

NASSAU COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

APPLICATION OF:

WOODCREST VILLAGE PARK ASSOCIATES

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.

12/20/2017

DATE

**PART I. APPLICANT**

**A. APPLICANT FOR FINANCIAL ASSISTANCE:**

Name: Woodcrest Village Park Associates

Address: 7 Penn Plaza, Suite 618, New York, NY 10001

Fax: N/A Phone: (646) 549-7349

NY State Dept. of  
Labor Reg #: N/A Federal Employer ID #:                     

NAICS Code #: N/A

Website: N/A

Name of CEO or  
Authorized Representative Certifying Application: Jeffrey Feil

Title of Officer: Managing General Partner

Phone Number: (212) 563 6557 E-Mail: jfeil@feilorg.com

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

Sole Proprietorship      General Partnership   X   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: NY 1979

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

**C. APPLICANT COUNSEL:**

Firm name: Ruskin Moscou Faltischek, PC

Address: 1425 RXR Plaza, East Tower, 15<sup>th</sup> Floor

Uniondale, NY 11556

Michael L. Faltischek, Esq.

(516) 663-6550

(516) 663-6750

[mfaltischek@rmfpc.com](mailto:mfaltischek@rmfpc.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>Feil Properties LLC</u>	<u>75.0</u> %
<u>Stanley Barry</u>	<u>10.0</u> %
	<u>          </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:

Kindly note, there are many which may apply to this question, however none, except as disclosed in this application, are parties to any contracts with Nassau County IDA or Nassau County.

- 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 ☐

NO ☒

- G. List parent corporation, sister corporations and subsidiaries, if any:

N/A

- 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 ☐

NO ☒

Except as disclosed by the answer to Questions R below.

- 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 ☒

- 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 ☐

NO ☒

- 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 ☒

- 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 ☒

- 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>
<u>Jeffery Feil</u>	<u>Managing GP</u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></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 ☒

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 X

O. Operation at existing location(s) (Complete separate Section O for each existing location):

1. (a) Location: 2930 Rockaway Avenue, Oceanside, NY

(b) Number of Employees: Full-Time: N/A Part-Time: N/A

(c) Annual Payroll, excluding benefits: N/A

(d) Type of operation (e.g. manufacturing, wholesale, distribution, retail, etc.)  
and products or services: Residential Apartments - renting,  
leasing and management

(e) Size of existing facility real property  
(i.e., acreage of land): approx. 5.19 acres

(f) Buildings (number and square footage of each): N/A - Vacant

(g) Applicant's interest in the facility

FEE TITLE: X 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 ☒

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

YES ☐

NO ☒

- 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 ☒

- 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 ☐

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

Owning, leasing and management of residential apartments

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

Name: N/A

Relationship to Applicant: \_\_\_\_\_

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:

- ☐ Tax-Exempt Bonds
- ☐ Taxable Bonds
- ☐ Refunding Bonds
- ☒ Sales/Use Tax Exemption
- ☒ Mortgage Recording Tax Exemption
- ☒ Real Property Tax Exemption
- ☐ Other (specify): \_\_\_\_\_

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

- ☒ New Construction of a Facility  
Square footage: Approx. 260,108
- ☐ 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: \_\_\_\_\_
- ☐ Acquisition of Land/Building  
Acreage/square footage of land: \_\_\_\_\_  
Square footage of building: \_\_\_\_\_
- ☒ Acquisition of Furniture/Machinery/Equipment  
List principal items or categories:  
Schedule Attached
- ☐ Other (specify): \_\_\_\_\_

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 former apartment complex of approximately 105 units was destroyed by Superstorm Sandy. Since the property's demolition all former unit owners have been displaced. Applicant has applied for a change of zone to increase population density and construct 239 units. The new structure will offer market rate apartments close to transportation facilities, fulfilling a need within Nassau County for higher density housing near railroad stations and

bus lines. Without the financial assistance offered through Nassau County IDA, construction of proposed complex will not be economically feasible and the property would remain in the same blighted condition as after Hurricane Sandy.

- 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    \_\_\_\_\_

Without the financial assistance offered through Nassau County IDA, construction of proposed complex will not be economically feasible.

- 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.

Without the financial assistance offered through Nassau County IDA, construction of proposed complex will not be economically feasible.

- F. Location of Project:

Street Address: 2930 Rockaway Avenue Oceanside, NY

City/Village(s): \_\_\_\_\_

Town(s): Town of Hempstead

School District(s): EAST ROCKAWAY (Lot 13,5) & OCEANSIDE (Lot 42)

Tax Map Section: 38 Block: E Lot: 42.13.5

Census Tract Number: \_\_\_\_\_

- G. Present use of the Project site: Vacant

- 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): Attached in Attachments.
- (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 X

- I. Describe proposed Project site ownership structure (i.e., Applicant or other entity):

Applicant

- 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.)

Multi-family rental apartments

- 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 \_\_\_\_

NO X

1. Describe present zoning/land use: Residence CA
2. Describe required zoning/land use, if different: Residence CA-S
3. If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements:

Petition for Change of Zone was heard by Town Board of Hempstead on April 27, 2017 and currently pending a Town Board decision.

- 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 X NO \_\_\_\_\_

If YES, indicate:

- (a) Date of purchase: 1979
- (b) Purchase price: \$ N/A
- (c) Balance of existing mortgage, if any: \$ 0
- (d) Name of mortgage holder: \_\_\_\_\_
- (e) Special conditions: \_\_\_\_\_

If NO, indicate name of present owner of Project site: \_\_\_\_\_

- 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 \_\_\_\_\_ NO X

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

- (a) Date signed: N/A
- (b) Purchase price: \$ N/A
- (c) Closing date: N/A

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):

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

Architect: H2M Architects + Engineers  
Engineer: H2M, Kohler Ronan, McNAMARA SALVIA  
Contractors: TBD

- 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

The project will be designed to exceed the code standards for energy efficiency and we are currently pursuing other energy efficiency certifications.

- 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 \_\_\_\_\_ NO X

- 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	\$ -
2.	Building Demolition	\$ -
3.	Construction/Reconstruction/Renovation	\$55,000,000
4.	Site Work	\$ 2,000,000
5.	Infrastructure Work	\$ 100,000
6.	Architectural/Engineering Fees	\$ 1,267,585
7.	Applicant's Legal Fees	\$ 200,000
8.	Financial Fees	\$ 450,000
9.	Other Professional Fees	\$ 750,000
10.	Furniture, Equipment & Machinery	
	Acquisition (not included in 3. above)	\$ 200,000
11.	Other Soft Costs (describe)	\$ 0
12.	Other (describe)	\$ 600,000 (permits)
	Total	\$ 60,567,585

- B. Estimated Sources of Funds for Project Costs:

a.	Tax-Exempt IDA Bonds:	\$ _____
b.	Taxable IDA Bonds:	\$ _____
c.	Conventional Mortgage Loans:	\$ 45,000,000
d.	SBA or other Governmental Financing:	\$ _____
	Identify: _____	
e.	Other Public Sources (e.g., grants, tax credits):	\$ _____
	Identify: _____	
f.	Other Loans:	\$ _____
g.	Equity Investment:	\$ 15,567,585
	(excluding equity attributable to grants/tax credits)	

TOTAL \$ 60,567,585

What percentage of the total project costs are funded/financed from public sector sources: 0 %

- 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       

NO X

- 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 x

NOT APPLICABLE       

- G. Construction Cost Breakdown:

Total Cost of Construction: \$ 57,300,000 (sum of 2-5 and 10 in Question A above)

Cost for materials: \$ 23,206,500

% Sourced in County: 80 %

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

Cost for labor: \$ 28,363,500

% Sourced in County: 70 %  
% Sourced in State: 90 % (incl. County)

Cost for "other": \$ 5,793,000  
% Sourced in County: 99 %  
% Sourced in State: 99 % (incl. County)

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: N/A

	Present	First Year	Second Year	Third Year
Full-time:	\$ 0	\$ 350,000	\$ 300,000	\$ 300,000
Part-time: <sup>1</sup>	0	\$ 50k	\$ 60k	\$60K

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 <sup>2</sup>		
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	\$40-\$60k	\$8-12k
Professional		
Administrative		
Production		
Supervisor	\$45k	Free apt + \$9k
Laborer	\$30-\$40k	\$6-8k
Independent Contractor <sup>1</sup>		
Other		

<sup>1</sup> 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).

