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NASSAU COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

APPLICATION OF:

BSL WOODBURY LLC

APPLICANT NAME

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

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

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

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

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

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

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

March 30, 2017

**DATE**

**PART I. APPLICANT**

A. APPLICANT FOR FINANCIAL ASSISTANCE:

Name: BSL WOODBURY LLC

Address: 201 Jones Road, 3<sup>rd</sup> Floor West, Waltham, MA 02451

Fax: \_\_\_\_\_

NY State Dept. of

Labor Reg #: \_\_\_\_\_ Federal Employer ID #: ██████████

NAICS Code #: 623312

Website: www.BenchmarkSeniorLiving.com

Name of CEO or

Authorized Representative Certifying Application: Thomas A. Grape

Title of Officer: Chairman, CEO and President

Phone Number: 718-489-7100 E-Mail: N/A

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

Sole Proprietorship ☐ General Partnership ☐ Limited Partnership ☐

Limited Liability Company ☒ Privately Held Corporation ☐

Publicly Held Corporation ☐ Exchange listed on \_\_\_\_\_

Not-for-Profit Corporation ☐

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

State and Year of Incorporation/Organization: Delaware -2015

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

C. APPLICANT COUNSEL:

Firm name: Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP

Address: The Omni, 333 Earle Ovington Blvd., Suite 1010  
Uniondale, New York 11553





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

YES \_\_\_\_

NO X

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

BSL Woodbury Development LLC

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

YES X

NO \_\_\_\_

An affiliate of the Applicant, BSL Smithtown LLC, is currently receiving financial assistance from the Suffolk County Industrial Development Agency with respect to a prospective 103-unit assisted living facility in Smithtown, Suffolk County, New York.

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

YES \_\_\_\_

NO X

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

YES \_\_\_\_

NO X

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

YES \_\_\_\_

NO X\_\_

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

YES \_\_\_\_

NO X\_\_

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

YES \_\_\_\_

NO X\_\_

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

| <u>Name</u>                     | <u>Title</u>           | <u>Other Business Affiliations</u> |
|---------------------------------|------------------------|------------------------------------|
| BSL Woodbury<br>Development LLC | <u>Manager/Member*</u> | _____                              |
| _____                           | _____                  | _____                              |
| _____                           | _____                  | _____                              |

\*See attached organizational chart

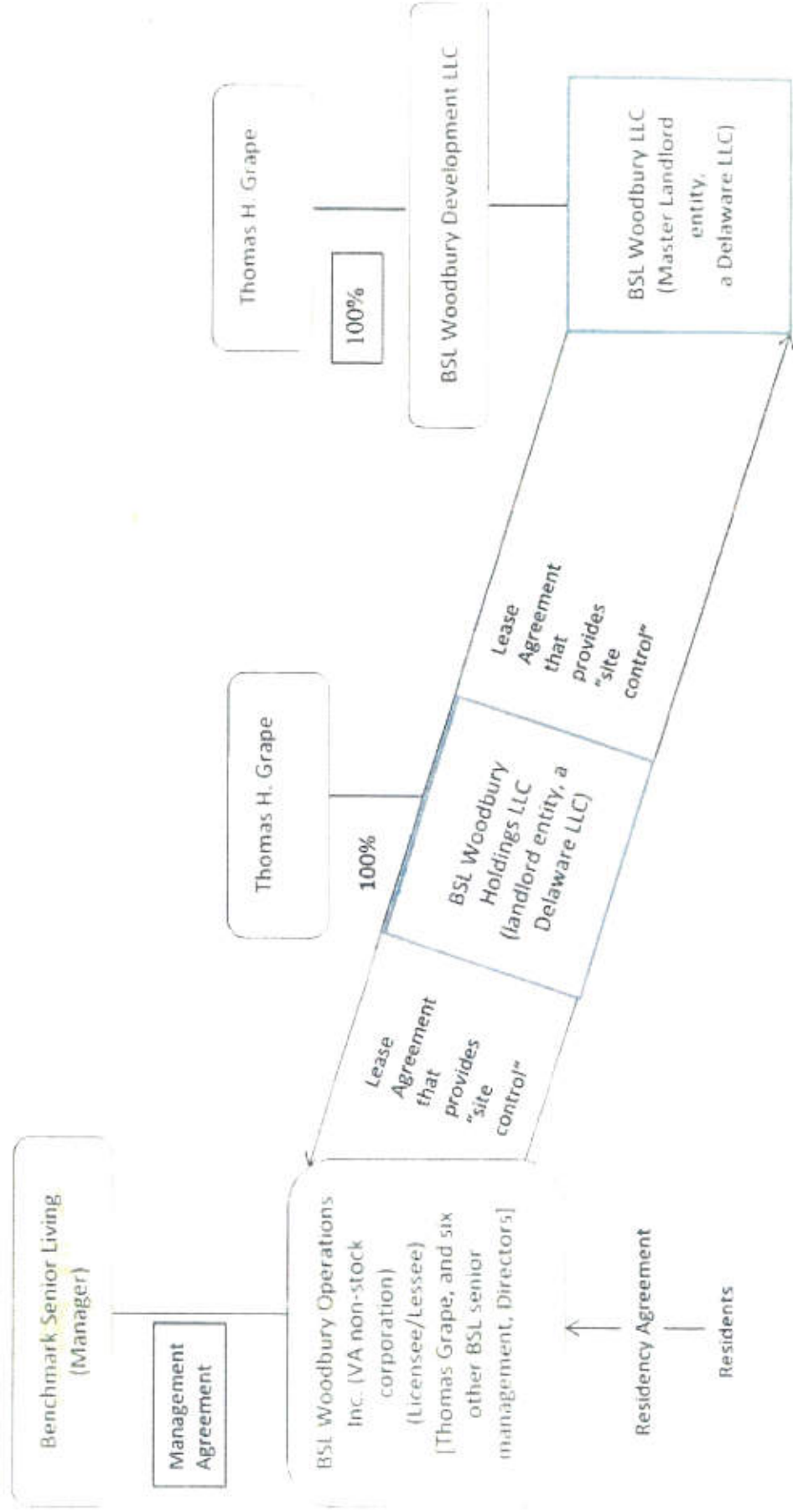
Do any of the foregoing principals hold elected or appointive positions with New York State, any political division of New York State or any other governmental agency? If YES, attach details at Schedule I.

YES \_\_\_\_

NO X\_\_

# BSL NY STRUCTURE Woodbury

CONFIDENTIAL  
HISTORICAL RE



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

YES \_\_\_\_

NO X

O. Operation at existing location(s) (Complete separate Section O for each existing location): NOT APPLICABLE

1. (a) Location: \_\_\_\_\_

(b) Number of Employees: Full-Time: \_\_\_\_ Part-Time: \_\_\_\_

(c) Annual Payroll, excluding benefits: \_\_\_\_\_

(d) Type of operation (e.g. manufacturing, wholesale, distribution, retail, etc.)  
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: \_\_\_\_ LEASE: \_\_\_\_ OTHER (describe below): \_\_\_\_

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

YES \_\_\_\_

NO X

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

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

YES \_\_\_\_

NO X

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

YES \_\_\_\_

NO X

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

YES \_\_\_\_

NO X

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

YES \_\_\_\_

NO X

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

The Applicant's business is to construct and operate an assisted living community on Woodbury Road, Woodbury, New York.

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

Name: BSL Woodbury Operations Inc.

Relationship to Applicant: Licensed operator of the assisted living facility

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



## PART II. PROPOSED PROJECT

A. Types of Financial Assistance Requested:

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

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

- ☒ New Construction of a Facility  
Square footage: 73,955
- ☐ Addition to Existing Facility  
Square footage of existing facility: \_\_\_\_\_  
Square footage of addition: \_\_\_\_\_
- ☐ Renovation of Existing Facility  
Square footage of area renovated: \_\_\_\_\_  
Square footage of existing facility: \_\_\_\_\_
- ☒ Acquisition of Land/Building  
Acreage/square footage of land: 3.76 acres  
Square footage of building: \_\_\_\_\_
- ☒ Acquisition of Furniture/Machinery/Equipment  
List principal items or categories:
  - 1. Residential room furniture and equipment (wardrobes, dressers, washer dryers, HVAC units, wall safes, lighting fixtures)
  - 2. Residential room kitchenettes (cabinets, sinks, micro-fridges)
  - 3. Residential bathroom fixtures (cabinets, sinks, toilets, baths, grab bars)
  - 4. Common area furniture and equipment (chairs, tables, couches, TV's, lighting fixtures, artwork)
  - 5. Back of house equipment (HVAC system, commercial kitchen appliances, security system)
- ☒ Other (specify): Demolition of existing vacant strip mall and residential structures

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

The proposed Project is a 91-unit assisted living facility. The parent company of the Applicant operates in excess of fifty (50) senior living communities throughout New England and is expanding into the Long Island area.

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

YES X

NO \_\_\_\_\_

IDA assistance has always been assumed in Applicant's analysis of the proposed Project. Without such assistance, the Project is not economically feasible.

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

If the Applicant is unable to arrange for financial assistance from the Agency, the Applicant would not be able to proceed with the Project. In such event, the property, which currently contains a vacant small strip shopping center with one remaining tenant and a vacant house, would not be developed by the Applicant and would continue to be an eyesore to the local community without producing any economic benefit. In addition, the Applicant shall perform environmental remediation at the site, which would not occur if the Applicant were not to proceed with the proposed Project. The Applicant's proposed assisted living facility would be aesthetically pleasing and would help satisfy a need for assisted living facilities which are sorely needed by residents in the immediate area, both of which would have a significantly positive impact on the County. Finally, the Project would create significant new employment to the County which does not currently exist, as set forth in Schedule C hereof.

- F. Location of Project:

Street Address: 900 Woodbury Road

City/Village(s): Woodbury

Town(s): Town of Oyster Bay

School District(s): Syosset Central School District

Tax Map Section: 12 Block: 527 Lot: 24

Census Tract Number: \_\_\_\_\_

G. Present use of the Project site: Small retail strip center; vacant except for one store; vacant house.

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

General: \$47,094.68

School: \$59,178.75

Village: \$

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

\*COPIES OF TAX CERTIORARI DOCUMENTS HAVE BEEN REQUESTED

YES X

NO   

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

The Applicant will purchase fee title.

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

Assisted Living Facility

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

N/A

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

N/A

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

YES X

NO     

1. Describe present zoning/land use: NB
2. Describe required zoning/land use, if different: N/A
3. If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements:

N/A

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

YES     

NO X

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

YES     

NO X

If YES, indicate:

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

If NO, indicate name of present owner of Project site: Joan III, LLC and Joe III, LLC

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

YES ☒ NO ☐

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

- (a) Date signed: February 20, 2013  
(b) Purchase price: \$4,425,000.00  
(c) Closing date: \_\_\_\_\_

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

If YES, describe:

YES ☐ NO ☒

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

Sales of Goods: YES ☐ NO ☒ Sales of Services: YES ☒ NO ☐

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

The impact on government-provided services is expected to be minimal. Due to the nature of the Applicant's business, there will be no effect on the school district as no school-age children would be added to the district. The Project should have a significant benefit for the community as it will provide a much needed service to seniors and their families living in the community.

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

Architect: Moseley Architects  
Engineer: RMS Engineering  
Contractors: [To be Determined]

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

YES \_\_\_\_

NO X

The Project is not intended to be designed and constructed to achieve LEED certification. However, many of the design and construction elements of the project will comply with Green Building Standards.

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

YES \_\_\_\_

NO X

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

YES X

NO \_\_\_\_

Given the aging of the population in the community in which the Project site is to be located, there is a significant need for assisted living facilities.

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

YES \_\_\_\_

NO X

### **PART III. CAPITAL COSTS OF THE PROJECT**

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

|    | <u>Item</u>                            | <u>Cost</u>          |
|----|--|----------------------|
| 1. | Land and/or Building Acquisition       | \$ <u>4,450,000</u>  |
| 2. | Building Demolition                    | \$ <u>100,000</u>    |
| 3. | Construction/Reconstruction/Renovation | \$ <u>23,580,090</u> |
| 4. | Site Work                              | \$ <u>925,000</u>    |
| 5. | Infrastructure Work                    | \$ _____             |
| 6. | Architectural/Engineering Fees         | \$ <u>915,000</u>    |
| 7. | Applicant's Legal Fees                 | \$ <u>695,000</u>    |
| 8. | Financial Fees                         | \$ <u>1,304,202</u>  |



|     |   |    |            |
|-----|---|----|------------|
| 9.  | Other Professional Fees   | \$ |            |
| 10. | Furniture, Equipment & Machinery Acquisition (not included in 3. above) | \$ | 880,000    |
| 11. | Other Soft Costs (describe)   | \$ | 6,113,897  |
| 12. | Other (describe)  | \$ |            |
|     | Total   | \$ | 38,963,189 |

B. Estimated Sources of Funds for Project Costs:

|    |   |    |                  |
|----|---|----|------------------|
| a. | Tax-Exempt IDA Bonds:                                 | \$ |                  |
| b. | Taxable IDA Bonds:                                    | \$ |                  |
| c. | Conventional Mortgage Loans:                          | \$ | 25,326,073 (65%) |
| d. | SBA or other Governmental Financing:                  | \$ |                  |
|    | Identify:   |    |                  |
| e. | Other Public Sources (e.g., grants, tax credits):     | \$ |                  |
|    | Identify:   |    |                  |
| f. | Other Loans:  | \$ |                  |
| g. | Equity Investment:                                    | \$ | 13,637,116 (35%) |
|    | (excluding equity attributable to grants/tax credits) |    |                  |

TOTAL \$38,963,189

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

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

YES X NO     

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

YES      NO      NOT APPLICABLE X

[illegible]

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

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

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

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

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G. Construction Cost Breakdown:

Total Cost of Construction: \$25,485,091 (sum of 2-5 and 10 in Question A above)

Cost for materials: \$16,990,061

% Sourced in County: 75%

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

Cost for labor: \$8,495,030

% Sourced in County: 75%

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

Cost for "other": \$ \_\_\_\_\_

% Sourced in County: \_\_\_\_\_ %

% Sourced in County: \_\_\_\_\_ % (incl. County)

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

**PART IV. COST/BENEFIT ANALYSIS**

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

|                         | <u>Present</u> | <u>First Year</u> | <u>Second Year</u> | <u>Third Year</u> |
|-------------------------|----------------|-------------------|--------------------|-------------------|
| Full-time:              | \$ <u>N/A</u>  | \$3,570,632       | \$4,222,538        | \$4,275,625       |
| Part-time: <sup>1</sup> | _____          | _____             | _____              | _____             |

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

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

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

|                                     |  |  |
|-------------------------------------|--|--|
| Independent Contractor <sup>2</sup> |  |  |
| Other                               |  |  |

| <u>Category of Jobs to be Created:</u> | <u>Average Salary or Range of Salary:</u> | <u>Average Fringe Benefits or Range of Fringe Benefits</u> |
|--|---|--|
| Management                             | \$38,586-\$140,000                        | \$14,214-\$51,571  |
| Professional                           | \$30,243-\$77,171                         | \$11,140-\$28,427  |
| Administrative                         | \$33,371-\$80,000                         | \$12,293-\$29,469  |
| Production                             |   |  |
| Supervisor                             |   |  |
| Laborer                                | \$26,071-\$43,279                         | \$9,604-\$15,942   |
| Independent Contractor <sup>3</sup>    |   |  |
| Other                                  |   |  |

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

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

YES \_\_\_\_\_

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

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

200

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

<sup>3</sup> As used in this chart, this category includes employees of independent contractors.

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

\$ \_\_\_\_\_

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

\_\_\_\_\_ %

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

\_\_\_\_\_ 1% \_\_\_\_\_

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

Building Department Fes, License Fees, Hook-up 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 | \$778,391     | 75%                        | 90%                       |
| Year 2 | \$1,030,739   | 75%                        | 90%                       |
| Year 3 | \$1,131,718   | 75%                        | 90%                       |

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

The 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 providing of construction jobs; the removal of blighted and underutilized structures with an aesthetically pleasing new facility; and the long-term and substantial increase of the real estate tax base for the taxing jurisdictions resulting from the construction of a substantial new structure.



F. Estimated Value of Requested Financial Assistance:

Estimated Value of Sales Tax Benefit: \$1,465,393  
(i.e., gross amount of cost of goods and services  
that are subject to state and local sales and use taxes  
multiplied by 8.625%)

Estimated Value of Mortgage Tax Benefit: \$189,946  
(i.e., principal amount of mortgage loans  
loans multiplied by [0.75%])

Estimated Property Tax Benefit:

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

Term of PILOT Requested: 20 years

Existing Property Taxes on Land and Building: \$110,384.70

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

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

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

Permit fees to local municipalities and water districts

**PART V. PROJECT SCHEDULE**

A. If applicable, has construction/reconstruction/renovation work on the Project begun? If YES, indicate the percentage of completion: NO

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

|                             |          |         |                 |
|-----------------------------|----------|---------|-----------------|
| (c) Foundation              | YES ____ | 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, reconstruction, renovation, installation or equipping of the Project?

September 2017

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

July 2019

#### **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. See attached negative declaration letter dated September 6, 2016 from the Town Board of the Town of Oyster Bay.

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

YES \_\_\_\_

NO X

- C. Please be advised that the Agency may require at the sole cost and expense of the Applicant the preparation and delivery to the Agency of an environmental report in form and scope satisfactory to the Agency, depending on the responses set forth in the Environmental Assessment Form. If an environmental report has been or is being prepared in connection with the Project, please provide a copy.
- D. The Applicant authorizes the Agency to make inquiry of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation or any other appropriate federal, state or local governmental agency or authority as to whether the Project site or any property adjacent to or within the immediate vicinity of the Project site is or has been identified as a site at which hazardous substances are being or have been used, stored, treated, generated, transported, processed, handled, produced, released or disposed of. The Applicant will be required to secure the written consent of the owner of the Project site to such inquiries (if the Applicant is not the owner), upon request of the Agency.

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

Name of  
Applicant: BSL WOODBURY LLC

Signature: *Sarah Laffey*  
Name: Sarah Laffey  
Title: VIC President  
Date: 4/6/17

Sworn to before me this 6<sup>th</sup>  
day of April, 2017

*Linda Marrone*  
Notary Public



LINDA P. MARRONE  
NOTARY PUBLIC  
Commonwealth of Massachusetts  
My Commission Expires  
January 27, 2023

## CERTIFICATIONS AND ACKNOWLEDGMENTS OF THE APPLICANT

### **FIRST:**

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

### **SECOND:**

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

### **THIRD:**

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

### **FOURTH:**

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

### **FIFTH:**

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

### **SIXTH:**

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

**SEVENTH:**

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

**EIGHTH:**

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

YES X NO     

If YES, how many units? 91 assisted living units

If YES, the Applicant hereby certifies that:

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

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

YES      NO X

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

If YES, answer the following questions:

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

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

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

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

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

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

Name of

Applicant: BSL Woodbury LLC

By:

Sarah Laffey  
Name: Sarah Laffey  
Title: Vice President



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

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

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

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

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

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

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

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

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

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

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

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

Susan Laffey  
Name Susan Laffey  
Title: Vice president

Subscribed and affirmed to me this 6th  
day of April, 2017

Linda Marrone  
Notary Public



LINDA P MARRONE  
NOTARY PUBLIC  
Commonwealth of Massachusetts  
My Commission Expires  
January 27, 2023

TABLE OF SCHEDULES:

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

**TAX-EXEMPT BOND MANUFACTURING QUESTIONNAIRE**

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

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

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

---



---

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

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

TOTAL

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

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

TOTAL

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

**SQ. FOOTAGE****LOCATION**Raw Materials used  
for production of  
manufactured goods

---

Finished product storage

---

Component parts of  
goods manufactured at  
the facility

---

Purchased component  
parts

---

Other (specify)

---

TOTAL

---

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

---

---

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

---

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

Name of  
Applicant:

---

Signature:

---

Name:

---

Title:

---

Date:

---

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

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

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

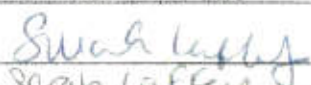
- B. The Applicant will be required to file annually a statement with the New York State Department of Taxation and Finance and the Agency of the value of all sales or use tax exemptions claimed in connection with the Project by reason of the involvement of the Agency.
- C. The following information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

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

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

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

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

|                    |  |
|--------------------|--|
| Name of Applicant: | <u>BSL WOODBURY LLC</u>  |
| Signature:         | <u></u> |
| Name:              | <u>Sarah Laffey</u>  |
| Title:             | <u>Vice president</u>  |
| Date:              | <u>4/6/17</u>  |



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

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

Applicant Name: BSL WOODBURY LLC

Address: \_\_\_\_\_

Type of Business: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Tel. No.: \_\_\_\_\_

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

| <u>Current and<br/>Planned Occupations</u> | <u>Present Jobs<br/>Per Occupation</u> | <u>Estimated Number of<br/>Full Time Equivalent<br/>Jobs After Completion<br/>of the Project:<sup>4</sup></u> |                |                | <u>Estimate of Number of<br/>Residents of the LMA<sup>5</sup><br/>that would fill such jobs<br/>by the third year</u> |
|--|--|---|----------------|----------------|---|
|  |  | <u>1 year</u>   | <u>2 years</u> | <u>3 years</u> |   |
| <u>Management</u>                          | _____                                  | <u>9</u>  | <u>9</u>       | <u>9</u>       | <u>100%</u>   |
| <u>Professional</u>                        | _____                                  | <u>11</u>   | <u>22</u>      | <u>26</u>      | <u>100%</u>   |
| <u>Administrative</u>                      | _____                                  | <u>3</u>  | <u>3</u>       | <u>3</u>       | <u>100%</u>   |
| <u>Production</u>                          | _____                                  | _____   | _____          | _____          | _____   |
| <u>Supervisor</u>                          | _____                                  | _____   | _____          | _____          | _____   |
| <u>Laborer</u>                             | _____                                  | <u>7</u>  | <u>15</u>      | <u>17</u>      | <u>100%</u>   |
| <u>Independent Contractor</u>              | _____                                  | _____   | _____          | _____          | _____   |
| <u>Other (describe)</u>                    | _____                                  | _____   | _____          | _____          | _____   |

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

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

Please indicate the number of temporary construction jobs anticipated to be created in connection with the acquisition, construction and/or renovation of the Project: 200

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

\_\_\_\_\_

\_\_\_\_\_

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

YES \_\_\_\_\_

NO \_\_\_\_\_

IF YES, Union Name and Local: \_\_\_\_\_

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

Attached hereto as Schedule II 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). Upon request of the Agency, the Applicant shall provide such other or additional information or documentation as the Agency may require with respect to the Applicant's current employment levels in the State of New York.

