

NASSAU COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE
(Straight Lease)

APPLICATION OF:

839 Management LLC

APPLICANT NAME

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

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

All attachments responsive to questions found in this Application should be clearly labeled and attached as Schedule H to the Application. If an estimate is given, enter "EST" after the figure. One signed original and 9 copies of the Application (including all attachments) must be submitted.

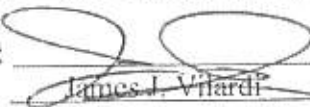
The following amounts are payable to the Nassau County Industrial Development Agency (the "Agency") at the time this Application is submitted to the Agency: (i) a \$1,000 non-refundable application fee (the "Application Fee"); (ii) a \$3,500 expense deposit for the Agency's Transaction Counsel fees and 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 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.

Name of
Applicant: 839 Management LLC

Signature: 
Name: James J. Vilardi
Title: Managing Member
Date: April 21, 2016

PART I. APPLICANT

A. APPLICANT FOR FINANCIAL ASSISTANCE (If more than one applicant, copy application and complete for each applicant):

Name: 839 Management LLC

Address: 146 North Central Avenue, Valley Stream, NY 11580

Primary Contact: James J. Vilardi

Phone: (516) 371-1912 Fax: (516) 593-3727

E-Mail: James.Vilardi@beginc.biz

NY State Dept. of Labor Reg #: _____ Federal Employer ID #: [REDACTED]

NAICS Code #: _____

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

Sole Proprietorship ☐ General Partnership ☐ Limited Partnership ☐

Limited Liability Company ☒ Privately Held Corporation ☐

Publicly Held Corporation ☐ Exchange listed on _____

Not-for-Profit Corporation ☐

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

State and Year of Incorporation/Organization: 2015 / New York

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

C. ANY ENTITY PROPOSED TO BE A USER OF THE PROJECT:

Name: N/A

Relationship to Applicant: _____

D. APPLICANT COUNSEL (subject to Agency approval):

Firm name: Berkman, Henoch, Peterson, Peddy & Fenchel, P.C.
Address: 100 Garden City Plaza
Garden City, NY 11530
Primary
Contact: Miriam R. Milgrom, Esq.
Phone: (516) 780-0259
Fax: (516) 222-6209
E-Mail: M.Milgrom@bhpp.com

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

Name	Percentage owned
<u>James J. Vilardi</u>	<u>50</u> %
<u>Harvey Weisman</u>	<u>50</u> %
<u></u>	<u></u> %

F. 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:

None

- G. 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 ☒

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

Bedford Construction Group Incorporated, Morgan Court of Glen Cove, Jarvis Avenue Associates, Inc., Jarvis Capital Group, Inc. (See Attached Appendix B)

- I. Is the Applicant (including any parent company, subsidiary 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.

YES ☐

NO ☒

- J. Has the Applicant (or any parent company, subsidiary 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.

YES ☐

NO ☒

- K. Has the Applicant (or any parent company, subsidiary or related entity or person) or any principal(s) of the Applicant or its related entities, ever been charged with or 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 charged or convicted of a felony or misdemeanor (other than minor traffic offenses)? If YES, attach details.

YES ☐

NO ☒

- L. Has the Applicant (or any parent company, subsidiary 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 pending proceeding or investigation with respect to) a 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.

YES ☐NO ☒

- M. Is the Applicant (or any parent company, subsidiary 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.

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:

Name	Title	Other Business Affiliations
James J. Vilardi	Managing Member	See Attached Appendix B
Harvey Weisman	Managing Member	See Attached Appendix B
_____	_____	_____
_____	_____	_____

Do any of the foregoing principals hold elected or appointive public positions? If YES, attach details.

YES ☒ (See Attached Appendix C)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 ☒ (See Attached Appendix C)NO ☐

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

1. (a) Location: N/A

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

(c) Annual Payroll, excluding benefits: _____

(d) Type of operation (e.g. manufacturing, wholesale, distribution) and products or services: _____

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

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

(g) Applicant's interest in the facility.

FEE TITLE (i.e. own) LEASE OTHER (describe below)

(h) If Applicant leases, state annual rent
and lease expiration date: _____

2. If any of the facilities described above are located within the State of New York, is it expected that any of the described facilities will be closed or be subject to reduced activity? If YES, complete the attached Anti-Raiding Questionnaire (Schedule D).

YES ____

NO X

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

YES ____

NO X

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

YES ____

NO X

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

YES X (See Attached Appendix D) NO

- S. Attach a brief history of the Applicant and its business/operations. (See Attached Appendix E)

By signing this Application, the Applicant 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.

PART II. PROPOSED PROJECT

A. Description of proposed Project (check all that apply):

- ☐ New Construction
- ☐ Addition to Existing Facility
- ☐ Renovation of Existing Facility
- ☐ Acquisition of Facility
- ☐ New machinery and equipment
- ☒ Other (specify): to take over and complete construction of failed project

B. Briefly describe 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:

See Attached Appendix A

C. If the Applicant is unable to obtain 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 financial assistance? Describe.

See Attached Appendix A

D. Location of Project (attach map showing the location):

Street Address:

839 Prospect Avenue

City/Village(s):

New Cassel/Westbury, NY

Town(s):

North Hempstead

School District(s):

001

Section: 11

Block: 001

Lot: 0045, 0046, 0047

Census Tract Number: 3042.01

If exact street address is not available, please provide a survey and the most precise description available.

E. Describe the present use of the Project site: Vacant/Incomplete Structure

F. (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):

School Taxes: \$49,505.17

General Taxes: \$31,902.92

Total Current Taxes: \$81,408.09 (See current tax bill attached Schedule H)

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

YES NO X

G. Describe Project ownership structure (i.e., Applicant or other entity):

839 Management LLC, the Applicant.

H. 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.)

See Attached Appendix A

I. If any space in the Project is to be leased to or occupied by third parties, 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:

Project is currently vacant

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

N/A

K. List principal items or categories of equipment to be acquired as part of the Project:

Construction Materials, HVAC equipment, kitchen cabinets and appliances, tile, and flooring.

L. Will Project meet zoning/land use requirements at proposed location?

YES X*

NO _____

*SEE attached Appendix F for resolution adopted by the Town Board of the Town of North Hempstead on November 17, 2015 to amend the zoning map of the Town of North Hempstead to reflect a change of zone from 'Business-A' to 'Multiple Residence'.

1. Describe present zoning/land use: Multiple Residence

2. Describe required zoning/land use, if different: N/A

3. If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements:

N/A

M. 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

N. 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: February 23, 2016 (Closing Date after public foreclosure sale of February 9, 2016)

(b) Purchase price: \$460,000.00

(c) Balance of existing mortgage, if any: \$700,000.00 (mortgage dated 2/23/2016)

(d) Name of mortgage holder: Bank of New York Mellon

(e) Special conditions: _____

If NO, indicate name of present owner of Project site: _____

O. 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 and indicate:

(a) Date signed: _____

(b) Purchase price: \$ _____

(c) Closing date: _____

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 _____

- P. 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).

Retail Sales: YES _____ NO X _____

Services: YES _____ NO X _____

- Q. 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):

See Attached Appendix A

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

Architect: Edward Butt

Engineer: Robert Bennett

Contractors: Bedford Construction Group Incorporated
146 N. Central Avenue, Valley Stream, NY 11580

- S. 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 _____

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

YES _____

NO X

- U. 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

PART III. PROJECT COSTS

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

	<u>Item</u>	<u>Cost</u>
1.	Land Acquisition	\$ 460,000.00
2.	Building Acquisition	\$.00
3.	Construction or Renovation	\$ 600,400.00
4.	Site Work	\$ 10,000.00
5.	Infrastructure Work	\$ 30,000.00
6.	Engineering Fees	\$ 15,000.00
7.	Architectural Fees	\$ 20,000.00
8.	Applicant's Legal Fees	\$ 70,000.00
9.	Financial Fees (incl. lender legal fees)	\$ 21,000.00
10.	Other Professional Fees	\$ 30,000.00
11.	Furniture, Equipment & Machinery (not included in 3. above)	\$ _____
12.	Other Soft Costs (describe)--Real estate taxes	\$ 700,000.00
13.	Other (described)--other closing costs of \$24,000.00/IDA Fees \$30,000.00	\$ 54,000.00
	Total	\$ 2,010,400.00

- B. Source of Funds for Project Costs:

a.	Bank Financing:	\$ 700,000.00 (closed 2/23/16)
b.	Equity	\$ 1,060,400.00 ¹
c.	Home Funds (Nassau County)	\$ 250,000.00

TOTAL \$ 2,010,400.00

¹ Includes investment of Harvey Weisman as per Operating Agreement and Amendment No. 1 to Operating Agreement of Applicant (See attached Appendix G).

