

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.

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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 1<sup>st</sup> 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 recoding 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

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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.

### **CVIAGL 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.



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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.*