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TOWN OF BROOKHAVEN
INDUSTRIAL DEVELOPMENT AGENCY

- - - - -x

PUBLIC HEARING
HELD BY CONFERENCE CALL
RE: SOUTH SETAUKET ILU, LLC

- - - - -x

June 17, 2020
10:02 a.m.

TRANSCRIPT OF PROCEEDINGS

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

TOWN OF BROOKHAVEN
INDUSTRIAL DEVELOPMENT AGENCY
One Independence Hill
Farmingville, New York 11738

BY: LISA M.G. MULLIGAN,
CHIEF EXECUTIVE OFFICER

ALSO PRESENT: JOCELYN LINSE,
EXECUTIVE ASSISTANT IDA
WILLIAM F. WEIR, ESQ.,
NIXON PEABODY
TERANCE V. WALSH, ESQ.,
NIXON PEABODY

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MS. MULLIGAN: It's 10:02 on June 17, 2020. This is the public hearing for the Town of Brookhaven Industrial Development Agency for the South Setauket ILU, LLC project. I am going to read the NOTICE OF PUBLIC HEARING into the record.

NOTICE IS HEREBY GIVEN 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 by Executive Order 202.14, issued on April 7, 2020, suspending the Open Meetings Law, and Executive Order 202.15 issued on April 9, 2020, as extended by Executive Order 202.28 issued on May 7, 2020 permitting local governments to hold public hearings by telephone and video conference and/or similar device, the Public Hearing scheduled for June 17, 2020, at 10:00 a.m., local time, to be held by the Town of Brookhaven Industrial Development Agency (the "**Agency**"), in accordance with the provisions of Article 18-A of the New York General Municipal Law will be

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held electronically via conference call

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instead of a Public Hearing open for the

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public to attend. Members of the public may

5

listen to the Public Hearing, and comment on

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the project (defined below) during the Public

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Hearing, by calling (712)770-5505 and entering

8

access code 884-124. Comments may also be

9

submitted to the Agency in writing or

10

electronically. Minutes of the Public Hearing

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will be transcribed and posted on the Agency's

12

website, all in connection with the following

13

matters:

14

South Setauket ILU, LLC, a limited

15

liability company organized and existing under

16

the laws of the State of New York, on behalf

17

of itself and/or the principals of South

18

Setauket ILU, LLC (the "**Company**") has

19

submitted its application, for financial

20

assistance (the "**Application**") to the Agency

21

to enter into a transaction in which the

22

Agency will assist the Company in the

23

acquisition of a leasehold interest from

24

Active Retirement Community, Inc., d/b/a

25

Jefferson's Ferry, a New York not-for-profit

1
2 corporation (the "**Institution**"), of a portion
3 of the Land (defined below) and 248 existing
4 independent living units and the associated
5 common areas (the "**Existing Independent Living**
6 **Units**") consisting of 220 apartments and 28
7 cottages located in approximately 365,417
8 square feet of existing buildings located on
9 the Land and approximately 73 new independent
10 living unit apartments and the associated
11 common areas (when completed) to be
12 constructed and located in approximately
13 113,664 square feet of new buildings and
14 additions to existing buildings located on the
15 Land (the "**New Independent Living Units**" and
16 together with the Existing Independent Living
17 Units, collectively, the "**Independent Living**
18 **Units**") located on a portion of an
19 approximately 50.0 acre parcel of land
20 (fronting on State Route 47 (Nesconset
21 Highway) and Wireless Road in the Town of
22 Brookhaven, New York, and having an address of
23 One Jefferson Ferry Drive, South Setauket, New
24 York (Tax Map Number
25 0200-308.00-03.00-001.004) (the "**Land**"). A

1

2

portion of the Land together with the

3

Independent Living Units (collectively, the

4

"Facility"), will be leased by the Institution

5

to the Company and the Facility will be

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subleased by the Company to the Agency, and

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sub-subleased by the Agency back to the

8

Company to be used as a part of a continuing

9

care retirement community pursuant to Article

10

46 of the New York Public Health Law (the

11

"Project") which is owned and/or operated by

12

the Institution.

13

The Agency will acquire a subleasehold

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interest in the Facility and will sub-sublease

15

and the Facility to the Company. The Agency

16

contemplates that it will provide financial

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assistance to the Company in the form of

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abatement of real property taxes on the

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Facility, all consistent with the policies of

20

the Agency.

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A representative of the Agency will at

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the above-stated time and place hear and

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accept written or oral comments from all

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persons with views in favor of or opposed to

25

either the proposed financial assistance to

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the Company or the location or nature of the

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Facility. Written comments may be sent to the

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Agency at the following address: Town of

5

Brookhaven Industrial Development Agency,

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Brookhaven Town Hall, One Independence Hill,

7

2nd Floor, Farmingville, New York 11738,

8

Attention: Chief Executive Officer or

9

electronically to the following email address:

10

brookhavenida@brookhavenny.gov. Prior to the

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hearing, all persons will have the opportunity

12

to review on the Agency's website

13

(<https://brookhavenida.org/>), the application

14

for financial assistance filed by the Company

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with the Agency and an analysis of the costs

16

and benefits of the Facility.

17

Dated: June 5, 2020

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TOWN OF BROOKHAVEN

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INDUSTRIAL DEVELOPMENT AGENCY

20

By: Lisa MG Mulligan

21

Title: Chief Executive Officer

22

Would anyone like to provide comment?

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(No response.)

24

MS. MULLIGAN: We'll leave this hearing

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open to see if anybody wants to participate.

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(Pause.)

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MS. MULLIGAN: It's 10:12 on June 17,

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2020. This is the Town of Brookhaven

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Industrial Development Agency public hearing

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for South Setauket ILU, LLC.

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Would anyone care to make comment?

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(No response.)

9

(Pause.)

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MS. MULLIGAN: It is 10:19 on

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June 17th. This is the public hearing for the

12

Town of Brookhaven Industrial Development

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Agency for South Setauket ILU, LLC project.

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Would anyone like to make comment?

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(No response.)

16

(Pause.)

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MS. MULLIGAN: It's 10:30 on June 17,

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2020. This is the Town of Brookhaven

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Industrial Development Agency public hearing

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for South Setauket ILU, LLC.

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Would anyone care to make comment on

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this project?

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(No response.)

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MS. MULLIGAN: Hearing none, I'm going

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to close the public hearing. Once again,

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10:30 a.m. on June 17th. The public hearing
is closed. Thank you so much.

(Time noted: 10:30 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.

JOANN O'LOUGHLIN