

**NASSAU COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY**

**APPLICATION FOR FINANCIAL ASSISTANCE**

**APPLICATION OF:**

281-301 Warner Ave LLC

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**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 \$1,500 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 \$4,500 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.

3/30/2021  
DATE

**PART I. APPLICANT**

**A. APPLICANT FOR FINANCIAL ASSISTANCE:**

Name: 281-301 Warner Ave LLC

Address: 1044 Northern Blvd, 303, Roslyn NY 11576

Fax: 516 224 7259

NY State Dept. of  
Labor Reg #: \_\_\_\_\_ Federal Employer ID #:                     

NAICS Code #: 5311

Website: NA

Name of CEO or  
Authorized Representative Certifying Application: Jerry Karlik

Title of Officer: Managing Member

Phone Number: 516 622 7500 E-Mail: jerry@jkequities.com

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

Sole Proprietorship ☐ General Partnership ☐ Limited Partnership ☐

Limited Liability Company ☒ Privately Held Corporation ☐

Publicly Held Corporation ☐ Exchange listed on                                     

Not-for-Profit Corporation ☐

Income taxed as: Subchapter S ☐ Subchapter C ☐

501(c)(3) Corporation ☐ Partnership ☐

New York, 2018

State and Year of Incorporation/Organization:                                     

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

**C. APPLICANT COUNSEL:**

Firm name: Rusin Moscou Faltischek PC

Address: 1425 RXR Plaza, East Tower, Floor 15, Uniondale, NY 11556-1425

Primary Michael Faltischek

Contact: \_\_\_\_\_

Phone: 516 663 6550

Fax: 516 663 6750

E-Mail: [mfaltischek@rmfpc.com](mailto:mfaltischek@rmfpc.com)

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

Name	Percentage owned
Century Warner LLC	<div><div></div></div> %
Warner Ave Equity Partners, LLC	<div><div></div></div> %
	<div><div></div></div> %

- 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:

NA

- 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  X

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

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

N/A

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

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

YES \_\_\_\_\_

NO  X

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

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

YES \_\_\_\_\_

NO  X

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

YES \_\_\_\_\_

NO  X

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

YES \_\_\_\_\_

NO   X  

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

YES \_\_\_\_\_

NO   X  

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

YES \_\_\_\_\_

NO   X  

- 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>
Jerry Karlik	Managing Member	_____
Richard Barry	Member	_____
_____	_____	_____
_____	_____	_____

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   X

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

YES \_\_\_\_\_

NO X

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

1. (a) Location: 281-301 Warner Avenue, Roslyn, NY 11577  
(b) Number of Employees: Full-Time: 0 Part-Time: 0  
(c) Annual Payroll, excluding benefits: N/A  
(d) Type of operation (e.g. manufacturing, wholesale, distribution, retail, etc.)  
and products or services: Unoccupied retail  
(e) Size of existing facility real property  
(i.e., acreage of land): 39,000 SF  
(f) Buildings (number and square footage of each): 16,000 SF  
(g) Applicant's interest in the facility

FEE TITLE: X LEASE: \_\_\_\_\_ OTHER (describe below): \_\_\_\_\_

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

YES \_\_\_\_\_

NO X

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

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

YES \_\_\_\_\_

NO   X  

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

YES \_\_\_\_\_

NO   X  

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

YES \_\_\_\_\_

NO   X  

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

YES \_\_\_\_\_

NO   X  

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

Real Estate Development

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

Name:   NA  

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



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

## PART II. PROPOSED PROJECT

A. Types of Financial Assistance Requested:

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

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

- ☒ New Construction of a Facility  
Square footage: Approx. 109,000 SF
- ☐ Addition to Existing Facility  
Square footage of existing facility: \_\_\_\_\_  
Square footage of addition: \_\_\_\_\_
- ☐ Renovation of Existing Facility  
Square footage of area renovated: \_\_\_\_\_  
Square footage of existing facility: \_\_\_\_\_
- ☐ Acquisition of Land/Building  
Acreage/square footage of land: \_\_\_\_\_  
Square footage of building: \_\_\_\_\_
- ☒ Acquisition of Furniture/Machinery/Equipment  
List principal items or categories:  
All Equipment and Machinery required for the construction  
of a Class A Residential Building
- ☐ 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:

To construct a transit-oriented mixed use development containing 54 residential units and 6,600 SF of commercial space located adjacent to the LIRR Roslyn Train Station. Agency incentives are required to make this project economically feasible.

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

YES X

NO       

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

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

Without the financial assistance offered through the Agency, construction of the proposed complex will not be economically feasible and Applicant would be unable to proceed with the project.

- F. Location of Project:

Street Address: 281-301 Warner Avenue

City/Village(s): Village of Roslyn

Town(s): North Hempstead

School District(s): Roslyn

Tax Map Section: 7 Block: F Lot: 636

Census Tract Number: 63770

- G. Present use of the Project site: Vacant Retail Center.

- 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: \$ 36,960  
School: \$ 80,447  
Village: \$ 15,559

- (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 X

NO     

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

Applicant

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

Provide multi-family rental housing and commercial rental space

- 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:

The commercial space will be leased to retail users.

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

N/A

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

YES X

NO     

1. Describe present zoning/land use: TMU Transit-Oriented Mixed Use District ("TMU")
2. Describe required zoning/land use, if different: TMU with Incentive Bonuses
3. If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements:

Applicant received approval from Village of Roslyn for Incentive Bonuses to increase density, as permitted via the Village Code.

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

YES \_\_\_\_\_ NO X

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

YES X NO \_\_\_\_\_

If YES, indicate:

- (a) Date of purchase: 7/26/18  
(b) Purchase price: \$ \$4.2 MM  
(c) Balance of existing mortgage, if any: \$ NA  
(d) Name of mortgage holder: NA  
(e) Special conditions: NA

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

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

YES \_\_\_\_\_ NO X

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

- (a) Date signed: \_\_\_\_\_  
(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 X NO \_\_\_\_\_ Sales of Services: YES X 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):

Roslyn is an affluent, homogenous community situated on the North Shore of Nassau County. The overwhelming majority of its residents own single family homes. The Project will have a significant positive effect on the community by offering more diverse housing options. These units will allow those that can not afford single family homes to live in a community like Roslyn and have access to its public and private amenities. The Project will not have a significant impact on infrastructure, transportation, fire and police and other government-provided services. Furthermore, this Project will help revitalize a "forgotten" part of the community.

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

Architect: Mojo Stumer Architects

Engineer: Civil: NorthCoast Civil; Structural: SDG Engineering PC; Design/Build: Thomas A. Gilberson & Associates Inc.

Contractors: Consigli

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

The Project will not be LEED certified, however, it will be built to include green features, such as central HVAC systems, LED lighting, low flow fixtures, etc.

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

YES X NO \_\_\_\_\_

The project site is enrolled in the NYSDEC Brownfield Cleanup Program (BCP), designated as site C130238. Historically, a dry cleaner operated at the site, which impacted the subsurface (soil and soil vapor) with chlorinated solvents. As part of redevelopment, the project site will be remediated by mass soil removal, but a final remedy has yet to be determined. The final remediation plan will be described in a Remedial Action Work Plan, which will be reviewed and approved by NYSDEC.

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

YES X NO \_\_\_\_\_

Multi-family rental housing

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

YES \_\_\_\_\_

NO X

### PART III. CAPITAL COSTS OF THE PROJECT

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

	<u>Item</u>	<u>Cost</u>
1.	Land and/or Building Acquisition	\$ _____
2.	Building Demolition	\$ <u>Included in #3</u>
3.	Construction/Reconstruction/Renovation	\$ <u>24,500,000</u>
4.	Site Work	\$ <u>Included in #3</u>
5.	Infrastructure Work	\$ <u>Included in #3</u>
6.	Architectural/Engineering Fees	\$ <u>990,000</u>
7.	Applicant's Legal Fees	\$ <u>495,000</u>
8.	Financial Fees	\$ <u>3,745,568</u>
9.	Other Professional Fees	\$ <u>275,000</u>
10.	Furniture, Equipment & Machinery Acquisition (not included in 3. above)	\$ <u>50,000</u>
11.	Other Soft Costs (describe)	\$ <u>10,059,481*</u>
12.	Other (describe)	\$ _____
	Total	\$ <u>40,115,049</u>

\*Includes all marketing costs, developer fees, insurance, survey, general overhead/expenses, etc.

- B. Estimated Sources of Funds for Project Costs:

a.	Tax-Exempt IDA Bonds:	\$ _____
b.	Taxable IDA Bonds:	\$ _____
c.	Conventional Mortgage Loans:	\$ <u>24,828,415</u>
d.	SBA or other Governmental Financing:	\$ _____
	Identify: _____	
e.	Other Public Sources (e.g., grants, tax credits):	\$ _____
	Identify: _____	

- f. Other Loans: \$ \_\_\_\_\_  
g. Equity Investment: \$ 15,286,634 (includes potential sub-financing)  
(excluding equity attributable to grants/tax credits)

TOTAL \$ 40,115,049

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

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

YES \_\_\_\_\_ NO X

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

YES \_\_\_\_\_ NO \_\_\_\_\_ NOT APPLICABLE X

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

YES \_\_\_\_\_ NO \_\_\_\_\_ NOT APPLICABLE X

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

YES \_\_\_\_\_ NO \_\_\_\_\_ NOT APPLICABLE X



- G. Construction Cost Breakdown:
- Total Cost of Construction: \$ 24,050,000 (sum of 2-5 and 10 in Question A above)
- Cost for materials: \$ 10,100,000
- % Sourced in County: 10 %
- % Sourced in State: 10 % (incl. County)
- Cost for labor: \$ 14,400,000
- % Sourced in County: 75 %
- % Sourced in State: 95 % (incl. County)
- Cost for "other": \$ 50,000
- % Sourced in County: 50 %
- % Sourced in County: 50 % (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:

	Present	First Year	Second Year	Third Year
Full-time:	\$ na	\$ 88,000	\$ 90,000	\$ 92,500
Part-time: <sup>1</sup>				

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:

Category of Jobs to be Retained:	Average Salary or Range of Salary:	Average Fringe Benefits or Range of Fringe Benefits
Management		
Professional		
Administrative		
Production		
Supervisor		
Laborer		

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

Independent Contractor <sup>2</sup>		
Other		

<u>Category of Jobs to be Created:</u>	<u>Average Salary or Range of Salary:</u>	<u>Average Fringe Benefits or Range of Fringe Benefits</u>
Management		
Professional		
Administrative		
Production		
Supervisor		
Laborer (Building Superintendent)	\$88,000-\$92,500	
Independent Contractor <sup>3</sup>		
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 X

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

Approx. 160 over the course of construction

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

<sup>3</sup> 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):

Project will require permit fees of approximately \$100,000 and utility impact/tap fees of approximately \$50,000.

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

	<u>Amount</u>	<u>% Sourced in County</u>	<u>% Sourced in State</u>
Year 1	\$ <u>N/A</u>	<u>                    </u>	<u>                    </u>
Year 2	\$ <u>N/A</u>	<u>                    </u>	<u>                    </u>
Year 3	\$ <u>N/A</u>	<u>                    </u>	<u>                    </u>

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

The Project will provide high quality housing to new residents that will shop locally and support the local economy. It will also aid in the retention of current residents, many of whom may otherwise move elsewhere to find a more affordable cost of living. Younger residents may start families in the area, while older ones may find the project offers an affordable alternative to relocating to other states or counties. While it is difficult to determine the exact level of economic impact these residents will have, the project surely will provide a substantial economic stimulus.

- F. Estimated Value of Requested Financial Assistance:

Estimated Value of Sales Tax Benefit: \$ 875,437.50  
 (i.e., gross amount of cost of goods and services  
 that are subject to state and local sales and use taxes  
 multiplied by 8.625%)

Estimated Value of Mortgage Tax Benefit: \$ 186,213.11  
(i.e., principal amount of mortgage loans  
multiplied by [0.75%])

Estimated Property Tax Benefit:

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

Term of PILOT Requested: 18-20 Years (5 Year Freeze with gradual annual increases for duration of term)

Existing Property Taxes on Land and Building: \$ 132,966

Estimated Property Taxes on completed Project: \$ 600,000-800,000  
(without Agency financial assistance)

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

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

Municipal permitting fees are estimated at \$150,000

As a condition of Village approval, Applicant will contribute to the Village of Roslyn the sum of  
\$540,000.00 within 30 days of issuance of building permits.

#### PART V. PROJECT SCHEDULE

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

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

- (e) Steel YES ☐ 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?

Q3 of 2021

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

Approximately 18 months following commencement of construction

#### PART VI. ENVIRONMENTAL IMPACT

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

Environmental Assessment Form is attached.

- 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.

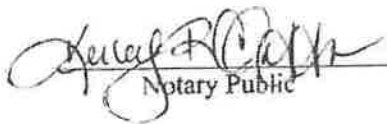
- D. The Applicant authorizes the Agency to make inquiry of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation or

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: 281-301 Warner Ave LLC  
Signature:   
Name: Joseph J. Kead  
Title: Member  
Date: 3/30/21

Sworn to before me this 30<sup>th</sup>  
day of MARCH, 20 21

  
Notary Public

Kelley R. Chaffee  
Notary Public, State of New York  
No. 01CH6328028  
Qualified in Nassau County  
Commission Expires July 20, 2023

## **CERTIFICATIONS AND ACKNOWLEDGMENTS OF THE APPLICANT**

### **FIRST:**

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

### **SECOND:**

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

### **THIRD:**

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

### **FOURTH:**

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

### **FIFTH:**

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

### **SIXTH:**

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

**SEVENTH:**

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

**EIGHTH:**

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

YES   x        NO       

If YES, how many units?       54      

If YES, the Applicant hereby certifies that:

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

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

YES   x        NO       

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

If YES, answer the following questions:

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

      20% or 11 units



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

120 AMI

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

Village of Roslyn

Name of  
Applicant: 281-301 Warner Ave LLC

By: 

Name:

Title:

Jordan Katch  
Member

**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, transaction/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, transaction/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, but in accordance with the following schedule.
  - A basic Consent - \$750
  - A Transfer of Benefits
    - Basic - \$3,000
    - Complex - \$6,000
  - Extensions - \$1,000
- (H) Terminations - The Agency fee shall be determined on a case-by-case basis, but in accordance with the following schedule.
  - Basic - \$2,000
  - Complex - \$2,500

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

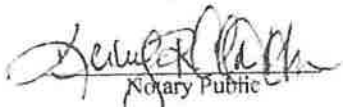
The Agency's transaction/bond counsel's fees, general counsel fee and the administrative fees may be considered as a cost of the Project and included as part of any resultant financing, subject to compliance with applicable law.

Guided by the above stated schedule amounts, 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/transaction 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.

281-301 Warner Ave LLC

Subscribed and affirmed to me this 30th  
day of MARCH, 2021

  
Notary Public

Kelley R. Chaffee  
Notary Public, State of New York  
No. 01CH6328028  
Qualified in Nassau County  
Commission Expires July 20, 2023


Name:   
Title: Jordan Kenick  
Member

TABLE OF SCHEDULES:

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

**TAX-EXEMPT BOND MANUFACTURING QUESTIONNAIRE**

(To be completed by the Applicant if the Applicant checked "YES" in Part I, Question 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.

N/A

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

<u>FUNCTION</u>	<u>LOCATION</u>	<u>SQ. FOOTAGE</u>
N/A		

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>
N/A		

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 goodsN/A

Finished product storage

Component parts of  
goods manufactured at  
the facilityPurchased component  
parts

Other (specify)

TOTAL

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

N/A

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

N/A

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

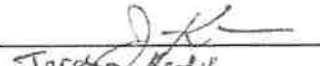
Name of  
Applicant:281-301 Warner Ave LLC

Signature:

Name:

Title:

Date:

  
Jordan Kentel  
Owner  
8/30/21

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

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

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

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


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

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

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



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:	281-301 Warner Ave LLC
Signature:	
Name:	Jordan Kank
Title:	Member
Date:	2/20/21

GUIDELINES FOR ACCESS TO EMPLOYMENT OPPORTUNITIESINITIAL 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: 281-301 Warner Ave LLC

Address: 1044 Northern Blvd, Suite 303, Roslyn, NY 11576

Type of Business: Real Estate Developer

Contact Person: Jerry Karlik Tel. No.: 516-622-7500

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

**NOTE:** Estimated job creation indicated below relates solely to the multi-family apartment component of the Project. Applicant intends to also lease commercial space to tenants, which are anticipated to include a restaurant, dry-cleaner and market. Each tenant will be adding employees appropriate to fulfill their business needs.

<u>Current and Planned Occupations</u>	<u>Present Jobs Per Occupation</u>	<u>Estimated Number of Full Time Equivalent Jobs After Completion of the Project:<sup>4</sup></u>			<u>Estimate of Number of Residents of the LMA<sup>5</sup> that would fill such jobs by the third year</u>
		<u>1 year</u>	<u>2 years</u>	<u>3 years</u>	
<u>Management</u>	_____	_____	_____	_____	_____
<u>Professional</u>	_____	_____	_____	_____	_____
<u>Administrative</u>	_____	_____	_____	_____	_____
<u>Production</u>	_____	_____	_____	_____	_____
<u>Supervisor</u>	_____	_____	_____	_____	_____
<u>(Building Superintendent)</u> <u>Laborer</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Independent Contractor</u>	_____	_____	_____	_____	_____
<u>Other (describe)</u>	_____	_____	_____	_____	_____

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

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

Please indicate the number of temporary construction jobs anticipated to be created in connection with the acquisition, construction and/or renovation of the Project: Approx. 160 over the course of construction

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

Q3 of 2021

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

YES \_\_\_\_\_

NO x

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: 281-301 Warner Ave LLC

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

Name: Justin Korte

Title: Owner

Date: 1/6/21

**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 X

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: 281-301 Warner Ave LLC

Signature: 

Name: Jordan J. Kerk

Title: President

Date: 3/30/21

**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 <sup>x</sup> \_\_\_\_\_ 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?