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

YES X (See Attached Appendix H) NO

- D. Has the Applicant made any arrangement for the provision of third party financing? 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

- E. Construction Cost Breakdown:

Total Cost of Construction: \$500,000.00 (sum of 3 and 11 in Question A above)

Cost for materials: \$250,000.00

% Sourced in County: 100 %

% Sourced in State: 100 % (incl. County)

Cost for labor: \$250,000.00

% Sourced in County: 100 %

% Sourced in State: 100 % (incl. County)

Cost for "other": \$

% Sourced in County: %

% Sourced in County: % (incl. County)

PART IV. COST/BENEFIT ANALYSIS

- A. If the Applicant presently operates in Nassau County, provide the current annual payroll, excluding benefits. Estimate payroll, excluding benefits, in First Year, Second Year and Third Year after completion of the Project. NA

	Present	First Year	Second Year	Third Year
Full-time:	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
Part-time:	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Seasonal:	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total Annual Payroll:	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>

What are the average wages of employees (excluding benefits) presently employed by the Applicant in Nassau County? \$

What is the average annual value of employee benefits paid per job, if any, for the employees presently employed by the Applicant in Nassau County? \$ _____

What are the estimated average wages of the jobs (excluding benefits) to be created by the Applicant upon completion of the Project? \$ _____

What is the estimated average annual value of employee benefits per job, if any, for jobs to be created upon completion of the Project? \$ _____

Estimate the percentage of jobs to be created by the Applicant upon completion of the Project that will be filled by County residents: _____ %

Please note that 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 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 _____

N/A

(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:

- C. What, if any, is the anticipated increase in the dollar amount of production, sales or services rendered as a result of the Project?

\$ N/A

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

_____ %

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

- 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	\$ _____	_____	_____
Year 2	\$ _____	_____	_____
Year 3	\$ _____	_____	_____

- 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:

See Attached Appendix A

- F. Costs to the County and affected municipalities:

Estimated Value of Sales Tax Exemption: \$ _____ .00

Estimated Value of Mortgage Tax Exemption: \$ _____ N/A

Estimated Property Tax Exemption: \$ _____ TBD

Existing Property Tax paid on the Land and/or Building: (please provide current tax bills) \$ _____ 81,408.09

Estimated new Real Property Tax Revenue if the Project did **not** receive Real Property Tax exemption: \$ _____ TBD

Estimated new Real Property Tax Revenue if the Project does receive Real Property Tax exemption: \$ _____ TBD

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

Building permit application fee

PART V. PROJECT CONSTRUCTION SCHEDULE

A. Has construction 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>X</u> | NO <u> </u> | <u>100</u> % complete |
| | (c) Foundation | YES <u>X</u> | NO <u> </u> | <u>100</u> % complete |
| | (d) Footings | YES <u>X</u> | NO <u> </u> | <u>100</u> % complete |
| | (e) Steel | YES <u>X</u> | NO <u> </u> | <u>100</u> % complete |
| | (f) Masonry | YES <u>X</u> | NO <u> </u> | <u>100</u> % complete |
| | (g) Interior | YES <u>X</u> | NO <u> </u> | <u>80</u> % complete |
| | (h) Other (describe below): | YES <u> </u> | NO <u> </u> | <u> </u> % complete |
2. If NO to all of the above categories, what is the proposed date of commencement of construction, renovation or acquisition of the Project?
- _____
- _____

B. Provide an estimate of time schedule to complete the Project and when the first use of the Project is expected to occur (attach additional sheet if necessary):

180 days from issuance of building permit.

PART VI. ENVIRONMENTAL IMPACT

- A. What is the expected environmental impact of the Project? (Complete the attached Environmental Assessment Form (Schedule G)).

None

- B. Is an environmental impact statement required by Article 8 of the N.Y. Environmental Conservation Law (i.e., the New York State Environmental Quality Review Act)?


YES

NO X

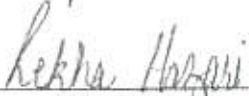
- C. Please be advised that the Agency may require at the sole cost and expense of the Applicant the preparation and delivery to the Agency of an environmental report in form and scope satisfactory to the Agency, depending on the responses set forth in the Environmental Assessment Form. If an environmental report has been or is being prepared in connection with the Project, please provide a copy.

- D. The Applicant authorizes the Agency to make inquiry of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation or any other appropriate federal, state or local governmental agency or authority as to whether the Project site or any property adjacent to or within the immediate vicinity of the Project site is or has been identified as a site at which hazardous substances are being or have been used, stored, treated, generated, transported, processed, handled, produced, released or disposed of. The Applicant will be required to secure the written consent of the owner of the Project site to such inquiries (if the Applicant is not the owner), upon request of the Agency.

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

Name of
Applicant: 839 Management LLC
Signature: 
Name: James J. Vilardi
Title: Managing Member
Date: April 21, 2016

Sworn to before me this 21st
day of April, 2016


Notary Public

REKHA HAZARI
Notary Public, State of New York
No. 01HA4960054
Qualified in Nassau County
Commission Expires December 18, 2017

**RULES AND REGULATIONS OF THE NASSAU COUNTY
INDUSTRIAL DEVELOPMENT AGENCY**

The Nassau County Industrial Development Agency (the "Agency"), in order to better secure the integrity of the projects it sponsors, declares that it is in the public interest (i) to ensure the continuity of such projects and the jobs created by such projects, (ii) to prevent the conversion of the use of the premises upon which a sponsored project is to be constructed or renovated and (iii) to limit and prevent unreasonable profiteering or exploitation of a project, and does hereby find, declare and determine as follows:

FIRST:

Upon the approval of a sponsored project, the Agency shall take title to, or acquire a leasehold or other interest in, all premises upon which an Agency sponsored project is to be constructed or renovated, and shall lease, sublease, license, sell or otherwise transfer the premises to the Applicant for a term to be determined by the Agency.

At such time as, among other things, the Applicant fails to retain or create the jobs as represented in the Application or changes the use of the project or ownership of the project or the Applicant during the life of the project in a manner inconsistent with the Application, and such employment default or change of use or ownership does not meet with the prior written approval of the Agency, a recapture of benefits may be required to be paid by the Applicant to the Agency. The amount and sufficiency (with respect to a particular applicant) of the applicable recapture of benefits payment shall be determined by the Agency and shall be set forth in the straight lease documents.

SECOND:

At such time as a proposed Project is reviewed, the members of the Agency must disclose any blood, marital or business relationships they or members of their families have or have had with the Applicant (or its affiliates). The Applicant represents that no member, manager, principal, officer or director of the Applicant has any such relationship with any member of the Agency (or any member of the family of any member of the Agency).

THIRD:

All applicants must disclose whether they have been appointed, elected or employed by New York State, any political division of New York State or any other governmental agency.

FOURTH:

All proposed lenders, title companies and their respective attorneys must be satisfactory to and approved in writing by the Agency.