<sup>2</sup> As used in this chart, this category includes employees of independent contractors.

<sup>1</sup> As used in this chart, this category includes employees of independent contractors.

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 X \_\_\_\_\_

(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:

1 full time job super plus 100 part time workers during construction, (FTE 50)

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

\$ n/a

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

n/a %

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)?

n/a %

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

The project will require Permitting Fees. It will also lead to increased Sales tax revenue by bringing new shoppers to the area. Aside from the PILOT Payments, the property will pay property taxes in the future at a rate much higher than if it were left in its current blighted condition. In addition, there are other intangible benefits that result from economic investment in the area.

- 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>300k</u>	<u>70%</u>	<u>90%</u>
Year 2	\$ <u>200k</u>	<u>70%</u>	<u>90%</u>
Year 3	\$ <u>200k</u>	<u>70%</u>	<u>90%</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 provide high quality market rate housing to new residents that will shop locally and support the local economy. It will also aid in the retention of current residents, many of whom may otherwise move elsewhere to find a more affordable cost of living. Younger residents may start families in the area, while older ones may find the project offers an affordable alternative to relocation to other states and counties. While it is difficult to determine the exact level of economic impact these residents will have, the project surely provide a substantial economic stimulus.

- F. Estimated Value of Requested Financial Assistance:

Estimated Value of Sales Tax Benefit: \$ 2,001,560  
(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%)

Estimated Value of Mortgage Tax Benefit: \$ 337,500  
(i.e., principal amount of mortgage loans  
loans multiplied by [0.75%])

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: 15 years

Existing Property Taxes on Land and Building: \$ See Attached forecast Schedule

Estimated Property Taxes on completed Project: \$ TBD  
(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:

Municipal permitting fees are estimated at \$600,000

#### **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 <u>X</u>   | NO <u>   </u> | <u>100</u> % complete |
|    | (b) Environmental Remediation | YES <u>   </u> | NO <u>X</u>   | <u>   </u> % complete |
|    | (c) Foundation                | YES <u>   </u> | NO <u>X</u>   | <u>   </u> % complete |
|    | (d) Footings                  | YES <u>   </u> | NO <u>X</u>   | <u>   </u> % complete |
|    | (e) Steel                     | YES <u>   </u> | NO <u>X</u>   | <u>   </u> % complete |
|    | (f) Masonry                   | YES <u>   </u> | NO <u>X</u>   | <u>   </u> % complete |
|    | (g) Interior                  | YES <u>   </u> | NO <u>X</u>   | <u>   </u> % complete |
|    | (h) Other (describe below):   | YES <u>   </u> | NO <u>X</u>   | <u>   </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?

Fall 2017

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

The project has a pending change of zone application with Hempstead Town Board. Construction is anticipated to begin in FALL 2017 with an 18-month schedule. Completion is expected Spring 2019.

PART VI. ENVIRONMENTAL IMPACT

- A. What is the expected environmental impact of the Project? (Complete the attached Environmental Assessment Form (Schedule G)).
- B. Attached  
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: Woodcrest Village Park Associates

Signature: \_\_\_\_\_

Name: Jeffrey Feil

Title: Managing General Partner

Date: \_\_\_\_\_

Sworn to before me this 19th  
day of December, 2017



Notary Public

JOSEPH R. FABROS  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 31-4940550  
QUALIFIED IN NEW YORK COUNTY  
COMMISSION EXPIRES 10-4-2018

## 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.

**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 X NO     

If YES, how many units? 230

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 X 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)?

23 Units (10% of available units)


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

80% AMI

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

US Department of Housing and Urban Development

Name of  
Applicant: Woodcrest Village Park Associates

By:   
Name: Jeffrey Feil  
Title: Managing General Partner



**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:

- (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.

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.

Woodcrest Village Park Associates

By: \_\_\_\_\_

Name: Jeffrey Per

Title: Managing General Partner

Subscribed and affirmed to me this 19th  
day of December, 2017

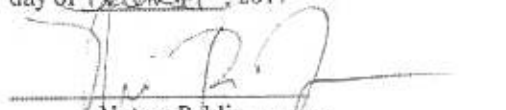
  
Notary Public  
JOHN L. FARROS  
NOTARY PUBLIC, STATE OF NEW YORK  
NO: 31-4840680  
QUALIFIED IN NEW YORK COUNTY  
COMMISSION EXPIRES 10-4-2018

TABLE OF SCHEDULES:

<u>Schedule</u>	<u>Title</u>	<u>Complete as Indicated Below</u>
A.	Tax-Exempt Bond Manufacturing Questionnaire	If Applicant checked "YES" in Part I, Question H of Application, if applicable[]
B.	New York State Financial and Employment Requirements for Industrial Development Agencies	All applicants
C.	Guidelines for Access to Employment Opportunities	All applicants
D.	Anti-Raiding Questionnaire	If Applicant checked "YES" in Part I, Question O.2. of Application
E.	Retail Questionnaire	If Applicant checked "YES" in Part II, Question Q of Application
F.	Applicant's Financial Attachments, consisting of:	All applicants
	1. Applicant's financial statements for the last two fiscal years (unless included in Applicant's annual reports).	
	2. Applicant's annual reports (or Form 10-K's) for the two most recent fiscal years.	
	3. Applicant's quarterly reports (Form 10-Q's) and current reports (Form 8-K's) since the most recent Annual Report, if any.	
	4. In addition, attach the financial information described above in items F1, F2, and F3 of any anticipated Guarantor of the proposed transaction, if different than the Applicant, including the personal financial statement of any anticipated Guarantor that is a natural person.	
G.	Environmental Assessment Form	All applicants
H.	Form NYS-45 (and 45-ATT)	All applicants
I.	Other Attachments	As required

**TAX-EXEMPT BOND MANUFACTURING QUESTIONNAIRE**

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

Please complete the following questions for each facility to be financed. Use additional pages as necessary.

1. Describe the production process which occurs at the facility to be financed.

N/A

2. Allocate the facility to be financed by function (expressed in square footage) (e.g., production line, employee lunchroom, offices, restrooms, storage, warehouse, loading dock, repair shop, parking, research, sales, etc.) and location in relation to production (e.g., same building, adjacent land or building, off-site, etc.). Please attach blueprints of the facility to be financed.