10% \_\_\_\_\_ %

- 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: 281-301 Warner Ave LLC

Signature:   
Name: Jonathan Kohn  
Title: Member  
Date: 3/20/21

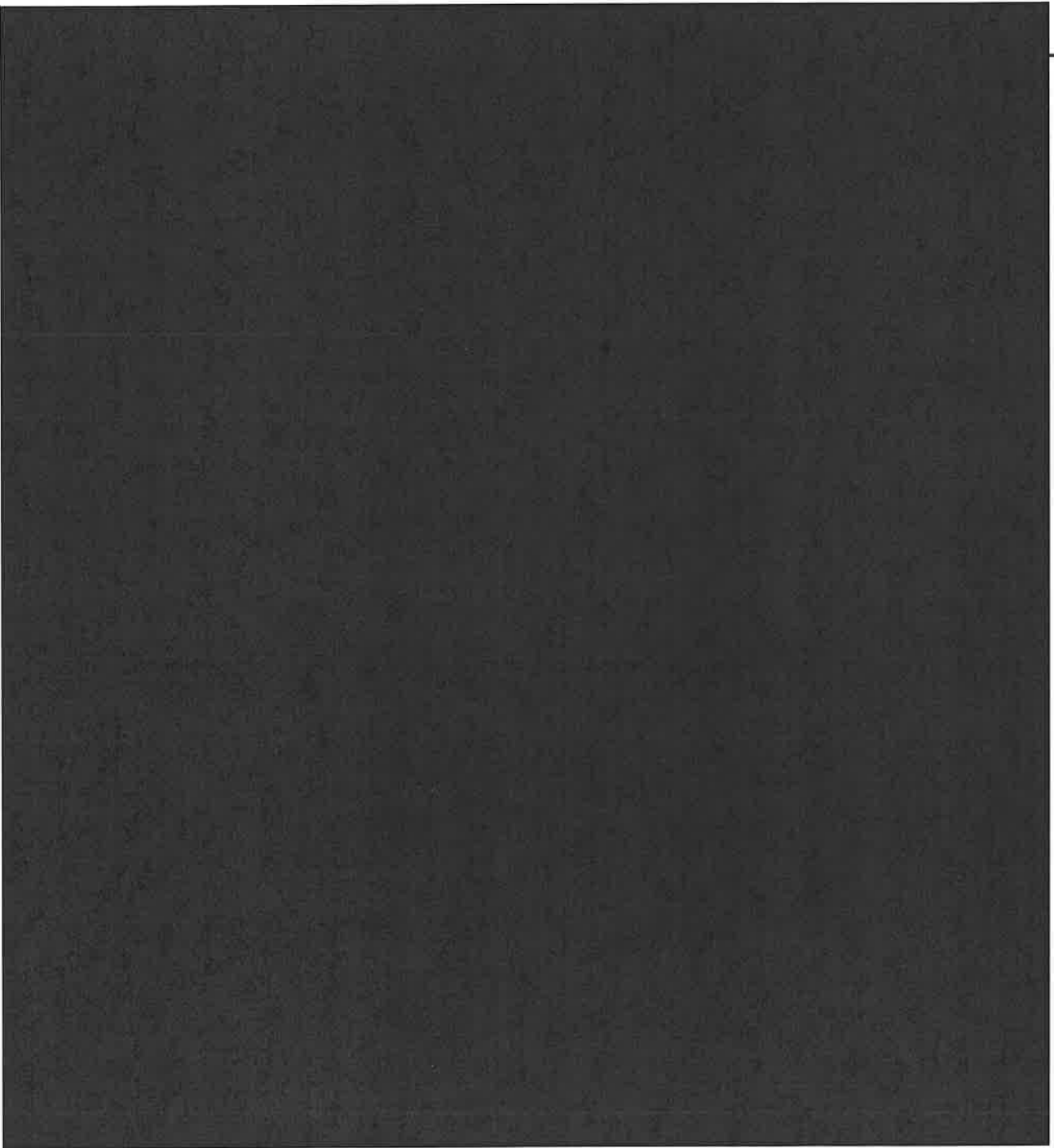
Schedule F

APPLICANT'S FINANCIAL ATTACHMENTS



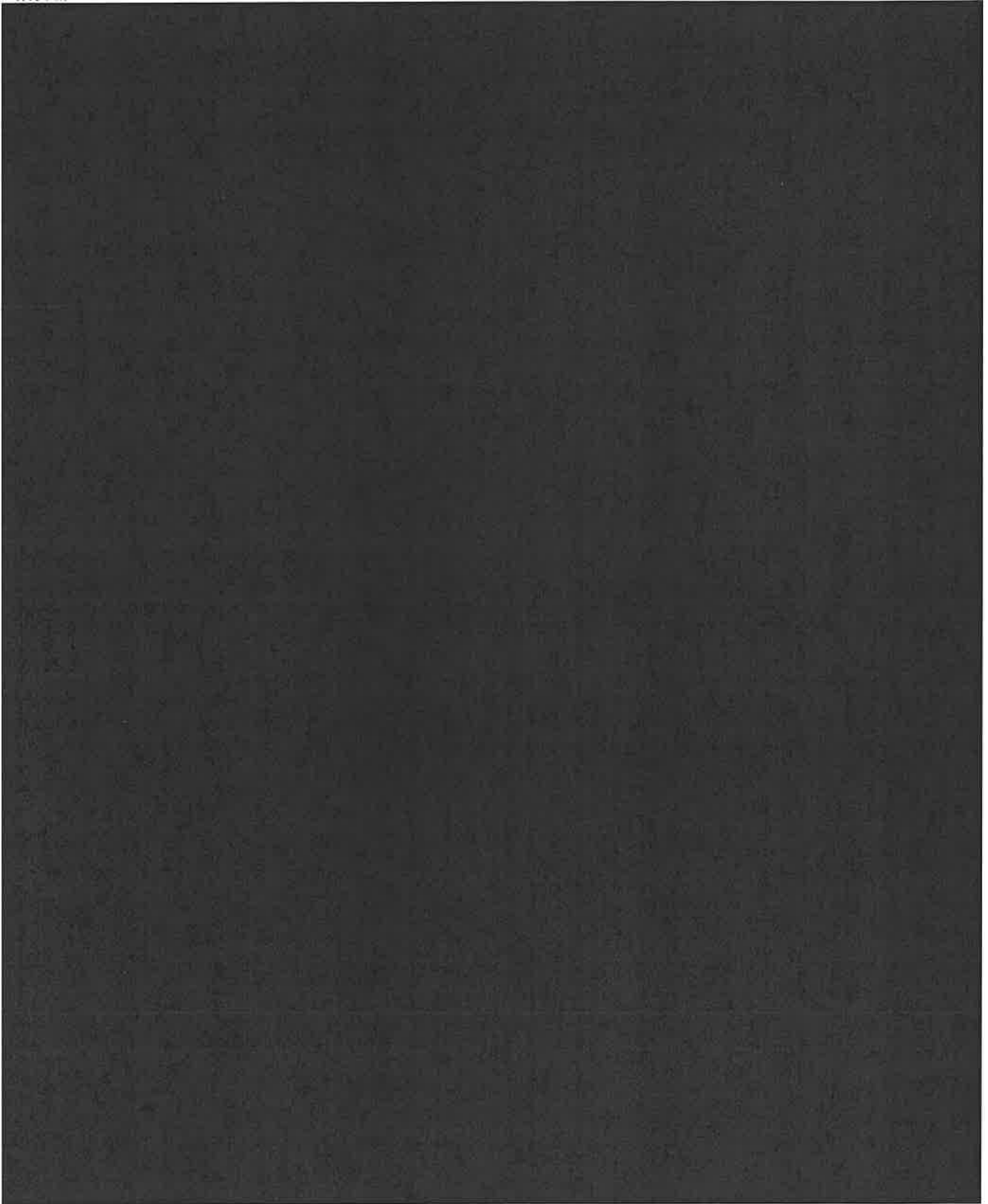
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281-301 Warner Ave LLC



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281-301 Warner Ave LLC



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281-301 Warner Ave LLC



Schedule G

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: Warner Avenue Proposed Transit-Oriented Mixed-Use Development		
Project Location (describe, and attach a general location map): 281-301 Warner Avenue, Incorporated Village of Roslyn, Nassau County, New York (Site Location Map)		
Brief Description of Proposed Action (include purpose or need): See Attachment.		
Name of Applicant/Sponsor: 281-301 Warner Avenue LLC		Telephone: 516-622-7500
		E-Mail: N/A
Address: 1044 Northern Boulevard, Suite 303		
City/PO: Roslyn	State: NY	Zip Code: 11576
Project Contact (if not same as sponsor; give name and title/role): Michael H. Sahn, Esq., Sahn Ward Coschignano PLLC		Telephone: 516-228-1300
		E-Mail: msahn@swc-law.com
Address: 333 Earle Ovington Boulevard, Suite 601		
City/PO: Uniondale	State: NY	Zip Code: 11553
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

## B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Rezoning of Premises/Site Plan and Related Land Use Approvals	
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
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	Village of Roslyn DPW - Road Opening	
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nassau County DPW - Sewer Connection Nassau County Planning Commission - 239m Referral Nassau County IDA - Potential Financial Assistance	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - Brownfield Cleanup Program (BCP)	
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
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## C. Planning and Zoning

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

<b>C.3. Zoning</b>	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>Transit-Oriented Mixed-Use (TMU) District</u>	
b. Is the use permitted or allowed by a special or conditional use permit?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes,	
i. What is the proposed new zoning for the site? _____	
<b>C.4. Existing community services.</b>	
a. In what school district is the project site located?	<u>Roslyn Union Free School District</u>
b. What police or other public protection forces serve the project site?	<u>Nassau County Police Precinct 6</u>
c. Which fire protection and emergency medical services serve the project site?	<u>Roslyn Highlands Fire Company, Roslyn Rescue</u>
d. What parks serve the project site?	<u>The following parks are within one mile of the project site: Gerry Park, Christopher Morley Park, and William Cullen Bryant Park Preserve.</u>

#### D. Project Details

<b>D.1. Proposed and Potential Development</b>	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? <u>Mixed-use comprised of multi-family residential and commercial uses with parking.</u>	
b. a. Total acreage of the site of the proposed action?	<u>0.9±</u> acres
b. Total acreage to be physically disturbed?	<u>0.9±</u> acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>0.9±</u> acres
c. Is the proposed action an expansion of an existing project or use?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes,	
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____	
ii. Is a cluster/conservation layout proposed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will proposed action be constructed in multiple phases?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. If No, anticipated period of construction: <u>14-16±</u> months	
ii. If Yes:	
<ul style="list-style-type: none"> <li>• Total number of phases anticipated _____</li> <li>• Anticipated commencement date of phase I (including demolition) _____ month _____ year</li> <li>• Anticipated completion date of final phase _____ month _____ year</li> <li>• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____</li> </ul>	

f. Does the project include new residential uses? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	NA	NA	NA	54
At completion of all phases	NA	NA	NA	54

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Total number of structures <u>1</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>See Plan</u> height; <u>179±</u> width; and <u>204±</u> length (Irregular)	
iii. Approximate extent of building space to be heated or cooled: <u>85,239±</u> square feet	

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

### D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? Construction of sub-grade parking and installation of drainage infrastructure.	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> <li>• Volume (specify tons or cubic yards): <u>8,000±</u> cubic yards</li> <li>• Over what duration of time? <u>3±</u> months</li> </ul>	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.	
<u>Excavated material not reused for site grading (expected to mostly consist of sand) will be disposed of off-site under the oversight of NYSDEC as part of the Brownfield Cleanup Program (BCP).</u>	
iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ < 0.9± acres	
vi. What is the maximum area to be worked at any one time? _____ < 0.9± acres	
vii. What would be the maximum depth of excavation or dredging? _____ TBD feet	
viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
ix. Summarize site reclamation goals and plan: _____	
<u>N/A</u>	

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



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

iii. Will proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☐ No

If Yes, describe:

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☐ No

If Yes:

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

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

c. Will the proposed action use, or create a new demand for water?

☐ Yes ☒ No \*

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 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: \_\_\_\_\_
- 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: 14,560±\* 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: Cedar Creek Water Pollution Control Plant
- Name of district: Roslyn Village Sewer
- 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

\* The proposed project is expected to utilize 14,560± gallons of water per day from the Roslyn Water District, and discharge 14,560± gallons per day of sanitary waste to the Cedar Creek Water Pollution Control Plant via existing sewer infrastructure. Service availability has been confirmed by the respective utility service providers (see Attachment). It should be noted that the projected water and sanitary demands are expected to be similar to, or potentially less than, the demands from the existing building at full occupancy.

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

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

If Yes:

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

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

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

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

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

If Yes:

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

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

iii. Parking spaces: Existing 41± Proposed 103± Net increase/decrease +62

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:  
The existing curb cut on Railroad Avenue will be rebuilt and widened from 18+ feet to 30+ feet.

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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  
(Existing)

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

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: The proposed action would utilize approximately 2,137.6  
MWh of electricity per year.

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
Connection to local supply from PSEG Long Island

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

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

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>Monday - Friday: <u>8:00am-6:00pm</u></li> <li>Saturday: <u>9:30am-6:00pm</u></li> <li>Sunday: <u>Not Permissible</u></li> <li>Holidays: <u>Not Permissible</u></li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>Monday - Friday: <u>**</u></li> <li>Saturday: <u>**</u></li> <li>Sunday: <u>**</u></li> <li>Holidays: <u>**</u></li> </ul>
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\* See Attachment. Also see Traffic Impact and Parking Analysis Report under separate cover. Although no substantial increase in traffic above present levels is anticipated, data is offered herein for informational purposes.

\*\* The residential use component will operate 24 hours a day 7 days a week, and the commercial use component will generally operate from 8:00am - 8:00pm daily.

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p style="margin-left: 20px;"><u>Ambient noise levels may be exceeded during construction. Construction would be scheduled in accordance with prevailing zoning for the Village of Roslyn noise controls.</u></p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></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 style="margin-left: 20px;"><u>Locations of outdoor lighting fixtures are yet to be determined. All fixtures will be designed to comply with Village of Roslyn design standards and to minimize potential light spill onto adjacent properties.</u></p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></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? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p style="margin-left: 20px;"><u>Pesticides will be used minimally for maintenance of site landscaping only.</u></p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></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)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></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"> <li>• Construction: _____ TBD tons per _____ (unit of time)</li> <li>• Operation : _____ 4.6±* tons per _____ month (unit of time)</li> </ul> <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"> <li>• Construction: <u>Recyclable materials would be disposed of in accordance with prevailing regulations. Concrete debris from building demolition will be recycled for parking sub-base as practicable.</u></li> <li>• Operation: <u>Recyclable materials would be disposed of in accordance with prevailing regulations.</u></li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: <u>Disposal by private carter at a licensed facility(ies).</u></li> <li>• Operation: <u>Disposal by private carter at a licensed facility(ies).</u></li> </ul>	

\*Solid waste generation is approximate based published factors within Environmental Engineering, 5th Edition from Salvato, et al., 2003.

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): Transportation (Long Island Rail Road Station)

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

See Attachment for description of surrounding area.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.9± acre	0.9± acre*	NA
• Forested	NA	NA	NA
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	NA	NA	NA
• Agricultural (includes active orchards, field, greenhouse etc.)	NA	NA	NA
• Surface water features (lakes, ponds, streams, rivers, etc.)	NA	NA	NA
• Wetlands (freshwater or tidal)	NA	NA	NA
• Non-vegetated (bare rock, earth or fill)	NA	NA	NA
• Other Describe: _____	NA	NA	NA

\*A small area (approximately 0.02 acre) of new lawn/landscaped area is proposed, where none currently exists

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:  
Growing Tree North of Roslyn, Inc., Sunharbor Manor Nursing Home, the Heights School and Roslyn High School.

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:  
See response E.1.h.iv. below. Additionally, an adjacent site once operated as an auto repair shop and may have generated hazardous wastes as part of routine operation.

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): 1703765, 9208897, 9500536, 9500563  
☒ Yes – Environmental Site Remediation database Provide DEC ID number(s): C130238 (BCP)  
☐ 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): C130239 - See Attachment  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
Spill 1703765 closed July 18, 2017. Spill 9208897 closed November 24, 1992. Spill 9500536 closed February 10, 2004 and Spill 9500563 closed June 26, 1998. A Phase I and Limited Phase II Environmental Site Assessment (ESA) were conducted in June 2018, which identify the presence of impacted soil beneath the site, likely associated with the historic operation of dry-cleaning facilities (available upon request). The Site was accepted into the NYSDEC BCP and completed a Remedial Investigation, with the report submitted to the NYSDEC on September 9, 2020 and is currently under review. Accordingly, known contamination is expected to be addressed in advance of or in conjunction with site redevelopment activities under the auspices of the Brownfield Cleanup Program. See the EAF Attachment for additional information related to the cleanup efforts.

v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>									
<ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____</li> </ul>									
<b>E.2. Natural Resources On or Near Project Site</b>									
a. What is the average depth to bedrock on the project site? _____ 600± feet									
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %									
c. Predominant soil type(s) present on project site: <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">Urban Land (Ug)</td> <td style="width: 20%; text-align: right;">15.8 %</td> </tr> <tr> <td>Plymouth-Riverhead complex, 15-35% slopes (PrD)</td> <td style="text-align: right;">84.2 %</td> </tr> <tr> <td></td> <td style="text-align: right;">%</td> </tr> </table>		Urban Land (Ug)	15.8 %	Plymouth-Riverhead complex, 15-35% slopes (PrD)	84.2 %		%		
Urban Land (Ug)	15.8 %								
Plymouth-Riverhead complex, 15-35% slopes (PrD)	84.2 %								
	%								
d. What is the average depth to the water table on the project site? Average: _____ 100± feet									
e. Drainage status of project site soils: <table style="width: 100%; border: none;"> <tr> <td><input checked="" type="checkbox"/> Well Drained:</td> <td style="text-align: right;">100 % of site</td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">% of site</td> </tr> <tr> <td><input type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">% of site</td> </tr> </table>		<input checked="" type="checkbox"/> Well Drained:	100 % of site	<input type="checkbox"/> Moderately Well Drained:	% of site	<input type="checkbox"/> Poorly Drained	% of site		
<input checked="" type="checkbox"/> Well Drained:	100 % of site								
<input type="checkbox"/> Moderately Well Drained:	% of site								
<input type="checkbox"/> Poorly Drained	% of site								
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> 0-10%:</td> <td style="text-align: right;">% of site</td> </tr> <tr> <td><input type="checkbox"/> 10-15%:</td> <td style="text-align: right;">% of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">&lt;100 % of site</td> </tr> </table>		<input type="checkbox"/> 0-10%:	% of site	<input type="checkbox"/> 10-15%:	% of site	<input checked="" type="checkbox"/> 15% or greater:	<100 % of site		
<input type="checkbox"/> 0-10%:	% of site								
<input type="checkbox"/> 10-15%:	% of site								
<input checked="" type="checkbox"/> 15% or greater:	<100 % of site								
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, describe: _____									
h. Surface water features. <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?</td> <td style="width: 20%; text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> <tr> <td>ii. Do any wetlands or other waterbodies adjoin the project site?</td> <td style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> </table> If Yes to either i or ii, continue. If No, skip to E.2.i.		i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	ii. Do any wetlands or other waterbodies adjoin the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
ii. Do any wetlands or other waterbodies adjoin the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>									
iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">• Streams: Name _____</td> <td style="width: 40%;">Classification _____</td> </tr> <tr> <td>• Lakes or Ponds: Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands: Name _____</td> <td>Approximate Size _____</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC) _____</td> <td></td> </tr> </table>		• Streams: Name _____	Classification _____	• Lakes or Ponds: Name _____	Classification _____	• Wetlands: Name _____	Approximate Size _____	• Wetland No. (if regulated by DEC) _____	
• 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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, name of impaired water body/bodies and basis for listing as impaired: _____									
i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>									
j. Is the project site in the 100 year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>									
k. Is the project site in the 500 year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>									
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <table style="width: 100%; border: none;"> <tr> <td>i. Name of aquifer: Nassau-Suffolk Sole Source Aquifer</td> </tr> </table>		i. Name of aquifer: Nassau-Suffolk Sole Source Aquifer							
i. Name of aquifer: Nassau-Suffolk Sole Source Aquifer									

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border-bottom: 1px solid black;">House Sparrow</td> <td style="width: 33%; border-bottom: 1px solid black;">European Starling</td> <td style="width: 33%; border-bottom: 1px solid black;">Pigeon</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Mourning Dove</td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black;"></td> </tr> </table>		House Sparrow	European Starling	Pigeon	Mourning Dove		
House Sparrow	European Starling	Pigeon					
Mourning Dove							
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>							
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>According to the New York Nature Explorer and the NYSDEC EAF Mapper, no records exist for endangered or threatened species and no habitat or natural areas available at the subject property.</p>							
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>According to the New York Nature Explorer and the NYSDEC EAF Mapper, no records exist for rare species or species of special concern and no habitat or natural areas are available at the subject property.</p>							
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p>							
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>							
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>							
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>i. If Yes: acreage(s) on project site: _____</p> <p>ii. Source(s) of soil rating(s): _____</p>							
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p>							
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>							



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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>(Adjacent to and north of the subject property)</small>
If Yes: <ul style="list-style-type: none"> <li>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District</li> <li>ii. Name: <u>Samuel Adams Warner Estate Cottage - The Chalet Restaurant (USN 05973.000198)</u></li> <li>iii. Brief description of attributes on which listing is based:  <u>The Roslyn chalet was designed by prominent architect Samuel Adams Warner as a residence estate for his daughter, constructed in 1871.</u> </li> </ul>	
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 checked="" type="checkbox"/> Yes <input 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: <ul style="list-style-type: none"> <li>i. Describe possible resource(s): _____</li> <li>ii. Basis for identification: _____</li> </ul>	
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: <ul style="list-style-type: none"> <li>i. Identify resource: <u>See Attachment*</u></li> <li>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>See Attachment</u></li> <li>iii. Distance between project and resource: _____ <u>See Attachment</u> miles.</li> </ul>	
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: <ul style="list-style-type: none"> <li>i. Identify the name of the river and its designation: _____</li> <li>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul>	

\*See Attachment for nearest parks and designated scenic resources. Various other local parks are present within five miles of the subject property.

#### 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 281-301 Warner Avenue, LLC Date November 5, 2020

Signature  Title Senior Environmental Manager  
 David M. Wortman  
 VHB Engineering, Surveying, Landscape Architecture and Geology, P.C., as  
 Environmental Consultant to the Applicant

Warner Avenue

0 137.5 275 550 Feet

Subject Property

281-301 Warner Avenue  
Incorporated Village of Roslyn  
Nassau County

**Warner Avenue Proposed Transit-Oriented Mixed-Use Development**  
**281-301 Warner Avenue**  
**Incorporated Village of Roslyn, Nassau County**  
**Environmental Assessment Form – Part 1**

**Attachment**

**Page 1, Item A. – Brief Description of Proposed Action:**

The proposed action involves construction of a transit-oriented development (TOD), a petition for incentive bonuses, and related land use approvals to permit the redevelopment of a 0.9±-acre commercial property located at 281-301 Warner Avenue in the Incorporated Village of Roslyn, Nassau County (the "subject property") (see attached Site Location Map). The subject property is known on the Nassau County Land & Tax Map as Section 7 – Block F – Lot 636.

**Existing Conditions**

The subject property is currently improved with a one-story brick structure containing approximately 11 individual retail spaces (vacant) and associated paved surface parking areas.

