

**NASSAU COUNTY INDUSTRIAL
DEVELOPMENT AGENCY**

APPLICATION FOR FINANCIAL ASSISTANCE

APPLICATION OF:

Oyster Bay Gardens Apartments

Oyster Bay Gardens, LLC

APPLICANT NAME

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

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

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

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

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

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

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

December 11, 2017

DATE

PART I. APPLICANT

A. APPLICANT FOR FINANCIAL ASSISTANCE:

Name: Oyster Bay Gardens, LLC

Address: 807 South Oyster Bay Road

Fax: _____

NY State Dept. of Labor Reg #: _____ Federal Employer ID #: 1-6042250

NAICS Code #: 531110

Website: _____

Name of CEO or Authorized Representative Certifying Application: Robert Goldsmith

Title of Officer: Executive Director - ACLD, Inc.

Phone Number: (516) 822-0028 E-Mail: goldsmithr@acld.org

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

Sole Proprietorship ☐ General Partnership ☐ Limited Partnership ☐

Limited Liability Company ☒ Privately Held Corporation ☐

Publicly Held Corporation ☐ Exchange listed on _____

Not-for-Profit Corporation ☐

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

State and Year of Incorporation/Organization: New York - 2017

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

C. APPLICANT COUNSEL:

Firm name: Nixon Peabody LLP

Address: 55 West 46th Street, New York, NY 10036-4120

| | |
|----------|-------------------------|
| Primary | _____ |
| Contact: | Joseph Lynch |
| Phone: | (212) 940-3717 |
| Fax: | (866) 856-4927 |
| E-Mail: | jlynch@nixonpeabody.com |

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

| Name | Percentage owned |
|------------------------|------------------|
| See attached org chart | _____ % |
| _____ | _____ % |
| _____ | _____ % |

- E. If any of the persons described in the response to the preceding Question, or a group of said persons, owns more than a 50% interest in the Applicant, list all other entities which are related to the Applicant by virtue of such persons having more than a 50% interest in such entities:

The project will be an affordable housing project utilizing low-income housing tax credits (LIHTC). The proposed owner entity will consist of 99.99% investor member and .01% Managing Member (Oyster Bay Gardens Member, LLC) that will be solely owned by ACLD.

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

YES ☐

NO ☒

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

ACLD, Inc. (see org chart)

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

YES ☒

NO ☐

ACLD, Inc. has received financial assistance from the Nassau County
Local Economic Assistance Corporation.

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

YES ☐

NO ☒

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

YES ☐

NO ☒

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

YES ☐

NO ☒

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

YES ☐

NO ☒

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

YES ☐

NO ☒

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

| <u>Name</u> | <u>Title</u> | <u>Other Business Affiliations</u> |
|-------------------------------|--------------|------------------------------------|
| <u>See attached org chart</u> | <u></u> | <u></u> |
| <u></u> | <u></u> | <u></u> |
| <u></u> | <u></u> | <u></u> |

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

YES ☐

NO ☒

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

YES ☐

NO ☒

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

1. (a) Location: 857 South Oyster Bay Road, Bethpage, NY

(b) Number of Employees: Full-Time: 0 Part-Time: 0

(c) Annual Payroll, excluding benefits: \$0

(d) Type of operation (e.g. manufacturing, wholesale, distribution, retail, etc.)
and products or services: vacant land adjacent to ACLD offices, health clinic and group home.

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

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

(g) Applicant's interest in the facility

FEE TITLE: ☐ LEASE: ☒ OTHER (describe below):

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

YES ☐

NO ☒

3. Will the proposed Project result in the removal or abandonment of a plant or facility of the Applicant, or of a proposed user, occupant or tenant of the proposed Project, or a relocation of any employee of the Applicant, or any employee of a proposed user, occupant or tenant of the proposed Project, located within Nassau

County? If YES, identify the location of the plant or facility and provide explanation.

YES ☐

NO ☒

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

YES ☐

NO ☒

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

YES ☐

NO ☒

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

YES ☐

NO ☒

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

Affordable housing for seniors (age 62+) and developmentally disabled

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

Name: _____

Relationship to Applicant: _____

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

PART II. PROPOSED PROJECT

A. Types of Financial Assistance Requested:

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

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

- ☒ New Construction of a Facility
Square footage: _____
- ☐ Addition to Existing Facility
Square footage of existing facility: _____
Square footage of addition: _____
- ☐ Renovation of Existing Facility
Square footage of area renovated: _____
Square footage of existing facility: _____
- ☒ Acquisition of Land/Building
Acreage/square footage of land: 1 Acre
Square footage of building: _____
- ☐ Acquisition of Furniture/Machinery/Equipment
List principal items or categories:

- ☐ Other (specify): _____

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

Construction of 48 affordable apartments. A total of 36 apartments for seniors age 62+ earning less than 60% of the Area Median Income (AMI) and 12 apartments for developmentally disabled persons earning less than 50% AMI. The project will provide for the construction and operation of affordable housing. The proposed PILOT is necessary to provide favorable operating costs to offset rent restrictions.

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

YES ☒ NO ☐

Without the PILOT the project would not be able to generate sufficient financing proceeds necessary to cover development costs.

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

The project is not financially feasible without the assistance of the IDA. The project is also relying on favorable financing from New York State HFA in the form of tax exempt bonds and subsidies. The project will also be receiving capital subsidy from NYSOPWDD as well as rental assistance.

- F. Location of Project:

Street Address: 857 Oyster Bay Road
City/Village(s): Bethpage
Town(s): Oyster Bay
School District(s): Bethpage - 21
Tax Map Section: 46 Block: G Lot: 66
Census Tract Number: 5200.01

- G. Present use of the Project site: Office-Assisted Living (vacant portion to be ground leased to owner)

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

General: \$ 0 (Non-profit Corp exemption)
School: \$
Village: \$

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

YES ☐

NO ☒

- I. Describe proposed Project site ownership structure (i.e., Applicant or other entity):
Property to continue ownership by current owner, ACLD, Inc. ACLD will enter into a long-term ground lease with owner. ACLD is the sole owner of the the manging member of the ground lessor.

