters in the said application which are not stated upon her/his own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as an officer of and from books and papers of said company.

As an Managing Member [insert position, e.g., officer, member, manager, partner] of said company (hereinafter referred to as the "applicant"), deponent acknowledges and agrees that applicant shall be and is responsible for all costs incurred by the Town of Brookhaven Industrial Development Agency (hereinafter referred to as the "Agency") in connection with this application and all matters relating to the proposed sublease, including the Agency's attorneys' fees, regardless of whether or not the applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified period of time to take reasonable, proper, or requested action or withdraws, abandons, cancels, or neglects the application or if the applicant is unable to consummate the sublease for any reason. upon presentation of invoices, applicant shall pay to the agency, its agents or assigns, all costs incurred with respect to the application, including fees to counsel for the agency and fees of general counsel for the agency.



Chief Executive Officer/Member/Manager/Partner of Company

Sworn to before me this 20 day of November 2023



NOTARY PUBLIC

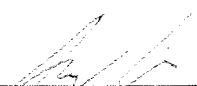
LINDA M. LOBIONDO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01LO6187648
Qualified in Suffolk County
My Commission Expires 05-27-2024

UNITED STATES DISTRICT COURT

Case No. _____ [insert name of Debtor] et al.
[insert name of proposed Subtenant] et al. vs. [insert name of Debtor]

I, _____ [insert title of Notary Public]
[insert name of Subtenant], the proposed subtenant named in the attached application, have read the foregoing application and knows the contents thereof that the statements therein are true to my knowledge.

I hereby further says that the reason this verification is being made by me (deponent) and not by _____ [insert name of Subtenant] is because the said proposed subtenant is a corporation _____ [insert name of entity]. The grounds of deponent's belief relative to all matters in the said application which are not stated upon her own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as an officer of and from books and papers of said proposed subtenant.



Chief Executive Officer/Member/Manager/Partner of Subtenant

Sworn to before me this
23 day of October 2023



NOTARY PUBLIC

My Commission Expires _____
I am Notary Public for the State of _____
My Office is located at _____
My Office Phone Number is _____
My Office Fax Number is _____
My Office E-mail Address is _____

TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY
APPLICATION FOR CONSENT TO SUBLEASE

APPLICATION OF: WF Industrial XII LLC (“Company”)

FOR CONSENT TO SUBLEASE TO
1001 Expressway Drive Building A Solar LLC (“Subtenant”)

FACILITY/PROJECT: WF Industrial XII LLC 2023 Facility

DATE: January 3rd, 2024

Please respond to all items either by filing in blanks, by attachment (by marking space “see attachment number 1”, etc.) or by N.A., where not applicable.

Application must be filed in one (1) original and one (1) electronic form.

A \$750.00 non-refundable application fee made payable to the Town of Brookhaven Industrial Development Agency is required at the time of submission to the Agency.

Information provided herein will not be made public by the Agency prior to the passage of an official Resolution but may be subject to disclosure under the New York State Freedom of Information Act.

Please write or call:

Town of Brookhaven Industrial Development Agency
One Independence Hill
Farmingville, New York 11738

(631) 406-4244

I. Company Data

A. Company: WF Industrial XII LLC
Contact: Zachary Campbell
Title/Position: Authorized Signatory
Address: 80 8th Avenue, Suite 1602
Phone: _____
Federal Employer I.D.: ██████████

B. Related User of the Facility:

Name	Relationship
_____	_____
_____	_____
_____	_____

C. Company Counsel

Firm Name: Greenberg Traurig
Individual Attorney: Daniel Baker
Address: 900 Stewart Ave, Garden City, NY
Phone: 516-629-9610

II. Project/Facility Data

A. Location of Project: Yaphank, New York
Address: 1001 Expressway Drive North
S.C. Tax Map:
District 200 Section 662 Block 02 Lot 516

B. Current Occupants, Area Occupied, and Uses

Current Occupant	Area Occupied (Sq. Ft.)	Use	Current # of FTEs
NA			

III. Proposed Subtenant

- A. Name of Subtenant: 1001 Expressway Drive Building B Solar LLC
- B. Address: 211 East 43rd Street New York, NY 10017
- C. Contact:
- Name: Abe Naparstek
- Phone: [REDACTED]
- D. Affiliates Names and Addresses: G&S Long Island Solar, LLC
- E. Current Location: 211 East 43rd
- F. Subtenant Counsel:
- Firm Name: DelBello Donnellan Weingarten Wise & Wiederkehr, LLP
- Individual Attorney: Heidi M. Winslow
- Address: One North Lexington Avenue White Plains, New York 10601
- Phone: [REDACTED]

G. Will the completion of the project or the subleasing to the Subtenant result in the removal of any facility or facilities of the Applicant from one area of the State to another OR in the abandonment of any facility or facilities of the Applicant located within the State?

