

NASSAU COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE
(Straight Lease)



APPLICATION OF:

ROSLYN O-S HOTEL PARTNERS 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.

June 1, 2015

DATE

PART I APPLICANT

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

Name: Roslyn O-S Hotel Partners LLC

Address: c/o Oxford and Simpson, Two Jericho Plaza, Jericho, New York 11753

Primary Contact: Paul Amoruso

Phone: (516) 935-2000 Fax: _____

E-Mail: paul@oxfordandsimpson.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 X 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, 2013

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

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

Name: Applicant

Relationship to Applicant: _____

D. APPLICANT COUNSEL (subject to Agency approval):

Firm name: Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP
Address: 333 Earle Ovington Boulevard, Suite 1010
Uniondale, New York 11553
Primary
Contact: Daniel P. Deegan, Esq.
Phone: (516) 248-1700
Fax: (516) 248-1729
E-Mail: ddeegan@forchellilaw.com

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

Name	Percentage owned
<u>Lawrence A. Levine</u>	<u> </u>
<u>Paul Amoruso</u>	<u> </u>
<u>ATL Equity LLC</u>	<u> </u>
<u>Oxford Partners Realty Fund LLC</u>	<u> </u>
<u>Concord Roslyn Investor, LLC</u>	<u> </u>
<u>Michael Hahn</u>	<u> </u>

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

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; NO

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>
Lawrence A. Levine	_____	See Part I, Item S _____
Paul Amoroso	_____	See Part I, Item S _____
_____	_____	_____
_____	_____	_____

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 O for each existing location): N/A

- I. (a) Location: _____
- (b) Number of Employees: Full-Time: _____ Part-Time: _____
- (c) Annual Payroll, excluding benefits: _____
- (d) Type of operation (e.g. manufacturing, wholesale, distribution) and products or services: _____
- (e) Size of existing facility real property (i.e. acreage of land): _____

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

(g) Applicant's interest in the facility:

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

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

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

YES ___ NO ___

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 20% of Applicant's annual purchases or sales, respectively? If YES, attach name and contact information for supplier and/or customer, as applicable;

YES ___ NO X___

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

YES ___ NO X___

S. Attach a brief history of the Applicant and its business operations.

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:

See Schedule II annexed hereto

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

See Schedule II annexed hereto

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

Street Address:

31 Herbert Park Drive

City/Village(s):

Port Washington

Town(s):

South Hempstead

School District(s):

Section 100 Block 87 Lot _____

Parcel's Tract Number: _____

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

F. Describe the present use of the Project site. The Project site is currently vacant land. A health club was previously located on the site, which was abandoned several years ago.

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) \$193,891

Land: \$ _____ Building(s): \$ _____

(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).

The Applicant will own the Project.

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.)

Hotel and restaurant facilities, as described in Part II, Item F.

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. N/A

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

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

Hotel furniture and office equipment; customary with hotel facilities contained a restaurant and gym.

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

YES

NO

1. Describe present zoning/land use: PIP - Planned Industrial Park

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

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

The site plan has been approved. No change of zone will be required.

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

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: 8/14/12

(b) Purchase price: \$ 4,800,000

(c) Balance of existing mortgage, if any: \$ 2,500,000 mortgage

(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 X _____

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

(a) Date signed: _____

(b) Purchase price: _____

(c) Closing date: _____

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

If YES, describe:

YES _____ NO _____

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

Retail Sales: YES X NO _____ Servers: YES X 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):

The Project is in an area which contains almost exclusively industrial and commercial properties. The

impact on government provided services is expected to be minimal.

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

Architect: TBD _____

Engineer: Nelson and Pope _____

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

The building plans have not been finalized.

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

YES NO

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

YES NO

There is a lack of hotel facilities in the immediate vicinity of the Project. The availability of 115 hotel rooms at the Project will greatly benefit the residents of the community and their families and friends.

PART III. PROJECT COSTS

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

	<u>Item</u>	<u>Cost</u>
1.	Land Acquisition	\$ _____
2.	Building Acquisition	\$ _____
3.	Construction or Renovation	\$ <u>20,000,000</u>
4.	Site Work	\$ _____
5.	Infrastructure Work	\$ _____
6.	Engineering Fees	\$ _____
7.	Architectural Fees	\$ _____
8.	Applicant's Legal Fees	\$ _____
9.	Financial Fees (incl. lender legal fees)	\$ _____
10.	Other Professional Fees	\$ _____
11.	Furniture, Equipment & Machinery (not included in 3. above)	\$ (incl. in No. 3 above)
12.	Other Soft Costs (describe)	\$ <u>7,200,000</u>

13 Other (describe) \$ _____
 Total \$ 27,200,000

B. Source of Funds for Project Costs:

a. Bank Financing: \$ 22,400,000
 b. Equity \$ 4,800,000
 TOTAL \$ 27,200,000

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 X

D. Has the Applicant made any arrangement for the provision of third party financing? If YES, indicate with whom (subject to Agency approval) and provide a copy of any term sheet or commitment letter issued with respect to such financing.
 YES ___ NO X

E. Construction Cost Breakdown:
 Total Cost of Construction \$ 30,000,000 (sum of 3 and 1) to Question A above)
 Cost for materials: \$ 13,000,000
 % Sourced in County: 17.5 %
 % Sourced in State: 50.0 % (incl. County)
 Cost for labor: \$ 7,000,000
 % Sourced in County: 35.0 %
 % Sourced in State: 60.0 % (incl. County)
 Cost for other: \$ _____
 % Sourced in County: _____ %
 % Sourced in County: _____ % (incl. County)

