

Date: November 16, 2022

At a meeting of the Town of Hempstead Industrial Development Agency (the “Agency”), held at Town Hall Pavilion, 1 Washington Street, Hempstead, New York 11550, on the 16th day of November, 2022, at 9:00 a.m., the following members of the Agency were present:

Present: Florestano Girardi, Chairman  
Rev. Dr. Eric C. Mallette, Treasurer  
Jack Majkut, Secretary  
Jerry Kornbluth, Member  
Jill Ann Mollitor, Member  
Hon. Robert T. Kennedy, Village Member  
Mark Davella, Village Member  
Vilma Lancaster, Village Member

Excused: Thomas J. Grech, Vice Chairman  
Robert Bedford, Member  
LaDonna Taylor, Village Member

Also Present: Frederick E. Parola, Chief Executive Officer  
Edie Longo, Chief Financial Officer  
Michael Lodato, Deputy Executive Director  
Lorraine Rhoads, Agency Administrator  
Laura Tomeo, Deputy Agency Administrator  
Arlyn Eames, Deputy Financial Officer  
Paul V. O’Brien, Esq., Transaction Counsel

After the meeting had been duly called to order, the Chairman announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to acquisition of a leasehold interest in or title to a certain industrial development facility more particularly described herein (159 Hanse Development LLC/Natural Foods, Inc. 2022 Facility), and the leasing of the Facility to 159 Hanse Development LLC.

The following resolution was duly moved, seconded, discussed and adopted with the following members voting:

<u>Voting Aye</u>	<u>Voting Nay</u>	<u>Abstaining</u>
F. Girardi		
E. Mallette		
J. Majkut		
J. Kornbluth		
J. Mollitor		
R. Kennedy		
M. Davella		
V. Lancaster		

RESOLUTION OF THE TOWN OF HEMPSTEAD  
INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY")  
APPROVING THE APPOINTMENT OF 159 HANSE  
DEVELOPMENT LLC, A NEW YORK LIMITED LIABILITY  
COMPANY, AND NATURAL FOODS, INC., A NEW YORK  
BUSINESS CORPORATION, AS AGENTS OF THE AGENCY  
FOR THE PURPOSE OF ACQUIRING, RENOVATING AND  
EQUIPPING OF AN INDUSTRIAL DEVELOPMENT  
FACILITY, APPROVING THE ACQUISITION, RENOVATION  
AND EQUIPPING OF SUCH FACILITY AND MAKING  
CERTAIN FINDINGS AND DETERMINATIONS WITH  
RESPECT TO SUCH FACILITY AND APPROVING THE  
FORM, SUBSTANCE AND EXECUTION OF RELATED  
DOCUMENTS

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 529 of the Laws of 1971 of the State of New York, as the same may be amended from time to time (collectively, the "**Act**"), the Town of Hempstead Industrial Development Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, 159 Hanse Development LLC, a New York limited liability company, on behalf of itself and/or the principals of 159 Hanse Development LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "**Company**"), and Natural Foods, Inc., a New York business corporation, on behalf of itself and/or the principals of Natural Foods, Inc. and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "**Sublessee**"), submitted an application for financial assistance (the "**Application**") to the Town of Hempstead Industrial Development Agency (the "**Agency**") to enter into a transaction in which the Agency will assist in the acquisition of an interest in an approximately 2.3 acre parcel of land located at 159 Hanse Avenue, Village of Freeport, Town of Hempstead, Nassau County, New York (the "**Land**"), the renovation of the approximately 67,307 square foot building located on the Land (the "**Improvements**"), and the acquisition of certain fixtures, equipment and personal property necessary for the completion thereof (the "**Equipment**"; and together with the Land and the Improvements, the "**Facility**"), which Facility is to be subleased by the Agency to the Company and further sub-subleased by the Company to the Sublessee to be used by the Sublessee as a production and distribution facility in its food and beverage business and for related office space (the "**Project**"); and

WHEREAS, the Agency, by resolution duly adopted by the members of the Agency on October 25, 2022 (the "**Inducement Resolution**"), decided to proceed under the provisions of the Act; and

WHEREAS, a public hearing (the "**Hearing**") was held on November 14, 2022 and notice of the Hearing was given and such notice (together with proof of publication) together with the minutes of the Hearing are annexed hereto as Exhibits A and B, respectively; and

WHEREAS, the Agency contemplates that it will provide financial assistance to the Company and the Sublessee in the form of (i) exemptions from sales and use taxes in an amount not to exceed \$448,431.00, in connection with the purchase or lease of equipment, building materials, services or other personal property with respect to the Facility, (ii) exemptions from mortgage recording tax (excluding the portion of the mortgage recording tax allocated to transportation districts referred to in Section 253(2)(a) of the Tax Law of the State of New York), for one or more mortgages securing the principal amount not to exceed \$6,175,000.00 in connection with the financing of the acquisition, renovation and equipping of the Facility and any future financing, refinancing or permanent financing of the costs of acquiring, renovating and equipping of the Facility, and (iii) abatement of real property taxes (as set forth in the Proposed PILOT Schedule annexed hereto as Exhibit C); and

WHEREAS, the Agency's Uniform Tax Exemption Policy and Guidelines, as amended to date ("**UTEP**"), a copy of which is annexed as Exhibit D to the Inducement Resolution provides for the granting of financial assistance by the Agency for certain projects pursuant to Section I.A.(IV) thereof; and

WHEREAS, the financial assistance to be granted by the Agency to the Company would represent a deviation from the UTEP because the payment in lieu of taxes arrangement with respect to the Facility would be for a term of up to fifteen (15) years; and

WHEREAS, by letter dated November 2, 2022 (collectively, the "**Deviation Notice**"), a copy of which is annexed hereto as Exhibit D, the Agency provided notice to each affected tax jurisdiction of the proposed deviation from the UTEP and the respective dates of the Hearing and of the date of this meeting of the Agency and invited each affected tax jurisdiction to provide their comments either in person or in writing to the Agency at the Hearing or this meeting with respect to the location and nature of the Facility, the financial assistance to be granted by the Agency to the Company and the Sublessee and the Agency's deviation from the UTEP; and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "**SEQR Act**"), and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York ("**NYSDEC**"), being 6 N.Y.C.R.R. Part 617, et. seq., as amended (the "**Regulations**" and collectively with the SEQR Act, "**SEQRA**"), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, pursuant to SEQRA, to aid the Agency in determining whether the Project may have a significant adverse impact upon the environment, the Agency has completed, received and/or reviewed: (1) the Application; and (2) a Short Environmental Assessment Form ("**EAF**") dated October 4, 2022; collectively, (1)-(2) shall be referred to as the "**Environmental Information**"; and

WHEREAS, prior to making a recommendation about the potential environmental significance of the Project, the Agency reviewed the Environmental Information, consulted various information sources, and considered the list of activities that are Type I Actions

outlined in Section 617.4 of the Regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the Regulations and the criteria for determining significance outlined in Section 617.7 of the Regulations; and

WHEREAS, by resolution of the members of the Agency adopted on October 25, 2022 as part of the Inducement Resolution, the Agency determined that the Project is a Type II action under SEQRA, precluded from further environmental review, because it consists of the “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes,” and the “purchase or sale of furnishings, equipment or supplies, including surplus government property” in connection with a project and does not meet or exceed any threshold for a Type I action; and

