

FORM APPLICATION FOR FINANCIAL ASSISTANCE
TOWN OF HEMPSTEAD
INDUSTRIAL DEVELOPMENT AGENCY

Redacted

PROJECT APPLICATION

Amended 6.5.26
Amended 8.17.26

3/22

DATE: April 27, 2023

~~6.5.26~~ 8.17.26

APPLICATION OF: The Gardens at Buffalo LLC

Name of Owner and/or User of Proposed Project

ADDRESS: 301A Central Avenue

Lawrence NY 11559

CONTACT:

~~Aron Goldstein~~

BENJAMIN DIEHL

PHONE NUMBER: _____

EMAIL ADDRESS: _____

FAX NUMBER: N/A

Type of Application: ☐ Tax-Exempt Bond ☐ Taxable Bond

☒ Straight Lease ☐ Refunding Bond

☐ Special Straight Lease

Town of Hempstead Industrial Development Agency
350 Front Street, Rom 234A
Hempstead, New York 11550
516-489-5000 extension 4200

Part I: Owner & User Data

1. Owner Data:

A. Owner (Applicant for assistance): The Gardens at Buffalo LLC

Address: 301 A Central Avenue

Lawrence NY 11559

Federal Employer ID: _____ Website: N/A
(See Exhibit 1 attached hereto)

Owner Officer Certifying Application: Daniel Goldstein

Title of Officer: A Managing Member, as Managing Member of Hashkaot LLC, its Managing Member

Phone Number: _____ E-mail: _____

B. Business Type: (Limited Liability Company)

Sole Proprietorship ☐ Partnership ☐ Privately Held ☒

Public Corporation ☐ Listed on _____

State of Incorporation/Formation: New York

C. Nature of Business:

(e.g., "manufacturer of _____ for _____ industry"; "distributor of _____"; or "real estate holding company")

Real Estate Holding Company

D. Owner Counsel: (See Rider)

Firm Name: Harris Beach PLLC

Address: 333 Earle Ovington Blvd.

Uniondale, NY 11553

Individual Attorney: Jack Martins, Esq.

Phone Number: _____ E-mail: _____

E. Principal Stockholders, Members or Partners, if any, of the Owner (5% or more equity):

(See Exhibit 2 attached hereto and made a part hereof)

Name

Percent Owned

Gardens at Buffalo Holdco LLC

100% Equity Interest

F. Has the Owner, or any subsidiary or affiliate of the Owner, or any stockholder, partner, member, officer, director or other entity with which any of these individuals is or has been associated with:

i. ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding? (if yes, please explain)

ii. been convicted of a felony, or misdemeanor, or criminal offense (other than a motor vehicle violation)? (if yes, please explain)

G. If any of the above persons (see "E", above) or a group of them, owns more than 50% interest in the Owner, list all other organizations which are related to the Owner by virtue of such persons having more than a 50% interest in such organizations.

As set forth in Exhibit 2, Gardens at Buffalo Holdco LLC owns 100% of the Applicant. Gardens at Buffalo Holdco LLC comprises members, none of which own more than a 50% interest in Gardens at Buffalo Holdco LLC.

BUFFALO FREEPORT GARDENS LLC, which owns 100% of the
H. Is the Owner related to any other organization by reason of more than a 50% ownership? If so, indicate name of related organization and relationship:

As set forth in Exhibit 2, Gardens at Buffalo Holdco LLC owns 100% of the Applicant. Gardens at Buffalo Holdco LLC comprises members, none of which own more than a 50% interest in Gardens at Buffalo Holdco LLC.

BUFFALO FREEPORT GARDENS LLC, which owns 100% of the
I. List parent corporation, sister corporations and subsidiaries:

As set forth in Exhibit 2, Gardens at Buffalo Holdco LLC owns 100% of the Applicant. Gardens at Buffalo Holdco LLC comprises members, none of which own more than a 50% interest in Gardens at Buffalo Holdco LLC.

BUFFALO FREEPORT GARDENS LLC, which owns 100% of the
J. Has the Owner (or any related corporation or person) been involved in or benefited by any prior industrial development financing in the municipality in which this project is located, whether by this agency or another issuer? (Municipality herein means city, town or village,

or if the project is not in an incorporated city, town or village, the unincorporated areas of the county in which it is located.) If so, explain in full:

Neither the Owner, nor any related corporation or person thereto, have been involved in, or benefited by, any prior industrial development financing in the Village of Freeport with the Town of Hempstead IDA or any other issuer.