<u>FUNCTION</u>	<u>LOCATION</u>	<u>SQ. FOOTAGE</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

TOTAL

3. Of the space allocated to offices above, identify by function (e.g., executive offices, payroll, production, etc.) and location in relation to production (e.g., same building, adjacent land or building, off-site, etc.).

<u>FUNCTION</u>	<u>LOCATION</u>	<u>SQ. FOOTAGE</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

TOTAL

4. Of the space allocated to storage or warehousing above, identify the square footage and location of the areas devoted to storage of the following:

SQ. FOOTAGELOCATIONRaw Materials used  
for production of  
manufactured goods

---

Finished product storage

---

Component parts of  
goods manufactured at  
the facility

---

Purchased component  
parts

---

Other (specify)

---

TOTAL

---

5. List raw materials used at the facility to be financed in the processing of the finished product(s).

N/A

6. List finished product(s) which are produced at the facility to be financed.

N/A

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

Name of  
Applicant: Woodcrest Village Park Associates

Signature:   
Name: Jeffrey Feil  
Title: Managing General Partner  
Date:

**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 constitute a DEFAULT under the Project documents to be entered into by the Agency and the Applicant in connection with the proposed Project.

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: Woodcrest Village Park Associates

Signature: \_\_\_\_\_  
Name: Jeffrey Fell  
Title: Managing General Partner  
Date: \_\_\_\_\_



**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: Woodcrest Village Park Associates

Address: 7 Penn Plaza, Suite 618, New York, NY 10001

Type of Business: \_\_\_\_\_

Contact Person: Joshua Feil, Vice President Tel. No.: 646-459-7349

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 Occupations</u>	<u>Present Jobs Per Occupation</u>	<u>Estimated Number of Full Time Equivalent Jobs After Completion of the Project:<sup>4</sup></u>			<u>Estimate of Number of Residents of the LMA<sup>2</sup> that would fill such jobs by the third year</u>
		<u>1 year</u>	<u>2 years</u>	<u>3 years</u>	
<u>Management</u>	<u>0</u>	<u>3</u>	<u>2</u>	<u>2</u>	<u>2</u>
<u>Professional</u>	_____	_____	_____	_____	_____
<u>Administrative</u>	_____	_____	_____	_____	_____
<u>Production</u>	_____	_____	_____	_____	_____
<u>Supervisor</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Laborer</u>	<u>0</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>
<u>Independent Contractor</u>	_____	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>
<u>Other (describe)</u>	_____	_____	_____	_____	_____

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

<sup>2</sup> 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.



**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: N/A

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: N/A

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- 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: N/A

Addresses of the to-be-abandoned plants or facilities: N/A

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Names of all current occupants of the to-be-abandoned plants or facilities: N/A

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- 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 X

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.

- 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? N/A

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? N/A

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: Woodcrest Village Park Associates

Signature: \_\_\_\_\_  
Name: Jeffrey Feitel  
Title: Managing GP  
Date: \_\_\_\_\_

**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 ☒

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? N/A

\_\_\_\_\_ %

- 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: N/A

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 ☐

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. N/A

YES \_\_\_\_\_

NO \_\_\_\_\_

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

Retail Sales: \_\_\_\_\_%

Services: \_\_\_\_\_%

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

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: Woodcrest Village Park Associates

Signature: \_\_\_\_\_  
Name: Jeffrey Fein  
Title: Managing OP  
Date: \_\_\_\_\_

APPLICANT'S FINANCIAL ATTACHMENTS

ENVIRONMENTAL ASSESSMENT FORM



**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: Woodcrest Village Park Associates		
Project Location (describe, and attach a general location map): West side of Rockaway Avenue, approximately 103 feet north of West Atlantic Avenue, Oceanside, NY		
Brief Description of Proposed Action (include purpose or need): Development of a 238 unit apartment complex along with 421 parking spaces and associated site improvements.		
Name of Applicant/Sponsor: Woodcrest Village Park Associates c/o Jeffrey Feil		Telephone: (212) 563-6557 x224
		E-Mail: jfeil@feilorg.com
Address: 7 Penn Plaza, Suite 518		
City/PO: New York	State: NY	Zip Code: 10001
Project Contact (if not same as sponsor, give name and title/role): Jeffrey Feil		Telephone: 212-563-6557 x224
		E-Mail: jfeil@feilorg.com
Address: 7 Penn Plaza, Suite 518		
City/PO: New York	State: NY	Zip Code: 10001
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

## B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Hempstead Town Board - Change of Zone & Site Plan Approval	To be Determined
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nassau County Dept. of Public Works - Drainage, 239f & Sanitary Connection Approvals	To Be Determined
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - Construction Stormwater & Wetlands Permit	To Be Determined
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> <li>If Yes, complete sections C, F and G.</li> <li>If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
C.2. Adopted land use plans.	
a. Do any municipally-adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
<hr/> <hr/> <hr/>	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
<hr/> <hr/> <hr/>	

<b>C.3. Zoning</b>	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance? If Yes, what is the zoning classification(s) including any applicable overlay district?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>CA Residence District</u>
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes,	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
i. What is the proposed new zoning for the site?	<u>CA-S Residence District</u>
<b>C.4. Existing community services.</b>	
a. In what school district is the project site located?	<u>Oceanside - 11</u>
b. What police or other public protection forces serve the project site?	<u>Nassau County Police Department</u>
c. Which fire protection and emergency medical services serve the project site?	<u>Oceanside Fire department</u>
d. What parks serve the project site?	<u>Mill River Complex Park, Bligh Field, Hewlett Point Park, Bay Park</u>

#### D. Project Details

<b>D.1. Proposed and Potential Development</b>	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? <u>Residential</u>	
b. a. Total acreage of the site of the proposed action?	<u>5.19</u> acres
b. Total acreage to be physically disturbed?	<u>4.93</u> acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>5.19</u> acres
c. Is the proposed action an expansion of an existing project or use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____	
ii. Is a cluster/conservation layout proposed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will proposed action be constructed in multiple phases? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
i. If No, anticipated period of construction: <u>18</u> months	
ii. If Yes,	
• Total number of phases anticipated _____	
• Anticipated commencement date of phase I (including demolition) _____ month _____ year	
• Anticipated completion date of final phase _____ month _____ year	
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____	

f. Does the project include new residential uses? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>				
If Yes, show numbers of units proposed:				
One Family	Two Family	Three Family	Multiple Family (four or more)	
Initial Phase				239
At completion of all phases				239

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

### D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____	
• Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If yes, describe: _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
ix. Summarize site reclamation goals and plans: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_

\_\_\_\_\_

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No

If Yes, describe: \_\_\_\_\_

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

\_\_\_\_\_

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: 59,400 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No

If Yes:

- Name of district or service area: New York American Water
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: 59,400 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: Bay Park Sewage Treatment Plant
- Name of district: Sanitary District 7
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Will line extension within an existing district be necessary to serve the project? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>If Yes:             <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul> </li> </ul>	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or <u>4.78</u> acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or <u>5.19</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>Point sources will include pipes, swales, curb and gutters, as well as sheet flow to the proposed drainage system(s).</u></p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p style="padding-left: 40px;"><u>On-site stormwater management facility/structures</u></p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____</li> <li>• Will stormwater runoff flow to adjacent properties? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> </ul>	
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	
<p>g. Will any air emission sources named in D.2.f(above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	



h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☒ Yes ☐ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☒ Evening ☐ Weekend  
☐ Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_

ii. For commercial activities only, projected number of semi-trailer truck trips/day: \_\_\_\_\_

iii. Parking spaces: Existing 0 Proposed 421 Net increase/decrease +421

iv. Does the proposed action include any shared use parking? ☐ Yes ☒ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:  
A new two-way driveway access will be added along Rockaway Avenue