WHEREAS, the Agency will acquire a leasehold interest in the Land and the Improvements pursuant to a certain Company Lease Agreement, dated as of November 1, 2022, or such other date as the Chairman, the Chief Executive Officer, the Chief Financial Officer or the Deputy Executive Director of the Agency and counsel to the Agency shall agree (the “**Company Lease**”), by and between the Company and the Agency; and

WHEREAS, the Agency will acquire title to the Equipment pursuant to certain Bills of Sale, dated the Closing Date (as defined in the hereinafter defined Lease Agreement) (collectively, the “**Bill of Sale**”), from the Company and the Sublessee to the Agency; and

WHEREAS, the Agency will sublease and lease the Facility to the Company pursuant to a certain Lease and Project Agreement, dated as of November 1, 2022 or such other date as the Chairman, the Chief Executive Officer, the Chief Financial Officer or the Deputy Executive Director of the Agency and counsel to the Agency shall agree (the “**Lease Agreement**”), by and between the Agency and the Company; and

WHEREAS, the Agency will lease to the Sublessee the Equipment purchased by the Sublessee (the “**Sublessee Equipment**”) pursuant to a certain Equipment Lease Agreement, dated as of November 1, 2022 or such other date as the Chairman, the Chief Executive Officer, the Chief Financial Officer or the Deputy Executive Director of the Agency and counsel to the Agency shall agree (the “**Equipment Lease Agreement**”), by and between the Agency and the Sublessee; and

WHEREAS, in connection with the Project, the Agency and the Sublessee shall enter into a certain Agency Compliance Agreement, dated as of November 1, 2022 or such other date as the Chairman, the Chief Executive Officer, the Chief Financial Officer or the Deputy Executive Director of the Agency and counsel to the Agency shall agree (the “**Agency Compliance Agreement**”), by and between the Agency and the Sublessee; and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, the Agency has given due consideration to the Application and to representations by the Company and the Sublessee that the proposed Project is either an inducement to the Company and the Sublessee to acquire, renovate, equip and maintain the

Facility in the Town of Hempstead or is necessary to maintain the competitive position of the Company and the Sublessee in their respective industry; and

WHEREAS, the Company has represented to the Agency that although the approval of the Project and the transactions contemplated by the Lease Agreement may result in the removal of an industrial or manufacturing plant of any Facility occupant(s) from one area of the State of New York (the "State") to another area of the State or in the abandonment of one or more plants or facilities of the Facility occupant(s) located within the State, the approval and undertaking of the Project is reasonably necessary to (i) preserve the competitive position of such Facility occupant(s) (i.e., the Company and the Sublessee) in their respective industry, and (ii) discourage such Facility occupant(s) (i.e., the Company and the Sublessee) from removing such other facility or plant to a location outside the State; and

WHEREAS, in accordance with Section 859-a(5)(d) of the Act, the Agency issued a Notice of Potential Abandonment or Removal of a Plant or Facility on October 29, 2022 to the chief executive officer of each municipality in which a facility or plant is located that may be removed or abandoned as a result of the approval and undertaking of the Project; and

WHEREAS, as security for a loan or loans, the Agency and the Company will execute and deliver to a lender or lenders not yet determined (collectively, the "**Lender**"), one (1) or more mortgages, and such other loan documents satisfactory to the Agency, upon advice of counsel, in both form and substance as may be reasonably required by the Lender, to be dated a date to be determined, in connection with the financing, any refinancing or permanent financing of the acquisition, renovation and equipping of the Facility (collectively, the "**Loan Documents**"); and

WHEREAS, the Company has agreed to indemnify the Agency against certain losses, claims, expenses, damages and liabilities that may arise in connection with the transaction contemplated by the leasing and subleasing of the Facility by the Agency to the Company.

NOW, THEREFORE, BE IT RESOLVED by the Agency (a majority of the members thereof affirmatively concurring) as follows:

Section 1. The Agency hereby finds and determines:

(a) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) The Facility constitutes a "project" and a "commercial facility", as such terms are defined or used in the Act; and

(c) The acquisition, renovation and equipping of the Facility, the leasing and subleasing of the Facility to the Company and the subleasing and sub-subleasing thereof to the Sublessee will promote and maintain the job opportunities, health, general prosperity and economic welfare of the citizens of the Town of Hempstead and the State of New York, and improve their standard of living and thereby serve the public purposes of the Act; and

(d) The acquisition, renovation and equipping of the Facility is reasonably necessary to induce the Company and the Sublessee to maintain and expand their business operations in the State of New York; and

(e) Based upon the representations of the Company, although the approval of the Project and the transactions contemplated by the Lease Agreement may result in the removal of an industrial or manufacturing plant of a Facility occupant(s) from one area of the State of New York (the "State") to another area of the State or in the abandonment of one or more plants or facilities of such Facility occupant(s) located within the State, the approval and undertaking of the Project is reasonably necessary to (i) preserve the competitive position of such Facility occupant(s) (i.e., the Company and the Sublessee) in their respective industry, and (ii) discourage such Facility occupant(s) (i.e., the Company and the Sublessee) from removing such other facility or plant to a location outside the State; and

(f) The Facility does not and will not constitute a project where facilities or property that are primarily used in making retail sales of goods and/or services to customers who personally visit such facilities constitute more than one-third of the total cost of the Project. For purposes of this finding, retail sales shall mean: (i) sales by a registered vendor under Article 28 of the New York Tax Law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of section 1101 of the New York Tax Law; or (ii) sales of a service to such customers; and

(g) Based upon representations of the Company and counsel to the Company, the Facility conforms with the applicable local zoning laws and planning regulations of the Village of Freeport and Town of Hempstead, Nassau County, and all regional and local land use plans for the area in which the Facility is located; and

(h) It is desirable and in the public interest for the Agency to lease and sublease the Facility to the Company and to lease the Sublessee Equipment to the Sublessee; and

(i) The Company Lease will be an effective instrument whereby the Agency leases the Land and the Improvements from the Company; and

(j) The Lease Agreement will be an effective instrument whereby (i) the Agency leases and subleases the Facility to the Company, (ii) the Agency and the Company set forth the terms and conditions of their agreement regarding payments-in-lieu-of-taxes, (iii) the Company agrees to comply with all Environmental Laws (as defined therein) applicable to the Facility and (iv) the Agency and the Company describe the circumstances in which the Agency may recapture some or all of the benefits granted to the Company; and

(k) The Equipment Lease Agreement will be an effective instrument whereby the Agency leases the Sublessee Equipment to the Sublessee; and

(l) The Loan Documents to which the Agency is a party will be effective instruments whereby the Agency and the Company agree to secure the loan(s) made to the Company by the Lender.

Section 2. The Agency has assessed all material information included in connection with the Application, and such information has provided the Agency a reasonable basis for its decision to provide the financial assistance described herein to the Company and the Sublessee.

Section 3. The Agency hereby determines that the Agency has fully complied with the requirements of the Act, SEQRA and all other applicable laws that relate to the Project.

Section 4. In consequence of the foregoing, the Agency hereby determines to: (i) lease the Land and the Improvements from the Company pursuant to the Company Lease, (ii) execute, deliver and perform the Company Lease, (iii) acquire the Equipment and Sublessee Equipment from the Company and the Sublessee pursuant to the Bill of Sale, (iv) lease and sublease the Facility to the Company pursuant to the Lease Agreement, (v) execute, deliver and perform the Lease Agreement, (vi) lease the Sublessee Equipment to the Sublessee pursuant to the Equipment Lease Agreement, (vii) grant a mortgage on and security interests in and to the Facility pursuant to the Loan Documents, and (viii) execute, deliver and perform the Loan Documents to which the Agency is a party, and such other related documents or certificates as may be necessary in connection therewith.