K. List major bank references of the Owner:

Hanover Bank (John MacAvr

page Credit Union (Paul Zucco

Amalgamated Bank (Jacob Nimn

State Capital Bank (Robert Gaml

2. User Data

*** (for co-applicants for assistance or where a landlord/tenant relationship will exist between the owner and the user) ***

A. User (together with the Owner, the "Applicant"): ~~See Rider~~ N/A

Address: N/A

Federal Employer ID #: N/A Website: N/A

NAICS Code: N/A

User Officer Certifying Application: N/A

Title of Officer: N/A

Phone Number: N/A E-mail: N/A

B. Business Type: (Not Applicable)

Sole Proprietorship ☐ Partnership ☐ Privately Held ☐

Public Corporation ☐ Listed on _____

State of Incorporation/Formation: N/A

C. Nature of Business:

(e.g., "manufacturer of _____ for _____ industry"; "distributor of _____"; or "real estate holding company")

(Not Applicable)

D. Are the User and the Owner Related Entities? Yes ☐ No ☒

(See Rider)

- i. If yes, the remainder of the questions in this Part I, Section 2 (with the exception of "F" below) need not be answered if answered for the Owner.

ii. If no, please complete all questions below.

E. User's Counsel:

Firm Name: N/A

Address: N/A

Individual Attorney: N/A

Phone Number: N/A

E-mail: N/A

F. Principal Stockholders or Partners, if any (5% or more equity):

Name	Percent Owned
<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>
<u></u>	<u></u>

G. Has the User, or any subsidiary or affiliate of the User, or any of these individuals immediate family members, or any stockholder, partner, officer, director or other entity with which any of these individuals is or has been associated with:

- i. ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding? (if yes, please explain)

N/A

- ii. ever been convicted of a felony or criminal offense (other than a motor vehicle violation)? (if yes, please explain)

N/A

H. If any of the above persons (see "E", above) or a group of them, owns more than 50% interest in the User, list all other organizations which are related to the User by virtue of such persons having more than a 50% interest in such organizations.

N/A

- I. Is the User related to any other organization by reason of more than a 50% ownership? If so, indicate name of related organization and relationship:

N/A

- J. List parent corporation, sister corporations and subsidiaries:

N/A

- K. Has the User (or any related corporation or person) been involved in or benefited by any prior industrial development financing in the municipality in which this project is located, whether by this agency or another issuer? (Municipality herein means city, town or village, or if the project is not in an incorporated city, town or village, the unincorporated areas of the county in which it is located.) If so, explain in full:

N/A

- L. List major bank references of the User:

N/A

Part II – Operation at Current Location

***** (if the Owner and the User are unrelated entities, answer separately for each) *****

1. Current Location Address: Owner is a single purpose entity that will own the Project. It does not operate at any other location.
2. Owned or Leased: N/A
3. Describe your present location (acreage, square footage, number buildings, number of floors, etc.):
N/A
4. Type of operation (manufacturing, wholesale, distribution, retail, etc.) and products and/or services:
N/A

5. Are other facilities or related companies of the Applicant located within the State?

Yes ☐ No ☒

A. If yes, list the Address: N/A

6. If yes to above ("5"), will the completion of the project result in the removal of such facility or facilities from one area of the state to another OR in the abandonment of such facility or facilities located within the State? Yes ☐ No ☒

A. If no, explain how current facilities will be utilized: N/A

B. If yes, please indicate whether the project is reasonably necessary for the Applicant to maintain its competitive position in its industry or remain in the State and explain in full:

N/A

7. Has the Applicant actively considered sites in another state? Yes ☐ No ☒

A. If yes, please list states considered and explain: N/A

8. Is the requested financial assistance reasonably necessary to prevent the Applicant from moving out of New York State? Yes ☐ No ☐ X

A. Please explain: The Applicant/Owner is a single purpose entity that was formed to own the Project. Relocating

outside of New York is not applicable to this transaction.

