

**GLEN COVE INDUSTRIAL DEVELOPMENT AGENCY
& LOCAL ECONOMIC ASSISTANCE CORP.
City Hall - 9 Glen Street, Glen Cove, NY 11542**

Minutes of Meeting

May 9, 2023

The Glen Cove Industrial Development Agency and Local Economic Assistance Corp. held a regular business meeting at Glen Cove City Hall, second floor conference room, 9 Glen Street, Glen Cove, NY 11542 on Tuesday, May 9, 2023. The meeting was livestreamed and recorded in accordance with Section 857 of NY GM Law, as amended. Chairperson Panzenbeck called the meeting to order at 5:33 p.m. and the following members were present:

IDA/LEAC MEMBERS:

Pamela D. Panzenbeck, Chairperson
Vincent Hartley, Vice Chair
James Cappiello
Grady Farnan
John Fielding
Dave Jimenez

Also Present:

Ann Fangmann, Executive Director
Camille Byrne, Secretary
Milan Tyler, Esq. – IDA/LEAC Attorney

Absent:

Thomas Hopke
Margo Zoldessy, CFO

MINUTES:

Chairperson Panzenbeck made a motion to adopt the minutes of the IDA/LEAC meeting held April 11, 2023 and asked for a second. Vice Chair Hartley seconded the motion. Motion carried as follows:

IDA/LEAC MEMBERS

Chairperson Panzenbeck
Vice Chair Hartley
James Cappiello
Grady Farnan
John Fielding
Thomas Hopke
Dave Jimenez

VOTING

AYE
AYE
AYE
AYE
AYE
Absent
AYE

Unfinished Business:

Chairperson Panzenbeck asked Ms. Fangmann and Milan Tyler to provide the members with an update on the following Unfinished Business matter:

1. The Villas at Glen Cove, 135 Glen Cove Ave Corp. Request for Consent to Transfer of Equity Interest

Mr. Tyler introduced legal counsel for 135 Glen Cove Ave Corp, Dan Deegan, who was accompanied by his client, Daniel Livingston, Manoj Narang and Varander Nayar seeking IDA consent to a different transfer of equity in Villa and withdrawal of the former request consents (other than as to the Merger Transaction) of Glen Cove Villa LLC (Successor-By-Merger to 135 Glen Cove Ave. Corp.). Mr. Deegan recapped the history of the various transactions concerning this project thus far and reviewed the proposed organization chart under the restructuring and the percentage of ownership of each party therein. Mr. Deegan further reminded the board that outstanding tax arrears have been paid and a settlement of a mechanics lien was partially paid with a motion filed to withdraw the default judgment from the courts. If this proposed management restructuring is approved this evening, subject to background checks of the new partnership officers, a meeting with the principals and the creditor for a payment plan of the remainder of the mechanics lien will be worked out. IDA member, Grady Farnan, asked if the

litigation on the Villa project is ongoing to which Mr. Deegan indicated the litigation is complete. As there were no further questions, Chairperson Panzenbeck made a motion to adopt Resolution 7(a):

Resolution 7(a): Glen Cove Industrial Development Agency taking official action toward and approving a Consent under the Straight Lease documents for a certain project for Glen Cove Villa LLC (Successor-By-Merger to 135 Glen Cove Ave. Corp.)

Motion was seconded by Grady Farnan. Motion carried as follows:

<u>IDA/LEAC MEMBERS</u>	<u>VOTING</u>
Chairperson Panzenbeck	AYE
Vice Chair Hartley	AYE
James Cappiello	AYE
Grady Farnan	AYE
John Fielding	AYE
Thomas Hopke	Absent
Dave Jimenez	AYE

Chairperson Panzenbeck thanked Mr. Deegan, Mr. Livingston and his new partners for their in-depth updates on the Villa project this evening and the Villa partners exited the meeting.

Chairperson Panzenbeck asked Ms. Fangmann to provide the members with an update on the Uniform Tax Exemption Policy (UTEP) updates. Ms. Fangmann informed the board that an ad-hoc committee looked at the existing IDA UTEP policy and made recommendations for changes. Those changes were shared with the entire board at the April 11th meeting and the next step will be to notify the affected tax jurisdictions of the proposed amendments to the UTEP as well as to hold a public hearing for comments followed by potential approval in July.

New Business:

Chairperson Panzenbeck asked Ms. Fangmann and Milan Tyler to provide the members with an update on the following New Business matters:

1. Application for Financial Assistance – Garvies Point Block F Affordable Housing Development
2. RXR PUD 2023 Amendment
 - Property transfer LiTungsten Lower C
3. RXR request to transfer Block F

