

**NASSAU COUNTY INDUSTRIAL
DEVELOPMENT AGENCY**

APPLICATION FOR FINANCIAL ASSISTANCE
(Straight Lease)

APPLICATION OF:

Mineola Metro LLC



APPLICANT NAME

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

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

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

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

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

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

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

April 20, 2015

DATE

PART I. APPLICANT

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

Name: Mineola Metro LLC

Address: 1999 Marcus Avenue, Suite 310, Lake Success, N.Y. 11042

Primary Contact: Kevin Lalezarian

Phone: (516) 488 - 3000 ext 125 Fax: (516) 488-3004

E-Mail: kevin@lalezarian.com

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

NAICS Code #: _____

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

Sole Proprietorship General Partnership Limited Partnership

Limited Liability Company Privately Held Corporation

Publicly Held Corporation Exchange listed on _____

Not-for-Profit Corporation

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

State and Year of Incorporation/Organization: New York, 2012

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

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

Name: N/A

Relationship to Applicant: _____

D. APPLICANT COUNSEL (subject to Agency approval):

Firm name: To be determined

Address: _____

Primary Contact: _____

Phone: _____

Fax: _____

E-Mail: _____

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

Name	Percentage owned
------	------------------

<u>Kevin Lalezarian and Immediate family members</u>	_____ %
--	---------

_____	_____ %
-------	---------

_____	_____ %
-------	---------

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

Various

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

YES NO

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

None

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

YES NO

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

YES NO

K. Has the Applicant (or any parent company, subsidiary or related entity or person) or any principal(s) of the Applicant or its related entities, ever been charged with or convicted of any felony or misdemeanor (other than minor traffic offenses), or have any such related persons or principal(s) held positions or ownership interests in any firm or corporation charged or convicted of a felony or misdemeanor (other than minor traffic offenses)? If YES, attach details.

YES NO

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

YES

NO

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

YES

NO

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

<u>Name</u>	<u>Title</u>	<u>Other Business Affiliations</u>
<u>Kevin Lalezarian</u>	<u>Managing Member</u>	<u>Various Real Estate</u>

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

YES

NO

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

YES

NO

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

1. (a) Location: 199 Second Street, Mineola, N.Y. 11501
- (b) Number of Employees: Full-Time: unknown Part-Time: unknown
- (c) Annual Payroll, excluding benefits: unknown
- (d) Type of operation (e.g. manufacturing, wholesale, distribution) and products or services: Bank retail branch and office
- (e) Size of existing facility real property (i.e., acreage of land): approximately 1.51 acre

county. These properties include affordable properties, mixed-use and mixed-income housing, multifamily housing and commercial development. The principal and his immediate family members have been doing business for over 25 years.

By signing this Application, the Applicant authorizes the Agency to obtain credit reports and other financial background information and perform other due diligence on the Applicant and/or any other entity or individual related thereto, as the Agency may deem necessary to provide the requested financial assistance.

PART II. PROPOSED PROJECT

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

- New Construction
- Addition to Existing Facility
- Renovation of Existing Facility
- Acquisition of Facility
- New machinery and equipment
- Other (specify): _____

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

266-unit multifamily residential building that will provide much-needed housing, including affordable housing, along with approximately 13,950 square feet of retail and restaurant space, and parking for the residential/retail/restaurant uses. Financial assistance is necessary to make project financially viable.

C. If the Applicant is unable to obtain financial assistance for the Project, what will be the impact on the Applicant and Nassau County? Would the Applicant proceed with the Project without Agency financial assistance? Describe.

Applicant would not proceed with the project. Applicant would not be able to provide housing, including affordable housing. Project would not build the Village Green, which has public access. Project would not be able to provide hundreds of construction jobs, approximately 16 permanent jobs, and an increased tax base.

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

Street Address:

199 Second Street

City/Village(s):

Incorporated Village of Mineola

Town(s):

Town of North Hempstead

School District(s):

Mineola

Section: 9 Block: 423 Lots: 4-10, 318

Census Tract Number: _____

Size of proposed facility real property
(i.e., acreage of land): Approximately 1.17 acre

Square Footage of Existing Improvements: Approximately 11,000 SF

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

E. Describe the present use of the Project site: Bank retail branch and office

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

General: \$ 35,466.57 (approximately)
School: \$ 138,871.26 (approximately)
Village: \$ 35,811.72 (approximately)

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

YES NO

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

Applicant - Mineola Metro LLC

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

Mixed use, primarily multifamily residential building with affordable and workforce housing, with 266 residential units, approximately 13,950 square feet of retail and restaurant, and parking. Ten percent (10%) of the residential units will be affordable based on household income not to exceed eighty (80%) of the then-current Nassau County area median income (AMI) for its household size based on U.S. Department of Housing and Urban Development.

- I. If any space in the Project is to be leased to or occupied by third parties, or is currently leased to or occupied by third parties who will remain as tenants, provide the names and contact information for each such tenant, indicate total square footage of the Project to be leased to each tenant, and describe proposed use by each tenant:

Property to be leased to residential, retail, and restaurant tenants.

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

TBD

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

Ground-up new construction. Various types of equipment (mechanical, appliances) to be utilized.

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

YES X

NO

1. Describe present zoning/land use: Commercial

2. Describe required zoning/land use, if different: Commercial & residential

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

Certain zoning approvals in-process. Requesting relaxation of parking requirement, as well as height, density, and use requirements. The Village of Mineola has issued a Negative Declaration pursuant to SEQRA.

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

YES

NO X

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

YES

NO

If YES, indicate:

- (a) Date of purchase: May 1, 2013
- (b) Purchase price: \$4,275,000
- (c) Balance of existing mortgage, if any: Approximately \$2,900,000
- (d) Name of mortgage holder:
- (e) Special conditions: _____

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

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

YES

NO

Applicant owns site.