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

Name of  
Applicant:

BSL WOODBURY LLC

Signature:

Name:

Title:

Date:

Sarah Laffey  
Sarah Laffey  
Vice President  
4/6/17

**ANTI-RAIDING QUESTIONNAIRE**

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

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

YES \_\_\_\_\_

NO \_\_\_\_\_

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

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

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

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

YES \_\_\_\_\_

NO \_\_\_\_\_

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

Addresses of the to-be-abandoned plants or facilities: \_\_\_\_\_

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

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

YES \_\_\_\_\_

NO \_\_\_\_\_

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

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

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

YES \_\_\_\_\_

NO \_\_\_\_\_

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

YES \_\_\_\_\_

NO \_\_\_\_\_

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

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

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

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

Name of  
Applicant: \_\_\_\_\_

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**RETAIL QUESTIONNAIRE**

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

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

YES   X  NO       

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

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

           <5%

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

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

YES       NO       

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

YES       NO       

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

YES       NO

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

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

YES \_\_\_\_

NO \_\_\_\_

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

Retail Sales: \_\_\_\_%

Services: 17%

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

Retail Sales: \_\_\_\_%

Services: 5%

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:

BSL WOODBURY LLC

Signature:

Name:

Title:

Date:

*Sarah Coffey*  
Sarah Coffey  
Vice President  
4/6/17

APPLICANT'S FINANCIAL ATTACHMENTS

THERE ARE NO FINANCIAL STATEMENTS AS APPLICANT WAS FORMED IN 2015

**ENVIRONMENTAL ASSESSMENT FORM**



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

**Instructions for Completing Part I**

**Part I 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 I 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 I is accurate and complete.

**A. Project and Sponsor Information.**

|   |  |   |                 |
|---|--|---|-----------------|
| Name of Action or Project:<br>Benchmark Senior Living @ Woodbury  |  |   | RMS2013-067     |
| Project Location (describe, and attach a general location map):<br>900 Woodbury Road, Woodbury NY 11797   |  |   |                 |
| Brief Description of Proposed Action (include purpose or need):<br>Demolition of all existing structures, disconnect/removal of all utilities, removal of subsurface structures and all impervious surfaces.<br><br>The Proposed development will consist of a 2 story assisted living facility with 91 units, impervious parking and service area, patios, walkways and extensive landscaping. |  |   |                 |
| Name of Applicant/Sponsor:<br>BSL NY Development, LLC   |  | Telephone: (718) 489-2808<br>E-Mail: jdragat@benchmarkquality.com   |                 |
| Address: 40 William Street, Suite 350 (see owner address below for Joan III, LLC & Joe III, LLC)  |  |   |                 |
| City/PO: Wellesley  |  | State: MA   | Zip Code: 02481 |
| Project Contact (if not same as sponsor; give name and title/role):<br>RMS Engineering c/o Christopher W. Robinson, PE  |  | Telephone: (631) 271-0576 ext. 11<br>E-Mail: cwr@rmsengineering.com |                 |
| Address:<br>355 New York Avenue, 2nd fl   |  |   |                 |
| City/PO: Huntington   |  | State: New York   | Zip Code: 11743 |
| Property Owner (if not same as sponsor):<br>Joan III LLC & Joe III LLC  |  | Telephone: (516) 248-1700 ext. 301<br>E-Mail:                       |                 |
| Address:<br>30 Rolling Drive  |  |   |                 |
| City/PO: Brookville   |  | State: New York   | Zip Code: 11545 |

## B. Government Approvals

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

| Government Entity   | If Yes: Identify Agency and Approval(s) Required                          | Application Date (Actual or projected)                              |
|---|---|---|
| a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees | Town Board (Special Use Permit & Site Plan review)                        | April 2015  |
| b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission     |   |   |
| c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals  |   |   |
| d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                   | Town Planning Department (Site Plan review) Jericho Water (Service & RPZ) | Pending Town Board  |
| e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  | NCDPW (239F Roadway Improvements & Sewer)                                 | Pending Town Board  |
| f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                      |   |   |
| g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   | NYSDEC SPDES Permit for Storm water Discharge                             | Pending Town Board  |
| h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                       |   |   |
| i. Coastal Resources.   |   |   |
| i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?                         |   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?                      |   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| iii. Is the project site within a Coastal Erosion Hazard Area?  |   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

## C. Planning and Zoning

### C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

### C.2. Adopted land use plans.

a. Do any municipally-adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ 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):

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c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

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|  |   |
|--|---|
| <b>C.3. Zoning</b>   |   |
| a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance?<br>If Yes, what is the zoning classification(s) including any applicable overlay district?<br><u>NB Neighborhood Business</u> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| b. Is the use permitted or allowed by a special or conditional use permit?   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| c. Is a zoning change requested as part of the proposed action?<br>If Yes,<br>i. What is the proposed new zoning for the site? _____   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <b>C.4. Existing community services.</b>   |   |
| a. In what school district is the project site located? <u>Syosset School District</u>   |   |
| b. What police or other public protection forces serve the project site?<br><u>Nassau County Police, 2nd Precinct</u>  |   |
| c. Which fire protection and emergency medical services serve the project site?<br><u>Syosset Fire Department</u>  |   |
| d. What parks serve the project site?<br><u>None</u>   |   |

#### D. Project Details

|  |   |
|--|---|
| <b>D.1. Proposed and Potential Development</b>   |   |
| a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?<br><u>Residential assisted Living Facility</u>   |   |
| b. a. Total acreage of the site of the proposed action?  | <u>3.76</u> acres   |
| b. Total acreage to be physically disturbed?   | <u>3.76</u> acres   |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?   | <u>3.76</u> acres   |
| c. Is the proposed action an expansion of an existing project or use?<br>i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| d. Is the proposed action a subdivision, or does it include a subdivision?<br>If Yes,<br>i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)<br>ii. Is a cluster/conservation layout proposed?<br>iii. Number of lots proposed? _____<br>iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| e. Will proposed action be constructed in multiple phases?<br>i. If No, anticipated period of construction<br>ii. If Yes:<br>• Total number of phases anticipated _____<br>• Anticipated commencement date of phase I (including demolition) _____ month _____ year<br>• Anticipated completion date of final phase _____ month _____ year<br>• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |



f. Does the project include new residential uses? ☒ Yes ☐ No  
 If Yes, show numbers of units proposed:

|               | One Family | Two Family | Three Family | Multiple Family (four or more)                   |
|---------------|------------|------------|--------------|--|
| Initial Phase |            |            |              |  |
| At completion |            |            |              | ( Assisted Senior living facility with 91 units) |
| of all phases |            |            |              |  |

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☒ No  
 If Yes,

- Total number of structures \_\_\_\_\_
- Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length
- Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☒ No  
 If Yes,

- Purpose of the impoundment: \_\_\_\_\_
- If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: \_\_\_\_\_
- If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_
- Approximate size of the proposed impoundment. Volume \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres
- Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height, \_\_\_\_\_ length
- Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☒ No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes,

- What is the purpose of the excavation or dredging? \_\_\_\_\_
- 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? \_\_\_\_\_
- Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_
- Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No  
 If yes, describe: \_\_\_\_\_
- What is the total area to be dredged or excavated? \_\_\_\_\_ acres
- What is the maximum area to be worked at any one time? \_\_\_\_\_ acres
- What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet
- Will the excavation require blasting? ☐ Yes ☐ No
- Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No  
 If Yes,

- Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

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

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

☐ Yes ☐ No

If Yes, describe

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

☐ Yes ☐ No

If Yes:

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

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

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

☒ Yes ☐ No

If Yes:

TIM Fennel

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 11,550 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: Jericho Water District
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☒ No

If Yes:

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

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☐ No

If Yes:

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

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

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

d. Will the proposed action generate liquid wastes?

☒ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 11,550 gallons/day \*based upon 110 gpd per bed (105 beds)

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

Sanitary Waste

iii. Will the proposed action use any existing public wastewater treatment facilities?

☒ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: Cedar Creek Water Pollution Control Plant
- Name of district: Nassau County Department of Public Work Sewer Agency
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No



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

If Yes:

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

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

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

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

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

\* Refer to TIS prepared by RMS Engineering

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: \_\_\_\_\_

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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

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

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
605,000 Kw/Annual

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
Electrical supplier local Utility Company PSE&G

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

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

|  |  |
|--|--|
| <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: <u>7 am - 5 pm</u></li> <li>• Saturday: <u>7 am - 5 pm</u></li> <li>• Sunday: <u>No Construction permitted</u></li> <li>• Holidays: <u>No construction permitted</u></li> </ul> | <p>ii. During Operations:</p> <p style="text-align: right;">Assisted Living facility</p> <ul style="list-style-type: none"> <li>• Monday - Friday: <u>24 hours</u></li> <li>• Saturday: <u>24 hours</u></li> <li>• Sunday: <u>24 hours</u></li> <li>• Holidays: <u>24 hours</u></li> </ul> |
|--|--|



m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☒ No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No  
 Describe: \_\_\_\_\_

n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
Pole mounted fixtures at 12-15 foot height within parking lot area in addition to bollard lighting, canopy and building entrance lighting.  
All lights shall be "dark sky friendly", max. 400 watts and may not emit light spill past property line.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☒ Yes ☐ No  
 Describe: Part of the natural vegetation will be removed and evergreen planting will be installed along the residential zoned properties for screening purposes as required by Town of Oyster Bay

o. 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:  
 \_\_\_\_\_

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ 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: \_\_\_\_\_

q. 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):  
\* Standard methods will be used for lawn treatment for the residential senior assisted living facility grounds  
 \_\_\_\_\_

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

r. 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: 600 tons per 8 weeks (unit of time)  
 • Operation: 4.72 tons per month (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: Areas of existing pavement will be used for construction staging, milled asphalt & recycle concrete will be used to stabilize the construction site. Left over material will be carted away by licensed hauler.  
 • Operation: sorting of recyclables in accordance with Town of Oyster Bay regulations

iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: Building demolition Debris will be carted away by licensed hauler to local recovery facility. Pavement to be milled and re-used for parking lot base. Top soil to be stock piled for re-use  
 • Operation: Private carter will be retained for removal of solid waste



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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life \_\_\_\_\_ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: \_\_\_\_\_

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

#### E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): \_\_\_\_\_

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

Strip commercial center and single family residence

b. Land uses and covertypes on the project site

| Land use or Covertype  | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|--|-----------------|----------------------------------|--------------------|
| • Roads, buildings, and other paved or impervious surfaces                               | 0.99 SF         | 1.79 SF                          | +0.80 SF           |
| • Forested (Brush)   | 1.27            | 0                                | -1.27 SF           |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | 0               | 0                                | 0                  |
| • Agricultural (includes active orchards, field, greenhouse etc.)                        | 0               | 0                                | 0                  |
| • Surface water features (lakes, ponds, streams, rivers, etc.)                           | 0               | 0                                | 0                  |
| • Wetlands (freshwater or tidal)   | 0               | 0                                | 0                  |
| • Non-vegetated (bare rock, earth or fill)   | 0               | 0                                | 0                  |
| • Other<br>Describe: <u>LAWN/LANDSCAPE AREA</u>  | 1.50 SF         | 1.97 SF                          | +0.47 SF           |

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

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

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): \_\_\_\_\_  
☒ Yes - Environmental Site Remediation database Provide DEC ID number(s): 130200  
☐ 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): \_\_\_\_\_  
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_  
 \_\_\_\_\_

c. 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: \_\_\_\_\_

\* The site owner is in discussion with the DEC regarding an environmental easement and it is anticipated that the easement will include continued groundwater monitoring and possibly a sub-slab depressurization system.

---

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ n/a feet

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

c. Predominant soil type(s) present on project site: Urban Land Hempstead Complex 100 %  
\_\_\_\_\_%  
\_\_\_\_\_%

d. What is the average depth to the water table on the project site? Average: 80 feet

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

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

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

---

**h. Surface water features.**

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

ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☒ No  
If Yes to either i or ii, continue. If No, skip to E.2.i

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

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

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

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

---

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

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

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

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



|   |  |
|---|--|
| m. Identify the predominant wildlife species that occupy or use the project site:<br>squirrels, rodents and bird life   |  |
| n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If Yes: <ul style="list-style-type: none"> <li>i. Describe the habitat/community (composition, function, and basis for designation) _____</li> <li>ii. Source(s) of description or evaluation _____</li> <li>iii. Extent of community/habitat:             <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul> </li> </ul> |  |
| o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>   |  |
| p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>   |  |
| q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If yes, give a brief description of how the proposed action may affect that use: _____   |  |
| <b>E.3. Designated Public Resources On or Near Project Site</b>   |  |
| a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If Yes, provide county plus district name/number: _____  |  |
| b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> <ul style="list-style-type: none"> <li>i. If Yes: acreage(s) on project site: _____</li> <li>ii. Source(s) of soil rating(s): _____</li> </ul>  |  |
| c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If Yes: <ul style="list-style-type: none"> <li>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</li> <li>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</li> </ul>  |  |
| d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If Yes: * (located outside Nassau County Special Ground Water Protective Area) <ul style="list-style-type: none"> <li>i. CEA name: _____</li> <li>ii. Basis for designation: _____</li> <li>iii. Designating agency and date: _____</li> </ul>  |  |

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐ 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 in 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: Stillwell Woods Park, West Hills County Park, Manettos Hills Park, Pineridge Park Preserve

i. Identify resource: West Hills County Park, Manettos Hills Park, Pineridge Park Preserve, Muttontown Preserve all in excess of 1.5 miles from site

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

iii. Distance between project and resource: \_\_\_\_\_ 1.5 + miles.

---

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

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ 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 plus any measures which you propose to avoid or minimize them.

#### G. Verification

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

Applicant/Sponsor Name BSL NY DEVELOPMENT LLC by

Date 4-13-15

Signature \_\_\_\_\_

Title Vice President

PRINT FORM



**Town of Oyster Bay**  
**Short Environmental Assessment Form**  
**ADDENDUM**

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

TO BE COMPLETED BY TOWN

FEE PAID \_\_\_\_\_

DATE \_\_\_\_\_

RECEIPT # \_\_\_\_\_

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

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

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

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

|   |                   |  |                          |
|---|-------------------|--|--------------------------|
| <b>NAME OF PROPOSED ACTION/PROJECT:</b><br>Benchmark Senior Living @ Woodbury   |                   |  |                          |
| <b>LOCATION OF PROPOSED ACTION/PROJECT (Nassau County Tax Map Designation)</b>  |                   |  |                          |
| <b>SECTION:</b> 12  | <b>BLOCK:</b> 527 | <b>LOT(S):</b> 24                                      |                          |
| <b>NAME OF PROPERTY OWNER (if different from Applicant/Sponsor identified on SEAF)</b><br>Joan III LLC & Joe III LLC          |                   | <b>BUSINESS TELEPHONE</b><br>( 516 ) 248-1700 ext. 301 |                          |
| <b>ADDRESS</b><br>30 Polling Drive  |                   |  |                          |
| <b>CITY/POST OFFICE</b><br>Brookville   |                   | <b>STATE</b><br>NY                                     | <b>ZIP CODE</b><br>11545 |
| <b>NAME OF LEGAL REPRESENTATIVE</b><br>Judy Lynn Simoncic, Esq. Forchell, Curto, Deegen, Schwartz, Mineo, Cohn & Terrana, LLP |                   | <b>BUSINESS TELEPHONE</b><br>( 516 ) 248-1700          |                          |
| <b>ADDRESS</b><br>333 Earle Ovington Blvd., Suite 1010  |                   |  |                          |
| <b>CITY/POST OFFICE</b><br>Uniondale  |                   | <b>STATE</b><br>NY                                     | <b>ZIP CODE</b><br>11553 |

**A. Site Description**

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

Site is developed with a large vacant residence, garage/barn structure and a commercial retail building currently occupied by a tailor and dry cleaning business. All buildings are to be demolished to provide for a 2 story senior assisted living facility.

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

**2. Approximate Acreages**

|   | Without Proposed Action |       | After Completion |       |
|---|-------------------------|-------|------------------|-------|
| Forested                                  | 1.27                    | acres | 0.21             | acres |
| Meadow or Brushland                       | 0                       | acres | 0                | acres |
| Freshwater Wetland                        | 0                       | acres | 0                | acres |
| Tidal Wetland                             | 0                       | acres | 0                | acres |
| Unvegetated (rock, earth or fill)         | 0                       | acres | 0                | acres |
| Roads, Buildings and Other Paved Surfaces | 0.53                    | acres | 1.79             | acres |
| Turf Grasses                              | 0                       | acres | 0                | acres |



|                              |      |       |      |       |
|------------------------------|------|-------|------|-------|
| Other Landscaping Vegetation | 1.50 | acres | 1.97 | acres |
| Other (indicate type)        |      | acres |      | acres |

## B. Description of Proposed Action

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

|                             |  |
|-----------------------------|--|
| 15 marked +<br>28 unmarked  | # of existing spaces   |
| 65 paved +<br>30 landbanked | # of proposed spaces (separately indicate # of land-banked spaces, if any)       |
| 95 required                 | # of spaces required for proposed condition under Town of Oyster Bay Zoning Code |

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

|                                    | Peak-hour two-way traffic volume | Peak-hour period (start time-and time) |
|------------------------------------|----------------------------------|--|
| Weekday morning                    | 12                               | 7-9 AM                                 |
| Weekday afternoon                  | 7                                | 4-6 PM                                 |
| Weekend (usually Saturday mid-day) | 7                                | Midday                                 |

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

ITE Trip Generation Manual 9<sup>th</sup> Edition 2012 by Trafficware, LLC 2013 (Enclosed)

3. Total volume of excavation to occur on-site under proposed action:

4,800 +/- cubic yards

Purpose of excavation (e.g., basement, drainage structures, etc.):

Footing and drainage excavation, pavement preparation

Total volume of fill to be imported to site under proposed action:

n/a cubic yards

4. Does the site of the proposed action contain slopes with gradient steeper than 25%?

☐ Yes

☒ No

a. If yes, what is the area with slopes greater than 25% that would be disturbed under proposed action?

acres

b. If yes, what measures will be implemented to mitigate erosion and sediment transport?

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

Site will be cleared with the exception of a small natural area (0.21 acres) along the southerly property line.

6. Is the site of the proposed action located in the Special Groundwater Protection Area?

☐ Yes

☒ No

If yes, refer to Section 246-5.4.7 of Oyster Bay Town Code, Aquifer Protection Overlay (APO) District, and provide the following information:

- a. Proposed Disturbance of Natural Vegetation \_\_\_\_\_ sq. feet
- Maximum Permitted Disturbance of Natural Vegetation (\$246-5.4.7.3.1) \_\_\_\_\_ sq. feet
- b. Proposed Lot Coverage \_\_\_\_\_ sq. feet
- Maximum Permitted Lot Coverage (\$246-5.4.7.3.2) \_\_\_\_\_ sq. feet
- c. Describe proposed action's consistency with the best management practices and other standards set forth in §246-5.4.7.3.3 through §246-5.4.7.3.6:

Site is located outside Nassau County Special Ground Water Protective Area

7. Does the site of the proposed action contain a local historic resource as designated by the Town of Oyster Bay? ☐ Yes ☒ No

a. If yes, explain/describe:

\_\_\_\_\_

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

a. If yes, what will be the increase in daily average water consumption on the subject property due to the proposed action? 11,550 gallons/day

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

Existing usage was calculated based upon NCDPW Waste Manual and proposed per Benchmark Specifications

9. Will the proposed action provide increased on-site stormwater storage capacity (e.g., through additional drywells or similar structures) as compared to the existing condition? ☒ Yes ☐ No

a. What will be the capacity of the on-site drainage system under the proposed action, in terms of the design storm event expressed in inches of rainfall? 5 inches

10. Sanitary waste disposal method (e.g., on-site septic system, municipal sewer system, none, etc.):

Municipal Sewer (NCDPW)

existing condition

Municipal sewer (NCDPW)

proposed action

11. Will the proposed action increase the rate of solid waste generation on the subject property? ☒ Yes ☐ No

a. If yes, what will be the increase in monthly average solid waste generation? 3.38 +/- tons/month

b. Indicate the source of this information (e.g., existing data (identify specifically, such as applicant's existing facilities), standard rates (with specific reference citation), etc.)

Existing & proposed waste generation calculated using methods from Environment Engineering & Sanitation Third Edition

12. Describe any hazardous or infectious materials or wastes (e.g., petroleum products, chemicals, medical wastes, etc.) that would be generated, used, stored or processed at the site under the proposed action, and measures (e.g., procedures, protocols, equipment, etc.) that will be implemented to protect the environment from spills, leakage and other incidents.

Red bag waste will be picked up by my licensed carter

13. If the proposed action involves a non-residential (commercial, industrial, etc.) use, what are the proposed days and hours of operation?

Senior assisted living facility operating 24 hours, 7 days a week

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

Evergreen buffer screening will be installed along residential properties in addition to planting of trees through-out the site and along roadway. Restrictions of deliveries and garbage pick-up. Installation of Refuse enclosure with gates.

15. Is the proposed action part of a larger development plan or a plan that includes future phases? ☐ Yes ☒ No

a. If yes, briefly describe the overall plan (e.g., total number of phases, location and size of land parcels involved, planned uses and/or facilities in future phases, schedule for completion, etc.)