YES _____ NO X

i. If no, explain how current facilities will be utilized

This is a new solar installation on the roof of the building.

ii. If yes, please indicate whether the subleasing of the Facility to the Subtenant is reasonably necessary for the Subtenant to maintain its competitive position in its industry or remain in the State and explain in full:

H. Principal stockholders, members, or partners, if any, of Subtenant:

Name and Address	Percent Owned
<u>Gregg Wasser, 211 East 43rd</u>	<u>70%</u>
<u>Abe Naparstek, 211 East 43rd</u>	<u>10%</u>
<u>Steven Klaiman, 211 East 43rd</u>	<u>10%</u>

I. Has the Subtenant, or any subsidiary or affiliate of the Subtenant, or any stockholder, partner, member, officer, director, or other entity with which any of these individuals is or has been associated with:

i. Ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding?

YES _____ NO X _____

1. If yes, please explain

ii. Been convicted of a felony, or misdemeanor, or criminal offense (other than a motor vehicle violation)?

YES _____ NO X _____

1. If yes, please explain

J. Relationship of Subtenant to Company (e.g., affiliate, arm's-length tenant, etc.)

Arm's length tenant.

K. Proposed area of the facility to be occupied by the Subtenant (Sq. Ft.) 203,548

L. Describe the specific operations of the Subtenant or other users to be conducted at the project site:

Solar facility.

M. Does the proposed use and occupancy of the Subtenant conform with all applicable zoning, planning, building and Environmental Laws, ordinances, rules and regulations of governmental authorities having jurisdiction over the Facility?

YES X NO _____

i. If no, please explain

IV. Proposed Sublease Agreement Terms

A. **Attach a copy of Executed Sublease Agreement (may be conditioned upon Agency approval)**

Term: 25 years
Commencement Date: January 2024
Guarantors: G&S SOLAR HOLDINGS LLC and G&S INVESTORS
Base Rent: \$140,289/year
Base Rent Increases and Intervals: n/a
Common Area Rent: n/a

B. Improvements to Proposed Demised Area to be Made by **Company**

Description: NA

Cost: _____

Source of Payment: _____

C. Improvements to Proposed Demised Area to be Made by **Subtenant**

Description: Build a 2,040 kW solar system.

Cost: \$4.48 million
Source of Payment: 3rd party debt and equity from G&S Solar

D. Fair Market Rent Evaluation

Is rent to be charged Fair Market? YES NO

How was Fair Market rent determined? (Attach supporting documentation)

Arms length negotiation.

E. Does or will any of the “Financial Assistance” provided by the Agency, including Real Estate Tax Exemption, Sales and Use Tax Exemption, benefit the Subtenant in any manner?

YES NO

If yes, explain

F. How many Full-Time Equivalent Employees (FTEs) are there presently at the subtenant’s current location: NA

How may additional FTEs are to be expected at the Facility regarding this application: NA

G. Salary and Fringe Benefits by Subtenant

Jobs To be Created:

	Average Salary	Average Fringe Benefits
Salary Wage Earners	_____	_____
Commission Wage Earners	_____	_____
Hourly Wage Earners	_____	_____
1099/Contract Workers	_____	_____

What is the annualized salary range of jobs to be created?

\$ _____ to \$ _____

What is the number of construction jobs created as a result of this Subtenant Application? ¹⁰ _____ (FTEs)

V. Mortgagees

Have the Holders of all mortgages or record consented to the proposed sublease?

YES NO _____

If yes, attach evidence thereof.

COMPANY CERTIFICATION

Mark Freeman [Insert name of Chief Executive Officer/Manager/Partner of proposed Company] deposes and says that s/he is the Managing Director [insert title] of WF Industrial XII LLC [insert name of Company], the company named in the attached application; that s/he has read the foregoing application and knows the contents thereof; that the same is true to her/his knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by WF Industrial XII LLC

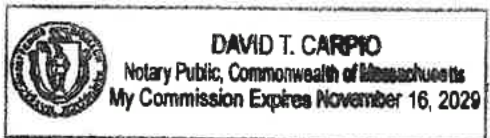
[insert name of Company] is because the said company is a Limited Liability Company [insert type of entity]. The grounds of deponent's belief relative to all matters in the said application which are not stated upon her/his own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as an officer of and from books and papers of said company.

