MEETING DATE: March 30, 2023

CONTACT: Steven Krieger, Manager
PHONE: 

APPLICANT NAME: EB at Commack, LLC
AND ADDRESS 300 Jericho Tpke., Suite 100
Jericho, NY 11753

PRINCIPALS: Jan Burman (20.5%); Steven Krieger (23.30%); Scott Burman (19.10%); Michael Weiss, (2.00%); David Burman (19.10%); Jonathan Weiss (10.00%) & Krieger Family Trusts (6.00%)

PRODUCT/SERVICES: Multifamily rental housing and for-sale housing developments.

PRESENT FACILITIES: Existing 55 & over rental communities located in Deer Park, Mt. Sinai and Uniondale, NY. One rental facility located in Uniondale is not age restrictive.

NEW LOCATION/TAX MAP #: 74 Hauppauge Road, Commack, NY 11725 (Town of Huntington)
Tax Map # 400-251-1-6.015

PROJECT DESCRIPTION: Construction of a senior rental complex (55 yrs. & older). The proposed facility (EB at Commack LLC) will be an 86 unit facility of which 74 units will be market rate and 12 units of affordable housing (6 affordable units at 80% AMI & 6 workforce units at 120% AMI). In addition, per town code with the Town of Huntington, the applicant will contribute $400,000 to the Town’s Affordable Housing Trust & Agency Fund. The complex involves construction of 8 buildings totaling 133,736 sq. ft., clubhouse, outdoor recreation spaces and other common area amenities on approximately 7.6 acres of currently vacant land.

PROJECT COSTS: AUTHORIZATION SOUGHT: $57,790,062 Lease Transaction

| LAND | $ 9,642,000 |
| CONSTRUCTION NEW BUILDING | 32,666,562 |
| ENGINEERING & ARCHITECTURAL FEES | 1,235,000 |
| NON MANUFACTURING EQUIPMENT | 1,400,000 |
| LEGAL FEES (BANK & COMPANY) | 240,000 |
| FINANCE CHARGES | 5,330,500 |
| OTHER FEES/CHARGES | 7,276,000 |
| TOTAL PROJECT COSTS | $57,790,062 |

EMPLOYMENT:

| PRESENT (All Facilities) | 0 | 0 | 0 |
| PRESENT (Suffolk County Only) | 0 | 0 | 0 |
| PROPOSED 1ST. YEAR | 2 | $120,000 | $60,000 |
| 2ND. YEAR | 0 | 0 | 0 |
| TOTAL | 2 | $120,000 | $60,000 |

COMMENTS:
February 10, 2023

Mr. Anthony J. Catapano, Executive Director
& Board of Directors
Suffolk County Industrial Development Agency
100 Veterans Memorial Highway
H. Lee Dennison Building, 3rd Floor
Hauppauge, NY 11788

Re: EB at Commack LLC/Suffolk County IDA

Ladies and Gentlemen:

I write to you on behalf of EB at Commack LLC (the “Applicant”) in connection with its application for the grant of economic benefits from the Suffolk County Industrial Development Agency. The Applicant is a limited liability company affiliated with B2K Development, the successor entity to The Engel Burman Group, a well-known and experienced developer of rental communities and other commercial projects on Long Island and throughout the metropolitan region. The Engel Burman Group has developed, and B2K Development is currently constructing, numerous multi-family residences in Nassau and Suffolk Counties, including many senior rental complexes that enable seniors remain on Long Island and "age in place" in state-of-the-art facilities located near their families. The proposed community that is the subject of the application fits squarely within the Applicant’s development philosophy.

As more extensively discussed in the application, the Applicant contemplates the construction and operation of an approximately 86-unit independent senior rental complex, including a clubhouse, outdoor common recreational spaces and associated amenities at 74 Hauppauge Road, Commack, New York (the "Project"). The Project will be built on a site comprising almost 7.60 acres of currently-vacant land located near many of the retail and recreational opportunities on Jericho Turnpike in the Town of Huntington. The Applicant estimates that the Project will cost almost $58,000,000 to complete, inclusive of the cost of the land, with projected construction timing anticipated to be thirty (30) months from commencement.

Six (6) units at the Project will be "affordable" units, and an additional six (6) units will be "workforce" units. The Applicant is participating in a program with the Town of Huntington Community Development Agency where, pursuant to Article II, Chapter 74 of the Code of the Town of Huntington (the "Town Code"), it will contribute $400,000 to the Town’s Affordable Housing Trust and Agency Fund in addition to providing the above “affordable” and “workforce"
units. Under the Town Code, this $400,000 contribution "...shall be used to finance affordable housing administration and initiatives that increase the number of available affordable units, including but not limited to renovation of existing homes, down payment assistance, purchase of land, construction of affordable homes, purchase of homes, rent assistance, sewer district extensions or connections, mortgage assistance, purchase subsidies, and planning studies to identify and implement housing initiatives." Through its provision of affordable and workforce units and its contribution to the Fund, the Applicant is making a significant commitment to increasing the supply of affordable housing in Suffolk County.

The Applicant retained MRB Group ("MRB") to analyze the expected economic and fiscal impacts associated with the Project on Suffolk County and the region, and prepare the EB at Commack, LLC Economic and Fiscal Impact Analysis (the "Report") submitted with the application. As set forth in the Report, MRB has determined that the construction of the Project will result in 182 direct construction jobs, and an additional 90 indirect and induced jobs. The overall income resulting from the employment of this personnel would exceed $17,500,000. The total construction output, including the purchase of materials, would exceed $48,000,000.

In the Report, MRB also studied the economic effect of the operation of the Project. MRB estimates that the operation of the Project will result in an annual direct and indirect employment of thirty-eight (38) individuals, and the ongoing annual wages resulting from this employment will be approximately $2,050,000. Included in such employment is the Applicant's hiring of two (2) employees for ongoing operations and maintenance of the Project, with an average annual salary of $60,000. Clearly, the construction and operation of the Project will provide a significant economic boost to Suffolk County.

