

**MINUTES OF THE BOARD MEETING  
RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY**

June 6, 2022

Meeting was called to order at 5:05 PM by Chairman James Farley.

Present: James Farley, Chairman  
Lori Ann Pipczynski, Vice Chairwoman  
Lee Mendelson, Treasurer

Absent: Anthony (Tony) Barresi, Secretary  
Thomas (Tom) Cruso, Asst. Treasurer

Signifying a quorum.

Others in Attendance: Tracy Stark-James, Executive Director  
William Weir, Counsel

Lori Ann Pipczynski moved to adopt the proposed agenda. Lee Mendelson seconded. The agenda was adopted.

**PRESENTATION: 48 Kroemer, LLC**

The ED introduced Christine Kempner, Consultant for 48 Kroemer and Ray Dickhoff the project manager, to summarize the proposed project. The ED noted that Mr. Dickhoff had introduced the project before the board approximately 5 years ago. They have been in the approval process since and finally received site plan approval last week.

CK made the request on behalf of 48 Kroemer LLC, a newly formed entity solely owned by Frank Fisher. She described the current state of the blighted property and that two dilapidated, former machine shops will be demoed noting the concrete will be reused to build a 38,470 sq. ft. two story industrial building with a useable basement. The building will include approximately 13,000 sq. ft. of entrepreneurial space to include 15 class A offices, 12 work stations offering shared meeting space and logistical support for third party tenants. Several existing businesses of Mr. Fisher will relocate to the new space and occupy approximately 4,000 sq. ft. of the 13,000 sq. ft. of office space. One of the relocating entities will be 631 Propane which will also occupy 1/2 of the outdoor yard space of 1.5 acres. The total site is 4.5 acres, but 1 acre was donated to the DEC for environmental restoration. Also relocating is Go Green Sanitation, Fisher Organization and 48 Kroemer LLC. On site there will be support services offered to tenants such as an attorney, call center, printing services and marketing services. Nine commercial/industrial bays will also be incorporated into the building. One will be leased by 631 Propane. The basement will house parking and mini storage facilities. Ms. Kempner stated that without the assistance of the IDA the project becomes cost prohibitive. The project investment is expected to exceed \$15 million, 150 construction jobs, and 54 direct jobs upon completion plus 39 secondary jobs with the tenant space. She stressed the importance of local energy security, siting the hacked gas line last

year and having supply restricted. They also donated 3 rail cars that were housed on the site to the Rail Road Museum.

Mr. Dickhoff explained that the propane business currently has about 4500 customers and they rely on another company to purchase gas, so this facility would allow them to purchase wholesale. During the gas shortage, their distributor cut them down and they couldn't service their customers. Having their own plant would prevent that shortage and allow them to grow. Zoning does not allow them to park in their current office space location, so they rent parking elsewhere. They serve 1000 gal tanks, not retail bbq tanks nor sell to the general public. They are also in discussions to reopen the rail spur on the proposed site, explaining that one rail car is four tractor trailers that they could potentially take off the road.

The Chairman then took new business out of order to consider Resolution #28-22

**RESOLUTION #28-22 ACCEPTING AN APPLICATION AND AUTHORIZING PUBLICATION OF A NOTICE OF PUBLIC HEARING WITH RESPECT TO A PROJECT FOR 48 KROEMER, LLC**

Member Lori Ann Pipczynski offered the following resolution, which was seconded by Member Lee Mendelson.

RESOLUTION OF THE TOWN OF RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY ACCEPTING AN APPLICATION AND AUTHORIZING PUBLICATION OF A NOTICE OF PUBLIC HEARING WITH RESPECT TO 48 KROEMER LLC, A NEW YORK LIMITED LIABILITY COMPANY ON BEHALF OF ITSELF AND/OR AN ENTITY FORMED OR TO BE FORMED ON BEHALF OF THE FOREGOING, AS AGENT OF THE AGENCY FOR THE PURPOSE OF ACQUIRING, DEMOLISHING, CONSTRUCTING AND EQUIPPING THE FACILITY, AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE FACILITY.