**Proposed Building and Unit Mix**

Upon implementation of the proposed action, the existing one-story brick building will be demolished, and the subject property will be redeveloped with a multi-level building containing a mix of uses, including 54 rental apartment units, 6,600± square feet (SF) of ground-floor commercial space and associated parking. The design of the proposed building incorporates a range of façade treatments and varied fenestration to provide aesthetic appeal and interest, break up the massing of the building, and to visually demarcate between the mix of uses. Additionally, the conceptual design divides the upper (apartment) levels, giving the appearance of two buildings and further breaking up the massing of the building.

The project will create housing choices and a mix of uses close to transit alternatives, consistent with local agency planning initiatives, the TOD planning principles and in a manner that is in harmony with surrounding uses. Additionally, the project will reinvigorate an underutilized, and visually unattractive site at a prominent location adjacent to the Roslyn Long Island Rail Road (LIRR) station.

Specifically, the proposed building will be developed as described below.

1. The partially below grade level is proposed to contain residential parking and residential amenities such as storage, trash, and a lobby.
2. The first (ground) level of the building will contain 6,600± SF of commercial space fronting on Warner Avenue or accessible from the rear parking area, as well as one-bedroom and two-bedroom units, residential-designated amenities such as a fitness center, lounge, business center, additional storage for tenants, and a leasing office.
3. The upper levels (i.e., levels two through four) will contain one- and two-bedroom units. Select units on the second floor will include access to private terraces.

The proposed residential units will include dedicated affordable housing units in accordance with the requirements of the TMU zoning district. In total, the 54 proposed rental apartment units will include approximately 23 one-bedroom units and 31 two-bedroom units.

**Proposed Access, Parking and Traffic Conditions**

**Warner Avenue Proposed Mixed Use Development**  
**Part 1 – Environmental Assessment Form Attachment**

Parking at the subject property will be accommodated within the lower level parking area (beneath a portion of the proposed building) and within an adjacent surface lot containing a total of 103± parking stalls. Access to the proposed development will be via a single curb cut along Railroad Avenue, at the approximate location of the existing curb cut. Subsurface parking will be accessible via a garage door located on the northwestern side of the proposed building.

A Traffic Impact and Parking Analysis (TIPA) has been prepared to analyze traffic and parking conditions at the subject property and in the surrounding area. The TIPA report has been submitted under separate cover, and concludes the following with respect to traffic and parking:

- › The proposed redevelopment of 281-301 Warner Avenue site will generate only a moderate amount of peak period traffic.
- › The project is classified as a TOD owing to its proximity to mass-transit, which will significantly reduce the vehicle trips, especially those that involve journey to and from work.
- › The proposed site redevelopment is expected to generate only a small level of peak hour traffic above what will be generated by the existing site if it were fully occupied in the key weekday p.m. and Saturday midday peak hours.
- › The traffic generated by the redeveloped site can be accommodated on the adjacent roadways and intersections without significant negative impacts to traffic conditions.
- › The proposed site access plan is well developed, sufficient to serve the needs of the site, and will operate well with low delays.
- › The proposed site redevelopment is not expected to unduly influence the rate of accident occurrence in the study area.
- › The capacity analysis performed shows that the project generated traffic will result in no significant impact on the study intersections identified for this study. The study intersections will continue to operate similarly to the No Build condition with minimal increases in overall delay and no changes in Level of Service (LOS).
- › The parking to be provided on the site meets the Village Code requirements applicable to the TMU zoning district, and will provide adequate parking to serve the needs of the proposed uses. In addition, there are a number of time-restricted, on-street parking stalls on Warner Avenue that will serve as convenient parking for the proposed commercial uses.

**Utilities and Stormwater Management**

The proposed development will connect to the Roslyn Water District for potable water. It is expected that the proposed development will result in a daily potable water demand of approximately 14,560± gallons per day (GPD). The Roslyn Water District confirmed the availability of water service for the proposed development by letter dated July 9, 2020 (see Appendix A). Sanitary waste generated by the proposed development, an estimated 14,560± GPD, will be conveyed to the Cedar Creek Water Pollution Control Plant maintained by Nassau County via existing sewer infrastructure. On behalf of the Village of Roslyn, Cameron Engineering & Associates, L.L.P., confirmed that the Village's sewer infrastructure has capacity to accommodate the proposed development by letter report dated February 7, 2020 (see Appendix A). The development is proposed to utilize natural gas, to be provided by National Grid, and electricity is proposed to be provided by PSEG Long Island. Stormwater runoff generated at the subject property will

**Warner Avenue Proposed Mixed Use Development**  
**Part 1 – Environmental Assessment Form Attachment**

be directed to proposed on-site drywells to be installed throughout surface parking areas as part of the proposed project, such that all stormwater is expected to be contained and recharged on-site.

**Purpose, Need and Benefits**

The purpose of the proposed action is to redevelop an underutilized property with a well-designed, mixed-use development at a key location proximate to transit opportunities (i.e., the Roslyn LIRR train station), in a manner consistent with the Village of Roslyn's TMU zoning district. The subject property would be developed with an attractive mixed-use facility that provides for supportive business uses, allows for the diversification of the local housing stock, and provides additional housing opportunities. The redevelopment of the subject property in accordance with the TMU district would be expected to achieve the intended benefits of that district, additional benefits inherent to the concept of Transit-Oriented Development (TOD), improvements to the character of the surrounding neighborhood, and various economic benefits to the community.

The proposed action would be consistent with the stated intent of the TMU zoning district, which is "... to encourage development that takes advantage of its proximity to the LIRR and provides for a mix of uses appropriate for its unique location within the Village of Roslyn" given the mixed use nature of the proposed action and the location of the subject property adjacent to the LIRR station. Additionally, the proposed action would further the purposes of the available incentive bonuses for the TMU district, i.e., "to advance the Village's specific physical, cultural and social policies in accordance with the Village's Comprehensive Plan and in coordination with other community planning mechanisms or land use techniques" by implementing community benefits and amenities in a manner acceptable to the Village's Board of Trustees.

TOD as a concept has been studied extensively in the field of land use planning, and, with respect to the Village of Roslyn, has recently been evaluated by its professional planning consultant, Phillips Preiss Grygiel Leheny Hughes LLC (Phillips Preiss) (see detailed discussion below under *Land Use and Zoning Considerations*). The proposed action would be an example of TOD, the inherent benefits of which have been found to include, but may not be limited to, the following:<sup>1</sup>

- › Higher quality of life with better places to live, work, and play
- › Greater mobility with ease of moving around
- › Increased transit ridership
- › Healthier lifestyle with more walking, and less stress
- › Increased foot traffic and customers for local area businesses
- › Enhance ability to maintain economic competitiveness.

The proposed TOD will further the above benefits and will be compatible with other local agency planning initiatives affecting the area surrounding the subject property. In February 2020, Nassau County Executive Laura Curran announced the award of a grant to the Town of North Hempstead for improvements surrounding the Roslyn LIRR station aimed at improving pedestrian accommodations. Town of North Hempstead Supervisor Judi Bosworth indicated appreciation for the County's recognition of this area of Roslyn "...as one suitable for transit-oriented development," noting the proximity to a mix of uses and the transit opportunity afforded by the Roslyn LIRR station.<sup>2</sup>

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<sup>1</sup> Transit Oriented Development Institute. *Transit Oriented Development*. <https://www.todi.org/press.html>. Accessed April 2020.

<sup>2</sup> Adams, Mike. *County Grants \$150,000 for Train Station Walkway*. The Roslyn News, February 12, 2020.

**Warner Avenue Proposed Mixed Use Development**  
**Part 1 – Environmental Assessment Form Attachment**

With respect to the character of the subject property and surrounding neighborhood, the proposed action would redevelop an underutilized property as the existing building on the site is currently degraded with multiple storefront vacancies, detracting from the overall character of the site and surrounding area. The proposed building has been thoughtfully designed to be respectful of the character of the surrounding area, the scale of existing development and the TMU zoning district parameters. The design intent of the proposed building is to minimize the perceived massing of the building by breaking it up while also achieving meaningful benefits of the mixed-use design and benefits of TOD. The proposed action is intended to establish an attractive and vibrant development at a key, visible location, thereby improving the overall character of the site and surrounding area.

The proposed action is expected to result in positive direct, indirect and induced economic benefits during the construction and operation phases, related to construction spending, job generation, and the purchasing power represented by the additional proposed households in the community, as well as in the form of property tax generation. An economic impact analysis was performed to estimate this additional economic activity that the proposed project would bring to the Village of Roslyn and the surrounding community. Based on forecasts from 2017 data, consumers in the Village of Roslyn spend approximately 16 percent of their after-tax available income on retail items such as apparel, services, entertainment, recreation, restaurants, personal care products and furniture. The additional 54 households can be expected to have additional disposable income available to be spent on these categories as seen in the table below. Much of this spending would also generate sales taxes, thereby benefiting local revenue streams. For purchases made in Nassau County, 8.625 percent of the household expenditures from the project would be generated in state (4 percent) and local (4.25 percent) sales taxes. An additional 0.375 percent would go towards the Metropolitan Transit Authority (MTA).

**Average Household Budget Expenditures, Selected Product Groups - 2019**

Product Group	Per Household	Per 54 Households
Food Away from Home	\$7,225	\$390,150
Entertainment and Recreation	\$6,567	\$354,618
Household Furnishings and Equipment	\$4,267	\$230,418
Apparel and Services	\$4,230	\$228,420
Personal Care Products and Services	\$1,766	\$95,364
<b>Total</b>	<b>\$24,055</b>	<b>\$1,298,970</b>

Source: ESRI Business Analyst Household Budget Expenditures report, consumer spending forecasts for 2019 are derived from the 2016 and 2017 Consumer Expenditure Surveys, Bureau of Labor Statistics.

As an additional component of this analysis, the anticipated number of jobs, labor income, value added and economic output that would be generated by the proposed project have been estimated, during the construction and operation phases of the proposed project. IMPLAN, a regional input-output model software system, was used to generate these estimates, with information on the proposed project provided by the Applicant. The IMPLAN economic model is widely used by academics, government officials, and private industry to estimate and evaluate changes in local and regional economies resulting from business activities, development projects and economic policy decisions.<sup>3</sup>

<sup>3</sup> IMPLAN, *The IMPLAN Application*, Available online at <https://implan.com/education/>. Accessed April 2020.

**Warner Avenue Proposed Mixed Use Development  
Part 1 – Environmental Assessment Form Attachment**

*Construction*

For the construction period, the inputs to the IMPLAN software tool included the anticipated hard costs (i.e., \$24,000,000) and soft costs (i.e., \$6,000,000) associated with construction of the proposed project, with a total construction cost of \$30,000,000. Construction of the proposed project is anticipated to start in 2021 and finish in 2022, with a total construction period of approximately 14-16 months.

Based on these inputs, the proposed project is estimated to support approximately 300 jobs during the construction phase, including 156 direct jobs, 66 indirect jobs, and 78 induced jobs in a variety of industries. Indirect jobs are those supported by business-to-business spending and induced jobs are those supported by household spending from the construction workers. These jobs are calculated based on multipliers and datasets for various industries identified in IMPLAN and reflect typical spending patterns by these industries and workers. These jobs, including direct, indirect, and induced jobs, are expected to occur primarily in the following industries: construction; architectural, engineering, and related services; real estate; wholesale trade; retail; restaurants; and health care.

**Economic Impact (Construction Phase)<sup>4</sup>**

<b>Impact Type</b>	<b>Employment</b>	<b>Labor Income</b>	<b>Value Added</b>	<b>Output</b>
Direct Effect <sup>5</sup>	156.4	\$12,794,146	\$16,032,946	\$29,725,812
Indirect Effect <sup>6</sup>	65.6	\$4,343,730	\$6,255,139	\$9,802,663
Induced Effect <sup>7</sup>	77.6	\$4,245,012	\$7,395,862	\$11,536,937
Total Effect	299.6	\$21,382,888	\$29,683,946	\$51,065,412

The IMPLAN analysis also includes projections of the impact on income from jobs that are anticipated to be created by the proposed project. This includes income from direct, indirect and induced jobs. As shown in the table above, the proposed project would generate approximately \$21.4 million in labor (payroll) income for all jobs during construction.

Construction of the proposed project will also produce an estimated \$29.7 million in annual value added, and an annual economic output of \$51 million for Nassau County, which includes the Village of Roslyn. Value Added is the sum of Labor Income, other property income (such as corporate profits and interest income), and taxes on production and imports (net of subsidies). Value Added can also be defined as gross regional product. Output is the value of production and is equal to Value Added plus intermediate expenditures (monies spent purchasing goods and services to create an industry's production).

Wages and salaries, material purchases, and capital assets generate tax revenues to federal, state and local governments during construction, which represent additional economic benefits of the proposed project.

<sup>4</sup> IMPLAN model inputs include hard costs (Sector 60 – Construction of new multifamily residential structures) and soft costs (Sector 449 – Architectural, engineering, and related services).

<sup>5</sup> Direct Effect is a series of (or single) production changes or expenditures made by producers/consumers as a result of an activity or policy. These initial changes are determined by an analyst to be a result of this activity or policy (i.e., construction jobs directly related to on-site activity).

<sup>6</sup> Indirect Effect is the impact of local industries buying goods and services from other local industries (i.e., jobs created from construction-related spending).

<sup>7</sup> Induced Effect is the response by an economy to an initial change (direct effect) that occurs through re-spending of income by a component of value added. Money is recirculated through the household spending patterns causing further local economic activity (i.e., jobs created through household spending of income from direct jobs).

**Warner Avenue Proposed Mixed Use Development**  
**Part 1 – Environmental Assessment Form Attachment**

Specifically, construction of the proposed project is estimated to generate state and local taxes including approximately \$56,681 in employee contributions to social insurance taxes, \$1,380,868 in taxes on production and imports, \$886,798 in personal taxes (such as income taxes), and \$56,182 in corporate profit taxes and dividends, resulting from direct, indirect, and induced construction employment and expenditures.<sup>8</sup>

*Operations*

The analysis of the proposed project upon completion of construction (i.e., operational phase) is based upon the assumption that the retail component of the proposed project would directly generate 12 jobs and the residential component of the proposed project would directly generate two jobs. The number of direct jobs was used as the input for the IMPLAN model to estimate indirect and induced employment, labor income, value added, and output. Based on these inputs, it is estimated that the proposed project would support a total of approximately 22 jobs during operations, including the 14 direct jobs, 2 indirect jobs, and 6 induced jobs (see the table below). The project site is currently improved with retail space; therefore, not all operational jobs would be new to the Village of Roslyn. These jobs, including direct, indirect, and induced jobs, are expected to occur primarily in the following industries: retail; restaurants; real estate; services to buildings; and health care.

**Economic Impact (Operational Phase)<sup>9</sup>**

<b>Impact Type</b>	<b>Employment</b>	<b>Labor Income</b>	<b>Value Added</b>	<b>Output</b>
Direct Effect	14.0	\$1,123,770	\$1,338,853	\$1,624,806
Indirect Effect	1.9	\$107,165	\$194,267	\$308,621
Induced Effect	5.5	\$301,093	\$525,282	\$818,419
Total Effect	21.4	\$1,532,027	\$2,058,403	\$2,751,846

The proposed project would also generate approximately \$1.5 million in labor (payroll) income for all jobs during operation, \$2 million in annual value added, and \$2.7 million in economic output.

In addition to the economic benefits described above, while operational, the project will also generate tax revenues to federal, state and local governments based on wages and salaries. Specifically, operation of the proposed project is estimated to generate \$1,967 in social insurance taxes, \$159,067 in taxes on production and imports, \$65,814 in personal taxes (such as income taxes), and \$2,926 in corporate profit taxes and dividends, resulting from direct, indirect, and induced operational employment.<sup>10</sup>

It is noted that the Applicant intends to seek financial assistance from the Nassau County Industrial Development Agency (IDA). The details of any such potential assistance are not known at this time. Financial assistance granted by the IDA may affect some of the projections and estimates described above.

<sup>8</sup> State and local tax impact was generated through IMPLAN modeling. The IMPLAN tax impact report is based on what was collected for the year of the data and does not reflect specific tax rates. Tax estimates are for analysis purposes only.

<sup>9</sup> IMPLAN does not provide analytics for mixed-use developments. Accordingly, Sector 406 – Retail (Miscellaneous store retailers) and Sector 440 – Real estate, were analyzed.

<sup>10</sup> State and local tax impact was generated through IMPLAN modeling. The IMPLAN tax impact report is based on what was collected for the year of the data and does not reflect specific tax rates. Tax estimates are for analysis purposes only.



**Warner Avenue Proposed Mixed Use Development**  
**Part 1 – Environmental Assessment Form Attachment**

Overall, the proposed action creates opportunities for diversified housing stock, would bring purchasing power to local businesses throughout the Village and the surrounding communities from project residents, and create temporary and long-term jobs from implementation of the proposed action, representing significant benefits to the surrounding community.

**Anticipated School-Aged Children Generation**

The subject property is located within the Roslyn Union Free School District (UFSD). Based on publicly-available resources from the New York State Education Department (NYSED) for the 2018-2019 school year,<sup>11</sup> the total district enrollment for the Roslyn UFSD was 3,194 students. A review of historic enrollment data for school years 2008-09 through 2018-19 indicate a pattern of declining enrollment. Specifically, enrollment was stable or declined in eight of the ten years, with an overall decrease in enrollment in the Roslyn UFSD of 231 students since the 2008-09 school year (which had an enrollment of 3,425 students).

The number of public school-aged children (PSAC) that could be generated by the proposed action has been estimated using residential demographic multipliers published by three entities – the Rutgers University, Center for Urban Policy Research (CUPR) (hereinafter, the “Rutgers Study”),<sup>12</sup> the 2019 Real Estate Institute at Stony Brook University College of Business (the “REI at Stony Brook Study”),<sup>13</sup> and Vision Long Island (the “Vision LI Study”).<sup>14</sup> Each of these three publications are discussed below.

*The Rutgers Study*

The Rutgers Study, prepared in 2006 and based on the 2000 Census and 2005 housing values, has been widely used as a reference for projecting the number of school-aged children that may be generated by new residential developments. Using the unit mix for the proposed action, PSAC population was generated for each type of residential unit proposed using the corresponding factors from the Rutgers Study for the type of housing unit, the number of bedrooms, and the expected monthly rent price. The multipliers published within the Rutgers Study for New York State suggest that the 54 units contained in the proposed development will generate approximately seven (7) PSAC. It is noted the population multipliers in the Rutgers study were last updated in 2000 and do not account for trends in development in the ensuing period of almost two decades, including transit-oriented developments (TODs). Accordingly, other more recent studies (which are focused on Long Island, specifically) were also referenced, and are discussed below.

*The REI at Stony Brook Study*

The 2019 REI at Stony Brook Study examined PSAC data for all multifamily apartment complexes constructed since 2003 throughout Long Island meeting certain criteria (e.g., containing 200 or more units). The 14 apartment complexes studied are distributed throughout 10 school districts in Nassau and Suffolk Counties. Based on enrollment data provided by the host school districts, the REI at Stony Brook Study found an average of 0.09 student per unit among the approximately 4,000 apartment units included

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<sup>11</sup> New York State Education Department. *New York State Property Tax Report Card*. Accessed April 2019. Available online at: <http://www.p12.nysed.gov/marketplace/marketplace.asp>.

<sup>12</sup> Burchell, Robert W., David Listokin, William Dolphin Center for Urban Policy Research, Edward J. Bloustein School of Planning and Public Policy. *Residential Demographic Multipliers, Estimates of the Occupants of New Housing (Residents, School-Age Children, Public School-Age Children) by State, Housing Type, Housing Size, and Housing Price*. June 2006.

<sup>13</sup> Real Estate Institute at Stony Brook University College of Business. *Market Rate Apartment School Aged Children Study*. April 2019.

<sup>14</sup> Vision Long Island. *Preliminary Review of School District Impacts from Transit Oriented Developments on Long Island*. May 2017.

**Warner Avenue Proposed Mixed Use Development**  
**Part 1 – Environmental Assessment Form Attachment**

in the study. Using the 2019 REI at Stony Brook Study data, the 54 proposed apartment units will be expected to generate approximately five (5) PSAC.

*The Vision LI Study*

Completed in 2017, the Vision LI Study examined school-aged children data for eight recently constructed residential TOD projects on Long Island. The results indicate that among the eight TOD projects, containing a total of 1,887 apartment units, there were only 50 school-aged children – an average of 0.026 student per unit in the survey. It should be noted that the Vision LI Study does not differentiate between school-aged children attending private schools and those attending public schools. Based on the Vision LI Study data, which is specific to TOD projects on Long Island, the proposed action will be expected to generate only approximately two (2) school-aged children.