PART IV. COST/BENEFIT ANALYSIS

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

	Present	First Year	Second Year	Third Year
Full-time:	\$ _____	\$ _____	\$1,900,000	\$1,900,000
Part-time:	_____	_____	200,000	200,000
Seasonal:	_____	_____	_____	_____
Total Annual Payroll:	\$ _____	\$ _____	\$2,100,000	\$ 2,100,000

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

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

What are the estimated average wages of the jobs (excluding benefits) to be created by the Applicant upon completion of the Project? \$ 23,000

What is the estimated average annual value of employee benefits per job, if any, for jobs to be created upon completion of the Project? \$ 5,000

Estimate the percentage of jobs to be created by the Applicant upon completion of the Project that will be filled by County residents: 90 %

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 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:

300

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

\$ _____

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

_____ %

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

Building Department filing fees, fire marshal fees

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

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

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

see Schedule H attached hereto

- F. Costs to the County and affected municipalities:

Estimated Value of Sales Tax Exemption: \$ 1,121,250

Estimated Value of Mortgage Tax Exemption: \$ 217,200

Estimated Property Tax Exemption: \$ TBD

Existing Property Tax paid on the Land and on

Building; (please provide current tax bills) \$ 193,891

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

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

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

Permit fees to local municipalities, including Town of North Hempstead; local waste district

PART V. PROJECT CONSTRUCTION SCHEDULE

- A. Has construction work on the Project begun? If YES, indicate the percentage of completion; NO

1.	(a) Site clearance	YES ___	NO ___	___% complete
	(b) Environmental Remediation	YES ___	NO ___	___% complete
	(c) Foundation	YES ___	NO ___	___% complete
	(d) Footings	YES ___	NO ___	___% 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, renovation or acquisition of the Project?

Construction commencing in the Summer of 2015

-
- 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):

The Project is anticipated to be complete in the Spring/Summer of 2017, at which time initial use of the Project will occur.

PART VI. ENVIRONMENTAL IMPACT

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

The Project is not expected to have any significant environmental impact.

- 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 that the answers and information provided above and in any statement attached hereto are true, correct and complete.

Name of Applicant: Roslyn O-S Hotel Partners LLC
Signature: [Handwritten Signature]
Name: [Handwritten Name]
Title: [Handwritten Title]
Date: June 18, 2015

Sworn to before me this 19
day of June, 2015

[Handwritten Signature]
Notary Public

JOANNE P. LASALLE
Notary Public, State of New York
No. 01LA6034176
Qualified in Nassau County
Commission Expires December 8, 2017

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

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

FIRST:

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

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

SECOND:

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

THIRD:

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

FOURTH:

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

Understood and Agreed to:

Name of

Applicant: Roslyn O-S Hotel Partners LLC

By: [Signature]

Name Title: Director of Operations & Development
200-200-5000

**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) A schedule of 1.0% of gross project ("G") for the first twenty million dollars (\$20,000,000) of total project cost and, if applicable, two percent (2.0%) of gross project cost in excess of \$20,000,000 of total project cost up to a maximum of twenty million dollars (\$20,000,000) of total project cost.

- (D) General Counsel Fee - One-tenth (1/10) of one percent (1%) of total project costs, with a minimum fee of \$2,000
- (E) 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) Refinancings - The Agency fee shall be determined on a case-by-case basis.
- (G) Assumptions - The Agency fee shall be determined on a case-by-case basis.
- (H) 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.

Roslyn O-S Hotel Partners LLC
 // [Signature]
 Name: Matthew A. Lawrence
 Title: Manager - President

Sworn to before me this 14
 day of March, 2017

[Signature]
 Notary Public

JOANNE F. LASALLE
 Notary Public, State of New York
 No. 01LA6034178
 Qualified in Nassau County
 Commission Expires December 6, 2017

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: <ol style="list-style-type: none"> 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 if 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. 	All applicants
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 furnish 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 Facilities 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 created and/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.

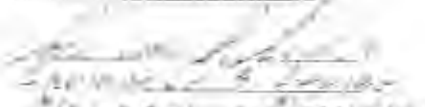
Failure to provide any of the aforesaid information will constitute a DEFAULT under the Project documents to be entered into by the Agency and the Applicant in connection with the proposed Project.

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

Wentz O-S (Total Partners, LLC)

Signature
Name
Title
Date


1/18/2019

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

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

Applicant Name: Roslyn O-S Hotel Partners LLC
 Address: c/o Oxford and Simpson, Two Jericho Plaza, Jericho, NY 11753
 Type of Business: Hotel/Restaurant
 Contact Person: Paul Amadio Tel. No.: _____

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

Current and Planned Occupations (provide NAICS Code for each)	Current Number Full-Time Equivalent Jobs Per Occupation		Estimated Number of Full-Time Equivalent Jobs in the County After Completion of the Project		
	County	Statewide	1 year	2 years	3 years
<u>Housekeeping</u>	_____	_____	<u>25</u>	<u>25</u>	<u>25</u>
<u>Front Desk</u>	_____	_____	<u>7</u>	<u>7</u>	<u>7</u>
<u>Restaurant</u>	_____	_____	<u>15</u>	<u>16</u>	<u>16</u>
<u>Engineering</u>	_____	_____	<u>4</u>	<u>4</u>	<u>4</u>
<u>Sales</u>	_____	_____	<u>2</u>	<u>2</u>	<u>2</u>
<u>Administrative</u>	_____	_____	<u>2</u>	<u>2</u>	<u>2</u>

Please indicate the number of temporary construction jobs anticipated to be created in connection with the acquisition, construction and/or renovation of the Project: 0

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

It is estimated that hiring for the jobs above will take place in the Spring/Summer of 2017, at which time training will take place.

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

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 attachment attached hereto are true, correct and complete.