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vi. Are public/private transportation service(s) or facilities available within 1/4 mile of the proposed site? ☒ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☒ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☒ No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☐ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐ Yes ☐ No

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l. Hours of operation. Answer all items which apply.

i. During Construction:	ii. During Operations:
• Monday - Friday: <u>7:00 AM - 4:00 PM</u>	• Monday - Friday: <u>24 hrs.</u>
• Saturday: <u>None</u>	• Saturday: <u>24 hrs.</u>
• Sunday: <u>None</u>	• Sunday: <u>24 hrs.</u>
• Holidays: <u>None</u>	• Holidays: <u>24 hrs.</u>

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☒ No  
 If yes:  
 i. Provide details including sources, time of day and duration: \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No  
 Describe: \_\_\_\_\_

n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
The project will include parking area lighting at a maximum height of 20 feet. There will also be building mounted lighting fixtures for safety and security purposes at a mounting height to be determined later. The closest occupied structure would be approximately 75 feet away.  
 ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No  
 Describe: \_\_\_\_\_

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally describe proposed storage facilities: \_\_\_\_\_

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No  
 If Yes:  
 i. Describe proposed treatment(s): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 • Operation: \_\_\_\_\_



s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☒ No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

#### E. Site and Setting of Proposed Action

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☒ Aquatic ☐ Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	1.10	4.76	+3.66
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	3.83	0	-3.83
• Other Describe: Landscaped	0.26	0.41	+0.15

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify facilities: _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? _____ • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____ iii. Describe any development constraints due to the prior solid waste activities: _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <input checked="" type="checkbox"/> Yes - Spills Incidents database      Provide DEC ID number(s): 9107901 <input type="checkbox"/> Yes - Environmental Site Remediation database      Provide DEC ID number(s): _____ <input type="checkbox"/> Neither database ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____ iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): C130157 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): DEC ID# 9107901 - spill closed on 4/11/1995 DEC ID# C130157 - Certificate of Completion signed on 12/30/2015	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ > 800 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No  
If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Ug - Urban Land	99.7 %
UrA - Urban Land - Riverhead complex	0.3 %
	%

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 7 feet

e. Drainage status of project site soils:

<input type="checkbox"/> Well Drained:	_____ % of site	Drainage status for soil types Ug and UrA are not defined
<input type="checkbox"/> Moderately Well Drained:	_____ % of site	
<input type="checkbox"/> Poorly Drained	_____ % of site	

f. Approximate proportion of proposed action site with slopes:

<input checked="" type="checkbox"/> 0-10%:	100 % of site
<input checked="" type="checkbox"/> 10-15%:	0 % of site
<input checked="" type="checkbox"/> 15% or greater:	0 % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No  
If Yes, describe: \_\_\_\_\_

---

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☒ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No  
If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

• Streams:	Name _____	Classification _____
• Lakes or Ponds:	Name _____	Classification _____
• Wetlands:	Name Federal Waters, Federal Waters	Approximate Size unknown
• Wetland No. (if regulated by DEC)	_____	

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No  
If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

---

i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100 year Floodplain? ☒ Yes ☐ No

k. Is the project site in the 500 year Floodplain? ☐ Yes ☒ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☒ Yes ☐ No  
If Yes:  
i. Name of aquifer: Sole Source Aquifer Name Nassau-Suffolk SSA

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
Typical Long Island suburban species \_\_\_\_\_

n. Does the project site contain a designated significant natural community? ☒ Yes ☐ No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
Low Salt Marsh, High Salt Marsh, Salt Pannes  
 ii. Source(s) of description or evaluation: NYSDEC EAF Mapper  
 iii. Extent of community/habitat:  
 • Currently: 168.0, 7242.0, 292.0 acres  
 • Following completion of project as proposed: 168.0, 7242.0, 292.0 acres  
 • Gain or loss (indicate + or -): no change acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☒ No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☒ No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☒ No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☒ No  
 i. If Yes: acreage(s) on project site: \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No  
 If Yes:  
 i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☒ No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

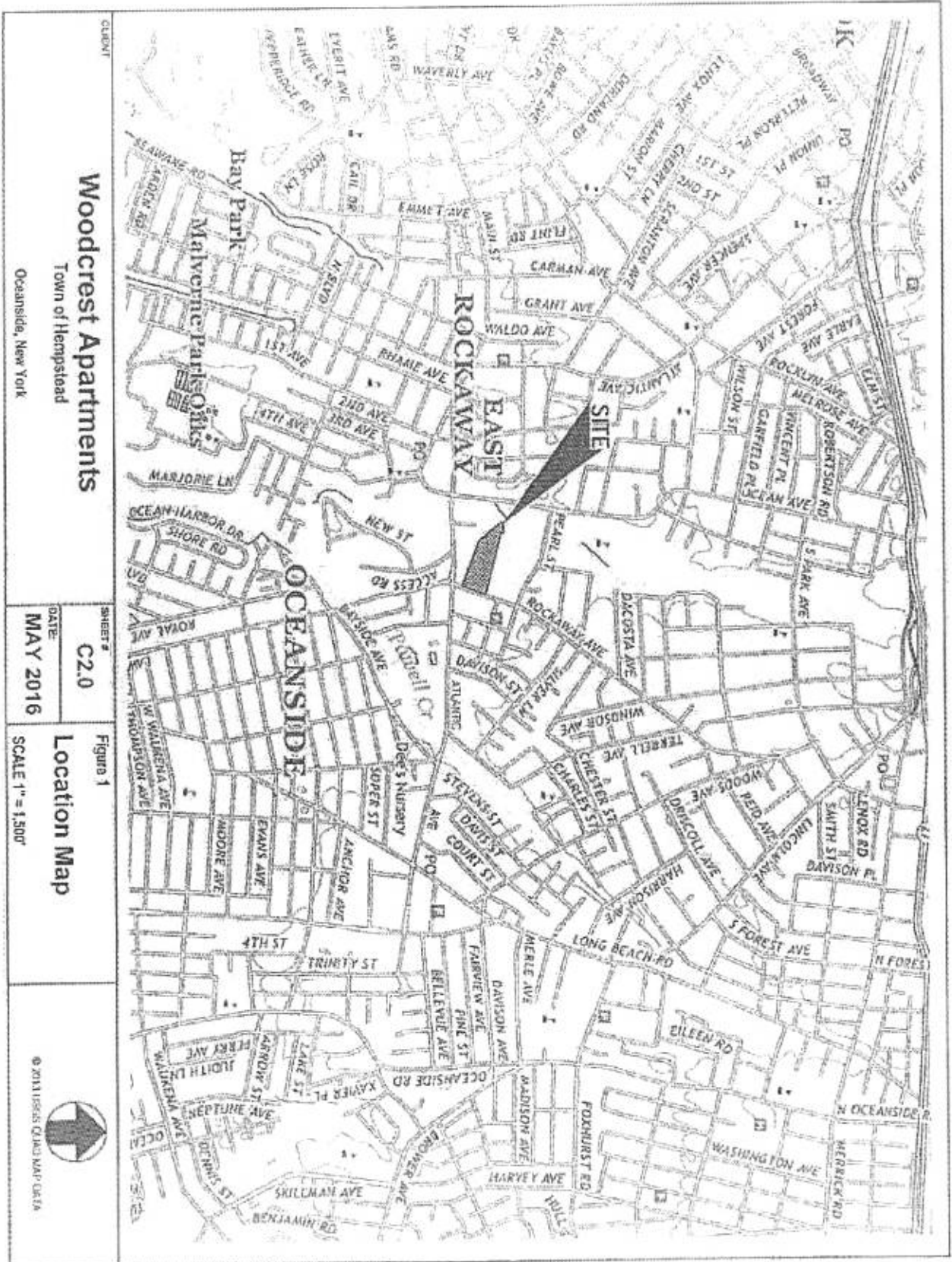
**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Jeffrey Fell on behalf of Woodcrest Village Park Associates Date \_\_\_\_\_

