

STATE OF NEW YORK
COUNTY OF DUTCHESS

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DUTCHESS COUNTY INDUSTRIAL DEVELOPMENT
AGENCY RE:

23-28 CREEK DRIVE, LLC

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DATE: May 11, 2020
9:31 a.m. - 10:01 a.m.

Frances M. Elmes, Reporter

MINUTES OF PUBLIC HEARING
CONDUCTED BY REMOTE VIDEOCONFERENCE

MARY T. BABIARZ COURT REPORTING SERVICE, INC.
(845) 471-2511

1 APPEARING BY REMOTE VIDEO CONFERENCE:

2 DONALD CAPPILLINO, Hearing Officer
3 CAPPILLINO & ROTHSCHILD, LLP
4 Seven Broad Street
5 P.O. Box 390
6 Pawling, New York 12564
7 E-mail: Dc@cappillino.com

8 ELIZABETH CAPPILLINO
9 Seven Broad Street
10 P.O. Box 390
11 Pawling, New York 12564
12 E-mail: Ec@cappillino.com

13 SARAH LEE, CFO, Think Dutchess Alliance
14 for Business
15 3 Neptune Avenue
16 Poughkeepsie, New York 12601
17 E-mail: Sarah@thinkdutchess.com

18 MARILYN YERKS, IDA CFO
19 3 Neptune Avenue
20 Poughkeepsie, New York 12601
21 E-mail: Marilyn@thinkdutchess.com

22 TELEPHONIC APPEARANCES:

23 RACHEL WELCH, IDA COMMUNICATIONS COORDINATOR
24 3 Neptune Avenue
25 Poughkeepsie, New York 12601
E-mail: Rachel@thinkdutchess.com

TINA ANDRESS-LANDOLFI, Representing 23-28
Creek Drive, LLC

DOREEN TIGNANELLI, Town of Poughkeepsie
Resident

JAMES BERETTA, Town of Poughkeepsie Resident

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2 THE HEARING OFFICER: Okay. With
3 that I think I will now --- and thank
4 you for your patience everyone, I really
5 appreciate it. You know, these are
6 difficult times and we are trying to
7 work remotely and doing all the public's
8 business that we can in accordance with
9 all the applicable statutes and
10 executive orders, etc.

11 So we would obviously much prefer
12 to have this as a meeting where everyone
13 could come in and allow us to
14 communicate with one another face to
15 face, but we are going to go forward
16 with this the best we can under the
17 circumstances.

18 Before the hearing began --- did
19 somebody else just join the public
20 hearing?

21 MS. WELCH: Yeah, this is Rachel
22 from Think Dutchess, I'm just joining
23 in. I wasn't hearing anything on the
24 Zoom calls because I wasn't logged in,
25 so just so you know.

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2 THE HEARING OFFICER: Who is
3 this? I'm sorry, I missed who it was
4 when you came in.

5 MS. WELCH: Rachel from Think
6 Dutchess.

7 THE HEARING OFFICER: Oh, Rachel,
8 I'm sorry. Yes, okay. So Rachel has
9 joined us.

10 MS. WELCH: Rachel Welch with
11 Think Dutchess as the Marketing
12 Communications Coordinator. You can use
13 the same address as Sarah and Marilyn.

14 MR. CAPPILLINO: Okay. Thank
15 you, Rachel. Okay. Now, if I may
16 begin, so please allow me to start.
17 Before the hearing began I had marked in
18 evidence as Hearing Officer's --- as
19 Exhibit Number 1 the --- in evidence the
20 April 21, 2020 letter of Timothy Dean,
21 the Chairman of the Dutchess County
22 Industrial Development Agency, advising
23 me that I was designated as the hearing
24 officer in this particular matter.

25 I've had marked as Hearing

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2 Officer's Exhibit Number 2 the April 21,
3 2020 Notice of Public Hearing signed by
4 the Chairman of the IDA relating to this
5 matter.