*Existing Local Rental Development Data*

In addition to the published data described above, a Freedom of Information Law (FOIL) request was submitted by Sahn, Ward, Coschignano Law (SWC), counsel to the Applicant, to the Roslyn UFSD to obtain information related to the number of students within the Roslyn UFSD that reside in multi-family residential developments within the school district. Responses from Roslyn UFSD were received on August 15, 2019 and August 28, 2019, which included data for multi-family residential developments within the school district (see Appendix B). Specifically, data was provided related to the number of students with addresses at four rental unit developments (i.e., the Lumber Street Apartments, Chalet Luxury Apartments, Flower Gardens Apartments, and Flower Hill Garden Apartments developments), are relevant to the potential school-aged children generation of the proposed action. The following information was provided by the school district:

**School-Aged Children Data for Existing Local Rental Developments**

<b>Development Name</b>	<b>Number of Units</b>	<b>Total SAC<sup>(1)</sup></b>	<b>SAC Per Unit</b>
Lumber Street Apartment Units	25	2	0.08
Chalet Luxury Apartments	142	7	0.05
Flower Gardens	48	13	0.27
Flower Hill Gardens	61	4	0.07
<b>TOTAL</b>	<b>267 units</b>	<b>26</b>	<b>0.09</b>

(1) SAC = School-aged children.

As shown in the table above, the local data provided by the Roslyn UFSD for established rental units in this school district indicates that 0.09 school-aged children reside in each residential apartment unit, on average. Applied to the proposed 54 rental units, these data suggest that approximately five (5) school-aged children would be expected to reside in the proposed development.

The Roslyn UFSD also provided information for the Roslyn Garden residential development, which is a multi-family co-op development near the subject property (see Appendix B). Although it is an ownership development and units are not available for rent (and therefore not necessarily directly relevant to the proposed development), the data for the Roslyn Garden development also shows a very low number of school-aged children (i.e., 32 students in 380 units, or 0.08 school-aged children per unit).

As noted above, the Village has engaged a professional planning consultant, Phillips Preiss, in connection with the creation of the TMU district. The planning memorandum produced by Phillips Preiss, dated

**Warner Avenue Proposed Mixed Use Development**  
**Part 1 – Environmental Assessment Form Attachment**

March 10, 2020, also addressed the topic of school-aged children. Multiple additional sources of relevant data (e.g., Urbanomics and Edison Exchange – What About Our Schools? and the Kearny Transit-Oriented Development Vision Plan) are referenced within the Phillips Preiss memorandum, in addition to those discussed below. These additional sources are generally consistent with the projections from the other published sources and local Roslyn UFSD data, as presented above, further confirming that the proposed development would be expected to generate a minimal number of school-aged children. Overall, based on the multiple relevant data sources studied, including local data supplied by the Roslyn UFSD for existing multi-family rental housing in the same school district as the proposed development, it is anticipated that the proposed project will generate a minimal number of school-aged children (i.e., approximately 2-to-7 children). Given the current enrollment of 3,194 students, the addition of approximately 2-to-7 children – which equates to an increase of 0.22 percent or less and averages well below one student per grade level – is not substantial, and indicates that no significant adverse impact upon the capacity of the local school district will result from implementation of the proposed action. Moreover, the declining enrollment trend within the Roslyn UFSD (whereas the enrollment has generally declined over the past ten years and current enrollment is 231 students lower than in the 2008-09 school year) further suggests that the addition of 2-to-7 children will not adversely impact the District's capacity.

With respect to potential fiscal impacts, the proposed development is expected to result in a net fiscal benefit to the local school district. Based on the same enrollment projections discussed above and published per-pupil total expenditure data for the Roslyn UFSD (i.e., approximately \$35,000 per pupil),<sup>15</sup> the proposed development would represent an annual cost to the district of approximately \$70,000-to-\$245,000 per year, on average, to educate the 2-to-7 additional school-aged children. The Applicant retained a tax attorney to develop a projection of property taxes to be generated by the proposed development. This projection indicates that total property taxes, at full assessment of the proposed development, would be approximately \$782,030 per year. These property taxes are anticipated to include approximately \$501,790 to the Roslyn UFSD. As compared with the total cost to educate the school-aged children that would be generated by the proposed development, this represents a substantial net fiscal benefit to the Roslyn UFSD of over \$256,000, and possibly as much as \$431,790, per year.

As indicated above, the Applicant intends to seek financial assistance from the Nassau County IDA, and the details of any such potential assistance are not known at this time. The projected tax revenues described above may be phased in over time in accordance with any financial assistance granted.

Overall, based on the above, the proposed action would not adversely impact the Roslyn UFSD, and in fact, would be expected to result in a substantial net fiscal benefit to the local school district.

**Environmental Remediation**

Existing environmental conditions at the subject property have been impacted by past land uses (see Item E.1.h.iv, below, for additional details). As provided by Roux Environmental Engineering and Geology, DPC ("Roux"), environmental consultants to the Applicant, with correspondence dated July 3, 2019 (see Appendix C), the Applicant has voluntarily chosen to include the subject property into the New York State

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<sup>15</sup> According to published financial data available via the New York State Education Department (<https://data.resear.nyu/fiscal.php?year=2018&id=200000049164>, accessed April 2020), the average per pupil expenditure for the Roslyn UFSD in the 2017-18 school year (the most recent year published) was approximately \$33,495 (total expenditures). The approximate figure of \$35,000 referenced herein acknowledges that the total District budget has continued to increase slightly in each subsequent school year.

**Warner Avenue Proposed Mixed Use Development**  
**Part 1 – Environmental Assessment Form Attachment**

Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) and will abide by requirements set forth by the program. The Applicant proposes to implement various protective measures pursuant to the requirements of the NYSDEC BCP, as follows:

1. Development and implementation of a site-specific Health and Safety Plan (HASP), to be reviewed and approved by the NYSDEC;
2. Implementation of a Community Air Monitoring Plan (CAMP) in accordance with the New York State Department of Health (NYSDOH) guidance. The CAMP will be included as an element of the HASP, to be reviewed and approved by the NYSDEC; and
3. Implementation of a Site Management Plan (SMP), and as needed, an Environmental Easement, to remain in perpetuity until released in writing by the NYSDEC.

As provided by Roux, the BCP program not only requires multiple levels of mandatory engineering and institutional controls to protect site workers, future occupants and the surrounding community, but also provides opportunities for public involvement in the form of opportunities to comment on all key milestone reports and through a Citizen Participation Plan.

**Page 9, Item E.1.a. – Existing Land Uses:**

The subject property is currently developed with commercial uses, including approximately 11 retail spaces, previously occupied by a range of retail uses (e.g., laundromat, restaurant, delicatessen, convenience store, etc.).

The area surrounding the subject property is densely developed, primarily with commercial and residential uses. The Roslyn LIRR station is located approximately 550 feet south of the subject property, making the proposed mixed-use development a desirable location for TOD. The subject property is at the eastern terminus of Warner Avenue, at the northwest corner of its intersection with Railroad Avenue. Specifically, the land uses surrounding the subject property (within an approximate one-half-mile radius) are as follows:

North: The subject property is immediately adjacent to The Chalet Restaurant. Commercial uses continue along Railroad Avenue to the intersection with Roslyn Road, including a 7-Eleven convenience store, and a small retail strip including a nail salon and a vacant retail space. Several garden apartment complexes are located north of the intersection at Roslyn Road. Further north are Gerry Park and Roslyn Pond.

East: The subject property is bounded immediately to the east by Railroad Avenue. The LIRR tracks are located further east, and development east of the train tracks generally includes single-family homes, a church and school, Roslyn High School, and East Hills School.

South: The subject property is bounded to the south by Warner Avenue. The Roslyn LIRR station and associated paved parking lots are located opposite the subject property. The Roslyn Highlands Fire Company is located to the southwest (west of the paved parking lots). The remainder of the area is established with single-family homes, a synagogue, the Heights School, garden apartments, office buildings, and medical office buildings, as well as an office complex and single-family residences within the Town of North Hempstead.

**Warner Avenue Proposed Mixed Use Development**  
**Part 1 – Environmental Assessment Form Attachment**

West: The subject property is adjacent to a Verizon Wireless office, a daycare center and a nursing care facility. The remainder of the area includes single-family homes, a large garden apartment complex, Shibley Day Camp, Pierce Country Day School and Camp, and a church. Further west is the Mineola Avenue corridor which is predominantly characterized by commercial uses.

**Page 13, Item E.3.h. – Officially designated and publicly accessible federal, state, or local scenic or aesthetic resources:**

Resource	Nature of Designation	Distance from Project
Northern State Parkway	New York State Scenic Byway	0.72± mile
Wantagh State Parkway	New York State Scenic Byway	4.35± mile
Gerry Park	Local Park	0.25± mile
Christopher Morley Park	Local Park	0.87± mile
William Cullen Bryant Park Preserve	Local Park	1.13± miles

As indicated within the Part 1 – Environmental Assessment Form, various other local parks are present within a five-mile radius of the subject property.



## Appendix A

### Description

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Roslyn Water District Service Availability Letter dated July 9, 2020 and Cameron Engineering & Associates, L.L.P. Sewer Service Availability Letter Report dated February 7, 2020.



# ROSLYN WATER DISTRICT

Michael J. Kosinski, Chairman  
William K. Costigan, Treasurer  
Sanford E. Klein, Secretary

Richard J. Passariello, Superintendent

24 WEST SHORE ROAD  
ROSLYN, NEW YORK 11576-1448  
(516) 621-7770  
FAX (516) 621-9630

Michael Rant, P.E.  
Northcoast Civil Engineering  
23 Spring Street  
Oyster Bay, NY 11771

July 9, 2020

**Re: Water Availability**  
**281-301 Warner Avenue**  
**Roslyn, NY 11576**  
**Section 7, Block F, Lot 636**  
**H2M Project No. RLWD 2052**

Dear Mr. Rant:

The Board of Commissioners of the Roslyn Water District is pleased to inform you that water is available for the above location based upon the plans and usage data dated March 20, 2020 submitted to and reviewed by our engineers. The water availability is conditioned upon the compliance with the following items:

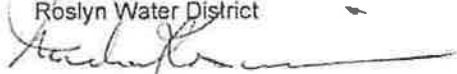
- 1) All plumbing fixtures to be installed in the processed facility are in compliance with the flow rates and quantity as set forth in Section 15-0314 of the State Environmental Conservation law as required under Part 900.1E of the New York State Uniform Fire Prevention and Building Code effective January 1<sup>st</sup>, 1984.
- 2) The letter of availability shall have an expiration date of one year from the date of issuance.
- 3) Copy of approved building permit and original application for permit.
- 4) All work is completed in accordance with the rules and regulations of the District. For a copy of the District's rules and regulations please visit our website at [www.roslynwater.org](http://www.roslynwater.org).
- 5) The District will not be responsible for any problem that may result from an increase in water demand.
- 6) If applicable the developer must fully comply with the Roslyn Water District's Ordinances Section 8 "Extension of Mains Builders and Developers". All plans are subject to the Nassau County Health Department's approval. All expenses including legal and engineering fees will be the responsibility of the developer.
- 7) All existing water service lines must be disconnected in accordance with the Roslyn Water District's Ordinances.
- 8) In accordance with Resolution No. 2020-19 the developer shall pay the District \$21,142.82 twenty one thousand one hundred forty two dollars and eighty two cents towards the infrastructure improvements that need to be funded prior to connection to the existing water system.
- 9) The developer shall be responsible for all cost related to providing water to the site including but not limited to the cost of engineering and legal fees.

- 10) Special Trust Fund No. 116 "H2M Project No. RLWD 2052 "Roslyn Water District 281-301 Warner Ave, Section 7, Block F, Lot 636 Water Availability Request" shall remain active until the above referenced project has been completed.
- 11) Upon notification by the Roslyn Water District that additional funds are needed to cover expenses related to the above referenced project, the developer shall promptly deposit the requested funds into Special Trust Fund No. 116. The funds will be used to reimburse the Roslyn Water District for all expenses incurred pertaining to the above referenced project (H2M Project No. RLWD 2052). Please be advised the District will charge a 1% administration fee for work associated with the establishment and maintenance of the Special Trust Fund Account.

Should you have any questions, please do not hesitate to contact the District office.

Very truly yours,

Board of Commissioner  
Roslyn Water District



Michael J. Kosinski  
Chairman

cc. Joseph Todaro, P.E. H2M Group  
Jeff Czajka, P.E. H2M Group  
Peter Fishbein, Esq.  
Richard Passariello, Superintendent





## CAMERON ENGINEERING & ASSOCIATES, L.L.P.

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*Senior Partner*  
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*Partners / Principals*  
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James G. Gao, P.E., M.C.P., C.E.P.  
Nicholas A. Kumbakovic, P.E.  
Kevin M. McAndrew, R.E.A., M.C.P.  
Michael J. Hulse, P.E.

*Associate Partner*  
Andrew L. Nunn, P.E.

*Senior Associates*  
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Stephen Hadjivassiliou, Ph.D., C.E.P.

*Associates*  
Michael A. DeCaglio, R.E.A.  
Richard J. Zapolski, Jr., P.E.

February 7, 2020

Mr. Michael Rant, PE  
Northcoast Civil Engineering  
23 Spring Street  
Oyster Bay, NY 11771

Re: 281-301 Warner Avenue (Section 7, Block F, Lot 636)  
Sewer Availability  
CE 1266K

Dear Mr. Rant:

Based on a sewer capacity assessment performed by our office on the above referenced property, the Village's sewer collection has sufficient capacity for the anticipated daily sewage discharge of 19,541 gpd.

As noted in the attached Sewer Availability Analysis, it is anticipated that additional investigation regarding the physical condition of the Village's sewer infrastructure as related to this matter will require additional study.

Should you have any questions, please contact me at 516-224-5265.

Very truly yours,

  
Kevin M. McAndrew, Partner

KMM/jr  
Attachment: Sewer Availability Analysis  
Cc: John Gibbons, Village Attorney

KAC1250-1299CE 1266CE 1266K - 281-301 Warner AveL-2020-02-07 Michael Rant, PE.docx

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# CAMERON ENGINEERING

## **281-301 Warner Avenue -Sewer Availability Analysis**

### **Methodology**

To assess whether the Village's existing sewage collection system can accommodate an additional 19,541 gpd of sewage from 281-301 Warner Avenue, Cameron Engineering deployed flowmeters at strategic locations to record the flow rate and depth over a period from January 3rd 2020 to January 21st 2010 (See flowmeter locations in Figure 1 below). Two flowmeters were deployed for this investigation, one in close proximity to the proposed project and the other in the sewer main just upstream of the County's pumping station where all sewage from the Village is discharged.

### **Results & Conclusion**

The flow depth data from the pumping station location indicates that the highest flow depth recorded during the monitoring period was 13 inches deep which is approximately 74% full of the 18 inch diameter sewer, while the median flow depth was recorded at 7" which is 39% of the 18" diameter sewer (Figure 2). The flow depth data from the location near to the proposed project at Warner Avenue indicates that the highest flow depth recorded during the monitoring period was 2.81 inches deep which is approximately 28% of the depth of the 10 inch diameter sewer, while the median flow depth was recorded at 2" which is 20% of the 10" diameter sewer (Figure 3).

The measured flow rates and the potential flow capacity at the two locations was also evaluated. The flow data from the pumping station location indicates that the highest flow recorded during the monitoring period was 0.9 million gallons per day (mgd) which is approximately 30% of 2.99 mgd (Capacity of an 18 inch diameter sewer at the recommended Ten States Standard slope), while the median flow was recorded at 0.64 mgd which is 22% of the 18" diameter sewer's capacity (Figure 4). The flow data from the location downstream of the proposed project at Warner location indicates that the highest flow recorded during the monitoring period was 0.124 mgd which is approximately 13%

## CAMERON ENGINEERING

of 0.95 mgd (Capacity of a 10 inch diameter sewer at the recommended Ten States Standard slope), while the median flow was recorded at 0.06 mgd which is 6% of the 10" diameter sewer's capacity (*Figure 5*).

Based on these findings, the addition of an additional 19,541 gpd can be accepted into the Village's existing sewer collection system without exceeding its capacity.

### **Recommendation**

The study performed by our office was limited to a capacity assessment of the Village's sewage collection system specific to a proposed availability request. Cameron Engineering recommends that the physical condition of the Village's sewer collection system as it relates to this proposed project be evaluated during the entitlement process.