Signature  Title Managing of





**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.

N/A



A more human resource.™

July 17, 2017

Louis Feil & Jeffrey Feil PTR  
Seven Penn Plaza  
Suite 618  
New York, NY 10001

RE: Louis Feil & Jeffrey Feil PTR DBA: Woodcrest Village Park Associates  
FEIN: 132979523

Dear Sir or Madam:

The above referenced company entered into a co-employment relationship with ADP TOTALSOURCE FL XXIX, Inc., a professional employer organization effective June 11, 2012 – August 3, 2014. Under the co-employment arrangement, ADP TotalSource assumes certain responsibilities, including the payment and reporting of employees' wages and payroll taxes.

The worksite employees covered by the co-employment arrangement are reported under the ADP TotalSource Federal Identification Number 65-0172853 and unemployment account number.

If you have any questions or need further assistance, please contact our Tax Department at 877-310-0825.

Respectfully Yours,

ADP TotalSource





Schedule I

OTHER ATTACHMENTS

# 1. Schedule of Estimated Goods to be Exempt from Sales Tax

BUDGET ITEM	ESTIMATED TAXABLE MATERIALS COST
HVAC	\$ 3,190,000
ELECTRICAL	\$ 2,850,000
PLUMBING (Pipes in lieu of copper, PVC in lieu of cast iron) gas added for dryers, Boilers, Central H/H heaters Central H/H system added	\$ 2,200,000
GYPSUM WALL BOARD	\$ 1,200,000
RESIDENTIAL APPLIANCES	\$ 908,200
STRUCTURAL STEEL	\$ 790,650
RESIDENTIAL CABINETS	\$ 750,000
HYDRAULIC ELEVATORS 2 elevators to go to roof level	\$ 750,000
LOSS Fuel/air/light future postage at estimate \$700,000	\$ 700,000
COUNTERTOPS (solid and inlay)	\$ 650,000
FIRE PROTECTION NFPA 13 in lieu of 15R	\$ 630,900
CAST IN PLACE CONCRETE	\$ 607,500
DOORS, FRAMES, HARDWARE	\$ 570,000
WEATHERSTRIKE/STORM DRAINAGE (raised side, import material) changed to cut-back drainage, import extra	\$ 562,500
MASONRY	\$ 517,500
PAINTING	\$ 443,430
RESIDENT TILE FLOORING CARPET	\$ 378,675
FINISH CARPENTRY (interior doors, trim etc)	\$ 340,200
WINDOWS	\$ 338,100
ASPHALT SHINGLE ROOFING, EPDM ROOFING FLASHING AND SHEET METAL ROOF SPECIALTIES AND ACCESSORIES	\$ 331,650
CERAMIC TILE	\$ 330,300
BUILDING INSULATION	\$ 300,000
GYPSUM UNDERLAYMENT w/ acoustic tile	\$ 300,000
TIMBER PILES	\$ 271,350
ASPHALT PAVING (new spec 1.5" x 3.5" x 5)	\$ 262,800
CEILING AT GARAGE	\$ 224,000
Grass Paved	\$ 180,000
Pergo	\$ 180,000
WINDOW TREATMENTS (blinds @ windows)	\$ 150,000
SECURITY ACCESS SYSTEMS	\$ 150,000
MISC METALS STAIRS & HANDRAILS	\$ 146,250
ALUMINUM FRAMED ENTRANCES & STOREFRONTS	\$ 120,000
RETAINING WALLS	\$ 103,050
OUTDOOR & ROOM AMENITY AREAS	\$ 100,000
Gray Fireproofing	\$ 97,800
TRIM/DOOR/CATY Jacks for fireproofing and lining / coats	\$ 90,000
Permeable Paving	\$ 75,000
ITE CONCRETE	\$ 72,000
LANDSCAPING	\$ 65,000
SALT INSULATION AT GARAGE CEILING	\$ 65,000
TRASH CHUTES & COMPACTOR	\$ 60,000
CALEFING & SEALANTS	\$ 54,000
MIRRORS/GLAZING	\$ 50,000
ADDITIONAL CEILING	\$ 50,000
ENVIRONMENTALLY COMPLAINT DRINKING WATER AREA	\$ 50,000
FENCING	\$ 40,000
UTILITIES (water service, sanitary sewer)	\$ 40,000
MAILBOXES	\$ 40,000
LOUNTERS & VENTS	\$ 30,000
SWEEPERS	\$ 25,000
STAIRS	\$ 22,500
CONCRETE & GRANITE	\$ 22,500
Pool Louvers	\$ 22,500
TOILET ACCESSORIES	\$ 21,310
BATH, DRY, FOL, ET ACCESSORIES	\$ 21,310
CLOSET STYLING	\$ 21,310
MEMBRANE WATERPROOFING (water fix only)	\$ 18,000
WOOD FRAMING (LUMBS) (Lumber import tax increase)	\$ 16,500
SHING (Kings)	\$ 16,446
ROOFING	\$ 13,500
Homeless Paving	\$ 11,700
NEW EXTERIOR LIGHTS & CABINETS	\$ 11,250
CONCRETE PROTECTION	\$ 8,750
TRANSIT SIGNS	\$ 6,725
ACCESS DOORS	\$ 4,500
TOTAL	\$ 27,580,625
ESTIMATE TOTAL SALES TAX @ 6.25% (NYS SA, 5.5 TAX)	\$ 1,717,577

**II. Letter from Koepfel Martone & Leistman, L.L.P. dated August 8, 2017 Providing  
Current Property Tax Breakdown for East Rockaway/Oceanside School Taxes and  
Projected 2018 General Taxes**

LAW OFFICES

**KOEPEL MARTONE & LEISTMAN, L.L.P.**

155 FIRST STREET • PO BOX 863 • MINEOLA, NY 11501-0863  
(516) 747-6300 • FACSIMILE (516) 747-8227  
WWW.TAXCERT.COM • INFO@TAXCERT.COM

MICHAEL R. MARTONE\*  
DONALD F. LEISTMAN  
JAMIE P. ALPERN  
REEE ROSEN  
CAROL RIZZO  
MYRNA A. CADET-OSSE\*  
JASON M. PENIGHEIT\*  
RYAN C. HILD\*  
MICHAEL P. GUERRIERO

ADOLPH KOEPEL (1923-2009)  
BERNARD SOMMER (1920-1992)

\*Member of NY, FL and DC Bars  
\*Member of NY and CT Bars  
\*Member of NY, DC and GA Bars  
\*Member of NY and NJ Bars

DAVID GORDON KOCH  
Of Counsel

August 8, 2017

VIA EMAIL: JBFeil@feilorg.com

Mr. Joshua B. Feil  
The Feil Organization  
370 7th Avenue, Suite 618  
New York, NY 10001-3900

Re: Woodcrest Village Park Associates  
v. Board of Assessors of Nassau County  
2930 Rockaway Avenue, Oceanside  
Section 38, Block E, Lot 5, 13, 42  
Our File No. 5678

Dear Mr. Feil:

In response to your August 3<sup>rd</sup> email, you are correct that this property lies within two school districts. Lots 5 and 13 are an irregularly shaped sliver of property located in the East Rockaway school district (H-19). The balance of the property, Lot 42, is in the Oceanside school district (H-11).