\_\_\_\_\_



C Verification

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

Christopher W. Robinson, PE

Print name of preparer

RMS Engineering

Company name, if applicable

355 New York Avenue

NY

11743

City/post office

state

zip code

(631) 271-0575 x 11

Telephone

cwr@rmsengineering.com

Email address

PREPARER'S  
SIGNATURE:

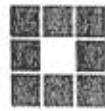


TITLE:

PRESIDENT

DATE:

4-17-15



**RMS ENGINEERING**

Robinson, Muller & Schiavone Engineers, P.C.

Christopher W. Robinson, PE

355 New York Avenue, Huntington, New York 11743

Phone: (631) 271-0576 • Fax: (631) 271-0592

E-mail: cwr@rmsengineering.com

## Memorandum

**To:** Town of Oyster Bay

**From:** Christopher W. Robinson, PE

**Date:** April 17, 2015

**Re:** EAF for Benchmark Senior Living @ Woodbury (RMS #2013-067)

---

### **Back-up Responses to LEAF & Short EAF Addendum:**

#### **Long Environmental Assessment Form**

##### **Section D. Project Operations**

###### **2.c.i & d (pg. 5)**

Proposed 105 beds @ 110 GPD/bed = 11,550 GPD total water usage

The proposed water usage was generated utilizing the Suffolk County Department of Health flow rate data of 110 GPD per bed. It is our experience that this published rate is an accurate presentation of this type of facility.

###### **2.r.i. (pg. 8)**

Solid Waste for Construction Phase based upon the removal of all structures, asphalt, and concrete

Solid Waste Assisted living facility operation:

105 beds x 3.0 lbs/per bed = 315 lbs per day x 30 days = 9,450 lbs per month (4.72 Ton)

The above information was obtained, utilizing Table 5-4 *Approximate Solid Waste Production Rates* published by "Environmental Engineering & Sanitation, Third Edition"

##### **Section E. Site and Setting of Proposed Action**

###### **1.h.iii (pg. 10)**

Per NYSDEC Environmental Site Remediation Database there is a State Superfund site Code 130115 located within 1/4 to 1/2 mile of subject property. By entering the site address (131 Sunnyside Blvd., Plainview) on google earth it appears this site is in excess of 4,000 feet from the proposed assisted living development. Therefor the question has been checked off as NO

## Short EAF Addendum

### Section B.

1. Existing paved parking lot for the retail building currently provides for 15 striped stalls incl. 2 handicap spaces and 29 unmarked stalls. The residential building has provision for 4 cars which concludes a total of 48 stalls for the overall site. Unmarked stalls were determined by location of curb stops along the edge of pavement and general parking lot layout.
2. Trip Generation performed by RMS Traffic Department and enclosed (3 pages)
3. 4,800 +/- C.Y. of excavation. Volume upon based upon footing excavation of 38,422 SF building footprint, 37,170 SF of pavement preparation and a site drainage system providing for 5-inch rainfall
8. Existing water usage was calculated using NCDPW Manual of on-site sewage disposal.  
5,305 SF Retail @ 0.15 GPD/SF = 796 GPD + (1) residence @ 750 GPD, with a total water usage of 1,546 GPD.

Proposed 105 beds @ 110 GPD/bed = 11,550 GPD total water usage

The proposed water usage was generated utilizing the Suffolk County Department of Health flow rate data of 110 GPD per bed. It is our experience that this published rate is an accurate presentation of this type of facility.

11. Existing retail: 5,305 SF x 13 lbs per day/1,000 SF = 69 lbs per day  
Existing House: 4 capitas x 5 lbs. per day per capita = 20 lbs per day  
Existing Solid Waste Total = 89 lbs per day x 30 days = 2,670 lbs per month (1.34 Ton)

Proposed assisted living facility:

105 beds x 3.0 lbs/per bed = 315 lbs per day x 30 days = 9,450 lbs per month (4.72 Ton)

The above information was obtained, utilizing Table 5-4 *Approximate Solid Waste Production Rates* published by "Environmental Engineering & Sanitation, Third Edition"

**FORM NYS-45-MN**

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

**OTHER ATTACHMENTS**

Meeting of September 6, 2016

Resolution No. 499-2016

WHEREAS, JOAN III, LLC, and JOE III, LLC, fee owners, and BSL NY DEVELOPMENT LLC, contract vendee, have petitioned the Town Board of the Town of Oyster Bay ("Town Board") for a Special Use Permit to permit the development of an assisted living facility and Site Plan Approval to permit the construction of a 73,955 square foot two-story assisted living facility in a Neighborhood Business ("NB") Zone, on premises located at 900 Woodbury Road, Woodbury, Town of Oyster Bay, County of Nassau, State of New York and described as Section 12, Block 527, Lot 24 on the Land and Tax Map of Nassau County; and

WHEREAS, the Town of Oyster Bay Department of Environmental Resources, Town Environmental Quality Review Division, has reviewed and submitted its "Review of Action and Determination of Significance," regarding the environmental impacts contemplated by said Petitions; and

WHEREAS, the "Review of Action and Determination of Significance" was duly made in the Town Environmental Quality Review Division's report dated August 16, 2016, with said report rendering the Division's assessment of the relevant environmental factors affected by the uses proposed in the subject Petitions and recommending that the conclusions contained therein be accepted, and that same be deemed to constitute a Negative Declaration, indicating that the proposed actions would not cause significant impacts upon the environment and recommended, accordingly, that the Town Board issue a Negative Declaration,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Oyster Bay does hereby adopt a Negative Declaration with respect to the Petition of JOAN III, LLC, and JOE III, LLC, fee owners, and BSL NY DEVELOPMENT LLC, contract vendee, for a Special Use Permit to permit the development of an assisted living facility and Site Plan Approval to permit the construction of a 73,955 square foot two-story assisted living facility in a Neighborhood Business ("NB") Zone, on premises located at 900 Woodbury Road, Woodbury, Town of Oyster Bay, County of Nassau, State of New York and described as Section 12, Block 527, Lot 24 on the Land and Tax Map of Nassau County; and be it further

RESOLVED, That the Department of Environmental Resources is hereby directed to circulate and file the Negative Declarations in accordance with the requirements of the New York State Environmental Quality Review Act ("SEQRA").

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

|                        |     |
|------------------------|-----|
| Supervisor Venditto    | Aye |
| Councilman Muscarella  | Aye |
| Councilman Macagnone   | Aye |
| Councilman Coschignano | Aye |
| Councilman Pinto       | Aye |
| Councilwoman Alesia    | Aye |
| Councilwoman Johnson   | Aye |

cc: Supervisor  
Town Attorney  
Comptroller (2)  
Planning & Development  
Environmental Resources

Reviewed By  
Office of Town Attorney  
*[Signature]*

STATE OF NEW YORK,  
COUNTY OF NASSAU,  
TOWN OF OYSTER BAY

ss.

I, 

Carol Ann Strafford, Director of Legislative Affairs

DO HEREBY CERTIFY that I have compared the annexed with the original

Resolution No. 499-2016 adopted by the Town Board of the Town of Oyster Bay at their meeting of September 6, 2016 ACCEPTING Town of Oyster Bay Environmental Quality Review Division's findings on JOAN III, L.L.C. and JOE III, L.L.C. fee owners and BSL NY DEVELOPMENT LLC, contract vendee, Woodbury, New York  
NEGATIVE DECLARATION.

filed in the Town Attorney's Office  
and that the same is true transcript thereof, and of the whole of such original.

Legislative Affairs



In Testimony Whereof, I have hereunto signed  
my name and affixed the seal of said Town  
this 7th day of September, 2016



Carol Ann Strafford,  
Director, Legislative Affairs



**TOWN BOARD  
TOWN OF OYSTER BAY**

**REVIEW OF ACTION AND  
DETERMINATION OF SIGNIFICANCE  
(NEGATIVE DECLARATION)**

September 6, 2016

Pursuant to the provisions of the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law, SEQRA, as promulgated in the regulations contained in 6 NYCRR Part 617) and the Town of Oyster Bay Environmental Quality Review (TEQR) Law (Chapter 110 of the Oyster Bay Town Code), the Town Board of the Town of Oyster Bay has reviewed the following action:

- **Applicant:** Joan III, LLC, Joe III, LLC, and BSL NY Development, LLC
- **Title of Project:** Benchmark at Woodbury
- **Description of Proposed Action:** Application to the Town Board for a Special Use Permit and Site Plan Approval to allow the demolition of existing buildings totaling  $\pm 8,133$  square feet of floor area, including a one-story,  $\pm 5,300$ -square foot commercial strip center and two-story residence with accessory structures, and the construction of a 73,955-square foot, two-story, 105-bed, 91-unit assisted living facility on a 3.76-acre parcel in a Neighborhood Business (NB) zoning district.

The proposed site plan provides 95 on-site parking spaces (including 30 land-banked spaces), which it is indicated corresponds to the requirement under the Zoning Code. According to the applicant's submissions to the Town, no variances are required in connection with the proposed action.

- **Other Possible Approvals Required:**
  - Town of Oyster Bay Department of Planning and Development – building permit
  - Nassau County Planning Commission – 239m review and recommendation
  - Nassau County Department of Public Works – 239f drainage review, road work permit including curb cut on Woodbury Road, sanitary sewer connection
  - New York State Department of Environmental Conservation (NYSDEC) – SPDES stormwater permit; sign off on site remediation and oversight of Site Management Plan during the demolition and excavation phases of project construction
  - Jericho Water District – water service and RPZ
- **Location of Proposed Action:** 900 Woodbury Road, Woodbury, Town of Oyster Bay, State of New York, and further identified as Section 12, Block 527, Lot 24 on the Land and Tax Map of Nassau County.
- **SEQRA Classification:** Unlisted
- **Type of Review:** Uncoordinated
- **Lead Agency:** Not applicable
- **Contact Person:** Town of Oyster Bay Department of Environmental Resources  
150 Miller Place  
Syosset, NY 11791  
Attention: John Ellsworth; telephone: (516) 677-5824



• **Documents Reviewed:**

- New York State Full Environmental Assessment Form (EAF) Part 1, dated 4/13/2015;
- Town of Oyster Bay Addendum to the EAF, dated 4/17/2015;
- Supplemental information for EAF/Addendum provided in correspondence from Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP (FCDSMT), dated 8/28/2015;
- Verified Petition, prepared by FCDSMT, dated 4/1/2015;
- 500 -Foot Radius Map (Sheet RM-1), prepared by RMS Engineering (RMS), dated 4/15/2015;
- ALTA ACSM Land Title Survey, prepared by John Minto, L.S., dated 5/20/2013;
- site plan drawings, prepared by RMS Engineering (RMS), as amended 4/17/2015, including:
  - Cover Sheet (Sheet SP-1),
  - Site Alignment Plan (Sheet SP-2),
  - Grading & Drainage Plan (Sheet SP-3),
  - Utility Plan (Sheet SP-4),
  - Demolition & SWPPP Plan (Sheet SP-5),
  - Landscape Plan (Sheet SP-6),
  - Irrigation Plan (Sheet SP-7),
  - Construction Details (Sheet SP-8 and Sheet SP-9),
  - Drainage and Utility Details (Sheet SP-10),
  - Sanitary Details (Sheet SP-11), dated 4/17/2015,
  - Water Service Details (Sheet SP-12),
  - SWPPP Details (Sheet SP-13),
  - Photometric Plan (Sheet PH-1), and
  - Existing Conditions Plan (Sheet EX-1);
- site plan drawings, prepared by Moseley Architects, as amended 8/14/2015, including:
  - Building Elevations (Sheets A4.1.1 and A4.1.2),
  - Overall First Floor Plan (Sheet A2.0.1), and
  - Overall Second Floor Plan (Sheet A2.0.2);
- Environmental site assessment documents, including:
  - Supplemental Site Assessment Work Plan, prepared by Soil Mechanics Environmental Services (SMES), as revised September 2011,
  - Letter from New York State Department of Environmental Conservation (NYSDEC), dated 10/26/2011, approving SMES's September 2011 Supplemental Site Assessment Work Plan,
  - Draft Supplemental Site Assessment Report of Findings, prepared by SMES, as revised August 2012,
  - Letter from NYSDEC, dated 6/14/2013 with comments regarding SMES's August 2012 Draft Supplemental Site Assessment Report of Findings,
  - Interim Remedial Measures Work Plan, prepared by SMES, as revised July 2013,
  - Remedial Action Work Plan, prepared by SMES, dated August 2013,
  - Letter from Nassau County Department of Health, dated 11/27/2013 with comments regarding SMES's August 2013 Remedial Action Work Plan,
  - Supplemental Soil Vapor and Groundwater Assessment Plan, prepared by SMES, dated 8/22/2013,
  - Draft Supplemental Soil Vapor and Groundwater Assessment Report of Findings, prepared by SMES, dated 6/19/2014,
  - Draft Remedial Action Work Plan Report of Findings, prepared by SMES, dated July 2014,
  - Construction Completion Report, prepared by SMES, as revised 3/20/ 2015, and
  - Site Management Plan, prepared by SMES, dated June 2015;
- Traffic Impact Study (TIS), prepared by RMS, dated August 2015, and associated correspondence from RMS, dated 8/25/2015;
- supplemental information for TIS, in correspondence from RMS, dated 9/28/2015; and

- correspondence from FCDSMT dated 7/19/2016 to the Town Board discussing the outcome of a meeting on 4/25/2016 between the applicant and neighboring residents.

The environmental review of this application also included inspection of the subject premises and surrounding area.

Review of this application also took into consideration testimony at the public hearing before the Town Board convened on March 22, 2016. Based on the public commentary at the hearing, the applicant met with neighboring residents on April 25, 2016 to discuss issues of concern. In furtherance to that meeting, the applicant agreed to implement certain measures directed at minimizing project-related impacts, including: landscaping and perimeter fencing for visual screening; establishing a point of contact to serve as a liaison to address any issues that the community may raise in the future with respect to the proposed facility; ensuring that no facility-related parking occurs on adjacent neighborhood streets; and prohibiting site access at Lark Drive except for emergency vehicles if such emergency access is required.

#### **REASONS SUPPORTING DETERMINATION OF NO SIGNIFICANCE AND ISSUANCE OF NEGATIVE DECLARATION**

The Town Board of the Town of Oyster Bay has issued a **Negative Declaration**, establishing that the **proposed action will not cause significant environmental impacts**, based on review and analysis of the following environmental parameters relative to this matter:

**Zoning and Land Use** – The subject property contains a small, one-story commercial strip center on the westerly portion of the site adjacent to Woodbury Road, and a residence and associated storage building and detached garage on the easterly portion of the site. The existing commercial building is partially occupied by two small specialty retail shops. A portion of the vacant space in this building previously contained a dry cleaner. The existing and former commercial uses are permitted principal uses in the Neighborhood Business (NB) zoning district in which the site is located. The residence on the site is a pre-existing non-conforming use in the NB district.

As indicated above, the proposed assisted living facility is a permitted use in the NB district, subject to the issuance of a Special Use Permit by the Town Board. According to information provided by the applicant's attorney, the applicant, Benchmark Senior Living, LLC, is the largest senior housing operator in New England and the 25<sup>th</sup> largest such entity in the United States, with a total of 51 facilities providing a range of services including independent living, assisted living, memory care, skilled nursing and continuing care retirement. The applicant's existing facilities house a total of more than 4,700 residents and range in size from 40 units to 300 units, with a typical location containing 90 units (i.e., essentially the same size as the current 91-unit proposal).

Services provided to residents in the proposed facility will include: 24-hour per day staffing; laundry; housekeeping; three meals per day and snacks; social, cultural and educational activities; personal care assistance (e.g., ambulation, dressing, bathing, dining, medication management, etc.); and transportation. The project includes a memory care unit, which will provide specialized programming, resident monitoring, and secured building entrances and exits. Services extending to visitors include joining residents at meals, participation in special events, use of the grounds and common recreational facilities with residents, and limited overnight stays with residents.

The subject property fronts on Woodbury Road, a Nassau County arterial roadway, and is surrounded on three sides (to the southwest, southeast and northeast) by a neighborhood of single-family homes in an R1-10 One-Family Residence district. A New York State right-of-way containing the



interchange of the Long Island Expressway and Seaford-Oyster Bay Expressway is located to the northwest, across Woodbury Road.

Based on the foregoing, it is concluded that the proposed action will not result in significant adverse impacts with respect to zoning and land use.

**Traffic** – The site currently contains two driveways along its 371-foot frontage on Woodbury Road, which is a four-lane arterial roadway (with a center-turn lane in the vicinity of the site) under Nassau County jurisdiction. The proposed *Site Plan* provides a single two-way driveway, more or less centrally located on the Woodbury Road frontage. The site also has 159 feet of frontage on Lark Drive, which is a two-lane local, residential roadway under Town of Oyster Bay jurisdiction. No driveway is present or proposed on the site's Lark Drive frontage.

The applicant's transportation engineering consultant, RMS, completed a *Traffic Impact Study* (TIS) for the proposed development. This investigation included analysis of potential project-related impacts at three un-signalized intersections on Woodbury Road: (a) at Lark Drive, to the west of the subject property; (b) at Wren Drive, to the east of the subject property; and (c) at the proposed project driveway. RMS recorded turning movement counts at the two existing study intersections on Thursday March 19, 2015 and Saturday March 21, 2015. The baseline, No-Build condition for the study intersections was computer-modeled using methodologies set forth in the *Highway Capacity Manual*, with traffic growth assumed to be 0.6 percent per year through the projected 2017 build year; information from the Department of Planning and Development and RMS's files indicate that no other significant development projects are proposed or pending in the study area.

Peak project-generated trip volumes were estimated using the 9<sup>th</sup> Edition of *Trip Generation* published by the Institute of Transportation Engineers (ITE), with the weekday morning (AM) peak hour totaling 24 (two-way) trips, the weekday afternoon (PM) peak hour totaling 38 trips, and the Saturday mid-day peak hour totaling 37 trips. Trip generation observations were also made at four of the applicant's existing facilities in Connecticut in May 2014. Using the highest trip volumes from among these four locations, and adjusting for the larger size of that facility, estimated trip generation volumes for the proposed Woodbury facility were calculated at 24 trips for the AM peak hour and 25 trips for the Saturday peak hour. Since the trip generation quantities calculated using the applicant's data set are lower than the quantities calculated using ITE factors, the latter quantities were used in the TIS to ensure a "conservative" analysis. Although residents are not prohibited from driving, based on the applicant's existing facilities it is not expected that more than a handful of residents will have vehicles at the site.

Existing traffic flow patterns and the location of trip generators/receptors in the surrounding area were used to forecast directional distribution for project-generated traffic on the surrounding roadway system, and the computer model was re-run for the 2017 Build condition. The results show that project-generated traffic will have a minimal impact on the study intersections, increasing intersection-wide average delays during the peak hours by less than one second. The critical movements at all three intersections (i.e., traffic entering Woodbury Road or turning left from Woodbury Road) will operate at an acceptable level of service (LOS) of C or better for all three peak-hour periods under the Build scenario. An LOS of C indicates that sufficient gaps will be available in the passing traffic stream on Woodbury Road during peak traffic hours to safely accommodate project-generated traffic, particularly including left turns, exiting and entering the proposed project driveway on Woodbury Road.

Notwithstanding that the analysis indicates the proposed development will not result in a significant impact on operating conditions for the surrounding roadway network, the applicant has agreed to adjust the starting and ending times of staff shifts as necessary to further mitigate project-related traffic impacts on the surrounding community.

RMS evaluated sight distances at the proposed project driveway. According to this analysis, intersection sight distances available for vehicles exiting the redeveloped site will be 530 feet to the west (to Terehans Lane) and 1,420 feet to the east (to Manetto Hill Road). These sight distances exceed the relevant safety standards set forth on the Policy on Geometric Design of Highways and Streets (6<sup>th</sup> Edition, 2011) of 445 feet for left-turning vehicles and 385 feet for right-turning vehicles.

RMS indicated during the Town Board hearing that conditions at the proposed access driveway did not warrant the installation of a new traffic signal at this location. Nonetheless, at the Board's request, the applicant has agreed to consult on this matter with the Nassau County Department of Public Works (NCDPW) which has regulatory jurisdiction over Woodbury Road. Additionally, the applicant has agreed to investigate, in consultation with NCDPW, whether an eastbound deceleration lane for right-turning vehicles entering the site driveway is warranted.

RMS's presentation to the Town Board included the results of an analysis of trip generation for two "as-of-right" development scenarios for the subject premises. The two alternatives examined included a mix of uses (e.g., office, bank, 75-seat restaurant, and retail) not requiring Town Board action, both of which would result in a substantially higher level of traffic generation for all peak-hour periods (AM, PM, and Saturday mid-day) as compared to the proposed assisted living facility.

According to the applicant, truck deliveries to the proposed facility will occur intermittently, typically one to two times per week after start-up. Based on the applicant's existing facilities, ambulance activity at the site can be expected to occur two to three times per week. The applicant's standard practice has been to coordinate with local emergency service providers to develop protocols to minimize impacts to facility residents and surrounding neighbors.

Based on the foregoing, it is concluded that the proposed action will not result in significant adverse impacts with respect to traffic.

**Parking** – As indicated above, the proposed site plan provides 95 on-site parking spaces, which it is indicated corresponds to the requirement under the Zoning Code. Thirty of these parking spaces are proposed to be land-banked; these areas will be landscaped, but would be available for conversion to constructed parking spaces if it is determined by the Town in the future that this additional parking capacity is needed in order to satisfy actual parking demand.

All parking and staging during project construction would occur entirely on the subject property.

**Soils and Topography** – The subject property has mostly low topographic gradients, and generally slopes downward in a north-to-south direction, from a high point of 192 feet above mean sea level (amsl) to a low point of 184 amsl. The predominant soil type on the site is Urban Land-Hempstead Complex, which is not characterized by significant development constraints.

