

**NASSAU COUNTY INDUSTRIAL
DEVELOPMENT AGENCY**

APPLICATION FOR FINANCIAL ASSISTANCE

APPLICATION OF:

ENGEL BURMAN AT BETHPAGE LLC

APPLICANT NAME

Please respond to all questions in this Application for Financial Assistance (the "Application") by, as appropriate:

- filling in blanks;
- checking the applicable term(s);
- attaching additional text (with notation in Application such as "see Schedule H, Item # 1", etc.); or
- writing "N.A.", signifying "not applicable".

All attachments responsive to questions found in this Application should be clearly labeled and attached as Schedule I to the Application. If an estimate is given, enter "EST" after the figure. One signed original and one photocopy of the Application (including all attachments) must be submitted.

The following amounts are payable to the Nassau County Industrial Development Agency (the "Agency") at the time this Application is submitted to the Agency: (i) a \$1,000 non-refundable application fee (the "Application Fee"); (ii) a \$3,500 expense deposit for the Agency's Transaction/Bond Counsel fees and expenses (the "Counsel Fee Deposit"), (iii) a \$2,500 expense deposit for the cost/benefit analysis with respect to the project contemplated by this Application (the "Cost/Benefit Deposit"), and (iv) a \$500 expense deposit for the real property tax valuation analysis, if applicable, with respect to the project contemplated by this Application (the "Valuation Deposit"). The Application Fee will not be credited against any other fees or expenses which are or become payable to the Agency in connection with this Application or the project contemplated herein (the "Project"). In the event that the subject transaction does not close for any reason, the Agency may use all or any part of the Counsel Fee Deposit, the Cost/Benefit Deposit and/or the Valuation Deposit to defray the cost of Transaction/Bond Counsel fees and expenses, the cost of obtaining a cost/benefit analysis and/or the cost of obtaining a real property tax valuation with respect to the Project. In the event that the subject transaction does close, the Counsel Fee Deposit, the Cost/Benefit Deposit and the Valuation Deposit shall be credited against the applicable expenses incurred by the Agency with respect to the Project.

Every signature page comprising part of this Application must be signed by the Applicant or this Application will not be considered complete or accepted for consideration by the Agency.

The Agency's acceptance of this Application for consideration does not constitute a commitment on the part of the Agency to undertake the proposed Project, to grant any financial assistance with respect to the proposed Project or to enter into any negotiations with respect to the proposed Project.

Information provided herein may be subject to disclosure under the New York Freedom of Information Law (New York Public Officers Law § 84 et seq.) ("FOIL"). If the Applicant believes that a portion of the material submitted with this Application is protected from disclosure under FOIL, the Applicant should mark the applicable section(s) or page(s) as "confidential" and state the applicable exception to disclosure under FOIL.

April 4, 2019
DATE

PART I. APPLICANT

A. APPLICANT FOR FINANCIAL ASSISTANCE:

Name: **ENGEL BURMAN AT BETHPAGE LLC**

Address: **67 CLINTON ROAD, GARDEN CITY, NEW YORK 11530**

Fax: **516-747-4800**

Phone: **516-747-1200**

NY State Dept. of

Labor Reg #: _____

Federal Employer ID #: **[REDACTED]**

NAICS Code #: **531390**

Website: **WWW.ENGELBURMAN.COM**

Name of CEO or Authorized Representative Certifying Application: **STEVEN KRIEGER**

Title of Officer: **AUTHORIZED SIGNATORY**

Phone Number **516-747-1200** E-Mail: **SKRIEGER@ENGELBURMAN.COM**

B. BUSINESS TYPE (Check applicable status. Complete blanks as necessary):

Sole Proprietorship ☐ General Partnership ☐ Limited Partnership ☐

Limited Liability Company ☒ Privately Held Corporation ☐

Publicly Held Corporation ☐ Exchange listed on _____

Not-for-Profit Corporation ☐

Income taxed as: Subchapter S ☐ Subchapter C ☐
501(c)(3) Corporation ☐ Partnership ☒

State and Year of Incorporation/Organization: **New York 2016**

Qualified to do Business in New York: Yes ☐ No ☐ N/A ☒

C. APPLICANT COUNSEL:

Firm name: **FARRELL FRITZ P.C.**

Address: **400 RXR PLAZA, UNIONDALE, NY 11556**

Contact: **PETER CURRY, ESQ.**

Phone: (516) 227-0772
E-Mail: PCURRY@FARRELLFRITZ.COM

- D. Principal stockholders, members or partners, if any (i.e., owners of 10% or more of equity/voting rights in Applicant):

| Name | Percentage owned |
|-----------------------|------------------|
| <u>STEVEN KRIEGER</u> | <u>29.3 %</u> |
| <u>JAN BURMAN</u> | <u>20.5 %</u> |
| <u>DAVID BURMAN</u> | <u>19.10 %</u> |
| <u>SCOTT BURMAN</u> | <u>19.10 %</u> |
| <u>JONATHAN WEISS</u> | <u>10.00 %</u> |
| <u>MICHAEL WEISS</u> | <u>2.00 %</u> |

- E. If any of the persons described in the response to the preceding Question, or a group of said persons, owns more than a 50% interest in the Applicant, list all other entities which are related to the Applicant by virtue of such persons having more than a 50% interest in such entities: THE OWNERSHIP GROUP HOLDS A GREATER THAN 50% INTEREST IN NUMEROUS OTHER UNRELATED REAL ESTATE ORGANIZATIONS. PLEASE SEE ATTACHED ORGANIZATIONAL CHART.

- F. Is the Applicant related to any other entity by reason of more than 50% common ownership? If YES, indicate name of related entity and relationship:

YES X

NO

PLEASE SEE ANSWER TO QUESTION E ABOVE.

- G. List parent corporation, sister corporations and subsidiaries, if any: PLEASE SEE ATTACHED ORGANIZATIONAL CHART.

- H. Has the Applicant (or any parent company, subsidiary, affiliate or related entity or person) been involved in, applied for or benefited by any prior industrial development financing in the municipality in which this Project is located, whether by the Agency or another issuer, or in a contiguous municipality? ("Municipality" herein means city, town or village, or, if the Project is not in an incorporated city or village, Nassau County.) If YES, describe:

YES X

NO

AFFILIATES OF THE APPLICANT HAVE DEVELOPED SEVERAL BRISTAL ASSISTED LIVING COMMUNITIES THROUGHOUT NASSAU, SUFFOLK, AND WESTCHESTER COUNTIES.

- I. Is the Applicant (or any parent company, subsidiary, affiliate or related entity or person) or any principal(s) of the Applicant or its related entities involved in any litigation or aware of any threatened litigation that would have a material adverse effect on the Applicant's financial condition or the financial condition of said principal(s)? If YES, attach details at Schedule I.

YES ____

NO X

- J. Has the Applicant (or any parent company, subsidiary, affiliate or related entity or person) or any principal(s) of the Applicant or its related entities, or any other business or concern with which such entities, persons or principal(s) have been connected, ever been involved, as debtor, in bankruptcy, creditors rights or receivership proceedings or sought protection from creditors? If YES, attach details at Schedule I.

YES X

NO ____

CERTAIN REAL ESTATE ENTITIES IN WHICH JAN BURMAN WAS A PRINCIPAL DECLARED BANKRUPTCY IN THE 1990s, ALL OF WHICH BANKRUPTCIES HAVE BEEN LONG SINCE DISCHARGED.