- J. To what purpose will the building or buildings to be acquired, constructed or renovated be used by the Applicant? (Include description of goods to be sold, products to be manufactured, assembled or processed and services to be rendered.)
Project will be a 48 unit affordable housing project for seniors and the developmentally disabled.

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

All apartments to be leased to qualified low-income households.

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

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

YES ☒

NO ☐

- The applicant has been approved for construction
1. Describe present zoning/land use: by the Town of Oyster Bay and has received permits
2. Describe required zoning/land use, if different: for construction.
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. 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 ☒

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

YES ☒

NO ____

If YES, indicate:

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

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

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

YES ____

NO ☒

If YES, attach copy of contract or option at Schedule I 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 ____

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

Sales of Goods: YES ☐ NO ☒

Sales of Services: YES ☐ NO ☒

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

Town of Oyster Bay and Nassau County has a need for quality affordable housing for Seniors and Disabled individuals. The proximity of the site to ACLD's corporate operations and qualified health center provides for opportunities beyond affordable housing.

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

Architect: Fusion Architecture, PLLC

Engineer:

Contractors: Filben Group

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

YES ☒

NO ☐

Enterprise Green Standards will be met under requirements of New York State Housing Finance Agency's Green requirements.

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

YES ☐

NO ☒

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

YES ☒

NO ☐

Affordable housing seniors and developmentally disabled individuals.

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

YES ☒

NO ☐

Nassau County Local Economic Assistance Corporation

PART III. CAPITAL COSTS OF THE PROJECT

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

| | <u>Item</u> | <u>Cost</u> |
|-----|---|---------------|
| 1. | Land and/or Building Acquisition | \$ 750,000 |
| 2. | Building Demolition | \$ |
| 3. | Construction/Reconstruction/Renovation | \$ 12,109,205 |
| 4. | Site Work | \$ |
| 5. | Infrastructure Work | \$ |
| 6. | Architectural/Engineering Fees | \$ 518,966 |
| 7. | Applicant's Legal Fees | \$ 340,000 |
| 8. | Financial Fees | \$ 1,199,459 |
| 9. | Other Professional Fees | \$ 138,900 |
| 10. | Furniture, Equipment & Machinery Acquisition (not included in 3. above) | \$ |
| 11. | Other Soft Costs (describe) dev fees | \$ 2,920,801 |
| 12. | Other (describe) reserves | \$ 277,269 |
| | Total | \$ 18,254,600 |

- B. Estimated Sources of Funds for Project Costs:

| | | |
|----|---|-----------------------------|
| a. | Tax-Exempt IDA Bonds: | \$ |
| b. | Taxable IDA Bonds: | \$ |
| c. | Conventional Mortgage Loans: | \$ |
| d. | SBA or other Governmental Financing: | \$ 9,650,000 (during const) |
| | Identify: | 1,980,000 (perm) |
| e. | Other Public Sources (e.g., grants, tax credits): | \$ |
| | Identify: | \$7,061,291 (HFA Subsidy) |
| | | \$2,257,926 (OPWDD Debt) |

| | | | |
|-------|---|------------------------|---------------|
| f. | Other Loans: | Deferred Developer Fee | \$ 401,096 |
| g. | Equity Investment: | | \$ 6,554,287 |
| | (excluding equity attributable to grants/tax credits) | | |
| TOTAL | | | \$ 18,254,600 |

What percentage of the total project costs are funded/financed from public sector sources: 63 %

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

YES ☒

NO ☐

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

YES ☐

NO ☐

NOT APPLICABLE ☒

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

YES ☐

NO ☐

NOT APPLICABLE ☒

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

YES ☐

NO ☐

NOT APPLICABLE ☒

G. Construction Cost Breakdown:

Total Cost of Construction: \$ 12,476,705 (sum of 2-5 and 10 in Question A above)

Cost for materials: \$ TBD

% Sourced in County: _____ %

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

Cost for labor: \$ TBD

% Sourced in County: _____ %

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

Cost for "other": \$ TBD

% Sourced in County: _____ %

% Sourced in County: _____ % (incl. County)

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

PART IV. COST/BENEFIT ANALYSIS

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

| | <u>Present</u> | <u>First Year</u> | <u>Second Year</u> | <u>Third Year</u> |
|-------------------------|----------------|-------------------|--------------------|-------------------|
| Full-time: | \$ _____ | \$ <u>32,280</u> | \$ <u>34,278</u> | \$ <u>35,307</u> |
| Part-time: ¹ | _____ | <u>27,040</u> | <u>27,851</u> | <u>28,687</u> |

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

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

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

| | | |
|-------------------------------------|--|--|
| Independent Contractor ² | | |
| Other | | |

| <u>Category of Jobs to be Created:</u> | <u>Average Salary or Range of Salary</u> | <u>Average Fringe Benefits or Range of Fringe Benefits</u> |
|--|--|--|
| Management | 18,720 | 2,808 |
| Professional | | |
| Administrative | | |
| Production | | |
| Supervisor | | |
| Laborer | 41,600 | 4,992 |
| Independent Contractor ³ | | |
| Other | | |

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

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

YES _____

NO ☒

- (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:

117

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

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

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

\$ N/A

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

N/A %

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

N/A %

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

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 | \$ 109,400 | 90% | 100% |
| Year 2 | \$ 112,682 | 90% | 100% |
| Year 3 | \$ 116,063 | 90% | 100% |

- 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:

Based on the projections above, the project should generate additional county sales tax revenue of approximately \$9,436. The project will provide much needed affordable housing to seniors and disables.