Section 5. The Agency is hereby authorized to acquire the real property and personal property described in Exhibit A and Exhibit B, respectively, to the Lease Agreement, and in the Bill of Sale, and to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition are hereby approved, ratified and confirmed.

Section 6. The Agency is hereby authorized to execute and deliver the Loan Documents in connection with the financing of the costs of acquiring, renovating and equipping the Facility and any future Loan Documents in connection with any future refinancing or permanent financing of such costs of acquiring, renovating and equipping of the Facility without the need for any further or future approvals of the Agency.

Section 7. The Agency hereby authorizes and approves the following economic benefits to be granted to the Company and the Sublessee in connection with the acquisition, renovation and equipping of the Facility in the form of (i) exemptions from sales and use taxes in an amount not to exceed \$448,431.00, in connection with the purchase or lease of equipment, building materials, services or other personal property with respect to the Facility, (ii) exemptions from mortgage recording tax (excluding the portion of the mortgage recording tax allocated to transportation districts referred to in Section 253(2)(a) of the Tax Law of the State of New York), for one or more mortgages securing the principal amount not to exceed \$6,175,000.00 in connection with the financing of the acquisition, renovation and equipping of the Facility and any future financing, refinancing or permanent financing of the costs of acquiring, renovating and equipping of the Facility, and (iii) abatement of real property taxes (as set forth in the Proposed PILOT Schedule annexed hereto as Exhibit C), consistent with the deviation set forth in the Deviation Notice, for the reasons set forth in the Deviation Notice and after consideration of the factors set forth in the UTEP.

Section 8. Subject to the provisions of this resolution, each of the Company and the Sublessee is herewith and hereby appointed the agent of the Agency to acquire, renovate and equip the Facility. Each of the Company and the Sublessee is hereby empowered to delegate its status as agent of the Agency to its agents, subagents, contractors, subcontractors, materialmen, suppliers, vendors and such other parties as the Company and/or the Sublessee may choose in order to acquire, renovate and equip the Facility. The Agency hereby appoints the agents, subagents, contractors, subcontractors, materialmen, vendors and suppliers of the Company and the Sublessee as agents of the Agency solely for purposes of making purchases or leases of goods, services and supplies to the Facility, and any such transaction between any agent, subagent, contractor, subcontractor, materialmen, vendor or supplier, and the Company and the Sublessee, as agents of the Agency, shall be deemed to be on behalf of the Agency and for the benefit of the Facility. This agency appointment expressly excludes the purchase by the Company and the Sublessee of any motor vehicles, including any cars, trucks, vans or buses which are licensed by the Department of Motor Vehicles for use on public highways or streets. The Company and the Sublessee shall indemnify the Agency with respect to any transaction of any kind between and among the agents, subagents, contractors, subcontractors, materialmen, vendors and/or suppliers and the Company or the Sublessee, as agents of the Agency. The aforesaid appointment of the Company and the Sublessee as agents of the Agency to acquire, renovate and equip the Facility shall expire at the earlier of (a) the completion of such activities and improvements, (b) a date which the Agency designates, or (c) the date on which the Company, the Sublessee and their agents, subagents, contractors, subcontractors, materialmen, vendors and/or suppliers have received exemptions from sales and use taxes in an aggregate amount not to exceed \$448,431.00 in connection with the purchase or lease of equipment, building materials, services or other personal property with respect to the Facility; provided however, such appointment may be extended at the discretion of the Agency, upon the written request of the Company or the Sublessee if such activities and improvements are not completed by such time. The aforesaid appointment of the Company and the Sublessee is subject to the execution of the documents contemplated by this resolution.

Section 9. The Company and the Sublessee are hereby notified that they will be required to comply with Section 875 of the Act. The Company and the Sublessee are further notified that the exemption of sales and use tax provided pursuant to the Act and the appointment of the Company and the Sublessee as agents of the Agency pursuant to this resolution are subject to termination and recapture of benefits pursuant to Sections 859-a and 875 of the Act and the recapture provisions of the Lease Agreement.

Section 10. The form and substance of the Company Lease, the Lease Agreement, the Equipment Lease Agreement, the Agency Compliance Agreement and the Loan Documents to which the Agency is a party (each in substantially the forms presented to or approved by the Agency and which, prior to the execution and delivery thereof, may be redated and renamed) are hereby approved.

Section 11.

(a) The Chairman, the Chief Executive Officer, the Chief Financial Officer, the Deputy Executive Director and any member of the Agency are hereby authorized, on behalf



of the Agency, to execute and deliver the Company Lease, the Lease Agreement, the Equipment Lease Agreement, the Agency Compliance Agreement and the Loan Documents to which the Agency is a party, all in substantially the forms thereof presented to this meeting with such changes, variations, omissions and insertions as the Chairman, the Chief Executive Officer, the Chief Financial Officer, the Deputy Executive Director or any member of the Agency shall approve, and such other related documents as may be, in the judgment of the Chairman and counsel to the Agency, necessary or appropriate to effect the transactions contemplated by this resolution (hereinafter collectively called the “**Agency Documents**”). The execution thereof by the Chairman, the Chief Executive Officer, the Chief Financial Officer, the Deputy Executive Director or any member of the Agency shall constitute conclusive evidence of such approval.

(b) The Chairman, the Chief Executive Officer, the Chief Financial Officer, the Deputy Executive Director and any member of the Agency are further hereby authorized, on behalf of the Agency, to designate any additional Authorized Representatives (as defined in and pursuant to the Lease Agreement) of the Agency.

Section 12. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Agency Documents, and to execute and deliver all such additional certificates, instruments and documents, pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Agency Documents binding upon the Agency.

Section 13. Any expenses incurred by the Agency with respect to the Facility shall be paid by the Company and the Sublessee. The Company and the Sublessee shall agree to pay such expenses and further agree to indemnify the Agency, its members, directors, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency in good faith with respect to the Facility.

Section 14. The provisions of this resolution shall continue to be effective for one (1) year from the date hereof, whereupon the Agency may, at its option, terminate the effectiveness of this resolution (except with respect to the matters contained in Section 13 hereof).

Section 15. This resolution shall take effect immediately.

ADOPTED: November 16, 2022

STATE OF NEW YORK     )  
                                      : SS.:  
COUNTY OF NASSAU     )

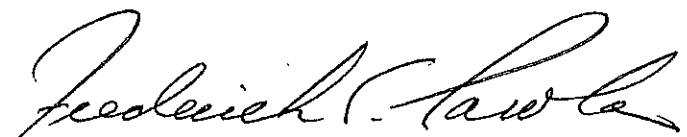
We, the undersigned Chief Executive Officer and Chairman of the Town of Hempstead Industrial Development Agency, DO HEREBY CERTIFY:

That we have compared the annexed extract of the minutes of the meeting of the Town of Hempstead Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on November 16, 2022, with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

That the Agency Documents contained in this transcript of proceedings are in each in substantially the form presented to the Agency and approved at said meeting.

WE FURTHER CERTIFY that (i) all members of the Agency had due notice of said meeting, pursuant to Sections 103a and 104 of the Public Officers Law (Open Meetings Law), (ii) public notice of the time and place of said meeting was duly given in accordance with such Sections 103a and 104, (iii) the meeting in all respects was duly held and was open to the general public, and (iv) there was a quorum present throughout.