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

- (a) Date signed: _____
- (b) Purchase price: \$ _____
- (c) Closing date: _____

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

If YES, describe:

YES

NO

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

Sales of Goods: YES NO

Sales of Services: YES NO

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

Urban environmental, walking distance to train station, impact studies show no adverse effects.

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

Architect: Stephen B. Jacobs Group PC
Engineer: TBD
Contractors: TBD

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

YES NO X

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

YES NO X

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

YES X NO

Affordable, workforce, and market rental housing in a Village and County that has a limited supply of such housing.

PART III. PROJECT COSTS

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

	<u>Item</u>	<u>Cost</u>
1.	Land Acquisition	\$ <u>Complete</u>
2.	Building Acquisition	\$ <u> </u>
3.	Construction or Renovation	\$ <u>61,830,000</u>
4.	Site Work	\$ <u>2,430,000</u>

5.	Infrastructure Work	\$	_____
6.	Engineering Fees	\$	720,000
7.	Architectural Fees	\$	1,300,000
8.	Applicant's Legal Fees	\$	540,000
9.	Financial Fees (incl. lender legal fees)	\$	4,770,000
10.	Other Professional Fees	\$	_____
11.	Furniture, Equipment & Machinery (not included in 3. above)	\$	_____
12.	Other Soft Costs (describe) <i>Insurance, Marketing, Real estate taxes during construction, Permits, Miscellaneous.</i>	\$	5,490,000
13.	Other (describe)	\$	_____
	Total	\$	77,080,000

B. Source of Funds for Project Costs:

a.	Bank Financing:	\$	TBD
b.	Equity	\$	TBD
	TOTAL	\$	77,080,000

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

*Acquisition,
Initial architect plans,
Legal/approval costs*

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

YES

NO

TBD

E. Construction Cost Breakdown:

Total Cost of Construction: \$ 61,830,000 (sum of 3 and 11 in Question A above)

Cost for materials: \$ 30,915,000

% Sourced in County: 40 %

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

Cost for labor: \$ 30,915,000

% Sourced in County: 30 %

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

Cost for "other": \$ _____

% Sourced in County: _____ %

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

PART IV. COST/BENEFIT ANALYSIS

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

	<u>Present</u>	<u>First Year</u>	<u>Second Year</u>	<u>Third Year</u>
Full-time:	\$ <u>0</u>	\$ <u>450,000</u>	\$ <u>463,500</u>	\$ <u>477,405</u>
Part-time:	<u>0</u>	<u>200,000</u>	<u>206,000</u>	<u>212,180</u>
Seasonal:	<u>0</u>	<u>25,000</u>	<u>25,750</u>	<u>26,522</u>
Total Annual Payroll:	\$ <u>0</u>	\$ <u>675,000</u>	\$ <u>695,250</u>	\$ <u>716,107</u>

What are the average wages of employees (excluding benefits) presently employed by the Applicant in Nassau County? \$ N/A (no current employees)

What is the average annual value of employee benefits paid per job, if any, for the employees presently employed by the Applicant in Nassau County? \$ N/A (no current employees)

What are the estimated average wages of the jobs (excluding benefits) to be created by the Applicant upon completion of the Project? \$ 16/hour

What is the estimated average annual value of employee benefits per job, if any, for jobs to be created upon completion of the Project? \$ 2,000/year

Estimate the percentage of jobs to be created by the Applicant upon completion of the Project that will be filled by County residents: 80 %

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

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

YES NO

N/A

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

180

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

\$ 77,080,000

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

40 %

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

Payroll taxes, water payments, sales tax from retail/restaurant, sales tax from resident consumer spending, income taxes from residents.

- 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>\$ 709,200</u>	<u>90</u>	<u>95</u>

Year 2	\$ <u>730,476</u>	<u>90</u>	<u>95</u>
Year 3	\$ <u>752,390</u>	<u>90</u>	<u>95</u>

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

Creation of workforce and affordable housing, construction and permanent job creation.

F. Costs to the County and affected municipalities:

Estimated Value of Sales Tax Exemption: \$ 2,962,688

Estimated Value of Mortgage Tax Exemption: \$ 725,000 (estimate)

Estimated Property Tax Exemption: \$ To be negotiated

Existing Property Tax paid on the Land and/or Building: (please provide current tax bills) \$ 208,000 (approximate)

Estimated new Real Property Tax Revenue if the Project did not receive Real Property Tax exemption: \$ 1,600,000

Estimated new Real Property Tax Revenue if the Project does receive Real Property Tax exemption: \$ To be negotiated

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

Building permit fees, IDA fees, Village fees

PART V. PROJECT CONSTRUCTION SCHEDULE

A. Has construction work on the Project begun? If YES, indicate the percentage of completion:

1. (a) Site clearance YES NO X % complete

(b) Environmental YES NO X % complete

Remediation

- | | | | |
|-----------------------------|---------|-------------|----------------|
| (c) Foundation | YES ___ | NO <u>X</u> | ___ % complete |
| (d) Footings | YES ___ | NO <u>X</u> | ___ % complete |
| (e) Steel | YES ___ | NO <u>X</u> | ___ % complete |
| (f) Masonry | YES ___ | NO <u>X</u> | ___ % complete |
| (g) Interior | YES ___ | NO <u>X</u> | ___ % complete |
| (h) Other (describe below): | YES ___ | NO <u>X</u> | ___ % complete |

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

Commencement of construction anticipated February 2016

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

21 months from commencement of construction (October 2017)

PART VI. ENVIRONMENTAL IMPACT

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

No adverse impact. See attached SFQRA Negative Declaration.

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 X 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

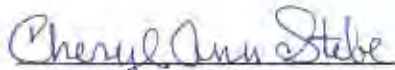
Environmental Assessment Form. If an environmental report has been or is being prepared in connection with the Project, please provide a copy.