The proposed development requires re-grading of the majority of the subject property to create a suitable building site. According to the EAF Addendum, project construction will include the excavation of approximately 4,800 cubic yards of soil for the building foundation and drainage infrastructure. Mitigation for potential impacts related to erosion and sediment transport during



construction will be provided by implementation of the Storm Water Pollution Prevention Plan (SWPPP) which was included in the site plan package. The site is not expected to be susceptible to erosion after the completion of construction.

**Environmental Contamination** – As indicated above, a dry cleaning business had operated in the commercial building on the subject premises. The release of the dry cleaning chemical tetrachloroethylene (PCE) from this establishment was discovered during on-site soil testing and reported to NYSDEC in 2008. Idle dry cleaning equipment and supplies and PCE-impacted soil were removed from the site under NYSDEC oversight, and samples collected in the excavated area did not indicate PCE levels in excess of the applicable NYSDEC criteria; and the spill incident was closed by NYSDEC in 2009. Thereafter, site investigations and remedial activities with respect to PCE continued pursuant to an Order on Consent. Upon completion of the removal of impacted soil in 2010, a vapor barrier, a passive sub-slab depressurization system and clean fill were installed in the remedial excavation beneath the impacted portion of the commercial building.

Although the NYSDEC spill for the subject property pertaining to the release of PCE has been closed, it is possible that residual PCE-impacted soil may remain in place beneath the commercial building, in areas that have not been accessible for testing. Based on this consideration, NYSDEC has required the preparation of a Site Management Plan (SMP) to govern redevelopment of this parcel. Key provisions of the SMP are summarized as follows:

- The subject property may be developed for “restricted residential” use, a category of use which includes assisted living residences. The site may not be developed for unrestricted residential use, including single-family housing, without additional investigation and possible remediation.
- The most recent testing indicates that soil vapor beneath the commercial building and pavement in the adjacent parking lot on the subject property continues to contain PCE. In accordance with procedures set forth in the SMP, the soil in the area beneath the commercial building will be investigated when this structure is demolished; and any such soil that exceeds applicable NYSDEC criteria will require excavation, removal from the site and transport to an appropriate disposal facility.
- The proposed assisted living building is required to include a sub-slab vapor barrier. Additionally, the subsurface components of a sub-slab depressurization system (SSDS) will be installed at the time of building construction. Vapor testing will be performed for the new building; and if necessary, based on the results of this testing, the above-grade components of the SSDS will be installed.
- Testing of groundwater collected from monitoring wells on the subject property has indicated that PCE levels have decreased over time, and that this groundwater currently complies with or slightly exceeds NYSDEC criteria. Therefore, while quarterly groundwater monitoring will be required to continue, this testing is not expected to be necessary for an extended period of time and, according to the applicant’s environmental consultant, may be completed prior to construction of the proposed assisted living facility. If on-site groundwater monitoring is required to continue during construction or, thereafter, during operation of the proposed facility, it will be necessary to implement appropriate measures to protect the monitoring wells in order to ensure that these wells are accessible and functional. At such time as NYSDEC determines that groundwater monitoring at this location is no longer necessary, the wells will be decommissioned in accordance with the requirements of that agency.

- NYSDEC is prohibiting the use of on-site groundwater unless suitable treatment is provided.
- Annual inspections will be required on the subject premises to evaluate the effectiveness of SMP implementation.
- An environmental easement has been granted to NYSDEC, as recorded in the property file at the Office of the Nassau County Clerk, in order to ensure compliance with the SMP.

In addition to PCE contamination associated with the prior dry cleaning use on the subject property, on-site leaching structures were found to contain elevated concentrations of certain metals and semi-volatile organic compounds. These leaching structures were remediated in 2014 under the U.S. Environmental Protection Agency Underground Injection Control (UIC) program, as administered by the Nassau County Department of Health.

Observations of the presence of PCE vapors in soils and indoor air in the commercial building on the subject premises prompted concerns regarding the neighboring residences on Lark Drive. An investigation in 2014 concluded that soil vapor intrusion "does not present a concern" for off-site locations and that the need for monitoring and/or mitigation was not indicated for any of the adjoining properties.

On the basis of the foregoing, it is not expected that the proposed action will result in significant impacts with respect to site contamination, provided that the requirements of the SMP are properly implemented.

**Flora and Fauna** – The subject property is mostly developed, including buildings and associated areas of pavement ( $\pm 26$  percent of the 3.76-acre site) and landscaping ( $\pm 40$  percent). The remaining 1.27 acres primarily comprise a woodland area at the south end of the site, behind the buildings. The small size of the subject property, combined with the fact that it is surrounded on three sides by residential development and on the fourth side by major roadways (i.e., Woodbury Road along the parcel frontage, and the interchange of the Long Island and Seaford-Oyster Bay Expressways beyond that) indicates that the site does not possess significant ecological value.

The proposed development will result in the removal of 1.06 acres of woodland on the subject property, including a number of trees exceeding eight inches in diameter, as depicted on the *Demolition & SWPPP Plan*. This will be partially offset by a 0.47-acre increase in the area of landscaping on the site. A woodland buffer 0.21 acre in size will be retained at the southerly end of the site.

**Surface Waters** – The subject property does not contain, nor lie in the immediate vicinity of, any surface water body.

The proposed development includes the installation of drainage infrastructure (including leaching pools and associated piping) to provide on-site storage for runoff generated during a five-inch rainfall event, which will help to mitigate potential flooding impacts on adjacent properties and roadways.

**Groundwater** – The proposed assisted living facility will discharge sewage to the existing Nassau County sewer line which serves the site, thereby avoiding potential groundwater quality impacts that may be associated with the use of subsurface sewage disposal systems. This type of use generally does not involve the storage or use of hazardous materials or other activities that pose a significant threat for impacting groundwater resources.



**Special Groundwater Protection Area (SGPA)/Critical Environmental Area (CEA)** – The subject parcel is not located in or substantially contiguous to the SGPA or in any other area designated as a CEA by the Town of Oyster Bay.

**Air Quality, Odors, Noise, and Lighting** – The proposed assisted living facility does not entail the types of activities that typically generate significant air emissions, odors or noise. HVAC equipment will be shielded from neighboring residences behind peaked roof construction.

Any exterior lighting that is installed in association with the proposed facility will be required to be of shielded design, and will be turned off by 11 p.m. every night, so as to minimize illumination impacts to neighboring properties.

**Water Usage and Sewage Generation** – The EAF indicates that the proposed development will increase water consumption at the subject location by approximately 11,550 gallons per day, based on Suffolk County Department of Health Services standards (with a unit rate of 110 gallons per day, per bed), which generally more accurately reflect actual water use than Nassau County Department of Health sewage disposal standards. The existing water use on the site is estimated at approximately 1,550 gallons per day, resulting in an estimated net increase of approximately 10,000 gallons per day under the proposed action.

Sanitary wastewater generated by the proposed assisted living facility will be discharged to the existing Nassau County sewer connection which serves the site. This sewage will be conveyed to the County's Cedar Creek facility on the south shore of the Town of Hempstead (hamlet of Wantagh) for treatment and effluent discharge to the Atlantic Ocean. Sewage typically is generated at about the same rate as water consumption, or a net increase of approximately 10,000 gallons per day under the proposed action.

**Solid Waste Generation** – The EAF indicates that the proposed facility will generate approximately 4.7 tons of solid waste per month, based on standard rates (i.e., 3.0 pounds per day, per bed) published in *Environmental Engineering & Sanitation* (3<sup>rd</sup> Edition). The existing solid waste generation rate on the site is estimated at approximately 1.3 tons per month, resulting in an estimated net increase of 3.4 tons per month under the proposed action.

Solid wastes generated by the proposed facility will be collected by a private carter for disposal at existing solid waste management facilities. Recycling is required as per Town Code. According to the applicant's submissions, solid waste pickups will be scheduled three days per week, between the hours of 7 and 9 a.m.

Medical ("red bag") waste – including needles, syringes, lancets, pen needles, etc. – generated in the proposed assisted living facility will be handled and disposed in accordance with applicable regulatory requirements. These wastes will be removed from the site by a licensed vendor for delivery to a licensed disposal facility. Based on data from the applicant's existing facilities, it is estimated that the proposed Woodbury development will generate approximately 50 pounds of medical waste per year, with removal from the site occurring twice per year. All of the applicant's staff members will receive orientation training which includes the proper handling of medical wastes.

**Other Community Services** – The proposed facility is not expected to place a significant burden on other community services. In particular, an assisted living residence does not include occupancy by school-aged children who would require the services of the Syosset School District, but will provide

increased tax revenues to the school district. Tax revenues generated by the proposed facility also will provide increased funding for community services such as police, ambulance and fire protection.

**Aesthetic Resources** – The proposed building design, as depicted in the elevation drawings included in the site plan package, presents a residential appearance, at two stories, with clapboard exterior and sloped roofs. The proposed action also includes the implementation of a landscape plan, with screening vegetation (including more than 200 new trees and more than 800 shrubs and other plants) and a six-foot high opaque vinyl fence around the site perimeter, which will help provide mitigation with respect to the aesthetic appearance of the redeveloped site.

**Historic and Archaeological Resources** – The subject parcel is developed and is not known to contain historically significant resources, and it lacks the characteristics which would suggest the potential presence of significant archaeological resources.

**Open Space and Recreation** – The subject parcel is privately owned land, which does not comprise public open space. The proposed assisted living facility will provide on-site recreation and related services to residents, and will not create a significant demand for off-site recreational assets.

**Energy** – The subject parcel is connected to utilities. The use of natural gas is planned for heating purposes, thereby avoiding potential impacts that may be associated with the storage of fuel oil. A single back-up generator will be provided, also fueled by natural gas.

**Public Health and Safety** – The proposed use does not involve the storage/use of hazardous materials – other than a small quantity of medical waste, which will be managed and controlled in accordance with applicable regulatory requirements – and does not otherwise involve activities that may pose a significant risk to public safety and health.

**Community Growth and Character** – The proposed action will provide assisted living housing for a maximum of 105 residents.

Although it will result in a more intensive development in terms of building floor area and mass as compared to the existing condition, the proposed assisted living facility generally is a more compatible use with respect to the surrounding single-family neighborhood than certain other uses (e.g., office, retail stores, fast-food restaurant in a multiple-use building, veterinary office, and motor vehicle dealership) which could be developed without a Special Use Permit under the NB zoning of the site.

**Mitigation** – Certain measures directed at mitigating or avoiding potential adverse environmental impacts due to the proposed action are specified in the most recent site plan drawings, including extensive landscaping and perimeter fencing for visual screening, and a prohibition on the use of Lark Drive for regular vehicle access (access would occur at that location only for emergency use and only if required by the involved regulatory agencies). The following additional measures, pertaining to remedial investigations/activities at the subject location, shall be included in the proposed action so as to avoid or mitigate potential impacts:

- the on-site soil shall be investigated in the area beneath the existing commercial building after demolition, and any such soil that exceeds applicable NYSDEC criteria shall be excavated and properly disposed in accordance with procedures set forth in the Site Management Plan (SMP);
- a sub-slab vapor barrier shall be installed for the proposed assisted living building;



- the subsurface components of a sub-slab depressurization system (SSDS) shall be installed at the time of construction of the proposed building, and vapor testing shall be undertaken in the building upon completion; and the above-grade components of the SSDS shall be installed and activated if required based on the results of this testing;
- quarterly testing of the groundwater monitoring wells on the subject property shall continue, as required by NYSDEC; appropriate measures shall be implemented to protect the monitoring wells in order to ensure that they are accessible and functional if testing continues during construction or operation of the proposed facility;
- the on-site monitoring wells shall be decommissioned in accordance with NYSDEC requirements at such time as that agency determines that groundwater testing at this location is no longer necessary;
- annual inspections shall be undertaken on the subject premises to evaluate the effectiveness of SMP implementation; and
- there shall be strict compliance with the provisions of the environmental easement, dated May 13, 2016, executed with NYSDEC.

The following additional measures also shall be implemented to minimize or avoid project-related potential impacts:

- the applicant shall assign a person to serve as the point of contact for neighboring residents in order to promptly and effectively address any issues that the community may raise in the future with respect to the proposed facility;
  - the applicant shall implement effective measures – including, but not limited to, designated staff parking areas and valet parking as needed – to ensure that no facility-related parking occurs on adjacent neighborhood streets;
  - the applicant shall cooperate with the Town and neighboring residents to adjust the starting and ending times of staff shifts as necessary to minimize project-related traffic impacts on the surrounding community;
  - the applicant shall consult with NCDPW to ascertain whether conditions at the proposed access driveway on Woodbury Road warrant the installation of a new traffic signal, and shall report back to the Town regarding same; and
  - in consultation with NCDPW, the applicant shall investigate whether an eastbound deceleration lane for right-turning vehicles is warranted at the site's Woodbury Road access driveway, and shall report back to the Town regarding same.
-

**EXHIBIT A**

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

## PILOT PAYMENT CHART

### BSL Woodbury LLC

900 Woodbury Road  
Woodbury, NY

Section 12, Block 527, Lot 24

| Year | Base PILOT <sup>1</sup> | Assessed Value Increase <sup>2</sup> | Phase-In <sup>3</sup> | Assessed Value Increase Phase-In | Tax Rate at Closing <sup>4</sup> | PILOT Rate Increase <sup>5</sup> | PILOT Rate <sup>6</sup> | Improvement PILOT | Total PILOT |
|------|-------------------------|--------------------------------------|-----------------------|----------------------------------|----------------------------------|----------------------------------|-------------------------|-------------------|-------------|
| 1    | \$126,504               | 59,700                               | -0-                   | -0-                              | 843.357                          | -0-                              | 843.357                 | - 0 -             | \$126,504   |
| 2    | \$126,504               | 59,700                               | -0-                   | -0-                              | 843.357                          | -0-                              | 843.357                 | - 0 -             | \$126,504   |
| 3    | \$126,504               | 59,700                               | -0-                   | -0-                              | 843.357                          | -0-                              | 843.357                 | - 0 -             | \$126,504   |
| 4    | \$128,604               | 59,700                               | .0588                 | 3,510                            | 843.357                          | 1.0166                           | 857.357                 | 30,093            | \$158,697   |

<sup>1</sup> Base PILOT is sum of 2017 General Taxes of \$55,405.50 and 2017/18 School Taxes (estimated) of \$71,098.03 (i.e., 2016/17 School Taxes in the amount of \$69,622.04, increased by published 2.12% tax levy increase), as the may be adjusted for taxes in effect at closing (rounded). Base PILOT is increased by 1.66% per annum after Year 3. Rounded to nearest dollar.

<sup>2</sup> Assessed Value Increase is the difference between the As-Completed assessed value per SVS Report dated May 8, 2017 (\$74,700) and the current assessed value (\$15,000).

<sup>3</sup> Phase-In is a straight line phase-in over 17 years commencing in Year 4.

<sup>4</sup> Tax Rate at closing is sum of 2017 General Tax Rate of 369.370, and 2017/18 School Tax Rate (estimated) of 474.544 (i.e., 2016/17 School Tax Rate of 464.147 increased by published 2.12% tax levy increase). Assumes a closing prior to end of applicable tax years.

<sup>5</sup> PILOT Rate Increase is the increase in the Tax Rate at closing pursuant to the tax deviation notice (1.66% per annum after Year 3).

<sup>6</sup> PILOT Rate is the Tax Rate at closing increased by the PILOT Rate Increase. (Rounded)

| Year | Base PILOT <sup>1</sup> | Assessed Value Increase <sup>2</sup> | Phase-In <sup>3</sup> | Assessed Value Increase Phase-In | Tax Rate at Closing <sup>4</sup> | PILOT Rate Increase <sup>5</sup> | PILOT Rate <sup>6</sup> | Improvement PILOT | Total PILOT |
|------|-------------------------|--------------------------------------|-----------------------|----------------------------------|----------------------------------|----------------------------------|-------------------------|-------------------|-------------|
| 5    | \$130,739               | 59,700                               | .1176                 | 7,021                            | 843.357                          | 1.0335                           | 871.589                 | 61,194            | \$191,933   |
| 6    | \$132,909               | 59,700                               | .1765                 | 10,537                           | 843.357                          | 1.0506                           | 886.057                 | 93,364            | \$226,273   |
| 7    | \$135,115               | 59,700                               | .2353                 | 14,047                           | 843.357                          | 1.0681                           | 900.766                 | 126,531           | \$261,646   |
| 8    | \$137,358               | 59,700                               | .2941                 | 17,558                           | 843.357                          | 1.0858                           | 915.718                 | 160,782           | \$298,140   |
| 9    | \$139,638               | 59,700                               | .3529                 | 21,068                           | 843.357                          | 1.1038                           | 930.919                 | 196,126           | \$335,764   |
| 10   | \$141,956               | 59,700                               | .4118                 | 24,584                           | 843.357                          | 1.1221                           | 946.373                 | 232,656           | \$374,612   |
| 11   | \$144,313               | 59,700                               | .4706                 | 28,095                           | 843.357                          | 1.1408                           | 962.083                 | 270,297           | \$414,610   |
| 12   | \$146,708               | 59,700                               | .5294                 | 31,605                           | 843.357                          | 1.1597                           | 978.053                 | 309,114           | \$455,822   |
| 13   | \$149,144               | 59,700                               | .5882                 | 35,116                           | 843.357                          | 1.1790                           | 994.289                 | 349,155           | \$498,299   |
| 14   | \$151,620               | 59,700                               | .6471                 | 38,632                           | 843.357                          | 1.1985                           | 1010.794                | 390,490           | \$542,110   |
| 15   | \$154,137               | 59,700                               | .7059                 | 42,142                           | 843.357                          | 1.2184                           | 1027.573                | 433,040           | \$587,177   |
| 16   | \$156,695               | 59,700                               | .7647                 | 45,652                           | 843.357                          | 1.2387                           | 1044.631                | 476,895           | \$633,590   |
| 17   | \$159,296               | 59,700                               | .8235                 | 49,163                           | 843.357                          | 1.2592                           | 1061.972                | 522,097           | \$681,393   |
| 18   | \$161,941               | 59,700                               | .8824                 | 52,679                           | 843.357                          | 1.2801                           | 1079.600                | 568,722           | \$730,663   |
| 19   | \$164,629               | 59,700                               | .9412                 | 56,190                           | 843.357                          | 1.3014                           | 1097.522                | 616,698           | \$781,327   |
| 20   | \$167,362               | 59,700                               | 1.0000                | 59,700                           | 843.357                          | 1.3230                           | 1115.741                | 666,097           | \$833,459   |

*Please note that the foregoing PILOT analysis is an initial draft only for the proposed transaction. Nothing herein constitutes a commitment on the part of the IDA to enter into the proposed transaction or a commitment to commence or continue any negotiations with respect to the proposed transaction.*

*In addition, the attached is being transmitted to the IDA simultaneously herewith and, therefore, remains subject to their review and approval.*

## **EXHIBIT B**

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

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

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

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

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



## EXHIBIT C

### Sample Fair Housing Posters

U. S. Department of Housing and Urban Development







EQUAL HOUSING  
OPPORTUNITY

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

(The Fair Housing Amendments Act of 1988)

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

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

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

1-800-669-9777 (Toll Free)

1-800-927-9275 (TTY)

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

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

Revised 1-2011

Form HUD-423.1 (6/2011)

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

Do you suspect you have been discriminated against because of your age, race, disability, familial status, or because you are a member of other protected classes? If you witness or experience discrimination, contact the New York State Division of Human Rights at 1-888-392-3644 or [WWW.DHR.NY.GOV](http://WWW.DHR.NY.GOV).

The Equal Housing Lender logo is a registered service mark of the U.S. Department of Housing and Urban Development. It is used here under license. © 2008 U.S. Department of Housing and Urban Development.

NEW YORK STATE  
DIVISION OF  
HUMAN  
RIGHTS

NY  
GOVERNMENT

NY  
GOVERNMENT

**EXHIBIT D**  
**Requirements for Affirmative Marketing Plans for Housing Projects**

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

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

# BSL WOODBURY LLC: ECONOMIC AND FISCAL IMPACT ANALYSIS

August 2017

Prepared for:

Nassau County Industrial Development Agency  
Theodore Roosevelt Executive & Legislative Building  
1550 Franklin Ave., Suite 235  
Mineola, NY 11501



516.899.2608

[www.camoinassociates.com](http://www.camoinassociates.com)

## About Camoin Associates

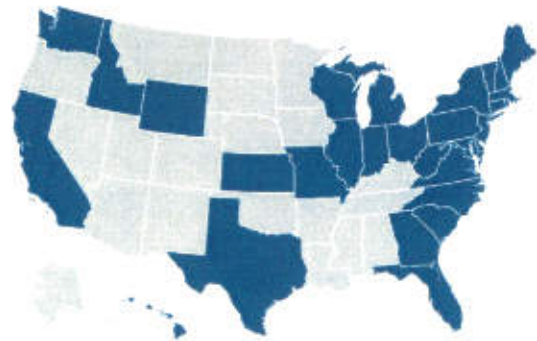
Camoin Associates has provided economic development consulting services to municipalities, economic development agencies, and private enterprises since 1999. We specialize in real estate market analysis to evaluate the feasibility and impacts of proposed projects. Through the services offered, Camoin Associates has had the opportunity to serve EDOs and local and state governments from Maine to Texas; corporations and organizations that include Lowes Home Improvement, FedEx, Volvo (Nova Bus) and the New York Islanders; as well as private developers proposing projects in excess of \$600 million. Our reputation for detailed, place-specific, and accurate analysis has led to projects in twenty states and garnered attention from national media outlets including *Marketplace* (NPR), *Forbes* magazine, and *The Wall Street Journal*. Additionally, our marketing strategies have helped our clients gain both national and local media coverage for their projects in order to build public support and leverage additional funding. The firm has offices in New York, Maine, Vermont, Massachusetts, and Virginia. To learn more about our experience and projects in all of our service lines, please visit our website at [www.camoinassociates.com](http://www.camoinassociates.com). You can also find us on Twitter @camoinassociate and on Facebook.