Understood and Agreed to:

Name of

Applicant: 839 Management LLC

By: 

Name: James J. Vilardi

Title: Managing Member

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

The undersigned deposes and says: that I am an authorized representative of 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 and attachments thereto), and that said contents are true, correct and complete to my knowledge. Capitalized terms used but not otherwise defined in this Certification and Agreement shall have the meanings assigned to such terms in the Application.

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 and/or installation 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, transaction counsel, economic development consultant, real property tax valuation consultant and other experts and consultants (if deemed necessary or advisable by the Agency), and (ii) all other expenses 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 is unable to secure 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, transaction 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 "straight lease" transaction, 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) 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.

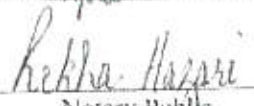
- (D) General Counsel Fee – One-tenth (1/10) of one percent (1%) of total project costs, with a minimum fee of \$2,000.
- (C) Two Thousand Five Hundred Dollars (\$2,500) closing compliance fee payable at closing and One Thousand Dollars (\$1,000) per year (or part thereof) administrative fee, payable 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.
- (D) Refinancings – The Agency fee shall be determined on a case-by-case basis.
- (E) Assumptions – The Agency fee shall be determined on a case-by-case basis.
- (F) Modifications – The Agency fee shall be determined on a case-by-case basis.

Transaction counsel fees and expenses are payable at closing and are based on the work performed in connection with the Project.

Upon the termination 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, transaction counsel, and all applicable recording, filing or other related fees, taxes and charges.

Name of
Applicant: 839 Management LLC
Signature: 
Name: James J. Vilardi
Title: Managing Member

Sworn to before me this 21st
day of April, 2016


Notary Public

REKHA HAZARI
Notary Public, State of New York
No. 01HA4900054
Qualified in Nassau County
Commission Expires December 18, 2017

**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 ☒ NO ☐

If YES, how many units? 18

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 locations and at no additional cost to the Applicant. In the event LIHS declines to provide or make available reasonably acceptable no-cost fair housing training, the provisions of this Certification VIII(i)(d) shall cease to be of any force and effect.

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

YES ☒ NO ☐

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

If YES, answer the following questions:

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

10 of 18

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

SEE GUIDELINES PROVIDED BY LIHP

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

FEDERAL

Name of
Applicant: 839 Management LLC

By:

Name: James J. Vilardi
Title: Managing Member

TABLE OF SCHEDULES:

<u>Schedule</u>	<u>Title</u>	<u>Complete as Indicated Below</u>
A.	Intentionally omitted	
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 Q.2. of Application
E.	Retail Questionnaire	If Applicant checked "YES" in Part II, Question P of Application (See Page 11)
F.	Applicant's Financial Attachments, consisting of:	All applicants
	1. Applicant's audited 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.	
	5. Dun & Bradstreet report.	
G.	Environmental Assessment Form	All applicants
H.	Other Attachments	As required

Schedule A

Intentionally omitted

**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 on January 15. The Project documents will require the Applicant to provide such report to the Agency on or before January 1 of each 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. Please be advised that the New York State Industrial Development Agency Act imposes additional annual reporting requirements on the Agency, and the Applicant will be required to furnish information in connection with such reporting, as follows:

The following information must be provided for straight-lease transactions entered into or terminated 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.

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

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:

839 Management LLC

Signature:

Name:

James J. Vitardi

Title:

Managing Member

Date:

April 21, 2016

GUIDELINES FOR ACCESS TO EMPLOYMENT OPPORTUNITIES

INITIAL EMPLOYMENT PLAN

Prior to the granting of financial assistance, the Applicant shall complete the following employment plan:

Applicant Name: 839 Management LLC

Address: 146 North Central Avenue, Valley Stream, NY 11580

Type of Business: Real Estate Development and Consulting

Contact Person: James J. Vilardi Tel. No.: (516) 371-1912

Please complete the following table describing the Applicant's projected employment plan following receipt of financial assistance:

Current and Planned Occupations (provide NAICS Code for each)	Current Number Full Time Equivalent Jobs Per Occupation		Estimated Number of Full Time Equivalent Jobs in the County After Completion of the Project:		
	County	Statewide	1 year	2 years	3 years
	None *		one	one	one
.....					

Please indicate the number of temporary construction jobs anticipated to be created in connection with the acquisition, construction and/or renovation of the Project: During construction: a superintendent, an internal financial auditor and a bookkeeper/administrative assistant employed directly or indirectly by Applicant (i.e., Bedford Construction); and post-construction: one part time superintendent and one part time bookkeeper will be employed directly or indirectly by Applicant.

Please indicate the estimated hiring dates for the new jobs shown above and any special recruitment or training that will be required:

TBD

Are the Applicant's employees currently covered by a collective bargaining agreement?

YES

NO X


* None currently for newly formed Applicant (Five Full Time and Four Part Time Employees for Bedford Construction Group Incorporated).

IF YES, Union Name and Local: _____

Please note that the Agency may utilize the foregoing employment projections, among other things, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the above number of jobs, types of occupations and amount of payroll with respect to the proposed project.

Attached hereto is a true, correct and complete copy of the Applicant's most recent Quarterly Combined Withholding, Wage Reporting, and Unemployment Insurance Return (Form NYS-45-MN) (first page only). Upon request of the Agency, the Applicant shall provide such other or additional information or documentation as the Agency may require with respect to the Applicant's current employment levels in the State of New York.

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:	839 Management LLC
Signature:	
Name:	James J. Vilardi
Title:	Managing Member
Date:	April 21, 2016

NOT APPLICABLE**ANTI-RAIDING QUESTIONNAIRE**

(To be completed by Applicant if Applicant checked "YES" in Part I, Question Q.2 of the Application for Financial Assistance)

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

YES ____

NO ____

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

Address of the to-be-removed plant or facility: _____

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

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

YES ____

NO ____

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

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

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

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

YES ____

NO ____

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

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

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

YES _____

NO _____

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

YES _____

NO _____

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

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:

Signature:

Name:

Title:

Date:

NOT APPLICABLE**RETAIL QUESTIONNAIRE**

(To be completed by Applicant if Applicant checked either "YES" in Part II, Question P 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 other sources) 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 other sources) will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project?

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

1. Will the Project be operated by a not-for-profit corporation?

YES _____

NO _____

2. Is the Project likely to attract a significant number of visitors from outside the economic development region (i.e., Long Island) in which the Project is or will be located?

YES _____

NO _____

3. Would the Project occupant, but for the contemplated financial assistance from the Agency, locate the related jobs outside the State of New York?

YES _____

NO _____

4. 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 _____

5. Will the Project be located in one of the following: (a) an area designed as an economic development 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 5 of Question C is YES, attach details.

- D. If the answer to any of the subdivisions 3 through 5 of Question C is YES, will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York? If YES, attach details.

YES _____

NO _____

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

Retail Sales: _____%

Services: _____%

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

Retail Sales: _____%

Services: _____%

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

Name of
Applicant: _____

Signature: _____

Name: _____

Title: _____

Date: _____

APPLICANT'S FINANCIAL ATTACHMENTS

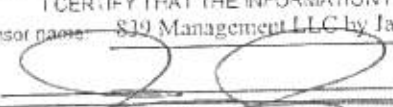
Applicant is a newly formed entity, no financial statement available yet.