- 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 that the answers and information provided above and in any statement attached hereto are true, correct and complete to the best of its knowledge.

Name of Applicant: Mineola Metro LLC
Signature: 
Name: Kevin Lalezarian
Title: Member
Date: April 20, 2015

Sworn to before me this 20th
day of April, 2015


Notary Public

Cheryl Ann Stebbins
Notary Public, State of New York
Qualified in Suffolk County
No. 01ST6170615
Commission Expires July 9, 2015

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

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

FIRST:

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

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

SECOND:

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

THIRD:

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

FOURTH:

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

Understood and Agreed to:

Name of
Applicant: Mineola Metro LLC

By: 
Name/Title: Kevin Lalezarian, member

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

The undersigned deposes and says: that I am an authorized representative of the Applicant named in the attached application for financial assistance ("Application") and that I hold the office specified below my signature at the end of this Certification and Agreement, that I am authorized and empowered to deliver this Certification and Agreement and the Application for and on behalf of the Applicant, that I am familiar with the contents of said Application (including all schedules and attachments thereto), and that said contents are true, correct and complete to my knowledge. Capitalized terms used but not otherwise defined in this Certification and Agreement shall have the meanings assigned to such terms in the Application.

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

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

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

Upon successful closing of the "straight lease" transaction, the Applicant shall pay to the Agency an administrative fee set by the Agency (which amount is payable at closing) in accordance with the following schedule:

- (A) Six-tenths (6/10) of one percent (1%) for the first twenty million dollars (\$20,000,000) of total project costs and, if applicable, two-tenths (2/10) of one percent (1%) for any additional amounts in excess of twenty million dollars (\$20,000,000) of total project costs.

- (B) General Counsel Fee – One-tenth (1/10) of one percent (1%) of total project costs, with a minimum fee of \$2,000.
- (C) Two Thousand Five Hundred Dollars (\$2,500) closing compliance fee payable at closing and One Thousand Dollars (\$1,000) per year (or part thereof) administrative fee, payable in advance, at the closing for the first year (or part thereof) and on January 1st of each year for the term of the financing. The annual service fee is subject to periodic review and may be adjusted from time to time in the discretion of the Agency.
- (D) Refinancings – The Agency fee shall be determined on a case-by-case basis.
- (E) Assumptions – The Agency fee shall be determined on a case-by-case basis.
- (F) Modifications – The Agency fee shall be determined on a case-by-case basis.


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

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

Mineola Metro LLC


Name: Kevin Lalezarian
Title: Member

Sworn to before me this 20th
day of April, 2015


Notary Public

Cheryl Ann Stehno
Notary Public, State of New York
Qualified in Suffolk County
No. 01ST6170618
Commission Expires July 9, 2015

TABLE OF SCHEDULES:

<u>Schedule</u>	<u>Title</u>	<u>Complete as Indicated Below</u>
A.	Intentionally omitted	
B.	New York State Financial and Employment Requirements for Industrial Development Agencies	All applicants
C.	Guidelines for Access to Employment Opportunities	All applicants
D.	Anti-Raiding Questionnaire	If Applicant checked "YES" in Part I, Question Q.2. of Application
E.	Retail Questionnaire	If Applicant checked "YES" in Part II, Question P of Application (See Page 11)
F.	Applicant's Financial Attachments, consisting of:	All applicants
	1. Applicant's audited financial statements for the last two fiscal years (unless included in Applicant's annual reports).	
	2. Applicant's annual reports (or Form 10-K's) for the two most recent fiscal years.	
	3. Applicant's quarterly reports (Form 10-Q's) and current reports (Form 8-K's) since the most recent Annual Report, if any.	
	4. In addition, attach the financial information described above in items F1, F2, and F3 of any anticipated Guarantor of the proposed transaction, if different than the Applicant, including the personal financial statement of any anticipated Guarantor that is a natural person.	
	5. Dun & Bradstreet report.	
G.	Environmental Assessment Form	All applicants
H.	Other Attachments	As required

Schedule A

Intentionally omitted

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

- A. Pursuant to applicable law, the Agency requires the completion of an Initial Employment Plan (see Schedule C) and a year-end employment plan status report, both of which shall be filed by the Nassau County Industrial Development Agency (the "Agency") with the New York State Department of Economic Development on January 15. The Project documents will require the Applicant to provide such report to the Agency on or before January 1 of each year, together with such employment verification information as the Agency may require.

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

- B. The Applicant will be required to file annually a statement with the New York State Department of Taxation and Finance and the Agency of the value of all sales or use tax exemptions claimed in connection with the Project by reason of the involvement of the Agency.
- C. Please be advised that the New York State Industrial Development Agency Act imposes additional annual reporting requirements on the Agency, and the Applicant will be required to furnish information in connection with such reporting, as follows:

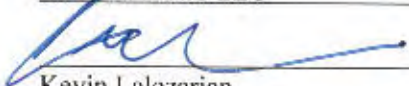
The following information must be provided for straight-lease transactions entered into or terminated during the year:

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

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

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

New York State Financial and Employment
Reporting Requirements for Industrial
Development Agencies
Schedule B

Name of Applicant: Mineola Metro LLC
Signature: 
Name: Kevin Lalezarian
Title: Member
Date: April 20, 2015

Are the Applicant's employees currently covered by a collective bargaining agreement? N/A no current employees.

YES _____

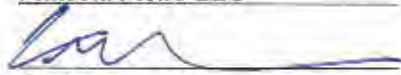
NO _____

IF YES, Union Name and Local: _____

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

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

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

Name of Applicant:	<u>Mineola Metro LLC</u>
Signature:	
Name:	<u>Kevin Lalezarian</u>
Title:	<u>Member</u>
Date:	<u>April 20, 2015</u>

ANTI-RAIDING QUESTIONNAIRE

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

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

YES _____ NO _____

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

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

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

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

YES _____ NO _____

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

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

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

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

YES _____ NO _____

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

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

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

YES _____ NO _____

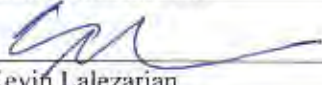
E. Is the Project reasonably necessary to discourage the Applicant, or a proposed occupant of the Project, from removing such plant or facility to a location outside of the State of New York?