As an Managing Director [insert position, e.g., officer, member, manager, partner] of said company (hereinafter referred to as the "applicant"), deponent acknowledges and agrees that applicant shall be and is responsible for all costs incurred by the Town of Brookhaven Industrial Development Agency (hereinafter referred to as the "Agency") in connection with this application and all matters relating to the proposed sublease, including the Agency's attorneys' fees, regardless of whether or not the applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified period of time to take reasonable, proper, or requested action or withdraws, abandons, cancels, or neglects the application or if the applicant is unable to consummate the sublease for any reason. upon presentation of invoices, applicant shall pay to the agency, its agents or assigns, all costs incurred with respect to the application, including fees to counsel for the agency and fees of general counsel for the agency.

Mark Freeman 
Chief Executive Officer/Member/Manager/Partner of Company

Sworn to before me this 3rd day of January 2024

David T. Carpio
NOTARY PUBLIC



SUBTENANT CERTIFICATION

Gregg Wasser *[Insert name of Chief Executive Officer/Manager/Partner of proposed Subtenant]* deposes and says that s/h e is the Managing Member *[insert title]* of 1001 Expressway Drive Building A Solar LLC *[insert name of Subtenant]*, the proposed subtenant named in the attached application; that s/he has read the foregoing application and knows the contents thereof; that the same is true to her/his knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by 1001 Expressway Drive Building A Solar LLC *[insert name of Subtenant]* is because the said proposed subtenant is a Limited Liability Company *[insert type of entity]*. The grounds of deponent's belief relative to all matters in the said application which are not stated upon her/his own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as an officer of and from books and papers of said proposed subtenant.


Gregg Wasser
Chief Executive Officer/Member/Manager/Partner of Subtenant

Sworn to before me this
2nd day of January

Monica Draser
NOTARY PUBLIC

MONICA A DRASER
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DR5070927
Qualified in Suffolk County
Commission Expires February 22, 2027

TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY
APPLICATION FOR CONSENT TO SUBLEASE

APPLICATION OF: WF Industrial XII LLC (“Company”)
FOR CONSENT TO SUBLEASE TO
1001 Expressway Drive Building B Solar LLC (“Subtenant”)
FACILITY/PROJECT: WF Industrial XII LLC 2023 Facility
DATE: January 3rd, 2024

Please respond to all items either by filing in blanks, by attachment (by marking space “see attachment number 1”, etc.) or by N.A., where not applicable.

Application must be filed in one (1) original and one (1) electronic form.

A \$750.00 non-refundable application fee made payable to the Town of Brookhaven Industrial Development Agency is required at the time of submission to the Agency.

Information provided herein will not be made public by the Agency prior to the passage of an official Resolution but may be subject to disclosure under the New York State Freedom of Information Act.

Please write or call:

Town of Brookhaven Industrial Development Agency
One Independence Hill
Farmingville, New York 11738

(631) 406-4244

I. Company Data

A. Company: WF Industrial XII LLC
Contact: Zachary Campbell
Title/Position: Authorized Signatory
Address: 80 8th Avenue, Suite 1602
Phone: _____
Federal Employer I.D.: ██████████

B. Related User of the Facility:

Name	Relationship
_____	_____
_____	_____
_____	_____

C. Company Counsel

Firm Name: Greenberg Traurig
Individual Attorney: Daniel Baker
Address: 900 Stewart Ave, Garden City, NY
Phone: 516-629-9610

II. Project/Facility Data

A. Location of Project: Yaphank, New York
Address: 1001 Expressway Drive North
S.C. Tax Map:
District 200 Section 662 Block 02 Lot 516

B. Current Occupants, Area Occupied, and Uses

Current Occupant	Area Occupied (Sq. Ft.)	Use	Current # of FTEs
NA			

III. Proposed Subtenant

- A. Name of Subtenant: 1001 Expressway Drive Building B Solar LLC
- B. Address: 211 East 43rd Street New York, NY 10017
- C. Contact:
- Name: Abe Naparstek
- Phone: [REDACTED]
- D. Affiliates Names and Addresses: G&S Long Island Solar, LLC
- E. Current Location: 211 East 43rd
- F. Subtenant Counsel:
- Firm Name: DelBello Donnellan Weingarten Wise & Wiederkehr, LLP
- Individual Attorney: Heidi M. Winslow
- Address: One North Lexington Avenue White Plains, New York 10601
- Phone: [REDACTED]

G. Will the completion of the project or the subleasing to the Subtenant result in the removal of any facility or facilities of the Applicant from one area of the State to another OR in the abandonment of any facility or facilities of the Applicant located within the State?

