

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TOWN OF BROOKHAVEN
INDUSTRIAL DEVELOPMENT AGENCY

- - - - -x

PUBLIC HEARING

RE: TOPGOLF USA

- - - - -x

One Independence Hill
Farmingville, New York

November 12, 2019
10:34 a.m.

TRANSCRIPT OF PROCEEDINGS

* * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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
-and-
JAMES TULLO, DEPUTY DIRECTOR

CERTILMAN BALIN ADLER & HYMAN, LLP
Attorneys for TOPGOLF USA
100 Motor Parkway
Hauppauge, New York 11788

BY: J. TIMOTHY SHEA, JR., ESQ.
-and-
BRIAN T. SINSABAUGH, ESQ.

* * *

1

2

MS. MULLIGAN: We're going to start the public hearing for the Topgolf USA Holtsville, LLC project. I'm going to read the public hearing notice.

3

4

5

6

7

8

9

10

11

12

13

14

15

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Title 1 of Article 18-A of the New York State General Municipal Law will be held by the Town of Brookhaven Industrial Development Agency (the "**Agency**") on the 12th day of November, 2019, at 10:30 a.m., local time, at the Town of Brookhaven, 1 Independence Hill, Work Session Room, Third Floor, Farmingville, New York 11738, in connection with the following matters:

16

17

18

19

20

21

22

23

24

25

TOPGOLF USA HOLTSVILLE, LLC, a limited liability company organized and existing under the laws of the State of New York, on behalf of itself and/or the principals of TOPGOLF USA (the "**Company**"), has applied to the Agency for assistance in the acquisition of an approximately 25.32 acre parcel of land (the "**Land**"), the acquisition and construction of an approximately 60,000 square foot building and other improvements thereon (the

1

2

"Improvements"), and the acquisition and

3

installation therein of certain equipment and

4

personal property (the **"Equipment"**), located

5

or to be located at Sandy Hollow Road,

6

Farmingville, and Morris Avenue, Holtsville,

7

Town of Brookhaven, Suffolk County, New York

8

(and further described on the Suffolk County

9

tax map as No. 0200-728.0-05.00-009.00 and

10

0200-729.00-01.00- 016.000) (collectively, the

11

Land, Improvements and Equipment may be

12

referred to as the **"Facility"**), which Facility

13

is to be leased to the Agency by the Company

14

and used as an entertainment and recreation

15

facility making available goods and services

16

not otherwise reasonably accessible to the

17

residents of the Town of Brookhaven, including

18

an interactive golf venue, climate controlled

19

golf hitting bays, event space, restaurant,

20

dining, kitchen and lounge facilities, and

21

music and game entertainment facilities. The

22

Facility will be initially owned, operated

23

and/or managed by the Company.

24

The Agency will acquire title to or a

25

leasehold interest in the Facility, and will

1

2

lease and sublease the Facility to the

3

Company.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

The agency contemplates that it will provide financial assistance to the Company in the form of exemptions from mortgage recording taxes in connection with the construction and permanent financing or any subsequent refinancing of the Facility, exemptions from sales and use taxes in connection with the construction and equipping of the Facility, and exemption of real property taxes, consistent with the policies of the Agency.

A representative of the Agency 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. At the hearing, all persons will have the opportunity to review the application for financial assistance filed by the Company with the Agency and an analysis of the costs and benefits of the proposed Facility.

Dated: November 1, 2019.

1

2

TOWN OF BROOKHAVEN.

3

INDUSTRIAL DEVELOPMENT AGENCY.

4

By: _____

5

Lisa MG Mulligan

6

Title: Chief Executive Officer.

7

I think we have someone who would like

8

to provide a comment for the record.

9

MR. SHEA: J. Timothy Shea, Jr.,

10

Certilman Balin, 100 Motor Parkway, Hauppauge,

11

New York, for the applicant.

12

I just wanted to provide an update as

13

to approvals and action taking place on the

14

site.

15

The applicant has obtained site plan

16

sign-off and a tree clearing permit for the

17

site, the marked site, in anticipating

18

starting tree clearing tomorrow, I wanted to

19

make this sure on the record and that this was

20

done as an economic benefit to the property to

21

increase the value of the property

22

acknowledging that if there is a denial of the

23

IDA benefits, it would increase the property

24

value to Topgolf, in which case if Topgolf

25

were to terminate the project, it would be

1

2 increased value to a sale to a third party. I
3 just wanted to put that on the record.

4

5 We acknowledge that if there are sales
6 taxes that accrue prior to closing, we would
7 be foregoing that sales tax relief. That's
8 it.

9

MS. MULLIGAN: Thank you.

10

Does anyone else have comment?

11

(No response.)

12

MS. MULLIGAN: Okay, we'll wait and see
13 if anybody else shows up.

14

(Short recess taken.)

15

MS. MULLIGAN: No other comments, so
16 we'll just go ahead and close the hearing.

17

(Time noted: 11:34 a.m.)

18

19

20

21

22

23

24

25

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