6 I had marked as Hearing Officer's
7 Exhibit Number 3 in evidence the
8 April 27, 2020 affidavit of Nicholas
9 Renstrom from the Poughkeepsie Journal
10 Media Group indicating that the Notice
11 of Public Hearing was published once on
12 April 27, 2020.

13 I have marked as Hearing
14 Officer's Exhibit Number 4 in evidence
15 the affidavit of Jenna Jones indicating
16 that on April 27th a notice of the
17 public hearing was sent to the mayor of
18 the City of Beacon, Honorable Lee
19 Kyriacou, to Dr. Matthew Landahl,
20 Superintendent of Schools of the Beacon
21 City School District, and upon Honorable
22 Marcus J. Molinaro, the County Executive
23 of Dutchess County.

24 With that I will open the public
25 hearing, but I would ask that the

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2 applicant speak first and if you would
3 give us a brief statement of what the
4 project is about. Thank you.

5 MS. ANDRESS-LANDOLFI: Hi, good
6 morning. So this --- for this project
7 we will be demolishing existing
8 buildings on the premises in order to
9 construct a new four-story mixed use
10 building with underground parking
11 garage. We will also be building a
12 smaller structure to be used as a
13 commercial workshop garage with two
14 parking spaces. The project includes a
15 total of 20,000 square feet of
16 commercial space, including
17 18,000 square feet for the larger
18 building mixed use and 1,300 square feet
19 for the smaller building
20 workshop/garage.

21 We'll also be constructing on top
22 of the larger commercial space eight
23 residential apartment units totaling
24 15,744 square feet. The commercial
25 space and each of the residential units

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2 will have private balconies.

3 Additionally there are private rooftop
4 decks for three residential units
5 located on the top floor.

6 This project also includes an
7 extension of the Greenway Trail running
8 alongside the Fishkill Creek and a large
9 pocket park connected to the trail that
10 will be accessible to the public. This
11 park will be constructed and maintained
12 in perpetuity by the owner of this
13 project.

14 THE HEARING OFFICER: Okay. This
15 property, did you have the approval of
16 the City of Beacon for the construction?

17 MS. ANDRESS-LANDOLFI: Yes.

18 THE HEARING OFFICER: And I
19 understand that part of this involves
20 your purchasing property from the City
21 of Beacon; is that correct?

22 MS. ANDRESS-LANDOLFI: Correct.
23 This is an RFP that was put out by the
24 City of Beacon and we were awarded that
25 bid and then upon that or after that the

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2 approvals took place.

3 THE HEARING OFFICER: Okay. As
4 far as jobs are concerned, the
5 application indicates on page 21 that
6 you have a total of 87 jobs with salary
7 ranges listed for them and the --- is
8 the information in that application
9 accurate as far as the number of
10 employees and the average salary range?

11 Although I don't believe that the
12 total average salary is an accurate
13 number, but that could be computed from
14 the individual lines. Is that otherwise
15 accurate other than that one total?

16 MS. ANDRESS-LANDOLFI: Yes.

17 THE HEARING OFFICER: Yeah, okay.
18 So with that I'll open it up to the
19 public for any comments that you have.
20 I understand that there was an e-mail
21 already sent in that can be read into
22 the record, if you would like to have
23 that read into the record, or would you
24 like to, instead of, present that orally
25 or would you like both?

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2 MS. TIGNANELLI: I'm not sure who
3 you're speaking to, Mr. Cappillino, the
4 public?

5 THE HEARING OFFICER: Yeah. Who
6 is that? Sarah, who is that?

7 MS. LEE: So this is Sarah with
8 the IDA. I received two e-mails this
9 morning being asked to be read into the
10 record. I'm happy to do that. I was
11 just wondering, because the people who
12 submitted those e-mails are also on the
13 call, I'd just ask if they would like to
14 read it into the record? If not, I will
15 read them into the record.