YES _____ NO X

i. If no, explain how current facilities will be utilized

This is a new solar installation on the roof of the building.

ii. If yes, please indicate whether the subleasing of the Facility to the Subtenant is reasonably necessary for the Subtenant to maintain its competitive position in its industry or remain in the State and explain in full:

H. Principal stockholders, members, or partners, if any, of Subtenant:

Name and Address	Percent Owned
<u>Gregg Wasser, 211 East 43rd</u>	<u>70%</u>
<u>Abe Naparstek, 211 East 43rd</u>	<u>10%</u>
<u>Steven Klaiman, 211 East 43rd</u>	<u>10%</u>

I. Has the Subtenant, or any subsidiary or affiliate of the Subtenant, or any stockholder, partner, member, officer, director, or other entity with which any of these individuals is or has been associated with:

i. Ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding?

YES _____ NO X _____

1. If yes, please explain

ii. Been convicted of a felony, or misdemeanor, or criminal offense (other than a motor vehicle violation)?

YES _____ NO X _____

1. If yes, please explain

J. Relationship of Subtenant to Company (e.g., affiliate, arm's-length tenant, etc.)

Arm's length tenant.

K. Proposed area of the facility to be occupied by the Subtenant (Sq. Ft.) 176,760

L. Describe the specific operations of the Subtenant or other users to be conducted at the project site:

Solar facility.

M. Does the proposed use and occupancy of the Subtenant conform with all applicable zoning, planning, building and Environmental Laws, ordinances, rules and regulations of governmental authorities having jurisdiction over the Facility?

YES X NO _____

i. If no, please explain

IV. Proposed Sublease Agreement Terms

A. **Attach a copy of Executed Sublease Agreement (may be conditioned upon Agency approval)**

Term: 25 years
Commencement Date: January 2024
Guarantors: G&S SOLAR HOLDINGS LLC and G&S INVESTORS
Base Rent: \$126,267/year
Base Rent Increases and Intervals: n/a
Common Area Rent: n/a

B. **Improvements to Proposed Demised Area to be Made by Company**

Description: NA

Cost: _____

Source of Payment: _____

C. **Improvements to Proposed Demised Area to be Made by Subtenant**

Description: Build a 1,836 kW solar system.

Cost: \$4.03 million
Source of Payment: 3rd party debt and equity from G&S Solar

D. Fair Market Rent Evaluation

Is rent to be charged Fair Market? YES NO

How was Fair Market rent determined? (Attach supporting documentation)

Arms length negotiation.

E. Does or will any of the “Financial Assistance” provided by the Agency, including Real Estate Tax Exemption, Sales and Use Tax Exemption, benefit the Subtenant in any manner?

YES NO

If yes, explain

F. How many Full-Time Equivalent Employees (FTEs) are there presently at the subtenant’s current location: NA

How may additional FTEs are to be expected at the Facility regarding this application: NA

G. Salary and Fringe Benefits by Subtenant

Jobs To be Created:

	Average Salary	Average Fringe Benefits
Salary Wage Earners	_____	_____
Commission Wage Earners	_____	_____
Hourly Wage Earners	_____	_____
1099/Contract Workers	_____	_____

What is the annualized salary range of jobs to be created?

\$ _____ to \$ _____

What is the number of construction jobs created as a result of this Subtenant Application? ¹⁰ _____ (FTEs)

V. Mortgagees

Have the Holders of all mortgages or record consented to the proposed sublease?

YES NO _____

If yes, attach evidence thereof.

COMPANY CERTIFICATION

Mark Freeman [Insert name of Chief Executive Officer/Manager/Partner of proposed Company] deposes and says that s/he is the Managing Director [insert title] of WF Industrial XII LLC [insert name of Company], the company named in the attached application; that s/he has read the foregoing application and knows the contents thereof; that the same is true to her/his knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by WF Industrial XII LLC

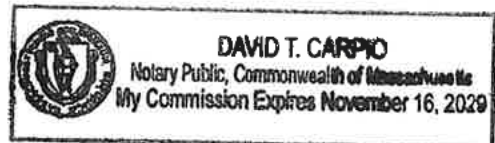
[insert name of Company] is because the said company is a Limited Liability Company [insert type of entity]. The grounds of deponent's belief relative to all matters in the said application which are not stated upon her/his own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as an officer of and from books and papers of said company.

