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TOWN OF BROOKHAVEN  
INDUSTRIAL DEVELOPMENT AGENCY

- - - - -x

PUBLIC HEARING  
HELD BY CONFERENCE CALL  
RE: MIDDLE COUNTRY MEADOWS LLC

- - - - -x

February 1, 2021  
10:00 a.m.

TRANSCRIPT OF PROCEEDINGS

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

**TOB IDA:** LISA MG MULLIGAN, CEO  
JAMES M. TULLO, DEPUTY DIRECTOR  
JOCELYN LINSE, EXECUTIVE ASSISTANT

**ALSO PRESENT:** DIANE CAUDULLO  
PETER L. CURRY, ESQ.,  
FARRELL FRITZ, P.C.  
WILLIAM FERRARO  
KRISTA MEYERS,  
COUNCILMAN LaVALLE'S OFFICE  
JIM TSUNIS  
WILLIAM F. WEIR, ESQ.,  
NIXON PEABODY

\* \* \*

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MS. MULLIGAN: It's ten a.m. on February 1, 2021. This is the Town of Brookhaven Industrial Development Agency public hearing for the Middle Country Meadows project.

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I know that we have some people who have joined the call. This is Lisa Mulligan. I'm going to read the public hearing notice and then I will see if anyone wants to make comment.

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NOTICE IS HEREBY GIVEN that due to the Novel Coronavirus (COVID-19) Emergency State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 202.1 issued on March 12, 2020, as amended to date, permitting local governments to hold public hearings by telephone and video conference and/or similar device, the Public Hearing scheduled for February 1, 2021, at 10:00 a.m., local time, being held by the Town of Brookhaven Industrial Development Agency (the "**Issuer**"), in accordance with the provisions of Article 18-A of the New York General Municipal

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Law will be held electronically via conference

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call instead of a public hearing open for the

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public to attend. Members of the public may

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listen to the Public Hearing, and comment on

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the Project (defined below) and the benefits

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to be granted by the Issuer to the Company

8

(defined below) during the Public Hearing, by

9

calling (712)770-5505 and entering access code

10

884-124. Comments maybe also submitted to the

11

Issuer in writing or electronically. Minutes

12

of the Public Hearing will be transcribed and

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posted on the Issuer's website, all in

14

connection with the following matters:

15

Middle Country Meadows LLC, a limited

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liability company organized and existing under

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the laws of the State of New York, on behalf

18

of itself and/or the principals of Middle

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Country Meadows LLC and/or an entity formed or

20

to be formed on behalf of any of the foregoing

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(the "**Company**"), has applied to the Agency to

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enter into a transaction in which the Agency

23

will assist in (A) the acquisition of

24

approximately 13.78 acre parcel of land

25

located at 1277 Middle Country Road, Selden,

1  
2 New York (collectively, the "**Land**"), (B) the  
3 construction, equipping and furnishing of  
4 approximately 136,400 square feet of  
5 residential space across multiple buildings  
6 which will provide for one-hundred twenty-four  
7 (124) two-bedroom, senior apartments (55+)  
8 (approximately 30% will be affordable at 80%  
9 of Area Median Income ("**AMI**")) together with  
10 the acquisition, installation and equipping of  
11 improvements, structures and other related  
12 facilities attached to the land (the  
13 "**Improvements**") including, but not limited to,  
14 a sidewalk connecting to the adjacent  
15 Independence Plaza Shopping Center, a  
16 walking/running trail for use by the community  
17 and the high school cross-country team,  
18 ballfield lighting for Selden Center Little  
19 League, memorial monument and bench and a  
20 clubhouse to be available for civic meetings,  
21 (C) the acquisition and installation therein  
22 of certain equipment and personal property  
23 including, but not limited to, including  
24 shared common recreation areas (including an  
25 outdoor pool, community building tennis court,

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BBQ/outdoor picnic area, bocci courts, and

3

putting green) and other amenities and the

4

furnishing thereof including, but not limited

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to, furniture, appliances, structures,

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equipment and personal property in the units

7

(the "**Equipment**"; and, together with the Land

8

and the Improvements, the "**Facility**"), which

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Facility is to be subleased by the Agency to

10

the Company to be known as and used by the

11

Company to provide affordable senior housing

12

for the residents of Selden (the "**Project**").

