

NASSAU COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

APPLICATION OF:

B2K AT WESTBURY, 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 \$1,500 non-refundable application fee (the "Application Fee"); (ii) a \$3,500 expense deposit for the Agency's Transaction/Bond Counsel fees and expenses (the "Counsel Fee Deposit"), (iii) a \$4,500 expense deposit for the cost/benefit analysis with respect to the project contemplated by this Application (the "Cost/Benefit Deposit"), and (iv) a \$500 expense deposit for the real property tax valuation analysis, if applicable, with respect to the project contemplated by this Application (the "Valuation Deposit"). The Application Fee will not be credited against any other fees or expenses which are or become payable to the Agency in connection with this Application or the project contemplated herein (the "Project"). In the event that the subject transaction does not close for any reason, the Agency may use all or any part of the Counsel Fee Deposit, the Cost/Benefit Deposit and/or the Valuation Deposit to defray the cost of Transaction/Bond Counsel fees and expenses, the cost of obtaining a cost/benefit analysis and/or the cost of obtaining a real property tax valuation with respect to the Project. In the event that the subject transaction does close, the Counsel Fee Deposit, the Cost/Benefit Deposit and the Valuation Deposit shall be credited against the applicable expenses incurred by the Agency with respect to the Project.

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

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

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

OCTOBER 4, 2024

DATE

PART I. APPLICANT

A. APPLICANT FOR FINANCIAL ASSISTANCE:

Name: B2K AT WESTBURY, LLC

Address: 300 JERICHO TURNPIKE, SUITE 300, JERICHO, NY 11753

Fax: 516-747-4800

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

NAICS Code #: 623312

Website: www.b2kdevelopment.com

Name of CEO or
Authorized Representative Certifying Application: STEVEN KRIEGER

AUTHORIZED SIGNATORY
Title of Officer: _____

Phone Number: _____ E-Mail: _____

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

Sole Proprietorship _____ General Partnership _____ Limited Partnership _____

Limited Liability Company X _____ Privately Held Corporation _____

Publicly Held Corporation _____ Exchange listed on _____

Not-for-Profit Corporation _____

Income taxed as: Subchapter S _____ Subchapter C _____

501(c)(3) Corporation _____ Partnership _____

State and Year of Incorporation/Organization: 2024 - Delaware

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

C. APPLICANT COUNSEL:

Firm name:	FARRELL FRITZ, P.C.
Address:	400 RXR PLAZA UNIONDALE, NY 11556
Primary Contact:	PETER L. CURRY, ESQ.
Phone:	516-227-0772
Fax:	516-336-2296
E-Mail:	PCURRY@FARRELLFRITZ.COM

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

Name	Percentage owned
PLEASE SEE SCHEDULE I	_____ %
_____	_____ %
_____	_____ %

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

PLEASE SEE SCHEDULE I.

- 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 X NO

PLEASE SEE "E" ABOVE.

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

PLEASE SEE "E" ABOVE.

- 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

PLEASE SEE SCHEDULE I.

- 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 X

NO

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

YES

NO 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>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

YES _____

NO x

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

YES _____

NO x

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

1. (a) Location: N/A
- (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

THE CURRENT FACILITY WILL REMAIN OPERATIONAL, AND THERE WILL BE NO EMPLOYEES THAT ARE RELOCATED FROM ONE AREA OF NEW YORK STATE TO ANOTHER.

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

YES _____ NO X

WITHOUT THE ASSISTANCE OF THE AGENCY, THE APPLICANT WILL NOT BE ABLE TO COMPLETE THE ACQUISITION AND RENOVATION OF THE PROJECT.

- 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 PRINCIPALS OF THE APPLICANT ARE SOME OF THE TRI-STATE REGION'S LEADING DEVELOPERS AND
OPERATORS OF ASSISTED LIVING COMMUNITIES PROVIDING FIRST-IN-CLASS SENIOR CARE AND LIVING SERVICES.

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

Name: N/A

Relationship to Applicant: _____

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

PART II. PROPOSED PROJECT

A. Types of Financial Assistance Requested:

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

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

- ☐ New Construction of a Facility
Square footage: _____
- ☐ Addition to Existing Facility
Square footage of existing facility: _____
Square footage of addition: _____
- ☒ Renovation of Existing Facility
Square footage of area renovated: 120,200
Square footage of existing facility: 120,200
- ☒ Acquisition of Land/Building
Acreage/square footage of land: 2.25/99,970
Square footage of building: 120,200
- ☐ Acquisition of Furniture/Machinery/Equipment
List principal items or categories:

- ☐ Other (specify): _____

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

PLEASE SEE SCHEDULE I.

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

YES X

NO

WITHOUT THE FINANCIAL ASSISTANCE OF THE AGENCY, THE APPLICANT
WILL NOT UNDERTAKE THE PROJECT AND WILL DEPLOY ITS ASSETS AND RESOURCES ELSEWHERE.

- 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.

PLEASE SEE SCHEDULE I.