16 THE HEARING OFFICER: Okay.

17 MS. TIGNANELLI: Yeah, this is
18 Doreen Tignanelli. I did submit one set
19 of comments and I can briefly summarize
20 them in addition to having the written
21 comments submitted for the public
22 record.

23 THE HEARING OFFICER: Okay. So
24 we don't have to read, those were --- we
25 don't have to read them into the record,

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2 we will just submit those, make sure ---
3 understand that the Board will get all
4 of the information that is submitted
5 here, so if you wanted --- (Interrupted)

6 MS. TIGNANELLI: Can I ---
7 (Interrupted)

8 THE HEARING OFFICER: Go ahead,
9 I'm sorry.

10 MS. TIGNANELLI: Can I make a
11 brief oral comment?

12 MS. LEE: Yes, please. This is
13 Doreen, go ahead.

14 MS. TIGNANELLI: Thank you. So,
15 yes, I would like to say that I'm
16 opposed to the issuance of financial
17 assistance to this project. I believe
18 they are unnecessary. The Beacon real
19 estate market has been softened, there's
20 been migration from other areas,
21 including New York City and the Brooklyn
22 area, likely to continue.

23 The applicant has stated that he
24 has acquired and developed properties in
25 Beacon and one of the website projects

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2 says that under, I believe it was
3 Edgewater, he touted his project as
4 being great for Beacon, and I quote,
5 "The project will be entirely privately
6 financed with no taxpayer funding used."
7 So but for this project he's asking for
8 IDA assistance, so I don't think the
9 taxpayers should be asked to subsidize
10 this particular project.

11 Regarding full time employees, I
12 do have a concern. In the past there's
13 been issues where the number of, I'm
14 sorry, FTEs have not been accurately
15 reported. That was noted in the
16 Dutchess Comptroller's report of
17 September 2018. She had concerns that
18 the number of jobs certified to the
19 respective agencies didn't match what
20 was reported. So, again, the number of
21 FTEs was of concern.

22 Also I think some of the
23 documentation had some inconsistencies
24 and also there --- I believe it was, in
25 my opinion, inadequate when it came to

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2 THE HEARING OFFICER: All right.
3 Thank you, Miss --- I'm making sure I'm
4 going to pronounce this correctly ---
5 Tignanelli?

6 MS. TIGNANELLI: Tignanelli.

7 THE HEARING OFFICER: Yeah, okay.
8 Thank you. And then anyone else want to
9 speak?

10 MR. BERETTA: Yeah, excuse me,
11 this is Jim Beretta. Can you hear me?

12 THE HEARING OFFICER: Yes, I can
13 hear you well, thank you.

14 MR. BERETTA: Okay. Good. All
15 right. Thank you. Good morning
16 everyone. I also am opposed to the
17 issuance of financial assistance for
18 this project. I don't feel that,
19 particularly at this point in time with
20 the COVID-19 global pandemic putting
21 really, you know, unforeseen financial
22 burden on, you know, residents who have
23 lost their jobs, are currently dependent
24 on state and federal assistance.

25 We have small businesses that are

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2 shuttered because of the governor's
3 executive order. It's just not
4 appropriate and inconceivable that the
5 county would grant financial assistance
6 to a project and essentially transfer
7 tax burden from the applicant to the
8 residents of the municipality and the
9 county in these really difficult and
10 unpredictable economic times.

11 The application appears to say
12 that they're asking for relief from
13 taxes for at least ten years. And that
14 was not really clear, but, you know,
15 based on what the application says it
16 looks like it's at least ten years.
17 And, you know, this, you know, economic
18 time that we're in right now where, you
19 know, like I said, with businesses on
20 their backs and shuttered and people
21 unemployed, you know, it's going to take
22 years to get out of this. So it's just
23 unconscionable to transfer taxes.