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The Facility will be initially owned and

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managed or operated by the Company.

15

The Agency will acquire a leasehold

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interest in the Land and the Improvements and

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title to the Equipment and lease the Facility

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to the Company. The Agency contemplates that

19

it will provide financial assistance to the

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Company in the form of exemptions from

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mortgage recording taxes in connection with

22

the financing or any subsequent refinancing of

23

the Facility, exemptions from sales and use

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taxes in connection with the construction and

25

equipping of the Facility and exemption of

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real property taxes consistent with the  
uniform tax exemption policies ("**UTEP**") of the  
Agency.

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A representative of the Issuer will, at  
the above-stated time and place, hear and  
accept written comments from all persons with  
views in favor of or opposed to either the  
proposed financial assistance to the Company  
or the location or nature of the Facility.  
Prior to the hearing, all persons will have  
the opportunity to review on the Issuer's  
website (<https://brookhavenida.org/>), the  
application for financial assistance filed by  
the Company with the Issuer and an analysis of  
the costs and benefits of the proposed  
Facility.

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Dated: January 22, 2021

19

TOWN OF BROOKHAVEN  
INDUSTRIAL DEVELOPMENT AGENCY

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21

BY: Lisa MG Mulligan  
Title: Chief Executive Officer

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23

24

25

I know that some people have joined the  
call and so in an effort to keep this somewhat  
organized, I'm going to ask if anyone wants to  
make comment, please let me know your name and

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2

your affiliation, I'm just going to -- right

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now if there's anyone who wants to, I'm going

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to take a couple of names.

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MR. CURRY: Peter Curry.

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MS. MULLIGAN: Thank you, Peter.

7

Does anyone else want to make comment?

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(No response.)

9

MS. MULLIGAN: I think someone just

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joined the public hearing; are you interested

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in making comment?

12

(No response.)

13

MS. MULLIGAN: Okay.

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So, Mr. Curry, speakers get three

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minutes.

16

If you would, please state and spell

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your name and your affiliation for the record.

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MR. CURRY: Certainly.

19

MS. MULLIGAN: And I'm ready whenever

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you are.

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MR. CURRY: All right.

22

My name is Peter Curry. I'm an

23

attorney at Farrell Fritz, P.C. in Uniondale,

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New York and I am the attorney for the

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applicant. I just wanted to make a brief



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statement to clear up any possible confusion

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that may exist with regard to who can live in

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the proposed community.

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This is a PRC residence community,

6

which is a planned retirement community.

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Under the code of the Town of Brookhaven,

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occupancy of the residences is limited to

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senior citizens as defined under that

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proposed -- sorry, that zoning code for the

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community. There's been a little bit of

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confusion about who could live there and it's

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only senior citizens. I really want to put

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everybody's mind at rest as to a possible

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effect upon the school district.

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Thank you.

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MS. MULLIGAN: Thank you, Mr. Curry.

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Is there anyone else who's joined the

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call who's interested in making comment?

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MR. FERRARO: Yes, I am, this is

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William Ferraro.

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MS. MULLIGAN: Okay. Mr. Ferraro, hold

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on one second; I know a bunch of people just

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joined.

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Is there anyone else who's interested

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2 in making comment?

3 (No response.)

4 MS. MULLIGAN: Okay.

5 Mr. Ferraro, if you would, please state  
6 and spell your name and your affiliation for  
7 the record, you'll have three minutes to make  
8 comment.