Milan Tyler addressed the board concerning the first New Business item concerning the application for financial assistance of Garvies Point Block F Affordable Housing Development. He again introduced Dan Deegan who represents David Gallo and his partner Matthew Ardito from Georgica Green Ventures. He explained that similar to the affordable housing rental component in the overall Garvies Point Waterfront Redevelopment, in which Georgica Green Ventures is the project manager, this transaction would be for affordable for-sale units at the development located at Site F, which is approximately 2.3 acres and would be acquired from RXR. This for-sale affordable housing component is a rare transaction and likely the first of its kind in the State of New York, earmarked to the 80% AMI population. This proposed transaction would not incur any additional PILOT as it has already been given PILOT under the RXR Garvies Point Waterfront Redevelopment project. However, given approximately \$30 million in construction, the applicants seek sales tax and mortgage recording tax exemptions. David Gallo

addressed the board members that the affordable rental component units underwent a lottery earlier this month and they received an overwhelming response to that lottery. They are working with the Housing & Community Renewal team who are very excited about this mixed-income for-sale proposed project consisting of 56 units of 1-, 2- and 3-bedroom units. The site amenities on Site F will be the same as that of Site G (fitness room, community room and rooftop deck). Milan Tyler addressed the board to advise that this evening's resolution is authorizing preliminary action to begin due diligence in the form of economic impact studies. Although there is no additional PILOT, a public hearing will need to take place because the sales tax and mortgage recording tax exemptions are anticipated to exceed \$100k. If the preliminary resolution is approved this evening, the consultants will be contacted to begin due-diligence reporting and analysis of the transaction, a public hearing will take place some time in June.

Chairperson Panzenbeck asked the members if they have any further questions. Having no further questions, Chairperson Panzenbeck made a motion to adopt **Resolution 7(b)**:

Resolution 7(b): Taking preliminary action toward the granting of financial assistance for Garvies Block F LLC and its affiliates Georgica Green Ventures, LLC and/or its other affiliates in connection with a certain project of the Glen Cove Industrial Development Agency and authorizing certain action with respect to such transaction at Block F.

Motion was seconded by Vice Chair Hartley. Motion carried as follows:

<u>IDA/LEAC MEMBERS</u>	<u>VOTING</u>
Chairperson Panzenbeck	AYE
Vice Chair Hartley	AYE
James Cappiello	AYE
Grady Farnan	AYE
John Fielding	AYE
Thomas Hopke	Absent
Dave Jimenez	AYE

Chairperson Panzenbeck thanked Mr. Deegan, Mr. Gallo and his partner from Georgica Green Ventures and they exited the meeting.

Chairperson Panzenbeck asked Milan Tyler to provide the members with the remaining New Business matters:

- RXR PUD 2023 Amendment
- Property transfer LiTungsten Lower C

Milan Tyler asked RXR Executive Vice President for Residential Development and Construction, Mr. Joe Graziose, to join the members at the board table and he provided the members with a brief history of the overall Garvies Point Waterfront Redevelopment Project. Also in attendance were a representative from CMA Anthony Nash and legal counsel to RXR, Peter Curry of the law firm of Farrell Fritz. Mr. Graziosi distributed a PowerPoint presentation to the board attendees and proceeded to present the proposed changes to the PUD amendment. Following this presentation, Mr. Graziosi thanked his RXR team, including Sandra Raymond who was also in attendance. Milan Tyler informed the board that there is no board action being taken this evening. The board will have time to further discuss and review the proposed changes and meet again to render formal IDA consent for RXR to present their proposed PUD amendment to the Planning Board for approval. Ms. Fangmann informed the board that all environmental approvals to make the Block D property transfer have been received.

Chairperson Panzenbeck thanked Mr. Graziose and his team and they exited the meeting.

Chairperson Panzenbeck asked Ms. Fangmann to provide the members with her Executive Director’s Report. Ms. Fangmann reported on the following projects:

- **Arcadia Landing**: Following a notice of default issued on March 31, 2023, the owner’s submitted back-up documentation to support the job creation annual reporting requirements as well as annual sales tax reporting to the State and GC-IDA.
- **Fair Housing Development Corp. (FHDC) – Stanley Park Apartments**: Following IDA legal counsel’s notification to FHDC issuing a deadline by which to confirm their plan to rebuild the units and failure to respond with a plan by said date may result in commencement of recapture proceedings, FHDC will be requesting a waiver to rebuild the apartments destroyed in the fire on Dixon Street, citing that the insurance payment makes the cost of materials, construction, etc. prohibitive to do so. Those estimates and other waiver request materials were received by the IDA and will be distributed to the board for future discussion and next steps..
- **TDG (5 School St)**: Given the legal problems incurred by TDG principal, a request to divest his shares to a trust has been received. Background check consent forms were given to legal counsel for TDG to obtain consent by the proposed new partners and the matter will be discussed at a later board meeting.
- **P.R. Storage**: The City Finance Department determined that the School/Library portion of the PILOT has arrears ~\$55,994.96, plus the costs and expenses incurred by the Agency. Late fees and interest have also accrued since the late PILOT payment date. Milan Tyler will reach out to P.R. Storage legal counsel to inform them that failure to resolve this matter will result in legal action.
- Ms. Fangmann informed the members that there was no financial report this evening. The report rendered during the April meeting was budget to actual Jan-March 2023 and with the audit process no new financial report was prepared this evening.

As there was no further business to discuss, Chairperson Panzenbeck made a motion to **adjourn the meeting** and asked for a second. Motion seconded by Vice Chair Hartley. Motion carried as follows:

<u>IDA/LEAC MEMBERS</u>	<u>VOTING</u>
Chairperson Panzenbeck	AYE
Vice Chair Hartley	AYE
James Cappiello	AYE
Grady Farnan	AYE
John Fielding	AYE
Thomas Hopke	Absent
Dave Jimenez	AYE

Motion carried and the meeting is adjourned at 6:48 p.m.

Respectfully Submitted,

Camille Byrne, Secretary - Glen Cove IDA/LEAC

Adopted 6-13-2023