Schedule G

ENVIRONMENTAL ASSESSMENT FORM

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR: 839 Management LLC	2. PROJECT NAME: 839 Prospect Ave
3. PROJECT LOCATION: Municipality <u>Town of North Hempstead</u> County <u>Nassau County</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 839 Prospect Ave, New Cassel Westbury, North East Corner of Grand Street and Prospect Ave	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Project currently consists of approximately 6,600 square feet of commercial/retail space and twelve residential two bedroom apartments which will be converted to eighteen residential apartments.	
7. AMOUNT OF LAND AFFECTED: Initially <u>.3</u> acres Ultimately <u>.3</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly: (after rezoning)	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: Union Avenue is a commercial industrial corridor within the market area and Prospect Avenue is developed with commercial and multi-family residential units. The remainder of the development within a 300 ft radius of the subject property is predominantly residential single family.	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <p align="center">Nassau County Office of Housing and Community Development</p>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: Project has a valid building permit which only require administrative renewal.	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>839 Management LLC by James J. Vilardi - Managing Member</u> Date: <u>April 21, 2016</u> Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING? (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No If Yes, explain briefly:
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope, and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Reset

OTHER ATTACHMENTS

Appendix A

The transformation of Prospect Avenue in New Cassel, began in July of 2002. With a five day conference attended by approximately 800 community residence, community leaders and government officials. From these meetings, and much diligent work, a "vision plan" was formulated and adopted by the Town of North Hempstead Town Board in the spring of 2003. Establishing a mixed use of retail and affordable housing, this new vision for the prospect avenue corridor would create an inviting mixture of shops, and affordable residences. The corridor was envisioned as a pedestrian, friendly, walk-able community gathering place where local business initiatives would thrive.

The cornerstone of the "vision" for the New Cassel community is the revitalization of its downtown - Prospect and Union Avenues - consistent with the needs and desires of a vibrant, ethnically and culturally diverse community. The goal is to achieve the sustainable economic revitalization of the New Cassel community. The vision's primary focus is to transform New Cassel's suburban-sprawl type development pattern into a more pedestrian-friendly, walkable community. This will be achieved with the implementation of design standards that promote a more active street walk and attractive and inviting public spaces, which in turn, will enhance public safety.

To further facilitate the redevelopment of New Cassel, the North Hempstead Town Board created and approved the *New Cassel Urban Renewal Plan*. The urban renewal plan introduces new "smart Growth" initiatives that allow mixed-use development along Prospect and Union Avenues with design standards to create a cohesive and consistent visual context for the area.

The collaboration of the private and public sectors would be the hope of the future for the Prospect Avenue corridor in New Cassel. The Prospect Avenue revitalization program, as announced by Supervisor Kaiman, Senator Clinton, and other local officials would consist of six developments comprised of two hundred and twelve residential units and 41,672 square feet of commercial retail space with ample parking and pedestrian areas.

The subject property which is the subject of this application is known as site D or 839 Prospect Avenue in New Cassel. It currently consists of approximately 6,000 square feet of commercial/retail space and twelve residential two bedroom apartments which will be converted to eighteen residential apartments. The subject parcel was constructed in approximately 2005 but due to the nefarious activities of the original developer, the building was never completed and lies vacant to this day. The eventual success of the Prospect Avenue corridor and the fulfillment of the hopes and dreams of the neighborhood and community depend squarely on our efforts to bring this project to completion.

The subject property is currently approximately 85% complete. However, because the project has been stalled and abandoned for nearly five years, it is casting a shadow of blight on the entire Prospect Avenue corridor and the at large New Cassel Community. Although, sites B and C have recently been completed, by general contractor Les Bluestone of Blue Sea Development and Bedford Construction Group, the community will not feel the full positive effects of the New Cassel redevelopment efforts until more progress is made, including the completion of the subject site D. The net effect of the subject project's status is that the success of all efforts to this point are in jeopardy.

The revitalization of the Prospect Avenue corridor in New Cassel was envisioned as a pathway to the resurgence of an entire community located in Nassau County. The negative effects of 839 Prospect Avenue lying dormant include depriving residents of much needed housing, and depriving local shopkeepers of an opportunity to succeed. Increasing foot traffic and stimulating local businesses located on the Prospect Avenue corridor are the two cornerstones of success for this downtown revitalization project. Without the benefit of a PILOT and other benefits, this site will remain blighted and undeveloped.

In addition, a substantial portion of public money which has been invested in the Prospect avenue corridor, specifically in 839 Prospect Avenue, may be in jeopardy and subject to federal claw back provisions if this project is not complete.

If not for the relief requested in this application, it is quite possible that the subject project at 839 Prospect Avenue will lie fallow for many years to come which, as described, will have an enormous negative impact on the New Cassel community, and by extension, the County of Nassau.

Appendix B

List of affiliate corporations for James J. Vilardi:

839 Management LLC - [REDACTED]
146 North Central Avenue
Valley Stream, NY 11580
James J. Vilardi - 50% Ownership Interest
Harvey Weisman - 50% Ownership Interest

139 LLC - [REDACTED]
146 North Central Avenue
Valley Stream, NY 11580
James J. Vilardi - 100% Shareholder

Equivest, Inc. - [REDACTED]
146 North Central Avenue
Valley Stream, NY 11580
James J. Vilardi - 50% Shareholder

Bedford Construction Group, Inc. - [REDACTED]
146 North Central Avenue
Valley Stream, NY 11580
James J. Vilardi - 50% Shareholder

Jarvis Avenue Associates, Inc. - [REDACTED]
146 North Central Avenue
Valley Stream, NY 11580
James J. Vilardi - 50% Shareholder

Jarvis Capital Group, Inc. - [REDACTED]
146 North Central Avenue
Valley Stream, NY 11580
James J. Vilardi - 50% Shareholder

Hillmeyer Inc. - [REDACTED]
146 North Central Avenue
Valley Stream, NY 11580
James J. Vilardi - 50% Shareholder

Appendix B (Continued)

List of affiliate corporations for Harvey Weisman:

Moret LLC – owns 100%

Micro Leasing (DBA) – owns 100%

Moret Partnership – owns 99% (with spouse owning the last 1%)

Appendix C

Page 6 question N:

James J. Vilardi: Commissioner – Sanitary District #1
 Commissioner – Nassau County Bridge Authority

Appendix D

Page 7 question R:

James J. Vilardi: Bedford Construction Group was a sub-recipient in the neighborhood stabilization program.

Appendix E



James J. Vilardi is Chairman and Chief Executive Officer of Bedford Construction Group, a leading developer of affordable housing in the New York/Long Island market. The firm is actively engaged in planning and developing single and multiunit affordable housing projects across the region, working closely with municipalities and the Long Island Housing Partnership. Since 2000 the firm has been involved in the construction of over 50 units of affordable housing valued at more than \$20 million. In addition, Bedford Construction

Group is active in the commercial development sector, building professional office buildings and other projects in the region. The firm also provides sub-contracted construction and project management services for large regional and national developers.

As Chairman and Chief Executive Officer, Mr. Vilardi is responsible for the management of the operations of the firm and pursuing the company's goals and strategic objectives. Mr. Vilardi acts as liaison with municipalities, government leaders and affordable housing development agencies. He negotiates contracts and manages the company's cutting edge green construction initiatives. Bedford Construction Group is one of the first firms to build green affordable multiunit housing projects in the New York metropolitan area. Mr. Vilardi is a member of the United States Green Building Council as well as the Long Island Housing Partnership.

With more than 25 years experience in the real estate and construction field Mr. Vilardi is a recognized expert in the field. His knowledge of construction finance, affordable housing, project management and green building initiatives has attracted the attention of local and national media. Mr. Vilardi has been interviewed by *FOX News*, *The New York Times*, *Newsday* and *News Radio WCBS 880 AM*, as well as regional and national construction, real estate and business publications.

Mr. Vilardi presently serves as President of Equivest Incorporated, a real estate investment firm involved in many aspects of real estate investing. The firm specializes in the purchase of undervalued real estate and loan assets, subdivision planning and financing, land use consulting and construction management.

Prior to Bedford Construction Group, Mr. Vilardi was founder and president of Baxter Appraisal Group. This firm was a leading and respected real estate appraisal and consulting firm. The firm provided real estate appraisal services to lending institutions and private clients for mortgage lending, real estate planning and other purposes. Mr. Vilardi is a New York State certified real estate appraiser.

Mr. Vilardi has always had an interest in public policy and development issues. He earned a BA in History and Political Science from Adelphi University and did post graduate work in Suburban Policy Planning.