As an Managing Director [insert position, e.g., officer, member, manager, partner] of said company (hereinafter referred to as the "applicant"), deponent acknowledges and agrees that applicant shall be and is responsible for all costs incurred by the Town of Brookhaven Industrial Development Agency (hereinafter referred to as the "Agency") in connection with this application and all matters relating to the proposed sublease, including the Agency's attorneys' fees, regardless of whether or not the applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified period of time to take reasonable, proper, or requested action or withdraws, abandons, cancels, or neglects the application or if the applicant is unable to consummate the sublease for any reason. upon presentation of invoices, applicant shall pay to the agency, its agents or assigns, all costs incurred with respect to the application, including fees to counsel for the agency and fees of general counsel for the agency.

Mark Freeman 
Chief Executive Officer/Member/Manager/Partner of Company

Sworn to before me this 3rd day of January 2024



NOTARY PUBLIC



SUBTENANT CERTIFICATION

Gregg Wasser *[Insert name of Chief Executive Officer/Manager/Partner of proposed Subtenant]* deposes and says that s/he is the Managing Member *[insert title]* of 1001 Expressway Drive Building B Solar LLC *[insert name of Subtenant]*, the proposed subtenant named in the attached application; that s/he has read the foregoing application and knows the contents thereof; that the same is true to her/his knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by 1001 Expressway Drive Building B Solar LLC *[insert name of Subtenant]* is because the said proposed subtenant is a Limited Liability Company *[insert type of entity]*. The grounds of deponent's belief relative to all matters in the said application which are not stated upon her/his own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as an officer of and from books and papers of said proposed subtenant.


Gregg Wasser
Chief Executive Officer/Member/Manager/Partner of Subtenant

Sworn to before me this
2nd day of January

Monica Draser
NOTARY PUBLIC

MONICA A DRASER
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DR5070927
Qualified in Suffolk County
Commission Expires February 22, 2027

TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY
APPLICATION FOR CONSENT TO SUBLEASE

APPLICATION OF: WF Industrial XII LLC (“Company”)
FOR CONSENT TO SUBLEASE TO
1001 Expressway Drive Building C Solar LLC (“Subtenant”)
FACILITY/PROJECT: WF Industrial XII LLC 2023 Facility
DATE: January 3rd, 2024

Please respond to all items either by filing in blanks, by attachment (by marking space “see attachment number 1”, etc.) or by N.A., where not applicable.

Application must be filed in one (1) original and one (1) electronic form.

A \$750.00 non-refundable application fee made payable to the Town of Brookhaven Industrial Development Agency is required at the time of submission to the Agency.

Information provided herein will not be made public by the Agency prior to the passage of an official Resolution but may be subject to disclosure under the New York State Freedom of Information Act.

Please write or call:

Town of Brookhaven Industrial Development Agency
One Independence Hill
Farmingville, New York 11738

(631) 406-4244

I. Company Data

A. Company: WF Industrial XII LLC
Contact: Zachary Campbell
Title/Position: Authorized Signatory
Address: 80 8th Avenue, Suite 1602
Phone: _____
Federal Employer I.D.: ██████████

B. Related User of the Facility:

Name	Relationship
_____	_____
_____	_____
_____	_____

C. Company Counsel

Firm Name: Greenberg Traurig
Individual Attorney: Daniel Baker
Address: 900 Stewart Ave, Garden City, NY
Phone: 516-629-9610

II. Project/Facility Data

A. Location of Project: Yaphank, New York
Address: 1001 Expressway Drive North
S.C. Tax Map:
District 200 Section 662 Block 02 Lot 516

B. Current Occupants, Area Occupied, and Uses

Current Occupant	Area Occupied (Sq. Ft.)	Use	Current # of FTEs
NA			

III. Proposed Subtenant

A. Name of Subtenant: 1001 Expressway Drive Building C Solar LLC

B. Address: 211 East 43rd Street New York, NY 10017

C. Contact:

Name: Abe Naparstek

Phone: [REDACTED]

D. Affiliates Names and Addresses: G&S Long Island Solar, LLC

E. Current Location: 211 East 43rd

F. Subtenant Counsel:

Firm Name: DelBello Donnellan Weingarten Wise & Wiederkehr, LLP

Individual Attorney: Heidi M. Winslow

Address: One North Lexington Avenue White Plains, New York 10601

Phone: [REDACTED]

G. Will the completion of the project or the subleasing to the Subtenant result in the removal of any facility or facilities of the Applicant from one area of the State to another OR in the abandonment of any facility or facilities of the Applicant located within the State?