YES _____ NO _____

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

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

Not Applicable

Name of Applicant: Mineola Metro LLC
Signature: 
Name: Kevin Lalezarian
Title: Member
Date: April 20, 2015

RETAIL QUESTIONNAIRE

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

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

YES X NO

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

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

 5 %

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

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

YES NO

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

YES NO

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

YES NO

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

YES NO

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

YES _____

NO _____

If the answer to any of the subdivisions 1 through 5 of Question C is YES, attach details.

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

YES _____

NO _____

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

Retail Sales: _____ %

Services: _____ %

*N/A - to be
Leased*

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

Retail Sales: 4 %

Services: 4 %

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

Name of
Applicant:

Mineola Metro LLC

Signature:



Name:

Kevin Lalezarian

Title:

Member

Date:

April 20, 2015

APPLICANT'S FINANCIAL ATTACHMENTS

N/A as current use is different than proposed use.

Schedule G

ENVIRONMENTAL ASSESSMENT FORM

SEQRA Negative Declaration attached

OTHER ATTACHMENTS

None

STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE
SPECIAL PERMIT APPLICATION FOR A DEVELOPMENT INCENTIVE BONUS
MINEOLA METRO LLC
INCORPORATED VILLAGE OF MINEOLA
NASSAU COUNTY, NEW YORK

Date: April 15, 2015

This notice is issued pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act ["SEQRA"]) and the implementing regulations therefor at 6 NYCRR Part 617.

The Board of Trustees of the Incorporated Village of Mineola (hereinafter the "Board of Trustees"), as lead agency, has determined, based upon review of the (a) application for a Development Incentive Bonus (hereinafter the "application"); (b) associated plans; (c) the *Part 1 - Environmental Assessment Form (EAF) and Expanded Environmental Assessment* prepared by VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB); (d) the *Addendum to the Expanded Environmental Assessment*, prepared by VHB; (e) the Supplemental Traffic Analysis prepared by VHB; (f) the *Evaluation of Multifamily Residential Development Capacity, Incorporated Village of Mineola* prepared by Phillips Preiss Crygier LLC; (g) the *Mineola Village Environmental Traffic Analysis Review* prepared by RMS Engineering; (h) testimony and correspondence presented to the Board of Trustees; and (i) the criteria set forth in 6 NYCRR §617.7(c), that the proposed action described below will not have a significant effect on the environment, and therefore, is issuing this Negative Declaration.

Name of Action: Special Permit Application for a Development Incentive Bonus Mineola Metro LLC

Location: 1.512-acre parcel situated east of Mineola Boulevard
Between Second Street and Station Plaza North (Front Street)
Incorporated Village of Mineola
Nassau County, New York

Lead Agency: Board of Trustees
Incorporated Village of Mineola
Village Hall
155 Washington Avenue
Mineola, New York 11501

SEQRA Status: Type 1

Conditioned Negative Declaration: No

Description of Action: The proposed action consists of approval of a Development Incentive Bonus under §30.5(f)(2) of the Code of the Incorporated Village of Mineola (hereinafter the "Village Code") to permit the development of 266 residential rental units (112 one-bedroom units and 154 two-bedroom units) of which 27 would be affordable housing units, as well as 13,950 square feet of non-residential space (restaurant and retail) on the ground floor of a multi-story building known as Mineola Village Green. Project features

State Environmental Quality Review Act
Negative Declaration
Notice of Determination of Non-Significance
Special Permit Application for a Development Incentive Bonus
Mineola Metro LLC
Incorporated Village of Mineola
Nassau County, New York
Page 2

include a 24-hour concierge, fitness center, rooftop terrace and swimming pool, indoor parking, valet service, classical architectural design and a village green, which would be open to the public. The building is located across the street from the platform of the Mineola Long Island Rail Road (LIRR) station, and is situated within the downtown area, close to retail shops and Winthrop-University Hospital. The development would also contain 457 parking spaces, all but 10 of which would be below grade. Of the 447 spaces within the parking garage, there would be 46 parking spaces designated for retail/restaurant use on the first level of the parking garage.

The 1.512-acre subject property is located within the B-2 (Special Business) zoning district and contains a paved parking area and a two-story, 10,687-square-foot (SF) brick building, which houses a Citibank with a drive-through on the first level and offices on the second level. The building and parking area will be demolished to accommodate the proposed multistory mixed-use building.

Currently, the site is almost completely covered by impervious surfaces and contains minimal landscaping. While most of the site will remain impervious after completion of construction, additional landscaping will be installed around the property and within green roof areas to the courtyard (above the parking garage) and on the roofs of the residential portion of the building. The Development Incentive Bonus proposed as part of this action includes the provision of community benefits and amenities, as follows:

1. The Village Green, which consists of a public plaza with reflecting pool and illuminated fountains, surrounded by garden beds with seasonal plantings. The fountain area can be converted into a holiday event gathering area with seasonal decorations. The garden in the middle of the plaza, aside from containing the fountain and seasonal garden area, will consist of a board game area (with oversized chess board and sitting area), an area with crepe myrtles and other later summer and fall blooming trees and containing a series of benches, and finally, an area with a smaller fountain with benches and large shade trees, annuals and perennials. The plaza area will be surrounded by an arcade with outdoor eating areas. The public plaza will be constructed over the parking garage, providing a green roof at the ground level.
2. Substantial streetscape improvements consistent with those located in and around downtown Mineola, which will assist in creating pedestrian connectivity to the Village's downtown by the installation of pavers, lighting and other street furnishings around the site of the building.
3. A monetary sum to be delivered to the Village in lieu of further public amenities.
4. A PILOT agreement with reference to IDA financing.
5. A Host Community Benefit Agreement.