As the Board is aware, Suffolk County suffers from a critical shortfall in the number of multi-family rental units that a suburban area requires to provide the necessary alternative types of housing to its overall demographic, particularly rental properties for Long Island seniors. The population of the Town of Huntington is aging, with the population of those aged 50 and over having increased by 18% since 2010, and more than 56% of the Town's homeowners are over the age of 55. Many of these residents have a desire to downsize from home ownership while remaining in the community in which they grew up and raised families. The Applicant understands these desires and develops communities near recreational and retail opportunities and with the full range of amenities sought by renters. This Project targets the "55 and over" rental audience Suffolk County needs to court to retain an overall population mix with economic vitality. We believe the construction and development of the Project will be a credit to the Town and the Agency, as is the case with the communities previously constructed on Long Island by The Engel Burman Group and B2K Development that have been welcomed by local residents.

The assistance of the Suffolk County Industrial Development Agency is essential to the Project being economically feasible. Without such assistance, the Applicant simply cannot proceed to commence construction of the Project and its principals will deploy their assets on other opportunities.
We look forward to presenting this Application to the Board, and to the successful development of the Project. Please feel free to contact me with any other questions you may have regarding this application.

Very truly yours,

Michael L. Webb

cc: Mr. Steven Krieger
    Mr. David Burman
    Michael L. Webb, Esq.
FORM APPLICATION FOR FINANCIAL ASSISTANCE

DATE:  
FEBRUARY 10TH, 2023

APPLICATION OF:  
EB AT COMMACK LLC

Name of Owner and/or User of Proposed Project

ADDRESS:  
300 JERICHO TURNPIKE, SUITE 100

JERICHO, NEW YORK 11753

Type of Application:  
☐ Tax-Exempt Bond  
☐ Taxable Bond  
☒ Straight Lease  
☐ Refunding Bond

PRIOR TO SUBMITTING A COMPLETED FINAL APPLICATION, PLEASE ARRANGE TO MEET WITH THE AGENCY’S STAFF TO REVIEW YOUR DRAFT APPLICATION.

Please respond to all questions in this Application for Financial Assistance (the “Application”) by, as appropriate:
- Filling in Blanks;
- Checking the Applicable Term(s);
- Attaching Additional Text (with notation in Application such as “see Schedule E, Item #1, etc…”); or
- Writing “N/A”, signifying “Not Applicable”.

All attachments responsive to questions found in this Application should be clearly labeled and attached to the Application. If more space than allotted on this application form is needed in responding to any specific question, please include your response as an attachment to this application. If an estimate is given, enter “EST” after the figure. If not submitted by email, one signed original and one photocopy of the Application (including all attachments) must be submitted. A non-refundable application fee, as noted in Schedule A, is required at the time of submission of this application to the Suffolk County Industrial Development Agency (the “Agency”). This fee will be applied to the Agency’s Administrative Fee at closing.
At the time of inducement, Transaction Counsel may require a deposit which will be applied to actual out-of-pocket disbursements made during the inducement and negotiation processes, and will be reflected on their final statement at closing.

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

Information provided herein will not be made public by the Agency prior to the passage of an Official Inducement Resolution, but may be subject to disclosure under the New York Freedom of Information Law (New York Public Officers Law § 84 et seq.) (“FOIL”). If the Applicant believes that a portion of the material submitted with this Application is protected from disclosure under FOIL, the Applicant should mark the applicable section(s) or page(s) as “confidential” and state the applicable exemption to disclosure under FOIL.

PLEASE NOTE: It is the policy of the Suffolk County Industrial Development Agency to strongly encourage project applicants to support LONG ISLAND FIRST. This means that to the greatest extent possible project applicants should consider purchasing goods and services from Long Island-based providers, businesses and vendors and that to the greatest extent possible all employment opportunities should be provided to Long Island residents first.

It is also the policy of the Suffolk County IDA to encourage the use of local labor and the payment of the area standard wage during construction of the project.
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PART I  OWNER AND USER DATA

PART II  OPERATION AT CURRENT LOCATION

PART III  PROJECT DATA

PART IV  PROJECT COSTS AND FINANCING

PART V  PROJECT BENEFITS

PART VI  EMPLOYMENT DATA

PART VII  REPRESENTATIONS, CERTIFICATIONS AND INDEMNIFICATION

PART VIII  SUBMISSION OF MATERIALS

EXHIBIT A  Proposed PILOT Schedule
SCHEDULE A  Agency's Fee Schedule
SCHEDULE B  Long Island First Policy
SCHEDULE C  Construction Wage Policy
SCHEDULE D  Recapture Policy
SCHEDULE E  Background, Credit and Litigation Review Authorization Form
Part I: Owner & User Data

1. Owner Data:

A. Owner (Applicant for assistance): **EB AT COMMACK LLC**

Address: **300 JERICHO TURNPIKE, SUITE 100**

**JERICHO, NEW YORK 11753**

Federal Employer ID #: [Redacted]  Website: **WWW.ENGELBURMAN.COM**

NAICS Code: **53190**

Owner Officer Certifying Application: **STEVEN KRIEGER**

Title of Officer: **AUTHORIZED SIGNATORY**

Phone Number: [Redacted]  E-mail: [Redacted]

B. Business Type: **LIMITED LIABILITY COMPANY**

Sole Proprietorship  □  Partnership  □  Privately Held  ℝ  

Public Corporation  □  Listed on ________________

State of Incorporation/Formation: **NY LLC**

C. Nature of Business:
(e.g., “manufacturer of _____ for _____ industry”; “distributor of _____”; or “real estate holding company”)

**MULTI-FAMILY RENTAL HOUSING**

D. Owner Counsel:

Firm Name: **FARRELL FRITZ, P.C.**

Address: **400 RXR PLAZA**

**UNIONDALE, NEW YORK 11556**

Individual Attorney: **PETER L. CURRY**

Phone Number: [Redacted]  E-mail: [Redacted]
E. Principal Stockholders, Members or Partners, if any, of the Owner (5% or more equity):

Name                                                                                       Percent Owned
SEE INSERT

SEE INSERT

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)
   
   SEE INSERT

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

   NO

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.