Based upon the 2017/18 settlement, the assessments have been reduced from \$1,166 to \$235 for Lots 5, 13 and from \$35,221 to \$7,114 for Lot 42. The property classification has been changed from class 2 to class 1 effective with the 2017/18 tax roll.

The projected 2018 taxes for each Lot are as follows:

**Section 38, Block E, Lots 5, 13 (H-19)**

<u>TAX</u>	<u>TAXABLE ASSESSED VALUE</u>	<u>TAX RATE*</u>	<u>TAXES</u>
2018 General	\$235	\$ 485.103	\$1,140
2017/18 School	\$235	\$1161.021	\$2,728
			<u>\$3,868</u>

Mr. Joshua B. Feil  
Page 2 of 2

Section 38, Block E, Lot 42 (H-11)

TAX	TAXABLE ASSESSED VALUE	TAX RATE*	TAXES
2018 General	\$7,114	\$ 485.103	\$ 34,510
2017/18 School	\$7,114	\$1034.906	\$ 73,623
			\$108,133

The total projected taxes for the 2018 tax year are \$112,001.

Do not hesitate to contact me should you have any further questions or comments.

Sincerely,

  
DONALD F. LEISTMAN

DFL:deb

\*The County of Nassau school rate is the current 2016/17 tax rate plus an anticipated 6% increase. The 2018 general tax rate is the 2017 rate increased by an anticipated 6%.

---

### **III. Affiliated Entities with previous Nassau County financial assistance.**

The following properties are owned or managed by affiliated entities of the applicant and have received previous financial assistance from the Nassau County via various programs formed under Article V of the Private Housing Finance Law of the State of New York.

#### **Halandia Associates, LLC**

Halandia Court 266 N Centre Ave  
Rockville Centre, NY 11570

#### **Halandia Baldwin, LLC**

2878 Grand Ave, Baldwin, NY 11510

#### **Greenwich Gardens Associates, LLC**

155 Greenwich Street, Hempstead, NY 11550

## Business Certificate for Partners

The undersigned do hereby certify that they are conducting or transacting business as members of a partnership under the name or designation of **WOODCREST VILLAGE PARK ASSOCIATES**

at **134 Wright Road, Rockville Centre, N.Y.**

in the County of **Nassau**, State of **New York**, and do further certify that the full names of all the persons conducting or transacting such partnership including the full names of all the partners with the residence address of each such person, and the age of any who may be infants, are as follows:

NAME Specify which are infants and state ages.

RESIDENCE

**Jeffrey J. Feil**

**134 Wright Road, Rockville Centre, N.Y.**

**Martin B. Bernstein**

**3505 Anchor Place, Oceanside, N.Y.**

**Louis Feil**

**55 Voorhis Avenue, Rockville Centre, N.Y.**

WE DO FURTHER CERTIFY that we are the successors in interest to **None**

the person or persons heretofore using such name or names to carry on or conduct or transact business.

In Witness Whereof, We have this **17th** day of **April**, 1979 made and signed this certificate.

**JEFFREY J. FEIL**

**MARTIN B. BERNSTEIN**

**LOUIS FEIL**

State of **New York**, County of **NEW YORK**

#4

INDIVIDUAL - ACKNOWLEDGMENT

On this **17th** day of **April**, 1979 before me personally appeared **JEFFREY J. FEIL, MARTIN B. BERNSTEIN and LOUIS FEIL**

to me known and known to me to be the individuals described in, and who executed the foregoing certificate, and they thereupon duly acknowledged to me that they executed the same.

Notary Public  
No. **3718**  
Qualified to  
Commission Expires **Dec 1, 1981**

3718

*Lawrence Zickman*

## Amended Business Certificate

The undersigned hereby certify that a certificate of doing business under the assumed name  
WOODCREST VILLAGE PARK ASSOCIATES

for the conduct of business at 730 Wright Avenue, Rockville Centre, New York

was filed in the office of the County Clerk Nassau County, State of New York on the  
18th day of April 1979 under index number 2416 that the  
last amended certificate was filed on the day of 19 late  
office of the said County Clerk under index number

It is hereby further certified that this amended certificate is made for the purpose of more  
completely setting forth the facts recited in the original certificate or the last amended certificate and set  
forth the following changes in such facts:

That additional members of the Partnership were added so that  
the members of the Partnership under the assumed name of Richles  
Court Associates are as follows:

Louis Feil, residing at 55 Voorhies Avenue, Rockville Centre,  
NY;  
Jeffrey J. Feil, residing at 15 Atkinson Road, Rockville  
Centre, NY;  
Martin B. Bernstein, residing at 3505 Anchor Place,  
Oceanside, NY;  
Irving Kaye, residing at 62-49 183rd Street, Flushing, NY;  
and  
Stanley Barry, residing at 15 Kenwood Court, Rockville Centre,  
NY.

The new address for the conduct of business is at 7 Bonn Place,  
Suite 618, New York, NY 10001

In Witness Whereof, the undersigned have this 31st day of May 1979  
made and signed this certificate.

Stanley Barry

Louis Feil

Jeffrey J. Feil

Martin B. Bernstein

Irving Kaye

State of New York, County of New York ss.

On this 31st day of May 1979, before me personally appeared  
Louis Feil, Jeffrey J. Feil, Martin B. Bernstein, Irving Kaye and  
Stanley Barry  
to me known and known to me to be the individual described in and who executed the foregoing  
certificate, and he thereupon duly acknowledged to me that he executed the same.

DIANE J. KOUTSOUKOS  
Notary Public, State of New York  
No. 314819081

Qualified in New York County

Not forth the evidence of the State of New York, June 30, 1975

JUN 22 1984

State of New York, County of ...

On this ... day of ...

before me personally appeared ...

to me known and known to me to be the individual ... and who executed the foregoing certificate and he thereupon ...

INDEX No.

Amended Certificate

CONDUCTING BUSINESS UNDER THE NAME OF

MOONCREST VILLAGE PARK ASSOCIATES

MOONCREST VILLAGE PARK ASSOCIATES



LAW OFFICES

KOEPPLE MARTONE & LEISTMAN, L.L.P.