- F. Estimated Value of Requested Financial Assistance:

Estimated Value of Sales Tax Benefit:
(i.e., gross amount of cost of goods and services
that are subject to state and local sales and use taxes
multiplied by 8.625%)

\$ 261,104.73 (based on estimated
construction costs of \$12,109,205,
assuming 25% material costs x
8.625%)

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

\$ 112,654.49 (assumes \$15,020,599
in construction/perm/subsidy mortgages
x .75%)

Estimated Property Tax Benefit:

Will the proposed Project utilize a property tax
exemption benefit other than from the Agency:
(if so, please describe)

Term of PILOT Requested: 32 years (2 years construction and 30 year term -
SONYMA requirement)

Existing Property Taxes on Land and Building: \$ 0

Estimated Property Taxes on completed Project: \$ _____
(without Agency financial assistance)

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

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

PART V. PROJECT SCHEDULE

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

| | | | |
|----------------------------------|-----------------|-------------|------------------------|
| 1. (a) Site clearance | YES <u> </u> | NO <u>✓</u> | <u> </u> % complete |
| (b) Environmental Remediation | YES <u> </u> | NO <u>✓</u> | <u> </u> % complete |
| (c) Foundation | YES <u> </u> | NO <u>✓</u> | <u> </u> % complete |
| (d) Footings | YES <u> </u> | NO <u>✓</u> | <u> </u> % complete |

(e) Steel YES ☐ NO ☒ _____% complete
 (f) Masonry YES ☐ NO ☒ _____% complete
 (g) Interior YES ☐ NO ☒ _____% complete
 (h) Other (describe below): YES ☐ NO ☒ _____% complete

2. If NO to all of the above categories, what is the proposed date of commencement of construction, reconstruction, renovation, installation or equipping of the Project?

June 2018

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

24 Months - June 2020

PART VI. ENVIRONMENTAL IMPACT

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

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

YES ☐

NO ☒

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

- D. The Applicant authorizes the Agency to make inquiry of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation or

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

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

Name of
Applicant: Oyster Bay Gardens, LLC
Signature: *Robert C. Goldsmith*
Name: Robert C. Goldsmith
Title: Executive Director
Date: 12/14/2017

Sworn to before me this 14
day of December, 20 17

Anne Marie Solomita
Notary Public

ANNE MARIE SOLOMITA
Notary Public, State of New York
No. 01508178756
Qualified In Nassau County
Commission Expires Dec. 10, 20 19

**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? 48

If YES, the Applicant hereby certifies that:

- (a) the Applicant has adopted a Fair Housing/Equal Housing Opportunity Policy substantially in the form of Exhibit B to this Application;
- (b) the proposed Project complies with applicable fair housing laws and that eligibility criteria for housing in any part of the Project will not include any residency requirements or preferences, including durational ones, age restrictions (unless for senior housing permitted by law), or other discriminatory criteria;
- (c) the Applicant (1) has posted its Fair Housing/Equal Housing Opportunity Policy publicly; and (2) will display fair housing law posters for consumers in its rental or sales office(s), in a form substantially similar to the model fair housing posters attached to this Application as Exhibit C (the Agency will provide applicants with fair housing law posters for display upon request by an applicant); and
- (d) key employees of the Applicant in charge of marketing and rental of the Project have completed (or will complete within one year of closing) four (4) hours of fair housing training provided by Long Island Housing Services ("LIHS") at a reasonably acceptable time and location and at no additional cost to the Applicant. In the event LIHS declines to provide or make available reasonably acceptable no-cost fair housing training, the provisions of this Certification VIII(i)(d) shall cease to be of any force and effect.

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

YES ☒ NO ☐

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

If YES, answer the following questions:

- (a) What portion of the Project would consist of Affordable Housing (e.g., number of units)?
48 units of senior (36 units) and disabled (12 units)

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

Households earning less than 60% of the area median income.

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

Federal Low Income Housing Tax Credit Program.

Name of

Applicant: Oyster Bay Gardens, LLC

By: Robert C. Goldsmith

Name: Robert C. Goldsmith
Title: Executive Director

Anne Marie Solomita

ANNE MARIE SOLOMITA
Notary Public, State of New York
No. 01508178758
Qualified in Nassau County
Commission Expires Dec. 10, 2011

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

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

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

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

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

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

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

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

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

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

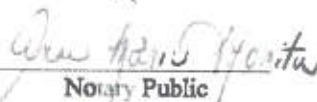
Upon the termination of the financing of the Project, Applicant agrees to pay all costs in connection with any conveyance by the Agency to the Applicant of the Agency's interest in the Project and the termination of all related Project documents, including the fees and expenses of the Agency's general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

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



Name: Robert P. Goldsmith
Title: Executive Director

Subscribed and affirmed to me this 14
day of September, 2017


Notary Public

ANNE MARIE SOLOMITA
Notary Public, State of New York
No. 01508178756
Qualified in Nassau County
Commission Expires Dec. 10, 2019