MEMBERS OF THE APPLICANT OWN NUMEROUS OTHER REAL ESTATE

ENTITIES TOGETHER.

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:

PLEASE SEE G
1. List parent corporation, sister corporations and subsidiaries:

N/A

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:

SEE INSERT

K. List major bank references of the Owner:

WELLS FARGO BANK, 1750 H STREET, NW, WASHINGTON, D.C. 20006, ATTN: MELISSA RUSSELL;

M&T BANK, 401 BROADHOLLOW ROAD, MELVILLE, NEW YORK, 11747, ATTN: MICHAEL W. MCCARTHY.

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”):

N/A

Address: ________________________________

Federal Employer ID #: __________________ Website: __________________

NAICS Code: __________________________

Owner Officer Certifying Application: ________________________________

Title of Officer: _________________________

Phone Number: ________________________ E-mail: ________________________
B. Business Type:

Sole Proprietorship □ Partnership □ Privately Held □
Public Corporation □ Listed on ____________________________
State of Incorporation/Formation: ____________________________

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

________________________________________________________

D. Are the User and the Owner Related Entities?

□ Yes □ No

i. If yes, the remainder of the questions in this Part 1, 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: ____________________________________________
Address: _______________________________________________

_____________________________________________________

Individual Attorney: _____________________________________

Phone Number: ___________________________ E-mail:__________

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Percent Owned</th>
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</table>
G. Has the User, or any subsidiary or affiliate of the User, 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)

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

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.

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:

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


L. List major bank references of the User:


Part II – Operation at Current Location

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

1. Current Location Address:  
N/A

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:

SEE ATTACHED LIST

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:

ALL CURRENT FACILITIES WILL REMAIN OPERATIONAL, AND THERE WILL BE NO REMOVAL OF ANY FACILITY FROM NEW YORK STATE, NOR FROM ONE AREA OF NEW YORK STATE TO ANOTHER.

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:

AFFILIATES OF THE APPLICANT HAVE AND ARE DEVELOPING PROJECTS IN NEW JERSEY AND FLORIDA, AND CONTINUE TO SEEK OPPORTUNITIES IN OTHER SOUTHERN STATES.
8. Is the requested financial assistance reasonably necessary to prevent the Applicant from moving out of New York State?  
   ☒ Yes  ☐ No

A. Please explain:

SEE INSERT

9. Please explain, in as much detail as possible, the Applicant’s/User’s efforts to comply with the Agency’s ‘Long Island First Policy’ (see Schedule B). In addition, please list the local Long Island-based vendors and/or contractors you use during the course of business operation. These could be raw material, packaging, supplies, equipment vendors, etc... Attach a separate listing to the Application if necessary:

TO DATE, THE APPLICANT'S LAWYERS, ARCHITECTS, ENGINEERS AND CONSULTANTS ON THIS PROJECT HAVE ALL BEEN LONG ISLAND BASED COMPANIES. THIS IS CONSISTENT GENERALLY WITH THE HISTORY OF APPLICANT'S OTHER CONSTRUCTION PROJECTS BUILT ON LONG ISLAND. APPLICANT PLANS TO CONSTRUCT THIS PROJECT USING LOCAL CONTRACTORS AND SUPPLIERS AS LONG AS LABOR AND MATERIALS ARE LOCALLY AVAILABLE, AND WILL COMPLY WITH THE AGENCY'S "LONG ISLAND FIRST" POLICY.
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 ☑ Mortgage Recording Tax Exemption ☑
      PILOT Agreement: ☑

2. Location of project:
   A. Street Address: 74 HAUPPAUGE ROAD, COMMACK, NEW YORK
   B. Tax Map: District 0400 Section 251.00 Block 01.00 Lot(s) 006.015
   C. Municipal Jurisdiction:
      i. Town: HUNTINGTON
      ii. Village: N/A
      iii. School District: COMMACK
   D. Acreage: 7.58

3. Project Components (check all appropriate categories):
   A. Construction of a new building ☑
      i. Square footage: 8 BUILDINGS TOTALING 133,736 SF
   B. Renovations of an existing building ☐
      i. Square footage:
   C. Demolition of an existing building ☐
      i. Square footage:
   D. Land to be cleared or disturbed ☑
      i. Square footage/acreage: 7.58 ACRES
E. Construction of addition to an existing building
   □ Yes  □ No
   i. Square footage of addition: ________________________________
   ii. Total square footage upon completion: ________________________

F. Acquisition of an existing building
   □ Yes  □ No
   i. Square footage of existing building: ____________________________

G. Installation of machinery and/or Equipment
   □ Yes  □ No
   i. List principal items or categories of equipment to be acquired:

   SEE INSERT

4. Current Use at Proposed Location:

   A. Does the Applicant currently hold fee title to the proposed location?
      □ Yes  □ No
      i. If no, please list the present owner of the site:

      THE MANOR AT COMMACK, LLC

   B. Present use of the proposed location:

      VACANT LAND

   C. Is the proposed location currently subject to an IDA transaction
      (whether through this Agency or another?)  □ Yes  □ No
      i. If yes, explain:

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

      THE APPLICANT IS THE CONTRACT VENDEE UNDER AN EXISTING PURCHASE
      AND SALE AGREEMENT.
E. Is there an existing or proposed lease for the site? □ Yes  ☒ No
(if yes, explain):

Proposed Use:

F. Describe the specific operations of the Applicant or other users to be conducted at the project site:

SEE INSERT

G. Proposed product lines and market demands:

SEE INSERT

II. 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 ENTIRE PREMISES WILL BE LEASED TO RESIDENTIAL TENANTS OR WILL BE COMMON AREAS FOR THE BENEFIT OF THE RESIDENTS.