9. Number of full-time equivalent employees at current location and average salary: N/A

Part III – Project Data

1. Project Type:

A. What type of transaction are you seeking?: (Check one)

Straight Lease ☒ Taxable Bonds ☐ Tax-Exempt Bonds ☐

Equipment Lease Only ☐

B. Type of benefit(s) the Applicant is seeking: (Check all that apply)

Sales Tax Exemption ☒
PILOT Agreement: ☒

Mortgage Recording Tax Exemption ☒

2. Location of project:

A. Street Address: 80-84 Albany Ave., Freeport NY 11520; 17-33 Buffalo Avenue, Freeport NY 11520

B. Tax Map: District N/A Section 55 Block 190 Lot(s) 51, 52, 53, 54, 55, and 63.

C. Municipal Jurisdiction:

- i. Town: Hempstead
- ii. Village: Freeport
- iii. School District: #9

D. Acreage: appx. 2.5355 acres

3. Project Components (check all appropriate categories):

- A. Construction of a new building ☐ Yes ☒ No
 - i. Square footage: N/A
- B. Renovations of an existing building ☒ Yes ☐ No
 - i. Square footage: (See Rider) 85,932
- C. Demolition of an existing building
 - i. Square footage: (See Rider) 11,451
- D. Land to be cleared or disturbed ☐ Yes ☒ No
 - i. Square footage/acreage: N/A
- E. Construction of addition to an existing building ☒ Yes ☐ No
 - i. Square footage of addition: (See Rider) 80,004
 - ii. Total square footage upon completion: (See Rider) 165,936
- F. Acquisition of an existing building ☒ Yes ☐ No
 - i. Square footage of existing building: (See Rider) 97,383
- G. Installation of machinery and/or Equipment ☒ Yes ☐ No
 - i. List principal items or categories of equipment to be acquired: Fixtures and Equipment

(See Rider and Exhibit 3)

H. To what length will the project ensure energy efficiency in the design and operations?

The Project is being designed to be sustainable and energy efficient but the Owner does not intend to file for

LEED certification.

4. Current Use at Proposed Location

A. Does the Applicant currently hold fee title to the proposed location? **YES**

i. If no, please list the present owner of the site: Incorporated Village of Freeport

B. Present use of the proposed location: VACANT
~~The Property is almost 100% vacant. The warehouse (80-84 Albany) is occupied by a month-to-month tenant who is operating a small business on that portion of the Property. The Village is relocating the Tenant.~~

C. Is the proposed location currently subject to an IDA transaction (whether through this Agency or another?) ☒ Yes ☐ No

i. If yes, explain: THIS IS AN AMENDMENT OF THE EXISTING TRANSACTION.

D. Is there a purchase contract for the site? (if yes, explain): ☒ Yes ☐ No

A copy of the Contract has been submitted to the Agency.

E. Is there an existing or proposed lease for the site? (if yes, explain): ☐ Yes ☒ No

N/A

5. Proposed Use:

A. Describe the specific operations of the Applicant or other users to be conducted at the project site: The Applicant shall redevelop and renovate the Property so that it will host 200 units of residential apartments that will be leased to Tenants that will include Workforce Housing, Veterans' Housing and Senior Citizen Housing. The unit mix shall include 40 units of housing for Veterans, and 40 units of housing for Senior Citizens. As presently designed, the Buildings shall comprise 10 studio apartments, 100 one bedroom apartments, 70 two bedroom apartments, and 20 three bedroom apartments. There will be a 10% set aside of affordable units in compliance with the Long Island Workforce Housing Act that will be available for rental by individuals and families at or below one hundred thirty percent of the median income for the Nassau-Suffolk primary metropolitan statistical area as defined by the federal Department of Housing and Urban Development.

B. Proposed product lines and market demands: Residential Rental

C. If any space is to be leased to third parties, indicate the tenant(s), total square footage of the project to be leased to each tenant, and the proposed use by each tenant:

The Project, upon completion, will be leased to tenants, the identity of whom is not presently known to the Owner. These tenants will be the "User" of the Project for purposes of this Application. (See Rider)

D. Need/purpose for project (e.g., why is it necessary, effect on Applicant's business):

There is a demonstrated need for residential Workforce Housing, Housing for Seniors, and Housing for Veterans in the Village of Freeport.

E. Will any portion of the project be used for the making of retail sales to customers who personally visit the project location? Yes ☐ No ☒

i. If yes, what percentage of the project location will be utilized in connection with the sale of retail goods and/or services to customers who personally visit the project location? N/A

6. Project Work:

A. Has construction work on this project begun? If yes, complete the following:

i. Site Clearance:	Yes ☒	No ☒	% COMPLETE	<u>90%</u>
ii. Foundation:	Yes ☒	No ☒	% COMPLETE	<u>40%</u>
iii. Footings:	Yes ☒	No ☒	% COMPLETE	<u>75%</u>
iv. Steel:	Yes ☐	No ☒	% COMPLETE	<u>0.00%</u>
v. Masonry:	Yes ☐	No ☒	% COMPLETE	<u>0.00%</u>
vi. Other:	<u>N/A</u>			