TABLE OF SCHEDULES:

| <u>Schedule</u> | <u>Title</u> | <u>Complete as Indicated Below</u> |
|-----------------|---|---|
| A. | Tax-Exempt Bond Manufacturing Questionnaire | If Applicant checked "YES" in Part I, Question H of Application, if applicable[[|
| B. | New York State Financial and Employment Requirements for Industrial Development Agencies | All applicants |
| C. | Guidelines for Access to Employment Opportunities | All applicants |
| D. | Anti-Raiding Questionnaire | If Applicant checked "YES" in Part I, Question O.2. of Application |
| E. | Retail Questionnaire | If Applicant checked "YES" in Part II, Question Q of Application |
| F. | Applicant's Financial Attachments, consisting of: | All applicants |
| | <ol style="list-style-type: none"> 1. Applicant's financial statements for the last two fiscal years (unless included in Applicant's annual reports). 2. Applicant's annual reports (or Form 10-K's) for the two most recent fiscal years. 3. Applicant's quarterly reports (Form 10-Q's) and current reports (Form 8-K's) since the most recent Annual Report, if any. 4. In addition, attach the financial information described above in items F1, F2, and F3 of any anticipated Guarantor of the proposed transaction, if different than the Applicant, including the personal financial statement of any anticipated Guarantor that is a natural person. | |
| G. | Environmental Assessment Form | All applicants |
| H. | Form NYS-45 (and 45-ATT) | All applicants |
| I. | Other Attachments | As required |

NOT APPLICABLE

Schedule A

TAX-EXEMPT BOND MANUFACTURING QUESTIONNAIRE

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

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

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

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

| <u>FUNCTION</u> | <u>LOCATION</u> | <u>SQ. FOOTAGE</u> |
|-----------------|-----------------|--------------------|
| <hr/> | <hr/> | <hr/> |
| <hr/> | <hr/> | <hr/> |
| <hr/> | <hr/> | <hr/> |

TOTAL

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

| <u>FUNCTION</u> | <u>LOCATION</u> | <u>SQ. FOOTAGE</u> |
|-----------------|-----------------|--------------------|
| <hr/> | <hr/> | <hr/> |
| <hr/> | <hr/> | <hr/> |
| <hr/> | <hr/> | <hr/> |

TOTAL

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

SQ. FOOTAGE**LOCATION**

Raw Materials used
for production of
manufactured goods

Finished product storage

Component parts of
goods manufactured at
the facility

Purchased component
parts

Other (specify)

TOTAL

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

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

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

Name of
Applicant:

Signature:

Name:

Title:

Date:

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

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

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

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

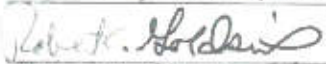
Name, address and owner of the project; total amount of tax exemptions granted (broken out by state and local sales tax, property taxes, and mortgage recording tax); payments in lieu of taxes made; total real estate taxes on the Project prior to exemption; number of jobs created and retained, and other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

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

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

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

Name of
Applicant: Oyster Bay Gardens, LLC

Signature: 

Name: Robert C. Goldsmith

Title: Executive Director

Date: 12/11/2017



ANNE MARIE SOLOMITA
Notary Public, State of New York
No. 01506178756
Qualified in Nassau County
Commission Expires Dec. 10, 2019

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

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

Applicant Name: Oyster Bay Gardens, LLC
 Address: 807 South Oyster Bay Road
 Type of Business: Multifamily Housing
 Contact Person: Robert Goldsmith Tel. No.: (516) 822-0028
x-142

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

| <u>Current and Planned Occupations</u> | <u>Present Jobs Per Occupation</u> | <u>Estimated Number of Full Time Equivalent Jobs After Completion of the Project:⁴</u> | | | <u>Estimate of Number of Residents of the LMA⁵ that would fill such jobs by the third year</u> |
|--|--|---|----------------|----------------|---|
| | | <u>1 year</u> | <u>2 years</u> | <u>3 years</u> | |
| <u>Management</u> | <u>0</u> | <u>1</u> | <u>1</u> | <u>1</u> | <u> </u> |
| <u>Professional</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>Administrative</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>Production</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>Supervisor</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>Laborer</u> | <u>0</u> | <u>1.25</u> | <u>1.25</u> | <u>1.25</u> | <u> </u> |
| <u>Independent Contractor</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>Other (describe)</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |

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

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

Please indicate the number of temporary construction jobs anticipated to be created in connection with the acquisition, construction and/or renovation of the Project: 117 (as calculated by NYSHFA)

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

On or about June 2018. Contractor is subject to HFA MBE/WBE hiring requirements

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

YES

NO ✓

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/bond 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 as Schedule H 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 and 45-ATT). 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:

Oyster Bay Gardens, LLC

Signature: _____

Name:

Title:

Date:

Robert C. Holden

Robert C. Gould Smith

Executive Director

| | | |
|----|----|----|
| 12 | 14 | 20 |
|----|----|----|

NOT APPLICABLE

Schedule D

ANTI-RAIDING QUESTIONNAIRE

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

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

YES ____

NO ____

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

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

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

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

YES ____

NO ____

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

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

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

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

YES ____

NO ____

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

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

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

YES ____

NO ____

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

YES ____

NO ____

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

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

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

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

Name of
Applicant:

Signature:

Name:

Title:

Date:

NOT APPLICABLE

Schedule E

RETAIL QUESTIONNAIRE

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

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

YES ____

NO ____

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

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

____ %

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

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

YES ____

NO ____

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

YES ____

NO ____

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

YES ____

NO ____

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

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

YES _____

NO _____

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

Retail Sales: _____%

Services: _____%

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

Retail Sales: _____%

Services: _____%

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

Name of
Applicant:

Signature:

Name:

Title:

Date:

APPLICANT'S FINANCIAL ATTACHMENTS

ENVIRONMENTAL ASSESSMENT FORM

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Sponsor Information.