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

SEE INSERT
J. Will any portion of the project be used for the making of retail sales to customers who personally visit the project location? □ Yes  X 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?

5. Project Work:

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

      i. Site Clearance: □ Yes  X No  % COMPLETE ________________
      ii. Foundation:   □ Yes  X No  % COMPLETE ________________
      iii. Footings:    □ Yes  X No  % COMPLETE ________________
      iv. Steel:        □ Yes  X No  % COMPLETE ________________
      v. Masonry:       □ Yes  X No  % COMPLETE ________________
      vi. Other:        ___________________________________________________________________

   B. What is the current zoning? R-3M GARDEN APARTMENT SPECIAL DISTRICT

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

Project Completion Schedule: CONSTRUCTION OF THE PROJECT IS ANTICIPATED TO COMMENCE THE SPRING OF 2023 AND REQUIRE THIRTY (30) MONTHS TO COMPLETE.

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

i. Acquisition: APRIL, 2023

ii. Construction/Renovation/Equipping: APRIL, 2023

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

APPROXIMATELY 30 MONTHS.
Part IV – Project Costs and Financing

1. Project Costs:

   A. Give an accurate estimate of cost of each of the following:

   TOTAL COST

   EXISTING BUILDINGS (PURCHASE):

   Purchase price of existing building.................................................. $________
   Cost of renovations to existing building.............................................. $________
   Cost of new additions to existing building........................................... $________

   EXISTING BUILDINGS (LEASING/RENTING SPACE):

   Cost of renovations to leased space.................................................. $________

   NEW CONSTRUCTION

   Cost of raw land.................................................................................. $ 9,642,000.00
   Cost of construction for building or new addition................................. $ 32,666,562.00

   ENGINEERING & ARCHITECTURAL FEES............................................. $ 1,235,000.00

   EQUIPMENT TO BE INSTALLED AT FACILITY

   Manufacturing equipment (sales tax exempt equipment)........................ $________
   Non-manufacturing equipment (warehousing, fixtures, office equipment).... $ 1,400,000.00

   LEGAL FEES (Bank & Company)........................................................... $ 240,000.00

   FINANCIAL CHARGES (please specify).................................................. $ 5,330,500.00

   OTHER FEES, etc. (please specify)....................................................... $ 7,276,000.00

   TOTAL PROJECT COSTS: $57,790,062.00
2. **Method of Financing:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Amount</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Tax-exempt bond financing:</td>
<td>$ ___________</td>
<td>_______ years</td>
</tr>
<tr>
<td>B. Taxable bond financing:</td>
<td>$ ___________</td>
<td>_______ years</td>
</tr>
<tr>
<td>C. Conventional Mortgage:</td>
<td>$ 46,232,050.00</td>
<td>_______ years</td>
</tr>
<tr>
<td>D. SBA (504) or other governmental financing:</td>
<td>$ ___________</td>
<td>_______ years</td>
</tr>
<tr>
<td>E. Public Sources (include sum of all State and federal grants and tax credits):</td>
<td>$ ___________</td>
<td>_______ years</td>
</tr>
<tr>
<td>F. Other loans:</td>
<td>$ ___________</td>
<td>_______ years</td>
</tr>
<tr>
<td>G. Owner/User equity contribution:</td>
<td>$ 11,558,012.00</td>
<td>_______ years</td>
</tr>
</tbody>
</table>

**Total Project Costs** $ 57,790,062.00

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. **SEE INSERT**

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):
      
      $46,232,050.00
      
   B. Estimated Mortgage Recording Tax Exemption (product of Mortgage Amount and 0.75%):
      
      $346,740.00

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):
      
      $20,999,937.20
      
   B. Estimated State and local Sales and Use Tax exemption (product of 8.625% and figure above):
      
      $1,811,244.58

   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
      ii. User: $N/A

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:
      
      N/A
B. Agency PILOT Benefit:

i. Term of PILOT requested:

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

Employment Information: Please complete the charts below to show the Applicant’s and each users present full-time or equivalent (“FTE”) employment and salaries (excluding benefits) as well as estimates of employment salaries at the proposed project location at the end of year one and year two following project completion.

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

Full-Time Equivalent Job (FTE): a) a full-time, permanent, private-sector employee on the Company’s payroll, who has worked at the Company’s location for a minimum of thirty-five hours per week for not less than four consecutive weeks and who is entitled to receive the usual and customary fringe benefits extended by the Company to other employees with comparable rank and duties; or b) two part-time, permanent, private-sector employees on the Company’s payroll, who have worked at the Company’s location for a combined minimum of thirty-five hours per week for not less than four consecutive weeks and who are entitled to receive the usual and customary fringe benefits extended by the Company to other employees with comparable rank and duties.

Full-Time Equivalent Contract Employee: is a full-time private sector employee (or self-employed person) who is not on the Company’s payroll, but who works for the Company at the Company’s location for a minimum of thirty-five hours per week for not less than four consecutive weeks, providing services similar to services that would otherwise be provided by full-time equivalent company employees.

1) Please answer the following in regards to all currently existing FTE positions at all facilities, both within and outside of Suffolk County.

<table>
<thead>
<tr>
<th>Total Employment</th>
<th>Total Number of Employees</th>
<th>Total Pay-All Employees ($)</th>
<th>Average Salary-All Employees ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present Jobs (All Current Facilities)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
2) Labor Market Area Locations-Existing Employment Information:
Please answer the following *only* in regards to FTE positions that currently exist in Suffolk County.