B. What is the current zoning?: Residence Apartment District; a portion of the premises
is zoned within the Village of Freeport's "Golden Age Floating District"

C. Will the project meet zoning requirements at the proposed location?

Yes ☒ No ☐

D. If a change of zoning is required, please provide the details/status of the change of zone request: N/A

E. Have site plans been submitted to the appropriate planning department? Yes ☒ No ☐

7. Project Completion Schedule:

A. What is the proposed commencement date for the acquisition and the construction/renovation/equipping of the project?

i. Acquisition: June, 2023

ii. Construction/Renovation/Equipping: 4.25-12.27 (est.)
July 2023-December 2024

B. Provide an accurate estimate of the time schedule to complete the project and when the first use of the project is expected to occur: MARCH, 2028

Part IV – Project Costs and Financing

1. Project Costs:

- A. Give an accurate estimate of cost necessary for the acquisition, construction, renovation, improvement and/or equipping of the project location:

<u>Description</u>	<u>Amount</u>
Land and/or building acquisition	\$ 12,500,000 See Rider 21,524,500
Building(s) demolition/construction	\$ 12,550,000 See Rider 12,550,000
Building renovation	\$ 8,420,000 See Rider 31,021,627
Site Work	\$ Included in Construction Budget See Rider
Machinery and Equipment	\$ 8,045,000 See Rider 1,161,386
Legal Fees	\$ 250,000 See Rider 150,000
Architectural/Engineering Fees	\$ 250,000 See Rider 1,450,000
Financial Charges	\$ 250,000 See Rider 8,470,000 (incl. RESERVES)
Other (Specify)	\$ 2,845,825 See Exhibit 4 (Project Budget) and Rider 2,143,721 (WORKING CAPITAL)
Total	\$ 49,310,825 See Rider 78,471,234

2. Method of Financing:

	<u>Amount</u>	<u>Term</u>
A. Tax-exempt bond financing:	\$ 0	0 years (See Rider)
B. Taxable bond financing:	\$ 0	0 years (See Rider)
C. Conventional Mortgage: \$63,000,000	\$ 29,586,497	7/30 years (See Rider)
D. SBA (504) or other governmental financing:	\$ 1,000,000	30 years (See Rider)
E. Public Sources (include sum of all State and federal grants and tax credits):	\$ 0 (See Rider)	
F. Other loans:	\$ 0	0 years (See Rider)
G. Owner/User equity contribution: \$15,471,234	\$ 16,724,330	N/A years (See Rider)
Total Project Costs	\$ 78,471,234	
	\$ 49,310,825 (See Rider)	

- i. What percentage of the project costs will be financed from public sector sources?

3. Project Financing:

- A. Have any of the above costs been paid or incurred (including contracts of sale or purchase orders) as of the date of this application? Yes ☒ No ☐

i. If yes, provide detail on a separate sheet. ~~(N/A)~~

(ACQUISITION COSTS,
Partial demolition costs
and partial construction costs)

- B. Are costs of working capital, moving expenses, work in progress, or stock in trade included in the proposed uses of bond proceeds? Give details:

N/A

- C. Will any of the funds borrowed through the Agency be used to repay or refinance an existing mortgage or outstanding loan? Give details:

N/A

- D. Has the Applicant made any arrangements for the marketing or the purchase of the bond or bonds? If so, indicate with whom:

N/A

Part V – Project Benefits

1. Mortgage Recording Tax Benefit:

- A. Mortgage Amount for exemption (include sum total of construction/permanent/bridge financing):

\$ ~~50,536,495 See Rider~~ 43,786,595

- B. Estimated Mortgage Recording Tax Exemption (product of Mortgage Amount and .75 %):

\$ ~~229,398.71 See Rider~~ 328,399

(excludes 30bp from Transportation District)

2. Sales and Use Tax Benefit:

- A. Gross amount of costs for goods and services that are subject to State and local Sales and Use Tax (such amount to benefit from the Agency's exemption):

\$ ~~12,015,000 See Rider~~ 15,000,000

- B. Estimated State and local Sales and Use Tax exemption (product of 8.625 % and figure above):

\$ ~~1,036,294 See Rider~~ 1,293,750

- C. If your project has a landlord/tenant (owner/user) arrangement, please provide a breakdown of the number in "B" above:

i. Owner: \$ N/A (See Rider)

ii. User: \$ N/A (See Rider)