Name of Applicant	<u>Poshter O-S Hotel Partners LLC</u>
Signature	<u>[Handwritten Signature]</u>
Name	<u>Lawrence H. Poshter</u>
Title	<u>General Manager</u>
Date	<u>June 11, 2015</u>

ANTI-RAIDING QUESTIONNAIRE

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

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

YES _____ NO _____

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

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

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

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

YES _____ NO _____

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

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

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

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

YES _____ NO _____

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

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

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

YES _____ NO _____

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

YES _____ NO _____

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

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

Name of Applicant: _____
Signature: _____
Name: _____
Title: _____
Date: _____

RETAIL QUESTIONNAIRE

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

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

YES NO

For purposes of Question A, the term "retail sales" means (i) sales by a registered vendor under Article 28 of Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(5)(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?

_____ 100 _____ %

- 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, except 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, county in 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 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 to which the data relates, and 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 2 is YES, attach details:

- D. If the answer to any of the subdivisions 3 through 5 of Question 2 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: 5 %

Services: 95 %

- F. State percentage of Project revenues realized for same:

Retail Sales: 5 %

Services: 95 %

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

Name of Applicant

Rushmore Hotel Partners LLC

Signature Name:

Lawrence A. Brown

Title:

Manager - Developer

Date:

June 18, 2015

APPLICANT'S FINANCIAL ATTACHMENTS

ROSLYN O-S HOTEL PARTNERS LLC
(a limited liability company)

FINANCIAL STATEMENTS

YEAR ENDED DECEMBER 31, 2013

ROSLYN O-S HOTEL PARTNERS LLC

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Statement of Cash Flows	7
Statement of Members' Capital	8

Stegel and Houbell
Certified Public Accountants

34 Cummings Circle
West Orange, New Jersey 07033
973-325-6362
Fax: 973-325-8478
www.stegel.com@comcast.net

1 Brook Court
Scarsdale, New York 11787
631-423-4651
Fax: 631-423-4652
stegel@scarsdale.com

Independent Accountants' Compilation Report

Roslyn O-S Hotel Partners LLC
Jenckle, NY 11753


Conclusion

We have compiled the accompanying assets, liabilities, and members' capital of Roslyn O-S Hotel Partners LLC (a limited liability company) as of December 31, 2013 and the related statements of income and expenses, members' capital and cash flows for the short year then ended all of which have been prepared on the income tax basis of accounting. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or provide any assurance about whether the financial statements are in accordance with the income tax basis of accounting.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with the income tax basis of accounting and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

Our responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements.

Management has elected to omit substantially all of the disclosures normally included in financial statements prepared in accordance with the income tax basis of accounting. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Company's assets, liabilities, members' capital, revenues, expenses and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such omissions.



Stegel and Houbell, C.P.A.s

August 1, 2014
Jenckle, New York

ROSLYN O-S HOTEL PARTNERS LLC
STATEMENT OF ASSETS, LIABILITIES AND MEMBERS' CAPITAL
AS AT DECEMBER 31, 2013

ASSETS

Current Assets

Cash in Bank

Fixed Assets

Deposit on Land
Land Acquisition Costs

Net Fixed Assets

Other Assets

Capitalized Costs:

Zoning Costs
DDA Application Costs
Lease Acquisition Costs
Franchise Costs

Total Other Assets

Total Assets

ROSLYN Q-S HOTEL PARTNERS LLC
STATEMENT OF ASSETS, LIABILITIES AND MEMBERS' CAPITAL
AS AT DECEMBER 31, 2013

LIABILITIES AND MEMBERS' CAPITAL

Total Liabilities

Members' Capital

Lawrence Levine

Paul Antonio

ATI Equity LLC

Oxford Partners Realty Fund LLC

Total Members' Capital

Total Liabilities and Members' Capital

See accompanying Accountant's Unaudited Review Report

ROSLYN O-S HOTEL PARTNERS LLC
STATEMENT OF INCOME AND EXPENSES - INCOME TAX BASIS
FOR THE SHORT YEAR BEGINNING JANUARY 25, 2013 AND ENDING DECEMBER 31, 2013

Income

Operating Expenses:

Miscellaneous Office Expenses
Meals & Entertainment
Organization Costs
Donations

Total Operating Expenses

Net Profit (Loss)

See accompanying Accountant's Compilation Report.

ROSLYN O-S HOTEL PARTNERS L.P.C.
STATEMENT OF CASH FLOWS - INCOME TAX BASIS
FOR THE SHORT YEAR BEGINNING JANUARY 25, 2013 AND ENDING DECEMBER 31, 2013

Cash Flows Used by Operations

Net Income (Loss)
Adjustments to reconcile net income to net cash
provided (used) by operating activities:

Net Cash Used by Operating Activities

Cash Flows Used By Investing Activities

Deposit on Land
Capitalized Costs

Net Cash Used by Investing Activities

Cash Flows Provided By Financing Activities

Members' Capital Contributions

Net Increase (Decrease) in Cash

Cash at Beginning of Year

Cash at December 31, 2013

See accompanying Accountant's Compilation Report

ROSLYN D-S HOTEL PARTNERS LLC

STATEMENT OF MEMBERS' CAPITAL - INCOME TAX BASIS

FOR THE SHORT YEAR BEGINNING JANUARY 25, 2013 AND ENDING DECEMBER 31, 2013

	<u>Balance:</u> <u>January 1, 2013</u>	<u>Income</u> <u>(Loss) 2013</u>	<u>Member</u> <u>Contributions</u>	<u>Balance</u> <u>December 31, 2013</u>
Oxford Partners Realty Fund LLC				
Lawrence Levine				
Paul F. Amoroso				
ATL Equity LLC				
Total				