WHEREAS, the Town of Riverhead Industrial Development Agency was created by Chapter 624 of the Laws of 1980 and is a public benefit corporation and an industrial development agency of the State of New York (the "**Agency**") having those powers set forth in, and subject to the requirements of, Article 18-A of the General Municipal Law; and

WHEREAS, 48 Kroemer 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 48 Kroemer LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "**Company**") has applied to the Town of Riverhead Industrial Development Agency (the "**Agency**") for assistance in connection with: the acquisition of an approximately 4.045 acre parcel of land located at 48 Kroemer Avenue, Riverhead, New York 11901 (SCTM# 0600-119.00-01.00-032.100) (the "**Land**"), the demolition of two (2) existing buildings located on the Land, the construction and equipping of an approximately 38,472 square foot building (collectively, the "**Improvements**"), and the acquisition and installation therein of certain equipment and personal

property including, but not limited to a forklift, backhoe, skid steer and propane tanks (collectively, the “**Equipment**”); and together with the Land and the Improvements, the “**Facility**”), which Facility will be subleased by the Agency to the Company and the Company will sublease the Facility to (i) 631 Propane Inc., a New York business corporation (“**631 Propane Sublessee**”) for use in its business as a state-of-the-art wholesale liquid propane facility (ii) Go Green Sanitation Inc., a New York business corporation (“**Go Green Sublessee**”), for use in its business of providing of sanitation service for residential and commercial waste, (iii) Fisher Organization LLC, a New York limited liability company (“**Fisher Sublessee**”; and together with 631 Propane Sublessee and Go Green Sublessee, the “**Sublessees**”), for use in its business as a rental property owner/management, and (iv) the Company will use the remaining Facility in its business as a real estate holding company to be leased to future tenants to be determined, subject to approval of the Agency (collectively, the “**Project**”).

WHEREAS, the Agency will acquire a leasehold interest in the Land and the Improvements and title to the Equipment and will lease and sublease the Facility to the Company, all pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 624 of the Laws of 1980 of the State of New York, as the same may be amended from time to time (collectively, the “**Act**”); and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, the Agency contemplates that it will provide financial assistance to the Company, in the form of exemptions from mortgage recording taxes, exemptions from sales and use taxes and abatement of real property taxes on the Facility, consistent with the policies of the Agency, all to be more particularly described in a Final Authorizing Resolution to be adopted by the Agency prior to the closing of the transactions described herein; and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, prior to the date of the Hearing (defined below), the Agency will have prepared a written cost-benefit analysis based on the benefits requested by the Company, which cost-benefit analysis will be available for review by the public at the Hearing; and

WHEREAS, prior to the closing of the transaction described herein, a public hearing (the “**Hearing**”) will be held so that all persons with views in favor of or opposed to either the financial assistance contemplated by the Agency or the location or nature of the Facility can be heard; and

WHEREAS, notice of the Hearing will be given in the form annexed hereto as Exhibit A; and

WHEREAS, the minutes of the Hearing will be annexed hereto as Exhibit B; and

WHEREAS, the Agency has given due consideration to the application of the Company and to representations by the Company that the proposed financial assistance is either an inducement to the Company to maintain the Facility in the Town of Riverhead or is necessary to maintain the competitive position of the Company in its industry; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively, the “**SEQR Act**” or “**SEQR**”), the Agency constitutes a “State Agency”; and

WHEREAS, to aid the Agency in determining whether the Facility may have a significant effect upon the environment, the Company has prepared and submitted to the Agency an Environmental Assessment Form and related documents (the “**Questionnaire**”) with respect to the Facility, a copy of which is on file at the office of the Agency; and

WHEREAS, the Questionnaire has been reviewed by the Agency; and

WHEREAS, pursuant to Resolution No. 2020-138, adopted on February 19, 2020, the Town of Riverhead Town Board (the “**Town**”) reviewed the Facility and determined that the Action in connection with the Facility (the “**Action**”), is a “Type 1” action for SEQR purposes, as that term is defined in the SEQR Act; determined that the Action would not have a significant impact on the environment; and adopted a Negative Declaration for the Action pursuant to the provisions of SEQR; and

WHEREAS, the Agency has reviewed the Questionnaire and such other documents as the Agency felt it necessary or appropriate to examine to adequately review the proposed Action; and

WHEREAS, the Company has agreed to indemnify the Agency against certain losses, claims, expenses, damages and liabilities that may arise in connection with the transaction contemplated by the leasing of the Facility by the Agency to the Company for the further subleasing by the Company to the Sublessees.