- F. Location of Project:

Street Address: 117 POST AVENUE, WESTBURY, NY 11590

City/Village(s): WESTBURY

Town(s): NORTH HEMPSTEAD

School District(s): WESTBURY

Tax Map Section: 10 Block: 125 Lot: 1-17 & 38

Census Tract Number: 3040.02

- G. Present use of the Project site: THE BRISTAL AT WESTBURY

- 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: \$ 342,177.64

School: \$ 645,345.27

Village: \$ 74,650.00

*CURRENT TAXABLE ASSESSED VALUE

- (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.

NO _____

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

YES _____ NO X

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

YES X _____ NO _____

If YES, indicate:

- (a) Date of purchase: _____
- (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: HSRE-EB WESTBURY, 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 X _____ NO _____ PLEASE SEE SCHEDULE I.

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

- (a) Date signed: MAY 28, 2024
- (b) Purchase price: \$ _____
- (c) Closing date: ON OR BEFORE NOV. 25, 2024

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 X _____ NO _____

PLEASE SEE SCHEDULE I.

- 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 X Sales of Services: YES _____ NO X

- 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):

NO ANTICIPATED IMPACT ON INFRASTRUCTURE AND OTHER
GOVERNMENT-PROVIDED SERVICES.

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

Architect: _____

Engineer: _____

Contractors: B2K CONSTRUCTION LLC (DE LLC)

- 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

- 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 _____

TWENTY (20%) PERCENT OF UNITS TO BE MAINTAINED AS AFFORDABLE.

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: PLEASE SEE SCHEDULE I

	<u>Item</u>	<u>Cost</u>	
1.	Land and/or Building Acquisition	\$: _____	*(Land - \$12,000,00.00)
2.	Building Demolition	\$ _____	(Building - \$23,000,000.00)*
3.	Construction/Reconstruction/Renovation	\$ _____	*Over three (3) year period
4.	Site Work	\$ _____	
5.	Infrastructure Work	\$ _____	
6.	Architectural/Engineering Fees	\$ _____	
7.	Applicant's Legal Fees	\$ _____	
8.	Financial Fees	\$ _____	
9.	Other Professional Fees	\$ _____	
10.	Furniture, Equipment & Machinery Acquisition (not included in 3. above)	\$ _____	
11.	Other Soft Costs (describe)	\$ _____	**Real Estate Closing Costs, Title Insurance, etc.**
12.	Other (describe)	\$ _____	***Insurance, Mortgage and Interest Contingencies***
	Total	\$ 37,850,000.00	

B. Estimated Sources of Funds for Project Costs:

a.	Tax-Exempt IDA Bonds:	\$ _____
b.	Taxable IDA Bonds:	\$ _____
c.	Conventional Mortgage Loans:	\$ 30,000,000.00
d.	SBA or other Governmental Financing:	\$ _____
	Identify: _____	
e.	Other Public Sources (e.g., grants, tax credits):	\$ _____
	Identify: _____	

f.	Other Loans:	\$	_____
g.	Equity Investment:	\$	7,850,000.00
	(excluding equity attributable to grants/tax credits)		
	TOTAL	\$	37,850,000.00

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

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

YES _____ NO X

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

YES _____ NO _____ NOT APPLICABLE X

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

YES _____ NO _____ NOT APPLICABLE X

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

YES _____ NO _____ NOT APPLICABLE X

G. Construction Cost Breakdown:

Total Cost of Construction: \$ 600,000.00 (sum of 2-5 and 10 in Question A above)

Cost for materials: \$ 360,000.00

% Sourced in County: 40 % PLEASE SEE SCHEDULE I

% Sourced in State: 100 % (incl. County)

Cost for labor: \$ 240,000.00

% Sourced in County: 40 %

% Sourced in State: 100 % (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:

* AGGREGATE PAYROLL.
THE APPLICANT DOES NOT
RECORD SEPARATE
PAYROLL FOR FULL AND
PART TIME*

	Present	First Year	Second Year	Third Year
Full-time: *	\$ N/A	\$ 3,605,000.00	\$ 3,713,150.00	\$ 3,824,545.00
Part-time: ¹				

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

Category of Jobs to be Retained:	Average Salary or Range of Salary:	Average Fringe Benefits or Range of Fringe Benefits
Management		
Professional		
Administrative	\$130,000.00	\$36,400.00
Production		
Supervisor	\$60,000.00	\$16,800.00
Laborer	\$20.00 PER HOUR	\$5.60 PER HOUR

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

Independent Contractor ²		
Other		

<u>Category of Jobs to be Created:</u>	<u>Average Salary or Range of Salary:</u>	<u>Average Fringe Benefits or Range of Fringe Benefits</u>
Management	N/A	
Professional	N/A	
Administrative	N/A	
Production	N/A	
Supervisor	N/A	
Laborer	N/A	
Independent Contractor ³	N/A	
Other	N/A	

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:

5 PLEASE SEE SCHEDULE I

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

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

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

\$ 5,200,000 (AT STABILIZATION)

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

0 %

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)?

0 %

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

TRANSFER TAX AND A PORTION OF MORTGAGE RECORDING TAX WILL BE PAYABLE.

