

ROCKVILLE MANOR DEVELOPER LLC - PILOT Deviation Resolution

A regular meeting of the Nassau County Industrial Development Agency (the “Agency”) was convened in public session at the Theodore Roosevelt Executive & Legislative Building, Legislative Chambers, 1st Floor, 1550 Franklin Avenue, Mineola, Nassau County, New York on November 21, 2024 at 6:45 p.m., local time.

The meeting was called to order by the Chairman, upon roll being called, the following members of the Agency were:

PRESENT:

William H. Rockensies	Chair
Raymond Pinto	Secretary
John Coumatos	Asst. Treasurer
Reginald A. Spinello	Member
Marissa Brown	Member

THE FOLLOWING PERSONS WERE ALSO PRESENT:

Sheldon L. Shrenkel	Chief Executive Officer/Executive Director
Anne LaMorte	Chief Financial Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant
Ben Ciorra	Director of Operations
Judge Anthony Marano (Ret.)	Agency Counsel
Andrew D. Komaromi, Esq.	Bond/Transactional Counsel

The attached resolution No. 2024-66 was offered by John Coumatos, seconded by William H. Rockensies.

RESOLUTION AUTHORIZING A DEVIATION FROM THE UNIFORM
TAX EXEMPTION POLICY OF THE NASSAU COUNTY
INDUSTRIAL DEVELOPMENT AGENCY WITH RESPECT
TO A PROJECT FOR ROCKVILLE MANOR DEVELOPER LLC

WHEREAS, the Nassau County Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”), and Chapter 674 of the 1975 Laws of New York, as amended, constituting Section 922 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, industrial and commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Rockville Manor Developer LLC, a limited liability company organized and existing under the laws of the State of New York, together with entities formed or to be formed on its behalf (collectively, the “Applicant”), has presented an application for financial assistance (the “Application”) to the Agency, which Application requests that the Agency consider undertaking a project (the “Project”) consisting of the following: (A) (1) the acquisition of an interest in an approximately 1.01 acre parcel of land located at 579 Merrick Road, Village of Rockville Centre, Town of Hempstead, County of Nassau, New York (NCTM: Section 38, Block 513, Lot 732) (the “Land” or “Project Site”), (2) the renovation of an approximately 37,888 square foot building and the construction of an approximately 7,448 square foot addition thereto on the Land (collectively, the “Building”), together with related improvements to the Project Site, including onsite parking spaces, and (3) the acquisition and installation therein and thereon of certain furniture, fixtures, machinery, building and construction materials and equipment (the “Equipment”), all of the foregoing for use by the Applicant as a senior / disabled multi-family housing-development facility, consisting of approximately fifty-six (56) affordable rental housing apartments (collectively, the “Project Facility”); (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes, mortgage recording taxes and sales and use taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on June 27, 2024 (the “Preliminary Inducement Resolution”), the Agency, following a review of the Application, determined to take preliminary action toward the acquisition and straight leasing of the Project for the Company and made a determination to proceed with the Project; and

WHEREAS, the Application states that the Applicant is seeking an exemption from real property taxes with respect to the Project Facility that constitutes a deviation from the Agency’s Uniform Tax Exemption Policy (the “Tax Exemption Policy”); and

WHEREAS, pursuant to Section 874(4) of the Act, (A) the Executive Director of the Agency caused a letter dated November 1, 2024 (the “Pilot Deviation Notice Letter”) to be mailed to the chief executive officer of each affected tax jurisdiction and to district clerk of the applicable school district, informing said individuals that the Agency would, at its meeting on November 21, 2024 (the “IDA Meeting”), consider a proposed deviation from the Tax Exemption Policy with respect to the payments in lieu of real property taxes to be made pursuant to a payment in lieu of taxes agreement to be entered into by the Agency with respect to the Project Facility; and (B) the members of the Agency conducted the IDA Meeting on the date hereof and reviewed any comments and correspondence received with respect to the proposed deviation from the Tax Exemption Policy; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 874(4) of the Act with respect to the proposed deviation from the Tax Exemption Policy;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. Prior to making the determinations set forth in this resolution, the members of the Agency have considered the following factors set forth in the Tax Exemption Policy: (1) the extent to which the Project would create or retain permanent jobs; (2) the extent to which the Project would create construction jobs; (3) the estimated value of tax exemptions to be provided with respect to the Project; (4) the amount of private sector investment generated or likely to be generated by the Project; (5) the likelihood of the Project being accomplished in a timely manner; (6) the extent of new revenue that would be provided to affected tax jurisdictions as a result of the Project; (7) whether affected tax jurisdictions would be reimbursed by the Applicant if a Project does not fulfill the purposes for which an exemption was provided; (8) the impact of the Project on existing and proposed businesses and economic development projects in the vicinity; (9) the demonstrated public support for the Project; (10) the effect of the Project on the environment; (11) the extent to which the Project would require the provision of additional services, including, but not limited to, additional educational, transportation, police, emergency, medical or fire services; and (12) any other miscellaneous public benefits that might result from the Project.