NOW, THEREFORE, BE IT RESOLVED by the Town of Riverhead Industrial Development Agency (a majority of the members thereof affirmatively concurring) that:

Section 1. Based upon the Environmental Assessment Form completed by the Company and reviewed by the Agency and other representations and information furnished by the Company regarding the Facility, the Town treated the application as a Type 1 Action, coordinated review, and adopted a negative declaration. As the Town coordinated review and, acting as Lead Agency, adopted a negative declaration, such negative declaration is binding on the Agency, and the Agency hereby adopts and ratifies such finding. Notice of this determination shall be filed to the extent required by the applicable regulations under SEQR or as may be deemed advisable by the Chairman or Executive Director of the Agency or counsel to the Agency.

Section 2. The acquisition, demolition, construction, and equipping of the Facility by the Agency, the subleasing and leasing of the Facility to the Company, for the further subleasing by the Company to the Sublessees, and the provision of financial assistance on the Facility pursuant to the Act will promote job opportunities, health, general prosperity and the economic welfare of the inhabitants of the Town of Riverhead and the people of the State of New York and improve their standard of living, and thereby serve the public purposes of the Act, and the same is, therefore, approved.

Section 3. Subject to the provisions of this resolution, the holding of the Hearing and the publication of notice thereof is hereby authorized.

Section 4. The Company is hereby notified that it will be required to comply with Section 875 of the Act. The Company shall be required to agree to the terms of Section 875 pursuant to the Lease and Project Agreement, dated a date to be determined (the “**Lease Agreement**”), by and between the Company and the Agency. The Company is further notified that the tax exemptions and abatements provided pursuant to the Act and the appointment of the Company as agent of the Agency pursuant to this resolution are subject to termination and recapture of benefits pursuant to Sections 859-a and 875 of the Act and the recapture provisions of the Lease Agreement.

Section 5. Counsel to the Agency is authorized and directed to work with Transaction Counsel (Nixon Peabody LLP) to prepare, for submission to the Agency, all documents necessary to affect the transactions described in the foregoing resolution.

Section 6. The Chairman, the Executive Director and Chief Executive Officer, and all members of the Agency are hereby authorized and directed (i) to distribute copies of this resolution

to the Company, and (ii) to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this resolution.

Section 7. Any expenses incurred by the Agency with respect to the Facility, including the expenses of Transaction Counsel, shall be paid by the Company. The Company shall agree to pay such expenses and further agree to indemnify the Agency, its members, directors, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency in good faith with respect to the Facility.

Section 8. This resolution shall take effect immediately.

**VOTE:** 3 Yes

2 Absent

**MINUTES:**

The Board moved to dispense with the reading of and voted on the May 9, 2022 meeting minutes.

**#26-22 RESOLUTION APPROVES MINUTES OF REGULAR MEETINGS OF May 9, 2022.**

Member Lori Ann Pipczynski offered the following resolution, which was seconded by Member Lee Mendelson.

**RESOLVED**, the minutes of the meetings of May 9, 2022 as prepared and e-mailed be and are hereby approved, and

**BE IT FURTHER RESOLVED**, that the copies of said minutes be maintained in the files of the Agency and become a part of the record of the Agency.

**VOTE:** 3 Yes

2 Absent

**CORRESPONDENCE:** The ED distributed to letters of intent to apply for financial assistance, one from NP Riverhead Industrial and the other from Calverton Dist. Rte 35, LLC.

**TREASURER'S REPORT:**

Cash Balance as of May 31st	\$ 8,932.96
Money Market	\$ 70,021.50
Revenue for May	\$ 2,511.85
Profit and Loss	\$ -13,477.75
Total Expenses Paid	\$ 15,989.60

**#27-22 RESOLUTION ACCEPTS REPORT OF EXPENSES AND AUTHORIZES PAYMENT OF BILLS AS OF June 3, 2022**

**WHEREAS**, Denise Cooper, CPA and Tracy Stark-James, Executive Director, submitted monthly financial reports, including a report of expenses, to the Riverhead Industrial Development Agency for the period of May 1, 2022 to May 31,, 2022 **as attached**,

**NOW, THEREFORE, BE IT RESOLVED**, said monthly financial reports dated June 3, 2022 covering the months of May be and are hereby accepted and expenses as listed are authorized for payment.