Since 2005 Mr. Vilardi has served as a chairman and commissioner of Town of Hempstead Sanitary District No. 1. This independent district provides sanitation and recycling services for more than 30,000 residents and thousands of local businesses in the communities of Lawrence, Inwood, Hewlett, Cedarhurst and Woodinere. Under Mr. Vilardi's leadership Sanitary District No. 1 has maintained its leadership in the area of recycling. In terms of percentages, Sanitary District No. 1 recycles more materials than any other municipal entity in New York State.

Mr. Vilardi is an active supporter of many community, business and youth organizations. He resides in Hewlett with his wife.

James J. Vilardi

Career Synopsis

Extensive experience in the fields of real estate and finance, including construction, real estate development, real estate appraisal, real estate management, real estate investment banking, project analysis and budgeting.

Management Profile

- Approaches complex problems with methodical analysis.
- Organized and well-prepared to approach each task.
- Builds strategic alliances in the incremental advancement of project goals.
- Promotes corporate strategy that is fluid and results-oriented, with an emphasis on corporate governance.
- Negotiates with a natural ability to foster an environment of consensus.
- Works equally well as a team leader or team member.

Professional Experience

Member – Board of Directors

2010-Present Port Washington, New York

Watt Fuel Cell, Inc.

Watt Fuel Cell is a Port Washington, NY based firm involved in the research and development of solid oxide fuel cells for military, commercial, municipal and residential use. The production of cost effective portable electric power and distributed generation could have a profound effect on national security issues and create a true paradigm shift in the economics of energy consumption.

- Attends monthly Board of Directors meetings and weekly work sessions.
- Works in tandem with Watt President Dr. Caine Finnerty in various aspects of corporate governance, budgeting and strategic planning.
- Interacts with Corporate Counsel and Executive Officers on all contractual and legal matters which require board approval.
- Directly responsible for all Government relations.

Chairman / Chief Executive Officer

2000-Present

Valley Stream, New York

Roosevelt Development Corp / Bedford Construction Group, Inc.

Roosevelt Development Corp. (RDC) and its affiliated general construction arm Bedford Construction Group (BCG) are actively engaged in the construction of affordable housing on Long Island. Roosevelt Development Corp. is currently planning approximately 50 affordable housing units in conjunction with The Town of Hempstead, The Village of Hempstead, and The Long Island Housing Partnership.

- Supervise all internal staff operations.
- Create short and long term corporate goals and implement strategic policy.
- Liaison with municipalities and affordable housing agencies to achieve affordable housing goals.
- Negotiate all contracts working with legal counsel.
- Establishing the firm in the cutting edge of "Green" Construction.

Member – Board of Directors

2008-Present

Long Beach, New York

BioPosture

BioPosture is a New York-based company that markets a propriety line of mattresses manufactured exclusively for and distributed through Doctors of Chiropractic. The mattresses are roll-compressed for ease of shipping and marketed under the company's exclusive brand name, BioPosture. Other related products such as pillows, foundations and new innovative sleep technologies will also be marketed under the BioPosture brand.

- Provided "seed money" for company start-up and investment banking consulting services.
- Assisted in creating and implementing a national marketing and sales strategy.
- Attends monthly Board of Directors meetings.
- Responsible for oversight of all company operations with a specialty in budgeting, marketing and corporate governance.

Founding Partner / President

1986-2006

Valley Stream, New York

Baxter Appraisal Group

Baxter Appraisal Group is a real estate appraisal and consulting firm which provides real estate appraisals to lending institutions and private clients for mortgage lending, estate planning and various other purposes.

- Orchestrated the growth and development of The Baxter Appraisal Group as a premier Real Estate Appraisal and Consulting Firm.
- Established corporate policy to ensure the highest level of quality in the research and writing of appraisal reports.
- Expanded scope of services to include consultation in the fields of land acquisition, development and investment, and tax certiorari.
- Developed the reputation of Baxter Appraisal Group as experts in the appraisal of State, Federal, and City subsidized housing.
- Increased client base to include private, institutional and municipal clients.
- Established the firm as noted experts in land use and planning. Recognized as an expert witness by numerous Zoning Boards of Appeal throughout the County of Nassau.

President

1995-Present

Valley Stream, New York

Equivest Incorporated

Equivest, Inc. is a real estate investment firm involved in a wide range of real estate related projects specializing in the purchase of undervalued real estate and loan assets, subdivision, land use and construction management.

- Analysis and evaluation of non-performing loan portfolios for acquisition by private investment groups.
- Manages the subdivision and/or construction of real estate projects throughout Nassau, Suffolk and the Five Boroughs of New York City.
- Successfully completed in conjunction with the New York State Department of Environmental Conservation and local municipalities the remediation and redevelopment of Brownfield properties.

Commissioner / Chairman of the Board

5/05-Present

Lawrence, New York

Sanitary District #1

Sanitary District #1 is responsible to provide sanitation and recycling services to approximately 30,000 Town of Hempstead residents in the areas of Lawrence, Woodmere, Hewlett, Inwood, and Cedarhurst. Annual budget is approximately \$15 million dollars.

- Oversees all district operations.
- Chairman of internal audit committee which reviews all aspects of district budgeting, budget controls and management efficiency. Reviews and recommends annual budget to Board of Commissioners.
- Instituted the practice of a five-year budget projection and analysis.
- Initiated a "best management practices" assessment for all financial and management practices, i.e., budgeting, bidding, corporate governance and district personnel requirements, resulting in demonstrable savings for district taxpayers.

Education

Adelphi University

Garden City, New York

- B.A. *Cum Laude* History/Political Science.
- Post graduate studies in Suburban Policy Planning.
- Certified Residential Real Estate Appraiser.
- New York State Certification #45-8093.

Appointments

Member: Nassau County Rent Guidelines Board 2001-2004

Construction Highlights

- Constructed approximately 100 homes (1995 – 2011).
 - Successfully completed Phases 9 & 10 of the Town of Hempstead Scattered Site Affordable Housing Program, Roosevelt Long Island.
 - Contracted by the Village of Hempstead to establish and implement quality control standards for newly constructed affordable housing.
 - In conjunction with the Long Island Housing Partnership, a nationally respected developer of affordable housing, contracted to construct approximately 20 affordable homes over the next 2 years.
 - As a member of the U.S. Green Building Council actively engaged in the promotion of energy efficient environmentally sound homes.
 - Selected by the Town of Hempstead Department of Planning and Economic Development to complete the development and sale of 30 senior citizen affordable co-op units in Elmont, Long Island.
 - Recognized regional expertise in land use and project development.
 - Honored by the Village of Hempstead for efforts in community revitalization.
 - Honored by Vision Long Island – 2010 Smart Growth Award for innovative building design.
-

BEDFORD *Construction* GROUP

James Vilardi Appears on Fox News' America's Newsroom



Recently Bedford Construction Group owner and affordable housing developer James J. Vilardi was interviewed on the Fox News Channel by Reporter Julie Banderas about the Neighborhood Stabilization Program a joint effort between Bedford Construction, the Long Island Housing Partnership and Nassau County. The story featured Mr. Vilardi discussing an effective affordable housing program the Long Island Housing Partnership, Bedford Construction and Nassau County were working in the Village of Hempstead. Bedford Construction and the Long Island Housing Partnership purchased a number



of homes on one block in the village and rehabilitated them. The goal of the program is to reconstruct vacant foreclosed homes



and make them available to families who need them. High municipal priority in pockets of neighborhoods where foreclosure rates are very high. This is only one of many affordable housing programs in which Mr. Vilardi and Bedford Construction Group are involved. The company is a recognized leader in working with affordable housing organizations as well as the local, state and federal government to develop and rehabilitate properties in the Long Island/New York market.