| | | |
|--|-----------------|--|
| Name of Action or Project: ACLD 48-Unit Congregate Care Facility | | |
| Project Location (describe, and attach a general location map): 857 South Oyster Bay Road, Bethpage NY 11714 | | |
| Brief Description of Proposed Action (include purpose or need): Construction of new 3-story, 48 Unit Congregate Care Facility | | |
| Name of Applicant/Sponsor: ACLD | | Telephone: (516) 822-0028 |
| | | E-Mail: murphym@acld.org |
| Address: 807 South Oyster Bay Road | | |
| City/PO: Bethpage | State: New York | Zip Code: 11714 |
| Project Contact (if not same as sponsor, give name and title/role): RMS Engineering, Christopher W. Robinson, PE | | Telephone: (631) 271-0576 |
| | | E-Mail: cwr@rmsengineering.com |
| Address: 355 New York Avenue | | |
| City/PO: Huntington | State: New York | Zip Code: 11743 |
| Property Owner (if not same as sponsor): ACLD of Bethpage | | Telephone: (516) 822-0028 |
| | | E-Mail: |
| Address: 807 South Oyster Bay Road | | |
| City/PO: Bethpage | State: New York | Zip Code: 11714 |

B. Government Approvals

| B. Government Approvals Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.) | | |
|---|--|--|
| Government Entity | If Yes: Identify Agency and Approval(s) Required | Application Date (Actual or projected) |
| a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees | Town Board Site Plan Review + Special Use Permit | May 2016 |
| b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | PAB - Amended Parking Easement | Pending |
| c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Bethpage Water (RPZ) NCDPW Sewer Connection | May 2016 |
| e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | NCDPW 239F | Pending Site Plan Review |
| f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |

C. Planning and Zoning

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

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

D. Project Details

| | |
|---|-------------------|
| D.1. Proposed and Potential Development | |
| a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? <u>New Congregate Care Facility - LI Light Industrial</u> | |
| b. a. Total acreage of the site of the proposed action? | <u>3.66</u> acres |
| b. Total acreage to be physically disturbed? | <u>.45</u> acres |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | <u>8.69</u> acres |
| c. Is the proposed action an expansion of an existing project or use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % <u>150</u> Units: <u>3 Story 48 Unit Care Facil.</u> | |
| d. Is the proposed action a subdivision, or does it include a subdivision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____ | |
| ii. Is a cluster/conservation layout proposed? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| iii. Number of lots proposed? _____ | |
| iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____ | |
| e. Will proposed action be constructed in multiple phases? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| i. If No, anticipated period of construction: <u>12</u> months | |
| ii. If Yes: | |
| • Total number of phases anticipated _____ | |
| • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year | |
| • Anticipated completion date of final phase _____ month _____ year | |
| • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ | |

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

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

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

D.2. Project Operations

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

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

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

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

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

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

v. Describe any proposed reclamation/mitigation following disturbance: _____

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

i. Total anticipated water usage/demand per day: _____ 13,200 gallons/day

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

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

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

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

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

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

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

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

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

i. Total anticipated liquid waste generation per day: _____ 13,200 gallons/day

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

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

- Name of wastewater treatment plant to be used: Nassau County Sewer District
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

| | |
|--|--|
| <ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will line extension within an existing district be necessary to serve the project? If Yes: <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____ If Yes: <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ | |
| v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____ _____ | |
| vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____ | |
| e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____ • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ | |
| iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) | |
| g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ii. In addition to emissions as calculated in the application, the project will generate: | |
| <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) | |

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

If Yes:

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

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

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

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

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

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☒ Evening ☐ Weekend
☒ Randomly between hours of 4 to 6.

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

iii. Parking spaces: Existing 183 Proposed 183 Net increase/decrease 0

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

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:
Parking lot and site entrances are existing and no modifications are proposed.

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

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

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

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

If Yes:

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

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

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

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

i. During Construction:

- Monday - Friday: 7 am to 5 pm
- Saturday: Town Permitting
- Sunday: No construction permitted
- Holidays: No construction permitted

ii. During Operations:

- Monday - Friday: 24 hours - congregate living facility
- Saturday: _____
- Sunday: _____
- Holidays: _____

| | |
|--|--|
| <p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> | |
| <p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> | |
| <p>n.. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p><u>Ballard light at entrance and relocating existing light pole</u></p> | |
| <p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p> | |
| <p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p>_____</p> | |
| <p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p> | |
| <p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> | |
| <p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> | |
| <p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: <u>construction material</u> tons per _____ (unit of time) • Operation : <u>26.28</u> tons per <u>Year</u> (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: <u>Recycled paper/plastic</u> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: <u>Dumpster</u> • Operation: <u>Dumpster</u> | |

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

| Land use or Covertypes | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|--|-----------------|----------------------------------|--------------------|
| • Roads, buildings, and other paved or impervious surfaces | 2.23 | 2.68 | +/- 0.45 |
| • Forested | | | |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | | | |
| • Agricultural (includes active orchards, field, greenhouse etc.) | | | |
| • Surface water features (lakes, ponds, streams, rivers, etc.) | | | |
| • Wetlands (freshwater or tidal) | | | |
| • Non-vegetated (bare rock, earth or fill) | | | |
| • Other Describe: <u>Lawn/Landscape</u> | 1.43 | 0.98 | -0.45 |

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
 i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☒ Yes ☐ No
 If Yes,
 i. Identify Facilities:
ACLD (project site and adjacent property to the North)

e. Does the project site contain an existing dam? ☐ Yes ☒ No
 If Yes:
 i. Dimensions of the dam and impoundment:
 • Dam height: _____ feet
 • Dam length: _____ feet
 • Surface area: _____ acres
 • Volume impounded: _____ gallons OR acre-feet
 ii. Dam's existing hazard classification: _____
 iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
 If Yes:
 i. Has the facility been formally closed? ☐ Yes ☐ No
 • If yes, cite sources/documentation: _____
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
 iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
 If Yes:
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☒ Yes ☐ No
 If Yes:
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☒ Yes ☐ No
☒ Yes – Spills Incidents database Provide DEC ID number(s): Spill #0425194 (record closed 11/19/14)
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
 ii. If site has been subject of RCRA corrective activities, describe control measures: _____
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No
 If yes, provide DEC ID number(s): 130003 & 130004
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
130003 - RCRA Program Class A (Status Unknown)
130004 - State Superfund Program Class 2 (EPA preliminary Close-out report issued February 2016)

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ N/A feet

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

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

| | |
|--------------------------|------|
| HE - Hempstead Silt Loam | 84 % |
| UG - Urban Land | 16 % |
| | % |

d. What is the average depth to the water table on the project site? Average: _____ 60 feet

e. Drainage status of project site soils: ☒ Well Drained: _____ 100 % of site
☐ Moderately Well Drained: _____ % of site
☐ Poorly Drained: _____ % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: _____ 100 % of site
☐ 10-15%: _____ % of site
☐ 15% or greater: _____ % of site

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☒ No

If Yes to either i or ii, continue. If No, skip to E.2.i.