## The Project Team

Michael N'dolo  
*Principal*

Tom Dworetzky  
*Project Manager*

Anna Winslow  
*Analyst*





## Summary

The Nassau County Industrial Development Agency (the "Agency") received an application for financial assistance from BSL Woodbury, LLC (the "Applicant") for a project (the "Project") at 900 Woodbury Road, Woodbury, Town of Oyster Bay, Nassau County, New York (the "Site"). The Project being proposed by the Applicant entails construction of a new, approximately 73,955-square-foot assisted living residential facility with approximately 91 rental units on the 3.76-acre parcel and includes purchase of equipment. The Agency commissioned Camoin Associates to conduct an economic and limited fiscal impact analysis of the Project on Nassau County (the "County").

This study analyzes the impact that the Project will have on the Nassau County economy and on local municipal revenues, net of any economic activity that would occur even if the Project was not completed. Within three years of completion of the project, the Applicant anticipates that the facility will employ a total of 55 workers on site. All positions associated with the facility are considered to be net new to the County, as the Applicant states that jobs will not be transferred from an existing facility. This study analyzes the impact that these 55 net new jobs and related construction jobs would have on the County economy and on municipal revenue sources.

The following is a summary of our findings from this study, with details below.

| Summary of Benefits to County              |               |
|--|---------------|
| Construction Phase Job-years               | 148           |
| Construction Phase On-Site Job-years       | 91            |
| Construction Phase Earnings                | \$ 12,520,597 |
| Construction Phase On-Site Earnings        | \$ 9,206,321  |
| One-Time Sales Tax Revenue to County       | \$ 93,122     |
| Annual Jobs                                | 69            |
| On-Site Jobs                               | 55            |
| Annual Earnings                            | \$ 2,736,977  |
| On-Site Earnings                           | \$ 1,983,317  |
| Average Annual Sales Tax Revenue to County | \$ 20,356     |
| Average Annual PILOT Payment               | \$ 419,251    |

- The construction of the building would result in approximately 91 new direct construction jobs generating over \$9.2 million in direct new earnings on site and an additional \$3.3 million in indirect earnings.
- After the completion of the Project, there would be approximately 69 new jobs in the County, including the 55 direct on-site jobs. The new annual direct earnings associated with the Project equals almost \$2 million on-site and another \$750,000 in indirect earnings throughout the County.
- The Applicant has negotiated terms of a proposed PILOT agreement with the Agency, which includes a 20-year PILOT agreement. Under this proposed PILOT agreement, the Applicant would pay nearly \$8.4 million over the 20-year PILOT term.

| Summary of Costs to County          |    |             |
|-------------------------------------|----|-------------|
| Sales Tax Exemption                 | \$ | 1,465,393   |
| Mortgage Tax Exemption              | \$ | 189,946     |
| Loss (Gain) of Property Tax Revenue | \$ | (5,311,313) |

Source: Applicant IDA Application, Camoin Associates

- Through negotiations with the Agency, the Applicant could have access to a Sales Tax Exemption valued at \$1,465,393 million and a Mortgage Recording Tax Exemption valued at \$189,946. However, if we assume that the Project would not occur absent IDA benefits, this is not actually a "cost" to the County since no future revenue stream would exist without the exemptions.
- The schedule of payments to be made by the Applicant under the draft PILOT agreement would be approximately \$5.3 million more than the property tax payments generated by the Site if the Project were not to occur. In other words, the PILOT represents a benefit to the affected taxing jurisdictions averaging \$265,566 per year.

## Economic Impact Analysis

The estimates of direct economic activity generated during the construction phase and building occupation as provided by the Applicant were used as the direct inputs for the economic impact model. Camoin Associates used the input-output model designed by Economic Modeling Specialists International (EMSI) to calculate total economic impacts. EMSI allows the analyst to input the amount of new direct economic activity (spending or jobs) occurring within the County and uses the direct inputs to estimate the spillover effects that the net new spending or jobs have as these new dollars circulate through the Nassau County economy. This is captured in the indirect impacts and is commonly referred to as the "multiplier effect." See Attachment A for more information on economic impact analysis.

### Construction Phase Impacts

The applicant anticipates that the private sector investment in the construction of the Project (excluding land acquisition) would cost approximately \$32,513,987.<sup>1</sup> All of this cost represents private sector investment generated by the Project. If we assume that 75%<sup>2</sup> of the construction spending would be sourced from within the County, we can project that there will be \$24,385,490 in net new spending in the County associated with the construction phase.

| Construction Phase Spending   |               |
|-------------------------------|---------------|
| Total Construction Cost       | \$ 32,513,987 |
| Percent Sourced from County   | 75%           |
| Net New Construction Spending | \$ 24,385,490 |

Source: Applicant, Camoin Associates

Based on \$24,385,490 worth of net new direct spending associated with the construction phase of the Project, we determined that there would be about \$33.2 million in total one-time construction-related spending supporting about 148 jobs (over the 22-month construction period) throughout the County and \$12.5 million in earnings.

| Economic Impact - Construction Phase |        |            |          |           |               |
|--------------------------------------|--------|------------|----------|-----------|---------------|
|                                      | Direct |            | Indirect |           | Total         |
| Jobs                                 |        | 91         |          | 57        | 148           |
| Earnings                             | \$     | 9,206,321  | \$       | 3,314,276 | \$ 12,520,597 |
| Sales                                | \$     | 24,385,490 | \$       | 8,855,927 | \$ 33,241,417 |

Source: EMSI, Camoin Associates

Based solely on information in the application, the project timeline should allow the Agency to reach the conclusion that there is a likelihood of accomplishing the project in a timely manner.<sup>3</sup> Although we are not construction experts, nothing has come to our attention that would cause us to reach a contrary conclusion.

<sup>1</sup> Includes project costs as provided by Applicant under Project Costs, except for land acquisition, permits, and real estate taxes.

<sup>2</sup> Based on estimated percent of labor and materials construction costs to be sourced in-county provided by the Applicant

<sup>3</sup> As estimated by BSL Woodbury, LLC



## Building Occupation and Operation Impacts

The table below outlines the impact that the jobs associated with the Project would have on Nassau County in terms of direct, indirect, and total employment and wages. Without financial assistance from the Agency, the Applicant states the Project would likely not be financially viable.

The Applicant estimates that there will be 55 jobs on-site at the residential facility within three years of completion of the Project. The application states that without financial assistance for the Project, the Project would not be financially feasible for the applicant. Therefore, we assume that all 55 jobs to be created by the Project will be net new to the County.

| Annual Economic Impact - Project Occupation |        |           |          |           |
|---|--------|-----------|----------|-----------|
|   | Direct |           | Indirect |           |
| Jobs  |        | 55        |          | 14        |
| Earnings                                    | \$     | 1,983,317 | \$       | 753,660   |
| Sales                                       | \$     | 3,975,690 | \$       | 2,044,835 |

Source: EMSI, Camoin Associates

As shown in the table above, we anticipate that 55 new jobs and almost \$2 million in new earnings would occur at the Site itself. Taking into account the additional indirect and induced economic impacts on Nassau County from those direct jobs, total employment created by the project is estimated at 69 jobs and over \$2.7 million in annual earnings. About \$6 million in total sales would be generated as a result of the Project.

# Fiscal Impact Analysis

In addition to the economic impact of the Project on the local economy (outlined above), there would also be a fiscal impact in terms of annual property tax and sales tax generation. The following section of the analysis outlines the impact of the completion of the Project on the local taxing jurisdictions in terms of the cost and/or benefit to municipal budgets.

## Payment in Lieu of Taxes (PILOT)

The Applicant has applied to the Agency for a Payment In Lieu of Taxes (PILOT) agreement. The Applicant has proposed a 20-year payment schedule based on the current tax rate, taxable value, and assessed value of the Project, as shown in the following table:

| Tax Payments With PILOT |    |               |
|-------------------------|----|---------------|
| Year                    |    | PILOT Payment |
| 1                       | \$ | 126,504       |
| 2                       | \$ | 126,504       |
| 3                       | \$ | 126,504       |
| 4                       | \$ | 158,697       |
| 5                       | \$ | 191,933       |
| 6                       | \$ | 226,273       |
| 7                       | \$ | 261,646       |
| 8                       | \$ | 298,140       |
| 9                       | \$ | 335,764       |
| 10                      | \$ | 374,612       |
| 11                      | \$ | 414,610       |
| 12                      | \$ | 455,822       |
| 13                      | \$ | 498,299       |
| 14                      | \$ | 542,110       |
| 15                      | \$ | 587,177       |
| 16                      | \$ | 633,590       |
| 17                      | \$ | 681,393       |
| 18                      | \$ | 730,663       |
| 19                      | \$ | 781,327       |
| 20                      | \$ | 833,459       |
| Total                   | \$ | 8,385,027     |
| Average                 | \$ | 419,251       |

Source: Nassau County IDA, Camoin Associates



## Tax Policy Comparison

Without financial assistance from the Agency, Camoin Associates assumes that the Applicant would not undertake the Project. Based on the current taxes applicable on the Site<sup>4</sup> and an assumed annual increase to the tax rate of 2.00%<sup>5</sup> (holding taxable value constant), the following table outlines the estimated tax payments made by the building owner without the Project.

| Tax Payment Without Project |                                       |
|-----------------------------|---------------------------------------|
| Year                        | Property Tax Payment Without Project* |
| 1                           | \$ 126,504                            |
| 2                           | \$ 129,034                            |
| 3                           | \$ 131,615                            |
| 4                           | \$ 134,247                            |
| 5                           | \$ 136,932                            |
| 6                           | \$ 139,671                            |
| 7                           | \$ 142,464                            |
| 8                           | \$ 145,313                            |
| 9                           | \$ 148,220                            |
| 10                          | \$ 151,184                            |
| 11                          | \$ 154,208                            |
| 12                          | \$ 157,292                            |
| 13                          | \$ 160,438                            |
| 14                          | \$ 163,646                            |
| 15                          | \$ 166,919                            |
| 16                          | \$ 170,258                            |
| 17                          | \$ 173,663                            |
| 18                          | \$ 177,136                            |
| 19                          | \$ 180,679                            |
| 20                          | \$ 184,292                            |
| Total                       | \$ 3,073,715                          |
| Average                     | \$ 153,686                            |

\* Assumes 2.00% annual increase

Source: Nassau County IDA, Camoin Associates

<sup>4</sup> Current taxes applicable on the Site include 2017 General taxes and estimated 2017/18 School taxes.

<sup>5</sup> The tax rate is increased by 2.00% annually, the maximum inflation factor that can be reasonably anticipated into the future. New York State property tax cap legislation limits tax levy growth to an inflation factor set by the State or 2.00%, whichever is less, the amount by which a government entity may increase its annual tax levy (certain exceptions apply). Although in recent years the inflation factor has been less than 2.00%, using 2.00% for the purposes of comparing future otherwise applicable property tax payments without the Project to the proposed PILOT schedule provides a conservative estimate of the Project's benefit/cost to the County.

The table below calculates the benefit (or cost) to the affected taxing jurisdictions as the difference between the PILOT payments associated with the Project and the property tax payments without the Project. In the first year of comparison, the property taxes without the Project are equal to the PILOT payments with the Project. Over the course of the proposed PILOT term, the average annual collection by local jurisdictions would be approximately \$265,566 more in PILOT revenue than property taxes without the Project. The total benefit to the affected taxing jurisdictions of the PILOT agreement over 20 years would be \$5.3 million.

| Tax Policy Comparison |  |                     |  |
|-----------------------|--|---------------------|--|
| Year                  | A<br>Property Tax Payment<br>Without Project | B<br>PILOT Payment  | C<br>Benefit (Cost) To<br>County of Project (Col.<br>B - Col. A) |
| 1                     | \$ 126,504                                   | \$ 126,504          | \$ -   |
| 2                     | \$ 129,034                                   | \$ 126,504          | \$ (2,530)   |
| 3                     | \$ 131,615                                   | \$ 126,504          | \$ (5,111)   |
| 4                     | \$ 134,247                                   | \$ 158,697          | \$ 24,450  |
| 5                     | \$ 136,932                                   | \$ 191,933          | \$ 55,001  |
| 6                     | \$ 139,671                                   | \$ 226,273          | \$ 86,602  |
| 7                     | \$ 142,464                                   | \$ 261,646          | \$ 119,182   |
| 8                     | \$ 145,313                                   | \$ 298,140          | \$ 152,827   |
| 9                     | \$ 148,220                                   | \$ 335,764          | \$ 187,544   |
| 10                    | \$ 151,184                                   | \$ 374,612          | \$ 223,428   |
| 11                    | \$ 154,208                                   | \$ 414,610          | \$ 260,402   |
| 12                    | \$ 157,292                                   | \$ 455,822          | \$ 298,530   |
| 13                    | \$ 160,438                                   | \$ 498,299          | \$ 337,861   |
| 14                    | \$ 163,646                                   | \$ 542,110          | \$ 378,464   |
| 15                    | \$ 166,919                                   | \$ 587,177          | \$ 420,258   |
| 16                    | \$ 170,258                                   | \$ 633,590          | \$ 463,332   |
| 17                    | \$ 173,663                                   | \$ 681,393          | \$ 507,730   |
| 18                    | \$ 177,136                                   | \$ 730,663          | \$ 553,527   |
| 19                    | \$ 180,679                                   | \$ 781,327          | \$ 600,648   |
| 20                    | \$ 184,292                                   | \$ 833,459          | \$ 649,167   |
| <b>Total</b>          | <b>\$ 3,073,714</b>                          | <b>\$ 8,385,027</b> | <b>\$ 5,311,313</b>  |
| <b>Average</b>        | <b>\$ 153,686</b>                            | <b>\$ 419,251</b>   | <b>\$ 265,566</b>  |

Source: Nassau County IDA, Camoin Associates

## Other Exemptions

The PILOT program would offer the Applicant savings in terms of property tax benefits, but there are other benefits to working with the Agency including a sales tax exemption on construction materials and furniture, fixtures, and equipment and a mortgage recording tax exemption.

| Summary of Costs to County          |                |
|-------------------------------------|----------------|
| Sales Tax Exemption                 | \$ 1,465,393   |
| Mortgage Tax Exemption              | \$ 189,946     |
| Loss (Gain) of Property Tax Revenue | \$ (5,311,313) |

Source: Applicant IDA Application, Camoin Associates

The additional incentives offered by the County will benefit the Applicant but will not negatively affect the County because, without the Project, the County by definition would not be receiving any associated sales tax or mortgage tax revenue.



## Sales Tax Revenue - Construction Phase

The one-time construction phase earnings described by the total economic impact of the construction work (described in above section) would lead to additional sales tax revenue for the County. It is assumed that 70%<sup>6</sup> of the construction phase earnings would be spent within Nassau County and that 25% of those purchases would be taxable.

| One Time County Sales Tax Revenue<br>Construction Phase |               |
|---|---------------|
| Total New Earnings                                      | \$ 12,520,597 |
| Amount Spent in County (70%)                            | \$ 8,764,418  |
| Amount Taxable (25%)                                    | \$ 2,191,104  |
| County Sales Tax Rate                                   | 4.25%         |
| New County Tax Revenue                                  | \$ 93,122     |

Source: Nassau County, Camoin Associates

As a result of the construction phase employment, the County would receive approximately \$93,122 in new sales tax revenue from the economic impacts of construction.

## Sales Tax Revenue - Ongoing Building Occupation

The additional earnings described by the total economic impact of the ongoing occupation (see the previous section) would lead to additional sales tax revenue for the County. It is assumed that 70%<sup>7</sup> of the earnings would be spent within Nassau County and that 25% of those purchases would be taxable.

| Annual County Sales Tax Revenue<br>Occupation Phase |              |
|---|--------------|
| Total New Earnings                                  | \$ 2,736,977 |
| Amount Spent in County (70%)                        | \$ 1,915,884 |
| Amount Taxable (25%)                                | \$ 478,971   |
| County Sales Tax Rate                               | 4.25%        |
| New County Tax Revenue                              | \$ 20,356    |

Source: Nassau County, Camoin Associates

Under these assumptions, the County would receive approximately \$20,356 each year in new tax revenue from the economic impacts of the Project.

<sup>6</sup> A retail leakage analysis of Nassau County suggests that a vast majority of the goods and services that employees will be purchasing are available within the county (food, clothing, vehicles, computers, etc.), but there still will be some outside spending on travel and through purchases made online and in neighboring counties. Based on third party proprietary retail spending data, 70% is a reasonable assumption for the amount of in-county spending (Source: ESRI Business Analysis Online Retail Market Profile)

<sup>7</sup> See footnote 6

# Attachment A

## What is economic impact analysis?

The purpose of conducting an economic impact study is to ascertain the total cumulative changes in employment, earnings and output in a given economy due to some initial "change in final demand". To understand the meaning of "change in final demand", consider the installation of a new widget manufacturer in Anytown, USA. The widget manufacturer sells \$1 million worth of its widgets per year exclusively to consumers in Canada. Therefore, the annual change in final demand in the United States is \$1 million because dollars are flowing in from outside the United States and are therefore "new" dollars in the economy.

This change in final demand translates into the first round of buying and selling that occurs in an economy. For example, the widget manufacturer must buy its inputs of production (electricity, steel, etc.), must lease or purchase property and pay its workers. This first round is commonly referred to as the "Direct Effects" of the change in final demand and is the basis of additional rounds of buying and selling described below.

To continue this example, the widget manufacturer's vendors (the supplier of electricity and the supplier of steel) will enjoy additional output (i.e. sales) that will sustain their businesses and cause them to make additional purchases in the economy. The steel producer will need more pig iron and the electric company will purchase additional power from generation entities. In this second round, some of those additional purchases will be made in the US economy and some will "leak out". What remains will cause a third round (with leakage) and a fourth (and so on) in ever-diminishing rounds of spending. These sets of industry-to-industry purchases are referred to as the "Indirect Effects" of the change in final demand.

Finally, the widget manufacturer has employees who will naturally spend their wages. As with the Indirect Effects, the wages spent will either be for local goods and services or will "leak" out of the economy. The purchases of local goods and services will then stimulate other local economic activity; such effects are referred to as the "Induced Effects" of the change in final demand.

Therefore, the total economic impact resulting from the new widget manufacturer is the initial \$1 million of new money (i.e. Direct Effects) flowing in the US economy, plus the Indirect Effects and the Induced Effects. The ratio between Direct Effects and Total Effects (the sum of Indirect and Induced Effects) is called the "multiplier effect" and is often reported as a dollar-of-impact per dollar-of-change. Therefore, a multiplier of 2.4 means that for every dollar (\$1) of change in final demand, an additional \$1.40 of indirect and induced economic activity occurs for a total of \$2.40.

Key information for the reader to retain is that this type of analysis requires rigorous and careful consideration of the geography selected (i.e. how the "local economy" is defined) and the implications of the geography on the computation of the change in final demand. If this analysis wanted to consider the impact of the widget manufacturer on the entire North American continent, it would have to conclude that the change in final demand is zero and therefore the economic impact is zero. This is because the \$1 million of widgets being purchased by Canadians is not causing total North American demand to increase by \$1 million. Presumably, those Canadian purchasers will have \$1 million less to spend on other items and the effects of additional widget production will be cancelled out by a commensurate reduction in the purchases of other goods and services.

Changes in final demand, and therefore Direct Effects, can occur in a number of circumstances. The above example is easiest to understand: the effect of a manufacturer producing locally but selling globally. If, however, 100% of domestic demand for a good is being met by foreign suppliers (say, DVD players being imported into the US from Korea and Japan), locating a manufacturer of DVD players in the US will cause a change in final demand because all of those dollars currently leaving the US economy will instead remain. A situation can be envisioned whereby a producer is serving both local and foreign demand, and an impact analysis would have to be careful in calculating how many "new" dollars the producer would be causing to occur domestically.

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# **REAL PROPERTY ASSESSMENT ANALYSIS**

## **PROPERTY TYPE**

Proposed Assisted Living Facility

## **LOCATION**

900 Woodbury Road  
Woodbury, New York

## **IDENTIFICATION**

BSL Woodbury, LLC  
Section 12, Block 527, Lot 24

SVS File #950168

## **DATE OF ANALYSIS**

May 8, 2017

## **PREPARED FOR:**

Mr. Joseph Kearney  
Executive Director  
NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
1550 Franklin Avenue, Suite 235  
Mineola, New York 11501

## **PREPARED BY:**



27 EAST JERICHO TURNPIKE  
MINEOLA, NEW YORK 11501





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May 8, 2017

Mr. Joseph Kearney  
Executive Director  
Nassau County Industrial Development Agency  
1550 Franklin Avenue, Suite 235  
Mineola, New York 11501

**RE: Real Property Assessment Analysis**  
Proposed Assisted Living Facility  
900 Woodbury Road  
Woodbury, New York  
Section 12, Block 527, Lot 24  
SVS File # 950168

Dear Mr. Kearney:

In accordance with your request, the undersigned have personally analyzed and hereby submit our Real Estate Tax Assessment Projection for the above captioned property. The purpose of the consulting assignment is to develop a real estate tax assessment estimate for a proposed, eighty-nine (89) unit, Assisted Living Facility. The intended use of the report is for assisting the Industrial Development Agency in developing an equitable PILOT for the subject property.

The property consists of a nearly rectangular parcel situated on the southeast side of Woodbury Road, between Wren and Lark Drives, in the community of Woodbury, Town of Oyster Bay, Nassau County, New York. According to the site survey prepared by JM Surveying, dated May 20, 2013, site area has been estimated at 163,709± square feet or 3.76± acres. It is identified on the Nassau County Tax Maps as Section 12, Block 527, Lot 24.

The site is presently improved with a single family residence and a multi-tenant commercial building. The existing improvements will be demolished and the site will be improved with a two (2) story, elevator serviced, assisted living facility.

