

DECISION NO.
MEETING: 2022

ADOPTING THE DETERMINATION
AND FINDINGS OF THE TOWN OF
BROOKHAVEN INDUSTRIAL
DEVELOPMENT AGENCY TO
CONDEMN PROPERTY IN
RONKONKOMA, NEW YORK

WHEREAS, on May 18, 2022, a duly advertised public hearing was held by the Town of Brookhaven Industrial Development Agency (the “Agency”), in the Town of Brookhaven, County of Suffolk, State of New York, with regard to the proposed acquisition of real property situated in Ronkonkoma, Town of Brookhaven, County of Suffolk, State of New York, more fully identified by the following Suffolk County Tax Map Numbers (“Subject Properties”):

Street Address	District	Section	Block	Lot
17 Garrity Avenue, Ronkonkoma, NY	200.00	799.00	03.00	32.000
14 Hawkins Avenue Ronkonkoma, NY	200.00	799.00	03.00	33.001
44 Railroad Avenue, Ronkonkoma, NY	200.00	799.00	03.00	34.000
71 Railroad Avenue, Ronkonkoma, NY	200.00	799.00	03.00	35.000
69 Railroad Avenue, Ronkonkoma, NY	200.00	799.00	03.00	36.000
63 Railroad Avenue, Ronkonkoma, NY	200.00	799.00	03.00	39.000

WHEREAS, the purpose of the public hearing was to consider the acquisition of the Subject Properties, consisting of approximately 2.2 acres, proximate to the Ronkonkoma Station of the Long Island Railroad Ronkonkoma Branch, by eminent domain for the public purpose of redeveloping and revitalizing the area surrounding the Ronkonkoma Station; and

WHEREAS, this is the second public hearing held by the Agency to consider the acquisition by eminent domain of parcels of real property for the purpose of redeveloping and revitalizing the area surrounding the Ronkonkoma Station; the first public hearing was held on November 16, 2021 and involved 27 other parcels of real property; and

WHEREAS, on February 14, 2022, the Agency adopted Determination and Findings with respect to the 27 parcels of real property, which were considered for acquisition at the public hearing held on November 16, 2021; and
and

WHEREAS, the public hearing of May 18, 2022 was held open through and including June 18, 2022 for the purpose of allowing the submission of written material to the Town of Brookhaven Industrial Development Agency for its review; and

WHEREAS, pursuant to Section 204 of the Eminent Domain Procedure Law, the Town of Brookhaven Industrial Development Agency has made its determination and findings with regard to the proposed acquisition of the Subject Properties and public project;

NOW, THEREFORE, BE IT RESOLVED by the Town of Brookhaven Industrial Development Agency that the following constitutes its determination and findings, and is hereby adopted as such:

1. The purpose of the acquisition of the Subject Properties, together with the parcels considered at the first public hearing held on November 10, 2021, is to redevelop approximately 54 acres of land within the Town of Brookhaven, defined by Union Avenue and Union Street to the north, the Village Plaza Drive development to the east, the Long Island Railroad Ronkonkoma Branch rail line to the south, and Ronkonkoma Avenue, Garrity Avenue, and Hawkins Avenue to the west (“Project Area”) for the public purpose of economic revitalization, economic redevelopment and remediation of blight (“Ronkonkoma Hub Redevelopment Project” or the “Project”).
2. The Subject Properties are a mix of parcels with commercial and residential uses.