BEDFORD Construction GROUP

James J. Vilardi Recipient of Village of Hempstead Community Development Award

Village of Hempstead government leaders presented the 2009 Inc. Village of Hempstead Community Development Award to James J. Vilardi, owner of Bedford Construction Group, at a Community Development Agency Concert. Mr. Vilardi was recognized for his timely intervention and workmanship in support of the Village's Community Development Agency's Affordable Housing Program. Village of Hempstead Mayor Wayne J. Hall, Sr., and Trustee Livio A. Rosario, Trustee Henry Conyers and Commissioner of Community Development Agency Claude Gooding expressed their appreciation for Mr. Vilardi's efforts to encourage and develop more affordable housing within the community.

Bedford Construction Group was the first private developer to partner with the County of Nassau and the Long Island Housing Partnership to intervene in a significant way in the foreclosure crisis through the Neighborhood Stabilization Program. Along with the Long Island Housing Partnership, Bedford Construction has helped to renovate a number of homes in the Village of Hempstead and more are scheduled to be completed over the next year.

Mr. Vilardi was cited for his dedication to the beautification of the Village and his special efforts to enhance both the commercial and the residential communities. Mr. Vilardi and Bedford Construction Group are committed to using their experience and expertise in the building industry to assist in the economic development and restoration of communities across Long Island.



James J. Vilardi accepts the 2009 Community Development Award from Village of Hempstead's Mayor Wayne J. Hall, Sr. Pictured (l to r) at the C.D.A. Concert award presentation are Hempstead Village Trustee Livio Rosario, Trustee Henry Conyers, Mayor Wayne J. Hall, Sr., recipient James J. Vilardi, Carolyn Harding, the emcee at the winter concert, and Claude Gooding, Commissioner of Community Development Agency.



BEDFORD *Construction* GROUP

Bedford Construction Group Partners with Nassau County and Long Island Housing Partnership to Implement the Neighborhood Stabilization Program

In April, Nassau County Executive Ed Mangano, Peter Elkowitz, president of the Long Island Housing Partnership, James J. Vilardi, president of Bedford Construction Group and HUD officials announced that the first Nassau County home was sold through the Neighborhood Stabilization Program. This program assists communities to enhance economic activity and rebuild neighborhoods.

The Neighborhood Stabilization Program is a federal program which provides funds to rehabilitate foreclosed homes in an effort to promote community stability and economic revitalization. Numerous housing studies indicate that a glut of foreclosed homes in a community could further erode property values and community growth.

Bedford Construction was the first private partner with Nassau County and the Long Island Housing Partnership to move this program forward. Under the leadership of James J. Vilardi, Bedford Construction Group has completed projects for Nassau County, the Long Island Housing Partnership, the Town of Hempstead and the Village of Hempstead. The firm offers a wide array of construction, project management and consulting services for affordable and other housing projects across Long Island. The firm is committed to efforts to build affordable housing and is instrumental in implementing the public policy of rebuilding Long Island communities and promoting the effort to retain young families on Long Island.



County Executive Ed Mangano and James J. Vilardi



\$8B The amount Energy Department said it would lend to Ford, Nissan and Tesla to develop fuel-efficient vehicles.

DOW JONES AVERAGE

 **0.19%**

DOWN 16.10 TO 8,322.91

CRUDE OIL

 **\$1.74**

TO \$69.24 A BARREL

U BUSINESS

Challenges in foreclosure plan

■ Groups take advantage of federal, state program

■ But hurdles make it difficult, officials say

BY ELLEN YAN

ellen.yan@nassau.com

Backyard swings, walled ceilings, hardwood floors — the Shirley foreclosure listed at \$275,000 delighted Suffolk County and nonprofit officials, loaded with federal dollars to grab up to 100 houses like this one to turn into affordable homes.

But a private buyer outside the county's \$134,000 offer, which complied with federal rules to get discounts.

"Sometimes you're going to see a home that you think is perfect for the program," said Joe Sansonovic, the county's director of community development, "and you don't get it."

Government officials, housing nonprofits and builders have begun tapping Long Island's \$27-million-plus from the federal and state Neighborhood Stabilization Program.

But local officials say they are facing at least three major challenges: evolving federal rules, lenders' slow responses and finding foreclosures that meet program standards.

Evolving rules

It seemed wise to stretch federal dollars, so the U.S. Department of Housing and Urban Development



Builder James Vilardi, in a Hempstead home he bought and is rehabbing, has partnered with Nassau and a nonprofit on six foreclosures. He says getting cooperation from lenders can be a tedious process.

15 percent discount off appraised value on bulk purchases of foreclosures and 5 percent off single sales.

Then federal officials realized discounted prices would drive down property values, said HUD spokesman Brian Sullivan. This month, HUD lowered the discount to 1 percent.

While housing advocates say this beefs up their bidding power, they're uneasily expecting more program updates.

"We can't know everything because the federal government

vice president of the nonprofit Long Island Housing Partnership.

Sullivan said HUD has relaxed the rules "to give local communities the greatest possible flexibility in designing and implementing their plans."

"We said it's tough tracking the rules and needs of local officials. 'We are losing our minds right now,' she said. "It'll be great when it starts to work."

Slow lender response

Key to the program's success is cooperation from banks, but

In Hempstead Village, a crew recently gutted the first floor of a foreclosure that took two months of talks over the appraised value and price, said builder James Vilardi, who has partnered with Nassau and the nonprofit on six foreclosures.

Vilardi said he told owner mortgage giant Fannie Mae that its 8-month-old appraisal was outdated: "It's very, very difficult to get answers from lenders. They seem to be in denial about the real values. I'll walk into a house with a private broker and the bank will come out

in my mind it's worth one hundred thousand."

Vilardi said Fannie Mae ordered another appraisal.

Fannie Mae spokesman Searles said the agency tries to update appraisals monthly. After reviewing the first transactions under the program, he said the agency created a "simplified" buying process.

Last year, major nonprofit created the National Community Stabilization Trust to hook up banks and municipalities. Local officials get "first look" at foreclosures before they're listed. If they want to buy without competitors, the deal must wrap up in three weeks or so, the time lenders usually take to ready a house for sale.

Hard finds

In May, there were 134 Long Island foreclosures, said RealtyTrac, which markets foreclosures, but housing advocates said their choices are limited.

HUD narrows the properties that can be considered, from location to the number of days the house has been vacant — at least 90. Lenders can limit discounts, and houses with big rehab costs are priced out.

Port Jefferson real estate broker David Guzzetta led nonprofit officials to houses he thought fit the program. One in Centra had an in-ground pool, but HUD bars such pools, partly because maintenance makes the house less affordable.

Guzzetta's learning the rules "It's a long process and each



16% The decrease in junk mail volume — including catalogs and credit card offers — in the nine months ending in June from a year ago.

DOW JONES AVERAGE

0.32%

UP 30.01 TO 8,539.29

CRUDE OIL

\$2.32

TO \$72.05 A BARREL

A37

Team investing in saving homes

- Builder and nonprofit eye at-risk mortgages
- Aim is to reset loans and pay backers interest

BY QIEN YAN
Senior Staff Writer

A builder and a nonprofit have teamed up to fight foreclosures in a new way: buy and modify at-risk mortgages — but also make money on the venture for investors.

Investors led by James Vardi, head of Bedford Construction Group in Valley Stream, would put together \$5 million to \$20 million to buy as many as 50 mortgages at discounted prices, and then the Long Island Housing Partnership would try to make the payments affordable to borrowers.

The two already partner to buy foreclosures to rehab as affordable homes under the federal Neighborhood Stabilization Program, aimed at revitalizing places hardest hit by foreclosures. Vardi and Peter Elbowitz, the nonprofit's chief executive, have toured foreclosed homes, knowing little of the families, only that they are gone and their homes are now the targets of vandals.

"We were thinking, How do we go one step before having to employ the Neighborhood Stabilization Program?" Vardi said. "If we were able to buy the troubled assets and reset people's mortgages, they



Peter Elbowitz and James Vardi of the LI Housing Partnership are part of a venture with Bedford Construction Group to buy troubled assets, like this home in Massie, and make payments affordable.

would never get to the point where there is foreclosure and now you have vacant houses throughout the neighborhood and you have neighborhood blight."