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

	<u>Amount</u>	<u>% Sourced in County</u>	<u>% Sourced in State</u>
Year 1	<u>\$ 7,000,000</u>	<u>50</u>	<u>80</u>
Year 2	<u>\$ 7,140,000</u>	<u>50</u>	<u>80</u>
Year 3	<u>\$ 7,282,800</u>	<u>50</u>	<u>80</u>

- E. Notice to Applicant under Section 224-a(8)(d) of the New York Labor Law and acknowledgment of Applicant:

Please note that incentives from the NCIDA are considered "public funds" unless otherwise excluded under Section 224-a(3) of the New York Labor Law. Other than the estimates of incentives if awarded pursuant hereto, NCIDA makes no representations or covenants with respect to the total sources of "public funds" received by you in connection with your project.

By completing this Section of the Application, Applicant (i) acknowledges that the estimated sales tax exemption benefit, the estimated mortgage recording tax benefit and the estimated PILOT benefit amount, if any, as so identified in this Application and if awarded constitute "public funds" unless otherwise excluded under Section 224-a(3) of the New York Labor Law (ii) confirms that it has received notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law and (iii) acknowledges its obligations pursuant to Section 224-a(8)(a) of the New York

Labor Law.

F. Estimated Value of Requested Financial Assistance:

Estimated Value of Sales Tax Benefit: \$ 35,000.00
(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: \$ \$225,000.00
(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: 15

Existing Property Taxes on Land and Building: \$ 1,062,172.91

Estimated Property Taxes on completed Project: \$ 1,062,172.91
(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:

TRANSFER TAX AND A PORTION OF MORTGAGE RECORDING TAX WILL BE PAYABLE.

PART V. PROJECT SCHEDULE

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

1. (a) Site clearance	YES _____	NO <u>X</u> _____	_____ % complete
(b) Environmental Remediation	YES _____	NO <u>X</u> _____	_____ % complete
(c) Foundation	YES _____	NO <u>X</u> _____	_____ % complete
(d) Footings	YES _____	NO <u>X</u> _____	_____ % complete
(e) Steel	YES _____	NO <u>X</u> _____	_____ % complete
(f) Masonry	YES _____	NO <u>X</u> _____	_____ % complete
(g) Masonry	YES _____	NO <u>X</u> _____	_____ % complete
(h) Interior	YES _____	NO <u>X</u> _____	_____ % complete
(i) Other (describe below):	YES _____	NO <u>X</u> _____	_____ % complete

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

THE APPLICANT INTENDS TO INVEST \$600,000.00 IN UPGRADES AND CAPITAL IMPROVEMENTS TO THE PROJECT FOLLOWING ACQUISITION.

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

THE APPLICANT INTENDS TO COMPLETE THE UPGRADES AND CAPITAL IMPROVEMENTS WITHIN THE FIRST THREE (3) YEARS FOLLOWING ACQUISITION.

PART VI. ENVIRONMENTAL IMPACT

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

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

YES _____ NO 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: BEK AT WESTBURY, LLC

Signature: 

Name: STEVEN KRIEGER

Title: AUTHORIZED SIGNATORY

Date: 10/4/24

Sworn to before me this 4th
day of October, 2024


Notary Public

NICHOLAS J CAPPADORA
Notary Public, State of New York
No. 02CA6301563
Qualified in Nassau County 26
Commission Expires April 21, 2026

**CERTIFICATIONS AND ACKNOWLEDGMENTS
OF THE APPLICANT**

FIRST:

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

SECOND:

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

THIRD:

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

FOURTH:

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

FIFTH:

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

SIXTH:

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

SEVENTH:

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

EIGHTH:

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

YES _____ NO X

If YES, how many 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 X NO _____

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

If YES, answer the following questions:

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

TWENTY (20%) PERCENT OF THE UNITS

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

FOR RESIDENTS EARNING AT OR LESS THAN
EIGHTY (80%) PERCENT OF AREA MEDIAN INCOME.

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

VOLUNTARY SET-ASIDE BY THE APPLICANT.

Name of
Applicant:

BAY AREA TUBERY LLC

Signature:

Name:

STEVEN KRIEGER

Title:

AUTHORIZED SIGNATORY

Date:

10/4/24

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

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

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

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

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

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

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

- (A) Taxable Bond Issues Six-tenths (6/10) of one percent (1%) for the first twenty million dollars (\$20,000,000) of total project costs and, if applicable, two-tenths (2/10) of one percent (1%) for any additional amounts in excess of twenty million dollars (\$20,000,000) of total project costs.
- (B) Tax-Exempt Bond Issues – Six-tenths (6/10) of one percent (1%) of total project costs.
- (C) Straight-Lease Transactions Six-tenths (6/10) of one percent (1%) for the first twenty million dollars (\$20,000,000) of total project costs and, if applicable, two-tenths (2/10) of one percent (1%) for any additional amounts in excess of twenty million dollars (\$20,000,000) of total project costs
- (D) General Counsel Fee – One-tenth (1/10) of one percent (1%) of total project costs, with a minimum fee of \$4,000.
- (E) All Initial Transactions - Two Thousand Five Hundred Dollars (\$2,500) closing compliance fee payable at closing and One Thousand Dollars (\$1,000) per year (or part thereof) administrative fee, payable in advance, at the closing for the first year (or part thereof) and on January 1st of each year for the term of the financing. The annual service fee is subject to periodic review and may be adjusted from time to time in the discretion of the Agency.
- (F) Refundings – The Agency fee shall be determined on a case-by-case basis.
- (F) Assumptions – The Agency fee shall be determined on a case-by-case basis.
- (G) Modifications – The Agency fee shall be determined on a case-by-case basis, but in accordance with the following schedule.
 - A basic Consent - \$750
 - A Transfer of Benefits
 - Basic - \$3,000
 - Complex - \$6,000
 - Extensions - \$1,000
- (H) Terminations - The Agency fee shall be determined on a case-by-case basis, but in accordance with the following schedule.
 - Basic - \$2,000
 - Complex - \$2,500