<table>
<thead>
<tr>
<th>Line #</th>
<th>Existing-LMA</th>
<th>Total Number</th>
<th>Total Payroll ($)</th>
<th>Average Salary ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>C-Level Executives**</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Salary Wage Earners</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Commission Wage Earners</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Hourly Wage Earners</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Contract Employees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total Existing Employees</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**C-Level executives include: President, Chief Executive Officer, Chief Financial Officer, Chief Technology Officer, Chief Marketing Officer, Chief Investment Officer, Chief Sustainability Officer, Chairman of the Board, General Council

3) First Year-New Employment:
Please answer the following *only* in regards to FTE positions that will be created after the *first year* of the project completion in Suffolk County.

<table>
<thead>
<tr>
<th>Line #</th>
<th>First Year</th>
<th>Total Number</th>
<th>Total Payroll ($)</th>
<th>Average Salary ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>C-Level Executives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Salary Wage Earners</td>
<td>2</td>
<td>$120,000.00</td>
<td>$60,000.00</td>
</tr>
<tr>
<td>8</td>
<td>Commission Wage Earners</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Hourly Wage Earners</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Contract Employees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total First Year Employees</strong></td>
<td>2</td>
<td>$120,000.00</td>
<td>$60,000.00</td>
</tr>
</tbody>
</table>
4) Second Year-New Employment:
Please answer the following only in regards to FTE positions that will be created after the second year of the project completion in Suffolk County.

<table>
<thead>
<tr>
<th>Line #</th>
<th>Second Year</th>
<th>Total Number</th>
<th>Total Payroll ($)</th>
<th>Average Salary ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>C-Level Executives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Salary Wage Earners</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Commission Wage Earners</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Hourly Wage Earners</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Contract Employees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total Second Year Employees</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

5) Total Employment-Existing Labor Market Area and New Jobs Created:
Please answer the following in regards to FTE positions that will be in existence in Suffolk County after the first two years of the project completion (both existing and new).

<table>
<thead>
<tr>
<th>Grand Totals</th>
<th>Total Number</th>
<th>Total Payroll ($)</th>
<th>Average Salary ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-Level Executives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Lines 1+6+11=Total)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salary Wage Earners</td>
<td>2</td>
<td><strong>$120,000.00</strong></td>
<td><strong>$60,000.00</strong></td>
</tr>
<tr>
<td>(Lines 2+7+12=Total)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commission Wage Earners</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Lines 3+8+13=Total)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly Wage Earners</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Lines 4+9+14=Total)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contract Employees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Lines 5+10+15=Total)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Grand Total Employees</strong></td>
<td>2</td>
<td><strong>$120,000.00</strong></td>
<td><strong>$60,000.00</strong></td>
</tr>
</tbody>
</table>
6) Please estimate the percentage of the total workforce that resides in either Suffolk or Nassau Counties.

a) % of existing workforce who are residents of Suffolk or Nassau.................. 0%

b) % of existing plus new workforce who are residents of Suffolk or Nassau........ 100%

2. Please describe, in as much detail as possible, benefits offered to employees of the Applicant/User (Health, Retirement, etc…).

MEDICAL/DENTAL BENEFITS

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)

☐ Yes ☒ No

2. Has the Applicant or any of the management of the Applicant, 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)

☐ Yes ☒ No
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

SEE INSERT.

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?

SEE INSERT.

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 agrees that it will abide by all federal, state, county and local laws, rules, regulations, licensing and administrative orders applicable to the within project. The Applicant or any subcontractor of whatever tier is subject to the Policy and includes the construction and/or renovation phase of a project with respect to contractors and subcontractors and local workforce used during this period. The Applicant acknowledges that there has not been any debarment or suspension by any federal, state or local government agency or authority in the past (3) three years applicable to the within Project.
Initial

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

Initial

16. The Applicant confirms and hereby acknowledges it has received the Agency’s [Background Credit and Litigation Review] Authorization Form attached hereto as Schedule E and agrees to consent with the same.

Initial

Part VIII – Submission of Materials

1. Completed Short Environmental Assessment Form (Long Form where applicable).

2. 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.
Part IX - Certification

Steven Krieger (name of representative of company submitting application) deposes and says that he or she is the AUTHORIZED SIGNATORY of EB AT COMMACK LLC, 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 Suffolk County 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.

[Signature]
Representative of Applicant

Sworn to me before this 31
Day of January, 20 23

JESSICA F. COLABELLA
(Seal)

JESSICA F. COLABELLA
Notary Public, State of New York
No. 01CO6137529
Qualified in Nassau County
Commission Expires November 25, 2025
EXHIBIT A

Proposed PILOT Schedule

Upon acceptance of the Application and completion of the Cost Benefit Analysis, the Agency will attach the proposed PILOT Schedule, together with the estimates of net exemptions based on estimated tax rates and assessment values to this Exhibit.

3/24/2023
Date

3/27/2023
Date
SCHEDULE A

SUFFOLK COUNTY INDUSTRIAL DEVELOPMENT AGENCY

ADMINISTRATIVE FEE SCHEDULE

FOR BONDS (TAX-EXEMPT & TAXABLE) AND LEASE TRANSACTIONS

A non-refundable application fee of $2,000 for applications under $5 million and $4,000 for applications over $5 million is required at the time of application. This fee will be credited to the Agency's Administrative Fee, payable if, and when, the financing is completed/closed.

The Administrative Fee charged by the Agency at closing is as follows:

3/4 of 1% of the bond/lease project amount on the first $15 million

1/2 of 1% of the bond/lease project amount between $15 million and $25 million

1/4 of 1% of the bond/lease project amount between $25 million and $35 million

1/10 of 1% of the bond/lease project amount over $35 million

Applicant pays Bond or Transaction Counsel fees at closing to handle the bond or lease transaction.

SUFFOLK COUNTY INDUSTRIAL DEVELOPMENT AGENCY

ANNUAL REPORTING/COMPLIANCE FEE

For bond/lease projects up to $5 million - $750 at closing and $500 annually.

For bond/lease projects between $5 million and $10 million - $1,000 at closing and $750 annually.