YES _____ NO X

i. If no, explain how current facilities will be utilized

This is a new solar installation on the roof of the building.

ii. If yes, please indicate whether the subleasing of the Facility to the Subtenant is reasonably necessary for the Subtenant to maintain its competitive position in its industry or remain in the State and explain in full:

H. Principal stockholders, members, or partners, if any, of Subtenant:

Name and Address	Percent Owned
<u>Gregg Wasser, 211 East 43rd</u>	<u>70%</u>
<u>Abe Naparstek, 211 East 43rd</u>	<u>10%</u>
<u>Steven Klaiman, 211 East 43rd</u>	<u>10%</u>

I. Has the Subtenant, or any subsidiary or affiliate of the Subtenant, or any stockholder, partner, member, officer, director, or other entity with which any of these individuals is or has been associated with:

i. Ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding?

YES _____ NO X _____

1. If yes, please explain

ii. Been convicted of a felony, or misdemeanor, or criminal offense (other than a motor vehicle violation)?

YES _____ NO X _____

1. If yes, please explain

J. Relationship of Subtenant to Company (e.g., affiliate, arm's-length tenant, etc.)

Arm's length tenant.

K. Proposed area of the facility to be occupied by the Subtenant (Sq. Ft.) 169,724

L. Describe the specific operations of the Subtenant or other users to be conducted at the project site:

Solar facility.

M. Does the proposed use and occupancy of the Subtenant conform with all applicable zoning, planning, building and Environmental Laws, ordinances, rules and regulations of governmental authorities having jurisdiction over the Facility?

YES X NO _____

i. If no, please explain

IV. Proposed Sublease Agreement Terms

A. **Attach a copy of Executed Sublease Agreement (may be conditioned upon Agency approval)**

Term: 25 years
Commencement Date: January 2024
Guarantors: G&S SOLAR HOLDINGS LLC and G&S INVESTORS
Base Rent: \$116,919/year
Base Rent Increases and Intervals: n/a
Common Area Rent: n/a

B. Improvements to Proposed Demised Area to be Made by **Company**

Description: NA

Cost: _____

Source of Payment: _____

C. Improvements to Proposed Demised Area to be Made by **Subtenant**

Description: Build a 1,701 kW solar system.

Cost: \$3.74 million
Source of Payment: 3rd party debt and equity from G&S Solar

D. Fair Market Rent Evaluation

Is rent to be charged Fair Market? YES NO

How was Fair Market rent determined? (Attach supporting documentation)

Arms length negotiation.

E. Does or will any of the “Financial Assistance” provided by the Agency, including Real Estate Tax Exemption, Sales and Use Tax Exemption, benefit the Subtenant in any manner?

YES NO

If yes, explain

F. How many Full-Time Equivalent Employees (FTEs) are there presently at the subtenant’s current location: NA

How may additional FTEs are to be expected at the Facility regarding this application: NA

G. Salary and Fringe Benefits by Subtenant

Jobs To be Created:

	Average Salary	Average Fringe Benefits
Salary Wage Earners	_____	_____
Commission Wage Earners	_____	_____
Hourly Wage Earners	_____	_____
1099/Contract Workers	_____	_____

What is the annualized salary range of jobs to be created?

\$ _____ to \$ _____

What is the number of construction jobs created as a result of this Subtenant Application? ¹⁰ _____ (FTEs)

V. Mortgagees

Have the Holders of all mortgages or record consented to the proposed sublease?

YES NO _____

If yes, attach evidence thereof.

COMPANY CERTIFICATION

Mark Freeman [Insert name of Chief Executive Officer/Manager/Partner of proposed Company] deposes and says that s/he is the Managing Director [insert title] of WF Industrial XII LLC [insert name of Company], the company named in the attached application; that s/he has read the foregoing application and knows the contents thereof; that the same is true to her/his knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by WF Industrial XII LLC

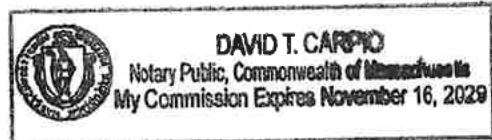
[insert name of Company] is because the said company is a Limited Liability Company [insert type of entity]. The grounds of deponent's belief relative to all matters in the said application which are not stated upon her/his own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as an officer of and from books and papers of said company.