24 And in terms of the job creation,
25 I don't know if --- yeah, and the

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2 previous speaker stated that the
3 material was not out there until Friday,
4 and only after it was requested. I
5 don't know that the application says
6 what kind of jobs are going to be
7 provided, but --- you know, let me give
8 one example. I mean, you have
9 restaurant workers that, you know, are
10 all out of work right now and I don't
11 know that, you know, even if one were to
12 say that, well, we're going to create
13 jobs, I don't know that those jobs are
14 transferable to the people that are
15 right in the community, you know, that
16 are currently employed.

17 So I'll end there and I'll
18 restate that I'm opposed to the
19 financial assistance request.

20 THE HEARING OFFICER: All right.
21 Well, thank you very much, I appreciate
22 it. The pilot in this particular case
23 is a request for a standard pilot, a
24 uniform tax exemption policy to be
25 followed. There are recapture

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2 provisions if people don't meet the
3 projected number of employees. And the
4 applicant's statements had been at the
5 preliminary meetings that this was
6 needed in order to induce this company
7 to come to this particular site and
8 without it the idea that the IDA has to
9 be concerned about is whether or not the
10 particular project can come in and add
11 to the tax base. Eventually it will be
12 a --- it will add and without it it may
13 not have anywhere near the same tax base
14 from that.

15 And then they look at the number
16 of jobs and the salaries and then the
17 multiplier effect that has, including on
18 restaurants and things of that nature.
19 So these are the kinds of things that
20 the Board looks at, I just want to
21 inform you from my years of reviewing
22 them.

23 And so the Board will have to
24 make the decision. But thank you, I
25 appreciate your comments. The letters

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2 that you sent will be sent to the Board
3 so that they have it and we will
4 accordingly make the determination and
5 it could be as early as Wednesday
6 morning.

7 The concern about the --- I do
8 want to address the concern about the
9 posting of the application. The New
10 York State regulations require that the
11 application be posted on the website
12 once the project has been finally
13 approved, so it would normally not have
14 to be until the Board does approve it.

15 The IDA has had a practice of
16 having them available at the office. In
17 this particular case, because of the
18 COVID issue we realize the office could
19 not be made available, so it was
20 suggested that we could put that --- in
21 the public hearings that we would put it
22 up on the website. And that was done
23 from staff to staff with minimal staff
24 during the COVID crisis.

25 So somehow or other it didn't get

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2 posted and as soon as you notified us
3 that it was not posted, thankfully, and
4 we appreciate the fact that you did ---
5 Sarah, I don't know if you had anybody
6 else call you or ask you about the
7 posting of the application itself. Have
8 you ever --- (Interrupted)

9 MS. LEE: No. So Doreen's
10 inquiry was the first one. We do
11 appreciate Doreen bringing that to our
12 attention, but we have not received any
13 other inquiries other than Doreen's.

14 THE HEARING OFFICER: Okay. All
15 right. Well, with that I will --- if no
16 other people wanted to say anything, I
17 will now close the public hearing.
18 Thank you very much for your
19 participation everyone.

20 MS. LEE: And thank you for your
21 patience with our technical issues.

22 THE HEARING OFFICER: Okay.

23 MS. ANDRESS-LANDOLFI: Have a
24 good day.

25 MS. LEE: Thank you.

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From: [Doreen Tiganelli](#)
To: [Sarah Lee](#)
Cc: redutchess6@gmail.com
Subject: Public comment, DCIDA Hearing, May 11,2020, 23-28 Creek Drive Project,Beacon
Date: Monday, May 11, 2020 9:43:47 AM

Please include the following public comment for the record and share these comments with DCIDA Chairman Timothy Dean. While the Notice of Public Hearing stated comments could be submitted electronically, no email address was provided. Such contact information is normally included in Notices.

The legality of the hearing for 23-28 Creek Drive is questionable. Application materials, which turned out to be 55 pages, were not available for public review on the DCIDA website until they were requested by me on May 8, 2020. This is contrary to the April 20, 2020 Notice of Public Hearing issued by Chairman Timothy Dean which stated "*A copy of the Company's application for Financial Assistance is available for review by the public on the Agency's website at www.thinkdutchess.com/ida.*" The public cannot make informed comments if they do not have the materials and adequate review time.