Reasons Supporting This Determination: In accordance with the SEQRA and its implementing regulations at 6 NYCRR Part 617, the Board of Trustees, using (a) application for a Development Incentive Bonus (hereinafter the "application"); (b) associated plans; (c) the *Part 7 - Environmental Assessment Form (EAF)* and *Expanded Environmental Assessment* prepared by VHB; (d) the *Addendum to the Expanded Environmental*

State Environmental Quality Review Act
Negative Declaration
Notice of Determination of Non-Significance
Special Permit Application for a Development Incentive Bonus
Mineola Metro LLC
Incorporated Village of Mineola
Nassau County, New York
Page 3

Assessment, prepared by VHB; (e) the Supplemental Traffic Analysis prepared by VHB; (f) the *Evaluation of Multifamily Residential Development Capacity, Incorporated Village of Mineola* prepared by Phillips Preiss Grygiel LLC; (g) *Mineola Village Green Traffic Analysis Review* prepared by RMS Engineering; and (h) testimony and correspondence presented to the Board of Trustees, and comparing same to the thresholds set forth in NYCRR §617.4 and §617.5, has determined that this project is a Type I action. Coordinated review has been conducted.

Based upon the information set forth above, the Board of Trustees, as lead agency for the action contemplated herein, and after due deliberation, review and analysis of the proposed action and the criteria set forth in NYCRR §617.7(c) and (e) hereby determines that the proposed action will not result in significant adverse impacts to the environment, and a Draft Environmental Impact Statement is not required. This determination is supported by the following:

1. It is expected that the 266 apartments would generate approximately 149 tons of solid waste per day, based upon an average generation rate of four pounds of solid waste per day per person. However, the existing developed site when fully occupied, also generates solid waste, though at a lesser rate (0.05 tons per day). As part of the proposed action, solid waste, including recyclable materials, would be disposed of via chutes on each floor of the apartment building, eventually collecting in a garbage room with compactor within the basement (parking garage level) of the building. Solid waste (and recyclables) would be stored inside the building until the time of pick-up by private carters, when it will be brought up to street level. Solid waste collection and disposal, including recycling collection and disposal will be provided by a private carter. Inasmuch as the Town of North Hempstead has enacted a solid waste flow control law requiring private carters to deliver all solid waste to the Town's transfer station in which there is significant capacity, implementation of the proposed action would not adversely impact solid waste facilities or regional solid waste management practices.
2. Similar to the existing condition, all sewage generated by the project will be received by Nassau County Sewer District #2 (Bay Park Sewage Treatment Plant) ("STP"). The STP is rated at 72 million gallons per day ("MGD") and is currently treating approximately 55 MGD. Daily sewage flow from Mineola Village Green is estimated to be approximately 72,647 gpd. Thus, at the time of its completion, the proposed mixed-use development would require approximately 0.1 percent of the Bay Park STP's excess capacity.

As sanitary flow would be discharged to the municipal sewer system, potential environmental impacts associated with on-site sanitary discharge (e.g., nitrogen loading) would not occur. Thus, no significant adverse groundwater impacts would result from implementation of the proposed action.

With regard to water supply, the existing Citibank building is served by the Village of Mineola municipal water supply. The proposed mixed-use building is projected to generate a demand for approximately 72,647 gpd of potable water, and public water will be available to meet this demand. No significant adverse impact on the water supply or distribution system would result from implementation of the proposed action.

There are no designated wetlands or surface waters on or proximate to the subject property. The

property is not situated within a floodplain. Furthermore, erosion and sediment control measures would be installed, including hay bales and silt fences, in order to control construction-related stormwater runoff. Thus, overall, neither ground nor surface water quality nor quantity will be significantly impacted by the proposed action.

3. As the site is already developed with impervious surfaces, implementation of the proposed action would not substantially change the impervious area on the site nor would the volume of stormwater runoff be substantially different. Moreover, a stormwater management system will be installed to collect and recharge five inches of stormwater runoff from the proposed development on-site. Accordingly, implementation of the proposed action will not result in a substantial increase in the potential for erosion, leaching or flooding.
4. A *Traffic Impact Analysis Report* was prepared to quantify existing and projected traffic conditions and to compare changes in operating conditions upon implementation of the proposed action. The following key intersections were studied as part of the traffic impact study:
 - Old Country Road at Mineola Boulevard/Franklin Avenue
 - Mineola Boulevard at Second Street
 - Main Street at Second Street
 - Main Street at Station Plaza North (Front Street)
 - Second Street at Third Avenue
 - Third Avenue at First Street
 - Third Avenue at Harrison Street

An analysis of future conditions, with the proposed action ("Build" condition), was performed to evaluate the effect of the project on future traffic in the area. The Build condition represents the expected future traffic conditions resulting from both project and non-project generated traffic.

The proposed project is expected to generate approximately 73 a.m. peak hour trips, 157 p.m. peak hour trips, and 242 Saturday midday peak hour trips, based upon a 25 percent credit that was taken for transit-oriented development for weekday a.m. and p.m. peak hour trips and a 15 percent credit that for Saturday midday peak hour trips. In comparison, trip generation of a 124,592-square-foot office building, which could be built on the site without a special permit (and thus without community benefits) would be 185 a.m. peak hour trips, 170 p.m. peak hour trips and 54 Saturday midday peak hour trips.

