



KENNETH P. ZEBROWSKI
Assemblyman 96th District
Rockland County

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June 9, 2014

Kenneth Adams, Director
Empire State Development, President and CEO
633 Third Avenue
New York City, New York 10017

Dear Mr. Adams:

I, along with many local elected officials and residents of Rockland County, am writing you to request that the Empire State Development Corporation (ESDC) Board of Directors immediately vote to rescind a \$1.6 million Restore NY grant to the Village of New Square.

The Village of New Square was awarded \$1.6 million for the construction of a poultry processing plant in 2009 as part of the now defunct Restore NY program. The grant was intended to expand their existing slaughterhouse (5,000 sq. ft) to a new facility (25,000 sq. ft) which would be located within two hundred feet of residential homes in the neighboring Village of New Hempstead. I, along with many Rockland residents, believe that this type of industrial use has no place in a residential neighborhood and is detrimental to the health, environment and quality of life of the community.

The State Legislature has already taken steps to prevent chicken slaughterhouse facilities from being located near residential homes in other parts of the state. In 2008, a state law was passed that restricted animal slaughterhouses in New York City from being located within 1,500 feet of a residential dwelling.¹ This law only applies to State licensed slaughterhouses, which are much smaller than those licensed by the United States Department of Agriculture (USDA), and places a buffer zone between the facilities and residential homes. The proposed facility in New Square is licensed by the Federal government as it is expected to exceed the state regulatory authority and process over one million chickens annually. Despite the differing licensing jurisdictions, the reality is that the State has banned small slaughterhouses within 1,500 feet of houses in New York City but is subsidizing a 25,000 square foot industrial slaughterhouse in Rockland County that is within two hundred feet from a residential neighborhood. Rockland homeowners deserve the same protections as New York City homeowners. Rockland County is a suburban county outside New York City and the smallest geographical county outside of the five boroughs yet has a population of over 315,000. This type of economic development is not appropriate and will cost more in the long run.

We are writing this letter to urge the Board of Directors to take action to rescind this grant at the next scheduled Board meeting in June. As part of the Restore NY program, the applicant must agree to the Terms and Conditions of the grant program (Section 8). The terms and conditions

¹ Chapter 395 of the Laws of 2008.

create an expectation that the project will be completed in a timely manner that is based on the time frame set by the applicant. The terms and conditions state that if the “project fails to proceed as planned and is delayed for a significant period of time,” the Board maintains “the right to cancel its funding commitment.”² The Village of New Square Restore NY application stated that the expected completion date for the project was January 1, 2011. The project has not commenced and has yet to even begin the environmental review process. The applicant has failed to implement the project within a reasonable time frame and has been delayed for over 3 years and 4 months which is a significant period of time.

The landscape of the project has drastically changed since the grant was first awarded in 2009. The most concerning issue is the underlying reason behind the significant delay in implementation. The project has faced substantial setbacks due to action brought forth by the USDA which eventually led to the closure of the previously owned 5,000 sq/ft facility. The owners, Adir Poultry who plan to operate the new facility, refused mandatory inspections by the USDA, operated in unsanitary conditions and were frequently cited by local health officials for violations. Following the Restore NY grant award, the USDA took legal action and shut the facility down in late 2009. The lawsuit cited several factors leading to their closure including the deplorable sanitary conditions of the poultry processing plant, refusal of federal inspection, and that the owners sold over 2 million un-inspected poultry birds between September 2002 and December 2008.³

In conclusion, this project is inappropriately sited within a residential neighborhood and will not spur economic development but rather have a negative impact and depress the local economy of the surrounding communities. I, along with the residents of Rockland, feel that due to the project’s significant delays and controversy, the Empire State Development Corporation Board of Directors should take immediate action.

Last week, I asked residents and local elected officials of the 96th Assembly district to join me on this letter to demonstrate that the opposition to this project is widespread and universal. In that short period of time, over 2,000 residents have joined me on this letter to express their deep concerns with the project. We, the undersigned residents of Rockland, feel that this is an inappropriate project for State economic development funds and that the applicant has demonstrated a failure to move forward with the project in a timely manner. We respectfully request that the Board rescind all funding commitments to the applicant at your next scheduled meeting.

Thank you in advance for your consideration of this request and look forward to your response.

Sincerely,



Kenneth P. Zebrowski
Member of Assembly- 96th District

² Restore NY Communities Initiatives Round 3 Guidelines, Section 8, page 13.

³ United States of America v. New Square Meats, Inc., et al, 2009.