- K. Has the Applicant (or any parent company, subsidiary, affiliate or related entity or person) or any principal(s) of the Applicant or its related entities, ever been convicted of any felony or misdemeanor (other than minor traffic offenses), or have any such related persons or principal(s) held positions or ownership interests in any firm or corporation that has been convicted of a felony or misdemeanor (other than minor traffic offenses), or are any of the foregoing the subject of a pending criminal proceeding or investigation? If YES, attach details at Schedule I.

YES ____

NO X

- L. Has the Applicant (or any parent company, subsidiary, affiliate or related entity or person) or any principal(s) of the Applicant or its related entities, or any other business or concern with which such entities, persons or principal(s) have been connected, been cited for (or is there a pending proceeding or investigation with respect to) a civil violation of federal, state or local laws or regulations with respect to labor practices, hazardous wastes, environmental pollution, taxation, or other operating practices? If YES, attach details at Schedule I.

YES ____

NO X

- M. Is the Applicant (or any parent company, subsidiary, affiliate or related entity or person) or any principal(s) of the Applicant or its related entities, or any other business or concern with which such entities, persons or principal(s) have been connected, delinquent or have any of the foregoing persons or entities been delinquent on any New York State, federal or local tax obligations within the past five (5) years? If YES, attach details at Schedule I.

YES ☐

NO ☒

- N. Complete the following information for principals (including, in the case of corporations, officers and members of the board of directors and, in the case of limited liability company, members and managers) of the Applicant:

| <u>Name</u> | <u>Title</u> | <u>Other Business Affiliations</u> |
|-------------|--------------|------------------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Do any of the foregoing principals hold elected or appointive positions with New York State, any political division of New York State or any other governmental agency? If YES, attach details at Schedule I.

YES ☒

NO ☐

JAN BURMAN IS ON THE BOARD OF THE UNITED NATIONS DEVELOPMENT CORPORATION.

Are any of the foregoing principals employed by any federal, state or local municipality or any agency, authority, department, board, or commission thereof or any other governmental or quasi-governmental organization?

YES ☐

NO ☒

- O. Operation at existing location(s) (Complete separate Section O for each existing location): N/A

1. (a) Location: _____

(b) Number of Employees: Full-Time: _____ Part-Time: _____

(c) Annual Payroll, excluding benefits: _____

(d) Type of operation: _____

(e) Size of existing facility real property
(i.e., acreage of land): _____

(f) Buildings (number and square footage of each): _____

(g) Applicant's interest in the facility

FEE TITLE: ____ LEASE: ____ OTHER (describe below): ____

2. Will the completion of the proposed Project result in the removal of a plant or facility of the Applicant, or of a proposed user, occupant or tenant of the Project, or a relocation of any employee of the Applicant, or any employee of a proposed user, occupant or tenant of the Project, from one area of the State of New York (but outside of Nassau County) to a location in Nassau County or in the abandonment of such a plant or facility located in an area of the State of New York outside of Nassau County? If YES, complete the attached Anti-Raiding Questionnaire (Schedule D).

YES ____

NO X

3. Will the proposed Project result in the removal or abandonment of a plant or facility of the Applicant, or of a proposed user, occupant or tenant of the proposed Project, or a relocation of any employee of the Applicant, or any employee of a proposed user, occupant or tenant of the proposed Project, located within Nassau County? If YES, identify the location of the plant or facility and provide explanation.

YES ____

NO X

- P. Has the Applicant considered moving to another state or another location within New York State? If YES, explain circumstances.

YES ____

NO X

- Q. Does any one supplier or customer account for over 50% of Applicant's annual purchases or sales, respectively? If YES, attach name and contact information for supplier and/or customer, as applicable:

YES ____

NO X

- R. Does the Applicant (including any related entity or person) or any principal(s) of the Applicant or its related entities, or any other business or concern with which such entities, persons or principal(s) have been connected, have any contractual or other relationship with the Agency or the County of Nassau? If YES, attach details at Schedule I.

YES ____

NO X

- S. Nature of Applicant's business (e.g., description of goods to be sold, products manufactured, assembled or processed, services rendered):

THE PRINCIPALS OF THE APPLICANT HAVE DEVELOPED AND ARE DEVELOPING 21 ASSISTED LIVING COMMUNITIES IN NEW YORK AND

NEW JERSEY. THESE FACILITIES COLLECTIVELY EMPLOY OR WILL EMPLOY IN EXCESS OF 2500 PERSONNEL AND HOUSE OVER 3000 RESIDENTS IN SAFE, STATE-OF-THE-ART PROJECTS WITH AMENITIES TAILORED TO THE PHYSICAL, MENTAL AND EMOTIONAL NEEDS OF THE RESIDENTS AND PROVIDE EXERCISE, DIETARY, CLEANING AND WELLNESS SERVICES.

T. ANY RELATED PARTY PROPOSED TO BE A USER OF THE PROJECT:

Name: **AS ONE ALTERNATIVE, THE APPLICANT ENVISIONS A JOINT VENTURE WITH AN EQUITY PARTNER WITH A STRUCTURE INVOLVING A FEE OWNER, MASTER LESSEE AND AN OPERATOR.**

Relationship to Applicant: **THE APPLICANT WOULD BE A MEMBER OF EACH OF THE ABOVE ENTITIES.**

Provide the information requested in Questions A through S above with respect to each such party by attachment at Schedule I.

PART II. PROPOSED PROJECT

A. Types of Financial Assistance Requested:

- X Sales/Use Tax Exemption
- X Mortgage Recording Tax Exemption
- X Real Property Tax Exemption

B. Type of Proposed Project (check all that apply and provide requested information):

X New Construction of a Facility

Square footage: **APPROXIMATELY 135,000 SQ FT**

Addition to Existing Facility

Square footage of existing facility: _____

Square footage of addition: _____

Renovation of Existing Facility

Square footage of area renovated: _____

Square footage of existing facility: _____

X Acquisition of Land/Building

Acreage/square footage of land: **4.0 AC**

Square footage of building: **APPROXIMATELY 135,000 SQ FT**

Acquisition of Furniture/Machinery/Equipment

List principal items or categories:

X Other (specify): **FURNITURE, FIXTURES AND EQUIPMENT APPURTENANT TO AND APPROPRIATE FOR THE USE OF THE PROJECT AS AN ASSISTED LIVING COMMUNITY FOR COOKING, DINING, ENTERTAINMENT AND RECREATIONAL CAPACITY.**

C. Briefly describe the purpose of the proposed Project, the reasons why the Project is necessary to the Applicant and why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations:

THE APPLICANT WILL DEVELOP A 150-UNIT, FIRST-CLASS ASSISTED LIVING COMMUNITY. THE PROJECT WILL INCLUDE 40 UNITS IN ENGEL BURMAN'S SPECIALIZED REFLECTIONS PROGRAM DESIGNED FOR RESIDENTS SUFFERING FROM DEMENTIA AND ALZHEIMER'S. THE APPLICANT IS RESPONDING TO MARKET NEEDS IN THIS CENTRAL NASSAU NEIGHBORHOOD.