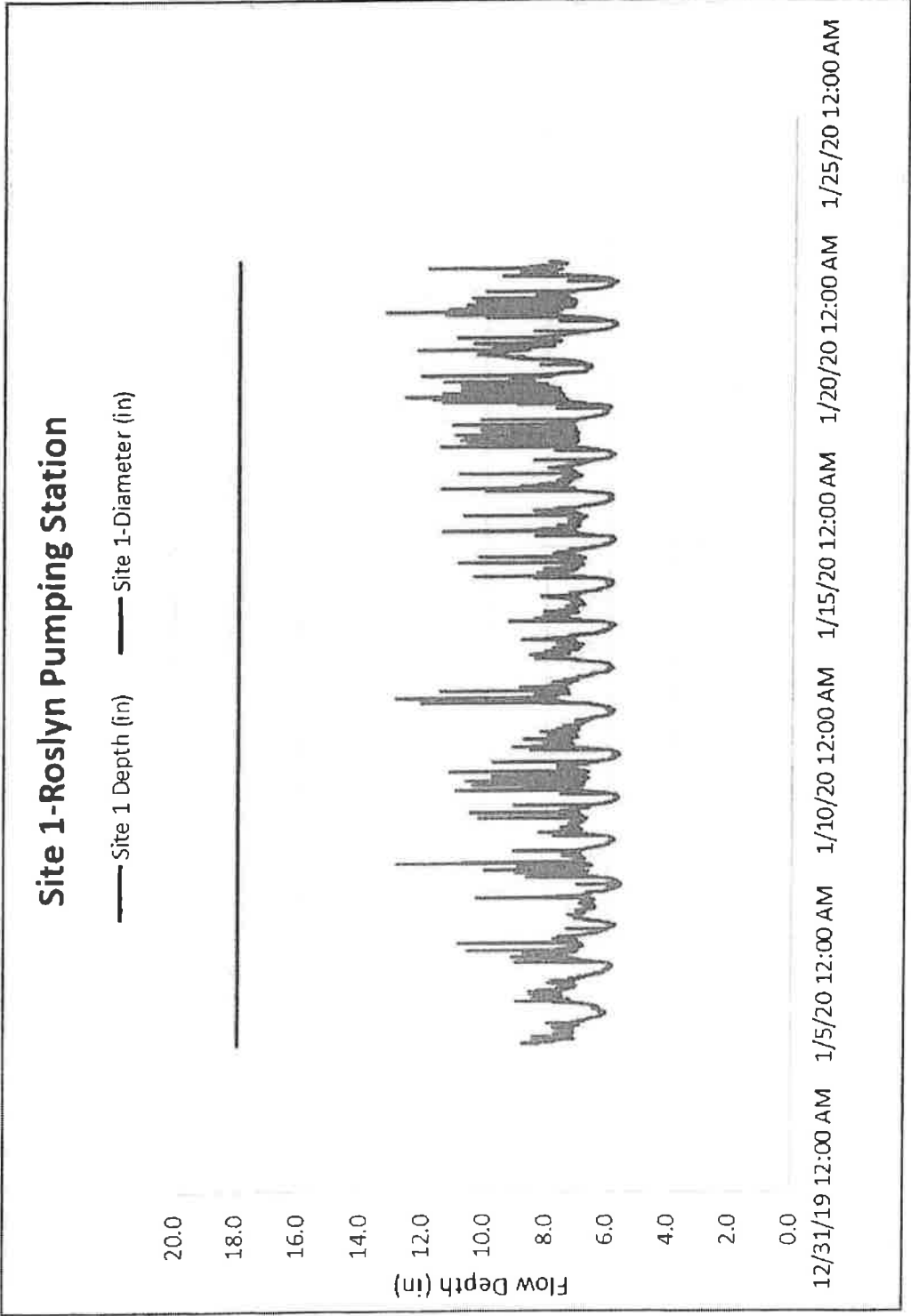


Figure 2-Flow Depths @ Pumping Station

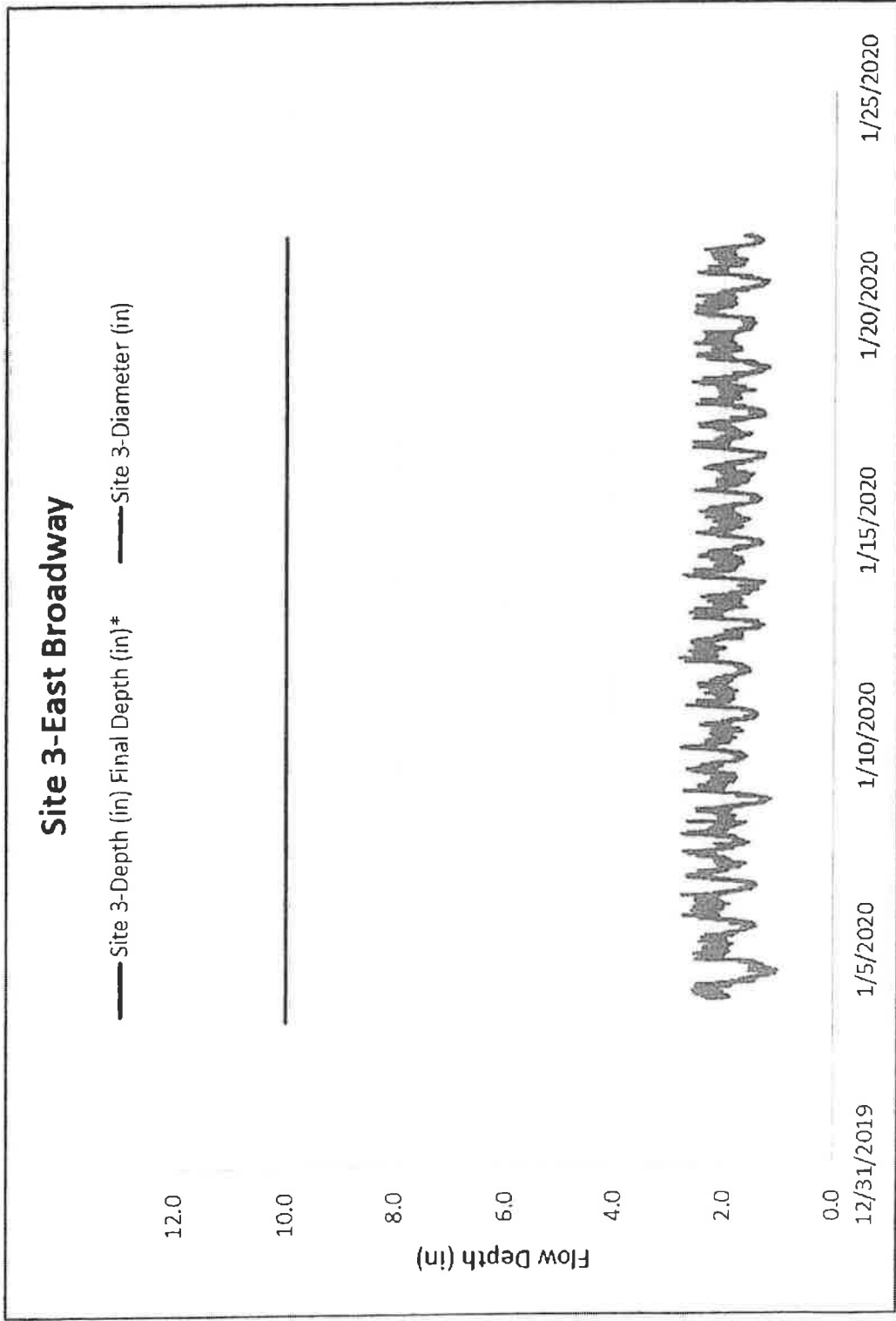


Figure 3-Flow Depths Near Warner Avenue

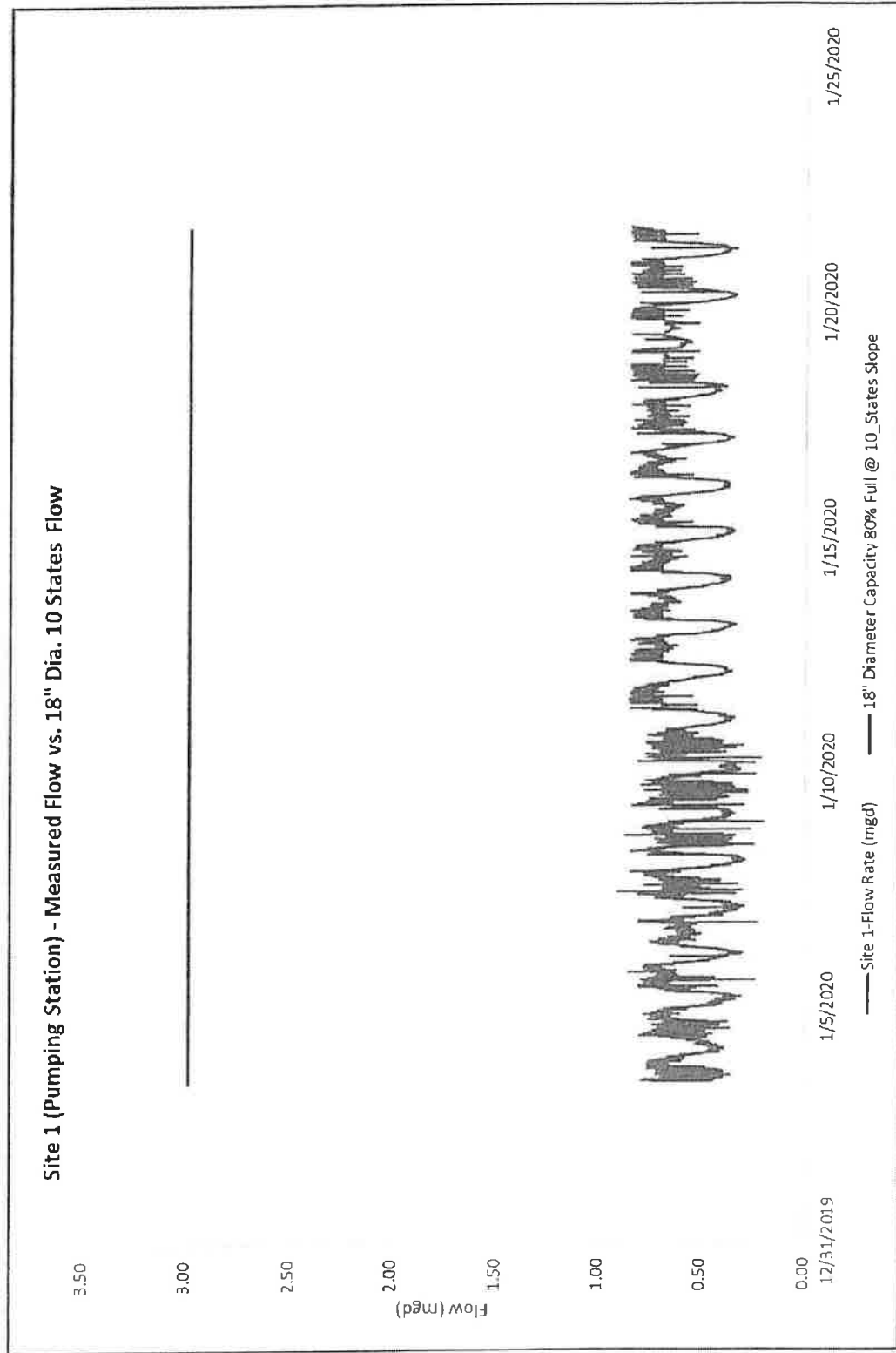


Figure 4. Plot of Measured Flow vs. Potential Flow Capacity @ Pumping Station (18" diameter sewer)

### Site 3 - Measured Flow vs. 10 States Potential Flow

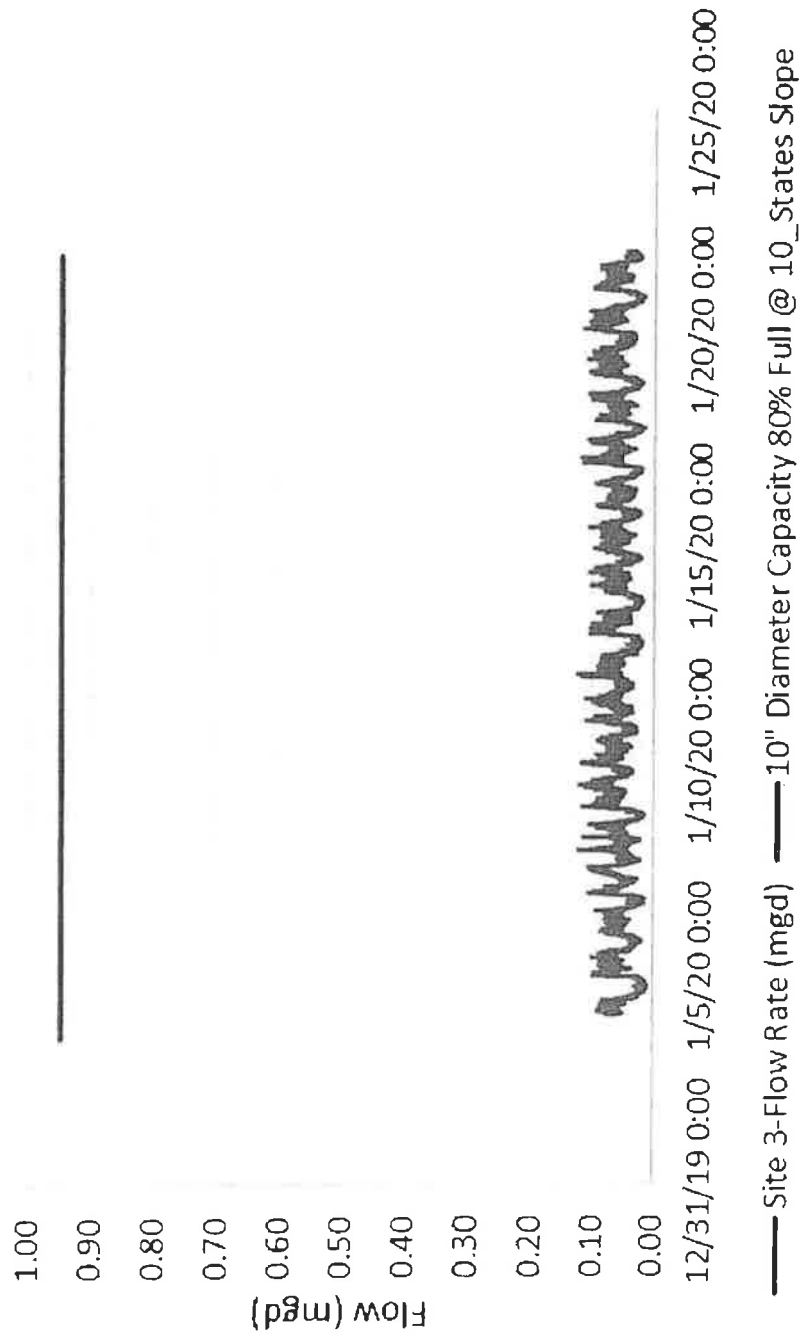


Figure 5- Plot of Measured Flow vs. Potential Flow Capacity near Warner (10" diameter sewer)





## Appendix B

### Description

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Roslyn Union Free School District Freedom of Information Law (FOIL) Request Responses  
dated August 15, 2019 and August 28, 2019



## PUBLIC SCHOOLS

BOX 367, ROSLYN, NEW YORK 11576-0367 (516) 801-5100 FAX (516) 801-5108 [www.roslynschools.org](http://www.roslynschools.org)

via -- email [MSahn@swc-law.com](mailto:MSahn@swc-law.com)

August 13, 2019

Mr. Michael H. Sahn  
Sahn Ward Coschignano, PLLC  
333 Earle Ovington Boulevard  
Suite 601  
Uniondale, NY 11553

Re: Freedom of Information Request

Dear Mr. Sahn:

This letter is sent in response to your July 26, 2019 Freedom of Information Law ("FOIL") request received by this Office on July 30, 2019 and in furtherance of the District's acknowledgment of your request dated August 2, 2019.

Your July 26, 2019 FOIL request seeks "information regarding the Roslyn Union Free School District ("School District") in connection to the number of students that attend a Roslyn public school and also reside at any of the following locations:

- (1) Roslyn Garden Tenants Corporation  
Warner Avenue, Roslyn Heights, NY 11577:
- (2) Lumber Road Apartments  
21 Lumber Road, Roslyn, NY 11576
- (3) The Chalet Luxury Apartments  
300 Edwards St, Roslyn Heights, NY 11577

Attached are the documents responsive to your request that are in the custody, possession or control of the District.

Notwithstanding the foregoing, pursuant to section 87(2) of the Public Officers Law, "[e]ach agency shall...make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:

- (b) if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article."

Accordingly, *portions* of the documents requested are not subject to disclosure and have been redacted from the records in accordance with section 89 of the Public Officers Law. You may appeal the denial of access to these portions of the records within thirty (30) days to Mr. Michael Goldspiel, who serves as the Records Access Appeals Officer for the District. His address is as follows:

Mr. Michael Goldspiel  
Records Access Appeals Officer  
Roslyn Union Free School District  
300 Harbor Hill Road  
Roslyn, New York 11576

If you have any questions, please do not hesitate to call me at (516) 801-5002.

Very truly yours,

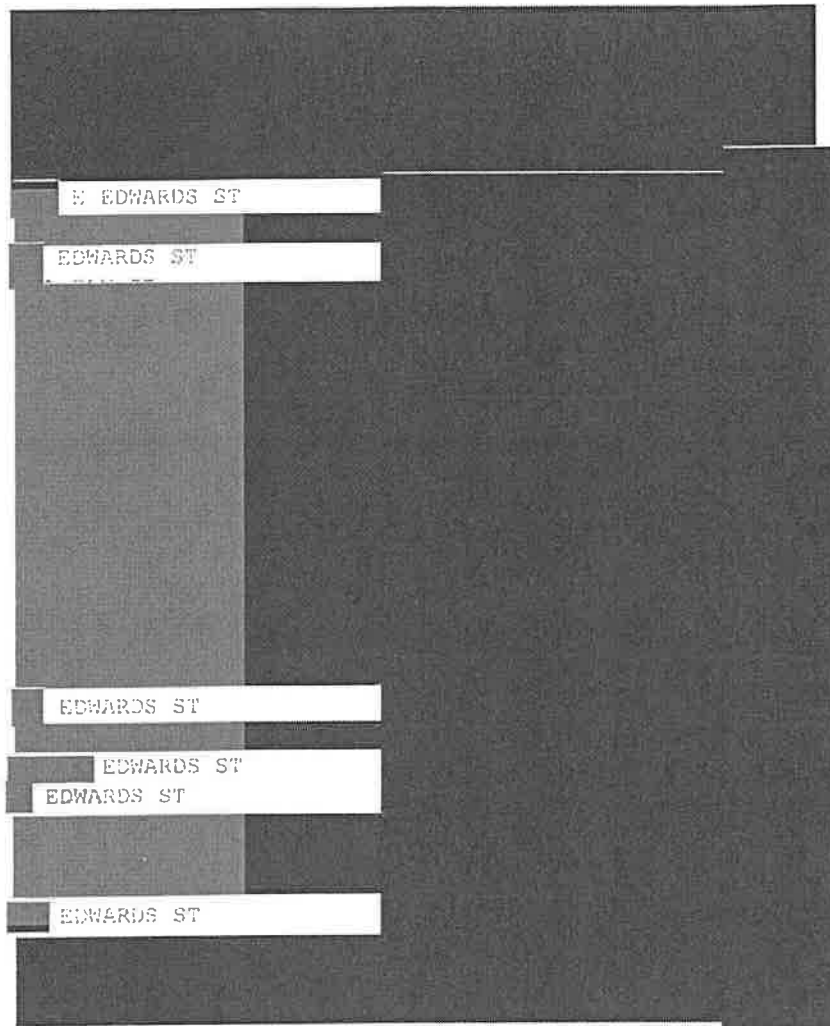
*11 t*

Nancy Carney Jones  
District Clerk

Run: MID.004

Route: 94

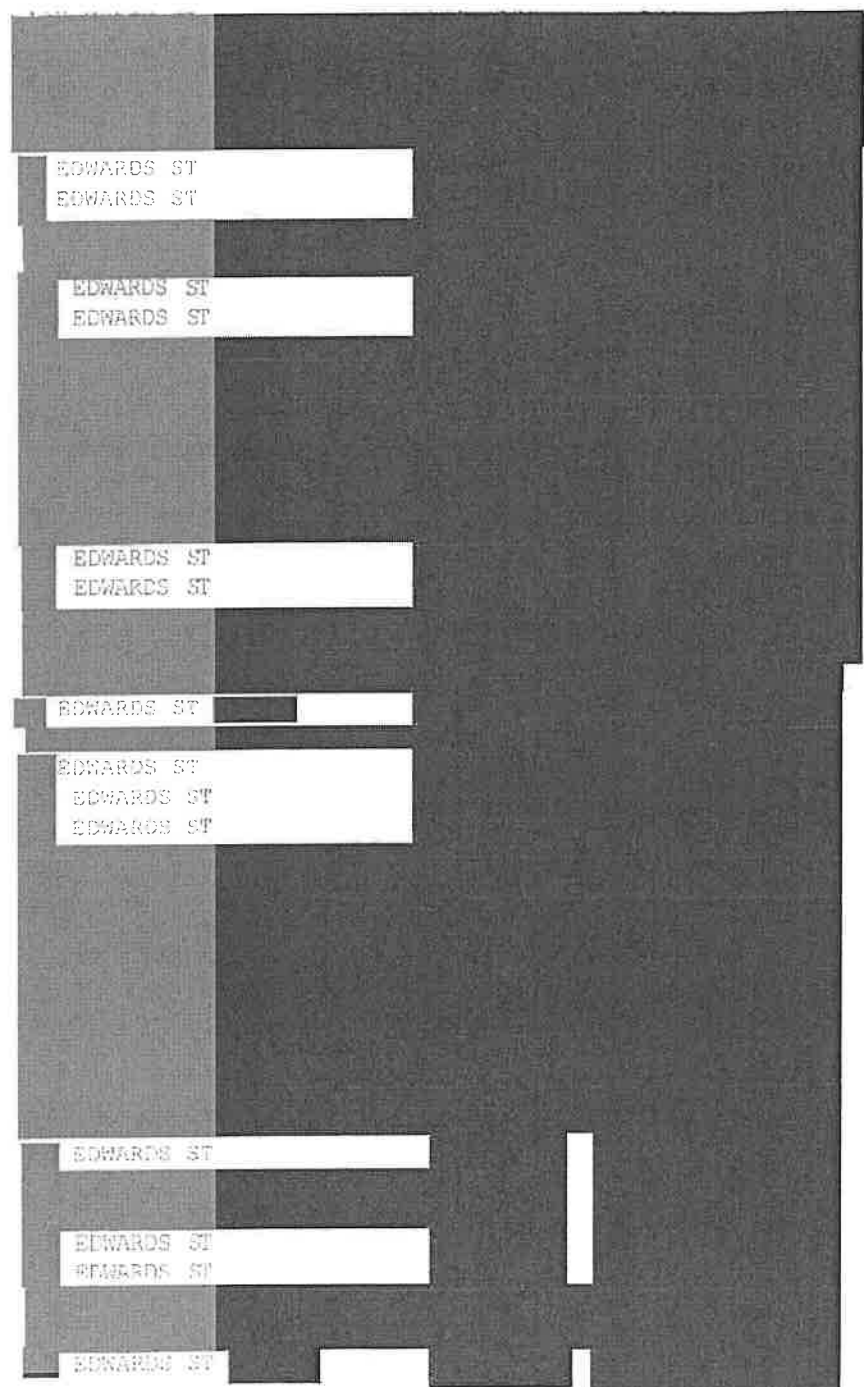
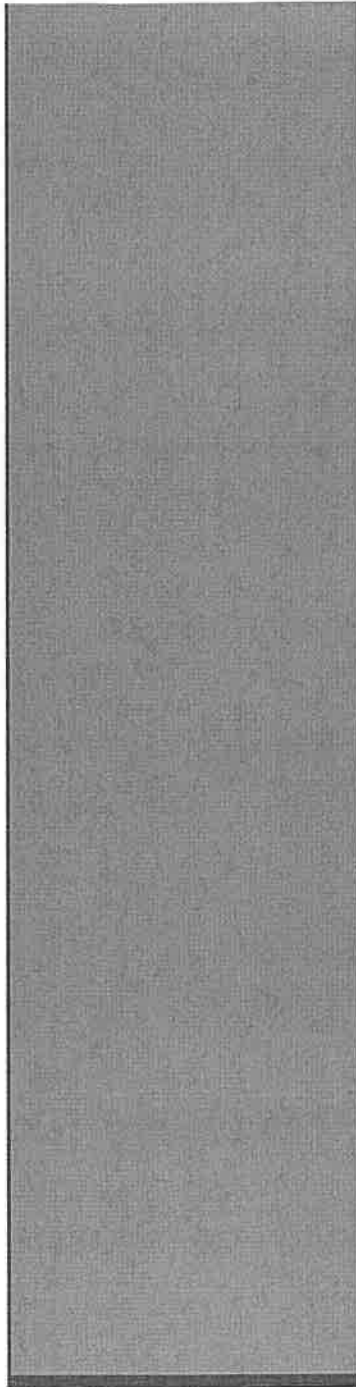
Description: TO MID