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

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

| | | |
|-------------------------------------|------------|------------------------|
| • Streams: | Name _____ | Classification _____ |
| • Lakes or Ponds: | Name _____ | Classification _____ |
| • Wetlands: | Name _____ | Approximate Size _____ |
| • Wetland No. (if regulated by DEC) | _____ | |

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

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

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

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

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☒ Yes ☐ No
If Yes:
i. Name of aquifer: The Upper Glacial, the Magothy and the Lloyd Aquifer

| | |
|--|--|
| m. Identify the predominant wildlife species that occupy or use the project site: Rodents/Birds _____ _____ _____ | |
| n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres | |
| o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____ | |
| E.3. Designated Public Resources On or Near Project Site | |
| a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____ | |
| b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____ | |
| c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____ | |
| d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____ | |

| | |
|---|---|
| e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes: | |
| i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District | |
| ii. Name: _____ | |
| iii. Brief description of attributes on which listing is based: _____ | |
| f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| g. Have additional archaeological or historic site(s) or resources been identified on the project site? | |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| If Yes: | |
| i. Describe possible resource(s): _____ | |
| ii. Basis for identification: _____ | |
| h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? | |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| If Yes: | |
| i. Identify resource: Mutton Town Preserve, Gwynne Park, Bethpage State Park, West Hills County Park | |
| ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Preserves, State & County Parks | |
| iii. Distance between project and resource: _____ In excess of 1.5 _____ miles. | |
| i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? | |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| If Yes: | |
| i. Identify the name of the river and its designation: _____ | |
| ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | |

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name Christopher W. Robinson, PE Date May 18, 2016

Signature  Title PRESIDENT/CEO RMS ENGINEERING



Town of Oyster Bay
Short Environmental Assessment Form
ADDENDUM

Town of Oyster Bay Department of Environmental Resources
150 Miller Place
Syosset, New York 11791

TO BE COMPLETED BY TOWN

FEE PAID _____

DATE _____

RECEIPT # _____

INSTRUCTIONS: This document is an Addendum to be used for any proposed development project in the Town of Oyster Bay for which the New York State Short Environmental Assessment Form (SEAF, effective October 7, 2013; see the New York State Department of Environmental Conservation web site at <http://www.dec.ny.gov/permits/6191.html>) is completed pursuant to the State Environmental Quality Review Act (SEQRA). Answers to the questions below, along with the information provided in the completed SEAF and other documents submitted to the Town in connection with the proposed action, will be considered as part of the application for approval and may be subject to further verification and public review. Please feel free to provide any additional information you believe will be helpful to understanding the proposed action and its potential impacts on the environment. Based on the Town's review of the SEAF and this Addendum, additional information may be requested.

It is expected that completion of this SEAF Addendum will be dependent on information currently available and readily accessible, and will not involve detailed studies or investigations. If the requested information is not available, so indicate and specify each instance. If a particular question is not applicable to the proposed action, respond "N.A." The impact analysis for the proposed action generally should be based on comparison to existing conditions; one notable exception is when approval (e.g., special use permit) is being sought to legalize an existing condition, in which case the analysis should be based on comparison to a permitted principal ("as-of-right") use at the project location.

Please enclose a check or money order in the amount of \$100.00 for the requisite review fee, made payable to "Supervisor, Town of Oyster Bay", and remit with the completed SEAF Addendum to the address specified above (along with the completed New York State SEAF, if not already submitted). Depending on the type of project and level of review required, additional fees may apply.

If you have any questions, need assistance in completing this form, or would like to obtain an electronic version of this form, please contact the Department of Environmental Resources at (516) 677-5824, between 9:00 a.m. and 4:45 p.m. on Town of Oyster Bay business days.

| | | | |
|--|-----------------|---|--------------------------|
| NAME OF PROPOSED ACTION/PROJECT: ACLD 48-Unit Congregate Care Facility (857 South Oyster Bay Road, Bethpage) | | | |
| LOCATION OF PROPOSED ACTION/PROJECT (Nassau County Tax Map Designation) | | | |
| SECTION: 46 | BLOCK: G | LOT(S): 66 | |
| NAME OF PROPERTY OWNER (If different from Applicant/Sponsor identified on SEAF) ACLD | | BUSINESS TELEPHONE (516) 822-0028 | |
| ADDRESS 807 South Oyster Bay Road | | | |
| CITY/ POST OFFICE Bethpage | | STATE NY | ZIP CODE 11714 |
| NAME OF LEGAL REPRESENTATIVE Judy Simonolo, Forcetti Curto | | BUSINESS TELEPHONE (516) 248-1700 | |
| ADDRESS 3333 Earle Ovington Boulevard | | | |
| CITY/POST OFFICE Uniondale | | STATE NY | ZIP CODE 11553 |

A. Site Description

1. Previous use(s) of the site of the proposed action (back to the time when the site was first developed, if known):

The site is currently developed by Clinical Office building and a small Nursing Home building constructed in 2012, prior to that the land was vacant.
The area where the 48-unit is going to be developed is currently vacant

NOTE: A Phase I Environmental Site Assessment or equivalent information regarding on-site conditions typically will be requested for any property which currently contains or previously contained a facility or use (e.g., gasoline service station, motor vehicle repair shop, manufacturing plant, etc.) entailing the generation, storage or use of significant quantities of hazardous substances or wastes.