~~For purposes of § 224-a of the Labor Law of the State of New York, if the real property tax benefits requested herein are determined to be calculable at the time the work is to be performed, any computation of benefit received by the Applicant from the Agency should be reduced by the exemption allowable under § 485-B of the Real Property Tax Law of the State of New York.~~

3. Real Property Tax Benefit:

- A. Identify and describe if the project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit: No

B. Agency PILOT Benefit:

i. Term of PILOT requested: 25 years AS MODIFIED

- ii. Upon acceptance of this application, the Agency staff will create a PILOT schedule and indicate the estimated amount of PILOT Benefit based on anticipated tax rates and assessed valuation and attached such information to Exhibit A hereto. At such time, the Applicant will certify that it accepts the proposed PILOT schedule and requests such benefit to be granted by the Agency.

**** This application will not be deemed complete and final until Exhibit A hereto has been completed and executed. ****

Part VI – Employment Data

1. List the Applicant's and each users present employment, and estimates of (i) employment at the proposed project location at the end of year one and year two following project completion and (ii) the number of residents of the Labor Market Area* ("LMA") that would fill the full-time and part-time jobs at the end of the second year following completion:

	<u>Present</u>	<u>First Year</u>	<u>Second Year</u>	<u>Residents of LMA</u>
Full-Time	<u>0</u>	<u>3</u>	<u>4</u>	<u>100%</u> (Estimated as per paragraph 1)
Part-Time**	<u>0</u>	<u>1</u>	<u>1</u>	<u>100%</u> (Estimated as per paragraph 1)

* The Labor Market Area includes the County/City/Town/Village in which the project is located as well Nassau and Suffolk Counties.

** Agency staff converts Part-Time jobs into FTEs for state reporting purposes by dividing the number of Part-Time jobs by two (2).

2. Salary and Fringe Benefits:

Category of Jobs to be Retained and Created	Average Salary or Range of Salary	Average Fringe Benefits or Range of Fringe Benefits
Salary Wage Earners	\$35,000 -\$75,000	33.33% of Salary
Commission Wage Earners	0	0
Hourly Wage Earners	0	0
1099 and Contract Workers	\$25,000-\$150,000	N/A

Total Anticipated Construction Jobs 100

Note: The Agency reserves the right to visit the facility to confirm that job creation numbers are being met.

Part VII – Representations, Certifications and Indemnification

1. Is the Applicant in any litigation which would have a material adverse effect on the Applicant's financial condition? (if yes, furnish details on a separate sheet)
2. Has the Applicant or any of the management of the Applicant , or any of these individuals immediate family members, the anticipated users or any of their affiliates, or any other concern with which such management has been connected, been cited for a violation of federal, state or local laws or regulations with respect to labor practices, hazardous wastes, environmental pollution or other operating practices? (If yes, furnish details on a separate sheet)
3. Is there a likelihood that the Applicant would not proceed with this project without the Agency's assistance? (If yes, please explain why; if no, please explain why the Agency should grant the benefits requested)

Yes ☒ No ☐

As set forth in the Rider, the Applicant cannot acquire, redevelop and renovate the Project as designed to accomodate Workforce Housing, Senior Citizen Housing and Veterans' Housing without receiving the Financial Assistance, as such term is defined in the General Municipal Law, in the amounts requested herein. See Rider

4. If the Applicant is unable to obtain financial assistance from the Agency for the project, what would be the impact on the Applicant and on the municipality?

If the Agency does not provide the requested financial assistance, the Project will remain under government ownership and will not generate any property tax revenue. Furthermore, it is likely that the Project will remain vacant, blighted and 200 units of housing for seniors, veterans and our next generation will not be developed. See Rider.

-
5. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if financial assistance is provided for the proposed project:

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

Initial

6. The Applicant understands and agrees that in accordance with Section 858-b(2) of the General Municipal Law, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the project will be listed with the New York State Department of Labor, Community Services Division and with the administrative entity of the service delivery area created pursuant to the Job Training Partnership Act (PL 97-300) in which the project is located (collectively, the "Referral Agencies"). The Applicant also agrees, that it will, except as otherwise provided by collective bargaining contracts or agreements to which they are parties, first consider for such new employment opportunities persons eligible to participate in federal job training partnership programs who shall be referred by the Referral Agencies

Initial

7. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving financial assistance for the proposed project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.