Run: 555.008

Route: 104

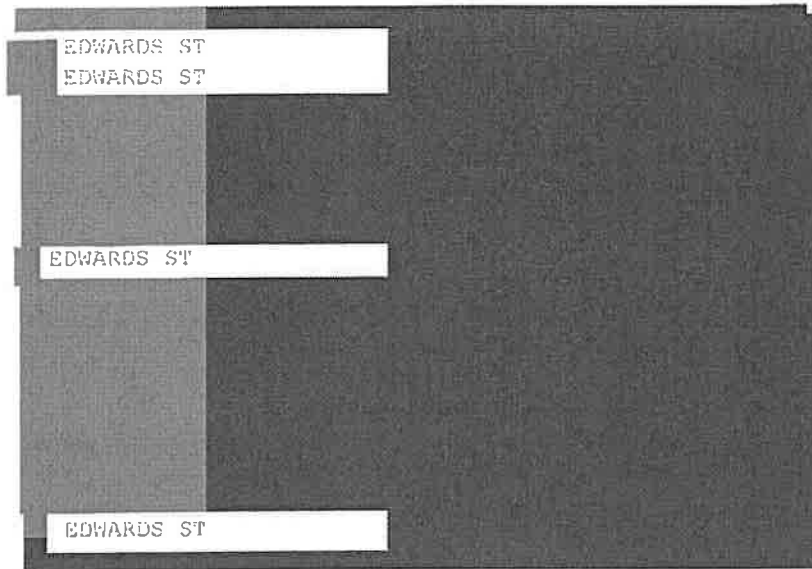
Description: TO EHS



Run: 474,015

Route: 13

Description: TO HEIGHTS (ST MARK DRCP)

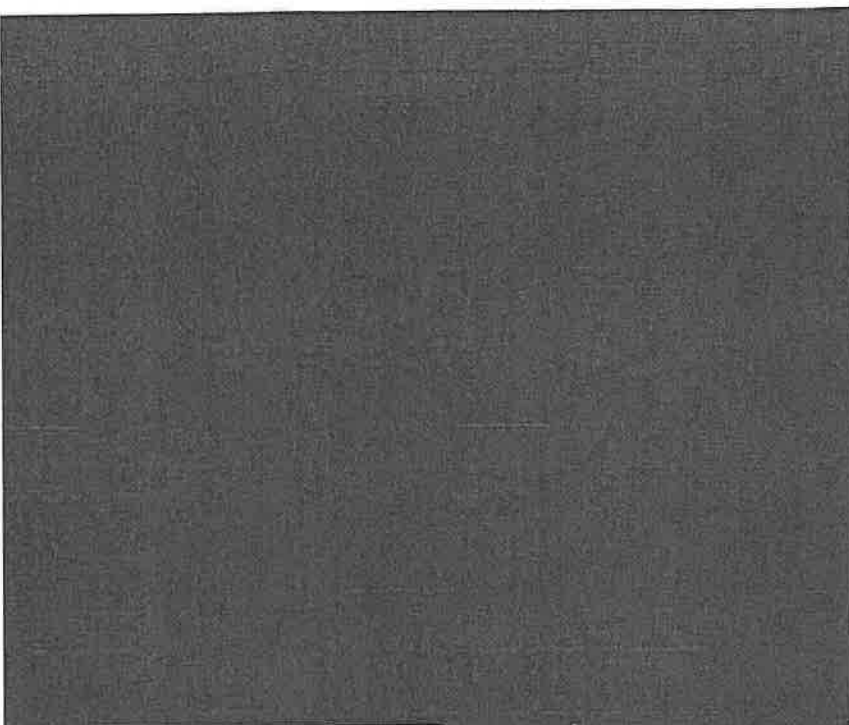
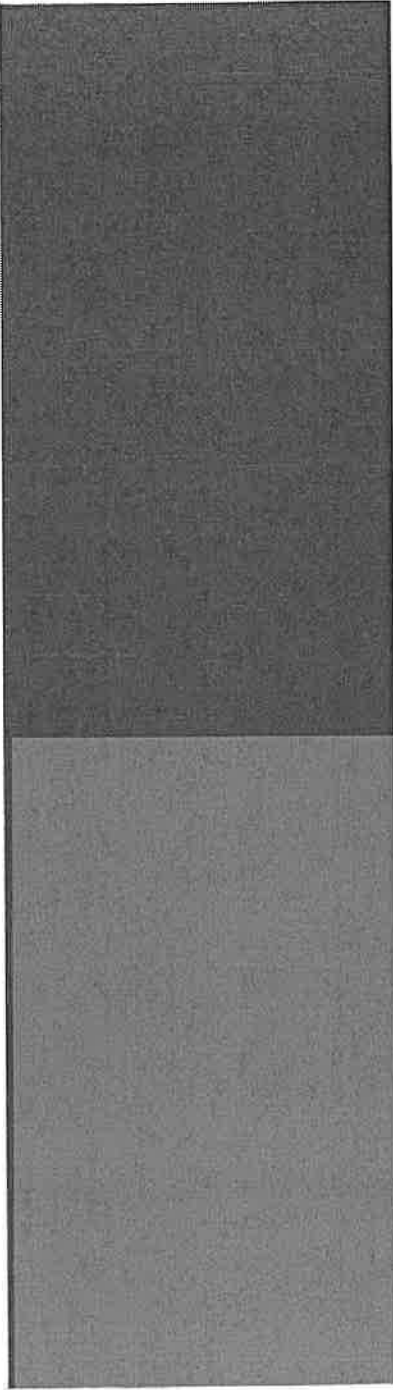


Run: 0871.051

Route: 09

Description: TO PHS

LUMBER RD



LUMBER RD





Run: PHG.000

Route: 101

Description: TO RHS

E EDWARDS ST

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## PUBLIC SCHOOLS

BOX 367, ROSLYN, NEW YORK 11576-0367 (516) 801-5100 FAX (516) 801-5108 [www.roslynschools.org](http://www.roslynschools.org)

via – email [MSahn@swc-law.com](mailto:MSahn@swc-law.com)

August 28, 2019

Mr. Michael H. Sahn  
Sahn Ward Coschignano, PLLC  
333 Earle Ovington Boulevard  
Suite 601  
Uniondale, NY 11553

Re: Freedom of Information Request

Dear Mr. Sahn:

This letter is sent in response to your August 14, 2019 Freedom of Information Law ("FOIL") request received by this Office on August 15, 2019 and in furtherance of the District's acknowledgment of your request dated August 21, 2019.

Your August 14, 2019 FOIL request seeks "information regarding the Roslyn Union Free School District ("School District") in connection to the number of students that attend a Roslyn public school and also reside at any of the following locations:

- (1) Flower Gardens  
300 Main St., Roslyn, NY 11576
- (2) Flower Hill Garden Apartments  
24-32 Middle Neck Rd., Roslyn, NY 11576

Attached are the documents responsive to your request that are in the custody, possession or control of the District.

Notwithstanding the foregoing, pursuant to section 87(2) of the Public Officers Law, "[e]ach agency shall...make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:

- (b) if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article."

Accordingly, *portions* of the documents requested are not subject to disclosure and have been redacted from the records in accordance with section 89 of the Public Officers Law. You may appeal the denial of access to these portions of the records within thirty (30) days to Mr. Michael Goldspiel, who serves as the Records Access Appeals Officer for the District. His address is as follows:

Mr. Michael Goldspiel  
Records Access Appeals Officer  
Roslyn Union Free School District  
300 Harbor Hill Road  
Roslyn, New York 11576

If you have any questions, please do not hesitate to call me at (516) 801-5002.

Very truly yours,

A handwritten signature in cursive script that reads "Nancy Carney Jones".

Nancy Carney Jones  
District Clerk

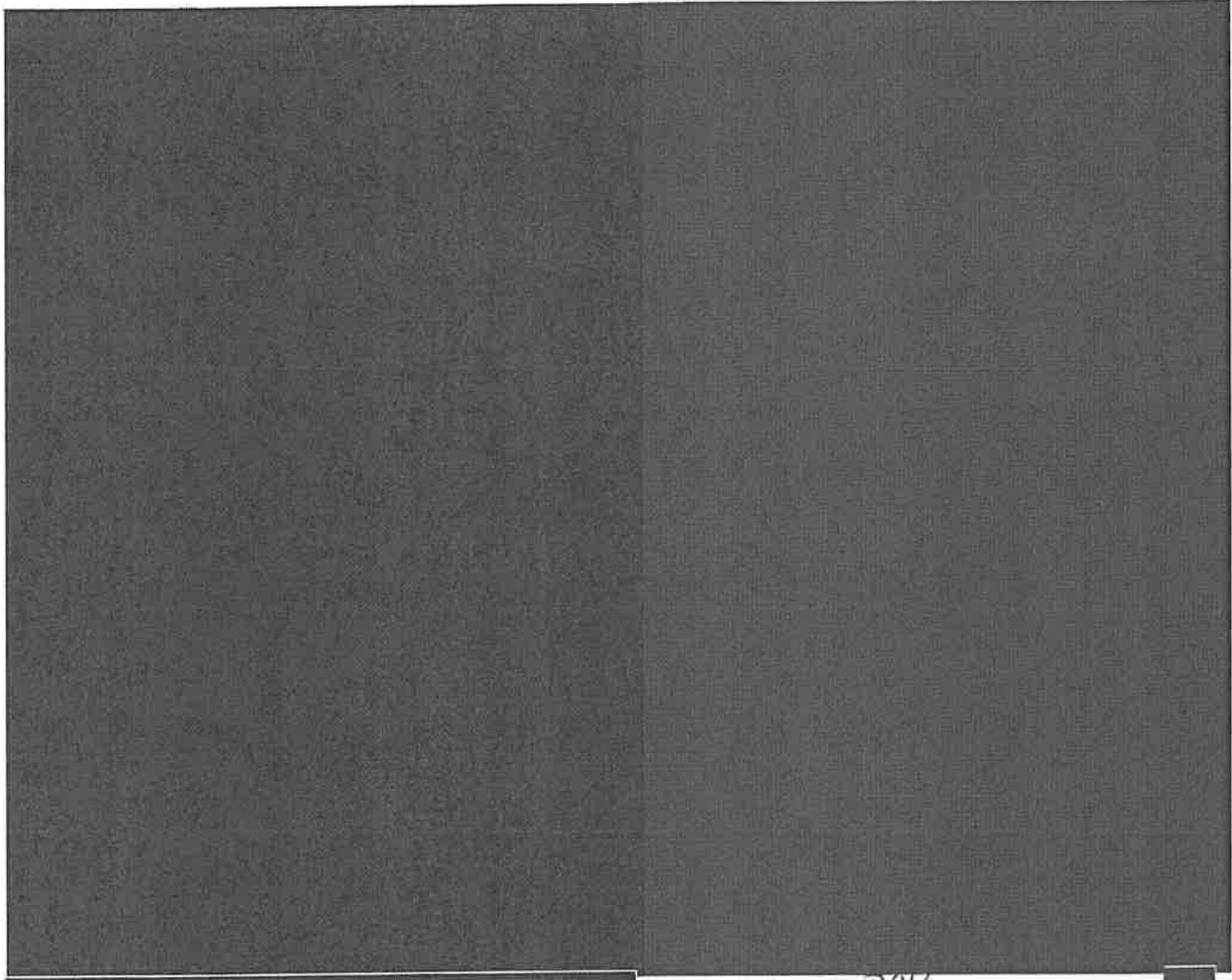
# RHS Elg Code 13

Last Name

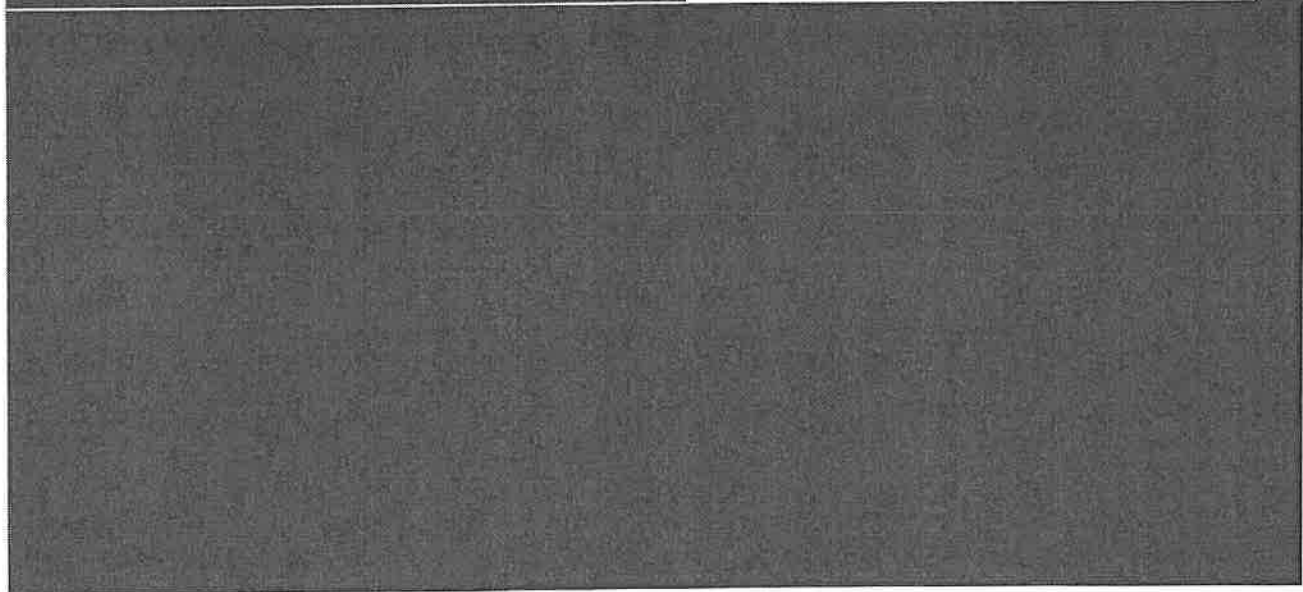
First Name

Residence

Grade



MAIN STREET — 300



Last Name

First Name

Residence

Grade

MAIN ST — 300

MAIN ST — 500

Last Name	First Name	Residence	Grade
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[REDACTED]			
[REDACTED]		MAIN ST — 3	[REDACTED]
[REDACTED]			
[REDACTED]		MAIN ST — 30	[REDACTED]
[REDACTED]			

Run: MID.013

Route: 113

Description: TO MID

MAIN ST — 300

MAIN ST — 300



Run: MID.015

Route: 108

Description: TO MID

MIDDLE NECK RD APT

MIDDLE NECK RD APT



Run: HRS.001

Route: 97

Description: TO HRS

MAIN ST \_\_\_\_\_

MAIN ST \_\_\_\_\_

MAIN ST \_\_\_\_\_

MAIN ST \_\_\_\_\_

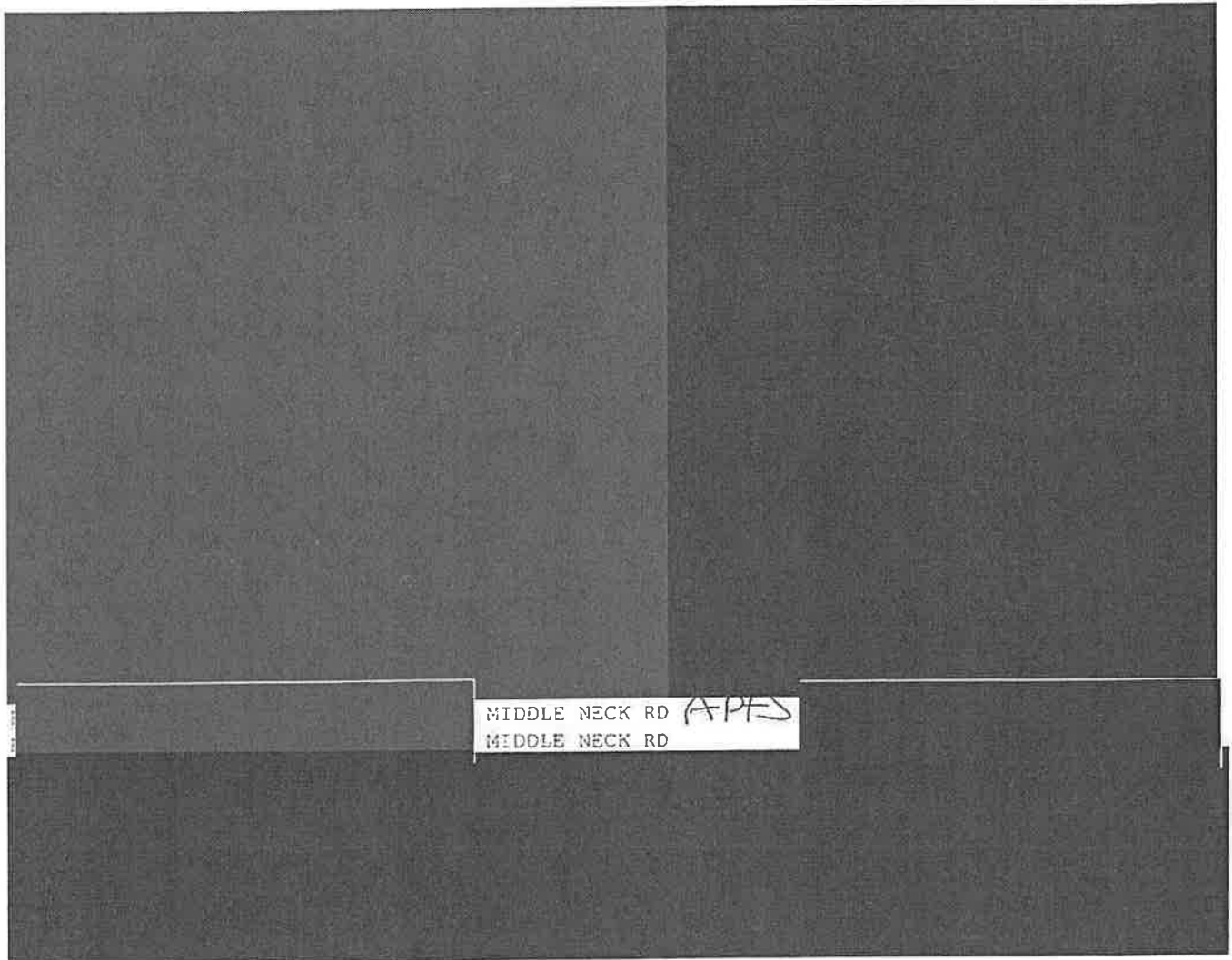
MAIN ST \_\_\_\_\_

MAIN ST \_\_\_\_\_

Run: EHS.002

Route: 102

Description: TO HHS





## Appendix C

### Description

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Roux Environmental Engineering and Geology, D.P.C., Letter dated July 3, 2019

July 3, 2019

Mr. Jordan Karlik  
281-301 Warner Ave LLC  
1044 Northern Blvd., Suite #303  
Roslyn, NY 11576

Re: Response to Roslyn School District Concerns  
281-301 Warner Ave, BCP Site #C130238

Dear Mr. Karlik:

Roux Environmental Engineering and Geology, D.P.C. (Roux) has prepared this response letter (Response Letter) to address the comments and concerns of the Roslyn School District (RSD) in relation to the above referenced Site (Site). The Site, located at 281-301 Warner Ave, Roslyn, New York, is currently enrolled in the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) and is referenced as Site #C130238. This Response Letter provides additional information relative to environmental concerns identified in the June 18, 2019 comment letter addressed to Mayor John Durkin and the Members of the Village of Roslyn Board of Trustees (Comment Letter). The Comment Letter details the concerns Roslyn School District (RSD) has on the proposed redevelopment of the Site. Specifically, this Response Letter addresses the concerns RSD has made regarding potential environmental impacts they feel might occur during the redevelopment work.

The NYSDEC BCP is designed to allow for community engagement throughout all stages of the program and has multiple levels of mandatory engineering and institutional controls that are incorporated to protect the Site workers, future occupants, and surrounding community. Throughout the BCP process, there will be opportunities to allow the public to comment prior to advancing to the next stages of the program. Roux and the NYSDEC will work closely together to ensure all stages of the BCP will be executed appropriately and address all concerns of the local community and RSD. Specifically, the RSD's interested members have been named in the Citizen Participation Plan for the Site and, in accordance with the BCP requirements, will receive consistent and direct communication throughout all phases of the redevelopment project allowing for the opportunity to provide comment on all key milestone reports.

**The primary objective of the NYSDEC is the protection of human health and the environment. Roux makes this a number one priority while executing any of our remediation projects. While contamination has been identified at the Site during previous assessment work, the contamination present is related to dry cleaning activities formerly conducted in one tenant space at the Site.**

The dry-cleaning chemicals are present at depth and there is no current pathway for the contamination to affect local pedestrians. There are numerous mitigative measures that will be developed and in place to protect workers at the Site and local citizens in the community during the completion of redevelopment activities.

These mitigative measures include, but are not limited to, the following:

**Health and Safety Plan (HASP)** – A Site-specific HASP will be developed and included in future BCP submittals. The HASP will outline the necessary steps that will be followed to keep all on-Site workers protected during redevelopment activities. A copy of the HASP will be available

for public comment during future BCP stages and will also be reviewed by the NYSDEC. The HASP and requirements will pertain to all remedial and ground intrusive redevelopment construction work performed at the Site until the issuance of a Certificate of Completion (COC).