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

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

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

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

Name STEVEN KRIEGER
Title AUTHORIZED SIGNATORY

Subscribed and affirmed to me this 4th
day of October, 2024


Notary Public

NICHOLAS J CAPPADORA
Notary Public, State of New York
No. 02CA6301563
Qualified in Nassau County
Commission Expires April 21, 2026

TABLE OF SCHEDULES:

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

Schedule A

TAX-EXEMPT BOND MANUFACTURING QUESTIONNAIRE

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

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

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

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

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

TOTAL

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

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

TOTAL

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

SQ. FOOTAGE

LOCATION

Raw Materials used
for production of
manufactured goods

Finished product storage

Component parts of
goods manufactured at
the facility

Purchased component
parts

Other (specify)

TOTAL

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

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

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

Name of
Applicant:

BLAATZ TURKEY LLC

Signature:
Name:
Title:
Date:

STEVEN KRIEGER

AUTHORIZED SIGNATORY

10/4/24

Schedule B

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

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

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

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

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

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

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

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

Name of
Applicant:

BLACK & VEATCH, INC. LLC

Signature:

STEVEN KNEIGER

Name:

ADJUTANT SENSITIVITY

Title:

Date:

10/1/24

Schedule C

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: B2K AT WESTBURY, LLC
Address: 300 JERICO TURNPIKE, SUITE 300, JERICO, NY 11753
Type of Business: DEVELOPER AND OPERATOR OF ASSISTED LIVING FACILITIES
Contact Person: STEVEN KRIEGER 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 Planned Occupations</u>	<u>Present Jobs Per Occupation</u>	<u>Estimated Number of Full Time Equivalent Jobs After Completion of the Project:⁴</u>			<u>Estimate of Number of Residents of the LMA⁵ that would fill such jobs by the third year</u>
		<u>1 year</u>	<u>2 years</u>	<u>3 years</u>	
<u>Management</u>	_____	_____	_____	_____	_____
<u>Professional</u>	_____	_____	_____	_____	_____
<u>Administrative</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>85%</u>
<u>Production</u>	_____	_____	_____	_____	_____
<u>Supervisor</u>	<u>7</u>	<u>7</u>	<u>7</u>	<u>7</u>	<u>85%</u>
<u>Laborer</u>	<u>67</u>	<u>67</u>	<u>67</u>	<u>67</u>	<u>85%</u>
<u>Independent Contractor</u>	_____	_____	_____	_____	_____
<u>Other (describe)</u>	_____	_____	_____	_____	_____

APPLICANT WILL MAINTAIN 75 FTEs AT PROJECT AS DETAILED IN PART IV OF THIS APPLICATION.

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

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

Please indicate the number of temporary construction jobs anticipated to be created in connection with the acquisition, construction and/or renovation of the Project: 5

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

RETENTION OF EXISTING FTEs AT PROJECT _____

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

YES _____

NO x _____

If YES, Union Name and Local: _____

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

Attached hereto as Schedule 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 and 45-ATT). Upon request of the Agency, the Applicant shall provide such other or additional information or documentation as the Agency may require with respect to the Applicant's current employment levels in the State of New York.

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

Name of
Applicant:

Signature:
Name:
Title:
Date:

STATE OF NEW YORK
COUNTY OF SHERIDAN
NOT A PUBLIC OFFICIAL
10/4/24

Schedule D

ANTI-RAIDING QUESTIONNAIRE

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

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

YES _____

NO _____

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

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

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

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

YES _____

NO _____

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

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

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

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

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?

- 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?

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:

U.S. Patent & Trademark Office

STEP 2: STORE

APPROVED SIGNATORY

10/4/24

Schedule E

RETAIL QUESTIONNAIRE

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

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

YES _____

NO _____

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

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

_____ %

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

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

YES _____

NO _____

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

YES _____

NO _____

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

YES _____

NO _____

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

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

YES _____

NO _____

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

Retail Sales: _____%

Services: _____%

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

Retail Sales: _____%

Services: _____%

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

Name of
Applicant:

B. A. S. P. PROPERTY LLC

Signature:

Name:

STEVEN KRIEGER

Title:

AUTHORIZED SIGNATORY

Date:

10/4/24

Schedule F

APPLICANT'S FINANCIAL ATTACHMENTS

Schedule G

ENVIRONMENTAL ASSESSMENT FORM

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project: B2K at Westbury, LLC							
Project Location (describe, and attach a location map): 117 Post Avenue, Westbury, New York 11590							
Brief Description of Proposed Action: Acquisition of senior assisted living facility and improvements thereto. The facility has already been constructed and site improvements shall include interior alterations and installations.							
Name of Applicant or Sponsor: B2K at Westbury, LLC		Telephone: _____ E-Mail: _____					
Address: 300 Jericho Turnpike, Suite 300							
City/PO: Jericho		State: New York	Zip Code: 11753				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Islip Planning and Development Department - Building Division - Building Permit			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? 2.25 acres b. Total acreage to be physically disturbed? 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0 acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES	
a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>B2K at Westbury LLC</u> <u>By: Steven Krieger, Member</u> Date: <u>3/20/2024</u> Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<div> <div>Name of Lead Agency</div> <div>Date</div> </div>	
<div> <div>Print or Type Name of Responsible Officer in Lead Agency</div> <div>Title of Responsible Officer</div> </div>	
<div> <div>Signature of Responsible Officer in Lead Agency</div> <div>Signature of Preparer (if different from Responsible Officer)</div> </div>	

PRINT

Schedule H

FORM NYS-45

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

Schedule I

OTHER ATTACHMENTS

SCHEDULE I TO APPLICATION – B2K AT WESTBURY, LLC

Part I – Applicant

Insert 1 (Page 4, Paragraph D.)

<u>NAME</u>	<u>PERCENTAGE OWNED</u>
	27.50%
	30.00%
	24.50%
	13.00%

Insert 2 (Page 4, Paragraph E.)

MEMBERS OF THE APPLICANT OWN NUMEROUS OTHER REAL ESTATE ENTITIES TOGETHER. PLEASE SEE APPLICANT’S BELOW RESPONSE IN INSERT 4 FOR A LIST OF PRIOR PROJECTS WITH THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY AND THE TOWN OF HEMPSTEAD INDUSTRIAL DEVELOPMENT AGENCY, RESPECTIVELY.

Insert 3 (Page 5, Paragraph H.)

PRIOR TRANSACTIONS WITH NASSAU COUNTY IDA:

▪ WESTBURY SENIOR LIVING LLC	(1999)
▪ EBS NORTH HILLS	(2002)
▪ EB SENIOR HOUSING AT MASSAPEQUA	(2004)
▪ HSRE-EB LAKE SUCCESS, LLC	(2015)
▪ HSRE-EB JERICHO, LLC	(2017)
▪ ENGEL BURMAN SENIOR HOUSING AT UNIONDALE LLC	(2018)
▪ ENGEL BURMAN AT UNIONDALE LLC	(2018)
▪ HSRE-EB BETHPAGE, LLC	(2021)

PRIOR TRANSACTIONS WITH TOWN OF HEMPSTEAD IDA:

▪ EB SENIOR HOUSING AT EAST MEADOW	(1999)
▪ HUNGRY HARBOR ASSOCIATES	(2001)
▪ BRISTAL GARDENS AT EAST MEADOW	(2003)
▪ CSH LYNBROOK	(2007)
▪ HSRE-EB GARDEN CITY, LLC	(2017)

Insert 4 (Page 5, Paragraph J.)

IN THE EARLY 1990’S ENTITIES IN WHICH JAN BURMAN HAD AN OWNERSHIP INTEREST DECLARED BANKRUPTCY. PROCEEDINGS FOR EACH BANKRUPTCY HAVE LONG SINCE BEEN COMPLETED.

Insert 5 (Page 8, Paragraph R.)

PLEASE SEE INSERT 4 IMMEDIATELY ABOVE.

Part II – Proposed Project

Insert 6 (Page 9, Paragraph C.)

DUE TO THE COVID-19 PANDEMIC, THE SUBJECT FACILITY HAS EXPERIENCED A SHARP DECLINE IN OCCUPANCY RATES FROM WHICH IT HAS YET TO REBOUND. AS OF THIS APPLICATION ONLY 70% OF THE UNITS AT THE SUBJECT FACILITY ARE OCCUPIED. FLAGGING OCCUPANCY HAS BEEN EXACERBATED AND PERPETUATED BY ADVERSE ECONOMIC HEADWINDS THE APPLICANT HAS NAVIGATED SINCE THE PANDEMIC. RISING INTEREST RATES, INCREASED OPERATING COSTS, INCREASED SKILLED LABOR COSTS AND OTHER INFLATIONARY PRESSURES, IN COMBINATION WITH THE LOWER THAN ANTICIPATED CENSUS, HAVE REQUIRED THE APPLICANT TO INCREASE PRICES AT THE SUBJECT FACILITY TO LEVELS THAT ARE UNAFFORDABLE FOR THE COMMUNITY AND PRECLUDE FULL OCCUPANCY. THE FINANCIAL ASSISTANCE OF THE AGENCY WILL ALLOW THE APPLICANT TO REDUCE ITS OPERATING COSTS AND OFFER MORE AFFORDABLE PRICING OPTIONS FOR ALL RESIDENTS. ADDITIONALLY, THE APPLICANT WILL COMMIT TO SET-ASIDE TWENTY (20%) PERCENT OF THE UNITS AT THE PROJECT AS AFFORDABLE FOR RESIDENTS AT OR LESS THAN EIGHTY (80%) PERCENT OF AREA MEDIAN INCOME, ADDRESSING A SIGNIFICANT LOCAL NEED FOR AFFORDABLE LIVING OPTIONS FOR LONG ISLAND’S AGING POPULATION.