**New York City**  
315 West 36th St - 10th floor  
New York, NY 10018  
T 646.503.5091 | F 646.503.5063

**Central Suffolk**  
888 Veterans Memorial Hwy, Ste 530  
Hauppauge, NY 11788  
T 631.761.1850 | F 631.761.9221

**Eastern Suffolk**  
32 South Etna Ave  
Montauk, NY 11954  
T 631.960.8802

Mr. Joseph Kearney  
May 8, 2017

Upon completion of construction, the assisted living facility will be configured with one-hundred two (102) beds situated within eighty-nine (89) units. The gross building area is estimated at 73,927± square feet and the gross living area is estimated at 38,976± square feet.

The facility will be configured with twenty-four (24) memory care units allocated between sixteen (16) studios and eight (8) one-bedroom units; and sixty-five (65) assisted living units allocated between twenty-three (23) studio units, thirty-nine (39) one-bedroom units and three (3) two-bedroom units.

In addition to resident units, the first floor will be configured with the lobby, mechanicals, laundry room, kitchen, dining room, library, salon, mail room, spa, offices, and main reception. The second floor will contain resident units, family kitchen/dining, arts/crafts room, salon, fitness room, medical treatment room, and various common/support areas.

Twenty-four (24) of the facility's units will cater to patients suffering from dementia and other conditions resulting in severe memory loss. The total cost of construction (excluding site acquisition costs of \$5,175,000 and FF&E estimated at \$880,000) is estimated by the applicant at \$32,819,601, \$368,760 per unit, \$324,947 per bed, or \$443.95 per square foot of gross building area.

The table below summarizes our conclusions.

| <b>Projected Value, Assessed Valuation &amp; Estimated PILOT</b> |                 |                       |
|--|-----------------|-----------------------|
| <b>BSL Woodbury, LLC</b>   |                 |                       |
| <b>900 Woodbury Road</b>   |                 |                       |
| <b>Woodbury, New York 11797</b>                                  |                 |                       |
| <b>Section 12, Block 527, Lot 24</b>                             |                 |                       |
| <b>Projected Value Estimate</b>                                  |                 |                       |
| Assisted Living Facility   |                 | \$7,470,000           |
| <b>Estimated Real Property Value</b>                             |                 | <b>\$7,470,000</b>    |
| <b>Estimated Ad Valorem Assessed Value</b>                       |                 |                       |
| Nassau County Assessed Value                                     |                 | \$74,700              |
| <b>Estimated PILOT</b>   |                 |                       |
|  | <u>Tax Rate</u> | <u>Computed PILOT</u> |
| 2017 Class IV General Tax Rate/\$100 A.V.:                       | \$369.3700      | \$275,919             |
| 2016/17 Class IV School Tax Rate/\$100 A.V.:                     | \$464.1470      | \$346,718             |
| <b>Total:</b>  |                 | <b>\$622,637</b>      |

*\* Under the hypothetical condition that the improvements are completed and on the current tax rolls utilizing the current tax rates.*

Mr. Joseph Kearney  
May 8, 2017

The estimates contained in this analysis are based on the hypothetical condition that the improvements are completed and operating at stabilized occupancy as of the date of this report. As such, this analysis does not consider potential changes attributable to tax rates, equalization rates or market conditions that may be in place when the improvements are actually constructed.

Should you have any questions or require any additional information, please do not hesitate to contact either of the undersigned.

Respectfully submitted,  
**STANDARD VALUATION SERVICES**



---

Ronald Camilleri, MAI  
Certified General Real Estate Appraiser  
State of New York – ID #46000026088  
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---

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### **IDENTIFICATION OF THE SUBJECT PROPERTY**

The subject property is identified on the Nassau County Tax Maps as Section 12, Block 527, Lot 24. The commonly known street address is 900 Woodbury Road, Woodbury, New York 11797.

### **PURPOSE OF THE ANALYSIS**

The purpose of the consulting assignment is to develop a market supported estimate of assessed valuation for the proposed improvements.

### **INTENDED USE OF THE ANALYSIS**

The intended use of the report is for establishing a basis for a PILOT agreement with the Nassau County Industrial Development Agency.

### **INTENDED USER OF THE ANALYSIS**

The intended user is restricted to the client, the Nassau County Industrial Development Agency.

No other party, including the applicant or applicant's counsel, has been identified as an intended user of this analysis. Although such parties may receive a copy of this analysis, no other party who is not specifically identified as an intended user in the report should use or rely on this analysis for any purpose. This report and its conclusions should not serve as the basis for any appraisal contingency in a purchase agreement relating to the property.

### **PROPERTY RIGHTS ANALYZED**

The property rights analyzed consist of the fee simple interest for the purposes of estimating an ad valorem assessment utilized to calculate an annual PILOT (Payment in Lieu of Taxes).

### **EFFECTIVE DATE OF ANALYSIS**

The effective date of this analysis is May 8, 2017.



## **RELEVANT DEFINITIONS**

**"Ad Valorem:** According to value."<sup>1</sup>

**"Ad Valorem Tax:** A tax levied in proportion to the value of the thing(s) being taxed. Exclusive of exemptions, use-value assessment provisions, and the like, the property tax is an ad valorem tax. (IAAO)."<sup>2</sup>

**"As Is Market Value:** The estimate of the market value of real property in its current physical condition, use, and zoning as of the appraisal date."<sup>3</sup>

**"Assessment Level:** The common or overall ratio of assessed values to market values (IAAO)."<sup>4</sup>

**"Assessment Ratio:** The relationship between assessed value and market value."<sup>5</sup>

**"Assessment Roll:** The basis on which the property tax levy is allocated among the property owners in a jurisdiction with taxing powers. The assessment roll usually lists an identifier for each taxable parcel in the jurisdiction, the name of the owner of record, the address of the parcel or the owner, the assessed value of the land, the assessed value of the improvements, applicable exemption codes, and the total assessed value (IAAO)."<sup>6</sup>

**"Condominium Ownership:** A form of fee ownership of separate units or portions of multiunit buildings that provides for formal filing and recording of a divided interest in real estate."<sup>7</sup>

**"Equalization:** The process by which an appropriate governmental body attempts to ensure that all property under its jurisdiction is assessed at the same assessment ratio or at the ratio or ratios required by law. Equalization may be undertaken at many different levels. Equalization among use classes (such as agricultural and industrial property) may be undertaken at the local level, as may equalization among properties in a school district and a transportation district. Equalization among counties is usually undertaken by the state to ensure that its aid payments are distributed fairly. (IAAO)."<sup>8</sup>

**"Equalized Tax Rate:** The rate determined by the division of the effective tax rate by the equalization rate."<sup>9</sup>

**"Equalized Values:** Assessed values after they have all been multiplied by common factors during equalization."<sup>10</sup>

<sup>1</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>2</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>3</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>4</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>5</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>6</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>7</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>8</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>9</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>10</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

**"Exposure Time:** 1) The time a property remains on the market. 2) The estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.

Exposure time is a retrospective opinion based on an analysis of past events assuming a competitive and open market. (USPAP, 2016-2017 ed.)<sup>11</sup>

**"Fee Simple Estate:** Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power and escheat."<sup>12</sup>

**"Leased Fee Interest:** The ownership interest held by the lessor, which includes the right to receive the contract rent specified in the lease plus the reversionary right when the lease expires."<sup>13</sup>

**"Leasehold Interest:** The right held by the lessee to use and occupy real estate for a stated term and under the conditions specified in the lease."<sup>14</sup>

**"Market Rent:** The most probable rent that a property should bring in a competitive and open market reflecting the conditions and restrictions of a specified lease agreement, including the rental adjustment and revaluation, permitted uses, use restrictions, expense obligations, term, concessions, renewal and purchase options, and tenant improvements (TIs)."<sup>15</sup>

**"Market Value:** The most probable price which a property should bring in competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- a. Buyer and seller are typically motivated;
- b. Both parties are well informed or well advised, and each acting in what he considers his own best interest;
- c. A reasonable time is allowed for exposure in the open market;
- d. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- e. The price represents a normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."<sup>16</sup>

<sup>11</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>12</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>13</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>14</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>15</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>16</sup> 12 C.F.R. Part 54.42(g); 55 Federal Register 34696, August 24, 1990, as amended at 57 Federal Register 12202, April 9, 1992; 50 Federal Register 29499, June 7, 1994.

**"Marketing Time:** An opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal. Marketing time differs from exposure time, which is always presumed to precede the effective date of an appraisal."<sup>17</sup>

**"Prospective Opinion of Value:** A value opinion effective as of a specified future date. The term does not define a type of value. Instead, it identifies a value opinion as being effective at some specific future date. An opinion of value as of a prospective date is frequently sought in connection with projects that are proposed, under construction, or under conversion to a new use, or those that have not yet achieved sellout or a stabilized level of long term occupancy."<sup>18</sup>

**"Replacement Cost:** The estimated cost to construct, at current prices as of a specific date, a substitute for a building or other improvements, using modern materials and current standards, design, and layout."<sup>19</sup>

**"Value in Use:** The value of a property assuming a specific use, which may or may not be the property's highest and best use on the effective date of the appraisal. Value in use may or may not be equal to market value but is different conceptually."<sup>20</sup>

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<sup>17</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>18</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>19</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>20</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

## **EXTRAORDINARY ASSUMPTIONS**

An extraordinary assumption is defined as *"An assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions or conclusions."*<sup>21</sup>

Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. (USPAP, 2016-2017 ed.)

- We have relied upon representations made by the applicant with respect to the size, configuration and layout of the proposed improvements. It is assumed that these representations are accurate. In the event these variables change, the analysis presented herein is subject to revision.

## **HYPOTHETICAL CONDITION**

A hypothetical condition is defined as *"1) A condition that is presumed to be true when it is known to be false. 2) A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis."*<sup>22</sup>

Hypothetical conditions are contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. (USPAP, 2016-2017 ed.)

- The analysis is predicated under the hypothetical condition that the proposed improvements are built and operating at stabilized occupancy as of the date of this analysis.

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<sup>21</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).

<sup>22</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> ed. (Chicago: Appraisal Institute, 2015).



### **SCOPE OF WORK**

The scope of work for this assignment included:

- Site inspection (from right of way).
- Reviewed construction budget prepared by the applicant.
- Reviewed unit allocation prepared by the applicant.
- Reviewed elevations, floor plans and site plans prepared by the applicant's consultant.
- Reviewed income and expense forecast prepared by the applicant.
- Researched comparable apartment rental rates, occupancy rates, operating expense ratios and overall capitalization rates.
- Considered available market data in the development and application of an appropriate assessment model for the subject property.
- Derived an estimate of ad valorem assessed value for the subject property utilizing market supported input assumptions.
- Compiled our results and presented them in this narrative report.

### **PROCEDURE TO ESTIMATE AD VALOREM ASSESSMENT & ANNUAL PILOT**

The annual PILOT (Payment in Lieu of Taxes) is calculated by multiplying the County, City/Village (if applicable), School and Library tax rates by the market derived ad valorem estimates of assessed value.

In order to derive a market supported ad valorem assessment, the Fee Simple Market value of the proposed improvements is estimated utilizing the Income Capitalization Approach and then multiplied by the current level of assessment.

#### **DERIVATION OF FEE SIMPLE MARKET VALUE**

The Income Capitalization Approach is the most accepted approach for establishing ad valorem assessments and is based upon the premise that the value of a property is equivalent to the anticipated benefits to be derived from ownership. It involves measuring the extent of future benefits that might reasonably be expected in terms of rental income and translating these benefits into a total value estimate. In employing the Income Approach, careful consideration is given to the earning capacity of the property over an anticipated holding period.

A direct capitalization technique has been used to convert an estimate of net income into an estimate of market value. In the development of the direct capitalization model, all input variables have been market derived.

#### **DERIVATION OF AD VALOREM ASSESSMENT**

In order to derive an Ad Valorem assessment applicable to the real property, the Market Value estimate derived utilizing the Income Capitalization Approach is multiplied by the current level of assessment.

#### **DERIVATION OF ANNUAL PILOT**

In order to derive an annual PILOT applicable to the proposed improvements, the current tax rate is multiplied by the market derived Ad Valorem assessment.

### **SUBJECT PROPERTY OVERVIEW**

The purpose of this analysis is to estimate a market supported ad valorem assessment for the subject property upon completion of construction.

The property consists of a nearly rectangular parcel situated on the southeast side of Woodbury Road, between Wren and Lark Drives, in the community of Woodbury, Town of Oyster Bay, Nassau County, New York. According to the site survey prepared by JM Surveying, dated May 20, 2013, site area has been estimated at 163,709± square feet or 3.76± acres. It is identified on the Nassau County Tax Maps as Section 12, Block 527, Lot 24.

The site is presently improved with a single family residence and a multi-tenant commercial building. The existing improvements will be demolished and the site will be improved with a two (2) story, elevator serviced, assisted living facility.

Upon completion of construction, the assisted living facility will be configured with one-hundred two (102) beds situated within eighty-nine (89) units. The gross building area is estimated at 73,927± square feet and the gross living area is estimated at 38,976± square feet.

The facility will be configured with twenty-four (24) memory care units allocated between sixteen (16) studios and eight (8) one-bedroom units; and sixty-five (65) assisted living units allocated between twenty-three (23) studio units, thirty-nine (39) one-bedroom units and three (3) two-bedroom units.

In addition to resident units, the first floor will be configured with the lobby, mechanicals, laundry room, kitchen, dining room, library, salon, mail room, spa, offices, and main reception. The second floor will contain resident units, family kitchen/dining, arts/crafts room, salon, fitness room, medical treatment room, and various common/support areas.

The quality of construction and overall level of finish is expected to be consistent with competitive assisted living facilities located throughout the Nassau County submarket.

The total cost of construction (excluding site acquisition costs of \$5,175,000 and FF&E estimated at \$880,000) is estimated by the applicant at \$32,819,601, \$368,760 per unit, \$324,947 per bed, or \$443.95 per square foot of gross building area.

The table below summarizes the allocation of the subject's units.

| <b>Unit Allocations</b>      |                         |                             |                              |                 |                  |
|------------------------------|-------------------------|-----------------------------|------------------------------|-----------------|------------------|
|                              | <b>No. of<br/>Units</b> | <b>No. of<br/>Beds/Unit</b> | <b>Total No.<br/>of Beds</b> | <b>GLA/Unit</b> | <b>Total GLA</b> |
| <b>Memory Care</b>           |                         |                             |                              |                 |                  |
| Studio (MC-1)                | 9                       | 1                           | 9                            | 293             | 2,637            |
| Studio (MC-2)                | 5                       | 1                           | 5                            | 309             | 1,545            |
| Studio (MC-3)                | 2                       | 1                           | 2                            | 359             | 718              |
| <b>Total Studio</b>          | <b>16</b>               |                             | <b>16</b>                    | <b>306</b>      | <b>4,900</b>     |
| One Bedroom (MC-4)*          | 6                       | 2                           | 12                           | 597             | 3,582            |
| One Bedroom (MC-4 ALT)*      | 2                       | 2                           | 4                            | 603             | 1,206            |
| <b>Total One Bedroom</b>     | <b>8</b>                |                             | <b>16</b>                    | <b>599</b>      | <b>4,788</b>     |
| <b>Total Memory Care</b>     | <b>24</b>               |                             | <b>32</b>                    | <b>404</b>      | <b>9,688</b>     |
| <b>Assisted Living</b>       |                         |                             |                              |                 |                  |
| Studio (AL-1)                | 6                       | 1                           | 6                            | 303             | 1,818            |
| Studio (AL-2)                | 16                      | 1                           | 16                           | 309             | 4,944            |
| Studio (AL-3)                | 1                       | 1                           | 1                            | 315             | 315              |
| <b>Total Studio</b>          | <b>23</b>               |                             | <b>23</b>                    | <b>308</b>      | <b>7,077</b>     |
| One Bedroom (AL-4)           | 29                      | 1                           | 29                           | 491             | 14,239           |
| One Bedroom (AL-5)           | 3                       | 1                           | 3                            | 543             | 1,629            |
| One Bedroom (AL-6)           | 2                       | 1                           | 2                            | 545             | 1,090            |
| One Bedroom (AL-7)*          | 1                       | 2                           | 2                            | 572             | 572              |
| One Bedroom (AL-8)*          | 1                       | 2                           | 2                            | 577             | 577              |
| One Bedroom (AL-9)           | 1                       | 1                           | 1                            | 578             | 578              |
| One Bedroom (AL-10)          | 2                       | 1                           | 2                            | 599             | 1,198            |
| <b>Total One Bedroom</b>     | <b>39</b>               |                             | <b>41</b>                    | <b>510</b>      | <b>19,883</b>    |
| Two Bedroom (AL-11)          | 3                       | 2                           | 6                            | 776             | 2,328            |
| <b>Total Two Bedroom</b>     | <b>3</b>                |                             | <b>6</b>                     | <b>776</b>      | <b>2,328</b>     |
| <b>Total Assisted Living</b> | <b>65</b>               |                             | <b>70</b>                    | <b>451</b>      | <b>29,288</b>    |
| <b>Grand Total</b>           | <b>89</b>               |                             | <b>102</b>                   | <b>438</b>      | <b>38,976</b>    |

\* Companion suites



SUBJECT PROPERTY PHOTOGRAPHS





## LOCATION MAP



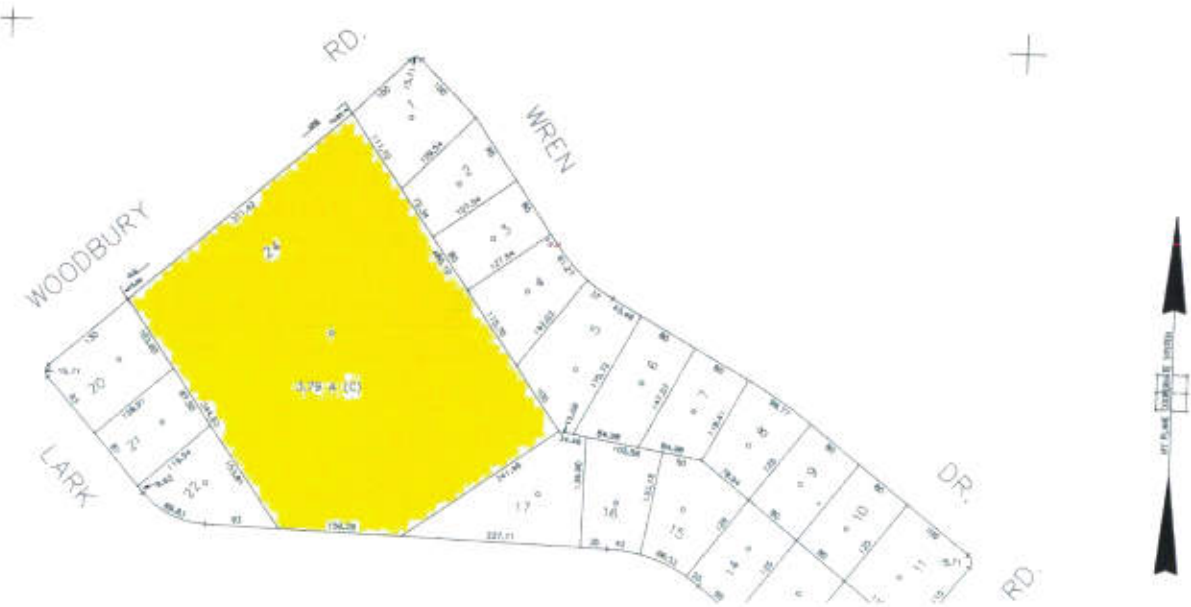
## NEIGHBORHOOD AERIAL MAP (AS PRESENTLY IMPROVED)