Housing advocates have accused lenders of being slow to modify loans.

But if the new nonprofit-private team controlled some loans, it could be more flexible in reworking loans: the max said Mortgage terms could go to 50 years, the interest rate lowered, or payments temporarily suspended for mid-life borrowers.

"It would really require that personal touch to find out what each family situation was," Elbowitz said. "There's a million questions that have to be asked, but the first priority would be to keep the family in the home."

Other investors have snapped up bad loans in bulk to foreclose and sell, but under the new venture, investors would be lenders, collecting interest revenue from homeowners.

When property values rise, homeowners could refinance, and their repayments and some of the investors' profits would

be plowed back into taking more "toxic debt" off mortgage lenders, according to the plan.

It's a novel approach that might appeal more to lenders with "1-800 numbers in the sky" and few roots in the community, said Rob Davis, executive vice president of the American Bankers Association.

"If you buy it at the right price," Davis said of the mortgages, "it can work."

But that's been the problem. Since Vardi and Elbowitz began contacting lenders and firms fined by the federal government to buy toxic debt from



Investor James Vardi wants to raise up to \$10 million.

Wall Street, they said, lenders have quoted high prices.

"They really wanted to be made whole," Vardi said.

He said that would cramp how loans can be reworked while retaining a profit.

There are other risks. Lenders might sell loans that are beyond modification, and Vardi and Elbowitz expect limited power in which loans they can buy. With unemployment rates near all-time highs, a homeowner in the program could be unable to pay for a long time.

But Elbowitz said private-nonprofit solutions are crucial to areas like Long Island, which have not gotten as much government attention as places with swaths of foreclosures.

However, he said he might end up with unworkable loans.

"Sometimes you do have to tell people there's no other option but you have to move on," he said. "But it would be a lot less of that and a lot more of trying to work with the family before they get themselves into a situation where they're being forced out onto the street."



James J. Vilardi (far right) with Town of Hempstead Supervisor Kate Murray at Phase 10 Affordable Housing Ribbon Cutting





James J. Vilardi (second from right) with County Executive Thomas R. Suozzi, U.S. Senator Charles E. Schumer, Long Island Housing Partnership President Peter J. Elkowitz, First Time Homebuyer Evelyn O'Hara and Connie Lassandro, Director of the Nassau County Office of Housing & Homeless Services



James J. Vilardi with County Executive Thomas R. Suozzi, New York State Governor David A. Paterson, Long Island Housing Partnership President Peter J. Elkowitz and N.C. Legislator Kevan M. Abrahams
Announcement of the Neighborhood Stabilization Program

NSP Bus Tour



Nassau County Executive Ed Mangano announces that home is to be purchased and rehabilitated under NSP, congratulating the new homeowner.

It is a Nassau County Executive Ed Mangano, James Viorio, president, Edward Comolli, and Raymond Thomas, director of the Office of Housing and Intergovernmental Affairs, Nassau County.



The Partnership coordinated a bus tour of NSP properties in Nassau and Suffolk Counties and in Babylon Town. Regional HUD officials and officials from New York State Affordable Housing Corporation, the two sources of federal NSP funds for Long Island, were able to see first-hand the properties that were purchased and rehabilitated and those that are still in the process. Long Island is one of the communities in the Nation that is at the forefront of utilizing the federal funds.



Foreclosed home purchased in Hempstead that will be rehabilitated under NSP.

Appendix E (Continued)

HARVEY WEISMAN

(Insert Resume)

HARVEY WEISMAN

759 Longacre Ave
Woodmere, NY 11598
(516) 374-0473

EXPERIENCE

1978 - Present	Self Employed Real Estate Investor	New York, NY
	<ul style="list-style-type: none">■ Buying and Managing properties throughout Nassau County and the Five Boroughs.■ Has been involved in the renovation of existing homes and construction of new homes. Renovated and/or constructed approximately 50 homes over the past 10 years. Currently building two single family homes.■ Currently owns and manages a portfolio consisting of residential and commercial properties throughout Nassau County including a 10,000 square foot shopping center in Baldwin, NY.■ Currently owns a substantial portfolio of tax lien certificates primarily in the County of Nassau and the Village of Hempstead.■ A recognized expertise in the area of tax lien law and procedure■ Partial Owner of Toyota Dealership and now closed Playhouse Market in Nyack, NY	
1974 - 1976	Sutton Towne Real Estate	West Orange, NJ
	<ul style="list-style-type: none">■ Licensed New Jersey Real Estate Salesman■ Involved in all aspects of residential real estate brokerage including sales and rentals.	
1970 - 1973	New York City High School	New York, NY
	<ul style="list-style-type: none">■ High School Teacher of Mechanical Drawing, Art, and various other subjects.	

EDUCATION

1969	The City College of New York	New York, NY
	<ul style="list-style-type: none">■ B.S.	

FAX (516) 374-0470 • E-MAIL HARVEYHAMP@GMAIL.COM
759 LONGACRE AVE • WOODMERE, NY 11598 • PHONE (516) 374-0473

Appendix F

**Resolution No. 727-2015 adopted by the Town Board of the Town of North Hempstead
on November 17, 2015 to amend the zoning map of the Town of North Hempstead to
reflect a change of zone from 'Business-A' to 'Multiple Residence'**

Councilwoman Russell offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 727-2015

A PUBLIC HEARING TO CONSIDER THE APPLICATION OF 839 MANAGEMENT LLC FOR A CHANGE OF ZONE FROM "BUSINESS-A" TO "MULTIPLE RESIDENCE" FOR THE PREMISES LOCATED AT 839 PROSPECT AVENUE, WESTBURY, NEW YORK, AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 11, BLOCK 1, LOT 45.

WHEREAS, 839 Management LLC (the "Petitioner") has filed a petition (the "Petition") to rezone (the "Change of Zone") a 13,068 square foot (0.3 acre) site improved by an existing unoccupied three story building, located at 839 Prospect Avenue, Westbury, New York, and identified on the Nassau County Land and Tax Map as Section 11, Block 1, Lot 45 (the "Premises"), from "Business-A" to "Multiple Residence" to allow the ground floor of the building to be used for residential use instead of commercial use; and

WHEREAS, according to the Zoning Map of the Town of North Hempstead (the "Map"), the Premises are located within an area currently designated as Business-A zoning district; and

WHEREAS, pursuant to Resolution No. 690-2015, the Town Board (the "Board") of the Town of North Hempstead (the "Town") authorized, pursuant to Town Code ' 70-238(B)(2), the publication of notice of hearing and the holding of a public hearing to consider the proposed Change of Zone pursuant to the Petition; and

WHEREAS, proof of service of notice required by Town Code ' 70-238(B)(2) has been filed, and

WHEREAS, the Applicant has furnished proof of posting of a sign on the premises as required by Town Code ' 70-238(B)(3) and filed an affidavit as to the posting as required thereunder; and

WHEREAS, pursuant to General Municipal Law § 239-m, the Nassau County Planning Commission (the "Commission") was furnished with copies of the site plan and the Short Environmental Assessment Form (the "SEAF"); and

WHEREAS, Pursuant to Resolution No. 10037-15, adopted October 1, 2015, the Commission recommended local determination; and

WHEREAS, after notice duly given, a public hearing on the Change of Zone was held on November 17, 2015, affording all interested persons an opportunity to be heard (the "Public Hearing"); and

WHEREAS, it is required that a "lead agency" be established to review this action pursuant to the rules and regulations for implementation of the New York State Environmental Quality Review Act as set forth in Section 617.6 of Title 6, Part 617 of the Official Compilation of Code, Rules and Regulations of the State of New York (the "SEQRA Regulations"); and

WHEREAS, this Board, through action of the Town Department of Planning and Environmental Protection (the "Planning Department") pursuant to Town Code §20-4, has established itself as lead agency and wishes to render a determination of significance pursuant to the SEQRA Regulations; and