THE BRISTAL’S STATED MISSION IS TO ENSURE THAT ITS RESIDENTS EXPERIENCE THE ABSOLUTE FINEST IN ASSISTED LIVING BY PROVIDING EXTRAORDINARY ACCOMODATIONS AND DELIVERING EXPERT CARE AND SUPPORT. WITH THE GRANT OF ECONOMIC ASSISTANCE FROM THE AGENCY, THE APPLICANT WILL MAKE THE BRISTAL MORE AFFORDABLE FOR THE COMMUNITY WITHOUT COMPRIMISING THE FIRST-IN-CLASS RESIDENT EXPERIENCE THE BRISTAL IS RECOGNIZED FOR. FURTHER, OVER A THREE-YEAR PERIOD, THE APPLICANT WILL INVEST APPROXIMATELY \$600,000 IN IMPROVEMENTS AND UPGRADES TO THE SUBJECT FACILITY TO ENSURE IT CONTINUES TO PROVIDE THE EXCEPTIONAL ACCOMMODATIONS, AMENITIES, SERVICES, SOCIAL OPPORTUNITIES AND ACTIVITIES THAT THE BRISTAL HAS COME TO BE SYNONYMOUS WITH.

TO FULFILL ITS MISSION THE APPLICANT MUST EMPLOY CARING AND DYNAMIC PROFESSIONALS THAT WILL MEET THE HIGHEST INDUSTRY STANDARDS. THE AGENCY’S GRANT OF ECONOMIC INCENTIVES WILL ENABLE THE APPLICANT TO MAINTAIN SEVETY-FIVE (75) FULL-TIME JOBS AT THE PROJECT. THE TYPES OF EMPLOYMENT AND RANGES OF SALARY AND BENEFITS ARE SET FORTH IN GREATER IN APPLICANT’S RESPONSES TO PART IV OF THIS APPLICATION. RECOGNIZING THE IMPORTANCE OF DELIVERING THE EXCEPTIONAL QUALITY THE BRITAL IS KNOWN FOR, THE APPLICANT PREVIOUSLY FORMED ULTIMATE CARE ASSISTED LIVING MANAGEMENT, AN OFF-SITE, IN-HOUSE MANAGEMENT TEAM COMPRISED OF DIRECTORS, MANAGERS AND EMLPOYEES WITH A DEPTH OF EXPEREINCE IN THE INDUSTRY AND A PROVEN TRACK RECORD OF TAKING EXCEPTIONAL CARE OF THE BRISTAL FACILITIES AND RESIDENTS. THE APPLICANT WILL CONTINUE TO EMPLOY THESE CRITICAL AND ESSENTIAL STAFF RESPONSIBLE FOR THE MANAGEMENT OF EVERY ASPECT OF THE BRISTAL FACILITIES AND RESIDENT EXPEREINCE.

Insert 7 (Page 10, Paragraph E.)

THE APPLICANT WILL NOT UNDERTAKE THE PROJECT WITHOUT THE AGENCY'S FINANCIAL ASSISTANCE. DUE TO HIGH DEVELOPMENT COSTS ON LONG ISLAND, THE PRINCIPALS OF THE APPLICANT HAVE AND CONTINUE TO SEEK DEVELOPMENT OPPORTUNITIES IN NEW JERSEY, FLORIDA AND OTHER STATES. WITHOUT FINANCIAL ASSISTANCE FROM THE AGENCY THE APPLICANT WILL PURSUE OTHER DEVELOPMENT OPPORTUNITIES AND WILL DEPLOY ITS ASSETS AND RESOURCES WHERE IT WILL BE ABLE TO MAKE A REASONABLE RETURN ON ITS INVESTMENT. THE AGENCY'S FINANCIAL ASSISTANCE WILL ENSURE THAT SENIORS ACROSS ALL RANGES OF THE ECONOMIC SPECTRUM CAN CONTINUE TO RESIDE AND RECEIVE CARE IN NASSAU COUNTY.

Insert 8 (Page 10, Paragraph H.(b))

APPLICANT HAS ACCEPTED AN OFFER BY NASSAU COUNTY TO REDUCE THE GROSS ASSESSED VALUE FOR THE 2024/25 TAX YEAR. AS SET FORTH IN THE LETTER ATTACHED HERETO, AFTER THE COUNTY'S APPLICATION OF THE CORRECTED ASSESSED VALUE, THE TOTAL ESTIMATED TAXES ARE \$887,127.

Insert 9 (Page 11, Paragraph J.)

THE APPLICANT INTENDS TO INVEST \$600,000 IN UPGRADES AND CAPITAL IMPROVEMENTS TO THE FACILITY, INCLUDING, BUT NOT LIMITED TO, ALL EXISTING RESIDENT UNITS. THE APPLICANT WILL EXPEND THESE FUNDS WITHIN THE FIRST THREE (3) YEARS FOLLOWING ACQUISITION.

Insert 11 (Page 11, Paragraph M.)

VILLAGE OF WESTBURY – SPECIALIZED SENIOR HOUSING FACILITY ZONING DISTRICT.

Insert 12 (Page 12, Paragraph P.)