See accompanying Accounting and Compliance Report

ROSLYN O-S HOTEL PARTNERS LLC
(a limited liability company)

FINANCIAL STATEMENTS

YEAR ENDED DECEMBER 31, 2014

ROSLYN O-S HOTEL PARTNERS LLC

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Siegel and Handell
Certified Public Accountants

34 Courtlidge Circle
West Orange, New Jersey 07062
973-325-6362
Fax: 973-325-8498
cs@siegelhandell.com

1 Brink Court
Smithtown, New York 11787
631-423-4651
Fax: 631-423-4652
jhandell@optonline.net

Independent Accountants' Compilation Report

Roslyn O-S Hotel Partners LLC
Jenico, NY 11753

Gentlemen:

We have compiled the accompanying assets, liabilities, and members' capital of Roslyn O-S Hotel Partners LLC (a limited liability company) as of December 31, 2014 and the related statements of income and expenses, members' capital and cash flows for the year then ended all of which have been prepared on the income tax basis of accounting. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or provide any assurance about whether the financial statements are in accordance with the income tax basis of accounting.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with the income tax basis of accounting and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

Our primary duty is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements without undertaking responsibility to provide any assurance that there are no material misstatements that should be made to the financial statements.

Management has elected to omit substantially all of the disclosures ordinarily included in financial statements prepared in accordance with the tax basis of accounting. These omitted disclosures were included in the financial statements. They might influence or user's conclusions about the Company's assets, liabilities, members' capital, revenues, expenses and cash flows. Accordingly, these financial statements should be read by those who are not informed about such matters.



Siegel and Handell, CPA's

April 28, 2015
Smithtown, New York

BOSLYN O'S HOTEL PARTNERS LLC
STATEMENT OF ASSETS, LIABILITIES AND MEMBERS' CAPITAL
AS AT DECEMBER 31, 2014

ASSETS

Current Assets

Cash in Bank

Fixed Assets

Construction in Progress

Land

Land Acquisition Costs

Net Fixed Assets

Other Assets

Capitalized Costs:

Zoning Costs

IDA Application Costs

Construction period Overhead Costs

Loan Acquisition Costs

Franchise Costs

Total Other Assets

Total Assets

See accompanying Accountant's Compilation Report

ROSLYN G-S HOTEL PARTNERS LLC
STATEMENT OF ASSETS, LIABILITIES AND MEMBERS' CAPITAL
AS AT DECEMBER 31, 2014

LIABILITIES AND MEMBERS' CAPITAL

Total Liabilities

Members' Capital

Lawrence Levine

Paul Amoroso

ATL Equity LLC

Michael Hahn

Oxford Partners Realty Fund LLC

Total Members' Capital

Total Liabilities and Members' Capital

ROSLYN O-S HOTEL PARTNERS LLC
STATEMENT OF INCOME AND EXPENSES - INCOME TAX BASIS
FOR THE YEAR ENDED DECEMBER 31, 2014

Interest Income

Operating Expenses:

Administration Expenses

Meals & Entertainment

Travel

Donations

Total Operating Expenses

Net Profit (Loss)

See accompanying Accountants' Compilation Report

ROSLYN Q-S HOTEL PARTNERS LLC
STATEMENT OF CASH FLOWS - INCOME TAX BASIS
FOR THE YEAR ENDED DECEMBER 31, 2014

Cash Flows Used by Operations

Net Income (Loss)
Adjustments to reconcile net income to net cash
provided (used) by operating activities:

Net Cash Used by Operating Activities

Cash Flows Used By Investing Activities

Purchase of Land and Related Costs
Construction in Progress Costs
Capitalized Costs

Net Cash Used by Investing Activities

Cash Flows Provided By Financing Activities

Members' Capital Contributions

Net Increase (Decrease) in Cash

Cash at Beginning of Year

Cash at December 31, 2014

ROSLYN O-S HOTEL PARTNERS LLC
STATEMENT OF MEMBERS' CAPITAL - INCOME TAX BASIS
FOR THE YEAR ENDED DECEMBER 31, 2014

	<u>Balance</u> <u>January 1, 2014</u>	<u>Income</u> <u>(Loss) 2014</u>	<u>Member</u> <u>Contributions</u>	<u>Balance</u> <u>December 31, 2014</u>
Oxford Partners Realty Fund LLC				
Lawrence Levine				
Paul F. Amoroso				
Michael Hahn				
ATL Equity LLC				
Total				