- D. Is there a likelihood that the proposed Project would not be undertaken by the Applicant but for the granting of the financial assistance by the Agency? (If yes, explain; if no, explain why the Agency should grant the financial assistance with respect to the proposed Project)

YES X

NO ____

THE APPLICANT CANNOT PROCEED IF THE AGENCY DOES NOT ISSUE AN APPROVAL OF THIS APPLICATION. CONSEQUENTLY, THE COUNTY OF NASSAU WOULD LOSE A PROEJCT THAT WOULD CREATE HUNDREDS OF NEW CONSTRUCTION AND PERMENANT JOBS, ALLOW FRAGILE COUNTY RESIDENTS, AND RESIDENTS SUFFERING FROM DEMENTIA AND/OR ALZHEIMER'S AN OPPURTUNITY TO LIVE IN THEIR COMMUNITY NEAR FAMILY AND PLACES OF WORSHIP, AND PROVIDE NASSAU FAMILIES THE ABILITY TO KEEP CLOSE CONTACT WITH THEIR PARENTS AND GRANDPARENTS.

- E. If the Applicant is unable to arrange Agency financing or other Agency financial assistance for the Project, what will be the impact on the Applicant and Nassau County? Would the Applicant proceed with the Project without Agency financing or other Agency financial assistance? Describe.

SEE ANSWER TO D. ABOVE.

- F. Location of Project:

Street Address: **1055/1065 STEWART AVENUE, BETHPAGE, NEW YORK**

City/Village(s): **N/A**

Town(s): **OYSTER BAY**

School District(s): **BETHPAGE SCHOOL DISTRICT**

Tax Map Section: **46** Block: **G** Lot: **76**

Census Tract Number: _____

- G. Present use of the Project site: **VACANT PARKING FIELD.**

- H. (a) What are the current real estate taxes on the Project site? (If amount of current taxes is not available, provide assessed value for each):

General: **TBD**

School: TBD
Village: N/A

- (b) Are tax certiorari proceedings currently pending with respect to the Project real property? If YES, attach details at Schedule I including copies of pleadings, decisions, etc.

YES ____ NO ____

- I. Describe proposed Project site ownership structure (*i.e.*, Applicant or other entity):
THE PARCEL IS CURRENTLY OWNED BY 1055 STEWART AVE. REALTY, LLC

- J. To what purpose will the building or buildings to be acquired, constructed or renovated be used by the Applicant? (Include description of goods to be sold, products to be manufactured, assembled or processed and services to be rendered.)

THE APPLICANT WILL DEVELOP A COMMUNITY OF 150- FIRST-CLASS ASSISTED LIVING UNITS, WITH 40 UNITS DEDICATED TO THOSE SUFFERING FROM DEMENTIA AND/OR ALZHEIMER'S. THE COMMUNITY WILL HAVE COMMON AREAS CONSISTING OF DINING FACILITIES, RECREATIONAL AREAS, AND COMMON MEETING READING AREAS. OTHER SPECIALIZED AMENITIES WILL INCLUDE, EXERCISE AND FITNESS OPPORTUNITIES, ART CLASSES, HAIR AND NAIL SALON, EDUCATIONAL AND WELLNESS PROGRAMS, AND SPECIAL CULINARY EXPERIENCES, CATERING TO THE NEEDS OF THE SENIORS, THOSE SUFFERING FROM DEMENTIA AND/OR ALZHEIMER'S, AND THE FAMILIES THAT WILL VISIT THEM.

- K. If any space in the Project is to be leased to or occupied by third parties (*i.e.*, parties not related to the Applicant), or is currently leased to or occupied by third parties who will remain as tenants, provide the names and contact information for each such tenant, indicate total square footage of the Project to be leased to each tenant, and describe proposed use by each tenant:

N/A

- L. Provide, to the extent available, the information requested, in Part I, Questions A, B, D and O, with respect to any party described in the preceding response.

N/A

- M. Does the proposed Project meet zoning/land use requirements at proposed location?

YES **X** NO ____

1. Describe present zoning/land use: GENERAL BUSINESS ZONE
2. Describe required zoning/land use, if different: THE PROJECT REQUIRES A SPECIAL USE PERMIT FROM THE TOWN OF OYSTER BAY.
3. If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements: N/A

N. Does the Applicant, or any related entity or person, currently hold a lease or license on the Project site? If YES, please provide details and a copy of the lease/license.

YES ____

NO X

O. Does the Applicant, or any related entity or person, currently hold fee title to (i.e. own) the Project site?

YES ____

NO X

If YES, indicate:

- (a) Date of purchase: _____
- (b) Purchase price: \$_____
- (c) Balance of existing mortgage, if any: \$_____
- (d) Name of mortgage holder: _____
- (e) Special conditions: _____

If NO, indicate name of present owner of Project site: 1055 STEWART AVE. REALTY, LLC

P. Does the Applicant or any related person or entity have an option or a contract to purchase the Project site and/or any buildings on the Project site?

YES X

NO ____

If YES, attach copy of contract or option at Schedule I and indicate:

- (a) Date signed: FEBRUARY 12, 2018
- (b) Purchase price: \$5,000,000.00
- (c) Closing date: WITHIN 60 DAYS OF THE DATE THE

**APPLICANT SECURES ALL THE NECESSARY CONSENTS,
PERMITS AND UNAPPEALABLE APPROVALS.**

Is there a relationship legally or by virtue of common control or ownership between the Applicant (and/or its principals) and the seller of the Project (and/or its principals)?
If YES, describe:

YES ____

NO X

- Q. Will customers personally visit the Project site for either of the following economic activities? If YES with respect to either economic activity indicated below, complete the attached Retail Questionnaire (Schedule E).

Sales of Goods: YES ____ NO X Sales of Services: YES ____ NO X

- R. Describe the social and economic conditions in the community where the Project site is or will be located and the impact of the proposed Project on the community (including impact on infrastructure, transportation, fire and police and other government-provided services):

THE PROJECT WILL HAVE A POSITIVE IMPACT ON THE LOCAL COMMUNITY. THE PROJECT WILL PROVIDE BETHPAGE RESIDENTS WITH AN ATTRACTIVE LOCAL OPTION FOR ASSISTED LIVING SERVICES AND ALLOW LOCAL RESIDENTS THE OPPORTUNITY TO AGE-IN-PLACE.

- S. Identify the following Project parties (if applicable):

Architect: N/A

Engineer: N/A

Contractors: **EB CONSTRUCTION GROUP LLC**

- T. Will the Project be designed and constructed to comply with Green Building Standards? (if YES, describe the LEED green building rating that will be achieved):

YES ____

NO X

- U. Is the proposed Project site located on a Brownfield? (if YES, provide description of contamination and proposed remediation)

YES ____

NO X

- V. Will the proposed Project produce a unique service or product or provide a service that is not otherwise available in the community in which the proposed Project site is located?

YES X

NO ____

THE PROJECT WILL SERVE THE NEEDS OF AGING NASSAU COUNTY RESIDENTS, INCLUDING SUFFERERS OF DEMENTIA AND/OR ALZHEIMER'S, ALLOWING THEM TO AGE-IN-PLACE IN THEIR LOCAL COMMUNITY, NEAR FAMILY, FRIENDS, DOCTORS, AND PLACES OF WORSHIP. THIS PROJECT WILL LET NASSAU FAMILIES TO STAY IN CLOSE CONTACT WITH THEIR PARENTS AND GRANDPARENTS.

- W. Is the proposed Project site currently subject to an IDA transaction (whether through the Agency or otherwise)? If yes, explain.