IN WITNESS WHEREOF, we have hereunto set our hands as of the 16<sup>th</sup> day of November, 2022.

By:   
Frederick E. Parola  
Chief Executive Officer


By:   
Florestano Girardi  
Chairman

EXHIBIT A

Notice of Public Hearing

# NEWSDAY AFFIDAVIT OF PUBLICATION

HEMPSTEAD IDA  
350 FRONT ST RM #240  
HEMPSTEAD, NY 11550-4040

STATE OF NEW YORK)

Legal Notice No. 0021754632

:SS.:

COUNTY OF ERIE)

The undersigned, being duly sworn, says that such person is a duly authorized custodian of records of Newsday LLC, the publisher of Newsday, a daily newspaper published in Melville, County of Suffolk, State of New York, and circulated in Nassau, Suffolk, and Queens Counties, and that the Legal Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Wednesday November 02, 2022 Nassau

By: Ciara Woodin

Print Name: Ciara Woodin

**SWORN** to before me this  
02 Day of November, 2022.

Authorized Designee of Newsday LLC, Publisher of Newsday

Sarah Perez  
Notary Public

Sarah Perez  
Notary Public - State of New York  
No. 01PE6397402  
Qualified in Erie County  
Commission Expires 09/03/2023

## Ad Content

Legal Notice # 21754632

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Title 1 of Article 18-A of the New York State General Municipal Law (the "Hearing") will be held by the Town of Hempstead Industrial Development Agency on the 24th day of November, 2022, at 10:00 a.m., local time, at 40 N. Ocean Avenue, Village of Freeport, Town of Hempstead, New York, in connection with the following matters:

159 Hanse Development LLC, a New York limited liability company, on behalf of itself and/or the principals of 159 Hanse Development LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "Company"), and Natural Foods, Inc., a New York business corporation, on behalf of itself and/or the principals of Natural Foods, Inc. and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "Sublessee"), submitted an application for financial assistance (the "Application") to the Town of Hempstead Industrial Development Agency (the "Agency") to enter into a transaction in which the Agency will assist in the acquisition of an interest in an approximately 2.3 acre parcel of land located at 159 Hanse Avenue, Village of Freeport, Town of Hempstead, Nassau County, New York (the "Land"), the renovation of the approximately 67,307 square foot building located on the Land (the "Improvements"), and the acquisition of certain fixtures, equipment and personal property necessary for the completion thereof (the "Equipment"); and together with the Land and the Improvements, the "Facility"), which Facility is to be subleased by the Agency to the Company and further sub-subleased by the Company to the Sublessee to be used by the Sublessee as a production and distribution facility in its food and beverage business and for related office space (the "Project"). The Facility would be initially owned, operated and/or managed by the Company. The Agency contemplates that it would provide financial assistance to the Company and the Sublessee in the form of exemptions from mortgage recording taxes in connection with the financing or any subsequent refinancing of the Facility, exemptions from sales and use taxes and abatement of real property taxes.

The Company has requested that the Agency provide financial assistance to the Company in the form of abatements of real property taxes for a term of up to fifteen (15) years (the "PILOT Benefit"). The proposed PILOT Benefit deviates from the Agency's Uniform Tax Exemption Policy and Guidelines, as amended to date (the "Policy"), because the proposed PILOT Benefit would be for a term of up to fifteen (15) years instead of ten (10) years. Copies of the proposed PILOT payment schedule are available on the Agency's website at [www.tohida.org](http://www.tohida.org). The Agency is considering the proposed deviation from the Policy due to the current nature of the property and because the Company and the Sublessee would not undertake the Project and the Project would not be economically viable without a PILOT for a term of up to fifteen (15) years.

A representative of the Agency will, at the above-stated time and place, hear and accept oral comments from all persons with views in favor of or opposed to either the Project or the financial assistance requested by the Company and the Sublessee. Comments may also be submitted to the Agency in writing or electronically prior to or during the Hearing by emailing them to [ida@mail@tohmail.org](mailto:ida@mail@tohmail.org). Minutes of the Hearing will be transcribed and posted on the Agency's website.

Members of the public have the opportunity to review the application for financial assistance filed by the Company and the Sublessee with the Agency and an analysis of the costs and benefits of the proposed Project, which can be found on the Agency's website at [www.tohida.org](http://www.tohida.org).

The Agency anticipates that the members of the Agency will consider a resolution to approve the Project and the financial assistance requested by the Company and the Sublessee, including the proposed fifteen (15) year PILOT Benefit requested by the Company, at the Agency's Board Meeting (the "Board Meeting") to be held on November 16, 2022, at 9:00 a.m. local time, at 1 Washington Street, Town Hall Pavilion, Hempstead, New York 11550.

Dated: November 2, 2022

TOWN OF HEMPSTEAD INDUSTRIAL  
DEVELOPMENT AGENCY

By: Frederick E. Parola

Title: Chief Executive Officer

## NEWSDAY PROOF

Ad Number: 0021754632

Advertiser: HEMPSTEAD IDA

*Amended*

INDUSTRIAL DEVELOPMENT  
AGENCY

Board Members  
Florestano Girardi  
Thomas Grech  
Dr. Eric C. Mallette  
Jack Majkut  
Robert Bedford  
Jerry Kornbluth, Ph.D  
Jill Mollitor

Frederick E. Parola  
Chief Executive Officer



350 FRONT STREET HEMPSTEAD, NY 11550-4037  
(516) 489-5000 EXT. 4200 • (516) 489-3179

NOTICE LETTER

[Distribution List Attached]

November 2, 2022

Re: **Town of Hempstead Industrial Development Agency  
(159 Hanse Development LLC/Natural Foods, Inc. 2022 Facility)**

159 Hanse Development LLC, a New York limited liability company, on behalf of itself and/or the principals of 159 Hanse Development LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "**Company**"), and Natural Foods, Inc., a New York business corporation, on behalf of itself and/or the principals of Natural Foods, Inc. and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "**Sublessee**"), submitted an application for financial assistance (the "**Application**") to the Town of Hempstead Industrial Development Agency (the "**Agency**") to enter into a transaction in which the Agency will assist in the acquisition of an interest in an approximately 2.3 acre parcel of land located at 159 Hanse Avenue, Village of Freeport, Town of Hempstead, Nassau County, New York (the "**Land**"), the renovation of the approximately 67,307 square foot building located on the Land (the "**Improvements**"), and the acquisition of certain fixtures, equipment and personal property necessary for the completion thereof (the "**Equipment**"; and together with the Land and the Improvements, the "**Facility**"), which Facility is to be subleased by the Agency to the Company and further sub-subleased by the Company to the Sublessee to be used by the Sublessee as a production and distribution facility in its food and beverage business and for related office space (the "**Project**"). The Facility would be initially owned, operated and/or managed by the Company.

The Agency contemplates that it would provide financial assistance to the Company and the Sublessee in the form of exemptions from mortgage recording taxes in connection with the financing or any subsequent refinancing of the Facility, exemptions from sales and use taxes and abatement of real property taxes.

The Company has requested that the Agency provide financial assistance to the Company in the form of abatements of real property taxes for a term of up to fifteen (15) years (the "**PILOT Benefit**"). The proposed PILOT Benefit deviates from the Agency's Uniform Tax Exemption Policy and Guidelines, as amended to date (the "**Policy**"), because the proposed PILOT Benefit would be for a term of up to fifteen (15) years instead of ten (10) years. Copies of the proposed PILOT payment schedule are available on the Agency's website at [www.tohida.org](http://www.tohida.org). The Agency is considering the proposed deviation from the Policy due to the current nature of the property and because the Company and the Sublessee would not undertake the Project and the Project would not be economically viable without a PILOT for a term of up to fifteen (15) years.