3. The local community will benefit from the use of eminent domain to acquire the Subject Properties because it will allow the Project Area to be developed with denser housing, office space, retail uses, entertainment venues, and public spaces in an area that is walkable, inviting, friendly, and aesthetically pleasing.
4. The Project Area is blighted and in need of comprehensive revitalization and redevelopment. The Town Board of the Town of Brookhaven (“Town”) formally recognized this as early as 2007.
5. The Town has prepared and adopted several comprehensive land use plans, studies and zoning regulations to remediate the blighted conditions of the Project Area.
6. In April 2008 and March 2009, the Town prepared a two-phase *Ronkonkoma Hub Planning Study* concerning the revitalization of the Project Area.
7. In August 2010, the Town prepared a *Draft Ronkonkoma Hub Transit-Oriented Development Draft Land Use and Implementation Plan* pertaining to the Project Area.
8. In January 2011, the Town issued a Request for Expressions of Interest (“RFEI”) to ensure its planning efforts would result in actual redevelopment of the blighted Project Area.
9. In September 2011, the Town issued a Request for Qualifications (“RFQ”) for a master developer for the Project Area.
10. On February 7, 2012, the Town designated Trec Ronk Hub, LLC as master developer for the Ronkonkoma Hub Redevelopment Project (“Master Developer”) and, in September 2012, the Town executed a Master Developer Designation Agreement (“MDDA”) with Trec Ronk Hub, LLC for the Ronkonkoma Hub Redevelopment Project within the Project Area.
11. Thereafter, the Town prepared a *Blight Study*, dated September 2012, for the Ronkonkoma Hub Redevelopment Project within the Project Area (“Blight Study”).
12. The Blight Study identified several conditions in the Project Area as evidence of blighted conditions, including vacant and partially vacant properties and buildings, significant underutilization of development potential, deteriorated buildings, inadequate curb and sidewalk areas, lack of appropriate drainage and sewage infrastructure, incompatible land uses, and aesthetic and visual character of the area. It also concluded that the Project Area is sufficiently blighted to warrant the preparation of an Urban Renewal Plan in accordance with Article 15 of the New York State General Municipal Law. The Town of Brookhaven Industrial Development Agency finds the Blight Study to be credible.
13. On September 20, 2012, the Town, by Resolution 2012-804, designated the Project

Area as “appropriate for urban renewal pursuant to Article 15 of the New York State General Municipal Law,” and authorized the preparation of an Urban Renewal Plan.

14. Thereafter, the Town prepared an *Urban Renewal Plan* for the Project Area, dated October 2013. The stated purpose of the Urban Renewal Plan was to facilitate the redevelopment of the Project Area as a transit-oriented development (“TOD”) featuring a mix of higher density residential development, commercial, hospitality, institutional, office, and retail uses, conference, entertainment and exhibition venues, and public designated outdoor spaces. The *Urban Renewal Plan* also stated that such TOD development was designed to both complement and benefit from the presence of the Ronkonkoma railroad station and its associated commuter passenger volumes.
15. The objectives of the *Urban Renewal Plan* were to eliminate blight conditions, promote compact, mixed-use development in proximity to the commuter rail station, and encourage development that supports transit.
16. The *Urban Renewal Plan* recommended rezoning the entire Project Area to a TOD district, and to acquire property within the Project Area for redevelopment purposes, including through the use of eminent domain. The Town of Brookhaven Industrial Development Agency finds the *Urban Renewal Plan* to be credible.
17. In connection with the proposed TOD rezoning of the Project Area, the Town prepared an updated *Ronkonkoma Hub Transit-Oriented Development (TOD) Land Use and Implementation Plan*, dated October 2013. The Town of Brookhaven Industrial Development Agency finds the *Ronkonkoma Hub Transit-Oriented Development (TOD) Land Use and Implementation Plan* to be credible.
18. On June 24, 2014, the Town Board adopted (i) the *Urban Renewal Plan*, (ii) the aforesaid *Land Use and Implementation Plan*, (iii) the Ronkonkoma Hub TOD zoning district (which covers the Subject Properties), and (iv) the Ronkonkoma Hub TOD zoning regulations.
19. On May 27, 2021, the Town Board adopted Resolution 2021-368, which designated the Town of Brookhaven Industrial Development Agency as an agency that may effectuate and implement urban renewal projects and plans in the Town of Brookhaven pursuant to the Town of Brookhaven Industrial Development Agency’s statutory powers.
20. On August 2, 2021, the Town of Brookhaven Industrial Development Agency entered into an agreement with Ronk Hub, LLC, the successor to Trec Ronk Hub, LLC (“Master Developer”), entitled, “Condemnation/Acquisition Agreement,” which requires Ronk Hub, LLC to pay for the costs associated with the condemnation of the Subject Properties by the Town of Brookhaven Industrial Development Agency.
21. Commencement of construction for redevelopment of the Project Area began in 2016, and millions of dollars have been expended for public infrastructure for the Project Area, mostly in the form of a sewer system, road improvements, and utility