YES ____

NO X

PART III. CAPITAL COSTS OF THE PROJECT

A. Provide an estimate of cost of all items listed below:

| | <u>Item</u> | <u>Cost</u> |
|-----|--|------------------|
| 1. | Land and/or Building Acquisition | \$ 5,000,000.00 |
| 2. | Building Demolition | \$ 0 |
| 3. | Construction/Reconstruction/Renovation | \$ 35,000,000.00 |
| 4. | Site Work | \$ 2,000,000.00 |
| 5. | Infrastructure Work | \$0 |
| 6. | Architectural/Engineering Fees | \$ 1,000,000.00 |
| 7. | Applicant's Legal Fees | \$ 500,000.00 |
| 8. | Financial Fees | \$ |
| 9. | Other Professional Fees | \$ |
| 10. | Furniture, Equipment & Machinery Acquisition (not included in 3. above) | \$ 2,000,000.00 |
| 11. | Other Soft Costs (describe) | \$ 5,000,000.00 |
| 12. | Other (describe) | \$ |
| | Total | \$ 50,500,000.00 |

B. Estimated Sources of Funds for Project Costs:

| | | |
|----|---|------------------|
| a. | Tax-Exempt IDA Bonds: | \$ |
| b. | Taxable IDA Bonds: | \$ |
| c. | Conventional Mortgage Loans: | \$ 40,400,000.00 |
| d. | SBA or other Governmental Financing: Identify: _____ | \$ |
| e. | Other Public Sources (e.g., grants, tax credits): Identify: _____ | \$ |
| f. | Other Loans: | \$ |
| g. | Equity Investment: (excluding equity attributable to grants/tax credits) | \$ 10,100,000.00 |
| | TOTAL | \$50,500,000.00 |

What percentage of the total project costs are
funded/financed from public sector sources: N/A%

C. Have any of the above costs been paid or incurred (including contracts of sale or purchase orders) as of the date of this application? If YES, describe particulars on a separate sheet.

YES X

NO

INITIAL CONTRACT DEPOSIT OF \$100,000.00

- D. Are items of working capital, moving expenses, work in progress, or stock in trade included in the proposed uses of the bond proceeds (if applicable)? If YES, provide details:

YES ____

NO ____

NOT APPLICABLE X

- E. Will any of the funds to be borrowed through the Agency's issuance of bonds, if applicable, be used to repay or refinance an existing mortgage, outstanding loan or an outstanding bond issue? If YES, provide details:

YES

NO ____

NOT APPLICABLE X

- F. Has the Applicant made any arrangement for the marketing or the purchase of the bonds or the provision of other third party financing (if applicable)? If YES, indicate with whom (subject to Agency approval) and provide a copy of any term sheet or commitment letter issued with respect to such financing.

YES ____

NO ____

NOT APPLICABLE X

- G. Construction Cost Breakdown:

Total Cost of Construction: **\$39,000,000.00**

(sum of 2-5 and 10 in
Question A above)

Cost for materials: **\$25,400,000.00**

% Sourced in County: 45 %

% Sourced in State: 80 % (incl. County)

Cost for labor: **\$13,600,000.00**

% Sourced in County: 50 %

% Sourced in State: 90 % (incl. County)

Cost for "other":

The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to undertake and document the total amount of capital investment as set forth in this Application.

PART IV. COST/BENEFIT ANALYSIS

- A. If the Applicant presently operates in Nassau County, provide the current annual payroll. Estimate projected payroll at the Project site in First Year, Second Year and Third Year after completion of the Project:

| | <u>Present</u> | <u>First Year</u> | <u>Second Year</u> | <u>Third Year</u> | <u>Fourth Year</u> |
|-------------------------|----------------|-------------------|--------------------|-------------------|--------------------|
| Full-time: | <u>0</u> | <u>25</u> | <u>35</u> | <u>50</u> | <u>50</u> |
| Part-time: ¹ | <u>0</u> | <u>20</u> | <u>20</u> | <u>20</u> | <u>20</u> |

List the average salaries or provide ranges of salaries for the following categories of jobs (on a full-time equivalency basis) projected to be retained/created in Nassau County as a result of the proposed Project:

| <u>Category of Jobs to be Retained:</u> | <u>Average Salary or Range of Salary:</u> | <u>Average Fringe Benefits or Range of Fringe Benefits</u> |
|---|---|--|
| Management | | |
| Professional | | |
| Administrative | | |
| Production | | |
| Supervisor | | |
| Laborer | | |
| Independent Contractor ² | | |
| Other | | |

| <u>Category of Jobs to be Created:</u> | <u>Average Salary or Range of Salary:</u> | <u>Average Fringe Benefits or Range of Fringe Benefits</u> |
|--|---|--|
| Management | <u>\$80,000.00</u> | <u>\$28,000.00</u> |
| Professional | | |
| Administrative | <u>\$60,000.00</u> | <u>\$21,000.00</u> |
| Production | <u>\$40,000.00</u> | <u>\$14,000.00</u> |

¹ NOTE: The Agency converts part-time jobs into FTE's for evaluation and reporting purposes by dividing the number of part-time jobs by two (2).

² As used in this chart, this category includes employees of independent contractors.

| | | |
|-------------------------------------|--|--|
| Supervisor | | |
| Laborer | | |
| Independent Contractor ³ | | |
| Other | | |

The Agency may utilize the foregoing employment projections and the projections set forth in Schedule C, among other things, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to retain the number of jobs, types of occupations and amount of payroll with respect to the Project set forth in this Application.

- B. (i) Will the Applicant transfer current employees from existing location(s)? If YES, describe, please describe the number of current employees to be transferred and the location from which such employees would be transferred:

YES _____

NO NA

(ii) Describe the number of estimated full time equivalent construction jobs to be created as a result of undertaking the project, to the extent any: 100

- C. What, if any, is the anticipated increase in the dollar amount of production, sales or services following completion of the Project?

\$10,000,000.00

What percentage of the foregoing amount is subject to New York sales and use tax?

0%

What percentage of the Applicant's total dollar amount of production, sales or services (including production, sales or services rendered following completion of the Project) are made to customers outside the economic development region (i.e., Nassau and Suffolk Counties)?

10%

³ As used in this chart, this category includes employees of independent contractors.

Describe any other municipal revenues that will result from the Project (excluding the above and any PILOT payments):

SIGNIFICANT PERMIT FEES TO THE TOWN OF OYSTER BAY IN CONNECTION WITH OBTAINING CONSTRUCTION PERMITS.

- D. What is the estimated aggregate annual amount of goods and services to be purchased by the Applicant for each year after completion of the Project and what portion will be sourced from businesses located in the County and the State (including the County):

| | <u>Amount</u> | <u>% Sourced in County</u> | <u>% Sourced in State</u> |
|--------|------------------|----------------------------|---------------------------|
| Year 1 | <u>\$660,000</u> | <u>45%</u> | <u>95%</u> |
| Year 2 | <u>\$678,000</u> | <u>45%</u> | <u>95%</u> |
| Year 3 | <u>\$699,900</u> | <u>45%</u> | <u>95%</u> |

- E. Describe, if applicable, other benefits to the County anticipated as a result of the Project, including a projected annual estimate of additional sales tax revenue generated, directly and indirectly, as a result of undertaking the project:

THE PROJECT WILL PAY SIGNIFICANT PERMIT FEES TO THE TOWN OF OYSTER BAY IN CONNECTION WITH OBTAINING CONSTRUCTION PERMITS.