155 FIRST STREET • PO BOX 863 • MINEOLA, NY 11501-0863  
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Member of NY and NJ Bars

DAVID GORDON KOCH  
Of Counsel

April 6, 2017

VIA EMAIL: mfaltischek@rmfpc.com

Michael L. Faltischek, Esq.  
Ruskin Moscou Faltischek P.C.  
1425 RXR Plaza  
East Tower, 15<sup>th</sup> Floor  
Uniondale, New York 11556-1425

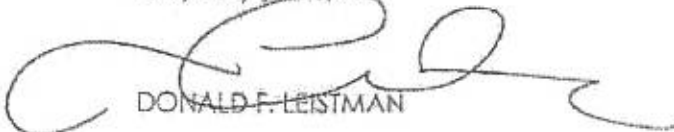
Re: Woodcrest Village Park Associates v. County of Nassau  
Property at 2930 Rockaway Avenue, Oceanside  
Section 38, Block E, Lots 5, 13 & 42  
Our File No. 5678

*mike*  
Dear Mr. Faltischek:

As requested, the attached figures represent the taxes paid on the above property as well as the revised taxes based upon the settlement.

Do not hesitate to contact me should you have any questions.

Very truly yours,

  
DONALD F. LEISTMAN

DFL:dcb

WOODCREST VILLAGE PARK ASSOCIATES		
	ORIGINAL	REDUCED
	AGGREGATE	AGGREGATE
TAX	TAXES	TAXES
2010/11 SCHOOL	\$ 266,513	\$ 252,412
2011 GENERAL	\$ 161,272	\$ 146,481
TOTAL TAX	\$ 427,785	\$ 398,893
2011/12 SCHOOL	\$ 244,186	NO REDUCTION
2012 GENERAL	\$ 138,746	NO REDUCTION
TOTAL TAX	\$ 382,932	
2012/13 SCHOOL	\$ 241,374	NO REDUCTION
2013 GENERAL	\$ 146,700	NO REDUCTION
TOTAL TAX	\$ 388,074	
2013/14 SCHOOL	\$ 239,703	\$ 168,437
2014 GENERAL	\$ 138,710	\$ 97,470
TOTAL TAX	\$ 378,413	\$ 265,907
2014/15 SCHOOL	\$ 235,243	\$ 174,766
2015 GENERAL	\$ 137,987	\$ 102,527
TOTAL TAX	\$ 373,230	\$ 277,293
2015/16 SCHOOL	\$ 241,569	\$ 168,066
2016 GENERAL	\$ 134,183	\$ 93,356
TOTAL TAX	\$ 375,752	\$ 261,422
2016/17 SCHOOL	\$ 239,818	\$ 159,505
2017 GENERAL	\$ 135,651	\$ 90,222
TOTAL TAX	\$ 375,469	\$ 249,727

#### 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.

## 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](http://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 flyers are available

Form HUD-924.1 (6/2011)

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.

### **Disposition of Recapture Amounts (Titan Realty)**

New York State General Municipal Law (“GML”) Section 859-a(6)(f) requires industrial development agencies (“IDAs”) to adopt a uniform project agreement which shall, among other things:

“provide for the return of all or a part of the financial assistance provided for the project, including all or part of the amount of any tax exemptions, which shall be redistributed to the appropriate affected tax jurisdiction, as provided for in policies developed by the agency pursuant to section eight hundred seventy-four of this title, unless agreed to otherwise by any local taxing jurisdiction or jurisdictions”.

Further, GML Section 874(11) requires each IDA to

“develop policies for the return of all or a part of the financial assistance provided for the project, including all or part of the amount of any tax exemptions, as specified in the policy, which may include but shall not be limited to material shortfalls in job creation and retention projections or material violations of the terms and conditions of project agreements. All such returned amounts of tax exemptions shall be redistributed to the appropriate affected tax jurisdiction, unless agreed to otherwise by any local taxing jurisdiction.”

The Nassau County Industrial Development Agency (the “NCIDA”), as part of paragraph 6 of its Uniform Tax Exemption Policy (Re-Adopted April 4, 2017) (the “Policy”), has adopted such a Recapture of Benefits policy. Subparagraphs (h) and (i) of the Policy provide:

(h) Unless otherwise provided for by Applicable Law, upon the collection of a recapture of Benefits from an Applicant, the Agency shall redistribute or cause to be redistributed such recaptured Benefits to the appropriate affected tax jurisdiction(s), unless agreed to otherwise by any local taxing jurisdiction.

(i) Notwithstanding any provision of this Section 6 to the contrary, upon a finding by the Agency that a Recapture Event has occurred at any time during the term of the Project Documents, the Agency shall require that the Applicant pay to the Agency as a return of sales and use tax benefits conferred by the Agency, an amount equal to 100% of the amount of sales and use tax exemptions claimed by or on behalf of the Applicant in connection with a Project. The Agency shall remit to the State of New York the portion of such benefits constituting “State Sales and Use Taxes” to the extent required by Section 875 of the General Municipal Law.”

Lastly, Section 875(3)(b) of the GML requires IDAs to recapture “state sales and use exemptions” under certain enumerated circumstances, as reflected in the Policy. GML Section 875(3)(c) provides that:



“If an IDA recovers, recaptures, receives, or otherwise obtains, any amount of state sales and use tax exemption benefits from an agent, project operator or other person or entity, the IDA shall, within thirty (30) days of coming into possession of such amount, remit it to the commissioner, together with such information and report that the commissioner deems necessary to administer payment over of such amount.”

NCIDA has recovered \$710,963.07 from Titan Realty Holdings LLC pursuant to the attached recapture calculation.

Of such amount recaptured, the disposition of the state sales and use tax exemption benefits amount (\$0) is clear: it must be remitted to the commissioner of taxation and finance together with any required backup information.

As to the balance of the recaptured amount, both the GML and the Policy require such amounts be redistributed to “the appropriate affected tax jurisdictions(s)”.

GML Section 854(16) defines an “affected tax jurisdiction” as:

“any municipality or school district, in which a project is located, which will fail to receive real property tax payments, or other tax payments which would otherwise be due, except for the tax exempt status of an agency involved in a project.”

and Section 854(3) defines a “municipality” as:

“any county, city, village, town or Indian reservation in the state.”

Thus, the State of New York is not “an affected tax jurisdiction” under the GML because it is neither a municipality nor a school district. However, the GML does not provide guidance on the meaning of which affected tax jurisdiction(s) is “appropriate”.

The “appropriate” affected tax jurisdiction could be the jurisdiction that otherwise collects the tax in question or the jurisdiction that ultimately receives the taxes in question. As the “collector” of the taxes is in the best position to allocate or distribute them, we believe that, until more guidance is available from the State, the collector of the taxes recaptured by NCIDA is the most “appropriate” tax jurisdiction.

New York’s Sales and Use Tax has a State component and a Local component. In Nassau County, the State component is 4.375% (including 0.375% allocated to the Metropolitan Transportation Authority (the “MTA”)) and the Local component is 4.25%. The Local component is partially allocated to the cities, towns and villages in the County, with the balance going to the Nassau County Interim Finance Authority before being remitted to Nassau County.

Thus, as indicated above, the State Commissioner of Taxation and Finance should receive the State Sales and Use Tax recapture amount (\$0). The Local portion of the

Sales and Use Tax (\$0) should also be remitted to the State with instructions that same be “redistributed” to the appropriate tax jurisdiction.

As Nassau County is the collector of the real property tax PILOT’s, the real property recapture amount (\$673,116.65) should be remitted to the County with instructions to redistribute same to the appropriate tax jurisdictions.