The analyses conducted indicate that, while the proposed action will generate traffic during the weekday a.m. and p.m. and Saturday midday peak periods, such additional traffic will have a minimal impact on the local roadway system. While there are isolated instances in some time periods at some study locations where an intersection or intersection approach movement changes to a lower level of Service (LOS) with the introduction of projected site traffic, the resulting LOS represents an acceptable condition and the increase in delay which precipitated the change in LOS is minor. No significant impacts will occur as a result of traffic generated from the proposed project, with the implementation of the

recommended mitigation measures. These mitigation measures include the following. The portion of Station Plaza North between the easternmost parking garage exit driveway and Main Street is proposed to be made two-way, thereby allowing traffic to travel from the proposed building east to Main Street, rather than having to travel past the train station. The conversion of the approximately 175 foot segment of Station Plaza North will require the elimination of six parking stalls. Parking will be eliminated on the south side of the roadway as accessing parking on the south side east of the proposed driveway could only be done by motorists exiting the parking garage in the eastbound direction. As five of these stalls are Handicap Permit stalls, an equivalent number of stalls west of this point on the south side of Station Plaza North will be converted to Handicap Permit stalls. The elimination of parking on one side of this segment of Station Plaza North will allow sufficient width for the proposed two-way operation.

Moreover, provision of a separate westbound right-turn lane on the Second Street approach to Mineola Boulevard would eliminate a level-of-service F on this approach in the Build Condition during the weekday a.m. peak period. In order to establish this lane, which will otherwise fit within the existing pavement width, two parking spaces on the north side of Second Street closest to Mineola Boulevard will be eliminated.

Vehicular access to the site would be provided from both Second Street and Station Plaza North. There would be a pick-up/drop-off loop around the proposed Village Green, with access from Second Street. An additional driveway on Second Street would provide access to an on-site valet parking area, as well as cross access to the property to the east. The majority of parking spaces would be located within an underground parking garage. Ingress into the parking garage would be from the westernmost driveway and egress from the garage would be from the easternmost driveway on Station Plaza North.

The site plan provides for a total of 457 on-site parking spaces, all of which are in a three-level, below-grade parking garage, with the exception of 10 spaces, which would be located in a valet parking area off Second Street. This does not meet the Village parking requirement. However, the transit-oriented nature of this project will substantially reduce the need for automobile ownership by the residents, and the Village has implemented a policy of permitting 1.5 parking spaces per residential unit, which policy is acknowledged in the *Evaluation of Multifamily Residential Development Capacity, Incorporated Village of Mineola* prepared by Phillips Preiss Grygiel LLC for the Village of Mineola.

Based upon recent research, TODs, such as the one proposed, create an actual parking demand that is closer to one parking space per unit (or 266 spaces), rather than the 1.5 parking spaces that have been permitted by the Village. This research specifically shows that the residents of TODs have substantially reduced household car ownership. Further, the building's unit mix and the site's location across the street from the LIRR Mineola train station, and its location in the downtown strengthens the case for reduced car ownership (and thus less parking demand) in this specific location. Therefore, with a total of 457 parking spaces provided and an actual peak demand for residential parking of 266 parking spaces and the Village Code requirements for retail and restaurant spaces, the off-street parking proposed for the development will be sufficient to serve the proposed uses.

With respect to traffic impacts during the construction of the proposed mixed-use building,

State Environmental Quality Review Act
Negative Declaration
Notice of Determination of Non-Significance
Special Permit Application for a Development Incentive Bonus
Mineola Metro LLC
Incorporated Village of Mineola
Nassau County, New York
Page 6

(anticipated to be approximately 18 months), the phasing of demolition and construction and the availability of the center courtyard to provide space for staging of materials and construction equipment will allow the build-out of the project to take place with minimal impact upon traffic flow in the area.

At the request of the Board of Trustees, RMS Engineering performed an independent review of the VHB *Traffic Impact Assessment Report* in the form of a report entitled *Mineola Village Green Traffic Analysis Review* ("RMS Report"). This review confirmed the VHB scope, methodology, other considerations, proposed mitigation and conclusions to be appropriate. The RMS Report also indicates that the site could be developed with a medical office building which has the potential to generate more traffic than the proposed Mineola Village Green and that the trip generation estimates in the VHB study were conservative for the purposes of analysis. In addition, the parking to be provided on site for the proposed development is adequate. The conclusion of the RMS Report states, in pertinent part:

"... It is our opinion that the size and nature of the development as a whole is consistent with other uses in the area and other potential occupants of the subject property. As such, we believe that the proposed action will not have a significant impact on traffic activity in the project area."

Thus, based upon the analysis conducted by VHB and the independent analysis performed by RMS Engineering, implementation of the proposed action is not expected to result in significant adverse traffic or parking impacts.

5. While the proposed action is expected to increase trips to and from the site, there would be limited air quality impacts associated with engine start-ups, and the associated emissions would be minimal. Also, as there are no projected significant traffic delays (or associated substantial vehicle idling), there will be no significant adverse changes in the existing air quality.
6. Increases in noise would result during construction activities. However, construction will not take place during sensitive overnight hours, and thus, no significant construction noise impacts will result. Upon completion of the proposed project, the noise characteristics of the uses proposed would be of a similar character of established uses in the area (i.e., residential, retail, restaurant), and would not adversely impact the surrounding community.
7. As the property is developed, no rare, threatened, endangered or special concern species are situated thereon, and thus implementation of the proposed action would not affect rare, endangered or threatened species of flora or fauna. Furthermore, the site contains minimal landscaping and no natural vegetation. Therefore, implementation of the proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on or threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.