- F. Estimated Value of Requested Financial Assistance:

Estimated Value of Sales Tax Benefit: \$2,190,000
(i.e., gross amount of cost of goods and services that are subject to state and local sales and use taxes multiplied by 8.625%)
(\$25,400,000.00 x 8.625%)

Estimated Value of Mortgage Tax Benefit: \$303,000
(i.e., principal amount of mortgage loans multiplied by [0.75%])
(\$40,400,000.00 x .75%)

Estimated Property Tax Benefit:

Will the proposed Project utilize a property tax exemption benefit other than from the Agency: NO
(if so, please describe)

Term of PILOT Requested: TBD

Existing Property Taxes on Land and Building: \$TBD

Estimated Property Taxes on completed Project: \$ _____

(without Agency financial assistance)

NOTE: Upon receipt of this Application by the Agency, the Agency's staff will create a PILOT schedule and estimate the amount of PILOT Benefit/Cost utilizing anticipated tax rates and assessed valuation, and attach such information as Exhibit A hereto.

- G. Describe and estimate any other one-time municipal revenues (not including fees payable to the Agency) that the Project will create:

THE PROJECT WILL PAY SIGNIFICANT PERMIT FEES TO THE TOWN OF OYSTER BAY IN CONNECTION WITH OBTAINING CONSTRUCTION PERMITS.

PART V. PROJECT SCHEDULE

- A. If applicable, has construction/reconstruction/renovation work on the Project begun? If YES, indicate the percentage of completion:

- | | | | | |
|----|--|----------|-------------|----------------|
| 1. | (a) Site clearance | YES ____ | NO <u>X</u> | ____% complete |
| | (b) Environmental Remediation | YES ____ | NO <u>X</u> | ____% complete |
| | (c) Foundation | YES ____ | NO <u>X</u> | ____% complete |
| | (d) Footings | YES ____ | NO <u>X</u> | ____% complete |
| | (e) Steel | YES ____ | NO <u>X</u> | ____% complete |
| | (f) Masonry | YES ____ | NO <u>X</u> | ____% complete |
| | (g) Interior | YES ____ | NO <u>X</u> | ____% complete |
| | (h) Other (describe below): | YES ____ | NO <u>X</u> | ____% complete |
| 2. | If NO to all of the above categories, what is the proposed date of commencement of construction, reconstruction, renovation, installation or equipping of the Project? | | | |

First quarter of 2020

- B. Provide an estimate of time schedule to complete the Project and when the first use of the Project is expected to occur:

24 months following commencement of construction.

PART VI. ENVIRONMENTAL IMPACT

- A. What is the expected environmental impact of the Project? (Complete the attached Environmental Assessment Form (Schedule G)).
- B. Is an environmental impact statement required by Article 8 of the N.Y. Environmental Conservation Law (i.e., the New York State Environmental Quality Review Act)?

YES ____

NO X

- C. Please be advised that the Agency may require at the sole cost and expense of the Applicant the preparation and delivery to the Agency of an environmental report in form and scope satisfactory to the Agency, depending on the responses set forth in the Environmental Assessment Form. If an environmental report has been or is being prepared in connection with the Project, please provide a copy.
- D. The Applicant authorizes the Agency to make inquiry of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation or any other appropriate federal, state or local governmental agency or authority as to whether the Project site or any property adjacent to or within the immediate vicinity of the Project site is or has been identified as a site at which hazardous substances are being or have been used, stored, treated, generated, transported, processed, handled, produced, released or disposed of. The Applicant will be required to secure the written consent of the owner of the Project site to such inquiries (if the Applicant is not the owner), upon request of the Agency.

THE UNDERSIGNED HEREBY CERTIFIES, under penalties of perjury, that the answers and information provided above and in any schedule, exhibit or statement attached hereto are true, accurate and complete, to the best of the knowledge of the undersigned.

Name of

Applicant: ENGEL BURMAN AT BETHPAGE LLC

Signature _____

Name: Steven Krieger

Title: Authorized Signatory

Date: _____

Sworn to before me this 28
day of March, 2019 ____

Jessica F. Alfini (Colabella)
Notary Public

JESSICA F. ALFINI
NOTARY PUBLIC, State of New York
No. 01AL6137529
Qualified in Suffolk County
Commission Expires November 28, 2021

Engel Burman at Bethpage LLC - NCIDA Draft Application

**CERTIFICATIONS AND ACKNOWLEDGMENTS
OF THE APPLICANT**

FIRST:

The Applicant hereby certifies that, if financial assistance is provided by the Agency for the proposed project, no funds of the Agency (i) shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant or for the purpose of advertising or promotional materials which depict elected or appointed government officials in either print or electronic media, (ii) be given to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State.

SECOND:

The Applicant hereby certifies that no member, manager, principal, officer or director of the Applicant or any affiliate thereof has any blood, marital or business relationship with any member of the Agency (or any member of the family of any member of the Agency).

THIRD:

The Applicant hereby certifies that neither the Applicant nor any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners (other than equity owners of publicly-traded companies), nor any of their respective employees, officers, directors, or representatives (i) is a person or entity with whom United States persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control (OFAC) of the Department of the Treasury, including those named on OFAC's Specially Designated and Blocked Persons List, or under any statute, executive order or other governmental action, or (ii) has engaged in any dealings or transactions or is otherwise associated with such persons or entities.

FOURTH:

The Applicant hereby acknowledges that the Agency shall obtain and hereby authorizes the Agency to obtain credit reports and other financial background information and perform other due diligence on the Applicant and/or any other entity or individual related thereto, as the Agency may deem necessary to provide the requested financial assistance.

FIFTH:

The Applicant hereby certifies that each owner, occupant or operator that would receive financial assistance with respect to the proposed Project is in substantial compliance with applicable federal, state and local tax, worker protection and environmental laws, rules and regulations.

SIXTH:

The Applicant hereby acknowledges that the submission to the Agency of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the recapture from the Applicant of an amount equal to all or any part of any tax exemption claimed by reason of the Agency's involvement in the Project.

Engel Burman at Bethpage LLC - NCIDA Draft Application

SEVENTH:

The Applicant hereby certifies that, as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the General Municipal Law, including, but not limited to, the provisions of Section 859-a and Section 862(1) thereof.

EIGHTH:

(i) Does the Project propose the creation of housing?

YES _____ NO _____

If YES, how many units?_

If YES, the Applicant hereby certifies that:

(a) the Applicant has adopted a Fair Housing/Equal Housing Opportunity Policy substantially in the form of Exhibit B to this Application;

(b) the proposed Project complies with applicable fair housing laws and that eligibility criteria for housing in any part of the Project will not include any residency requirements or preferences, including durational ones, age restrictions (unless for senior housing permitted by law), or other discriminatory criteria;

(c) the Applicant (1) has posted its Fair Housing/Equal Housing Opportunity Policy publicly; and (2) will display fair housing law posters for consumers in its rental or sales office(s), in a form substantially similar to the model fair housing posters attached to this Application as Exhibit C (the Agency will provide applicants with fair housing law posters for display upon request by an applicant); and

(d) key employees of the Applicant in charge of marketing and rental of the Project have completed (or will complete within one year of closing) four (4) hours of fair housing training provided by Long Island Housing Services ("LIHS") at a reasonably acceptable time and location and at no additional cost to the Applicant. In the event LIHS declines to provide or make available reasonably acceptable no-cost fair housing training, the provisions of this Certification VIII(i)(d) shall cease to be of any force and effect.

(ii) If YES to (i) above, does the Project propose the creation of "affordable" or "workforce" housing ("Affordable Housing")?