WHEREAS, the Board has reviewed the determination of the Planning Department, dated November 17, 2015 and the Negative Declaration indicating that the Action constitutes an "unlisted action" pursuant to Section 617.2 (ak) of the SEQRA Regulations which will not result in any significant adverse impacts on the environment based upon the analysis set forth in the Short Environmental Assessment Form (the "SEAF") Parts 1 and 2 (the "Determinations and Negative Declaration") for the reasons that (A) the Action (i) will not create a material conflict with an adopted land use plan or zoning regulation, (ii) will not substantially result in a change in the intensity of use of land, (iii) will not impair the character or quality of the existing community, (iv) will not have an impact on the environmental characteristics that cause the establishment of a Critical Environmental Area (CEA), (v) will not substantially result in an adverse change to the existing level of traffic, (vi) will not cause an increase in the use of energy, (vii) will not have an impact on existing water supplies or wastewater treatment utilities, (viii) will not impair the character or quality of historic, archeological, architectural or aesthetic resources, (ix) will not result in an adverse change to natural resources, (x) will not result in an increase in the potential for flooding and (xi) will not create a hazard to environmental resources or human health and (B) the increase to eighteen (18) residential units will not have substantial adverse impacts on the surrounding road network or parking and will reduce the number of peak hour trips (the "Determinations and Negative Declaration"); and

WHEREAS, the Board wishes to conclude that the action constitutes an "unlisted action" pursuant to Section 617.2 (ak) of the SEQRA Regulations which will not result in any significant adverse impacts on the environment; and

WHEREAS, the Planning Department has reviewed the Change of Zone and recommends that it be approved; and

WHEREAS, having carefully considered the petition, the testimony and other relevant evidence at the Public Hearing, and afforded all interested persons the opportunity to be heard, this Board now wishes to render a decision.

NOW, THEREFORE, BE IT,

RESOLVED that the Town Board declares itself "lead agency" under the SEQRA Regulations for the Action, and be it further

RESOLVED that this Board hereby adopts the Planning Department's Determinations and Negative Declaration, finding that the Change of Zone is an "unlisted action" which will not result in any significant adverse impact on the environment, based upon the analysis set forth in the SEAF, and upon the testimony and reports adduced at the Public Hearing, and be it further

RESOLVED that this Board hereby authorizes the Planning Department to prepare, file, and distribute such documents as may be required pursuant to Section 617.12 of the SEQRA Regulations to effectuate the foregoing determinations and findings made pursuant to the SEQRA Regulations; and be it further

RESOLVED that the Change of Zone is hereby adopted; and be it further

RESOLVED that the Town Clerk is hereby authorized to publish and post, as required pursuant to Chapter 70 of the Town Code, a notice substantially in the form set forth below:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that the Town Board of the Town of North Hempstead at a public meeting of the Board held on November 17, 2015 at 7:30 P.M. on that day, at the Town Hall, 220 Plandome Road, Manhasset, New York, duly adopted a resolution to amend the zoning map of the Town of North Hempstead to reflect a change of zone, from 'Business-A' to 'Multiple Residence' of a 13,068 square foot (0.3 acre) site improved with an unoccupied three story building known as 839 Prospect Avenue, Westbury, New York and identified on the Nassau County Land and Tax Map as Section 11, Block 1, Lots 45, from >'Business-A' to 'Multiple Residence' in order to allow the ground color to be residential use instead of commercial use.

Dated Manhasset, New York
November 17, 2015

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

; and be it further

RESOLVED that the Commissioner and the Zoning Administrator be, and hereby are, directed to take such other action as may be necessary to effectuate the foregoing

Dated Manhasset, New York
November 17, 2015

The vote on the foregoing resolution was recorded as follows

AYES: Councilwoman De Giorgio, Councilwoman Kaplan,
Councilwoman Russell, Councilwoman Seaman,
Councilman Zuckerman, Supervisor Bosworth

NAYS: None

cc: Town Attorney Comptroller Planning Building NC Assessors

Appendix G

Operating Agreement and Amendment No. 1 to Operating Agreement of 839 Management LLC

Appendix G exempt from disclosure pursuant to
§ 87(2)(d) of the Public Officers Law.

Appendix H

Part III Project Cost, Question C:

1. Engineering Fees of approximately \$5,000 to \$6,000 has been paid.
2. Architectural Fees of approximately \$14,000 has been paid.

839 Prospect Ave
New Cassel
Construction Budget

1	Electric / Repair of Transformer*	\$53,500
	Restoration of Power	
2	Rough Plumbing - Repair of Supply Lines / HVAC*	\$130,200
3	Framing/All Carpentry/ Painting (Level 1)*	\$207,000
4	Masonry	\$65,000
5	Fire Suppression*	\$37,700
6	Fire Alarm	\$50,000
7	Paint Levels 2 & 3	\$12,000
8	Flooring - Leves 1-3	\$20,000
9	Landscaping	\$5,000
10	Appliances	\$20,000
	Total Cost	\$600,400

*Based on accepted bids.

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.

PILOT PAYMENT SCHEDULE
NCIDA/839 MANAGEMENT LLC
Section: 11; Block: 1; Lots: 45-47

Term:

<u>Tax Year</u> ¹	<u>Total PILOT Payment</u> ²	<u>Estimated Taxes for Calculation of Value of PILOT Payment</u> ³
Year 1	\$43,000	\$79,375
Year 2	\$43,860	\$80,963
Year 3	\$44,737	\$82,582
Year 4	\$45,632	\$84,233
Year 5	\$46,545	\$85,918
Year 6	\$47,475	\$87,636
Year 7	\$48,425	\$89,389
Year 8	\$49,393	\$91,177
Year 9	\$50,381	\$93,000
Year 10	\$51,389	\$94,860
Year 11	\$52,417	\$96,758
Year 12	\$53,465	\$98,693
Year 13	\$54,534	\$100,667
Year 14	\$55,625	\$102,680
Year 15	\$56,738	\$104,734
Year 16	\$57,872	\$106,828
Year 17	\$59,030	\$108,965
Year 18	\$60,210	\$111,144
Year 19	\$61,415	\$113,367
Year 20	\$62,643	\$115,634
Year 21	\$63,896	\$117,947
Year 22	\$65,174	\$120,306
Total	\$1,173,856	\$2,166,856

Value of PILOT: \$993,000

¹ PILOT Schedule begins on the first day of the first fiscal tax year that begins after the first taxable status date that occurs after the closing and acceptance of the RP-412-a by the Assessor. It is anticipated that this would be the 2018 General Tax Year and the 2017/18 School Tax Year.

² PILOT Formula: \$43,000 in Year 1, increased by 2% per annum (compounded). Rounded to nearest dollar.

³ The amounts set forth in this column are provided solely for purposes of estimating the value of the PILOT payments for the Agency's annual reporting purposes. They are based on existing taxable and tax-exempt assessed values and assume that otherwise applicable taxes will increase by 2% per annum. Rounded to nearest dollar.

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

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

1-800-669-9777 (Toll Free)

1-800-927-9275 (TTY)

www.hud.gov/fairhousing

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

Posters and brochures about the

Law 88-35-922.1 (6/2011)

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

DO YOU SUSPECT YOU HAVE BEEN DISCRIMINATED AGAINST BECAUSE OF YOUR AGE, RACE, DISABILITY, FAMILIAL STATUS, OR BECAUSE YOU ARE A MEMBER OF OTHER PROTECTED CLASSES? IF YOU WITNESS OR EXPERIENCE DISCRIMINATION, CONTACT THE NEW YORK STATE DIVISION OF HUMAN RIGHTS AT 1-888-392-3644 OR WWW.DHR.NY.GOV.

The publication of this document is authorized by the NYS Division of Human Rights, an EEOC designated agency. It is not intended to constitute an offer of legal advice or to create an attorney-client relationship.

NEW YORK
STATE
DIVISION OF
HUMAN
RIGHTS

BY
WORKS



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.