As an Managing Director [insert position, e.g., officer, member, manager, partner] of said company (hereinafter referred to as the "applicant"), deponent acknowledges and agrees that applicant shall be and is responsible for all costs incurred by the Town of Brookhaven Industrial Development Agency (hereinafter referred to as the "Agency") in connection with this application and all matters relating to the proposed sublease, including the Agency's attorneys' fees, regardless of whether or not the applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified period of time to take reasonable, proper, or requested action or withdraws, abandons, cancels, or neglects the application or if the applicant is unable to consummate the sublease for any reason. upon presentation of invoices, applicant shall pay to the agency, its agents or assigns, all costs incurred with respect to the application, including fees to counsel for the agency and fees of general counsel for the agency.


Mark Freeman
Chief Executive Officer/Member/Manager/Partner of Company

Sworn to before me this 3rd day of January 2024

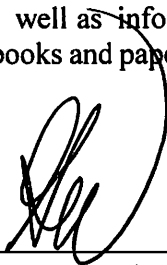

NOTARY PUBLIC



SUBTENANT CERTIFICATION

Gregg Wasser [Insert name of Chief Executive Officer/Manager/Partner of proposed Subtenant] deposes and says that s/he is the Managing Member [insert title] of 1001 Expressway Drive Building C Solar LLC [insert name of Subtenant], the proposed subtenant named in the attached application; that s/he has read the foregoing application and knows the contents thereof; that the same is true to her/his knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by 1001 Expressway Drive Building C Solar LLC [insert name of Subtenant] is because the said proposed subtenant is a Limited Liability Company [insert type of entity]. The grounds of deponent's belief relative to all matters in the said application which are not stated upon her/his own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as an officer of and from books and papers of said proposed subtenant.

Gregg Wasser 
Chief Executive Officer/Member/Manager/Partner of Subtenant

Sworn to before me this 2nd day of January

Monica Draser
NOTARY PUBLIC

MONICA A DRASER
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DR5070927
Qualified in Suffolk County
Commission Expires February 22, 2027

TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY
APPLICATION FOR CONSENT TO SUBLEASE

APPLICATION OF: WF Industrial XIII LLC (“Company”)
FOR CONSENT TO SUBLEASE TO
NY CDG 009 LLC (“Subtenant”)
FACILITY/PROJECT: Medford Logistics Center
DATE: 2023-12-22

Please respond to all items either by filing in blanks, by attachment (by marking space “see attachment number 1”, etc.) or by N.A., where not applicable.

Application must be filed in one (1) original and one (1) electronic form.

A \$750.00 non-refundable application fee made payable to the Town of Brookhaven Industrial Development Agency is required at the time of submission to the Agency.

Information provided herein will not be made public by the Agency prior to the passage of an official Resolution but may be subject to disclosure under the New York State Freedom of Information Act.

Please write or call:

Town of Brookhaven Industrial Development Agency
One Independence Hill
Farmingville, New York 11738

(631) 406-4244

B. Current Occupants, Area Occupied, and Uses


Current Occupant	Area Occupied (Sq. Ft.)	Use	Current # of FTEs
N/A			
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

III. Proposed Subtenant

- A. Name of Subtenant: NY CDG 009 LLC


- B. Address: _____

- C. Contact:
Name: Annalise Reichert

- Phone:  _____
- D. Affiliates Names and Addresses: _____
- E. Current Location: 417 5th Avenue Suite 803, New York, NY 10016

- F. Subtenant Counsel:
Firm Name: _____
- Individual Attorney: Erik Luckau

- Address: 417 5th Avenue Suite 803, New York, NY 10016

- Phone:  _____

G. Will the completion of the project or the subleasing to the Subtenant result in the removal of any facility or facilities of the Applicant from one area of the State to another OR in the abandonment of any facility or facilities of the Applicant located within the State?

YES _____ NO X

i. If no, explain how current facilities will be utilized

ii. If yes, please indicate whether the subleasing of the Facility to the Subtenant is reasonably necessary for the Subtenant to maintain its competitive position in its industry or remain in the State and explain in full:

H. Principal stockholders, members, or partners, if any, of Subtenant:

Name and Address	Percent Owned
_____	_____
_____	_____
_____	_____

I. Has the Subtenant, or any subsidiary or affiliate of the Subtenant, or any stockholder, partner, member, officer, director, or other entity with which any of these individuals is or has been associated with:

i. Ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding?

YES _____ NO X _____

1. If yes, please explain

ii. Been convicted of a felony, or misdemeanor, or criminal offense (other than a motor vehicle violation)?