YES ____ NO ____

If YES, the Applicant hereby certifies that the Applicant (1) has adopted a non-discriminatory affirmative marketing plan that meets the criteria set forth in Exhibit D to this Application; and (2) will submit such marketing plan to the Agency in writing prior to closing.

If YES, answer the following questions:

(a) What portion of the Project would consist of Affordable Housing (e.g., number of units)?

(b) What are the eligibility requirements for the Affordable Housing?

Engel Burman at Bethpage LLC - NCIDA Draft Application

(c) Cite the specific source of such eligibility requirements (e.g., federal, state or local law).

Name of
Applicant: ENGEL BURMAN AT BETHPAGE LLC

By: 
Name: Steven Krieger
Title: Authorized Signatory

Engel Burman at Bethpage LLC - NCIDA Draft Application

**CERTIFICATION AND AGREEMENT
WITH RESPECT TO FEES AND COSTS**

Capitalized terms used but not otherwise defined in this Certification and Agreement shall have the meanings assigned to such terms in the Application.

The undersigned, being duly sworn, deposes and says, under penalties of perjury, as follows: that I am the chief executive officer or other representative authorized to bind the Applicant named in the attached application for financial assistance ("Application") and that I hold the office specified below my signature at the end of this Certification and Agreement, that I am authorized and empowered to deliver this Certification and Agreement and the Application for and on behalf of the Applicant, that I am familiar with the contents of said Application (including all schedules, exhibits and attachments thereto), and that said contents are true, accurate and complete to the best of my knowledge and belief.

The grounds of my belief relative to all matters in the Application that are not based upon my own personal knowledge are based upon investigations I have made or have caused to be made concerning the subject matter of this Application, as well as upon information acquired in the course of my duties and from the books and records of the Applicant.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that the Applicant hereby releases the Nassau County Industrial Development Agency, its members, officers, servants, attorneys, agents and employees (collectively, the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend (with counsel selected by the Agency) and hold the Agency harmless from and against any and all liability, damages, causes of actions, losses, costs or expenses incurred by the Agency in connection with: (A) examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the financial assistance requested therein are favorably acted upon by the Agency, (B) the acquisition, construction, reconstruction, renovation, installation and/or equipping of the Project by the Agency, and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, (i) all fees and expenses of the Agency's general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other attorneys, experts and consultants (if deemed necessary or advisable by the Agency), and (ii) all other expenses (including attorneys' fees) incurred by the Agency in defending any suits, actions or proceedings that may arise as a result of any of the foregoing. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails within a reasonable or specified period of time to take reasonable, proper or requested action or withdraws, abandons, cancels, or neglects the Application or if the Applicant is unable to find buyers willing to purchase the total bond issue required or is unable to secure other third party financing or otherwise fails to conclude the Project, then upon presentation of an invoice by the Agency, its agents, attorneys or assigns, the Applicant shall pay to the Agency, its agents, attorneys or assigns, as the case may be, all fees and expenses reflected in any such invoice.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that each of the Agency's general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants is an intended third-party beneficiary of this Certification and Agreement, and that each of them may (but shall not be obligated to) enforce the provisions of the immediately preceding paragraph, whether by lawsuit or otherwise, to collect the fees and expenses of such party or person incurred by the Agency (whether or not first paid by the Agency) with respect to the Application.

Upon successful closing of the required bond issue or other form of financing or Agency assistance, the Applicant shall pay to the Agency an administrative fee set by the Agency (which amount is payable at closing) in accordance with the following schedule:

Engel Burman at Bethpage LLC - NCIDA Draft Application

- (A) Taxable Bond Issues Six-tenths (6/10) of one percent (1%) for the first twenty million dollars (\$20,000,000) of total project costs and, if applicable, two-tenths (2/10) of one percent (1%) for any additional amounts in excess of twenty million dollars (\$20,000,000) of total project costs.
- (B) Tax-Exempt Bond Issues – Six-tenths (6/10) of one percent (1%) of total project costs.
- (C) Straight-Lease Transactions Six-tenths (6/10) of one percent (1%) for the first twenty million dollars (\$20,000,000) of total project costs and, if applicable, two-tenths (2/10) of one percent (1%) for any additional amounts in excess of twenty million dollars (\$20,000,000) of total project costs
- (D) General Counsel Fee – One-tenth (1/10) of one percent (1%) of total project costs, with a minimum fee of \$2,000.
- (E) All Initial Transactions - Two Thousand Five Hundred Dollars (\$2,500) closing compliance fee payable at closing and One Thousand Dollars (\$1,000) per year (or part thereof) administrative fee, payable in advance, at the closing for the first year (or part thereof) and on January 1st of each year for the term of the financing. The annual service fee is subject to periodic review and may be adjusted from time to time in the discretion of the Agency.
- (F) Refundings – The Agency fee shall be determined on a case-by-case basis.
- (F) Assumptions – The Agency fee shall be determined on a case-by-case basis.
- (G) Modifications – The Agency fee shall be determined on a case-by-case basis.

The Agency's bond counsel fees and expenses are payable at closing and are based on the work performed in connection with the Project.

The Agency's bond counsel's fees, general counsel fee and the administrative fees may be considered as a cost of the Project and included as part of any resultant financing, subject to compliance with applicable law.

Upon the termination of the financing of the Project, Applicant agrees to pay all costs in connection with any conveyance by the Agency to the Applicant of the Agency's interest in the Project and the termination of all related Project documents, including the fees and expenses of the Agency's general counsel, bond counsel, and all applicable recording, filing or other related fees, taxes and charges.

Engel Burman at Bethpage LLC - NCIDA Draft Application

I further acknowledge and agree on behalf of the Applicant that, in the event the Agency shall have used all of its available tax-exempt bond financing allocation from the State of New York, if applicable, and shall accordingly be unable to obtain an additional allocation for the benefit of the Applicant, the Agency shall have no liability or responsibility as a result of the inability of the Agency to issue and deliver tax-exempt bonds for the benefit of the Applicant.



Name: Steven Krieger
Title: Authorized Signatory

Subscribed and affirmed to me this 28
day of March, 2019


Notary Public

JESSICA F. ALFINI
NOTARY PUBLIC, State of New York
No. 01AL6137529
Qualified in Suffolk County
Commission Expires November 28, 2021

Engel Burman at Bethpage LLC - NCIDA Draft Application

**NEW YORK STATE FINANCIAL AND EMPLOYMENT REPORTING
REQUIREMENTS FOR INDUSTRIAL DEVELOPMENT AGENCIES**

- A. Pursuant to applicable law, the Agency requires the completion of an Initial Employment Plan (see Schedule C) and a year-end employment plan status report, both of which shall be filed by the Nassau County Industrial Development Agency (the "Agency") with the New York State Department of Economic Development. The Project documents will require the Applicant to provide such report to the Agency on or before February 11 of the succeeding year, together with such employment verification information as the Agency may require.

Except as otherwise provided by collective bargaining agreements, the Applicant agrees to list any new employment opportunities with the New York Department of Labor Community Services Division and the administrative entity of the service delivery area created by the Federal Job Training Partnership Act (P.L. 97-300), or any successor statute thereto (the "JTPA Entities"). In addition, except as otherwise provided by collective bargaining agreements, the Applicant, where practicable, will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for such new employment opportunities.