9 MR. FERRARO: Sure.

10 MS. MULLIGAN: Whenever you're ready.

11 MR. FERRARO: It's William Ferraro and  
12 my affiliation, I'm a member of the Middle  
13 Country School Board, Board of Education for  
14 Middle Country Central School District and an  
15 active citizen.16 MS. MULLIGAN: Are you here speaking on  
17 behalf of the school district?18 MR. FERRARO: No, I am not. I'm  
19 speaking on my own behalf as a private  
20 citizen.

21 MS. MULLIGAN: Okay.

22 MR. FERRARO: And I should also mention  
23 I'm a Selden resident.24 MS. MULLIGAN: Okay. Whenever you're  
25 ready, you have three minutes.

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MR. FERRARO: Sure.

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So I'm speaking today against granting a tax abatement for this project. My reasoning is this, I believe that, first of all, this style of apartments is not needed for this area. We already have several 55 and over senior complexes in zip codes locally including Port Jefferson Station and that would include 55 and over complexes that aren't completely filled yet, so obviously, you know, the demand is there, but there's also places that can fill that demand.

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Second, this project is going to cause a traffic congestion nightmare on Middle Country Road at a very dangerous strip of the road where multiple fatalities over the years have happened. Now while it's estimated that there's no traffic impact because a light is already close by, that doesn't mean that there's no impact on the road, so I think many residents would differ on that issue.

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Second, I think the developer has already stated in their application that they would be able to finance this project without

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abatement, it's just that they prefer having

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the abatement.

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Generally speaking, in my experience on somebody who's worked for the New York State Assembly and I've worked on issues regarding economic development and worked on issues involving IDA and the fact is that IDA's generally have not produced the private sector jobs that we assume that they do and they've also been a net loss for local governments over the years.

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I believe that abatements work in blighted areas where you need to incentivize developers to come in. They can work in areas like Riverhead or Buffalo that really need development, but that's not Middle Country Road and that's not our area. It's nice to have something come in, but we don't need this project and I don't believe it's worth the tax abatements granted to this project.

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The last thing that I'll say is the chances of amending the covenant for this project I believe requires six out of seven Town board members to vote to allow this

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project to change at some point in the future.

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That is a bar that could be crossed because we

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already have six members on our Town board who

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vote as a block, who are from one party who

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vote as a block, so it's very possible that

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this project could change in the future and

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therefore, I don't believe that an abatement

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should be granted.

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Thank you.

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MS. MULLIGAN: Thank you.

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Is there anyone else who would like to

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make comment?

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MS. CAUDULLO: Actually I would, it's

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Diane Caudullo from Centereach.

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MS. MULLIGAN: Ma'am, you just stated

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your name, thank you and your affiliation.

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Will you spell your name for the

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record, please?

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MS. CAUDULLO: Sure. First name is

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Diane, last name is Caudullo.

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MS. MULLIGAN: You have three minutes

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to make comment.

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MS. CAUDULLO: Okay.

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First off, I just want to say we only

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learned about this project Thursday night, so

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I'm trying to do my homework as quickly as

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possible, but my generic statement or my

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generic feeling about this is we're not -- and

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I say "we" because I'm very actively involved

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in the community, but I'm speaking on my own

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behalf -- just a simple fact that we like the

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project, you know, in general we were

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supportive of the project back in 2013. I

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just believe the abatements, which I'm not

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entirely opposed to, I just believe they're

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too steep.

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I think, I'm reading through all the

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numbers now, the cost analysis, like Will just

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said, sometimes I think the numbers that they

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say they're going to bring in -- the jobs, the

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salaries behind the jobs -- it seems like it's

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very generously positive and I am believing

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that -- not that, you know, a lot of good

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comes from these projects and I don't think

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it's such a bad thing, but the abatement just

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seems too steep of a difference. If the total

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number should be 848,000 when it's fully

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built, then why start at such a low number; I

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2 know I just spoke with somebody and we said  
3 like by year three, the first year that it  
4 would be full at like a hundred and something,  
5 I just don't understand the difference. If  
6 you want to give a small incentive, you know,  
7 maybe a smaller number, you know, a hundred  
8 thousand, 300,000, but why would the  
9 difference be \$700,000 is beyond me.