State Environmental Quality Review Act
Negative Declaration
Notice of Determination of Non-Significance
Special Permit Application for a Development Incentive Bonus
Mineola Metro LLC
Incorporated Village of Mineola
Nassau County, New York
Page 7

8. The subject property is not located within a Critical Environmental Area ("CEA"), and thus, the environmental characteristics of a CEA will not be impaired.
9. Implementation of the proposed action will not create a material conflict with the community's current plans or goals as officially approved or adopted. In fact, the overall theme of the *Village of Mineola Comprehensive Master Plan* (hereinafter the "*Comprehensive Master Plan*") is to build upon Mineola's strong sense of community among its residents, and envisions the Village as an even more desirable, safe and attractive place to live and work. The recommendations in the *Comprehensive Master Plan* seek to realize the Village's full potential, and the Mineola Village Green development has been designed to help achieve these goals.

The proposed project incorporates a use that would contribute to and strengthen the Village and its downtown area. The future population of Mineola Village Green is expected to make use of the proximate train station (as well as the Intermodal Center) to commute to Manhattan and other places, or to work in and around the Mineola community. Potential residents could inject millions of dollars in spending into the local economy. This would encourage local business activity to expand. The additional purchasing power would also be expected to increase local earnings to increase and generate additional jobs in the local community.

The proposed restaurant and retail development on the ground floor of the proposed mixed-use building will also help draw additional people into the downtown area and capture commuters as they travel to and from the train station.

One of the pertinent recommendations of the *Comprehensive Master Plan* within the "Neighborhood and Community Design" chapter is to "continue to provide a range of housing types." The proposed project incorporates a use that would contribute to and strengthen the Village and its downtown area. Also, specifically, implementation of the proposed action would provide additional alternative housing stock (smaller rental units and affordable units) in the downtown area of Mineola, only steps from a major transportation hub.

Also, in keeping with the *Comprehensive Master Plan*, the proposed development would eliminate existing surface parking lots and one existing building and replace them with a cohesive, high-quality mixed-use building. This development can be considered "infill," as the infrastructure required by the project already exists, and the subject property is surrounded by existing development. Additional retail and restaurant uses on the ground floor of the building and the community space provided by the proposed Mineola Village Green would enhance the pedestrian experience along Second Street and Station Plaza North, as well as the other streets surrounding the subject site (Main Street and Mineola Boulevard), by enhancing the existing streetscape elements with additional landscaping, seating areas and a water feature associated with proposed development, and by providing direct access from the train station to Main Street through the village green.

The *Comprehensive Master Plan* suggests that vehicular efficiency be maintained, especially along the

State Environmental Quality Review Act
Negative Declaration
Notice of Determination of Non-Significance
Special Permit Application for a Development Incentive Bonus
Mineola Metro LLC
Incorporated Village of Mineola
Nassau County, New York
Page 8

major roadway corridors in the Village so that through-traffic can be accommodated. The *Comprehensive Master Plan* also recommends greater building heights and lower parking requirements in order to maintain the vehicular efficiency along the streets. As part of the proposed action, the building has been designed with a maximum height of eight stories (with a mezzanine) along the Station Plaza North frontage and a maximum of seven stories (with a mezzanine) along the building's eastern and western wings, stepping down to five stories (with a mezzanine) toward Second Street, and 457 on-site parking spaces, 147 of which are located in an underground parking garage, to use the site in an efficient manner, thus conforming to this recommendation.

According to the *Comprehensive Master Plan*, "places such as downtown Mineola that are served by adequate infrastructure, most notably public transportation, have been the focus of reinvestment by both the public and private sectors in recent years. With its existing commercial base of businesses, stable institutional anchors, and convenient location, downtown Mineola should have bright prospects for continued investment in coming years." In addition, "residents living within walking distance of downtown provide an additional market for convenience retailers and service providers [in the downtown]." The proposed development of a mixed-use residential and commercial building, which is within walking distance of the downtown, would tie in to the existing mixed uses in downtown Mineola. Additionally, the proposed development is expected to stimulate business and job growth. The addition of new residences within the downtown is expected to add to the people who will utilize stores and restaurants in the area, and assist in stimulating the downtown's economy, enhance existing businesses and assist in creating opportunity for new businesses.

The subject property is also shown on the "Downtown Opportunities" map in the *Comprehensive Master Plan* as "Village Green," as well as within a gateway area. In conformance with these features, the proposed development will consist of a "Village Green," which will have a public plaza, holiday event area, street furniture, extensive landscaping and fountains. In addition, other streetscape elements, consistent with those located in and around downtown Mineola, would also be incorporated into the project design. The proposed public amenities have been designed to achieve the goals of the *Comprehensive Master Plan* by revitalizing the area as a "gateway" to the community and helping to facilitate activity in and around the train station and downtown, and encourage economic vitality within the Village.

Accordingly, the proposed action conforms to the goals of the Village's land use plans and goals:

10. Neither the site nor any adjacent properties are listed on the State or National Registers of Historic Places. The building is proposed to have a superior architectural design and complements the design of the adjacent buildings. Mineola Village Green is a U-shaped building opening up the site to Second Street. The building center becomes the Village Green, a lawn and event space in the heart of Mineola. The building is composed of a central building at the far side of the property (adjacent to Station Plaza North), flanked by two symmetrical wings, gradually stepping down from Station Plaza North to the more pedestrian-oriented Second Street.

State Environmental Quality Review Act
Negative Declaration
Notice of Determination of Non-Significance
Special Permit Application for a Development Incentive Bonus
Mineola Metro LLC
Incorporated Village of Mineola
Nassau County, New York
Page 9

In order to understand the impact of the proposed residential building on the aesthetic character of the area, a massing and shadow analysis was prepared. The massing and shadow study was generated from dimensional data collected at the site, surveys, existing architectural drawings of the adjacent buildings and satellite imagery.

The proposed Mineola Village Green fits into the context of the surrounding neighborhood with respect to height and mass. Several other existing buildings along and in the immediate vicinity of Mineola Boulevard (which is the heart of the downtown core, as defined in the *Comprehensive Master Plan for the Village of Mineola*), including several offices and parking garages are greater in mass, while two recently-approved buildings that are currently under construction – 150 Old Country Road (The Winston), which is slightly lower in height and 250 Old Country Road, which is slightly higher as compared to the proposed Village Green building.