See accompanying Accountant's Compilation Report

ENVIRONMENTAL ASSESSMENT FORM

See Attached Long-Form EAF

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

Instructions for Completing Part 1

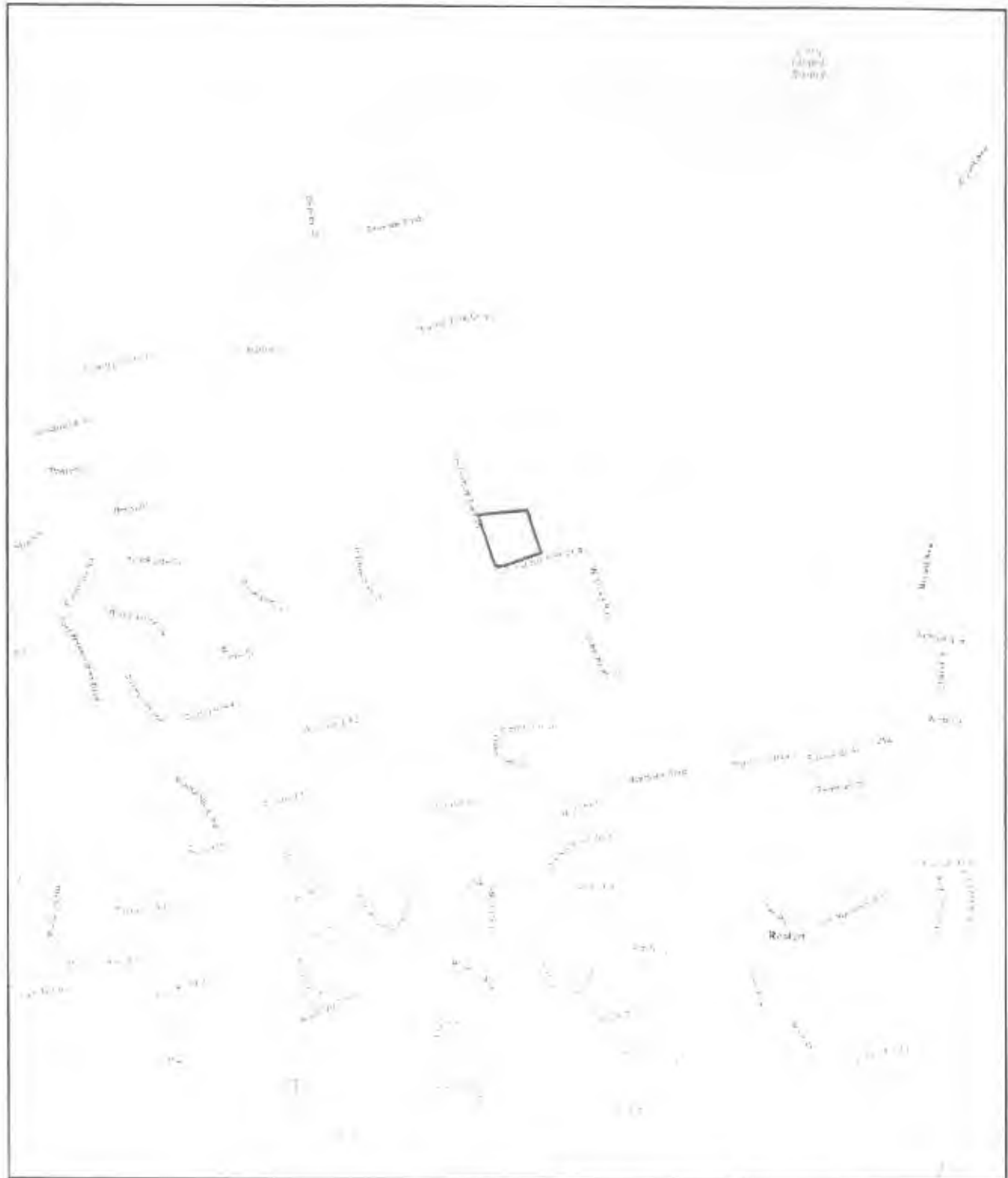
Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

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 Port Washington Hilltop Garden for Hotel		
Project Location (describe, and attach a general location map) 3 Harbor Park Drive South, Port Washington, Nassau County. Site is located at the northeast corner of Harbor Park Dr. and Industrial Park Dr.		
Brief Description of Proposed Action (include purpose or need) The proposed project involves a site plan and Special Use permit for the construction of a 4-story, 103,775 square foot (SF) hotel, containing 155 rooms, and re-configuration and repaving to provide parking for 131 vehicles (where 174 are required under pending code revisions). The existing 3.08 acre site is entirely developed with minimal vegetative buffering along the property boundaries. An abandoned three story masonry building has recently (winter 2015) been demolished to allow for the construction of the proposed project. The site is located within an existing Planned Industrial Park (PIP) zone. The proposed project was approved for a Town Board Special Use permit for a hotel use within the PIP. The proposed building would be connected to public sewer and water.		
Name of Applicant/Sponsor Resort D-S Hotel Partners LLC c/o Kathleen Deegan Deegan, Farnhill, Curt Deegan		Telephone: 516-243-1700
		E-Mail: sa@msproperties.com
Address: Deegan, Sorward, Mined & Tamara, LLP The Center, 331 East Livingston Boulevard, Suite 101V		
City/PO: Uniondale	State: New York	Zip Code: 11553
Project Contact (if not same as sponsor give name and title only)		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:



Northwest Planning & Consulting
 10000 1st Avenue, Suite 100
 Everett, WA 98203
 Phone: 425.336.8888
 Fax: 425.336.8889
 www.npandw.com

FIGURE 1 LOCATION MAP

Source: ESRI Web Mapping Service
 Scale: 1 inch = 1,000 feet



**3 HARBOR PARK
 DRIVE
 PORT WASHINGTON**

Phase I ESA

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Special Permit for Hotel Use	Approved May 2014
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan	Approved May 2014
c. City Council, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Number of Signs	Approved April 2015
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Water Connections NC Fire Marshal	June 2015
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NC Health - Sewer Connection, NC Planning - 2.5M sq ft, NC Industrial Development Agency	received with 2015 pending
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Inland 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? Yes No

- If Yes, complete sections C, E and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part II.