THE SELLER OF THE PROJECT IS A JOINT VENTURE ENTITY WITH HARRISON STREET REAL ESTATE, THE APPLICANT'S FREQUENT DEVELOPMENT PARTNER.

Part III – Capital Costs of the Project

Insert 13 (Page 14, Paragraph A.)

THE APPLICANT WILL INVEST \$600,000 IN UPGRADES AND CAPITAL IMPROVEMENTS TO THE FACILITY. THE APPLICANT INTENDS TO EXPEND \$200,000 OVER EACH OF THE FIRST THREE (3) YEARS FOLLOWING ACQUISITION.

Insert 14 (Page 14, Paragraph B.)

THE APPLICANT WILL INVEST \$600,000 IN UPGRADES AND CAPITAL IMPROVEMENTS TO THE FACILITY AS AFORESAID.

Insert 15 (Page 16, Paragraph G.)

THE APPLICANT WILL UTILIZE MAJOR SUPPLIERS OF MATERIALS LOCATED IN SUFFOLK COUNTY AND AREAS OF NEW YORK STATE OTHER THAN NASSAU COUNTY.

Part IV – Cost/Benefit Analysis

Insert 16 (Page 18, Paragraph B.(ii))

APPLICANT WILL COMPLETE A PORTION OF THE PROJECT USING EXISTING, ON-SITE EMPLOYEES RETAINED BY APPLICANT.



FORCHELLI
DEEGAN
TERRANA

KOEPEL MARTONE & LEISTMAN, LLC
a wholly owned subsidiary

DONALD F. LEISTMAN
PARTNER
DLEISTMAN@FORCHELLILAW.COM

March 4, 2024

Frederick E. Parola, Executive Director
Town of Hempstead IDA
One Washington Street
Hempstead, NY 11550

RE: Real Property Tax Assessment Review Proceedings

The Bristol at Westbury v. Assessor of Nassau County
117 Post Avenue, Westbury, NY
Section 10, Block 125, Lots 1-17 & 38
KML File 53513

Dear Mr. Parola:

This firm is counsel to The Bristol at Westbury in connection with applications to contest the real property tax assessment set by Nassau County on the above-described property.

Our client has accepted an offer tendered by Nassau County to reduce the gross assessed value for the 2024/25 tax year from \$172,182 to \$147,589 (copy attached).

The taxable assessed value (i.e., net of any phase-in amounts or exemptions), will be adjusted from \$172,182 to \$147,589.

Set forth below is our estimate of the revised taxes based upon the adjusted assessment for the 2024/25 tax year.

	Taxable Assessed Value	Tax Rate	Tax
School (2024/25)	\$147,589	353.50	\$521,727.12
General (2025)	\$147,589	197.00	\$290,750

Current Village of Westbury taxes for the 2023/24 tax year are \$74,650 (exclusive of BID).

Frederick E. Parola, Executive Director
Town of Hempstead IDA
March 4, 2024
Page -2-

Accordingly, the total estimated taxes, after application of the corrected County assessed value, are \$887,127.12.

Please do not hesitate to contact me if you require further information.

Very truly yours,



DONALD F. LEISTMAN

DFL:mew
Enc.

AR70

**ASSESSMENT REVIEW COMMISSION
NASSAU COUNTY, NEW YORK**

ARC STIPULATION

Stipulation # 24249001-2501

Fax # 516-747-8227
074 KOEPPPEL MARTONE LEISTMAN LLC
155 FIRST STREET
MINEOLA NY 11501

Economic Unit # 249.001
Offer Date 01/16/2024

Proposed Assessments		Economic Unit Totals	
Taxyr	Original AV	Proposed AV	Reduction
2023/24	161,780	161,780	0
2024/25	172,182	147,589	24,593

Parcel 10125 00010

Year	Original AV Cts	New Proposed AV Cts	Reduction
2023/24	161,780 4	161,780 4	0
2024/25	172,182 4	147,589 4	24,593

Proceedings Resolved

Taxyr	Writ#	Index #	Cal#	Cnt PETITIONER	ATTORNEY
2023/24	202402079	401679		1 THE BRISTAL AT WESTBURY	KOEPPPEL MARTONE LEISTMAN LLC

Proceedings Resolved

Taxyr	Application #	Cnt APPLICANT	ATTORNEY
2024/25	22520308	1 THE BRISTAL AT WESTBURY	KOEPPPEL MARTONE LEISTMAN LLC

Sales

parcel	Date	Price	Seller	Buyer
10125 00010	12/22/1999	1,500,000		
10125 00010	12/23/1999	1		
10125 00010	02/21/2007	59,122,999		
10125 00010	02/21/2007			
10125 00010	10/14/2016		NC INDUSTRIAL DEVELOPMENT AGCHRS-EB WESTBURY LLC	

ASSESSMENT REVIEW COMMISSION
NASSAU COUNTY, NEW YORK

ARC STIPULATION

Attorney Acceptance and Signature

Applicant: KOEPPPEL MARTONE LEISTMAN LLC
Parcels: 10125 00010 and 0 related lots forming Economic Unit No. 249.001
Tax Years: 2023/24 through 2024/25

The Assessment Review Commission proposes to implement the reductions set forth on page 6 of this ARC Stipulation, subject to the terms specified on page 1 - 5 of the ARC Stipulation, the applicant's acceptance and final approval by the Commission.