2. Approximate Acreages

| | Without Proposed Action | After Completion |
|---|-------------------------|------------------|
| Forested | _____ acres | _____ acres |
| Meadow or Brushland | _____ acres | _____ acres |
| Freshwater Wetland | _____ acres | _____ acres |
| Tidal Wetland | _____ acres | _____ acres |
| Unvegetated (rock, earth or fill) | _____ acres | _____ acres |
| Roads, Buildings and Other Paved Surfaces | 2.23 acres | 2.68 acres |
| Turf Grasses | _____ acres | _____ acres |
| Other Landscaping Vegetation | _____ acres | _____ acres |
| Other (indicate type) | 1.43 acres | 0.98 acres |

B. Description of Proposed Action

1. On-site parking capacity for the overall site (i.e., marked parking stalls):

| | |
|-----|--|
| 200 | # of existing spaces |
| 200 | # of proposed spaces (separately indicate # of land-banked spaces, if any) |
| 183 | # of spaces required for proposed condition under Town of Oyster Bay Zoning Code |

2. Estimated maximum increase in site-generated traffic (entering + exiting trips combined) during peak one-hour periods under proposed action:

| | Peak-hour two-way traffic volume | Peak-hour period (start time-end time) |
|------------------------------------|----------------------------------|--|
| Weekday morning | 7 | approx. 8-9 am |
| Weekday afternoon | 10 | approx. 5-6 pm |
| Weekend (usually Saturday mid-day) | N/A | |

Identify source of vehicular trip generation information (e.g., *Trip Generation* manual published by Institute of Transportation Engineers [specify the edition and Land Use Codes employed], actual counts [include date of counts and who conducted them], etc.).

3. Total volume of excavation to occur on-site under proposed action: +/- 3,500 cubic yards
 Purpose of excavation (e.g., basement, drainage structures, etc.): Basement/Utilities etc.
 Total volume of fill to be imported to site under proposed action: 0 cubic yards

4. Does the site of the proposed action contain slopes with gradient steeper than 25%? ☐ Yes ☒ No
 a. If yes, what is the area with slopes greater than 25% that would be disturbed under proposed action? _____ acres
 b. If yes, what measures will be implemented to mitigate erosion and sediment transport?

5. Describe any vegetation to be removed under proposed action, particularly any trees with diameter greater than 8 inches (measured 4 feet above grade).
N/A

6. Is the site of the proposed action located in the Special Groundwater Protection Area? ☐ Yes ☒ No
 If yes, refer to Section 246-5.4.7 of Oyster Bay Town Code, Aquifer Protection Overlay (APO) District, and provide the following information:

- a. Proposed Disturbance of Natural Vegetation _____ sq. feet Maximum Permitted Disturbance of Natural Vegetation (§246-5.4.7.3.1) _____ sq. feet
 b. Proposed Lot Coverage _____ sq. feet Maximum Permitted Lot Coverage (§246-5.4.7.3.2) _____ sq. feet

- c. Describe proposed action's consistency with the best management practices and other standards set forth in §246-5.4.7.3.3 through §246-5.4.7.3.8:

7. Does the site of the proposed action contain a local historic resource as designated by the Town of Oyster Bay? ☐ Yes ☒ No
 a. If yes, explain/describe:

8. Will the proposed action increase average daily water consumption on the subject property (domestic use and irrigation combined)? ☒ Yes ☐ No

- a. If yes, what will be the increase in daily average water consumption on the subject property due to the proposed action? 13,200 gallons/day

- b. If yes, indicate the source of this information (e.g., actual recorded water use, standard rate [specify reference and unit rate], etc.)

Proposed usage was calculated based upon NC on-site sewage disposal manual (275 gal/day/unit x 48 units)

9. Will the proposed action provide increased on-site stormwater storage capacity (e.g., through additional drywells or similar structures) as compared to the existing condition? ☒ Yes ☐ No
- a. What will be the capacity of the on-site drainage system under the proposed action, in terms of the design storm event expressed in inches of rainfall? 5 inches

10. Sanitary waste disposal method (e.g., on-site septic system, municipal sewer system, none, etc.):
- | | |
|--------------------------------|--------------------|
| <u>municipal sewer - NCDPW</u> | existing condition |
| <u>municipal sewer - NCDPW</u> | proposed action |

11. Will the proposed action increase the rate of solid waste generation on the subject property? ☒ Yes ☐ No
- a. If yes, what will be the increase in monthly average solid waste generation? 2.88 tons/month
- b. Indicate the source of this information (e.g., existing data [identify specifically, such as applicant's existing facilities], standard rates [with specific reference citation], etc.)
- Source: Environmental Engineering and Sanitation 3rd Edition

12. Describe any hazardous or infectious materials or wastes (e.g., petroleum products, chemicals, medical wastes, etc.) that would be generated, used, stored or processed at the site under the proposed action, and measures (e.g., procedures, protocols, equipment, etc.) that will be implemented to protect the environment from spills, leakage and other incidents.
- No medical waste will be generated from the development

13. If the proposed action involves a non-residential (commercial, industrial, etc.) use, what are the proposed days and hours of operation?
- 48 Unit Congregate Care Facility (24 hours operational)

14. If the proposed action is a non-residential (commercial, industrial, etc.) use on a site which is adjacent to residential uses, describe any measures that will be implemented to minimize potential impacts to the neighboring residences (e.g., screening and buffering, noise-abatement measures, odor-control systems for restaurant kitchen exhaust, litter collection, etc.).
- N/A

15. Is the proposed action part of a larger development plan or a plan that includes future phases? ☐ Yes ☒ No
- a. If yes, briefly describe the overall plan (e.g., total number of phases, location and size of land parcels involved, planned uses and/or facilities in future phases, schedule for completion, etc.).