Moreover, the height and massing of the proposed building is consistent with the recommendations of the *Comprehensive Master Plan for the Village of Mineola*, specifically that the area of Main Street, Mineola Boulevard and Second Street should be “urban and urbane – akin to SoHo in Manhattan; the denser the better with activity pouring out onto the street...” and allowing for a central gathering place for the Village.

A Shadow Study was also conducted and determined that shadows cast would be of relatively short duration. In addition, with the exception of the on-site public plaza, there are no parks, places of public assembly, school yards or similar types of open spaces that would be impacted by the shadows.

Based on the foregoing, the mass of the proposed building would blend with the existing buildings in the area, and no significant shadow impacts would be expected from implementation of the proposed action.

As part of the amenities package, the streetscape and landscaping around the proposed building will be enhanced to match that of the surrounding area, in conformance with Village of Mineola protocols. Thus, implementation of the proposed action will complement and enhance site and area aesthetics, as well as character of the community.

11. Implementation of the action will not result in a major change in the use of either the quantity or type of energy.
12. The proposed action will not result in the creation of a hazard to human health.
13. The subject property is currently completely developed with a non-residential building and parking areas. If the property were redeveloped under the B-2 zoning without development incentives and bonuses, the maximum potential office development would consist of a two-story, 124,382-square-foot building with underground parking for approximately 500 vehicles. As such, granting of the special permit (density incentive), in and of itself, will not cause the over-intensification of development on the

State Environmental Quality Review Act
Negative Declaration
Notice of Determination of Non-Significance
Special Permit Application for a Development Incentive Bonus
Mineola Metro LLC
Incorporated Village of Mineola
Nassau County, New York
Page 10

subject property when compared to development under prevailing zoning with no special permit. Moreover, no agricultural, open space or recreational resources exist on or proximate to the site.

14. The proposed development would potentially result in an on-site population of 514± residents. However, it is expected that a portion of the total population of the proposed development would be existing residents of the Village and, therefore, the total projected population would not represent all net growth to the Village. Given the fact that existing residents of the Village of Mineola would be expected to reside in some of the units, the development of is not expected to represent entirely new "population" within the Village.

Moreover, a major goal of the *Comprehensive Master Plan* is to enhance the appeal of the downtown area, thereby providing additional support for the local business community. In line with this goal, the plan calls for future development activity that will "create a vibrant, walkable and accessible downtown that is a community focal point." The addition of a permanent residential population at this location will help to achieve this goal.

The economic benefits of Mineola Village Green are also projected to stimulate the downtown and the surrounding area. The positive impact would be felt in all industries. However, the greatest employment impact would occur in the retail trade and eating and drinking places, as well as health care services and various other service industries.

15. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
16. The Mineola Village Green mixed-use development has been designed to attract people to live, work, shop and enjoy the village green in the heart of the downtown area.
17. Implementation of the proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a significant adverse impact on the environment.
18. Implementation of the proposed action will not result in cumulative adverse impacts that would meet any of the criteria for determining significance, as set forth in 6 NYCRR §617.7(c). Moreover, the traffic analyses conducted included the cumulative evaluation of the impacts of the proposed action with those of The Winston (Modera) (a 275-unit residential apartment complex), 230 Old Country Road (a 315-unit rental apartment development) and the Winthrop-University Hospital Research Center. The traffic analyses indicated that there would be no significant adverse cumulative traffic impacts from all of the projects examined.

Overall, based upon the review conducted by the Board of Trustees, there would be no significant adverse cumulative environmental impacts due to the implementation of the proposed project.

State Environmental Quality Review Act
Negative Declaration
Notice of Determination of Non-Significance
Special Permit Application for a Development Incentive Bonus
Mineola Metro LLC
Incorporated Village of Mineola
Nassau County, New York
Page 11

For Further Information:

Contact Person: John M. Spellman, Esq., Deputy Village Attorney
Address: Spellman Rice Schure Gibbons McDonough & Polizzi, LLP
229 Seventh Street
Garden City, New York 11530
Telephone No.: (516) 592-6801

A Copy of this Notice has also been sent to:

Honorable Nicholas Pennachio and
Members of the Planning Board
Incorporated Village of Mineola
155 Washington Avenue
Mineola, New York 11501

Mr. Thomas J. Rini, Superintendent
Department of Public Works
Incorporated Village of Mineola
155 Washington Avenue
Mineola, New York 11501

Gary Tutill, Supervisor
Water & Sewer Department
Incorporated Village of Mineola
155 Washington Avenue
Mineola, New York 11501

Satish Sood, Deputy Commissioner
Nassau County Planning Commission
1194 Prospect Avenue
Westbury, New York 11590

Shila Shah-Gaymouclias, PE, Commissioner
Nassau County Department of Public Works
1194 Prospect Avenue
Westbury, New York 11590

State Environmental Quality Review Act
Negative Declaration
Notice of Determination of Non-Significance
Special Permit Application for a Development Incentive Bonus
Mineola Metro LLC
Incorporated Village of Mineola
Nassau County, New York
Page 12

Joseph J. Kearney, Executive Director
Nassau County Industrial Development Agency
Theodore Roosevelt Executive & Legislative Building
1550 Franklin Ave., Suite 235
Mineola, New York 11501

Mr. Peter A. Scully, Regional Director
New York State Department of Environmental Conservation
SUNY @ Stony Brook
50 Circle Road
Stony Brook, New York 11790-3409

Mr. Kevin Lalezarian
Mineola Metro LLC
c/o Lalezarian Properties
1999 Marcus Avenue, Suite 110
Lake Success, New York 11042

This Notice has also been forwarded for publication in the Environmental Notice Bulletin