improvements.

22. The sewer system that the Master Developer installed has a capacity of 1.5 Million gallons per day. The sewer system moves sanitary waste to the Suffolk County Sewer District Three treatment facility.
23. It is estimated that, when the Ronkonkoma Hub Redevelopment Project is fully built, it will need approximately 400,000 gallons of sewer capacity per day, leaving approximately 1.1 Million gallons per day for use by other economic development in the area, such as businesses and residences. The use of sewers in place of cesspools or septic systems will provide a benefit to the environment. In addition, existing businesses now using cesspools and septic systems will be able to connect to and use the sewer system instead. As just one example, the Long Island Mac Arthur Airport will be able to stop using septic systems for its wastewater, and will be able to connect to the sewer system installed for the Ronkonkoma Hub Redevelopment Project.
24. During the course of the Ronkonkoma Hub Redevelopment Project thus far, the Master Developer has invested several million dollars to upgrade the roads and utilities in the area of the Project. Once the project is complete, the investment made in roads, utilities and other public infrastructure (not including the sewer system) is expected to be more than Fifteen Million Dollars (\$15,000,000.00).
25. New York State has committed 50 Million Dollars (\$50,000,000.00) for parking infrastructure associated with the Ronkonkoma Hub Redevelopment Project.
26. The County of Suffolk has supported the sewer aspect of the Ronkonkoma Hub Redevelopment Project.
27. The Town of Brookhaven has supported the zoning aspects of the Ronkonkoma Hub Redevelopment Project.
28. The local civic associations (i.e., the Ronkonkoma Civic Association and the Lake Ronkonkoma Civic Organization) and chambers of commerce (i.e., the Ronkonkoma Chamber of Commerce, the Holbrook Chamber of Commerce, and the Greater Middle Country Chamber of Commerce) have supported the Ronkonkoma Hub Redevelopment Project.
29. Regional businesses and labor organizations, including IBEW Local 25, have supported the Ronkonkoma Hub Redevelopment Project.
30. During the course of the Ronkonkoma Hub Redevelopment Project thus far, the Master Developer has purchased several environmentally-contaminated industrial parcels and developed them with new residential buildings.
31. The Project Area will be redeveloped in accordance with zoning classifications and