**Community Air Monitoring Plan (CAMP)** – A CAMP will be included as an appendix to the HASP and will be implemented during all remedial and ground intrusive redevelopment construction work performed at the Site. The CAMP will be implemented at all times during which earth disturbance activities are occurring. The CAMP is designed to provide a measure of protection for the downwind community and on-Site workers not directly involved with the subject work activities, from potential airborne contaminant releases of particulates and/or volatile organic compounds (e.g., dry cleaning chemicals) as a direct result of remedial and redevelopment construction activities. This plan will be consistent with the New York State Department of Health's (NYSDOH) Generic Community Air Monitoring Plan guidance document.

**Site Management Plan (SMP) and Environmental Easement** – Site Management is the last phase of remediation and begins with the approval of the Final Engineering Report (FER) and issuance of the COC for the Remedial Action. If the Site cannot meet a Track 1 unrestricted use cleanup, then an SMP and associated Environmental Easement are institutional controls that will be developed and will continue in perpetuity or until released in writing by the NYSDEC. The property owner is responsible to ensure all Site Management responsibilities defined in the Environmental Easement and the SMP (if a Track 1 is not achieved) are performed. A Track 1 unrestricted use cleanup is expected to be achieved at the Site during remedial activities.

The Environmental Easement renders the Site a Controlled Property. The Environmental Easement:

1. requires the remedial party or Site owner to complete and submit to the NYSDEC a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
2. allows the use and development of the controlled property for restricted residential (or less restrictive uses) as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
3. restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County Department of Health; and
4. requires compliance with the NYSDEC approved SMP.

The SMP is intended to provide a detailed description of the procedures required to manage any potential remaining contamination left in place, if a Track 1 cleanup is not achieved, after remedial activities. This would include the following: (1) development, implementation, and management of all environmental controls and institutional controls; (2) development and implementation of monitoring systems and a Monitoring Plan; (3) development of a plan to operate and maintain any treatment, collection, containment, or recovery systems (including, where appropriate, preparation of an Operation and Maintenance Manual); (4) submittal of Site Management Reports, performance of inspections and certification of results, and demonstration of proper communication of Site information to the NYSDEC; and (5) defining criteria for termination of treatment system operation. The above will only be necessary if a Track 1 cleanup is not achieved during Site remediation.

Roux has completed numerous BCP projects from start to finish across New York State and will ensure the local community and the RSD remain protected throughout all stages of the BCP. Roux has the

Mr. Jordan Karlik  
July 3, 2019  
Page 3

experience needed to successfully complete this project and will certify proper implementation throughout the BCP process.

If you have any questions, please do not hesitate to call.

Sincerely,

**ROUX ENVIRONMENTAL ENGINEERING AND GEOLOGY, D.P.C.**



Christopher Proce, P.G.  
Vice President/Principal Hydrogeologist



Noelle Clarke, P.E.  
Principal Engineer

cc: Jerry Karlik, 281-301 Warner Ave LLC  
Dillon Hock, 281-301 Warner Ave LLC  
Michael Sahn, Sahn Ward Coschignano  
Miriam Villani, Sahn Ward Coschignano  
Ronald Lombino, Roux

FORM NYS-45

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

N/A - Applicant has no current payroll.

Schedule I

OTHER ATTACHMENTS



**SCHEDULE I**

Part II Paragraph H(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   X  

NO           

Copies of Petitions annexed hereto



**Nassau County**  
 Long Island, New York

[Home](#)
[Living & Working](#)
[Doing Business](#)
[Accessing Gov't](#)
[Exploring Nassau](#)
[County Departments](#)
[Nassau A-Z](#)

## Change or File an Appeal Online

AROW Home - Change or File an Appeal Online

Appl No	Amount	Address	Submitted	Type	Date	Date
2472896	22214810 07 F 06360	281-301 WARNER AVE RAILROAD AVE ROSLYN , NY 11576	02/03/2020	Received	701	2021/22 AR2 2
2214579	22115714 07 F 06360	281-301 WARNER AVE RAILROAD AVE ROSLYN , NY 11576	02/20/2019	Denied	701	2020/21 AR2 2



NEW YORK STATE DEPARTMENT OF TAXATION & FINANCE  
OFFICE OF REAL PROPERTY TAX SERVICES

RP-524 (3/09)

## COMPLAINT ON REAL PROPERTY ASSESSMENT FOR 201920

BEFORE THE BOARD OF ASSESSMENT REVIEW FOR VILLAGE OF ROSLYN  
(city, town village or county)

## PART ONE: GENERAL INFORMATION

(General information and instructions for completing this form are contained in form RP-524-Ins)

1. Name and telephone no. of owner(s)

281-301 WARNER AVE LLC

2. Mailing Address of owner(s)

Cronin, Cronin, Harris & O'Brien, P.C.333 Earle Ovington Blvd. Suite 820

Day no. ( )

Uniondale, New York 11553

Evening no. ( )

Email (optional)

3. Name, address and telephone no. of representative of owner, if representative is filing application.  
(if applicable, complete Part Four on page 4.)

Cronin, Cronin, Harris & O'Brien, P.C., 333 Earle Ovington Blvd. Suite 820, Uniondale, NY 11553, 516-506-7880

4. Property location

281-301 WARNER AVE RAILROAD AVE

Street Address

VILLAGE OF ROSLYN

Village (if any)

NORTH HEMPSTEAD

City/Town

COUNTY OF NASSAU

County

ROSLYN SCHOOL DISTRICT

School District

5. Property identification (see tax bill or assessment roll)

Tax map number or section/block/lot Dist Sec 7 Blk F Lot 636 SD 282203

Type of property:

Residence       Farm       Vacant land       Commercial       Industrial       Other       Description:       

6. Assessed value appearing on the assessment roll:

Land \$       Total \$ 55,000

7. Property owner's estimate of market value of property as of valuation date (see instructions)

\$ 250,000

**PART TWO: INFORMATION NECESSARY TO DETERMINE VALUE OF PROPERTY**  
(If additional explanation or documentation is necessary, please attach)

Information to support the value of property claimed in Part One, item 7 (complete one or more):

1. ☐ Purchase price of property: \_\_\_\_\_ \$ \_\_\_\_\_  
 a. Date of purchase: \_\_\_\_\_  
 b. Terms \_\_\_\_\_ Cash \_\_\_\_\_ Contract \_\_\_\_\_ Other (explain) \_\_\_\_\_  
 c. Relationship between seller and purchaser (parent-child, in-laws, siblings, etc.): \_\_\_\_\_  
 d. Personal property, if any, included in purchase price (furniture, livestock, etc.; attach list and sales tax receipt): \_\_\_\_\_
  
2. ☐ Property has been recently offered for sale (attach copy of listing agreement, if any):  
 When and for how long: \_\_\_\_\_  
 How offered: \_\_\_\_\_ Asking price: \$ \_\_\_\_\_
  
3. ☐ Property has been recently appraised (attach copy): When: \_\_\_\_\_ By Whom: \_\_\_\_\_  
 Purpose of appraisal: \_\_\_\_\_ Appraised value: \$ \_\_\_\_\_
  
4. ☐ Description of any buildings or improvements located on the property, including year of construction and present condition:  
 \_\_\_\_\_
  
5. ☐ Buildings have been recently remodeled, constructed or additional improvements made:  
 Cost \$ \_\_\_\_\_  
 Date Started: \_\_\_\_\_ Date Completed: \_\_\_\_\_  
 Complainant should submit construction cost details where available.
  
6. ☐ Property is income producing (e.g., leased or rented), commercial or industrial property and the complainant is prepared to present detailed information about the property including rental income, operating expenses, sales volume and income statements.
  
7. ☐ Additional supporting documentation (check if attached).

**PART THREE: GROUNDS FOR COMPLAINT**

**A. UNEQUAL ASSESSMENT (Complete items 1-4)**

1. The assessment is unequal for the following reason: (check a or b)  
The assessed value is at a higher percentage of value than the assessed value of other real property on the  
a. X assessment roll.  
The assessed value of real property improved by a one, two or three family residence is at a higher percentage of full (market) value than the assessed value of other residential property on the assessment roll or at a higher  
b. percentage of full (market) value than the assessed value of all real property on the assessment roll.  
The complainant believes this property should be assessed at 2.2 % of full value based on one or more of the following  
2. (check one or more):  
a. X The latest State equalization rate for the city, town or village in which the property is located is %  
The latest residential assessment ratio established for the city, town or village in which the residential property is located. Enter latest residential assessment ratio only if property is improved by a one, two or three family  
b. X residence %.  
c. X Statement of the assessor or other local official that property has been assessed at %.  
d. X Other (explain on attached sheet)  
3. Value of property from Part one #7 \$ 250,000  
4. Complainant believes the assessment should be reduced to \$ 5,500

**B. EXCESSIVE ASSESSMENT (Check one or more)**

The assessment is excessive for the following reason(s):

1. X The assessed value exceeds the full value of the property.  
a. Assessed value of property \$ 55,000  
b. Complainant believes that assessment should be reduced to full value of (Part one #7) \$ 250,000  
c. Attach list of parcels upon which complainant relies for objection, if applicable.  
2. The taxable assessed value is excessive because of the denial of all or portion of a partial exemption.  
a. Specify exemption (e.g., senior citizens, veterans, school tax relief [STAR])  
b. Amount of exemption claimed \$  
c. Amount granted, if any \$  
d. If application for exemption was filed, attach copy of application to this complaint.  
Improper calculation of transition assessment (Applicable only in approved assessing unit which has adopted  
3. X transition assessments.)  
a. Transition assessment \$  
b. Transition assessment claimed \$

**C. UNLAWFUL ASSESSMENT (Check one or more)**

The assessment is unlawful for the following reason(s):

1. Property is wholly exempt. (Specify exemption (e.g., nonprofit organization))  
Property is entirely outside the boundaries of the city, town, village, school district or special district in which it is  
2. designated as being located.  
Property has been assessed and entered on the assessment roll by a person or body without the authority to make the  
3. entry.  
Property cannot be identified from description or tax map number on the assessment roll.  
4. Property is special franchise property, the assessment of which exceeds the final assessment thereof as determined by  
5. the Office of Real Property Tax Services. (Attach copy of certificate.)

**D. MISCLASSIFICATION (Check one)**

The property is misclassified for the following reason (relevant only in approved assessing unit which establish homestead and non-homestead tax rates):

- X Class designation on the assessment roll
1. Complainant believes class designation should be
  2. X The assessed value is improperly allocated between homestead and non-homestead real property.  
Allocation of assessed value on assessment roll Claimed allocation  
Homestead \$ \$  
Non-Homestead \$ \$

**PART FOUR: DESIGNATION OF REPRESENTATIVE TO MAKE COMPLAINT**

I, See Attached Authorization, as complainant (or officer thereof) hereby designate \_\_\_\_\_ to act as my representative in any and all proceedings before the board of assessment review of the city/town/village/county of \_\_\_\_\_ for purposes of reviewing the assessment of my real property as it appears on the \_\_\_\_\_ (year) tentative assessment roll of such assessing unit.

2/8/2019

Date

Signature of owner (or officer thereof)**PART FIVE: CERTIFICATION**

I certify that all statements made on this application are true and correct to the best of my knowledge and belief, and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the Penal Law relevant to the making and filing of false instruments.

2/8/2019

Date

Signature of owner (or representative)**PART SIX: STIPULATION**

The complainant (or complainant's representative) and assessor (or assessor designated by a majority of the board of assessors) whose signatures appear below stipulate that the following assessed value is to be applied to the above described property on the \_\_\_\_\_ (year) assessment roll: Land \$ \_\_\_\_\_ Total \$ \_\_\_\_\_  
(Check box if stipulation approves exemption indicated in Part Three, section B.2. or C.1.)

Complainant or representativeAssessorDate**SPACE BELOW FOR USE OF BOARD OF ASSESSMENT REVIEW**

## Disposition

- ☐ Unequal assessment ☐ Excessive assessment  
☐ Unlawful assessment ☐ Misclassification  
☐ Ratification of stipulated assessment ☐ No change in assessment

Clear Form

Reason: \_\_\_\_\_

**Vote on Complaint**

- ☐ All concur ☐ against ☐ abstain ☐ absent  
☐ All concur except: \_\_\_\_\_

Name

- ☐ against ☐ abstain ☐ absent

Name

## Decision by

	Tentative assessment	Claimed assessment	Board of Assessment Review
Total assessment	\$ _____	\$ _____	\$ _____
Transition assessment (if any) ...	\$ _____	\$ _____	\$ _____
Exempt amount .....	\$ _____	\$ _____	\$ _____
Taxable assessment .....	\$ _____	\$ _____	\$ _____

Class designation and allocation of assessed value (if any):

Homestead ..... \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_  
 Non-homestead ..... \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

Date notification mailed to complainant \_\_\_\_\_

**CRONIN, CRONIN, HARRIS & O'BRIEN P.C. IS HEREBY AUTHORIZED** to file and verify as agent complaints and petitions for the reduction of real estate tax assessments pursuant to Articles 5 and 7 of the Real Property Tax Law for the following property and to represent the petitioner in all appeals there from for proceedings commenced during the 2019 calendar year (for the 2019/20 and 2020/21 Tax Years) .

January 02, 2019

SWIS CODE 282241  
COUNTY OF NASSAU  
TOWN OF NORTH HEMPSTEAD  
VILLAGE OF ROSLYN

<u>PROPERTY ADDRESS</u>	<u>SD</u>	<u>CL</u>	<u>District</u>	<u>SEC/BK/LOT</u>	<u>UNIT/ITEM #</u>
281-301 Warner Ave Railroad Ave,	282203	4		7/F/638	
Total Properties:					1

PETITIONER: 281-301 WARNER AVE LLC

Signature: *[Signature]*

Name: *Fredy Haller*

Date: *10/19/18*

Title: *Manager*



FILE # 010-5994;

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

X

In the Matter of the Application of:

NOTICE OF  
PETITION AND PETITION  
Tax Year 201920  
Index #

281-301 WARNER AVE LLC

010-5994

Petitioner(s)

-against-

THE BOARD OF ASSESSORS AND THE ASSESSORS  
AND THE BOARD OF ASSESSMENT REVIEW OF THE VILLAGE OF ROSLYN  
AND THE VILLAGE OF ROSLYN

Respondents

For Review of a Tax Assessment Under Article 7  
of the Real Property Tax Law

X

SIRS:

PLEASE TAKE NOTICE that upon the annexed Petition, application will be made at Special Term Part IV of the Supreme Court of the State of New York to be held in and for the County of Nassau at the Courthouse located at 100 Supreme Court Drive, Mineola, NY 11501 on the 31 day of May 2019 at the opening of Court on that day or as soon thereafter as counsel can be heard, for the review under Article 7 of the Real Property Tax Law of the assessment upon Petitioner's real property described in the petition, and for such other and further relief as the Court may deem just and proper.

DATED: 4/15/2019

Yours, etc.

CRONIN, CRONIN, HARRIS & O'BRIEN, P.C.  
Attorneys for Petitioner  
333 Earle Ovington Blvd. Suite 820



The aforementioned Petitioner, by its attorney, CRONIN, CRONIN, HARRIS & O'BRIEN, P.C., respectfully alleges as follows:

1. The aforementioned Petitioner, whose post office address is c/o CRONIN, CRONIN, HARRIS & O'BRIEN, P.C., 333 Earle Ovington Boulevard, Uniondale, New York 11553, at all times herein mentioned, was and still is an aggrieved party under section 704 and 706 of the RPTL with respect to the assessment roll set forth in the schedule in this petition.

2. The Respondents prepared and completed, according to law, a tentative assessment roll for the assessing jurisdiction for the year set forth on the cover page of this petition and notice of petition, which assessment roll included an assessment for Petitioner's real property, described in the following schedule.

3. If there be more than one Petitioner herein, the word "Petitioner" shall mean "Petitioners" or "each of the Petitioners", whenever the sense and context so requires.

4. If there be more than one assessment herein, the word "assessment" shall mean "assessments" or "each of the assessments", whenever the sense and context so requires.

5. If there be more than one property herein, the word "property" shall mean "properties" or "each of the properties", whenever the sense and context so requires.

6. Respondents are authorized to assess real property in said jurisdiction.

7. Respondents are authorized to hear and determine complaints in relation to assessment and has all of the powers and duties imposed by the Real Property Tax Law.

8. The Respondents prepared and completed a tentative assessment roll of all real property in said jurisdiction for the tax year as set forth on the attached schedule.

9. On or before Grievance Day, Petitioner protested said assessment by filing with Respondents a written application for correction of the assessed valuation(s), in which application was included a statement, under oath, specifying the respects in which said assessment was incorrect and a request that said assessment be corrected and reduced as set forth in the aforementioned schedule. Said application and statements are hereby referred to and made a part of this Petition as if fully set forth herein.

10. The said application and statements were received by Respondents, without objection, within the time fixed by law for the making and hearing of complaints in respect to assessments.

11. A final decision and determination of the assessments of said real properties were duly rendered by Respondents, who failed to correct and reduce said assessment as requested and finally completed and filed the assessment roll as required by law to the amount set forth in the aforementioned schedule.

12. Thirty (30) days has not elapsed since the latter of the final completion and filing of the assessment roll and the giving of notice thereof as required by law, or, the final day set by law for the filing of the assessment roll.

13. The Petitioner herein alleges that a common question of law or fact exists pursuant to RPTL Section 706(2).

14. The said assessment of your Petitioner's property on the

assessment roll as finally completed is incorrect and erroneous upon the following grounds:

- (a) Excessive to the extent set forth in the aforementioned scheduled.
- (b) Unequal to the extent set forth in the aforementioned scheduled in that there is an inequality of assessments, the Petitioner's assessment having been made at a higher proportionate valuation than the assessments of other real property on the same roll and/or other real property in the same class on the same roll by the same officers and Respondents; the specified instances of said inequality are the assessments of all of the real property and/or other real property in the same class other than the property of Petitioner in the assessing jurisdiction and in each and every parcel thereof. In order that the assessment of Petitioner's real property be made proportionate to assessments of all of the real property throughout the assessing jurisdiction and/or other real property in the same class throughout the assessing jurisdiction, it is necessary that it be reduced to the amount set forth in the aforementioned schedule.
- (c) Illegality to the extent set forth in the aforementioned schedule in that subject property is being assessed in an erroneous, arbitrary, and capricious manner.
- (d) Unconstitutional to the extent the methodology used by the Respondents is in violation of the Equal Protection Clause of the New York State Constitution and the United States Constitution.
- (e) Illegal and unconstitutional to the extent that the Petitioner's property has been reevaluated by the Respondents, and on information and belief, no improvements had been made by Petitioner and no construction of any structure had occurred which could justify the increase in

assessment.

15. While confirming the increased assessment placed upon Petitioner's real property, on information and belief, the Respondent Assessor(s) did not engage in any market reevaluation as to lots that are similar to those owned by the Petitioner.

16. If the assessment at issue is a transitional assessment, such assessment is excessive, erroneous and illegal in that it exceeds the permissible transitional increase as set forth in the Real Property Tax Law.

17. Your Petitioner is aggrieved and injured by said unjust, unequal, excessive, illegal, incorrect and erroneous assessment in that, by reason thereof, Petitioner will be compelled to pay a greater amount and proportion of taxes based upon the assessment roll than Petitioner would be required to pay if said assessment had been just, fair, equal and correct.

18. No provision is made by law for an appeal or other relief from the final determination of Respondents, except by a review by petition to the Supreme Court  
and no previous application for the relief herein asked has been made to any court or Judge.

19. The assessment is excessive and illegal in that Petitioner is denied the benefit of a RPTL §485-b New Construction Exemption even though the Petitioner complied with all the requirements set forth therein and that the construction is completed in accordance with RPTL §485-b.

20. The Petitioner's real property has been misclassified. The class designation of Petitioner's real property results in an incorrect

allocation of the real property's assessed valuation between two or more classes. The criteria used by the Respondents for the determination by tax class is arbitrary, capricious and unlawful.

21. The Agricultural Exemption is improperly implemented in that it omitted acreage as not qualified for the exemption even though this acreage is used solely for agricultural use.

WHEREFORE, your Petitioner prays that the Supreme Court review and correct on the merits the aforementioned final determination of the Respondents on the grounds set forth in this Petition, and that the said Court take evidence to enable your Petitioner to show the unjust, unequal, excessive, illegal, misclassified and erroneous assessment of the said real property to the end that the assessment may be reduced to the full, true and market value thereof for land and improvements and to a valuation proportionate to the assessments of other real property, and/or all other property in the same class, assessed on the same rolls for the same year, so that equality of assessments will result, and may be properly classified, and for such other and further relief as the Court may deem proper, together with the cost and disbursements of this proceeding.