C.2. Adopted land use plans.

a. Do any municipality-adopted (city, town, village or county) comprehensive land use plan(s) include those in which the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes 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)? Yes No

If Yes, identify the plan(s):

NYE Heritage Area (North Elmington) to Area

c. Is the proposed action located wholly or partly within an area under local selected municipal open space plan, or an adopted municipal farm land preservation plan? Yes No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance? Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay districts?
Planned Residential Park

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes:
 1. What is the proposed new zoning for the site? _____

C.4. Existing community services

a. In what school district is the project site located? Regain Union Free School District

b. What police or other public protection forces serve the project site?
Nassau County Police Department 9th Precinct

c. Which fire protection and emergency medical services serve the project site?
Regain Fire Department Rescue

d. What parks serve the project site?
North Hempstead Beach Park, William Gulen Bryant Preserve

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational); if mixed, include all components? Commercial

b. a. Total acreage of the site of the proposed action? _____ 3.08 acres
 b. Total acreage to be physically disturbed? _____ 3.08 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 3.08 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 If Yes, what is the approximate percentage of the proposed expansion and identify (e.g., acres, miles, housing units, square feet)? % _____ Units _____

d. Is the proposed action a subdivision or does it include a subdivision? Yes No
 If Yes:
 1. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____

e. Is a master conservation layout proposed? Yes No
 ii. Number of lots proposed? _____
 iii. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

f. Will proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: _____ 24 months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase 1 (excluding demolition) _____ month(s) _____ year
 • Anticipated completion date of final phase _____ month(s) _____ year
 • Generally describe circumstances of relationships among phases, including any anticipated inter-phase progression and phase(s) determine timing or duration of future phases _____

f. Does the project include new residential uses? Yes No
 If Yes, show number of units proposed:
 One Family: _____ Two Family: _____ Large Family: _____ Multiple Family (four or more): _____
 Initial Phase: _____
 At completion of all phases: _____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes:
 i. Total number of structures: _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ +103,775 sq. 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? Yes No
 If Yes:
 i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams 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. Constructive 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? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where alternative materials will remain in place)
 If Yes:
 i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of material to be excavated or dredged, and plans to use, manage or dispose of them: _____
 iv. Will there be on-site dewatering or processing of excavated materials? Yes No
 If yes, describe: _____
 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of increase or decrease in size of, or encroachment into any existing wetland, waterway, shoreline, beach or adjacent area? Yes No
 If Yes:
 i. Identify the wetland or waterway which would be affected (by name, water body number, wetland/waterway number, geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill placement or structures, alteration of channels, banks and shorelines. Indicate zones of activities, alterations and shall (open to aquatic life or access):

iii. Will proposed action cause or result in disturbance to historic 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: _____ +1,25,547* (includes 800 gpd irrigation demand) 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: Boyer Water District
 • Does the existing public water supply 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
 • 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: _____
 • Sources 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:
 • Application/consent 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: _____ 1180 gallons/minute

d. Will the proposed action generate liquid wastes? Yes No
 If Yes:
 i. Total anticipated liquid waste generation per day: _____ 24,752 gal. daily
 ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial) if combination, describe all components and approximate volumes or proportions of each: _____
 Sanitary Wastewater: _____

i. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:
 • Name of wastewater treatment plant: (Site) Boe Washington Water Pollution
 • Name of district: Boe Washington Water Pollution Control
 • Does the existing wastewater treatment plant have capacity to serve the project? Yes No
 • Is the project from the existing district? Yes No
 • Is evaluation of the district needed? Yes No

• Do existing action lines serve the proposed site? Yes No
 • Will (one extension) within an existing district be necessary to serve the project? Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

ii. Will a new wastewater (sewage) treatment district be formed to serve the project area? Yes No
 If Yes:

- Applicant/ sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

 i. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification of surface discharge, or describe subsurface disposal plans):
 N/A

iii. Describe any plans or designs to capture, recycle or reuse liquid waste: _____
 N/A

d. 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? Yes No
 If Yes:

- How much impervious surface will the project create in relation to total size of project parcel: _____
 _____ Square feet or _____ Acres (impervious surface)
 _____ Square feet or _____ Acres (parcel size)
- Describe types of new point sources Stormwater runoff: _____
- Where will the stormwater runoff be directed (i.e. on-site stormwater management, farm/industry structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
 On site stormwater management system, each of pool: _____

- If to surface waters, identify receiving water bodies or wetlands: _____
 N/A
- Will stormwater runoff flow to adjacent properties? Yes No

f. Does proposed plan minimize impervious surfaces, use pervious materials or collect and reuse stormwater? Yes No

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? Yes No
 If Yes, identify:

- Mobile sources during project operations (e.g. heavy equipment, fleet or delivery vehicles)
- Stationary sources during construction (e.g. power generation, structural heating, batch plant, crushers)
- Stationary sources during operations (e.g. process emissions, large boilers, electric generation)

g. Will any air emission sources, as defined in D 2.1 (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:

Is the project site located in an Air quality non-attainment area (Area) where the applicable CO₂ or other ambient air quality standards for all or some parts of the year) Yes No

 i. In addition to emissions as calculated in the application, the project will generate:

- _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
- _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- _____ Tons/year (short tons) of Carbon Tetrachloride (CCl₄)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

2. Will the proposed action generate or increase noise (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 abatement measures included in project design (e.g., combustion to generate heat or electricity, flaring) _____

3. 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) _____

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

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend

Randomly between hours of _____ to _____

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

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

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: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 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

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

If Yes:

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

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

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

6. Hours of operation: Answer all items which apply

i. During Construction		ii. During Operations	
• Monday - Friday	8am - 5 pm	• Monday - Friday	24 hrs
• Saturday	8am - 5 pm	• Saturday	24 hrs
• Sunday	_____	• Sunday	24 hrs
• Holidays	_____	• Holidays	24 hrs

4. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide detail concerning sources, time of day, and duration.
 Temporary construction noise may exceed ambient noise levels during limited periods.

5. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe _____

6. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction(s) and proximity to nearest occupied structures.
 Perimeter building lighting and pole mounted lighting with parking lot area for security and building safety. Lighting is directed inward towards site.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe _____

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

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

9. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):
 Commercial fertilizer will be evenly applied in the seed/soil bed at the rate of 1,000 lbs. per acre and incorporated into the top three inches of soil. The elements of the fertilizer may be organic, inorganic, or a combination.