C. Verification

I certify that the information provided in this EAF Addendum is true and accurate to the best of my knowledge.

Christopher W. Robinson, PE

print name of preparer
RMS Engineering

company name, if applicable
Huntington

city/post office
(631) 271-0576

NY
state

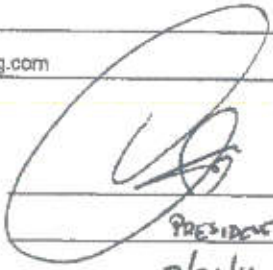
11743
zip code

telephone
cwr@rmsengineering.com
email address

PREPARER'S
SIGNATURE:

TITLE:

DATE:


PRESIDENT
7/21/16

FORM NYS-45

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

OTHER ATTACHMENTS

EXHIBIT A

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

EXHIBIT B

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

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

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

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

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

EXHIBIT C

Sample Fair Housing Posters

U. S. Department of Housing and Urban Development



**EQUAL HOUSING
OPPORTUNITY**

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

(The Fair Housing Amendments Act of 1988)

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

- | | |
|--|--|
| <input 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)

1-800-927-6225 (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 are available from HUD.

U.S. GPO: 1995-111-9-8-1 680461-17

HOUSING
DISCRIMINATION IS
SOMETIMES BLATANT,
SOMETIMES
BUT ALWAYS UNLAWFUL.



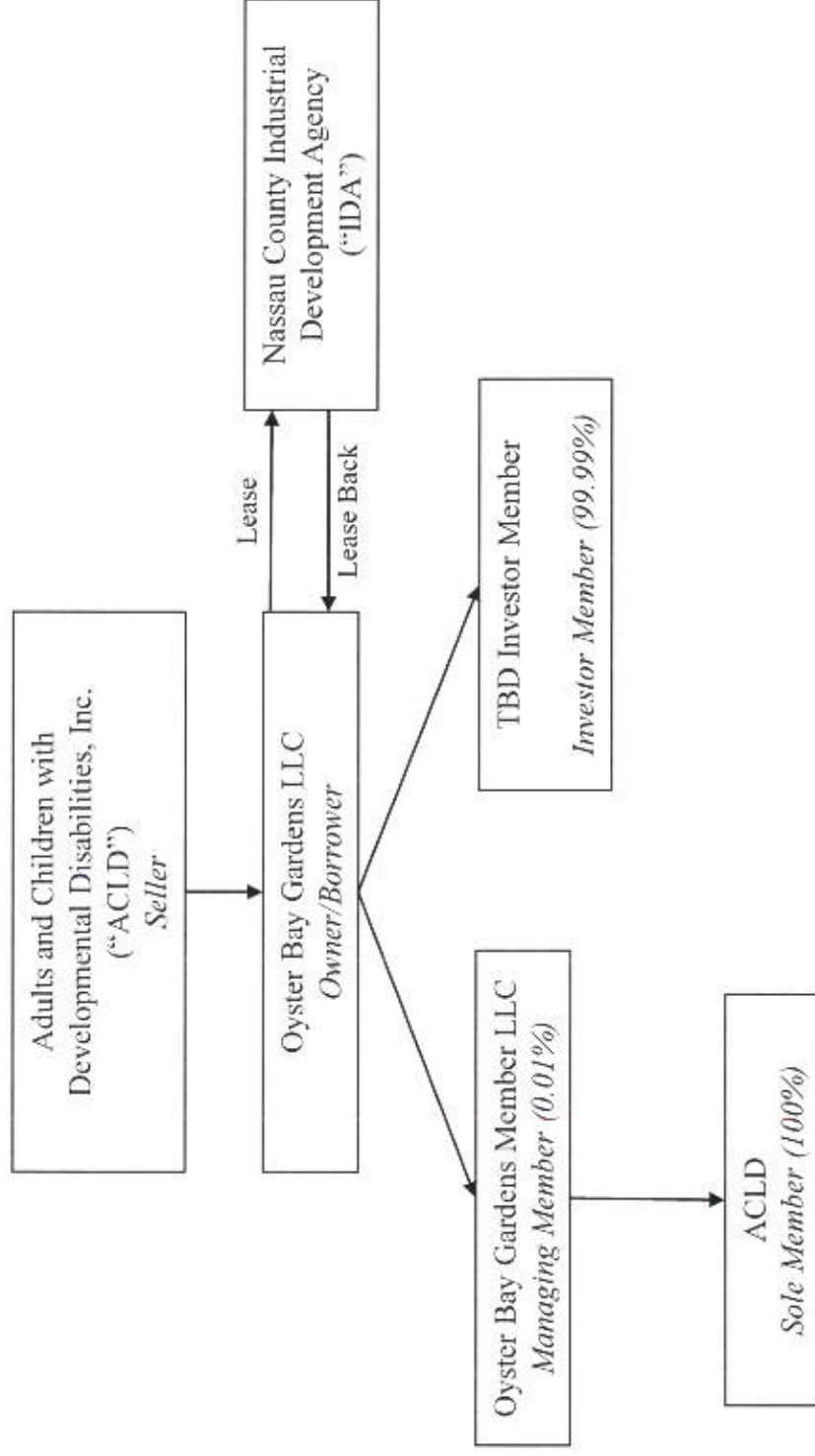
EXHIBIT D

Requirements for Affirmative Marketing Plans for Housing Projects

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

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

Oyster Bay Gardens Ownership Organizational Chart



Oyster Bay Gardens Developer Organizational Chart