10 So I'm all for the project, I'd love to  
11 see it happen, I think it has some great  
12 positives, I just don't understand the need  
13 for the abatement to that extreme, you know, I  
14 don't think it's going to stop the project and  
15 also, as Will stated, we do have other  
16 projects around, so it's not like you have to  
17 entice the project to be built, it will be  
18 built and if it wasn't, you know, we do have  
19 other areas that are filling that need.

20 So that's pretty much my statement.

21 MS. MULLIGAN: Thank you.

22 Is there anyone else who would like to  
23 make comment?

24 (No response.)

25 MS. MULLIGAN: Okay. I'm going to

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2 leave this open for, you know, about 15 more  
3 minutes just in case somebody else joins, see  
4 if anybody else would like to make comment.

5 (Pause.)

6 MS. CAUDULLO: If you don't mind my  
7 saying, it's because we can't physically see  
8 each other, can I ask who's on the call?

9 MS. MULLIGAN: To tell you the truth, a  
10 bunch of times the phone beeped and I'm not  
11 sure who's on the call. This is Lisa  
12 Mulligan, I can tell you that I am, in fact,  
13 on the call; beyond that, I'm not a hundred  
14 percent positive.

15 MS. CAUDULLO: Oh, isn't there supposed  
16 to be a board?

17 MR. CURRY: Peter Curry from Farrell  
18 Fritz, I'm also on the call.

19 MS. CAUDULLO: I'm sorry, I spoke over  
20 you, my apologies.

21 MR. CURRY: Sure.

22 Peter Curry from Farrell Fritz, the  
23 applicant's counsel, I am also on the call.

24 MS. MULLIGAN: And no, ma'am, our board  
25 members are not required to be on this, it's



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being recorded and a transcript will be

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provided to them.

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MS. CAUDULLO: This is at the point of

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a public hearing?

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MR. CURRY: This is the public hearing.

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MS. MULLIGAN: Yes.

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MS. CAUDULLO: Oh, I guess I would have

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assumed the board would be present.

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MS. MULLIGAN: No, ma'am, that's why

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it's recorded and a transcript is provided to

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them.

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(Pause.)

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MS. MEYERS: Hi, Lisa, this is Krista

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Meyers from Councilman LaValle's office. I'm

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just here as a listener, I have nothing to

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offer for the record, but I did have to call

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in because I got disconnected and I just

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wanted to make sure that the record reflected

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that I was listening.

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MS. MULLIGAN: Thank you.

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(Pause.)

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MR. FERRARO: I'd just like to state,

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whether this goes on the record or not --

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MS. MULLIGAN: Excuse me; who's

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speaking, please?

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MR. FERRARO: This is Will Ferraro.

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MS. MULLIGAN: Okay. Sir, you had your three minutes.

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MR. FERRARO: Okay.

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MS. MULLIGAN: Are you adding to your statement?

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MR. FERRARO: It doesn't matter if it's on the record or not. I think that the IDA board members should be required to be on these calls in the future and if not, I think it would only be fair to allow community members to log comments publicly over like a revolving period, maybe a week or so because it just seems unfair that, you know, we have to be on these calls to log a record and yet they can be off a call for a board they sit on and just read the transcript later, so it's just expressing that opinion; if it's on the record, great, if not, that's fine, too.

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MS. MULLIGAN: Okay.

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Is there anyone else who wants to make comment on this public hearing?

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(No response.)

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MS. MULLIGAN: Hearing none, I'm closing the public hearing for the Middle Country Meadows project through the Town of Brookhaven Industrial Development Agency. It's 10:31 a.m. on February 1, 2021.

Thank you.

(Time noted: 10:31 a.m.)

I, JOANN O'LOUGHLIN, a Notary Public for and within the State of New York, do hereby certify that the above is a correct transcription of my stenographic notes.

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JOANN O'LOUGHLIN