CRONIN, CRONIN, HARRIS & O'BRIEN, P.C.  
Attorneys for Petitioner  
333 Earle Ovington Blvd., Suite 820  
Uniondale, New York  
(516) 506-7880

ERIN A. O'BRIEN, being duly sworn, deposes and says:


That deponent is the agent for the Petitioners herein, that deponent has read the foregoing Notice of Petition and Petition and knows the contents thereof; that the same is true to deponent's own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true; and that the reason this verification is made by deponent and not by the Petitioners is that all the material allegations (except those as to matters of public record) of said Petition are within the personal knowledge of deponent.

Erin A. O'Brien

ERIN A. O'BRIEN

Sworn to before me this  
18 day of April, 2019

day of April, 2019

  
\_\_\_\_\_  
Notary Public

GEMMA A. GOODMAN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01G06349709  
Qualified In Nassau County  
My Commission Expires 10-24-2020

FILED: NASSAU COUNTY CLERK 04/16/2019 12:22 PM  
NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 04/16/2019

Swis Code: 282241 - VILLAGE OF ROSLYN

010-5994 281-301 WARNER AVE LLC  
SD: 282203 ROSLYN SCHOOL DISTRICT Sec: 7 Blk: F Lot: 636  
Tnt AV \$: 55000 Clm AV \$: 5500 Fnl AV \$: 55000 Ineq/OvVal \$: 49500

CRONIN, CRONIN, HARRIS & O'BRIEN P.C. IS HEREBY AUTHORIZED to file and verify as agent complaints and petitions for the reduction of real estate tax assessments pursuant to Articles 5 and 7 of the Real Property Tax Law for the following property and to represent the petitioner in all appeals there from for proceedings commenced during the 2019 calendar year (for the 2019/20 and 2020/21 Tax Years) .

January 02, 2019

SWIS CODE 282241

COUNTY OF NASSAU

TOWN OF NORTH HEMPSTEAD

VILLAGE OF ROSLYN

<u>PROPERTY ADDRESS</u>	<u>SD</u>	<u>CL</u>	<u>District</u>	<u>SEC/BLK/LOT</u>	<u>UNIT/ITEM #</u>
281-301 Warner Ave Railroad Ave,	282203	4		7/F/638	
Total Properties:					1

PETITIONER: 281-301 WARNER AVE LLC

Signature: Jerry Kalk

Name: Jerry Kalk

Date: 10/10/18

Title: Manager



FILE # 010-5994:



FILED: NASSAU COUNTY CLERK 04/23/2019 03:18 PM

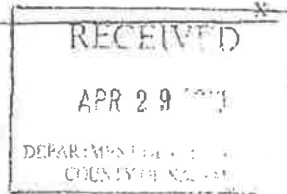
NYSCEF EGC, NO. 1

INDEX NO. 403640/2019

RECEIVED NYSCEF: 04/23/2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

In the Matter of the Application of:



NOTICE OF  
PETITION AND PETITION  
Tax Year 201920  
Index #

FILED: NASSAU COUNTY CLERK 04/23/2019 03:18 PM

NYSCEF DOC. NO. 1

INDEX NO. 483640/2019  
RECEIVED NYSCEF: 04/23/2019

281-301 WARNER AVE LLC

010-5994

Petitioner(s)

-against-

THE BOARD OF ASSESSORS AND THE ASSESSMENT  
REVIEW COMMISSION OF THE COUNTY OF NASSAU

Respondents

For Review of a Tax Assessment Under Article 7  
of the Real Property Tax Law

X

SIRS:

PLEASE TAKE NOTICE that upon the annexed Petition, application will be made at Special Term Part IV of the Supreme Court of the State of New York to be held in and for the County of Nassau at the Courthouse located at 100 Supreme Court Drive, Mineola, NY on the 31 day of May 2019 at the opening of Court on that day or as soon thereafter as counsel can be heard, for the review under Article 7 of the Real Property Tax Law of the assessment upon Petitioner's real property described in the petition, and for such other and further relief as the Court may deem just and proper.

DATED: 4/17/2019

The aforementioned Petitioner, by its attorney, CRONIN, CRONIN, HARRIS & O'BRIEN, P.C., respectfully alleges as follows:

1. The aforementioned Petitioner, whose post office address is c/o CRONIN, CRONIN, HARRIS & O'BRIEN, P.C., 333 Earle Ovington Boulevard., Uniondale, New York 11553, at all times herein mentioned, was and still is an aggrieved party under section 704 and 706 of the RPTL with respect to the assessment roll set forth in the schedule in this petition.

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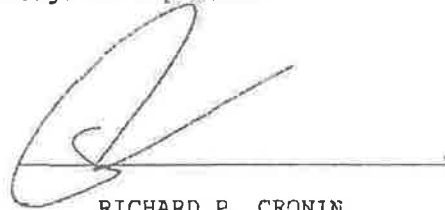
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CRONIN, CRONIN, HARRIS & O'BRIEN, P.C.  
Attorneys for Petitioner  
333 Earle Ovington Blvd., Suite 820  
Uniondale, New York  
(516) 506-7880

STATE OF NEW YORK }  
                                  ss.:  
COUNTY OF NASSAU }

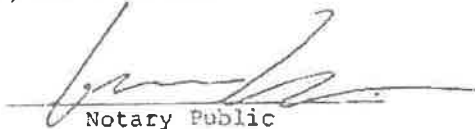
RICHARD P. CRONIN, being duly sworn, deposes and says:

That deponent is the agent for the Petitioners herein, that deponent has read the foregoing Notice of Petition and Petition and knows the contents thereof; that the same is true to deponent's own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true; and that the reason this verification is made by deponent and not by the Petitioners is that all the material allegations (except those as to matters of public record) of said Petition are within the personal knowledge of deponent.



RICHARD P. CRONIN

Sworn to before me this  
17 day of April, 2019

  
Notary Public

GEMMA A. GOODMAN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01G06349709  
Qualified In Nassau County  
My Commission Expires 10-24-2020



FILED: NASSAU COUNTY CLERK 04/23/2019 03:18 PM

NYSCEF DOC. NO. 1

INDEX NO. 403640/2019  
RECEIVED NYSCEF: 04/23/2019

010-5994                      281-301 WARNER AVE LLC  
SD: 282203 ROSLYN SCHOOL DISTRICT Sec: 7 Blk: F Lot: 636  
Tot AV \$: 19916    Clm AV \$: 1991.6    Fnl AV \$: 19916    Ineq/Ov Val \$: 17924.4

FILED: NASSAU COUNTY CLERK 04/23/2019 03:18 PM

NYSCEF DOC. NO. 1

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RECEIVED NYSCEF: 04/23/2019

**CRONIN, CRONIN, HARRIS & O'BRIEN P.C. IS HEREBY AUTHORIZED** to file and verify as agent complaints and petitions for the reduction of real estate tax assessments pursuant to Articles 5 and 7 of the Real Property Tax Law for the following property and to represent the petitioner in all appeals there from for proceedings commenced during the 2019 calendar year (for the 2019/20 and 2020/21 Tax Years) .

January 02, 2019

SWIS CODE 282241  
COUNTY OF NASSAU  
TOWN OF NORTH HEMPSTEAD  
VILLAGE OF ROSLYN

PROPERTY ADDRESS	SD	CL District	SEC/BK/LOT	UNIT/ITEM #
281-301 Warner Ave Railroad Ave,	282203	4	7/F/636	
Total Properties:				1

PETITIONER: 281-301 WARNER AVE LLC

Signature: *[Signature]*

Name: *[Signature]*

Date: 10/19/18

Title: Manager



FILE # 010-5994:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

----- X  
In the Matter of the Application of:

NOTICE OF  
PETITION AND PETITION  
Tax Year 202021  
Index #

281-301 WARNER AVE LLC THE

010-5994

Petitioner(s)

-against-

THE BOARD OF ASSESSORS AND THE ASSESSORS  
AND THE BOARD OF ASSESSMENT REVIEW OF THE VILLAGE OF ROSLYN  
AND THE VILLAGE OF ROSLYN

Respondents

For Review of a Tax Assessment Under Article 7  
of the Real Property Tax Law

----- X

SIRS:

PLEASE TAKE NOTICE that upon the annexed Petition, application will be made at Special Term Part IV of the Supreme Court of the State of New York to be held in and for the County of Nassau at the Courthouse located at 100 Supreme Court Drive, Mineola, NY 11501 on the 9 day of July 2020 at the opening of Court on that day or as soon thereafter as counsel can be heard, for the review under Article 7 of the Real Property Tax Law of the assessment upon Petitioner's real property described in the petition, and for such other and further relief as the Court may deem just and proper.

DATED: 5/26/2020

Yours, etc.

CRONIN, HARRIS & ASSOCIATES, P.C.  
Attorneys for Petitioner  
333 Earle Ovington Blvd. Suite 820  
Uniondale, NY 11553

The aforementioned Petitioner, by its attorney, CRONIN, HARRIS & ASSOCIATES, P.C., respectfully alleges as follows:

1. The aforementioned Petitioner, whose post office address is c/o CRONIN, HARRIS & ASSOCIATES, P.C., 333 Earle Ovington Boulevard., Uniondale, New York 11553, at all times herein mentioned, was and still is an aggrieved party under section 704 and 706 of the RPTL with respect to the assessment roll set forth in the schedule in this petition.

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CRONIN, HARRIS & ASSOCIATES, P.C.  
Attorneys for Petitioner  
333 Earle Ovington Blvd., Suite 820  
Uniondale, New York  
(516) 506-7880

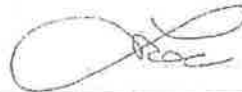
STATE OF NEW YORK )

ss.:

COUNTY OF NASSAU )

LAUREEN HARRIS, being duly sworn, deposes and says:

That deponent is the agent for the Petitioners herein, that deponent has read the foregoing Notice of Petition and Petition and knows the contents thereof; that the same is true to deponent's own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true; and that the reason this verification is made by deponent and not by the Petitioners is that all the material allegations (except those as to matters of public record) of said Petition are within the personal knowledge of deponent.



LAUREEN HARRIS

Sworn to before me this  
26 day of May 2020



Notary Public

**GEMMA A. GOODMAN**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
**No. 01G06349709**  
**Qualified in Nassau County**  
**My Commission Expires 10-24-2020**

FILED: NASSAU COUNTY CLERK 05/28/2020 05:39 PM  
NYSCEF DOC. NO. 1

INDEX NO. 401346/2020  
RECEIVED NYSCEF: 05/28/2020

Swis Code: 282241 - VILLAGE OF ROSLYN

010-5994 281-301 WARNER AVE LLC  
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Tnt AV \$: 55000 Cln AV \$: 5500 Enl AV \$: 55000 Ineq/OvVal \$: 49500

CRONIN, HARRIS & ASSOCIATES P.C. IS HEREBY AUTHORIZED to file and verify as agent complaints and petitions for the reduction of real estate tax assessments pursuant to Articles 5 and 7 of the Real Property Tax Law for the following property and to represent the petitioner in all appeals there from for proceedings commenced during the 2020 calendar year (for the 2020/21 and 2021/22 Tax Years). The undersigned CERTIFIES that they are an aggrieved party within the meaning of the Real Property Tax Law and hereby authorizes the representative to file with the Nassau County Assessment Review Commission.

January 02, 2020

SWIS CODE 282241

COUNTY OF NASSAU

TOWN OF NORTH HEMPSTEAD

VILLAGE OF ROSLYN

<u>PROPERTY ADDRESS</u>	<u>SD</u>	<u>CL</u>	<u>District</u>	<u>SEC/BLK/LOT</u>	<u>UNIT/ITEM #</u>
281-301 Warner Ave Railroad Ave,	282203	4		7/F/636	
					Total Properties: 1

PETITIONER: 281-301 WARNER AVE LLC

Signature: Dillon Hock

Date: 9/4/19

Name: Dillon Hock

Title: Associate



FILE # 010-5994:

FILED: NASSAU COUNTY CLERK 06/05/2020 06:01 PM

NYSCEF DOC. NO. 1

INDEX NO. 401676/2020

RECEIVED NYSCEF: 06/05/2020

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

----- X  
In the Matter of the Application of:

281-301 WARNER AVE LLC

010-5994

Petitioner(s)

-against-

THE BOARD OF ASSESSORS AND THE ASSESSMENT  
REVIEW COMMISSION OF THE COUNTY OF NASSAU

Respondent(s)

For Review of a Tax Assessment Under Article 7  
of the Real Property Tax Law

----- X

SIRS:

PLEASE TAKE NOTICE that upon the annexed Petition, application will be made at Special Term Part IV of the Supreme Court of the State of New York to be held in and for the County of Nassau at the Courthouse located at 100 Supreme Court Drive, Mineola, NY on the 17 day of July 2020 at the opening of Court on that day or as soon thereafter as counsel can be heard, for the review under Article 7 of the Real Property Tax Law of the assessment upon Petitioner's real property described in the petition, and for such other and further relief as the Court may deem just and proper.

FILED: NASSAU COUNTY CLERK 06/05/2020 06:01 PM

NYSCEF DOC. NO. 1

DATED: 6/4/2020

INDEX NO. 401676/2020

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Yours, etc.

CRONIN, HARRIS & ASSOCIATES, P.C.  
Attorneys for Petitioner  
333 Earle Ovington Blvd, Suite 820  
Uniondale, NY 11553

The aforementioned Petitioner, by its attorney, CRONIN, HARRIS & ASSOCIATES, P.C., respectfully alleges as follows:

1. The aforementioned Petitioner, whose post office address is c/o CRONIN, HARRIS & ASSOCIATES, P.C., 333 Earle Ovington Boulevard., Uniondale, New York 11553, at all times herein mentioned, was and still is an aggrieved party under section 704 and 706 of the RPTL with respect to the assessment roll set forth in the schedule in this petition.

2. The Respondents prepared and completed, according to law, a tentative assessment roll for the assessing jurisdiction for the year set forth on the cover page of this petition and notice of petition, which assessment roll included an assessment for Petitioner's real property, described in the following schedule.

3. If there be more than one Petitioner herein, the word "Petitioner" shall mean "Petitioners" or "each of the Petitioners", whenever the sense and context so requires.

4. If there be more than one assessment herein, the word "assessment" shall mean "assessments" or "each of the assessments", whenever the sense and context so requires.

5. If there be more than one property herein, the word "property" shall mean "properties" or "each of the properties", whenever the sense and context so requires.

6. Respondents are authorized to assess real property in



said jurisdiction.

7. Respondents are authorized to hear and determine complaints in relation to assessment and has all of the powers and duties imposed by the Real Property Tax Law.

8. The Respondents prepared and completed a tentative assessment roll of all real property in said jurisdiction for the tax year as set forth on the attached schedule.

9. On or before Grievance Day, Petitioner protested said assessment by filing with Respondents a written application for correction of the assessed valuation(s), in which application was included a statement, under oath, specifying the respects in which said assessment was incorrect and a request that said assessment be corrected and reduced as set forth in the aforementioned schedule. Said application and statements are hereby referred to and made a part of this Petition as if fully set forth herein.

10. The said application and statements were received by Respondents, without objection, within the time fixed by law for the making and hearing of complaints in respect to assessments.

11. A final decision and determination of the assessments of said real properties were duly rendered by Respondents, who failed to correct and reduce said assessment as requested and finally completed and filed the assessment roll as required by law to the amount set forth in the aforementioned schedule.

12. Thirty (30) days has not elapsed since the latter of the final completion and filing of the assessment roll and the giving of notice thereof as required by law, or, the final day set by law for the filing of the assessment roll.

13. The Petitioner herein alleges that a common question of law or fact exists pursuant to RPTL Section 706(2).

14. The said assessment of your Petitioner's property on the assessment roll as finally completed is incorrect and erroneous upon the following grounds:

(a) Excessive to the extent set forth in the aforementioned scheduled.

(b) Unequal to the extent set forth in the aforementioned scheduled in that there is an inequality of assessments, the Petitioner's assessment having been made at a higher proportionate valuation than the assessments of other real property on the same roll and/or other real property in the same class on the same roll by the same officers and Respondents; the specified instances of said inequality are the assessments of all of the real property and/or other real property in the same class other than the property of Petitioner in the assessing jurisdiction and in each and every parcel thereof. In order that the assessment of Petitioner's real property be made proportionate to assessments of all of the real property throughout the assessing jurisdiction and/or other real property

in the same class throughout the assessing jurisdiction, it is necessary that it be reduced to the amount set forth in the aforementioned schedule.

(c) Illegality to the extent set forth in the aforementioned schedule in that subject property is being assessed in an erroneous, arbitrary, and capricious manner.

(d) Unconstitutional to the extent the methodology used by the Respondents is in violation of the Equal Protection Clause of the New York State Constitution and the United States Constitution.

(e) Illegal and unconstitutional to the extent that the Petitioner's property has been reevaluated by the Respondents, and on information and belief, no improvements had been made by Petitioner and no construction of any structure had occurred which could justify the increase in assessment.

15. While confirming the increased assessment placed upon Petitioner's real property, on information and belief, the Respondent Assessor(s) did not engage in any market reevaluation as to lots that are similar to those owned by the Petitioner.

16. If the assessment at issue is a transitional assessment, such assessment is excessive, erroneous and illegal in that it exceeds the permissible transitional increase as set forth in the Real Property Tax Law.

17. Your Petitioner is aggrieved and injured by said

unjust, unequal, excessive, illegal, incorrect and erroneous assessment in that, by reason thereof, Petitioner will be compelled to pay a greater amount and proportion of taxes based upon the assessment roll than Petitioner would be required to pay if said assessment had been just, fair, equal and correct.

18. No provision is made by law for an appeal or other relief from the final determination of Respondents, except by a review by petition to the Supreme Court and no previous application for the relief herein asked has been made to any court or Judge.

19. The assessment is excessive and illegal in that Petitioner is denied the benefit of a RPTL §485-b New Construction Exemption even though the Petitioner complied with all the requirements set forth therein and that the construction is completed in accordance with RPTL §485-b.

20. The Petitioner's real property has been misclassified. The class designation of Petitioner's real property results in an incorrect allocation of the real property's assessed valuation between two or more classes. The criteria used by the Respondents for the determination by tax class is arbitrary, capricious and unlawful.

21. The Agricultural Exemption is improperly implemented in that it omitted acreage as not qualified for the exemption even though this acreage is used solely for agricultural use.

WHEREFORE, your Petitioner prays that the Supreme Court review and correct on the merits the aforementioned final determination of the Respondents on the grounds set forth in this Petition, and that the said Court take evidence to enable your Petitioner to show the unjust, unequal, excessive, illegal, misclassified and erroneous assessment of the said real property to the end that the assessment may be reduced to the full, true and market value thereof for land and improvements and to a valuation proportionate to the assessments of other real property, and/or all other property in the same class, assessed on the same rolls for the same year, so that equality of assessments will result, and may be properly classified, and for such other and further relief as the Court may deem proper, together with the cost and disbursements of this proceeding.

CRONIN, HARRIS & ASSOCIATES, P.C.  
Attorneys for Petitioner  
333 Earle Ovington Blvd., Suite 820  
Uniondale, New York  
(516) 506-7880

STATE OF NEW YORK )

ss.:

COUNTY OF NASSAU )


LAUREEN HARRIS, being duly sworn, deposes and says:

That deponent is the agent for the Petitioners herein, that deponent has read the foregoing Notice of Petition and Petition and knows the contents thereof; that the same is true to deponent's own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true; and that the reason this verification is made by deponent and not by the Petitioners is that all the material allegations (except those as to matters of public record) of said Petition are within the personal knowledge of deponent.



LAUREEN HARRIS

Sworn to before me this  
4 day of June 2020



Notary Public

GEMMA A. GOODMAN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01G06349709  
Qualified in Nassau County  
My Commission Expires 10-24-2020

FILED: NASSAU COUNTY CLERK 06/05/2020 06:01 PM

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RECEIVED NYSCEF: 06/05/2020

010-5994                      281-301 WARNER AVE LLC  
SD: 282203 ROSLYN SCHOOL DISTRICT Sec: 7 Blk: F Lot: 636  
Tnt AV \$: 28159 Clm AV \$: 2815.9 Fnl AV \$: 28159 Ineq/OvVal \$: 25343.1

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PETITIONER: 281-301 WARNER AVE LLC

Signature: Dillon Hock

Date: 9/4/19

Name: Dillon Hock

Title: Associate



FILE # 010-5994:



**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



**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**

- |  |  |
|--|--|
|  In the sale or rental of housing or residential lots |  In the provision of real estate brokerage services |
|  In advertising the sale or rental of housing         |  In the appraisal of housing                        |
|  In the financing of housing                          |  Blockbusting is also illegal                       |

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

1-800-669-9777 (Toll Free)

1-800-927-9275 (TTY)

[www.hud.gov/fairhousing](http://www.hud.gov/fairhousing)

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

Previous editions are obsolete

Form HUD-727.1 (6-2011)

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.