Member Lee Mendelson made a motion to accept Treasurer's Report, which was seconded by Member Lori Ann Pipczynski. **Motion approved.**

**VOTE:** 3 Yes  
2 Absent

**COMMITTEE REPORTS:**

Audit: None

Governance Committee: None

Finance Committee: None

**OLD BUSINESS:** Was taken from the floor. Counsel explained to the board members that the requirements necessary to process the proposed tenants for Georgica Green/Riverhead Apartments have been met and if the board was comfortable, they could move to consider the resolutions presented during the last meeting. He distributed new copies and after brief discussion and confirmation that this action does not change, nor impact the PILOT or any tax incentives, the board was prepared to consider the following resolutions:

**#29-22 RESOLUTION APPROVES AMERICAN MUSCLE/dba EMPOWER AS TENANT FOR GEORGICA GREEN VENTURES, LLC PROJECT aka RIVERHEAD APARTMENTS, LLC**

Lori Ann Pipczynski offered the following resolution, which was seconded by Member Lee Mendelson.

**WHEREAS**, Resolution #42-17, dated September 11, 2017 appointed Georgica Green Ventures, LLC and Riverhead Apartments, LLC Agents of the Town of Riverhead Industrial Development Agency and approved documents in connection with the provision of financial assistance by the Town of Riverhead Industrial Development Agency to and Riverhead Apartments, LLC, and

**WHEREAS**, It was determined that the Agency shall provide Georgica Green Ventures, LLC and the Related Parties with financial assistance with respect to the Project, and

**WHEREAS**, All tenants shall be subject to Agency approval upon 60 days written notice by Georgica Green Ventures, LLC to the Agency, and

**WHEREAS**, Georgica Green Ventures, LLC has proposed to lease the premise to American Muscle Studio, and

**WHEREAS**, written notification and necessary documents have been provided to the Agency for application approval, and

**WHEREAS**, it is now desired to approve American Muscle Studios/Aerial Fitness and Natural Wellness as a tenant and as a related party to the approved Agent, Georgica Green Ventures, LLC.

**RESOLVED** that Riverhead Industrial Development Agency, does hereby approve American Muscle Studio/Aerial Fitness and Natural Wellness as tenant of Georgica Green Ventures, LLC, subject to the approval of necessary Town and State permits and the execution of a written agreement between the Agency, Georgica Green Ventures, LLC and American Muscle Studio.

**Vote:** 3 Yes  
2 Absent

**#30-22 RESOLUTION APPROVES CASA DORADO DELI TAQUERIA AS TENANT FOR GEORGICA GREEN VENTURES, LLC PROJECT aka RIVERHEAD APARTMENTS, LLC**

Lori Ann Pipczynski offered the following resolution, which was seconded by Member Lee Mendelson

**WHEREAS**, Resolution #42-17, dated September 11, 2017 appointed Georgica Green Ventures, LLC and Riverhead Apartments, LLC Agents of the Town of Riverhead Industrial Development Agency and approved documents in connection with the provision of financial assistance by the Town of Riverhead Industrial Development Agency to and Riverhead Apartments, LLC, and

**WHEREAS**, It was determined that the Agency shall provide Georgica Green Ventures, LLC and the Related Parties with financial assistance with respect to the Project, and

**WHEREAS**, All tenants shall be subject to Agency approval upon 60 days written notice by Georgica Green Ventures, LLC to the Agency, and

**WHEREAS**, Georgica Green Ventures, LLC has proposed to lease the premise to Casa Dorado Deli Taqueria, LLC., and

**WHEREAS**, written notification and necessary documents have been provided to the Agency for application approval, and



**WHEREAS**, it is now desired to approve Casa Dorado Deli Taqueria, LLC. as a tenant and as a related party to the approved Agent, Georgica Green Ventures, LLC.