Section 2. The Agency hereby determines that the Agency has fully complied with the requirements of Section 874(4) of the Act relating to the proposed deviation from the Tax Exemption Policy.

Section 3. Having reviewed all comments and correspondence received at or prior to the IDA Meeting, the Agency hereby approves the proposed deviation from the Tax Exemption Policy as described in the Pilot Deviation Notice Letter (a copy of which is attached hereto as Exhibit A) because the proposed deviation is necessary to induce the Applicant to undertake the Project and because the PILOT payments would not be lower than the real property taxes that would otherwise apply with respect to the Land and the existing improvements thereon as of the closing date of the transaction based on the existing tax exempt status of the Land.

Section 4. The Chairman, the Vice Chairman, the Chief Executive Officer/Executive Director, Chief Operating Officer and the Administrative Director of the Agency are each hereby authorized and directed, acting individually or jointly, to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution. If the Agency hereafter adopts appropriate final approving resolutions with respect to the proposed straight-lease transaction with the Applicant (the “Transaction”), the Chairman, the Vice Chairman, the Chief Executive Officer/Executive Director, Chief Operating Officer and the Administrative Director of the Agency are each hereby authorized and directed, acting individually or jointly, to cause the Agency to (A) enter into a Payment in Lieu of Taxes Agreement with the Applicant, providing, among other things, that the Applicant shall make payments in lieu of taxes consistent with the formula set forth in the PILOT Deviation Notice Letter, and (B) file an application for real property tax exemption with the appropriate assessor(s) with respect to the Project Facility.

Section 5. This Resolution shall take effect immediately, but is subject to and conditioned upon the closing of the Transaction.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

William H. Rockensies	VOTING AYE
John Coumatos	VOTING AYE
Raymond Pinto	VOTING AYE
Reginald A. Spinello	VOTING AYE
Marco Troiano	VOTING ABSENT
Joseph Manzella	VOTING ABSENT
Marissa Brown	VOTING AYE

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK

) SS.:

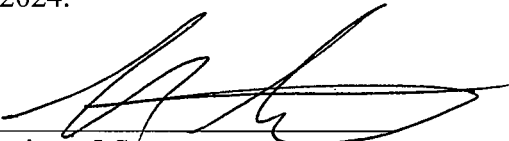
COUNTY OF NASSAU

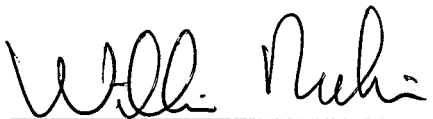
We, the undersigned [~~Vice~~] Chair and [~~Assistant~~] Secretary of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 21, 2024 with the original thereof on file in our office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

WE FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, we have hereunto set our respective hands and affixed the seal of the Agency this 21st day of November, 2024.


[~~Assistant~~] Secretary


[~~Vice~~] Chair

(SEAL)

PILOT DEVIATION LETTER

November 1, 2024

**CERTIFIED MAIL, RETURN
RECEIPT REQUESTED and
FIRST CLASS MAIL**

County Executive Bruce Blakeman
County of Nassau
1550 Franklin Avenue
Mineola, New York 11501

Superintendent Dr. Phyllis S. Harrington
Oceanside School District
145 Merle Avenue
Oceanside NY 11572

County Assessor
County of Nassau
240 Old Country Road 4th Floor
Mineola, New York 11501

President Michael D'Ambrosio
Oceanside School District
Board of Education
145 Merle Avenue
Oceanside NY 11572

Supervisor Donald X. Clavin, Jr.
Town of Hempstead
1 Washington Street
Hempstead NY 11550

District Clerk
Oceanside School District
145 Merle Avenue
Oceanside NY 11572

Mayor Francis X. Murray
Incorporated Village of Rockville Centre
1 College Place
Rockville Centre NY 11575

**PROPOSED DEVIATION FROM
UNIFORM TAX EXEMPTION POLICY**

Ladies and Gentlemen:

Notice is hereby given that at a meeting of the Nassau County Industrial Development Agency (the "Agency") to be held on November 21, 2024 at 6:30 p.m. local time and to be conducted in the Nassau County Legislative Chamber, 1550 Franklin Avenue, Mineola, New York 11501, the Agency will consider whether to approve the application of the Applicant (as defined below), for certain "financial assistance" which, if granted, would deviate from the Agency's Uniform Tax Exemption Policy (the "Policy") with respect to the payment of real property taxes. The meeting of the Agency will be open to the public.