For bond/lease projects over $10 million - $1,500 at closing and $1,000 annually.
SCHEDULE B

LONG ISLAND FIRST POLICY

It is the policy of the Suffolk County Industrial Development Agency to strongly encourage Project Applicants to support LONG ISLAND FIRST. This means that to the greatest extent possible Project Applicants should consider purchasing goods and services from Long Island Based Providers, and that to the greatest extent possible all employment opportunities be provided to Nassau and/or Suffolk residents.

For purposes of this Policy, Long Island Based Provider means:
- Business having a physical location on Long Island; or
- Business with a history of performing work in Nassau and/or Suffolk County; or
- Business employing majority Nassau and/or Suffolk County residents

The Policy seeks to cause a greater local economic impact of a project through support of Long Island Based Providers and employment of local workers and its multiplier effect on the Nassau and Suffolk County Region. There are direct and indirect benefits to the Region’s economy as a result of a Project Applicant’s spending and investment taking place locally (as opposed to not taking place at all or occurring out of the Region). A Project Applicant’s direct local expenditures for employee salaries, supplies, services, raw materials and operating expenses create an economic benefit to the Region. This direct spending by a Project Applicant increases new economic activity by the businesses that initially received the direct spending and they in turn increase spending at other local businesses in the supply chain. A workforce and new employees create economic activity by purchasing goods and services from local businesses.

The Policy includes the construction and/or renovation phase of a project with respect to contractors and subcontractors and local workforce used during this period.

Complying with the Policy’s Goals
- Project Applicants must annually provide the total dollar amount of all direct expenditures made to Long Island Based Providers (businesses, vendors, suppliers, etc.) along with a name list of all Long Island Based Providers included in the annual direct expenditure total.
For all anticipated contracts to be let during the construction and/or renovation phase, the applicant must:

- Maintain all documentation of their efforts to comply with this policy.
- Send notice via email - info@suffolkida.org to the Suffolk County Industrial Development Agency. Telephone: 631-853-4802. The notice shall be prescribed in a format deemed acceptable by the IDA, posted for a reasonable amount of time, and will contain at a minimum the scope of the contract, anticipated start and end dates, methodology for prospective bidders to submit a bid, and deadline for bid submission. All notices will be publically available via the IDA’s website (https://www.suffolkida.org/).
- If a Project Applicant or any subcontractor of whatever tier is not hiring a Long Island Based Provider, they must notify the IDA before selecting a Non-Long Island Based Provider and shall provide an explanation of why they elected not to hire a Long Island Based Provider.
- Project Applicants that claim they cannot comply with this Policy shall demonstrate and document their efforts in attempting to meet this Policy’s goals and shall provide such documentation to the IDA at its request. The explanation should include a detailed account of the actions undertaken to adhere to this Policy, obstacles encountered and any other relevant information.

Failure to comply with the Policy may result in the reduction, loss or recapture of IDA benefits and/or become ineligible for consideration for new project applications.

Project Applicants agree to implement and adhere to the Long Island First Policy as set forth herein.

The undersigned hereby certifies that the answers and information provided above and in any statement attached hereto are true, correct and complete.

Applicant Print Name: EB Communications, Inc., by: Steven Krieger, Authorized Signatory

Applicant Signature: ____________________________ Date: 11/30/2023

Adopted December 14, 2021

H. Lee Dennison Building, 3rd Floor, 100 Veterans Memorial Highway, P.O. Box 6100, Hauppauge, NY 11788
(631) 853-4802 Fax (631) 853-8351 www.SuffolkIDA.org
SCHEDULE C

CONSTRUCTION WAGE POLICY
SUFFOLK COUNTY INDUSTRIAL DEVELOPMENT AGENCY
EFFECTIVE JANUARY 1, 2006

The purpose of the Suffolk County Industrial Development Agency is to provide benefits that reduce costs and financial barriers to the creation and to the expansion of business and enhance the number of jobs in Suffolk County.

The Agency has consistently sought to ensure that skilled and fair paying construction jobs be encouraged in projects funded by the issuance of IDA tax exempt bonds in large projects.

The following shall be the policy of the Suffolk County Industrial Development Agency for applications received after January 1, 2006 for financial assistance in the form of tax-exempt financing for projects with anticipated construction costs in excess of $5,000,000 per site.

Any applicant required to adhere to this policy shall agree to:

(1) Be governed by the requirements of Section 220d of Article 8 of the Labor Law of the State of New York; and when requested by the Agency, provide to the Agency a plan for an apprenticeship program.

OR

(2) Provide to the Agency a project labor agreement or alternative proposal to pay fair wages to workers at the construction site.

In the event that any of these conditions cannot be met, the applicant shall submit to the Agency an explanation as to the reasons for its failure or inability to comply with such conditions. Furthermore, this policy may be waived, in the sole and final discretion of the Agency, in the event that the applicant demonstrates to the Agency special circumstances or economic hardship to justify a waiver to be in furtherance of the purposes and goals of the Suffolk County Industrial Development Agency.

Signature

Print Name

Date 11/31/2023
SCHEDULE D

RECAPTURE AND TERMINATION POLICY

SUFFOLK COUNTY
INDUSTRIAL DEVELOPMENT AGENCY
EFFECTIVE JUNE 23, 2016

Pursuant to Sections 874(10) and (11) of Title 1 of Article 18-A of the New York State General Municipal Law (the “Act”), the Suffolk County Industrial Development Agency (the “Agency”) is required to adopt policies (i) for the discontinuance or suspension of any financial assistance provided by the Agency to a project or the modification of any payment in lieu of tax agreement and (ii) for the return of all or part of the financial assistance provided by the Agency to a project. This Recapture and Termination Policy was adopted pursuant to a resolution enacted by the members of the Agency on June 23, 2016.