YES _____ NO X _____

1. If yes, please explain

J. Relationship of Subtenant to Company (e.g., affiliate, arm's-length tenant, etc.)

N/A

K. Proposed area of the facility to be occupied by the Subtenant (Sq. Ft.) ^{115,000 rooftop only} _____

L. Describe the specific operations of the Subtenant or other users to be conducted at the project site:

Solar PV generation on building rooftop

M. Does the proposed use and occupancy of the Subtenant conform with all applicable zoning, planning, building and Environmental Laws, ordinances, rules and regulations of governmental authorities having jurisdiction over the Facility?

YES X NO _____

i. If no, please explain

IV. Proposed Sublease Agreement Terms

A. **Attach a copy of Executed Sublease Agreement (may be conditioned upon Agency approval)**

Term: 25 Years
Commencement Date: following TOBIDA approval
Guarantors: _____
Base Rent: \$60,000/year
Base Rent Increases and Intervals: no escalations for Solar
Common Area Rent: _____

B. **Improvements to Proposed Demised Area to be Made by Company**

Description: Rooftop solar area only; all improvements associated with this lease by subtenant direct

Cost: _____

Source of Payment: _____

C. **Improvements to Proposed Demised Area to be Made by Subtenant**

Description: AC Equipment Pad.

Cost: \$150,000

Source of Payment: _____

D. Fair Market Rent Evaluation

Is rent to be charged Fair Market? YES _____ NO X

How was Fair Market rent determined? (Attach supporting documentation)

E. Does or will any of the “Financial Assistance” provided by the Agency, including Real Estate Tax Exemption, Sales and Use Tax Exemption, benefit the Subtenant in any manner?

YES _____ NO X

If yes, explain

F. How many Full-Time Equivalent Employees (FTEs) are there presently at the subtenant’s current location: 0

How may additional FTEs are to be expected at the Facility regarding this application: N/A

COMPANY CERTIFICATION

Zachary Campbell [Insert name of Chief Executive Officer/Manager/Partner of proposed Company] deposes and says that s/he is the Authorized Signatory [insert title] of WF Industrial XIII LLC [insert name of Company], the company named in the attached application; that s/he has read the foregoing application and knows the contents thereof; that the same is true to her/his knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by

[insert name of Company] is because the said company is a Limited Liability Company [insert type of entity]. The grounds of deponent's belief relative to all matters in the said application which are not stated upon her/his own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as an officer of and from books and papers of said company.

As an Authorized Signatory [insert position, e.g., officer, member, manager, partner] of said company (hereinafter referred to as the "applicant"), deponent acknowledges and agrees that applicant shall be and is responsible for all costs incurred by the Town of Brookhaven Industrial Development Agency (hereinafter referred to as the "Agency") in connection with this application and all matters relating to the proposed sublease, including the Agency's attorneys' fees, regardless of whether or not the applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified period of time to take reasonable, proper, or requested action or withdraws, abandons, cancels, or neglects the application or if the applicant is unable to consummate the sublease for any reason. upon presentation of invoices, applicant shall pay to the agency, its agents or assigns, all costs incurred with respect to the application, including fees to counsel for the agency and fees of general counsel for the agency.

Zachary Campbell 
Chief Executive Officer/Member/Manager/Partner of Company

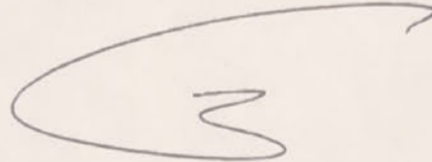
Sworn to before me this _____ day of _____

NOTARY PUBLIC

SUBTENANT CERTIFICATION

Nick Blitterswyk [Insert name of Chief Executive Officer/Manager/Partner of proposed Subtenant] deposes and says that s/he is the CEO [insert title] of NY CDG 009 LLC [insert name of Subtenant], the proposed subtenant named in the attached application; that s/he has read the foregoing application and knows the contents thereof; that the same is true to her/his knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by NY CDG 009 LLC [insert name of Subtenant] is because the said proposed subtenant is a limited liability company [insert type of entity]. The grounds of deponent's belief relative to all matters in the said application which are not stated upon her/his own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as an officer of and from books and papers of said proposed subtenant.



Nick Blitterswyk
Chief Executive Officer/Member/Manager/Partner of Subtenant

Sworn to before me this 3rd day of January 2024

Mohan D. Bukant
NOTARY PUBLIC

Mohan D. Bukant
Notary Public, State of New York
Registration No. 01BU6266896
Qualified in New York County
Commission Expires August 06, 2024