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

10. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation: _____ tons per _____ (unit of time)
 ii. Describe any proposed future site remediation, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: Range of steel and concrete as possible
 • Operation: Recyclables will be separated

iii. Proposed disposal methods/facilities for solid waste generated onsite:
 • Construction: Private waste carrier will be contracted to remove and properly dispose waste
 • Operation: Private waste carrier will be contracted to remove and properly dispose waste

6. 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 method: _____
- 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

7. 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: _____

8. Will any hazardous wastes be disposed at an existing off-site 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-urban)
 - Forest Agriculture Airports Other (specify) _____
- ii. If mix of uses, generally describe: _____

The proposed project is located within a Planned Industrial Park with commercial and residential uses located nearby.

b. Land uses and cover types on the project site:

Land use or Cover type	Current Acreage	Acreage After Project Completion	Change (Acre +/-)
• Roads, buildings and other paved or impervious surfaces	204	257	+53
• Forested			
• Meadows, grasslands or barelands (non-agricultural) including abandoned agriculture			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated bare soil, earth or fill			
• Other (Describe Landuses)	95	99	+4

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 (50) feet of the project site? Yes No
 If Yes:
 i. Identify facilities: _____

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

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

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

h. Potential contamination history: Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
 If Yes:
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? (Check all that apply) Yes No
 Yes - Spills Incidents database Provide DEC ID number(s): 0310223, closed 10/23/2005
 Yes - Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
 ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
 If yes, provide DEC ID number(s): 0310223
 i. If yes to (i), (ii) or (iii) above, describe current status of site(s)

Review project site for 2,4-D? adjacent to east of site. Underway. May 2004. Cleaned up. No soil has been removed and surface cover used to prevent contact with additional contaminated soil.

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ ft. (DEC feet)

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

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

U2A	_____	100 %
	_____	%
	_____	%

d. What is the average depth to the water table on the project site? Average: _____ 30 feet

e. Drainage status of project site soils:

<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:

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

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

h. Surface water features

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

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

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

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

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

• Stream	Name _____	Classification _____
• Lakes or Ponds	Name _____	Classification _____
• Wetlands	Name _____	Approximate Size _____
• Wetland No. (if regulated by DEC)	_____	

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No

If Yes, name of impaired water body, studies and basis for listing as impaired: _____

i. Is the project site in a designated floodway? Yes No

j. Is the project site in the 100 year floodplain? Yes No

k. Is the project site in the 500 year floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary or secondary aquifer? Yes No

If Yes: Name of aquifer: See Source Control Manual Section 3.4.1.1.1.1

m. Identify the predominant wildlife species that occupy or use the project site:
 Limited wildlife occupy the site: _____
 Common birds: _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation) _____
 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Current: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate +/-): _____ acres

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

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

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

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

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

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

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

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

c. 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 NYC Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located (i) or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overpass, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource _____ miles

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666? Yes No

F. Additional Information

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

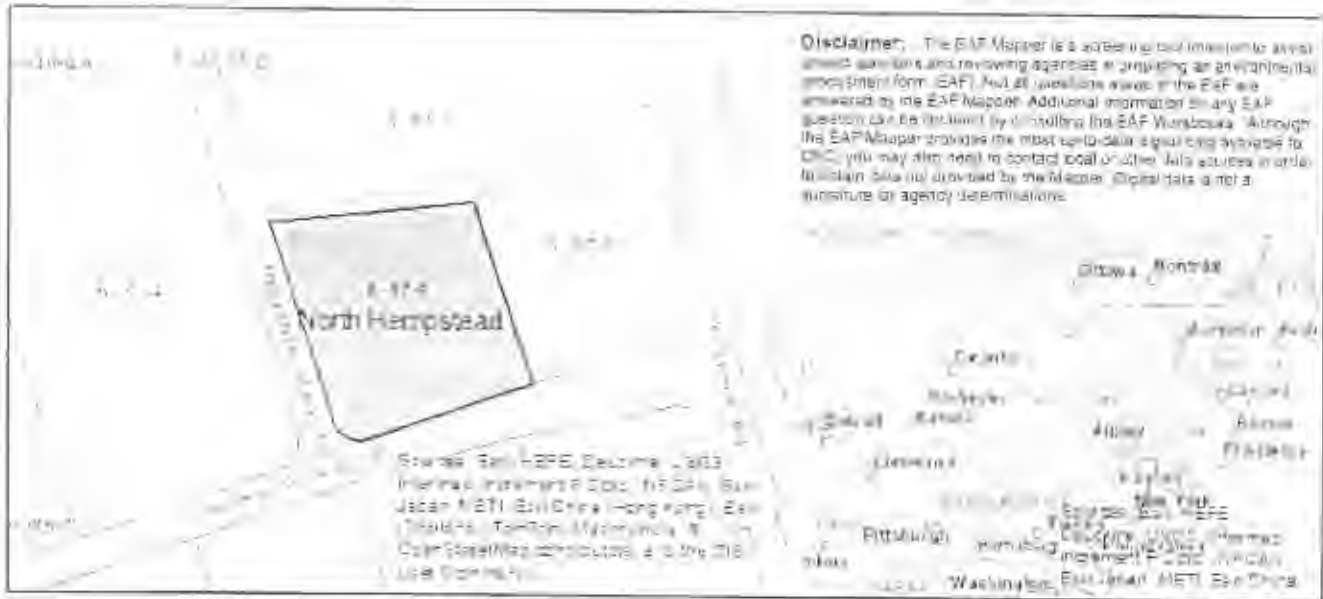
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts and any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name: Carla O'Farrell, Applicant's environmental consultant Date: June 13, 2010

Signature:  Title: Senior Partner/Advisor, Pope & Adams, LLC



B.1.i [Coastal or Waterfront Area]	Yes
B.1.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas LI North Shore Heritage Area
E.1.h [DEC Soils or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Soils or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.ii [DEC Soils or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii.a [Within 2,000' of DEC Remediation Site - DEC ID]	V00139
E.2.g [Unique Geologic Features]	No
E.2.h [Surface Water Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.i.v [Impaired Water Bodies]	No
E.2.j [Floodway]	No
E.2.j.i [100 Year Floodplain]	No
E.2.j.ii [500 Year Floodplain]	No
E.2.k [Aquifers]	Yes
E.2.k.i [Aquifer Names]	See Source Aquifer Names/1/4/2015/3/11/15 8:38

E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d. [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

OTHER ATTACHMENTS

PART I.