SUBJECT PROPERTY AERIAL MAP

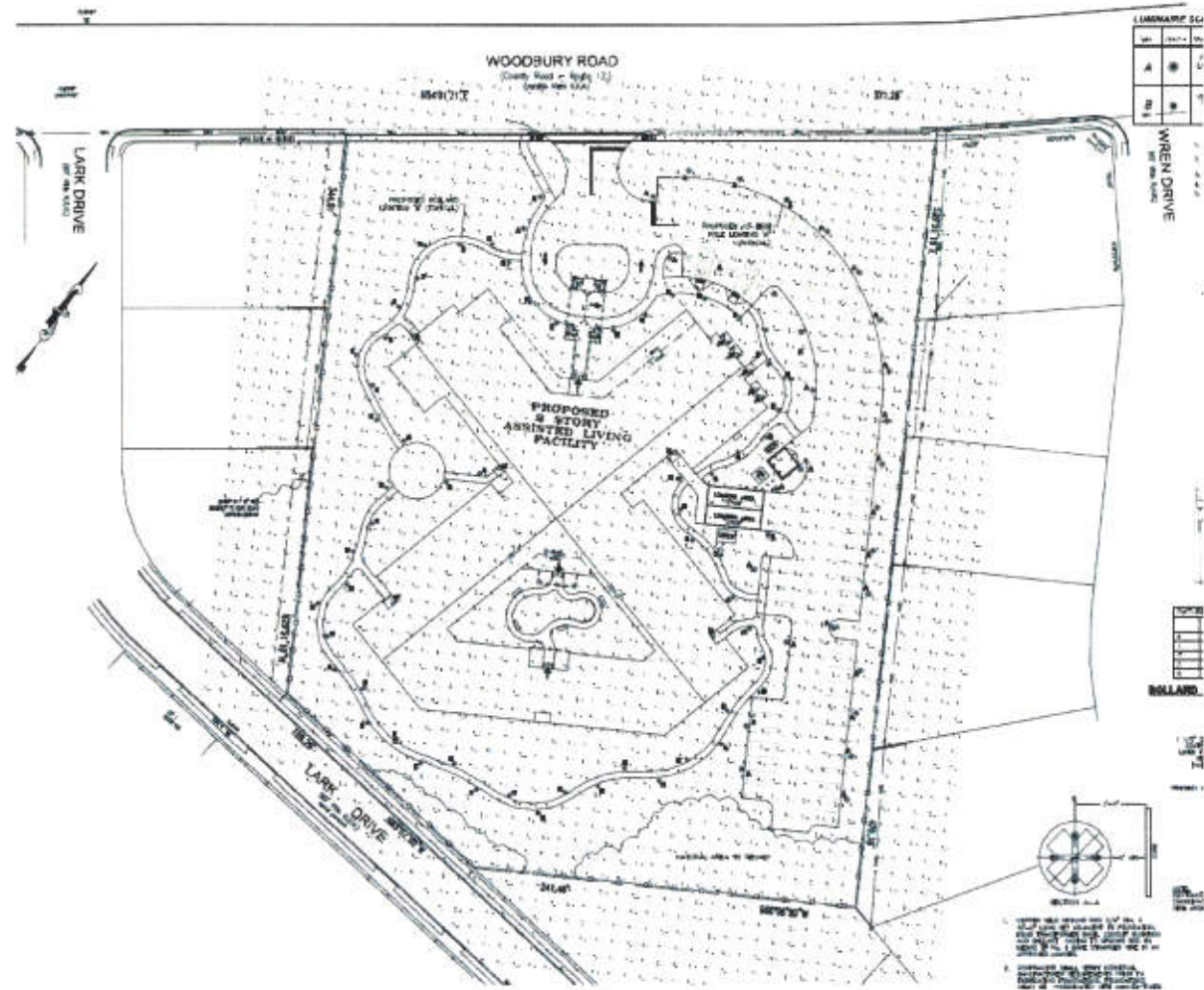


TAX MAP





# PROPOSED SITE PLAN

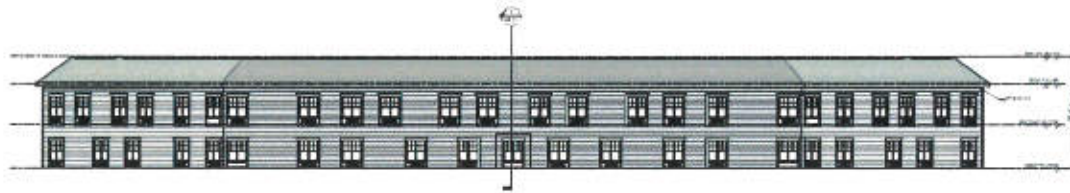




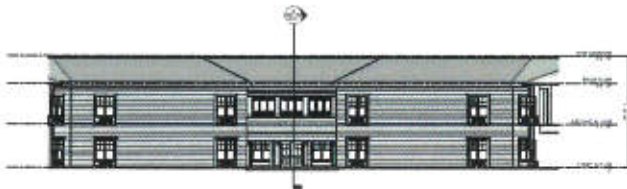
PROPOSED ELEVATIONS



## PROPOSED ELEVATIONS



BACK ELEVATION



INNER ELEVATION AT GARDEN



INNER ELEVATION AT GARDEN



INNER ELEVATION AT GARDEN



INNER ELEVATION AT GARDEN

FIRST FLOOR PLAN



SECOND FLOOR PLAN





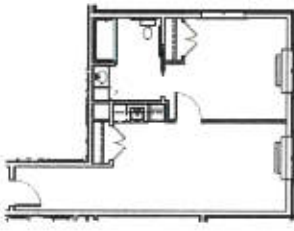
## UNIT PLANS



ASSISTED LIVING - ONE BEDROOM UNIT (TYPE ALB) 11'-0" x 11'-0"



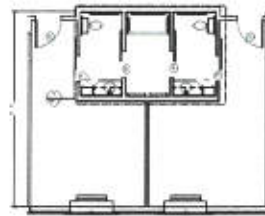
ASSISTED LIVING - STUDIO UNIT (TYPE ALD) 11'-0" x 11'-0"



ASSISTED LIVING - ONE BEDROOM UNIT (TYPE ALB) 11'-0" x 11'-0"



ASSISTED LIVING - STUDIO UNIT (TYPE ALD) 11'-0" x 11'-0"



MEMORY CARE - SHARED BEDROOM UNIT (TYPE MC4) 11'-0" x 11'-0"



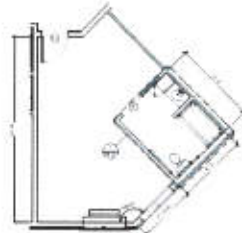
MEMORY CARE - STUDIO UNIT (TYPE MC2) 11'-0" x 11'-0"



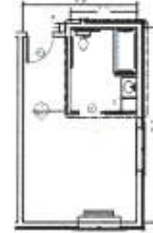
ASSISTED LIVING - ONE BEDROOM UNIT (TYPE ALB) 11'-0" x 11'-0"



ASSISTED LIVING - STUDIO UNIT (TYPE ALD) 11'-0" x 11'-0"

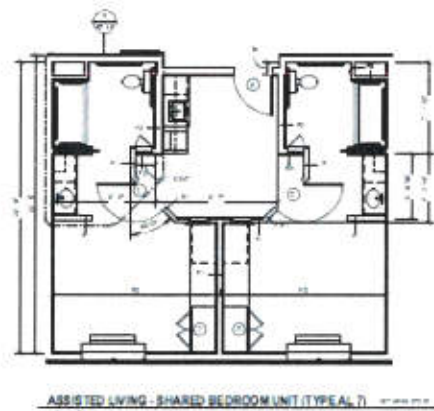
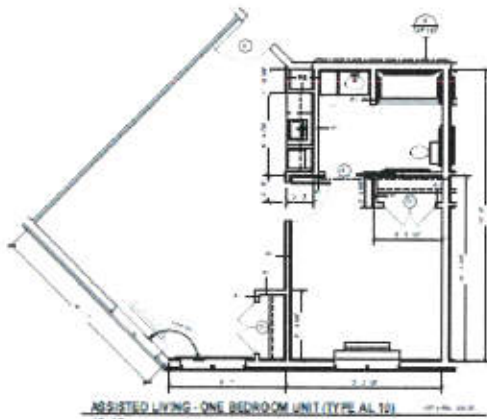
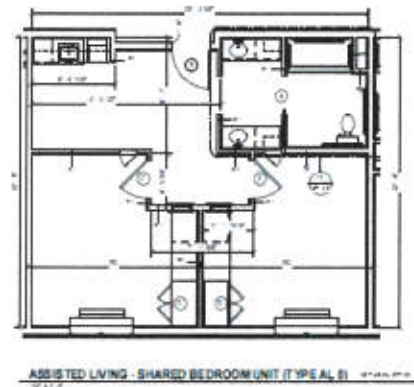
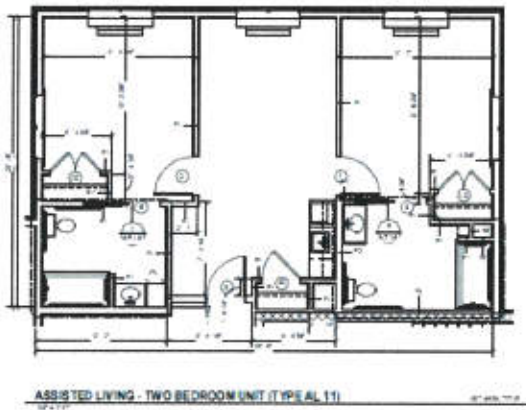
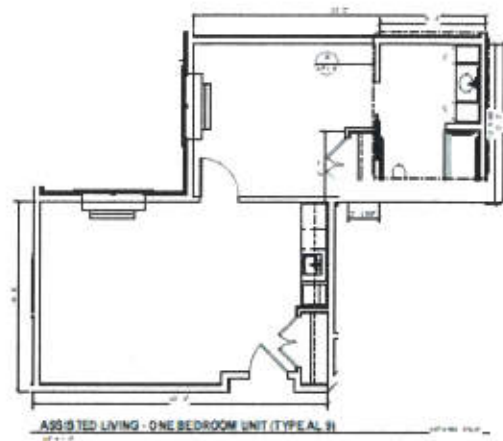


MEMORY CARE - STUDIO UNIT (TYPE MC2) 11'-0" x 11'-0"



MEMORY CARE - STUDIO UNIT (TYPE MC2) 11'-0" x 11'-0"

## UNIT PLANS



RENDERING



MOSELEYARCHITECTS

Benchmark Senior Living at Woodbury

0001  
2/15/16

### **STABILIZED INCOME AND OPERATING EXPENSE SUMMARY**

We have analyzed available market data in formulating a stabilized income and expense pro-forma for the subject property.

Since the proposed improvements will be operated as an assisted living facility catering to residents with and without dementia or other conditions resulting in severe memory loss, a significant portion of the income and operating expenses is attributable to the care and services provided by the going concern.

Although consideration was given to forecasting income and operating expenses associated with the operation of the assisted living facility, it is very difficult and unavoidably subjective to properly isolate the contributory value of the intangible business assets as well as the furniture, fixtures and equipment (FF&E) related to the business.

The layout of the proposed improvements is most similar to a luxury apartment building and in order to *solely* estimate the real property value for ad valorem assessment purposes, the subject is analyzed as a luxury apartment building. Moreover, this methodology is most comparable to the assessor's valuation model for this property type.

### **RENTAL RATES**

Upon completion of construction, the subject will be configured with eighty-eight (88) units which are most similar in size and characteristics to a junior one-bedroom apartment.

A May of 2017 survey of residential rentals in the competitive market (school district) reveals one-bedroom apartment rentals ranging from \$1,400 to \$2,150 per month, two bedroom rentals ranging from \$1,750 to \$3,800 per month. Due to the limited supply of rental units in the subject's competitive market (school district), the results of this local survey are less than meaningful. A broader survey of luxury apartment rentals throughout Nassau County depicts apartment rentals ranging from \$28.07 to \$50.23 per square foot. (See Addenda for additional support).

Based upon a careful review of the available market data, market rent has been concluded as follows for the subject's various units:

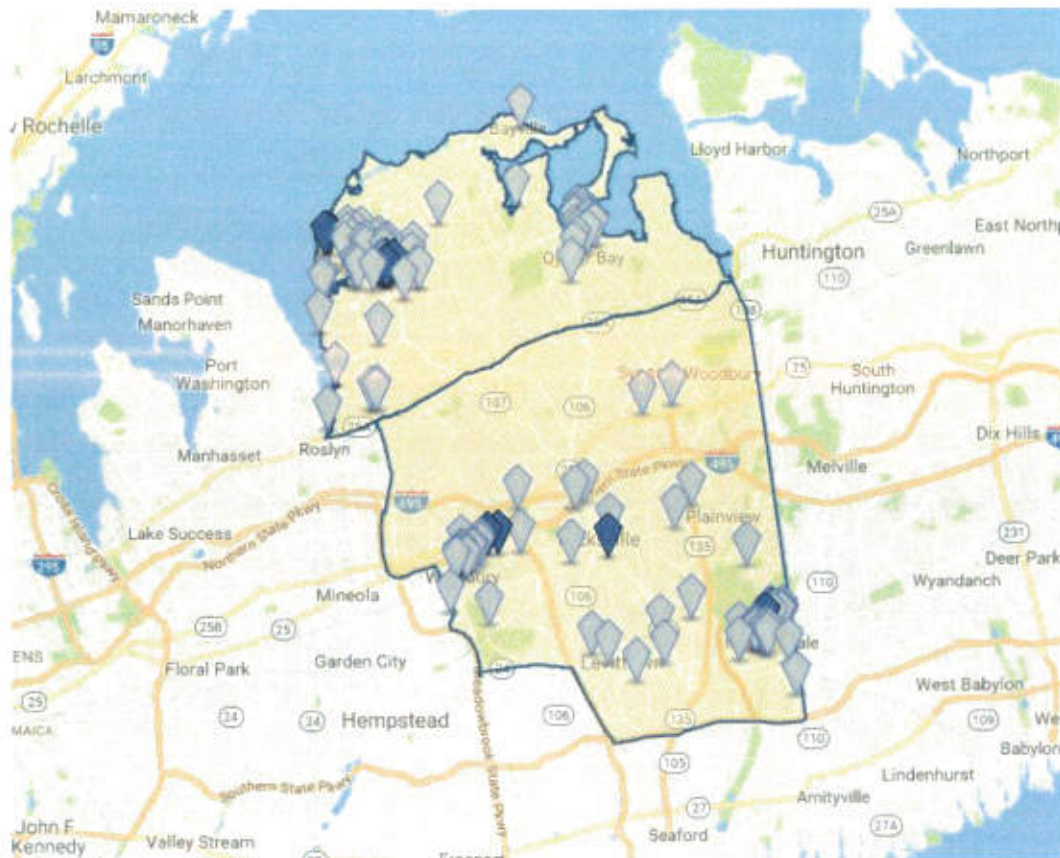
| <b><u>Unit Type</u></b> | <b><u>Gross Living Area</u></b> | <b><u>Monthly Rent</u></b> | <b><u>Rent/SF/GLA</u></b> |
|-------------------------|---------------------------------|----------------------------|---------------------------|
| MC Studio               | 306                             | \$1,250                    | \$48.98                   |
| MC One Bedroom          | 599                             | \$2,200                    | \$44.11                   |
| AL Studio               | 308                             | \$1,250                    | \$48.75                   |
| AL One Bedroom          | 510                             | \$1,900                    | \$44.72                   |
| AL Two Bedroom          | 776                             | \$2,800                    | \$43.30                   |

The concluded, weighted average, market rent equates to \$45.83 per square foot of gross leasable area and is well supported by current market activity.



### OCCUPANCY

Residential (multifamily) occupancy is high throughout the Nassau County region, with a current vacancy rate of 2.7% reported by CoStar. The northern and eastern Nassau County submarkets have a similar vacancy rate reported by CoStar of 3.2%.



| Leasing Units           | Survey | 5-Year Avg |
|-------------------------|--------|------------|
| Vacant Units            | 182    | 209        |
| Vacancy Rate            | 3.2%   | 3.7%       |
| 12 Mo. Absorption Units | 53     | 52         |

Vacancy and collection loss has been stabilized at 5.00% of potential gross income.

### OPERATING EXPENSE ANALYSIS

Our experience analyzing multifamily properties reveal operating expense ratios ranging from 25.0% to 45.0% of effective gross income (excluding real estate taxes). We have stabilized apartment operating expenses at 32.50% of effective gross income.

This analysis is more fully depicted in the table on the following page.

## Income Capitalization Analysis

BSL Woodbury, LLC

900 Woodbury Road

Woodbury, New York 11797

Section 12, Block 527, Lot 24

| <u>Subject Property Data</u>         |         | <u>Unit Type</u> | <u>Gross Living Area</u> | <u>Monthly Rent</u>          | <u>Rent/SF/GLA</u> |
|--------------------------------------|---------|------------------|--------------------------|------------------------------|--------------------|
| Gross Building Area:                 | 73,927  | MC Studio        | 306                      | \$1,250                      | \$48.98            |
| Reported Tenant Gross Rentable Area: | 38,976  | MC One Bedroom   | 599                      | \$2,200                      | \$44.11            |
| No. of Units:                        | 89      | AL Studio        | 308                      | \$1,250                      | \$48.75            |
| Average Unit Size (+/- SF):          | 438     | AL One Bedroom   | 510                      | \$1,900                      | \$44.72            |
|                                      |         | AL Two Bedroom   | 776                      | \$2,800                      | \$43.30            |
| Site Area:                           | 163,709 |                  |                          | Vacancy & Credit Loss:       | 5.00%              |
| Land to Building Ratio:              | 2.21    |                  |                          | Operating Expense Ratio:     | 32.50%             |
|                                      |         |                  |                          | Overall Capitalization Rate: | 7.00%              |

### Tax Year

2016/17

### Potential Gross Income

|                        | <u>Market Rent</u> | <u>No. of Units</u> | <u>Annual Rent</u> |
|------------------------|--------------------|---------------------|--------------------|
| <b>Memory Care</b>     |                    |                     |                    |
| Studio                 | \$1,250            | 16                  | \$240,000          |
| One Bedroom            | \$2,200            | 8                   | \$211,200          |
| <b>Assisted Living</b> |                    |                     |                    |
| Studio                 | \$1,250            | 23                  | \$345,000          |
| One Bedroom            | \$1,900            | 39                  | \$889,200          |
| Two Bedroom            | \$2,800            | 3                   | \$100,800          |

**Potential Gross Income** **\$1,786,200**

Vacancy & Collection Loss @ 5.00% of PGI (\$89,310)

**Effective Gross Income** **\$1,696,890**

EGI Per SF/GBA \$22.95

EGI Per SF/GLA \$43.54

EGI Per Unit/Month \$1,589

**Total Operating Expenses** **\$551,489**

Operating Expense Ratio 32.50%

Operating Expenses Per SF/GBA \$7.46

Operating Expenses Per SF/GLA \$14.15

Operating Expenses Per Unit/Month \$516

**Net Operating Income Estimate** **\$1,145,401**

### **CAPITALIZATION OF NOI & DETERMINATION OF ASSESSMENT**

In order to convert the Net Operating Income estimate into a value that the assessor will utilize for establishing an assessment, a composite capitalization rate must be developed. There are two components to the composite capitalization rate; the first is the base capitalization rate.

#### **BASE CAPITALIZATION RATE**

The market supported capitalization rate is 7.00%. This allocation is within the range reported by the 1<sup>st</sup> Quarter 2017 PwC Survey of the National Apartment Market which depicts overall capitalization rates ranging from 3.50% to 8.00% with an average of 5.33%.

#### **EFFECTIVE TAX RATE**

The second component of the composite capitalization rate is the effective tax rate. Calculation of the effective tax rate is the multiplication of the tax rate by the equalization rate. We have relied on figures provided by Nassau County for the 2017 General Roll and the 2016/17 School Roll.

The table below illustrates the development of the effective tax rate for the subject.

| Effective Tax Rate Analysis                  |                               |         |
|--|-------------------------------|---------|
| BSL Woodbury, LLC                            |                               |         |
| 900 Woodbury Road                            |                               |         |
| Woodbury, New York 11797                     |                               |         |
| Tax Map No.                                  | Section 12, Block 527, Lot 24 |         |
| Tax Year:                                    | 2016/17                       |         |
| <u>County Tax Rates</u>                      |                               |         |
| 2017 Class IV General Tax Rate/\$100 A.V.:   | 369.3700                      |         |
| 2016/17 Class IV School Tax Rate/\$100 A.V.: | 464.1470                      |         |
| Total Tax Rate                               | \$833.5170                    |         |
| Level of Assessment                          | 1.00%                         |         |
| Effective County/School Tax Rate:            |                               | 8.3352% |
| Effective Tax Rate:                          |                               | 8.3352% |

#### **COMPOSITE CAPITALIZATION RATE**

When the base rate of 7.00% is added to the effective tax rate of 8.3352%, a composite or tax loaded capitalization rate of 15.3352% is revealed.



CAPITALIZATION OF NET OPERATING INCOME & DERIVATION OF ASSESSED VALUE

The table below illustrates capitalization of stabilized net operating income.

| <u>Capitalization Rate Summary</u>   |                 |                    |
|--------------------------------------|-----------------|--------------------|
| Base Capitalization Rate             |                 | 7.0000%            |
| Effective Tax Rate                   |                 | <u>8.3352%</u>     |
| <b>Composite Capitalization Rate</b> |                 | <b>15.3352%</b>    |
| <u>Valuation Summary</u>             |                 |                    |
| Net Operating Income Estimate        | \$1,145,401     |                    |
| Composite Capitalization Rate        | <u>15.3352%</u> |                    |
| Indicated Value                      |                 | \$7,469,110        |
| <b>Rounded to</b>                    |                 | <b>\$7,470,000</b> |
| <i>Indicated Value Per SF/GBA</i>    |                 | <i>\$101.05</i>    |
| <i>Indicated Value Per SF/GLA</i>    |                 | <i>\$191.66</i>    |
| <i>Indicated Value Per Unit</i>      |                 | <i>\$83,933</i>    |
| <u>Determination of Assessment</u>   |                 |                    |
| <u>County/School</u>                 |                 |                    |
| Equalization Rate                    |                 | 1.00%              |
| Appraiser's Indicated A.V.           |                 | \$74,700           |

### SUMMARY OF CONCLUSIONS

Based on our analysis, the following Real Property Value, Ad Valorem assessment and PILOT are derived for the subject property.

| <b>Projected Value, Assessed Valuation &amp; Estimated PILOT</b>                                    |                 |                       |
|---|-----------------|-----------------------|
| BSL Woodbury, LLC<br>900 Woodbury Road<br>Woodbury, New York 11797<br>Section 12, Block 527, Lot 24 |                 |                       |
| <b>Projected Value Estimate</b>   |                 |                       |
| Assisted Living Facility  |                 | \$7,470,000           |
| <b>Estimated Real Property Value</b>  |                 | <b>\$7,470,000</b>    |
| <b>Estimated Ad Valorem Assessed Value</b>  |                 |                       |
| Nassau County Assessed Value  |                 | \$74,700              |
| <b>Estimated PILOT</b>  |                 |                       |
|   | <u>Tax Rate</u> | <u>Computed PILOT</u> |
| 2017 Class IV General Tax Rate/\$100 A.V.:  | \$369.3700      | \$275,919             |
| 2016/17 Class IV School Tax Rate/\$100 A.V.:  | \$464.1470      | \$346,718             |
| <b>Total:</b>   |                 | <b>\$622,637</b>      |

*\* Under the hypothetical condition that the improvements are completed and on the current tax rolls utilizing the current tax rates.*



## **LIMITING CONDITIONS AND GENERAL ASSUMPTIONS**

1. Building area and site area estimates utilized throughout this report are based upon the descriptive information provided by the client.
2. No responsibility is assumed for matters of a legal nature affecting title to the property nor is an opinion of title rendered. The title is assumed to be insurable.
3. Information furnished by others is assumed to be true, correct and reliable. A reasonable effort has been made to verify such information; however, no responsibility for its accuracy is assumed by the appraiser(s).
4. It is assumed that there are no hidden or unapparent conditions of the property, subsoil or structures that would render it more or less valuable. No responsibility is assumed for such conditions or for the engineering that may be required to discover them.
6. It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws unless non-conformity has been stated, defined and considered in the report.
7. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless non-conformity has been stated, defined and considered in the report.
8. It is assumed that all required licenses, consent or other legislative or administrative authority from any local, state or national governmental or private entity or organization have been, or can be, obtained or renewed for any use on which is contained in this report.
9. It is assumed that the improvements are within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted within the report.
10. If the reader is making a fiduciary or individual investment decision and has any questions concerning the material contained in this report, it is recommended that the reader contact the undersigned.
11. This report represents a summary of the findings of the data gathering process and the appropriate analysis. All input data would have been too voluminous to include in this report. The exclusion of same does not preclude the appraiser(s) from referring to this data at a future date. If the occasion arises, the appraiser(s) reserves the right to refer to any of the source material used in the preparation of this appraisal to further clarify any item contained in this report.
12. The valuation techniques and data apply to this case only. They may or may not apply to other properties or situations. Unless Standard Valuation Services does a complete analysis according to their standards, no such implication can be assumed or inferred.