At the meeting of the Agency, the Agency will consider the application of Rockville Manor Developer LLC, a limited liability company organized and existing under the laws of the State of



New York, together with entities formed or to be formed on its behalf (collectively, the "Applicant"), have presented an application for financial assistance (the "Application") to the Agency, which Application requests that the Agency consider undertaking a project (the "Project") consisting of the following: (A) (1) the acquisition of an interest in an approximately 1.01 acre parcel of land located at 579 Merrick Road, Village of Rockville Centre, Town of Hempstead, County of Nassau, New York (NCTM: Section 38, Block 513, Lot 732) (the "Land" or "Project Site"), (2) the renovation of an approximately 37,888 square foot building and the construction of an approximately 7,448 square foot addition thereto on the Land (collectively, the "Building"), together with related improvements to the Project Site, including onsite parking spaces, and (3) the acquisition and installation therein and thereon of certain furniture, fixtures, machinery, building and construction materials and equipment (the "Equipment"), all of the foregoing for use by the Applicant as a senior / disabled multi-family housing-development facility, consisting of approximately fifty-six (56) affordable rental housing apartments (collectively, the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes, mortgage recording taxes and sales and use taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity as may be designated by the Applicant and agreed upon by the Agency.

The Land is presently owned by the Rockville Centre Housing Authority, a tax exempt 501(c)(3) non-profit organization. In lieu of real property taxation, the Rockville Center Housing Authority currently pays annual Payment in Lieu of Taxes ("PILOT") in the amount of \$22,209.00.

The Application states that the Applicant is seeking an abatement of real property taxes. However, based upon preliminary negotiations between representatives of the Applicant and the Agency, the parties contemplate that the Agency may agree to grant an approximately thirty-two (32) year real property tax exemption (the "Property Tax Exemption") with respect to the Project Facility as follows: payments shall be equal to (i) \$22,209.00 per annum for the first two (2) years immediately following the closing date of the Project transaction and (ii) ten percent (10%) of the projected 'gross shelter rent' with respect to the Project Facility as determined by the Agency using a methodology reasonably selected by the Agency (the "Base Shelter Rent PILOT Amount") which Base Shelter Rent Amount would be payable for a period of one (1) fiscal tax year without increase (i.e. year 3 of the term of the PILOT), which Base Shelter Rent PILOT Amount would thereafter be payable each fiscal tax year for a period of twenty-nine (29) fiscal tax years with annual increases of 3.00% per year (compounded) each fiscal tax year (i.e. years 3-32 of the term of the PILOT) (collectively the "PILOT Term"); all as shown on **Exhibit A** hereto for illustration purposes only, reflecting the PILOT Payments due during the PILOT Term, assuming the Closing Date occurs in the current fiscal tax year.

Thereafter, and through the end of the term of the project agreement, lease or installment sale agreement with respect to the Project Facility, the payments would be equal to the real property taxes and assessments that would be payable as if the Project Facility were returned to the tax rolls as taxable property and subject to taxation at its then current, full assessed value, as the same may be reassessed from time to time, and subject to tax rate increases imposed by the affected tax jurisdictions.

The PILOT Payments shall not increase or decrease during the term of the PILOT Agreement. The PILOT Payments shall be reduced by any special taxes, assessments or levies that the Applicant is required to pay separately to the affected tax jurisdictions.

Each annual PILOT Payment with respect to the Project Facility shall be allocated among the affected tax jurisdictions in proportion to the amount of real property taxes that would have been received by each affected tax jurisdiction had the Project Facility not been tax exempt due to the status of the Agency.

The Property Tax Exemption, if approved by the Agency, would constitute a deviation from the Policy.

The reason for the deviation is that the Property Tax Exemption, if approved by the Agency, is necessary to induce the Applicant to undertake the Project and to preserve the affordable nature of existing units in the Project Facility for the term of the Property Tax Exemption. and that the starting PILOT payment would not be lower than the current fiscal tax year payment in lieu of taxes payable with respect to the Land and the improvements thereon existing as of the Closing Date pursuant to the existing payment in lieu of taxes agreement with respect to the Land and the improvements thereon.

Sincerely,

NASSAU COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

By: _____



Sheldon L. Shrenkel

Chief Executive Officer / Executive Director

EXHIBIT A

PILOT YEAR	Operation Year	PILOT PAYMENT*
1 (As of the Effective Date)	Construction	\$22,209
2	Construction	\$22,209
3	1	\$95,329
4	2	\$98,189
5	3	\$101,134
6	4	\$104,168
7	5	\$107,293
8	6	\$110,512
9	7	\$113,827
10	8	\$117,242
11	9	\$120,760
12	10	\$124,382
13	11	\$128,114
14	12	\$131,957
15	13	\$135,916
16	14	\$139,993
17	15	\$144,193
18	16	\$148,519
19	17	\$152,975
20	18	\$157,564
21	19	\$162,291
22	20	\$167,159
23	21	\$172,174
24	22	\$177,339
25	23	\$182,660
26	24	\$188,139
27	25	\$193,784
28	26	\$199,597
29	27	\$205,585
30	28	\$211,753
31	29	\$218,105
32	30	\$224,648

*For Illustration Purposes Only assuming the Closing Date occurs in the current fiscal tax year