**RESOLVED** that Riverhead Industrial Development Agency, does hereby approve Casa Dorado Deli Taqueria, LLC as tenant of Georgica Green Ventures, LLC, subject to the approval of necessary Town and State permits and the execution of a written agreement between the Agency, Georgica Green Ventures, LLC and Casa Dorado Deli Taqueria, LLC.

**Vote:** 3 Yes  
2 Absent

**#31-22 RESOLUTION APPROVES LONG ISLAND SELFIE STUDIO AS TENANT FOR GEORGICA GREEN VENTURES, LLC PROJECT aka RIVERHEAD APARTMENTS, LLC**

Lori Ann Pipczynski offered the following resolution, which was seconded by Member Lee Mendelson.

**WHEREAS**, Resolution #42-17, dated September 11, 2017 appointed Georgica Green Ventures, LLC and Riverhead Apartments, LLC Agents of the Town of Riverhead Industrial Development Agency and approved documents in connection with the provision of financial assistance by the Town of Riverhead Industrial Development Agency to and Riverhead Apartments, LLC, and

**WHEREAS**, It was determined that the Agency shall provide Georgica Green Ventures, LLC and the Related Parties with financial assistance with respect to the Project, and

**WHEREAS**, All tenants shall be subject to Agency approval upon 60 days written notice by Georgica Green Ventures, LLC to the Agency, and

**WHEREAS**, Georgica Green Ventures, LLC has proposed to lease the premise to Long Island Selfie Studio Corp., and

**WHEREAS**, written notification and necessary documents have been provided to the Agency for application approval, and

**WHEREAS**, it is now desired to approve Long Island Selfie Studio Corp. as a tenant and as a related party to the approved Agent, Georgica Green Ventures, LLC.

**RESOLVED** that Riverhead Industrial Development Agency, does hereby approve Long Island Selfie Studio Corp. as tenant of Georgica Green Ventures, LLC, subject to the approval of necessary Town and State permits and the execution of a written agreement between the Agency, Georgica Green Ventures, LLC and Long Island Selfie Studio Corp.

**Vote:** 3 Yes  
2 Absent

**#32-22 RESOLUTION APPROVES PALETERIA MEXICANDY CORPORATION AS TENANT FOR GEORGICA GREEN VENTURES, LLC PROJECT aka RIVERHEAD APARTMENTS, LLC**

Member Lori Ann Pipczynski offered the following resolution, which was seconded by Member Lee Mendelson.

**WHEREAS,** Resolution #42-17, dated September 11, 2017 appointed Georgica Green Ventures, LLC and Riverhead Apartments, LLC Agents of the Town of Riverhead Industrial Development Agency and approved documents in connection with the provision of financial assistance by the Town of Riverhead Industrial Development Agency to and Riverhead Apartments, LLC, and

**WHEREAS,** It was determined that the Agency shall provide Georgica Green Ventures, LLC and the Related Parties with financial assistance with respect to the Project, and

**WHEREAS,** All tenants shall be subject to Agency approval upon 60 days written notice by Georgica Green Ventures, LLC to the Agency, and

**WHEREAS,** Georgica Green Ventures, LLC has proposed to lease the premise to Paleteria Mexicandy Corporation, and

**WHEREAS,** written notification and necessary documents have been provided to the Agency for application approval, and

**WHEREAS,** it is now desired to approve Paleteria Mexicandy Corporation as a tenant and as a related party to the approved Agent, Georgica Green Ventures, LLC.


**RESOLVED** that Riverhead Industrial Development Agency, does hereby approve Paleteria Mexicandy Corporation as tenant of Georgica Green Ventures, LLC, subject to the approval of necessary Town and State permits and the execution of a written agreement between the Agency, Georgica Green Ventures, LLC and Paleteria Mexicandy Corporation

**Vote:** 3 Yes  
2 Absent

**NEW BUSINESS:** Was taken out of order. See above

Seeing no further business, Lori Ann Pipczynski motioned to adjourn the meeting. Lee Mendelson seconded. The meeting adjourned at 5:27pm

Dated: 7/11/2022

  
Secretary/Asst.