13. This report is meant to be presented in its entirety. If this report is presented in any form other than its complete form, it becomes invalid.
14. Projections utilized in this report are based upon analysis of past and current trends, business cycles and available market data. Supporting data for the conclusions presented herein is retained in the appraisers' work files. Future valuation estimates may be affected by events that cannot be reasonably foreseen at the time of the writing of this report. These may be local, national or international in scope. It must be understood that actual results achieved during projection periods may vary from those indicated and the variations could be material.
15. The estimates contained in this analysis are based on the assumption that the improvements are fully constructed and operating at stabilized occupancy as of the date of this report. As such, this analysis does not consider differing tax rates or market conditions that may be in effect when the proposed improvements are completed.
16. While we have taken every step to forecast realistic current assessments for the proposed improvements under the scenario(s) outlined herein, there are many variable factors, including but not limited to, comparable rental values, vacancy rates, operating expense ratios, tax rates, capitalization rates, interest rates and equalization rates. As such, there is no guarantee that the assessor would adopt these figures and the actual assessment and subsequent real estate tax burden may be higher or lower than those forecasted herein.
17. Maps, plats, and exhibits included herein are for illustration only; as an aid in visualizing matters discussed within the report. They should not be considered as surveys or relied upon for any other purpose.
18. This report is made for the client to who it is addressed and is to be used by said client only for the purpose stated in the report. No reliance is to be placed on this report for any other purpose nor shall it be published, distributed or shown to other parties, or disseminated to the public in any part, whether through advertising, public relations, news, or any other means of communication, without prior written consent and approval.

## **CERTIFICATION**

The undersigned certify that, to the best of our knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, impartial, and unbiased professional analyses, opinions, conclusions, and recommendations.
3. We have no present or prospective interest in the property that is the subject of this report, and have no personal interest with respect to the parties involved.
4. We have performed no services, as a consultant, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. We have no bias with respect to any property that is the subject of this report or to the parties involved with this assignment.
6. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal consulting assignment.
8. Our analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice.
9. Ronald Camilleri has made a personal inspection of the property that is the subject of this report. Andrew W. Albro has not inspected the subject property.
10. No one provided significant real property appraisal or appraisal consulting assistance to the persons signing this certification.
11. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.

12. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
13. As of the date of this report, Ronald Camilleri and Andrew W. Albro have completed the continuing education program for Designated Members of the Appraisal Institute.



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Ronald Camilleri, MAI  
May 8, 2017



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Andrew W. Albro, MAI, MRICS  
May 8, 2017

## ADDENDA

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# SUMMARY OF COMPARABLE RENTAL DATA

| Sr # | Street Name    | Apt# | Town     | Zip   | List Price | Rented Price | Style        | Rooms | Bedrooms | Bathrooms | Gas | Heat    | Electric | SD# | List Date  | Rent Date  | ML#     |
|------|----------------|------|----------|-------|------------|--------------|--------------|-------|----------|-----------|-----|---------|----------|-----|------------|------------|---------|
| 1    | Martin         | PJ   | Syosset  | 11791 | \$1,300    |              | Cape         | 8     | 1        | 1         | 1   |         |          | 2   | 7/13/2016  |            | 2868863 |
| 141  | Railroad Ave   | 1B   | Syosset  | 11791 | \$1,400    | \$1,400      | Colonial     | 3     | 1        | 1         | 1   | Inc     | Inc      | 2   | 5/19/2016  | 5/22/2016  | 2854063 |
| 141  | Railroad Ave   | 1A   | Syosset  | 11791 | \$1,500    | \$1,500      | Colonial     | 4     | 1        | 1         | 1   | Inc     | Not Inc  | 2   | 5/19/2016  | 5/22/2016  | 2854057 |
| 2    | Old Oak Ct     |      | Syosset  | 11791 | \$1,500    |              | Colonial     | 2     | 1        | 1         | 1   | Inc     | Inc      | 2   | 12/13/2016 |            | 2901720 |
| 69   | Roosevelt Ave  |      | Syosset  | 11791 | \$1,650    | \$1,650      | Apt In House | 3     | 1        | 1         | 1   | Partial | Partial  | 2   | 11/23/2016 | 12/17/2016 | 2898259 |
| 8    | Jackson Ave    | 1    | Syosset  | 11791 | \$1,650    | \$1,650      | Apt In Bldg  | 3     | 1        | 1         | 1   |         |          | 2   | 11/30/2016 | 12/17/2016 | 2899159 |
| 139* | Cold Spring Rd |      | Syosset  | 11791 | \$1,700    |              | Colonial     | 3     | 1        | 1         | 1   | Inc     | Inc      | 2   | 4/13/2017  |            | 2929234 |
| 310  | Laurel Ln      |      | Syosset  | 11791 | \$2,000    |              | Apt In House | 3     | 1        | 1         | 1   | Inc     | Inc      | 2   | 12/7/2016  |            | 2900384 |
| 14   | Wills Ave      | 5    | Syosset  | 11791 | \$2,150    |              | Apt In Bldg  | 2     | 1        | 1         | 1   |         |          | 2   | 4/21/2017  |            | 2931036 |
| 118  | Plainview Rd   |      | Woodbury | 11797 | \$2,150    | \$2,150      | Cottage      | 3     | 1        | 1         | 1   | Not Inc | Not Inc  | 2   | 4/10/2017  | 4/17/2017  | 2928109 |
| 55   | Muttontown Rd  | 2    | Syosset  | 11791 | \$1,650    | \$1,750      | Colonial     | 5     | 2        | 1.5       | 1   | Not Inc | Not Inc  | 2   | 11/2/2016  | 11/19/2016 | 2894413 |
| 14   | Wills Ave      |      | Syosset  | 11791 | \$2,350    |              | Apt In Bldg  | 4     | 2        | 1         | 1   | Not Inc | Not Inc  | 2   | 4/15/2017  |            | 2929447 |
| 2092 | Edge Rd        |      | Syosset  | 11791 | \$2,500    | \$2,500      | Cottage      | 5     | 2        | 1         | 1   | Not Inc | Not Inc  | 15  | 7/25/2016  | 8/9/2016   | 2871834 |
| 283  | Jackson Ave    |      | Syosset  | 11791 | \$2,500    |              | Share House  | 3     | 2        | 1         | 1   |         |          | 2   | 8/3/2016   |            | 2873677 |
| 135  | Railroad Ave   |      | Syosset  | 11791 | \$2,500    | \$2,500      | Bungalow     | 5     | 2        | 2         | 1   | Inc     | Inc      | 2   | 2/3/2017   | 3/4/2017   | 2911310 |
| 4    | Chadwick Rd    |      | Syosset  | 11791 | \$2,500    |              | Exp Ranch    | 3     | 2        | 1         | 1   | Inc     | Inc      | 2   | 3/9/2017   |            | 2919935 |
| 10   | Irving Dr      |      | Woodbury | 11797 | \$2,500    | \$2,500      | Apt In House | 5     | 2        | 1         | 1   | Not Inc | Not Inc  | 2   | 7/12/2016  | 8/19/2016  | 2868259 |
| 126  | Plainview Rd   |      | Woodbury | 11797 | \$2,950    | \$2,900      | Colonial     | 5     | 2        | 2         | 2   | Not Inc | Not Inc  | 2   | 5/23/2016  | 5/31/2016  | 2855103 |
| 32   | Pickwick Dr    |      | Syosset  | 11791 | \$3,200    |              | Split        | 7     | 2        | 2         | 2   | Not Inc | Not Inc  | 2   | 9/13/2016  |            | 2883041 |
| 18   | Jennings Ln    |      | Woodbury | 11797 | \$3,800    | \$3,800      | Condo        | 6     | 2        | 2.5       | 2   | Not Inc | Not Inc  | 2   | 1/31/2017  | 2/15/2017  | 2910260 |

**Apartment Rental Comparables  
Nassau County - 2017 Survey  
Luxury Apartment Market**

| Location                  | Asking<br>Rent/Month | GLA   | Rent/SF/<br>Month | Rent/SF/<br>Annum |
|---------------------------|----------------------|-------|-------------------|-------------------|
| Avalon - Long Beach       | \$3,633              | 868   | \$4.19            | \$50.23           |
| Avalon - Long Beach       | \$4,560              | 1,227 | \$3.72            | \$44.60           |
| Avalon - Long Beach       | \$5,615              | 1,906 | \$2.95            | \$35.35           |
| Avalon - Glen Cove        | \$2,065              | 570   | \$3.62            | \$43.47           |
| Avalon - Glen Cove        | \$2,495              | 866   | \$2.88            | \$34.57           |
| Avalon - Glen Cove        | \$2,530              | 855   | \$2.96            | \$35.51           |
| Avalon - Glen Cove        | \$2,945              | 1,140 | \$2.58            | \$31.00           |
| Avalon - Westbury         | \$2,582              | 765   | \$3.38            | \$40.50           |
| Avalon - Westbury         | \$3,026              | 1,098 | \$2.76            | \$33.07           |
| Avalon - Westbury         | \$3,937              | 1,382 | \$2.85            | \$34.19           |
| Avalon - Garden City      | \$3,200              | 1,042 | \$3.07            | \$36.85           |
| Avalon - Garden City      | \$3,395              | 1,116 | \$3.04            | \$36.51           |
| Avalon - Garden City      | \$3,590              | 1,300 | \$2.76            | \$33.14           |
| Avalon - Garden City      | \$4,700              | 1,930 | \$2.44            | \$29.22           |
| Avalon - Garden City      | \$4,410              | 1,885 | \$2.34            | \$28.07           |
| Avalon - Garden City      | \$5,040              | 2,118 | \$2.38            | \$28.56           |
| Avalon - Rockville Centre | \$2,620              | 776   | \$3.38            | \$40.52           |
| Avalon - Rockville Centre | \$2,740              | 877   | \$3.12            | \$37.49           |
| Avalon - Rockville Centre | \$3,580              | 1,137 | \$3.15            | \$37.78           |
| Avalon - Rockville Centre | \$3,730              | 1,252 | \$2.98            | \$35.75           |

# PWC SURVEY

| <b>Table 29</b><br><b>NATIONAL APARTMENT MARKET</b><br>First Quarter 2017                  |                |                |                |                |                 |
|--|----------------|----------------|----------------|----------------|-----------------|
|  | CURRENT        | LAST QUARTER   | 1 YEAR AGO     | 3 YEARS AGO    | 5 YEARS AGO     |
| <b>DISCOUNT RATE (IRR)<sup>a</sup></b>   |                |                |                |                |                 |
| Range  | 5.50% - 10.00% | 5.50% - 10.00% | 5.00% - 10.00% | 6.00% - 14.00% | 5.25% - 14.00%  |
| Average  | 7.24%          | 7.30%          | 7.28%          | 8.17%          | 8.28%           |
| Change (Basis Points)  |                | - 6            | - 4            | - 93           | - 104           |
| <b>OVERALL CAP RATE (OAR)<sup>a</sup></b>  |                |                |                |                |                 |
| Range  | 3.50% - 8.00%  | 3.50% - 7.50%  | 3.50% - 8.00%  | 3.50% - 10.00% | 3.75% - 10.00%  |
| Average  | 5.33%          | 5.26%          | 5.35%          | 5.79%          | 5.83%           |
| Change (Basis Points)  |                | + 7            | - 2            | - 46           | - 50            |
| <b>RESIDUAL CAP RATE</b>   |                |                |                |                |                 |
| Range  | 4.25% - 8.00%  | 4.25% - 7.50%  | 4.25% - 8.50%  | 4.25% - 9.50%  | 4.50% - 9.75%   |
| Average  | 5.75%          | 5.71%          | 5.86%          | 6.23%          | 6.25%           |
| Change (Basis Points)  |                | + 4            | - 11           | - 48           | - 50            |
| <b>MARKET RENT CHANGE<sup>b</sup></b>  |                |                |                |                |                 |
| Range  | 0.00% - 5.00%  | 0.00% - 5.00%  | 0.00% - 6.00%  | 0.00% - 8.00%  | (2.00%) - 8.00% |
| Average  | 2.80%          | 2.85%          | 3.18%          | 2.73%          | 2.73%           |
| Change (Basis Points)  |                | - 5            | - 38           | + 7            | + 7             |
| <b>EXPENSE CHANGE<sup>b</sup></b>  |                |                |                |                |                 |
| Range  | 2.00% - 4.00%  | 2.00% - 4.00%  | 2.00% - 4.00%  | 1.00% - 3.50%  | 1.00% - 4.00%   |
| Average  | 2.73%          | 2.78%          | 2.91%          | 2.70%          | 2.62%           |
| Change (Basis Points)  |                | - 5            | - 18           | + 3            | + 11            |
| <b>MARKETING TIME<sup>c</sup></b>  |                |                |                |                |                 |
| Range  | 1 - 9          | 1 - 9          | 1 - 9          | 0 - 12         | 0 - 18          |
| Average  | 3.9            | 3.8            | 3.8            | 5.0            | 5.3             |
| Change (▼, ▲, =)   |                | ▲              | ▲              | ▼              | ▼               |
| a. Rate on unleveraged, all-cash transactions    b. Initial rate of change    c. In months |                |                |                |                |                 |

## QUALIFICATIONS

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## RONALD CAMILLERI, MAI

Certified General Real Estate Appraiser  
State Of New York - ID # 46000026088



### EXPERIENCE:

#### STANDARD VALUATION SERVICES

Partner  
October 1999 to Present

**R.D. Geronimo, Ltd.**  
February 1994 to October 1999

### RESPONSIBILITIES:

Conduct narrative appraisals and advise clients for a variety of functions, including:

- *Litigation, estate planning, financing, mass appraisal, sale and lease negotiations, tax certiorari, condemnation, investment decisions, asset management, foreclosure and asset recovery, market and feasibility studies.*

My practice is focused on complex and unique appraisal and consulting assignments, large scale projects and matters involving litigation.

- *Properties appraised include vacant land, shopping centers (small strip through regional mall), movie theaters, urban and suburban office complexes, assisted living facilities, nursing homes, full and limited service hotels, urban and suburban apartment complexes, mobile home parks, golf courses, industrial properties, religious facilities, educational facilities, telecommunications facilities, marinas, proposed development projects and other special-use properties.*

### EDUCATION:

Hofstra University, Hempstead, New York  
Master of Business Administration in Finance–June 1997

State University of New York at Binghamton  
Bachelor of Arts in Economics – May 1990

### ASSOCIATION MEMBERSHIPS & APPOINTMENTS:

MAI Member – Appraisal Institute

Experience Review Screener – Appraisal Institute  
2014 - Present

### CONTINUED EDUCATION:

Current and in compliance with the continuing education requirements for Designated Members of the Appraisal Institute

#### **EXPERT TESTIMONY:**

- Nassau County Supreme Court
- American Arbitration Association
- JAMS
- Settlement Systems, Inc.

#### **RELATED SEMINARS:**

- New York City Apartment Building Case Studies
- Appraisal of Nursing Facilities
- The Internet and Appraising
- Understanding and Using DCF Software
- The Valuation of REITS
- Real Estate Market Trends in the Long Island & Metropolitan New York Market
- Dynamics of Office Leasing
- 1998 Seniors Housing World Conference
- Mark to Market: The Next FIRREA
- Analyzing Operating Expenses
- Mass Appraisal Model Seminar
- Nassau County Tax Assessment
- Market Analysis and the Site to Do Business
- Appraising Environmentally Contaminated Properties
- Real Estate Investments and Appraisal Skills
- New Frontiers and Opportunities in Litigation
- Online Valuation Resources Available to the NY Appraiser
- Nassau County Assessment – Challenges, Initiatives and Valuation
- Subdivision Valuation – A Comprehensive Guide to Valuing Improved Subdivisions
- Co-Ops/Condos: Residential Market Forecast for Year 2008
- The Sub-Prime Mortgage Crisis
- Retail Trends of Tomorrow
- Valuation of Green Buildings
- Appraising Distressed Commercial Real Estate
- Hotel Appraising - New Techniques For Today's Uncertain Times
- Fundamentals of Separating Real Property, Personal Property & Intangible Business Assets
- Building Costs and Challenges in the Long Island Real Estate Market
- Appraising Cell Phone Towers
- LI Housing Market: Transitioning from Recovery to Recovered
- Supervisory Appraiser/Trainee Appraiser Course
- 1031/1033 Exchanges: Rules, Solutions and Alternatives

## ANDREW W. ALBRO, MAI, MRICS

State Certified General Real Estate Appraiser  
State of New York - ID # 46000002861



### ➤ *Experience:*

#### **STANDARD VALUATION SERVICES**

##### **Executive Vice President, Principal**

Director, Condemnation Valuation and Commercial Certiorari Valuation  
January 1996 to July 2005

Senior Commercial Appraiser  
January 1992 to December 1995

MACCRATE ASSOCIATES, INC.  
July 1986 to December 1991

#### **Real Estate Appraisal and Consultation -**

Dealing with commercial, industrial, residential and special-use properties for a variety of functions, including:

Tax certiorari; condemnation and damage analyses; right-of-way, utility, and conservation easements; urban renewal; financing, sale and lease negotiations; arbitration, investment decisions; asset management; foreclosure and asset recovery; market studies and feasibility analysis.

Properties appraised include vacant land, urban and suburban apartment complexes, restaurants, gas stations, large manufacturing plants, industrial lofts, subsidized housing projects, regional shopping malls, shopping centers, urban and suburban office buildings, leaseholds, partial interests, hotels, daycare centers, assisted living facilities, marinas, theaters, recreational facilities, schools and campuses, communication tower sites, outdoor signage, streets and corridors, and other special-use properties.

Perform eminent domain appraisals for condemnees and condemnors, including New York State Department of Transportation, City of New York Law Department, City of Long Beach, Village of Westbury, Federal Aviation Administration, and Town of Hempstead Planning Department.

Perform tax certiorari appraisals for petitioners and municipalities, including Villages of Mineola, East Williston, Williston Park, Lynbrook, Massapequa Park, Roslyn; Nassau County; City of New York and City of Long Beach.

### ➤ *Expert Testimony:*

- New York State Court of Claims
- New York State Surrogate's Court, New York County
- New York County (Manhattan) Supreme Court
- Nassau County Supreme Court
- Suffolk County Supreme Court
- Kings County Supreme Court
- Queens County Supreme Court
- Town of North Hempstead Zoning Board of Appeals
- Village of Mineola Zoning Board of Appeals
- Village of Lawrence Zoning Board of Appeals
- American Arbitration Association



- **Education:** St. John's University, Jamaica, New York  
Bachelor of Science in Quantitative Analysis, 1986
- **Association Membership:** MAI (#11882) Member, Appraisal Institute, Long Island Chapter  
MRICS Designation, Royal Institute of Chartered Surveyors  
CSA-G Designation, Columbia Society of Real Estate Appraisers  
Member of New York State Condemnation Conference  
Member of International Right of Way Association  
Village of Mineola Community Planning Committee
- **Professional Affiliations:** Long Island Chapter, Appraisal Institute
  - 2008: Chapter President, Regional Representative
  - 2007: Chapter Senior Vice President, Regional Representative
  - 2006: Chapter Vice President
  - 2005: Chapter Secretary
  - 2003–04: Chair, General Seminars Committee
  - 2001–2002: Chair, Chapter By-laws Committee
  - 1998–2000: Chair, Associate Member/General Liaison Committee
  - 1995–1999: Vice Chair, Course Coordinator, Education, General
- **Instructor:** Seminar, Nassau County Attorney's Office, June 2009  
*Capitalization Rates – Facts and Fiction*
- **Seminar Developer:** Seminar, New York State Bar Association, April – May 2010  
*Real Property Valuation in Changing Times*
- **Speaker:** Metropolitan Mortgage Officers Society, October 2013
- **Continued Education:** Attend frequent seminars and continued education courses sponsored by various organizations, including the following Appraisal Institute seminars:
  - "Appraisal of Nonconforming Uses"
  - "Fundamentals of Separating Real Property, Personal Property, and Intangible Business Assets"
  - "Appraising Environmentally Contaminated Properties: Understanding and Evaluating Stigma"
  - "Rates and Ratios: Making Sense of GIMs, OARs and DCF"
  - "Evaluating Commercial Construction"
  - "Subdivision Analysis"
  - "The Road Less Traveled: Special Purpose Properties"
  - "Small Hotel/Motel Valuation"
  - "Real Estate Value, Finance and Investment Performance"
  - "Eminent Domain and Condemnation"
  - "Easement Valuation"
  - "The Law and Value: Communication Corridors, Tower Sites, and Property Rights"
  - "Appraisal of Nursing Facilities"
  - "Appraising Troubled Properties"
  - "The Valuation of Real Estate Businesses"
  - "Attacking and Defending an Appraisal in Litigation"
  - "Valuation and Evaluation of Proposed Projects"