- B. The Applicant will be required to file annually a statement with the New York State Department of Taxation and Finance and the Agency of the value of all sales or use tax exemptions claimed in connection with the Project by reason of the involvement of the Agency.
- C. The following information must be provided for all bonds issued, outstanding or retired during the year:

Name, address and owner of the project; total amount of tax exemptions granted (broken out by state and local sales tax, property taxes, and mortgage recording tax); payments in lieu of taxes made; total real estate taxes on the Project prior to exemption; number of jobs created and retained, and other economic benefits realized.

Date of issue; interest rate at end of year; bonds outstanding at beginning of year; bonds issued during year; principal payments made during year; bonds outstanding at end of year; federal tax status; and maturity date(s).

Failure to provide any of the aforesaid information will be constitute a DEFAULT under the Project documents to be entered into by the Agency and the Applicant in connection with the proposed Project.

Engel Burman at Bethpage LLC - NCIDA Draft Application

Please sign below to indicate that the Applicant has read and understood the above and agrees to provide the described information on a timely basis.

Name of
Applicant:

ENGEL BURMAN AT BETHPAGE LLC

Signature:

Name:

Steven Krieger

Title:

Authorized Signatory

Date:

Engel Burman at Bethpage LLC - NCIDA Draft Application

GUIDELINES FOR ACCESS TO EMPLOYMENT OPPORTUNITIES**INITIAL EMPLOYMENT PLAN**

Prior to the expenditure of bond proceeds or the granting of other financial assistance, the Applicant shall complete the following initial employment plan:

Applicant Name: ENGEL BURMAN AT BETHPAGE LLC
 Address: 1055/1065 STEWART AVENUE, BETHPAGE, NEW YORK
 Type of Business: ASSISTED LIVING FACILITY
 Contact Person: STEVEN KRIEGER Tel. No.: 516-747-1200

Please complete the following table describing the projected full-time equivalent employment plan for the proposed Project following receipt of financial assistance:

| <u>Current and Planned Occupation</u> | <u>Present Jobs Per Occupation</u> | <u>Estimated Number of Full Time Equivalent Jobs After Completion of the Project:⁴</u> | | | | <u>Estimate of Number of Residents of the LMA⁵ that would fill such jobs by the fourth year</u> |
|---|--|---|----------------|----------------|----------------|--|
| | | <u>1 year</u> | <u>2 years</u> | <u>3 years</u> | <u>4 years</u> | |
| <u>Management</u> | <u>0</u> | <u>7</u> | <u>7</u> | <u>7</u> | <u>7</u> | <u>5</u> |
| <u>Professional</u> | <u>0</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>Administrative</u> | <u>0</u> | <u>3</u> | <u>3</u> | <u>3</u> | <u>3</u> | <u>2</u> |
| <u>Production</u> | <u>0</u> | <u>25</u> | <u>35</u> | <u>50</u> | <u>50</u> | <u>45</u> |
| <u>Supervisor</u> | <u>0</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>Laborer</u> | <u>0</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>Independent</u> | <u>0</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |

⁴ NOTE: Convert part-time jobs into FTE's for evaluation and reporting purposes by dividing the number of part-time jobs by two (2).

⁵ The "LMA" means the Local Market Area, which is defined by the Agency as Nassau and Suffolk Counties. The Labor Market Area is the same as the Long Island Economic Development Region, as established pursuant to Section 230 of the New York State Economic Development Law.

Engel Burman at Bethpage LLC - NCIDA Draft Application

Contractor

0

Engel Burman at Bethpage LLC - NCIDA Draft Application

ANTI-RAIDING QUESTIONNAIRE

(To be completed by Applicant if Applicant checked "YES" in Part I, Question O of the Application for Financial Assistance)

- A. Will the completion of the Project result in the removal of a plant or facility of the Applicant, or of a proposed user, occupant or tenant of the Project, or a relocation of any employee of the Applicant or of a proposed user, occupant or tenant of the Project, from an area in New York State (but outside of Nassau County) to an area within Nassau County?

YES ☐

NO ☒

If the answer to Question A is YES, please provide the following information:

Address of the to-be-removed plant or facility or the plants or facilities from which employees are relocated: _____

Names of all current users, occupants or tenants of the to-be-removed plant or facility: _____

- B. Will the completion of the Project result in the abandonment of one or more plants or facilities of the Applicant, or of a proposed user, occupant or tenant of the Project, located in an area of the State of New York other than in Nassau County?

YES ☐

NO ☒

If the answer to Question B is YES, please provide the following information:

Addresses of the to-be-abandoned plants or facilities: _____

Names of all current occupants of the to-be-abandoned plants or facilities: _____

- C. Has the Applicant contacted the local industrial development agency at which its current plants or facilities in New York State are located with respect to the Applicant's intention to move or abandon such plants or facilities?

YES ☐

NO ☐

If the answer to Question C is YES, please provide details in a separate attachment.

IF THE ANSWER TO EITHER QUESTION A OR B IS "YES", ANSWER QUESTIONS D AND E.

Engel Burman at Bethpage LLC - NCIDA Draft Application

D. Is the Project reasonably necessary to preserve the competitive position of the Applicant, or of a proposed user, occupant or tenant of the Project, in its industry?

YES _____

NO _____

E. Is the Project reasonably necessary to discourage the Applicant, or a proposed user, occupant or tenant of the Project, from removing such plant or facility to a location outside of the State of New York?

YES _____

NO _____

IF THE ANSWER TO EITHER QUESTION D OR E IS "YES", PLEASE PROVIDE DETAILS IN A SEPARATE ATTACHMENT.

Accordingly, the Applicant certifies that the provisions of Section 862(1) of the General Municipal Law will not be violated if financial assistance is provided by the Agency for the proposed Project.

NOTE: If the proposed Project involves the removal or abandonment of a plant or facility of the Applicant, or a proposed user, occupant or tenant of the Project, within the State of New York, notification will be made by the Agency to the chief executive officer(s) of the municipality or municipalities in which such plant or facility was located.

THE UNDERSIGNED HEREBY CERTIFIES that the answers and information provided above and in any statement attached hereto are true, correct and complete.

Name of
Applicant:

ENGEL BURMAN AT BETHPAGE LLC

Signature:

Name:

Steven Krieger

Title:

Authorized Signatory

Date:

Engel Burman at Bethpage LLC - NCIDA Draft Application

RETAIL QUESTIONNAIRE

(To be completed by Applicant if Applicant checked either "YES" in Part II, Question Q of the Application for Financial Assistance)

- A. Will any portion of the Project (including that portion of the cost to be financed from equity or sources other than Agency financing) consist of facilities or property that are or will be primarily used in making retail sales to customers who personally visit the Project?

YES ____

NO X

For purposes of Question A, the term "retail sales" means (i) sales by a registered vendor under Article 28 of Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

- B. If the answer to Question A is YES, what percentage of the cost of the Project (including that portion of the cost to be financed from equity or sources other than Agency financing) will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project?

_____%

- C. If the answer to Question A is YES, and the amount entered for Question B is greater than 33.33%, indicate whether any of the following apply to the Project:

1. Is the Project likely to attract a significant number of visitors from outside the economic development region (i.e., Nassau and Suffolk Counties) in which the Project is or will be located?

YES ____

NO ____

2. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services?

YES ____

NO ____

3. Will the Project be located in one of the following: (a) an area designated as an empire zone pursuant to Article 18-B of the General Municipal Law; or (b) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has (i) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of the households receiving public assistance, and (ii) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates?