The Agency will hold a public hearing (the "**Hearing**") with respect to the Project and the financial assistance requested by the Company and the Sublessee on November 14, 2022, at 10:00 a.m., local time, at 40 N. Ocean Avenue Village of Freeport, Town of Hempstead, New York. Attached as Exhibit A is a copy of the Notice of Public Hearing describing the Project and the financial assistance requested by the Company and the Sublessee. The Notice of Public Hearing was published in Newsday on November 2, 2022.

A representative of the Agency will, at the above-stated time and place, hear and accept oral comments from all persons with views in favor of or opposed to either the Project or the financial assistance requested by the Company and the Sublessee. Comments may also be submitted to the Agency in writing or electronically prior to or during the Hearing by e-mailing them to [idamail@hempsteadny.gov](mailto:idamail@hempsteadny.gov). Minutes of the Hearing will be transcribed and posted on the Agency's website.

Members of the public have the opportunity to review the application for financial assistance filed by the Company and the Sublessee with the Agency and an analysis of the costs and benefits of the proposed Facility, which can be found on the Agency's website at [www.tohida.org](http://www.tohida.org).

The Agency anticipates that the members of the Agency will consider a resolution to approve the Project and the financial assistance requested by the Company and the Sublessee, including the proposed fifteen (15) year PILOT Benefit requested by the Company, at the Agency's Board Meeting (the "**Board Meeting**") to be held on November 16, 2022, at 9:00 a.m. local time, at 1 Washington Street, Town Hall Pavilion, Hempstead, New York 11550.

You and your representative are welcome to participate in the Hearing and/or the Board Meeting, at which time you will have an opportunity, both orally and in writing, to present your views with respect to the Project and/or the financial assistance requested by the Company and the Sublessee. We are providing this notice to you, pursuant to Sections 859-a and 874 of the New York State General Municipal Law, as the chief executive officer of an affected tax jurisdiction within which the Project is located.

Very truly yours,

TOWN OF HEMPSTEAD INDUSTRIAL  
DEVELOPMENT AGENCY

By: Frederick E. Parola  
Title: Chief Executive Officer

Councilman Carini  
4<sup>th</sup> Floor

Nassau County Legislative District 19  
Steven D. Rhoads  
1550 Franklin Avenue  
Mineola, NY 11501

Town Clerk  
Kate Murray

Supervisor Donald X. Clavin, Jr.  
4<sup>th</sup> Floor

New York Assembly District 18  
Taylor Raynor  
33 Front Street  
Hempstead NY 11550

New York Senate District 8  
John E. Brooks  
5550 Merrick Rd-Suite 205  
Massapequa, NY 11758

County Executive Bruce Blakeman  
County Executive  
Nassau County  
1 West Street  
Mineola, New York 11501

Superintendent Kishore Kuncham, Ed.D.  
Freeport School District  
235 North Ocean Avenue  
Freeport, NY 11520

Mayor Robert T. Kennedy  
Incorporated Village of Freeport  
46 North Ocean Avenue  
Freeport, NY 11520

Maria Jordan-Awalom  
School Board President  
Freeport School District  
235 North Ocean Avenue  
Freeport NY 11520



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## NOTICE OF PUBLIC HEARING

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**NOTICE IS HEREBY GIVEN** that a public hearing pursuant to Title 1 of Article 18-A of the New York State General Municipal Law (the "**Hearing**") will be held by the Town of Hempstead Industrial Development Agency on the 14<sup>th</sup> day of November, 2022, at 10:00 a.m., local time, at 40 N. Ocean Avenue, Village of Freeport, Town of Hempstead, New York, in connection with the following matters:

159 Hanse Development LLC, a New York limited liability company, on behalf of itself and/or the principals of 159 Hanse Development LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "**Company**"), and Natural Foods, Inc., a New York business corporation, on behalf of itself and/or the principals of Natural Foods, Inc. and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "**Sublessee**"), submitted an application for financial assistance (the "**Application**") to the Town of Hempstead Industrial Development Agency (the "**Agency**") to enter into a transaction in which the Agency will assist in the acquisition of an interest in an approximately 2.3 acre parcel of land located at 159 Hanse Avenue, Village of Freeport, Town of Hempstead, Nassau County, New York (the "**Land**"), the renovation of the approximately 67,307 square foot building located on the Land (the "**Improvements**"), and the acquisition of certain fixtures, equipment and personal property necessary for the completion thereof (the "**Equipment**"; and together with the Land and the Improvements, the "**Facility**"), which Facility is to be subleased by the Agency to the Company and further sub-subleased by the Company to the Sublessee to be used by the Sublessee as a production and distribution facility in its food and beverage business and for related office space (the "**Project**"). The Facility would be initially owned, operated and/or managed by the Company.

The Agency contemplates that it would provide financial assistance to the Company and the Sublessee in the form of exemptions from mortgage recording taxes in connection with the financing or any subsequent refinancing of the Facility, exemptions from sales and use taxes and abatement of real property taxes.

The Company has requested that the Agency provide financial assistance to the Company in the form of abatements of real property taxes for a term of up to fifteen (15) years (the "**PILOT Benefit**"). The proposed PILOT Benefit deviates from the Agency's Uniform Tax Exemption Policy and Guidelines, as amended to date (the "**Policy**"), because the proposed PILOT Benefit would be for a term of up to fifteen (15) years instead of ten (10) years. Copies of the proposed PILOT payment schedule are available on the Agency's website at [www.tohida.org](http://www.tohida.org). The Agency is considering the proposed deviation from the Policy due to the current nature of the property and because the Company and the Sublessee would not undertake the Project and the Project would not be economically viable without a PILOT for a term of up to fifteen (15) years.

A representative of the Agency will, at the above-stated time and place, hear and accept oral comments from all persons with views in favor of or opposed to either the Project or the financial assistance requested by the Company and the Sublessee. Comments may also be submitted to the Agency in writing or electronically prior to or during the Hearing by e-mailing

them to [idamail@tohmail.org](mailto:idamail@tohmail.org). Minutes of the Hearing will be transcribed and posted on the Agency's website.

Members of the public have the opportunity to review the application for financial assistance filed by the Company and the Sublessee with the Agency and an analysis of the costs and benefits of the proposed Project, which can be found on the Agency's website at [www.tohida.org](http://www.tohida.org).

The Agency anticipates that the members of the Agency will consider a resolution to approve the Project and the financial assistance requested by the Company and the Sublessee, including the proposed fifteen (15) year PILOT Benefit requested by the Company, at the Agency's Board Meeting (the "**Board Meeting**") to be held on November 16, 2022, at 9:00 a.m. local time, at 1 Washington Street, Town Hall Pavilion, Hempstead, New York 11550.