The New York Mortgage Recording tax consists of a “basic” tax, an “additional” tax and a “special additional” tax. The additional tax (25 cents per \$100) is distributed to the MTA (which is not an “affected tax jurisdiction” under the GML). The special additional tax (30 cents per \$100 in Nassau County) is distributed to the State of New York Mortgage Agency (the “SNMA”) (which is also not an “affected tax jurisdiction” under the GML) (or in some cases, the special additional tax is distributed to the MTA). [Note that effective July 1, 2017, IDAs are no longer exempt from the special additional mortgage recording tax.] The basic tax (50 cents per \$100) is distributed to the local county treasurer. Nassau County is an “affected tax jurisdiction.”

Thus, the Nassau County treasurer should receive the basic mortgage recording tax portion (\$18,022.10) of the recaptured amount. Of the remaining recaptured mortgage recording tax, there does not seem to be any requirement under the GML or the NCIDA’s policies that it be remitted to any entity because none of the State, the MTA or the SNMA are “affected tax jurisdictions” and the County would not seem to be an “appropriate” recipient of more than the basic mortgage recording tax.

**NCIDA/Titan Realty**  
**Recapture Schedule**

Closing Date: 5/16/2011

Recapture Event: on or about 6/1/18 (per Newsday article)

Recapture Date: on or about 7/26/18

**Sales and Use Tax**

Annual Amount of Sales Tax Exemption:		
2011	\$	0.00
2012	\$	0.00
2013	\$	<u>0.00</u>
Total Sales Tax Exemption:	\$	0.00
Recapture Rate:	40% <sup>1</sup>	
Recapture Amount:	\$	0.00

**Mortgage Recording Tax**

2011 Closing	\$	5,000,000.00
2013 Closing	\$	<u>4,011,051.66</u>
Aggregate Principal Amount of Mortgages:		\$ 9,011,051.66
Mortgage Tax Rate:	1.05%	
Mortgage Tax (but for Exemption):		\$ 94,616.04
Recapture Rate:	40%	
Recapture Amount:	\$	37,846.42

**Real Property Taxes**

PILOT Savings (see attached)		
2012/13 School/General	\$	256,225.46
2013/14 School/General	\$	261,580.20
2014/15 School/General	\$	269,267.27
2015/16 School/General	\$	273,872.39
2016/17 School/General	\$	302,061.51
2017/18 School/General	\$	<u>319,784.79</u>
TOTAL	\$	1,682,791.62
Recapture Rate:	40%	
Recapture Amount:	\$	673,116.65
<b><u>TOTAL</u></b>	<b><u>\$</u></b>	<b><u>710,963.07</u></b>

<sup>1</sup> As per Sublease Agreement dated as of May 1, 2011, the recapture event occurred on or about 6/1/18 which was between the 7th and 8th anniversary of the Closing Date thereunder.

# PILOT CHART

## WOODCREST VILLAGE PARK ASSOCIATES LLC

2930 Rockaway Avenue  
Oceanside, Town of Hempstead  
Section 38, Block E, Lots 42,13, 5

(As of 7/30/18)

Year	Base PILOT <sup>1</sup>	Assessed Value Increase <sup>2</sup>	Phase-In <sup>3</sup>	Assessed Value Increase Phase-In	Tax Rate at Closing <sup>4</sup>	PILOT Rate Increase <sup>5</sup>	PILOT Rate <sup>6</sup>	Improvement PILOT	Total PILOT
1	\$113,792	247,351	-0-	-0-	862.574	-0-	862.574	\$0	\$113,792
2	\$113,792	247,351	-0-	-0-	862.574	-0-	862.574	\$0	\$113,792

<sup>1</sup> Base PILOT is sum of 2018 General Taxes of \$35,213.85 (consisting of \$34,087.81 for Lot 42 and \$1,126.04 for Lots 13 and 5) and estimated 2018/19 School Taxes of \$78,577.24 (consisting of 2017/18 School Taxes of \$73,661.83 for Lot 42 and \$2,700.89 for Lots 13 and 5, increased by published 2.90% increase for 2018/19 school tax year), as the same may be adjusted for taxes in effect at closing (rounded), rounded to the next highest dollar. Base PILOT is increased by 1.26% per annum after Year 3, rounded to the nearest dollar.

<sup>2</sup> Assessed Value Increase is the difference between the As-Completed assessed value per SVS Report dated June 14, 2018 (\$254,700) and the current assessed value (\$7,349) (consisting of 7,114 for Lot 42 and 235 for Lots 13 and 5).

<sup>3</sup> Phase-In is a straight line phase-in over 17 years starting in Year 4; however, developer has agreed to a maximum term of 15 years to mirror the AvalonBay Great Neck project.

<sup>4</sup> Tax Rate at closing is sum of 2018 General Tax Rate of 280.373, and estimated 2018/19 School Tax Rate of 582.201 (consisting of 2017/18 School Tax Rate of 565.793 increased by published 2.90% tax levy increase for 2018/19 school tax year). Assumes a closing prior to end of applicable tax years.

<sup>5</sup> PILOT Rate Increase is the increase in the Tax Rate at closing pursuant to the tax deviation notice (1.26% per annum after Year 3).

<sup>6</sup> PILOT Rate is the Tax Rate at closing increased by the PILOT Rate Increase. (Rounded to 3 digits)

Year	Base PILOT <sup>1</sup>	Assessed Value Increase <sup>2</sup>	Phase-In <sup>3</sup>	Assessed Value Increase Phase-In	Tax Rate at Closing <sup>4</sup>	PILOT Rate Increase <sup>5</sup>	PILOT Rate <sup>6</sup>	Improvement PILOT	Total PILOT
3	\$113,792	247,351	-0-	-0-	862.574	-0-	862.574	\$0	\$113,792
4	\$115,226	247,351	.0588	14,544	862.574	1.0126	873.442	\$127,033	\$242,259
5	\$116,678	247,351	.1176	29,088	862.574	1.0254	884.448	\$257,268	\$373,946
6	\$118,148	247,351	.1765	43,657	862.574	1.0383	895.592	\$390,989	\$509,137
7	\$119,636	247,351	.2353	58,202	862.574	1.0514	906.876	\$527,820	\$647,456
8	\$121,144	247,351	.2941	72,746	862.574	1.0646	918.303	\$668,029	\$789,173
9	\$122,670	247,351	.3529	87,290	862.574	1.0780	929.874	\$811,687	\$934,357
10	\$124,216	247,351	.4118	101,859	862.574	1.0916	941.590	\$959,094	\$1,083,310
11	\$125,781	247,351	.4706	116,403	862.574	1.1054	953.454	\$1,109,849	\$1,235,630
12	\$127,366	247,351	.5294	130,948	862.574	1.1193	965.468	\$1,264,261	\$1,391,627
13	\$128,971	247,351	.5882	145,492	862.574	1.1334	977.632	\$1,422,376	\$1,551,347
14	\$130,596	247,351	.6471	160,061	862.574	1.1477	989.951	\$1,584,525	\$1,715,121
15	\$132,241	247,351	.7059	174,605	862.574	1.1621	1002.424	\$1,750,282	\$1,882,523

*Please note that the foregoing PILOT analysis is an initial draft only for the proposed transaction. Nothing herein constitutes a commitment on the part of the IDA to enter into the proposed transaction or a commitment to commence or continue any negotiations with respect to the proposed transaction.*

*In addition, the attached is being transmitted to the IDA simultaneously herewith and, therefore, remains subject to their review and approval.*