1. Termination or Suspension of Financial Assistance

The Agency, in its sole discretion and on a case-by-case basis, may determine (but shall not be required to do so) to terminate or suspend the Financial Assistance (defined below) provided to a project upon the occurrence of an Event of Default, as such term is defined and described in the Lease Agreement entered into by the Agency and a project applicant (the “Applicant”) or any other document entered into by such parties in connection with a project (the “Project Documents”). Such Events of Default may include, but shall not be limited to, the following:

1) Sale or closure of the Facility (as such term is defined in the Project Documents);
2) Failure by the Applicant to pay or cause to be paid amounts specified to be paid pursuant to the Project Documents on the dates specified therein;
3) Failure by the Applicant to create and/or maintain the FTEs as provided in the Project Documents;
4) A material violation of the terms and conditions of the Project Agreements; and
5) A material misrepresentation contained in the application for Financial Assistance, any Project Agreements or any other materials delivered pursuant to the Project Agreements.

The decision of whether to terminate or suspend Financial Assistance and the timing of such termination or suspension of Financial Assistance shall be determined by the Agency, in its sole discretion, on a case-by-case basis, and shall be subject to the notice and cure periods provided for in the Project Documents.

For the purposes of this policy, the term “Financial Assistance” shall mean all direct monetary benefits, tax exemptions and abatements and other financial assistance, if any, derived solely from the Agency’s participation in the transaction contemplated by the Project Agreements including, but not limited to:

(i) any exemption from any applicable mortgage recording tax with respect to the Facility on mortgages granted by the Agency on the Facility at the request of the Applicant;
(ii) sales tax exemption savings realized by or for the benefit of the Applicant, including and savings realized by any agent of the Applicant pursuant to the Project Agreements in connection with the Facility; and
(iii) real property tax abatements granted under the Project Agreements.
II. Recapture of Financial Assistance

The Agency, in its sole discretion and on a case-by-case basis, may determine (but shall not be required to do so) to recapture all or part of the Financial Assistance provided to a project upon the occurrence of a Recapture Event, as such term is defined and described in the Project Documents. Such Recapture Events may include, but shall not be limited to the following:

1) Sale or closure of the Facility (as such term is defined in the Project Documents);
2) Failure by the Applicant to pay or cause to be paid amounts specified to be paid pursuant to the Project Documents on the dates specified therein;
3) Failure by the Applicant to create and/or maintain the FTEs as provided in the Project Documents;
4) A material violation of the terms and conditions of the Project Agreements; and
5) A material misrepresentation contained in the application for Financial Assistance, any Project Agreements or any other materials delivered pursuant to the Project Agreements.

The timing of the recapture of the Financial Assistance shall be determined by the Agency, in its sole discretion, on a case-by-case basis, and is subject to the notice and cure periods provided for in the Project Documents. The percentage of such Financial Assistance to be recaptured shall be determined by the provisions of the Project Documents.

All recaptured amounts of Financial Assistance shall be redistributed to the appropriate affected taxing jurisdiction, unless agreed to otherwise by any local taxing jurisdiction.

For the avoidance of doubt, the Agency may determine to terminate, suspend and/or recapture Financial Assistance in its sole discretion. Such actions may be exercised simultaneously or separately and are not mutually exclusive of one another.

III. Modification of Payment In Lieu of Tax Agreement

In the case of any Event of Default or Recapture Event, in lieu of terminating, suspending or recapturing the Financial Assistance, the Agency may, in its sole discretion, adjust the payments in lieu of taxes due under the Project Agreements, so that the payments in lieu of taxes payable under the Project Agreements are adjusted upward retroactively and/or prospectively for each tax year until such time as the Applicant has complied with the provisions of the Project Agreements. The amount of such adjustments shall be determined by the provisions of the Project Documents.

Signature

[Signature]

Print Name

[Print Name]

Date

1/31/2023
Background, Credit and Litigation Review Authorization Form

I give, consent and authorize to the Suffolk County Industrial Development Agency, including its officers, directors, affiliates, agents and representatives (the “Agency”) the right to contact and obtain information from all references, credit reporting companies, financial institutions, governmental agencies or departments, and other agencies regarding my creditworthiness and background and to otherwise verify the accuracy of the information that I have provided in my application or other information which I have provided to the Agency for the purpose of applying for financial assistance. In connection with my application for financial assistance with the Agency, I understand that investigative background inquiries may be requested and obtained, including credit and criminal background history information. I hereby release from liability the Agency and its agents, employees and representatives for seeking, gathering, and using such information and all other persons, corporations, or organizations for furnishing such information.

I shall cooperate with the reasonable requests made by the Agency in connection with obtaining and completing the background, credit and litigation review process referenced herein. I agree to be responsible for the cost of such background, credit and litigation review and agree to reimburse the Agency for such expenses.

This authorization shall be perpetual and shall remain in full force and effect unless revoked by me in writing to the Agency. My revocation shall not affect in any way or manner any activities of the Agency in accordance with this authorization that occur or in process on or before the date that the Agency receives my written notice of revocation of this authorization.

Signature: [Signature]

Print Name: [Print Name]

Date: 1/31/2023
INSERTS TO APPLICATION – EB AT COMMACK LLC

Part 1 – Owner & User Data
Insert 1 (Page 5, Paragraph 1.E)

<table>
<thead>
<tr>
<th>Name</th>
<th>Percent Owned</th>
</tr>
</thead>
<tbody>
<tr>
<td>JAN BURMAN</td>
<td>20.50%</td>
</tr>
<tr>
<td>STEVEN KRIEGER</td>
<td>23.30%</td>
</tr>
<tr>
<td>SCOTT BURMAN</td>
<td>19.10%</td>
</tr>
<tr>
<td>DAVID BURMAN</td>
<td>19.10%</td>
</tr>
<tr>
<td>JONATHAN WEISS</td>
<td>10.00%</td>
</tr>
<tr>
<td>MICHAEL WEISS</td>
<td>2.00%</td>
</tr>
<tr>
<td>KRIEGER FAMILY TRUSTS</td>
<td>6.00%</td>
</tr>
</tbody>
</table>

PRIOR TO CLOSING, THE APPLICANT MAY DETERMINE TO ENTER INTO A JOINT VENTURE WITH HARRISON STREET REAL ESTATE, ITS FREQUENT DEVELOPMENT PARTNER.