Dated: November 2, 2022

TOWN OF HEMPSTEAD INDUSTRIAL  
DEVELOPMENT AGENCY

By: Frederick E. Parola  
Title: Chief Executive Officer

159 HANS 2.0

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Acknowledged to:</p> <p>Superintendent: Kishore Kuncham, Ed.D. Freeport School District 235 North Ocean Avenue Freeport, NY 11520</p> <p>9590 9402 6123 0209 8275 43</p> <p>Article Number (Transfer from service label) 7019 2970 0000 9993 6335</p> <p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>2. Service Type  <input type="checkbox"/> Adult Signature Restricted Delivery  <input type="checkbox"/> Adult Signature Restricted Delivery  <input type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Insured Mail  <input type="checkbox"/> Insured Mail Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail®  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Signature Confirmation®  <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p>3. Restricted Delivery <input type="checkbox"/></p> <p>Domestic Return Receipt</p>

159 HANS 2.0

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<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Acknowledged to:</p> <p>Mayor Robert T. Kennedy Incorporated Village of Freeport 46 North Ocean Avenue Freeport, NY 11520</p> <p>9590 9402 6123 0209 8275 83</p> <p>Article Number (Transfer from service label) 7019 2970 0000 9993 6298</p> <p>Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery <i>11-3-22</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>2. Service Type  <input type="checkbox"/> Adult Signature Restricted Delivery  <input type="checkbox"/> Adult Signature Restricted Delivery  <input type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Insured Mail  <input type="checkbox"/> Insured Mail Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail®  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Signature Confirmation®  <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p>3. Restricted Delivery <input type="checkbox"/></p> <p>Domestic Return Receipt</p>





EXHIBIT B

Minutes from Public Hearing held on November 14, 2022

-----X

IN THE MATTER OF A NOTICE OF  
PUBLIC HEARING

RE: 159 HANSE DEVELOPMENT AGENCY

-----X

40 N. Ocean Avenue  
Freeport, New York

November 14, 2022  
10:00 a.m.

B E F O R E:

MAYOR ROBERT KENNEDY

VILMA LANCASTER, Trustee

MARK DAVELLA, Trustee

MICHAEL LODATO, Deputy Executive Director

JOHN GORDON, Esq.

Dolly Fevola,  
Court Reporter

## A P P E A R A N C E S :

TOWN OF HEMPSTEAD  
INDUSTRIAL DEVELOPMENT AGENCY  
350 Front Street  
Hempstead, New York 11550  
BY: MICHAEL LODATO, Deputy Exec.  
Director

MAYOR KENNEDY: Let's stand for  
the Pledge of Allegiance.

(Whereupon, the Pledge of  
Allegiance is recited by all.)

MAYOR KENNEDY: I'd ask  
everybody to shut your phones on  
silence for the clear audio portion  
of this meeting and I'll turn it  
over to the IDA Mike Lodato now.  
Mike.

MR. LODATO: Thank you, Mayor.

Good morning. My name is  
Michael Lodato from the Town of  
Hempstead Industrial Development  
Agency. I'm the deputy executive  
director. I'm accompanied by Mayor  
Kennedy of Freeport Village, as well  
as Vilma Lancaster and Mark Davella.

I will now read the Public  
Hearing Notice into the record.  
This is for 159 Hanse Development,  
L.L.C.

Notice is hereby given that a  
public hearing pursuant to Title 1



of Article 18-A of the New York State General Municipal Law (the "Hearing") will be held by the Town of Hempstead Industrial Development Agency on the 14th day of November, 2022, at 10:00 a.m., local time, at 40 North Ocean Avenue, Village of Freeport, Town of Hempstead, New York, in connection with the following matters:

159 Hanse Development LLC, a New York limited liability company, on behalf of itself and all the principals of 159 Hanse Development LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "Company") and Natural Foods, Inc., a New York business corporation, on behalf of itself and/or the principals of Natural Foods, Inc., and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the

"Sublessee"), submitted an application for financial assistance (the "Application") to the Town of Hempstead Industrial Development Agency (the "Agency") to enter into a transaction in which the Agency will assist in the acquisition of an interest in an approximately 2.3 acre parcel of land located at 159 Hanse Avenue, Village of Freeport, Town of Hempstead, Nassau County, New York (the "Land"), the renovation of the approximately 67,307 square foot building located on the land (the "Improvements"), and the acquisition of certain fixtures, equipment and personal property necessary for the completion thereof (the "Equipment"; and together with the Land and the Improvements, the "Facility"), which Facility is to be subleased by the Agency to the Company and further sub-leased by the Company to the

Sublessee to be used by the  
Sublessee as a production and  
distributions facility in its food  
and beverage business and for  
related office space (the  
"Project"). The Facility would be  
initially owned, operated and/or  
managed by the Company.

The Agency contemplates that it  
would provide financial assistance  
to the Company and the Sublessee in  
the form of exemptions from mortgage  
recording taxes in connection with  
the financing or any subsequent  
refinancing of the Facility,  
exemptions from sales and use taxes  
and abatement of real property  
taxes.

The Company has requested that  
the Agency provide financial  
assistance to the Company in the  
form of abatements of real property  
taxes for a term of up to (15) years  
(the "PILOT Benefit"). The proposed

PILOT Benefit deviates from the Agency's Uniform Tax Exemption Policy and Guidelines, as amended to date (the "Policy"), because the proposed PILOT Benefit would be for a term of up to 15 years instead of 10 years. Copies of the proposed PILOT payment schedule are available on the Agency's website at [www.tohida.org](http://www.tohida.org). The Agency is considering the proposed deviation from the Policy due to the current nature of the property and because the Company and the Sublessee would not undertake the Project and the Project would not be economically viable without a PILOT for a term of up to 15 years.

A representative of the Agency will, at the above-stated time and place, hear and accept oral comments from all persons with views in favor of or opposed to either the Project or the financial assistance

requested by the Company and the Sublessee. Comments may also be submitted to the Agency in writing electronically prior to or during the Hearing by e-mailing them to idamail@tohmail.org. Minutes of the Hearing will be transcribed and posted on the Agency's website.

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The Agency anticipates that the members of the Agency will consider a resolution to approve the Project and the financial assistance requested by the Company and the Sublessee, including the proposed 15 year PILOT Benefit requested by the

Company, at the Agency's Board Meeting (the "Board Meeting") to be held on November 16, 2022, at 9:00 a.m., local time, at 1 Washington Street, Town Hall Pavilion, Hempstead, New York 11550.

Town of Hempstead Industrial Development Agency by Frederick E. Parola, Chief Executive Officer.

Thank you.

MAYOR KENNEDY: Thank you. Trustees, do you have any comment?

MS. LANCASTER: Yes. Good morning. It is always a pleasure to see that the IDA and our mayor have been able to work on developing our commercial area. This company, with this move, they will be bringing 50 employees, but even though they probably live in Queens or wherever, they will probably, some of them, will relocate to Freeport which will be a great good for our properties. With this move, of course, they're

going to get cheaper electric,  
cheaper water and that would help in  
their expenses for the year even  
though they are applying for a PILOT  
program.

MAYOR KENNEDY: That's a very  
good point. I just want to thank  
the IDA again because it's the  
economic development that brings  
additional property taxes to the  
Village. It helps stabilize our  
finances further 9 years at this  
point, so I look forward to continue  
working with the IDA and bringing  
the business and stabilizing the  
finances.

Thank you very much.

MR. DAVELLA: I think it's a  
nice addition to the Industrial Park  
and is a good renovation for the  
building.

MR. GORDON: Good morning. I'm  
John Gordon with Forchelli Deegan &  
Terrana in Uniondale. I'm here on

1  
2 behalf of the Applicant, Natural  
3 Foods.