Initial

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

Initial

9. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York

General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

Initial

10. In accordance with Section 862(1) of the New York General Municipal Law the Applicant understands and agrees that projects which result in the removal of an industrial or manufacturing plant of the project occupant from one area of the State to another area of the State or in the abandonment of one or more plants or facilities of the project occupant within the State is ineligible for financial assistance from the Agency, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or to discourage the project occupant from removing such other plant or facility to a location outside the State.

Initial

11. The Applicant represents and warrants that to the Applicant's knowledge neither it nor any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners, and none of their respective employees, officers, directors, representatives or agents is, nor will they become a person or entity with who United States persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control (OFAC) of the Department of the Treasury (including those named on OFAC's Specially Designated and Blocked Persons List or under any statute, executive order including the September 24, 2001, Executive Order Block Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism, or other governmental action and is not and will not assign or otherwise transfer this Agreement to, contract with or otherwise engage in any dealings or transactions or be otherwise associated with such persons or entities.

Initial

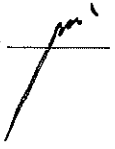
12. The Applicant confirms and hereby acknowledges it has received the Agency's fee schedule attached hereto as Schedule A and agrees to pay such fees, together with any expenses incurred by the Agency, including those of Transaction Counsel, with respect to the Facility. The Applicant agrees to pay such expenses and further agrees 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 project.

Initial

13. The Applicant confirms and hereby acknowledges it has received the Agency's [Construction Wage] Policy attached hereto as Schedule B and agrees to comply with the same.

Initial

14. The Applicant hereby agrees to comply with Section 875 of the General Municipal Law. The Company further agrees that the financial assistance granted to the project by the Agency is subject to recapture pursuant to Section 875 of the Act and the Agency's [Recapture and Termination] Policy, attached hereto as Schedule C.

Initial 

Part VIII – Submission of Materials

1. Financial statements for the last two fiscal years (unless included in the Applicant's annual report). *(See Rider)*
2. Applicant's annual reports (or 10-K's if publicly held) for the two most recent fiscal years. *(See Rider)*
3. Quarterly reports (form 10-Q's) and current reports (form 8-K's) since the most recent annual report, if any. *(See Rider)*
4. In addition, please attach the financial information described in items A, B, and C of any expected guarantor of the proposed bond issue. *(See Rider)*
5. Completed Long Environmental Assessment Form. *(See Rider)*
6. Most recent quarterly filing of NYS Department of Labor Form 45, as well as the most recent fourth quarter filing. Please remove the employee Social Security numbers and note the full-time equivalency for part-time employees. *(See Rider)*

(Remainder of Page Intentionally Left Blank)

Part IX – Certification

Daniel Goldstein (name of representative of company submitting application) deposes and says that he or she is the Managing Member (title) of Hashkaot LLC, the Managing Member of the corporation (company name) named in the attached application; that he or she has read the foregoing application and knows the contents thereof; and that the same is true to his or her knowledge.

Deponent further says that s/he is duly authorized to make this certification on behalf of the entity named in the attached Application (the "Applicant") and to bind the Applicant. The grounds of deponent's belief relative to all matters in said Application which are not stated upon his/her personal knowledge are investigations which deponent has caused to be made concerning the subject matter this Application, as well as in formation acquired by deponent in the course of his/her duties in connection with said Applicant and from the books and papers of the Applicant.

As representative of the Applicant, deponent acknowledges and agrees that Applicant shall be and is responsible for all costs incurred by the [Town of Hempstead] Industrial Development Agency (hereinafter referred to as the "Agency") in connection with this Application, the attendant negotiations and all matters relating to the provision of financial assistance to which this Application relates, whether or not ever carried to successful conclusion. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified period of time to take reasonable, proper, or requested action or withdraws, abandons, cancels or neglects the application or if the Applicant is unable to find buyers willing to purchase the total bond issue required, then upon presentation of invoice, Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred with respect to the application, up to that date and time, including fees to bond or transaction counsel for the Agency and fees of general counsel for the Agency. Upon successful conclusion and sale of the transaction contemplated herein, the Applicant shall pay to the Agency an administrative fee set by the Agency in accordance with its fee schedule in effect on the date of the foregoing application, and all other appropriate fees, which amounts are payable at closing.

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

Representative of the Applicant

Sworn to me before this 28
Day of April, 20 23
Paulo M. Coelho
(seal)

PAULO M. COELHO
Notary Public, State of New York
Reg. No. 02C06417772
Qualified in Suffolk County
Commission Expires 05/24/2025