- regulations applicable to the Town of Brookhaven Ronkonkoma Hub Transit-Oriented Development District. The Town of Brookhaven Industrial Development Agency finds that this redevelopment will remove blight and revitalize the economy within the Project Area.
32. The Master Developer estimates that the redevelopment of the Project Area will lead to the creation of over 11,000 jobs, both temporary and permanent. The Town of Brookhaven Industrial Development Agency finds this estimate to be credible.
 33. Property values in and around the Project Area will increase as old industrial use properties are converted into a walkable mixed-use community, with public spaces, by the Ronkonkoma Hub Redevelopment Project.
 34. Community residents will enjoy being able to walk from their homes to a public green area with restaurant, retail, and office space.
 35. The Master Developer has acquired parcels of property in the Project Area through private negotiations and has contacted other property owners in the Project Area regarding purchasing their properties.
 36. The Ronkonkoma Hub Redevelopment Project has been subjected to a comprehensive multi-year review pursuant to the New York State Environmental Quality Review Act (“SEQRA”), which has comprehensively identified and evaluated the potential environmental impacts of the Project, including on residents of the locality.
 37. On May 12, 2010, the Town Board prepared a Part 1 Environmental Assessment Form (“EAF”) to commence SEQRA review of the potential environmental impacts of the Ronkonkoma Hub Redevelopment Project.
 38. On August 17, 2010, the Town Board issued a SEQRA “positive declaration,” which required preparation of a draft generic environmental impact statement (“DGEIS”) to evaluate the potential impacts of the Town’s proposed adoption of a *Draft Ronkonkoma Hub Transit-Oriented Development, Draft Land Use and Implementation Plan*, proposed adoption of a TOD zoning district for the Project Area, rezoning of the Project Area into the new TOD zoning district, and ultimate redevelopment of Project Area properties, including those proposed for condemnation by the Town of Brookhaven Industrial Development Agency, in accordance with the *Land Use and Implementation Plan* and the TOD zoning district regulations.
 39. The Town Board prepared a *Draft Generic Environmental Impact Statement* (“DGEIS”), dated September 2010, which evaluated a theoretical maximum development scenario for the Project Area in accordance with the proposed TOD zoning for the Project Area.
 40. On September 21, 2010, the Town Board accepted the DGEIS as complete and

adequate for public review.

41. On October 19, 2010, the Town held a public hearing on the DGEIS.
42. On October 29, 2010, the comment period on the DGEIS closed.
43. Thereafter, the Town Board prepared an updated Part 1 EAF because the densities evaluated in the Town's 2013 *Urban Renewal Plan* differed from those densities evaluated in the Town Board's 2010 DGEIS.
44. On October 1, 2013, the Town issued a SEQRA "positive declaration," which required preparation of a supplemental DGEIS for the Ronkonkoma Hub Redevelopment Project.
45. On November 12, 2013, the Town Board accepted a *Draft Supplemental GEIS* ("DSGEIS") as complete and adequate for public review.
46. On January 9, 2014, the Town Board held a public hearing on the DSGEIS.
47. On February 10, 2014, the comment period on the DSGEIS closed.
48. In April 2014, the Town filed a *Final Generic Environmental Impact Statement* ("FGEIS") for the Ronkonkoma Hub Redevelopment Project.
49. On June 24, 2014, the Town adopted a SEQRA *Findings Statement* for the Ronkonkoma Hub Redevelopment Project, which certified that the Town Board considered the relevant environmental impacts, facts, and conclusions disclosed in the environmental impact statement for the Project, and also, consistent with social, economic, and other essential considerations, from among the reasonable alternatives available, the proposed action is one that avoids or minimizes adverse environmental impacts to the maximum extent practical and that adverse environmental impacts will be avoided or minimized to the maximum extent practical.
50. On November 18, 2015, the Town of Brookhaven Industrial Development Agency, as a SEQRA involved agency, and after review of relevant materials and the Town Board's SEQRA *Findings Statement*, adopted the Town Board's SEQRA *Findings Statement* as its own after finding that the Town Board's *Findings Statement* accurately and adequately examined the environmental issues presented by the proposed action.
51. The Town Board and the Town of Brookhaven Industrial Development Agency comprehensively identified and evaluated the potential environmental and community impacts of the Ronkonkoma Hub Redevelopment Project.
52. The condemnation of the Subject Properties will not result in adverse impacts on the environment or residents of the affected community.

53. No negative environmental effect would be caused by the use of eminent domain to acquire the Subject Properties.
54. The acquisition of the Subject Properties is necessary for implementation of the Ronkonkoma Hub Redevelopment Project.
55. The Town of Brookhaven Industrial Development Agency authorizes its attorneys, Esseks, Hefter, Angel, Di Talia & Pasca, LLP, to proceed to acquire title to the Subject Properties through eminent domain. The cost of the acquisition of the fee title to the land, including the amount paid for said acquisition as well as any and all expenses relative thereto, shall be paid, pursuant to the Condemnation Agreement, by Ronk Hub, LLC.