4 I'd just like to say that, you  
5 know, the Applicant is excited to  
6 complete this project. Not only  
7 will they be bringing 50 jobs from  
8 their existing location, but they  
9 will also be committing to add  
10 another 50 jobs over the next few  
11 years which will benefit the  
12 municipality and the residents as  
13 well. They have outgrown their  
14 space and need to expand and this is  
15 the right property for the job.

16 Thank you for your  
17 consideration.

18 MR. DAVELLA: One quick  
19 question. We have to be back over  
20 to the Town of Hempstead on the 16th  
21 on this matter again. Specifically,  
22 what is the item that we have to  
23 reconsider or is there?

24 MR. GORDON: So far we've  
25 gotten the inducement and that's



going to be the authorization of  
authorizing resolution for final  
approval, basically.

MR. DAVELLA: Oh, so there is  
no amendment. We already considered  
it and it is set to go forward.

MR. GORDON: Thank you.

MAYOR KENNEDY: Any comments  
from the public?

MR. LODATO: I just want to say  
on behalf of the Town of Hempstead  
IDA, we really appreciate the  
partnership we have with the mayor  
and the Village as a whole and this  
is a great project to bring into the  
Village and we're excited about it.

MAYOR KENNEDY: I concur.

No other comments? So we're  
going to remain open here just in  
case we have any people that come in  
for another half hour or so and  
we'll commence at that point.

(At this time, a brief recess  
was taken.)

2 MAYOR KENNEDY: Mr. Lodato,  
3 should we make a motion to close the  
4 meeting?

5 MR. LODATO: Yes, please.

6 MAYOR KENNEDY: Do I have a  
7 motion to close the meeting?

8 MR. DAVELLA: Motion to close.

9 MS. LANCASTER: Second.

10 MAYOR KENNEDY: All in favor?

11 (Aye by all.)

12 MR. LODATO: We are now  
13 observing it's 10:28 a.m. on  
14 November 14th, Monday. We held the  
15 meeting open 25 or so minutes.  
16 We're closing this as long as no one  
17 else would like to speak sine die.

18 Thank you very much everyone  
19 for attending.

20 MAYOR KENNEDY: Thank you  
21 everybody. Please get home safe.

22 MS. LANCASTER: Thank you.

23 (Time noted: 10:30 a.m.)  
24  
25

## CERTIFICATION

I, DOLLY FEVOLA, a Notary Public in  
and for the State of New York, do hereby certify:

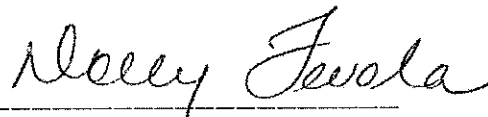
THAT the witness whose testimony is herein  
before set forth, was duly sworn by me; and

THAT the within transcript is a true record  
of the testimony given by said witness.

I further certify that I am not related,  
either by blood or marriage, to any of the parties  
to this action; and

THAT I am in no way interested in  
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 15th day of November, 2022.

A handwritten signature in cursive script, reading "Dolly Fevola", is written over a horizontal line.

DOLLY FEVOLA

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## EXHIBIT C

### Proposed PILOT Schedule

Schedule of PILOT Payments less any amounts payable by the Company in connection with any special ad valorem levies, special assessments or Special District Taxes and service charges levied against the Facility to the County of Nassau, Town of Hempstead, Uniondale Union Free School District and Appropriate Special Districts:

615 Merrick Avenue  
Westbury, New York 11590  
Section: 44    Block: 78    Lots: 47  
Parcels: 1  
School District: Uniondale - 2

Current Total Taxes: \$758,181.14  
Estimated Taxes Once Built: N/A (only internal renovations being made)  
Estimated Taxes Next Year Within Opinion Letter: \$605,233

Year	Total
1	\$605,233.00
2	\$605,233.00
3	\$605,233.00
4	\$640,000.00
5	\$650,000.00
6	\$660,000.00
7	\$665,000.00
8	\$675,000.00
9	\$680,000.00
10	\$685,000.00
11	\$695,000.00
12	\$705,000.00
13	\$715,000.00
14	\$725,000.00
15	\$745,000.00

PILOT Payments shall be allocated among the Taxing Authorities in proportion to the amount of real property tax and other taxes which would have been received by each Taxing Authority if the Facility was owned by the Company exclusive of the Agency's leasehold interest.

All annual PILOT Payments as described above shall be payable (i) with respect to the school taxes, in two equal semi-annual installments on or prior to November 10 and May 10 of each year of the Lease Term or on such other due dates as may be established from time to

time during the Lease Term, and (ii) with respect to the general taxes, in two equal semi-annual installments on or prior to February 10 and August 10 of each year of the Lease Term or on such other due dates as may be established from time to time during the Lease Term.



EXHIBIT D

PILOT Deviation Notice

*Amended*

INDUSTRIAL DEVELOPMENT  
AGENCY

Board Members  
Florestano Girardi  
Thomas Grech  
Dr. Eric C. Mallette  
Jack Majkut  
Robert Bedford  
Jerry Kornbluth, Ph.D  
Jill Molitor

Frederick E. Parola  
Chief Executive Officer



350 FRONT STREET HEMPSTEAD, NY 11550-4037  
(516) 489-5000 EXT. 4200 • (516) 489-3179

NOTICE LETTER

[Distribution List Attached]

November 2, 2022

Re: **Town of Hempstead Industrial Development Agency  
(159 Hanse Development LLC/Natural Foods, Inc. 2022 Facility)**

159 Hanse Development LLC, a New York limited liability company, on behalf of itself and/or the principals of 159 Hanse Development LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "**Company**"), and Natural Foods, Inc., a New York business corporation, on behalf of itself and/or the principals of Natural Foods, Inc. and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "**Sublessee**"), submitted an application for financial assistance (the "**Application**") to the Town of Hempstead Industrial Development Agency (the "**Agency**") to enter into a transaction in which the Agency will assist in the acquisition of an interest in an approximately 2.3 acre parcel of land located at 159 Hanse Avenue, Village of Freeport, Town of Hempstead, Nassau County, New York (the "**Land**"), the renovation of the approximately 67,307 square foot building located on the Land (the "**Improvements**"), and the acquisition of certain fixtures, equipment and personal property necessary for the completion thereof (the "**Equipment**"; and together with the Land and the Improvements, the "**Facility**"), which Facility is to be subleased by the Agency to the Company and further sub-subleased by the Company to the Sublessee to be used by the Sublessee as a production and distribution facility in its food and beverage business and for related office space (the "**Project**"). The Facility would be initially owned, operated and/or managed by the Company.

The Agency contemplates that it would provide financial assistance to the Company and the Sublessee in the form of exemptions from mortgage recording taxes in connection with the financing or any subsequent refinancing of the Facility, exemptions from sales and use taxes and abatement of real property taxes.

The Company has requested that the Agency provide financial assistance to the Company in the form of abatements of real property taxes for a term of up to fifteen (15) years (the "PILOT Benefit"). The proposed PILOT Benefit deviates from the Agency's Uniform Tax Exemption Policy and Guidelines, as amended to date (the "Policy"), because the proposed PILOT Benefit would be for a term of up to fifteen (15) years instead of ten (10) years. Copies of the proposed PILOT payment schedule are available on the Agency's website at [www.tohida.org](http://www.tohida.org). The Agency is considering the proposed deviation from the Policy due to the current nature of the property and because the Company and the Sublessee would not undertake the Project and the Project would not be economically viable without a PILOT for a term of up to fifteen (15) years.