YES ____

NO ____

Engel Burman at Bethpage LLC - NCIDA Draft Application

If the answer to any of the subdivisions 1 through 3 of Question C is YES, attach details.

- D. If the answer to any of the subdivisions 2 through 3 of Question C is YES, will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York? If YES, attach details.

YES _____

NO _____

- E. State percentage of the Applicant's annual gross revenues comprised of each of the following:

Retail Sales: _____%

Services: _____%

- F. State percentage of Project premises utilized for same:

Retail Sales: _____%

Services: _____%

The UNDERSIGNED HEREBY CERTIFIES that the answers and information provided above and in any statement attached hereto are true, correct and complete.

Name of
Applicant:

ENGEL BURMAN AT BETHPAGE LLC

Signature:

Name:

Steven Krieger

Title:

Authorized Signatory

Date:

Engel Burman at Bethpage LLC - NCIDA Draft Application

APPLICANT'S FINANCIAL ATTACHMENTS

Engel Burman at Bethpage LLC - NCIDA Draft Application

Schedule G

ENVIRONMENTAL ASSESSMENT FORM

Engel Burman at Bethpage LLC - NCIDA Draft Application

FORM NYS-45

Attach most recent quarterly filing of Form NYS-45 and 45-ATT, as well as the most recent fourth quarter filing. Please remove the employee social security numbers and note which employees are part-time.

OTHER ATTACHMENTS

Engel Burman at Bethpage LLC - NCIDA Draft Application

EXHIBIT A

Upon acceptance of the Application by the Agency for processing and completion of the Cost/Benefit Analysis, the Agency will attach a proposed PILOT Schedule hereto, together with an estimate of the net tax benefit/cost of the proposed PILOT Schedule.

EXHIBIT B

Fair Housing/Equal Housing Opportunity Policy to be adopted by Agency Applicants for Housing Projects

As part of our continuing effort to ensure compliance with federal, state, and local anti-discrimination laws, we would like to take this opportunity to remind you of our policies regarding equal housing opportunity. It is important for all employees to review his or her own actions in light of these requirements and for everyone to keep in mind the importance of treating all persons equally.

It is the policy and practice of this company not to engage in or assist the efforts of others to engage in housing discrimination. Consistent with that policy, we remind you that the antidiscrimination laws of the United States, New York State, and local laws are quite specific in the area of housing, and in conformance with those laws, you must not engage in any of the following conduct during the course of your work for this company:

1. Refuse to show, rent, sell, negotiate for the rental or sale of, or otherwise make unavailable or deny, housing to any person because of race, color, religion, creed, sex/gender, familial status (having or expecting a child under 18), national origin, ethnicity, disability, marital status, age, sexual orientation, military status, source of income or status as survivor of domestic violence (each a "prohibited basis");
2. Discriminate against any person in the terms, conditions or privileges of a rental or sale or in the provision of services or facilities in connection therewith because of a prohibited basis;
3. Make any verbal or written statement with respect to the rental or sale of housing that indicates any preference, limitation or discrimination concerning a prohibited basis, or any statement indicating an intention to make any such preference, limitation or discrimination;
4. Represent to any person because of a prohibited basis that any housing or unit is not available for inspection, rental or sale when such apartment is in fact so available;
5. Steer persons into or away from certain areas of a building, development or neighborhood because of a prohibited basis;
6. Refuse to provide a reasonable accommodation in rules, policies, practices or services for tenants, buyers, or applicants with disabilities; and
7. Refuse to allow a reasonable modification to individual units or common areas for tenants, buyers, or applicants with disabilities.

We are firmly committed to the goal of fair housing. You should understand that any violation of this Fair Housing/Equal Housing Opportunity Policy will lead to discipline, up to and including discharge.

Engel Burman at Bethpage LLC - NCIDA Draft Application

EXHIBIT C

Sample Fair Housing Posters

U. S. Department of Housing and Urban Development



**EQUAL HOUSING
OPPORTUNITY**

**We Do Business in Accordance With the Federal Fair
Housing Law**

(The Fair Housing Amendments Act of 1988)

**It is illegal to Discriminate Against Any Person
Because of Race, Color, Religion, Sex,
Handicap, Familial Status, or National Origin**

- | | |
|---|---|
| <input type="checkbox"/> In the sale or rental of housing or residential lots | <input type="checkbox"/> In the provision of real estate brokerage services |
| <input type="checkbox"/> In advertising the sale or rental of housing | <input type="checkbox"/> In the appraisal of housing |
| <input type="checkbox"/> In the financing of housing | <input type="checkbox"/> Blockbusting is also illegal |

Anyone who feels he or she has been
discriminated against may file a complaint of
housing discrimination:

1-800-669-9777 (Toll Free)

1-800-927-9275 (TTY)

www.hud.gov/fairhousing

U.S. Department of Housing and
Urban Development
Assistant Secretary for Fair Housing and
Equal Opportunity
Washington, D.C. 20410

Posters and signs are available

(Form HUD-628.1 (6/2011))

Engel Burman at Bethpage LLC - NCIDA Draft Application

**HOUSING
DISCRIMINATION IS
SOMETIMES **BLATANT**,
SOMETIMES **SUBTLE**,
BUT ALWAYS **UNLAWFUL**.**

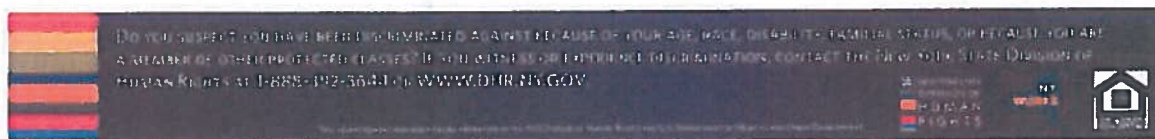


EXHIBIT D
Requirements for Affirmative Marketing Plans for Housing Projects

Affirmative marketing plans submitted by the Applicant shall be required only for affordable or “workforce” units and shall contain the following information:

1. Street address, village, town, zip code, and census tract number for the Project;
2. Number of affordable units to be marketed and whether they will be available for rent or purchase;
3. The number, if any, and location of market rate units included in the Project;
4. Whether the housing will be “housing for older persons”, defined as at least 80% occupancy of units with at least one person 55 or older or 100% occupancy of persons age 62 or older;
5. A description of how units will be advertised for sale or rental prior to first occupancy, including whether Applicant will utilize its own website, commercial websites, print media outlets, social media outlets such as Facebook, a sign at the project site, mailings, leaflets/flyers, brochures, and other forms of advertising;
6. A statement that the Applicant will use fair housing logo or phrase “Equal Housing Opportunity” on all advertising described above;
7. A statement that the Applicant will distribute written information regarding the availability of affordable units at the project to a list of organizations provided to the Applicant by the Agency, which list may be updated annually;
8. Whether the Applicant will conduct the marketing and initial rent-up or sales itself or contract with a third-party;
9. A statement that an initial application period with a specific start and end date will be utilized for accepting applications for consideration for the initial rental of the units and that the period will last for at least thirty (30) days after the marketing described in this plan is commenced. In addition, a statement that following the initial application period, all the applications submitted during the initial application period will be considered through the use of a lottery and not on a first-come first-served basis, unless the number of applications received during the initial application period is less than the total number of units available for rental.
10. A statement that the Applicant will maintain records of the activities it undertakes to implement its marketing plan.

Engel Burman at Bethpage LLC - NCIDA Draft Application