Item S. Attach a brief history of the Applicant and its business/operations.

The Applicant is a single-purpose entity formed specifically for this Project. The principals of the Applicant, Lawrence A. Levine and Paul Amoroso, have extensive experience in developing and managing hotel projects, both individually and collaboratively. Most of these hotel projects are in Long Island, including a Best Western in Holbrook, a Homewood Suites in Melville, the Hilton Garden Inn in Melville and the Ramada Inn in Holtsville. In addition, the principals own and manage over one million square feet in commercial property in Long Island.

PART II. PROPOSED PROJECT

Item 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.*

The proposed Project is a 165-room, four-story hotel, containing 3,091 square feet of meeting space, a 65-seat lounge/bar area, a fitness center and a swimming pool. The Applicant has entered into a Franchise Agreement with Hilton Garden Inns Franchise L.L.C. The proposed Project was the subject of a prior Agency transaction, entered into on or about August 1, 2014. As stated in the original Application to the Agency, dated August 28, 2013, the project was intended to address the scarcity of quality hotel facilities in the Port Washington facility for the benefit of members of the community, including a number of businesses which had recently opened in the Port Washington Business Park. Subsequent to such closing, it became apparent that certain key businesses which were already located in the Business Park and in the greater Port Washington vicinity were preparing to reduce their number of employees and, in some cases, had already announced that they would be leaving the Port Washington area. As a result, lenders approached by the Company expressed doubts about the viability of the Project in its then current form and it became clear to the Company that certain construction financing alternatives, which the Company was expecting to rely upon, would not be available to the Company. As a result, the financial viability of the Project was significantly jeopardized. Thus, at the request of the Company, the Agency and the Company agreed to terminate the initial transaction with the Agency, as reflected in the termination documents dated March 10, 2015.

Despite that termination, the Company has diligently continued to work to find a way to make this much-needed Project financeable. Toward that end, the Company subsequently retained HFF, L.P., a nationwide provider of capital markets transaction services to the U.S. commercial real estate industry, with a specialty in hospitality financing. Attached hereto is a letter received from HFF, dated March 23, 2015, that describes their findings and recommendations. As stated therein, a total of financial and market analysis was performed.

HFF concluded that in order for the Project to be financially viable, and for it to be favorably viewed by potential lenders, the real estate taxes would be required to be fixed, through a PILOT program, at the levels set forth in its report. As you can see, these levels differ from the previously granted PILOT program. Thus, financial assistance from the Agency in accordance with the HFF letter is necessary to allow the Applicant to construct and operate a hotel at the site because the economic feasibility of constructing and operating the hotel at this location with the tax structure currently in place would not be feasible. The financial assistance sought by the Applicant will permit it to construct and operate this hotel in a quality fashion that will meet the needs of the community in which it is located. Without the financial assistance sought, the Applicant would not be able to achieve the type and quality of hotel facility at this location that are necessary for it to succeed financially and to meet the pre-existing community need. The financial risk associated with the Project would outweigh the benefits without the financial assistance from the Agency.

Item C. *If the Applicant is unable to arrange 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 assistance? Describe.*

If the Applicant is unable to arrange financing with the Agency, the Applicant would not be able to proceed with the construction of a hotel at the site. The result would be a negative effect on the County since the operation of a hotel at the site would provide a viable operating business at the site, which now contains a vacant structure and is an eyesore for the community. The County would not receive the following benefits: the economic activity associated with the construction of the Project, including the purchase of building materials and the provision of construction jobs; the removal of a blighted building structure and replacement of same with an aesthetically pleasing new structure; the creation of permanent additional jobs resulting from the operation of a hotel at the site (as set forth in Item A above); the long-term and substantial increase of the real estate tax base for the County (and the Town and local School District) resulting from the construction of a new substantial structure; the provision of a unique and greatly needed type and quality hotel product in an area of the County where such a facility is not currently available.

PART IV. COST/BENEFIT ANALYSIS

Item E. *Describe, if applicable, which benefits to the County anticipated as a result of the Project.*

The County would receive numerous benefits, including, without limitation, the economic activity associated with the construction of the Project, including the purchase of building materials and the provision of construction jobs; the removal of a blighted building structure and replacement of same with an aesthetically pleasing new structure; the creation of permanent additional jobs resulting from the operation of a hotel at the site (as set forth in Item A above); the long-term and substantial increase of the real estate tax base for the County, and the Town and local School District resulting from the construction of a new substantial structure.

the provision of a unique and greatly needed type and quality hotel product (room) area of the County where such a facility is not currently available.

Schedule E

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

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, it is reasonable to expect that the Project will attract a significant number of visitors from outside the Nassau and Suffolk County economic development region given that the Project is a unique combination of a quality hotel product in an area in dire need of such new facility.

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 reasonable accessible retail trade facilities offering such goods or services?

Yes, as stated above, there is a scarcity of quality hotel facilities in the vicinity and the availability of the additional 165 hotel rooms at the Project will greatly benefit the residents of the community, their relatives and their friends.