KOEPPPEL MARTONE LEISTMAN LLC
Attorneys for the Applicant

Accepted by:

Rejected by:


Signature

Signature

By: Donald F. Leistman
Print Name

By: _____
Print Name

Date: March 19, 2024

Date: _____

This Offer expires on 05/24/2024

To accept, sign, date and submit this page, with all other documents required by the terms of the stipulation before the expiration date. Send the complete package to:

Assessment Review Commission
240 Old Country Road 5th Fl
Mineola, NY 11501

Pages 1 - 5 of the ARC Stipulation may be found as form AR 70 on the Information for Practitioners page of ARC's website: <http://www.NassauCountyNY.gov/arc>

If you need additional information, contact ARCCommercial@nassaucountyny.gov

NASSAU COUNTY TAXABLE ASSESSED VALUE ESTIMATE

No. ARC 24249001-2501

EUN: 249.001

Exemptions and physical changes subject to Department of Assessment final review

Parcel 10125 00010 Original Assessment								Parcel 10125 00010 Corrected Assessment							
Year	Total AV	Physical	Trans	Exempt	Code	School Taxable	Gen Taxable	Year	Total AV	Physical	Trans	Exempt	Code	School Taxable	Gen Taxable
2023/24	161,780					161,780	161,780	2023/24	161,780					161,780	161,780
2024/25	172,182					172,182	172,182	2024/25	147,589					147,589	147,589

Nassau County Taxable Assessed Value Computation

Taxpayer's counsel: This estimate is provided as a courtesy and is an attachment to a Nassau County offer of reduction. Final calculations will be made by the Department of Assessment.

Receiver of Taxes: This schedule is valid for issuance of a corrected tax bill only when submitted to you by the Nassau County Assessment Review Commission as an attachment to an ARC Determination (AR90), or when it is incorporated into a stipulation of settlement or consent order signed by a Deputy County Attorney.

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
B2K at Westbury, LLC
117 Post Avenue
Westbury, NY
Section 10, Block 125, Lots 1-17, 38
(Information available as of 10/25/24)

Year	General PILOT ¹	School PILOT ²	Village PILOT ³	Total PILOT
1	\$312,163	\$566,221	\$75,956	\$954,340
2	\$312,163	\$566,221	\$75,956	\$954,340
3	\$312,163	\$566,221	\$75,956	\$954,340
4	\$312,163	\$566,221	\$75,956	\$954,340
5	\$315,909	\$573,016	\$76,867	\$965,792
6	\$319,700	\$579,892	\$77,790	\$977,382
7	\$323,536	\$586,851	\$78,723	\$989,110
8	\$328,389	\$595,653	\$79,668	\$1,003,710
9	\$333,315	\$604,588	\$80,863	\$1,018,766
10	\$338,315	\$613,657	\$82,076	\$1,034,048
11	\$344,405	\$624,703	\$83,553	\$1,052,661
12	\$350,604	\$635,947	\$85,057	\$1,071,608
13	\$356,915	\$647,394	\$86,588	\$1,090,897
14	\$364,053	\$660,342	\$88,320	\$1,112,715
15	\$371,334	\$673,549	\$90,087	\$1,134,970

¹ Year 1 General portion of PILOT is equal to the product of (y) latest available stipulated assessed value of 147,589 and (z) latest available County/Town tax rate of 211.508, as the same may be adjusted for tax rates in effect at closing. Rounded up to next highest dollar (County/Town Year ends 12/31/24). Source: mynassauproperty.com and ARC Stipulation dated 1/16/24.

² Year 1 School portion of PILOT is equal to the product of (y) latest available stipulated assessed value of 147,589 and (z) latest available School tax rate of 383.647, as the same may be adjusted for tax rates in effect at closing (NOTE: School Year ends 6/30/25). Rounded up to next highest dollar. Source: mynassauproperty.com and ARC Stipulation dated 1/16/24.

³ Year 1 Village portion of PILOT is equal to current taxes of \$75,955.97, as the same may be adjusted for tax rates in effect at closing (NOTE: Village Year ends May 31, 2025). Rounded up to the next highest dollar. Source: 2024/25 Village Tax Bill. Note: BID is excluded from Village PILOT and will be separately billed by and payable to Village Assessor.

NOTE: After Year 1, each component of the PILOT payment increases as follows:

<u>PILOT Year</u>	<u>PILOT Increase</u>
2	0%
3	0%
4	0%
5	1.2%
6	1.2%
7	1.2%
8	1.5%
9	1.5%
10	1.5%
11	1.8%
12	1.8%
13	1.8%
14	2%
15	2%

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

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

Previous editions are obsolete

Form HUD-928.1 (6/2011)

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

Did 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.

The New York State Division of Human Rights is an agency of the Executive Office of the Governor. It is located at 100 South Street, Albany, NY 12242. For more information, contact the Division of Human Rights at 1-888-392-3644 or WWW.DHR.NY.GOV.

NEW YORK STATE
DIVISION OF
HUMAN
RIGHTS

NY
800-392-3644

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.