I am opposed to the issuance of "Financial Assistance" to the 23-28 Creek Drive project in Beacon. Tax incentives are unnecessary as the real estate market in Beacon has been strong as businesses and people migrate to the City of Beacon, including those from the NYC/Brooklyn area. That trend is likely to continue.

The applicant states the main operation of his business is acquiring and developing properties in Beacon and lists his many projects, which includes high-end condos. The applicant's website touted reasons one of his projects "*would be great for Beacon*" including the fact that "*The project will be entirely privately financed. No taxpayer funding will be used.*" For this project, however, the applicant states the project is not feasible without IDA assistance. Taxpayers should not be asked to subsidize the applicant's profits.

Regarding employment, while it is stated 87 FTE's will be created, projected numbers often are not accurate. As DC Comptroller Robin Lois stated in her September 2018 LDC/IDA Audit Report, "there is no formal monitoring process in place to ensure the accuracy of employment numbers submitted to the agency by project representatives" and "In some cases the number of jobs certified by projects to the respective agency did not match what was reported to the Authorities Budget Office through the annual PARIS filing".

Regarding relocation of tenant Docuware from elsewhere in New York State, namely New Windsor, information supplied in Section 5 was woefully inadequate. While relocation explanation was requested "in detail, on as many sheets as necessary", the applicant's detail consisted of "Docuware can't expand in their current location".

Regarding tax revenue, new development increases demand for local government

services and the cost of services often exceeds revenue.

Doreen A. Tignanelli
29 Colburn Drive
Poughkeepsie NY 12603

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To: [Sarah Lee](#)
Subject: Public Hearing Comments for 23-28 CREEK DRIVE, LLC, from James L. Beretta, Poughkeepsie
Date: Monday, May 11, 2020 9:12:09 AM

NOTE: I am sending my comments below to Ms. Sarah Lee as the Notice Of Public Hearing says "Comments may also be submitted to the Agency in writing or electronically" but does not specifically say where to send them.

Please include the following public comment for the record and share these comments with DCIDA Chairman Timothy Dean.

Dutchess County IDA,

I am opposed to the granting of financial assistance to 23-28 CREEK DRIVE, LLC, a New York limited liability company having offices at 11 Creek Drive, Suite 102A, Beacon, New York 12508.

By granting financial assistance to this project it means that the normal tax payments for this project, by the developer, will be transferred as an additional tax burden to all other taxpayers in the municipality and the County.

During this time of extreme financial uncertainty caused by the COVID-19 global pandemic, where unemployment is at an all-time high; small businesses are shuttered due to executive orders by the Governor and they may never come back; large numbers of people are dependent federal and state assistance because their employment has been cut off; this is certainly not the time to be shifting additional tax burden for what appears (from the application) to be ten years or more.

If the applicant can not afford to pay their own taxes, they should reconsider going forward with the project until then can afford it vs. putting the tax burden on the backs of other people who, in this pandemic financial climate, may be losing their own properties and livelihood.

I will also note that while this public hearing has been scheduled for weeks in advance, the materials as stated in the notice were not available to the public as stated until Friday May 8, 2020, three days ago, when my wife, Doreen Tignanelli, had to ask Ms. Sarah Lee (IDA CEO) for them. That lack of public information set up a very difficult situation for the public to be informed and participate fully in the public hearing scheduled for today, Monday May 11, 2020 at 9:30.

The public notice stated: "A copy of the Company's application for Financial Assistance is available for review by the public on the Agency's website at www.thinkdutchess.com/ida. " The "Company's application for Financial Assistance" was *not* available.

Again, and for the reasons above, I am opposed to the granting of financial assistance to 23-28 CREEK DRIVE, LLC, a New York limited liability company having offices at 11 Creek Drive, Suite 102A, Beacon, New York 12508.

James L. Beretta
Poughkeepsie NY
845-392-6252

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