The Agency will hold a public hearing (the "**Hearing**") with respect to the Project and the financial assistance requested by the Company and the Sublessee on November 14, 2022, at 10:00 a.m., local time, at 40 N. Ocean Avenue Village of Freeport, Town of Hempstead, New York. Attached as Exhibit A is a copy of the Notice of Public Hearing describing the Project and the financial assistance requested by the Company and the Sublessee. The Notice of Public Hearing was published in Newsday on November 2, 2022.

A representative of the Agency will, at the above-stated time and place, hear and accept oral comments from all persons with views in favor of or opposed to either the Project or the financial assistance requested by the Company and the Sublessee. Comments may also be submitted to the Agency in writing or electronically prior to or during the Hearing by e-mailing them to [ldamail@hempsteadny.gov](mailto:ldamail@hempsteadny.gov). Minutes of the Hearing will be transcribed and posted on the Agency's website.

Members of the public have the opportunity to review the application for financial assistance filed by the Company and the Sublessee with the Agency and an analysis of the costs and benefits of the proposed Facility, which can be found on the Agency's website at [www.tohida.org](http://www.tohida.org).

The Agency anticipates that the members of the Agency will consider a resolution to approve the Project and the financial assistance requested by the Company and the Sublessee, including the proposed fifteen (15) year PILOT Benefit requested by the Company, at the Agency's Board Meeting (the "**Board Meeting**") to be held on November 16, 2022, at 9:00 a.m. local time, at 1 Washington Street, Town Hall Pavilion, Hempstead, New York 11550.

You and your representative are welcome to participate in the Hearing and/or the Board Meeting, at which time you will have an opportunity, both orally and in writing, to present your views with respect to the Project and/or the financial assistance requested by the Company and the Sublessee. We are providing this notice to you, pursuant to Sections 859-a and 874 of the New York State General Municipal Law, as the chief executive officer of an affected tax jurisdiction within which the Project is located.

Very truly yours,

TOWN OF HEMPSTEAD INDUSTRIAL  
DEVELOPMENT AGENCY

By: Frederick E. Parola  
Title: Chief Executive Officer

Councilman Carlini  
4<sup>th</sup> Floor

Nassau County Legislative District 19  
Steven D. Rhoads  
1550 Franklin Avenue  
Mineola, NY 11501

Town Clerk  
Kate Murray

Supervisor Donald X. Clavin, Jr.  
4<sup>th</sup> Floor

New York Assembly District 18  
Taylor Raynor  
33 Front Street  
Hempstead NY 11550

New York Senate District 8  
John E. Brooks  
5550 Merrick Rd-Suite 205  
Massapequa, NY 11758

County Executive Bruce Blakeman  
County Executive  
Nassau County  
1 West Street  
Mineola, New York 11501

Superintendent Kishore Kuncham, Ed.D.  
Freeport School District  
235 North Ocean Avenue  
Freeport, NY 11520

Mayor Robert T. Kennedy  
Incorporated Village of Freeport  
46 North Ocean Avenue  
Freeport, NY 11520

Maria Jordan-Awalom  
School Board President  
Freeport School District  
235 North Ocean Avenue  
Freeport NY 11520

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## NOTICE OF PUBLIC HEARING

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**NOTICE IS HEREBY GIVEN** that a public hearing pursuant to Title 1 of Article 18-A of the New York State General Municipal Law (the "**Hearing**") will be held by the Town of Hempstead Industrial Development Agency on the 14<sup>th</sup> day of November, 2022, at 10:00 a.m., local time, at 40 N. Ocean Avenue, Village of Freeport, Town of Hempstead, New York, in connection with the following matters:

159 Hanse Development LLC, a New York limited liability company, on behalf of itself and/or the principals of 159 Hanse Development LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "**Company**"), and Natural Foods, Inc., a New York business corporation, on behalf of itself and/or the principals of Natural Foods, Inc. and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "**Sublessee**"), submitted an application for financial assistance (the "**Application**") to the Town of Hempstead Industrial Development Agency (the "**Agency**") to enter into a transaction in which the Agency will assist in the acquisition of an interest in an approximately 2.3 acre parcel of land located at 159 Hanse Avenue, Village of Freeport, Town of Hempstead, Nassau County, New York (the "**Land**"), the renovation of the approximately 67,307 square foot building located on the Land (the "**Improvements**"), and the acquisition of certain fixtures, equipment and personal property necessary for the completion thereof (the "**Equipment**"; and together with the Land and the Improvements, the "**Facility**"), which Facility is to be subleased by the Agency to the Company and further sub-subleased by the Company to the Sublessee to be used by the Sublessee as a production and distribution facility in its food and beverage business and for related office space (the "**Project**"). The Facility would be initially owned, operated and/or managed by the Company.

The Agency contemplates that it would provide financial assistance to the Company and the Sublessee in the form of exemptions from mortgage recording taxes in connection with the financing or any subsequent refinancing of the Facility, exemptions from sales and use taxes and abatement of real property taxes.

The Company has requested that the Agency provide financial assistance to the Company in the form of abatements of real property taxes for a term of up to fifteen (15) years (the "**PILOT Benefit**"). The proposed PILOT Benefit deviates from the Agency's Uniform Tax Exemption Policy and Guidelines, as amended to date (the "**Policy**"), because the proposed PILOT Benefit would be for a term of up to fifteen (15) years instead of ten (10) years. Copies of the proposed PILOT payment schedule are available on the Agency's website at [www.tohida.org](http://www.tohida.org). The Agency is considering the proposed deviation from the Policy due to the current nature of the property and because the Company and the Sublessee would not undertake the Project and the Project would not be economically viable without a PILOT for a term of up to fifteen (15) years.

A representative of the Agency will, at the above-stated time and place, hear and accept oral comments from all persons with views in favor of or opposed to either the Project or the financial assistance requested by the Company and the Sublessee. Comments may also be submitted to the Agency in writing or electronically prior to or during the Hearing by e-mailing

them to [jdemail@tohmail.org](mailto:jdemail@tohmail.org). Minutes of the Hearing will be transcribed and posted on the Agency's website.

Members of the public have the opportunity to review the application for financial assistance filed by the Company and the Sublessee with the Agency and an analysis of the costs and benefits of the proposed Project, which can be found on the Agency's website at [www.tohida.org](http://www.tohida.org).

The Agency anticipates that the members of the Agency will consider a resolution to approve the Project and the financial assistance requested by the Company and the Sublessee, including the proposed fifteen (15) year PILOT Benefit requested by the Company, at the Agency's Board Meeting (the "**Board Meeting**") to be held on November 16, 2022, at 9:00 a.m. local time, at 1 Washington Street, Town Hall Pavilion, Hempstead, New York 11550.

Dated: November 2, 2022

TOWN OF HEMPSTEAD INDUSTRIAL  
DEVELOPMENT AGENCY

By: Frederick E. Parola  
Title: Chief Executive Officer

[illegible]



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# 1139 June 20

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"><li>Complete Items 1, 2, and 3.</li><li>Fill your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	<p>A. Signature <i>[Signature]</i></p> <p>B. Received by (Print Name) C. Date of Delivery <i>[Date]</i></p> <p>D. Is delivery address different from item 1? If YES, enter delivery address below:</p> <p>E. Service Type F. Restricted Delivery G. Registered Mail® H. Signature Confirmation® I. Return Receipt for Merchandise</p>

Mayor Robert T. Kennedy  
Incorporated Village of Freeport  
46 North Ocean Avenue  
Freeport, NY 11520

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Form 3811, July 2015 PSN 7530-02-000-9003