Insert 2 (Page 5, Paragraph 1.F)

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

Insert 3 (Page 6, Paragraph 1.J)

THE BRISTAL AT EAST NORTHPORT, LOCATED AT 760 LARKFIELD ROAD, EAST NORTHPORT, NY. ON DECEMBER 1, 2009, THE AGENCY ENTERED INTO A TRANSACTION WITH EB AT EAST NORTHPORT, LLC TO FINANCE CERTAIN COSTS FOR THE ACQUISITION OF A 6-ACRE PARCEL OF LAND AND THE CONSTRUCTION OF A THREE-STORY, APPROXIMATELY 115,000 SQUARE FOOT ASSISTED LIVING RESIDENTIAL FACILITY FOR USE BY ELDERLY CITIZENS IN THE COMMUNITY. IN CONNECTION THEREWITH, A PILOT AGREEMENT WAS ENTERED INTO AS OF DECEMBER 1, 2009, WHICH PILOT AGREEMENT IS CURRENTLY SCHEDULED TO EXPIRE ON DECEMBER 31, 2026. WITH THE CONSENT OF THE AGENCY, EB AT EAST NORTHPORT, LLC ASSIGNED ALL OF ITS RIGHT, TITLE AND INTEREST IN AND TO THE FACILITY TO HSRE-EB EAST NORTHPORT, LLC, PURSUANT TO THAT CERTAIN ASSIGNMENT, ASSUMPTION AND AMENDMENT AGREEMENT DATED FEBRUARY 13, 2013.

SUTTON LANDING AT DEER PARK, LOCATED AT L500 SUTTON COURT, DEER PARK, NY, IS A 55+ RENTAL COMMUNITY. THE PROJECT IS SUBJECT TO A STRAIGHT LEASE TRANSACTION WITH THE TOWN OF BABYLON INDUSTRIAL DEVELOPMENT AGENCY.

SUTTON LANDING AT UNIONDALE, LOCATED AT 2000 SUTTON COURT, UNIONDALE, NY IS A 55+ RENTAL COMMUNITY. THE PROJECT IS SUBJECT TO A STRAIGHT LEASE TRANSACTION WITH THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY.

SUTTON LANDING AT MT. SINAI, LOCATED AT 300 SUTTON COURT, MT. SINAI, NY IS A 55+ RENTAL COMMUNITY. THE PROJECT IS SUBJECT TO A STRAIGHT LEASE TRANSACTION WITH THE TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY.
THE BRIX AT UNIONDALE, LOCATED AT 1000 BRIX PLACE, UNIONDALE, NY IS A RENTAL COMMUNITY FOR ALL AGES THAT IS SUBJECT TO A STRAIGHT LEASE TRANSACTION WITH THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY.

Part II – Operation at Current Location
Insert 4 (Page 10, Paragraph 5.A.)

SUTTON LANDING AT DEER PARK: L500 SUTTON COURT, DEER PARK, NY

SUTTON LANDING AT UNIONDALE: 2000 SUTTON COURT, UNIONDALE, NY

SUTTON LANDING AT MT. SINAI: 300 SUTTON COURT, MT. SINAI, NY

THE BRIX AT UNIONDALE: 1000 BRIX PLACE, UNIONDALE, NY

Insert 5 (Page 11, Paragraph 8.A.)

AS STATED ABOVE, THE PRINCIPALS OF THE APPLICANT SEEK DEVELOPMENT OPPORTUNITIES IN MANY AREAS OF THE UNITED STATES. A POSSIBLE DEVELOPMENT PARTNER OF THE APPLICANT IS LOCATED IN CHICAGO, ILLINOIS. GIVEN THE HIGH DEVELOPMENT COSTS ON LONG ISLAND, THE APPLICANT WILL DEPLOY ITS ASSETS IN OTHER LOCATIONS WITHOUT THE FINANCIAL ASSISTANCE NECESSARY TO MAKE THE PROJECT A SUCCESS.

Part III – Project Data
Insert 6 (Page 13, Paragraph 3.G.i.)

EQUIPMENT CONSISTENT WITH A MULTI-FAMILY RESIDENTIAL DEVELOPMENT, INCLUDING APPLIANCES FOR INDIVIDUAL RENTAL UNITS, AND FURNITURE, FIXTURES, AND EQUIPMENT FOR CLUBHOUSE AND COMMON AREAS.

Insert 7 (Page 14, Paragraph 4.F.)

APPROXIMATELY 86 UNITS OF INDEPENDENT SENIOR LIVING, RENTAL HOUSING TOGETHER WITH A CLUBHOUSE AND OUTDOOR COMMON AREA FOR RECREATION. SIX UNITS WILL BE RESERVED FOR RESIDENTS WHOSE INCOMES ARE 80% OR LESS OF AMI, AND SIX UNITS WILL SIMILARLY BE RESERVED FOR RESIDENTS WHOSE INCOMES ARE 120% OR LESS OF AMI.

Insert 8 (Page 14, Paragraph 4.G.)

THE APPLICANT BELIEVES THAT THERE IS A SIGNIFICANT MARKET FOR ACTIVE SENIOR ADULTS WHO WISH TO DOWNSIZE FROM THEIR SINGLE-FAMILY HOMES AND EMBRACE A MAINTENANCE-FREE LIFESTYLE, WHILE REMAINING ON LONG ISLAND. A REPORT PREPARED FOR THE LONG ISLAND INDEX IN 2016 BY HR&A AND THE REGIONAL PLAN ASSOCIATION CONFIRMED THAT THERE IS AN ENORMOUS GAP BETWEEN WHAT MULTI-FAMILY RENTAL HOUSING LONG ISLAND NEEDS OVER THE NEXT DECADES AND WHAT IS BEING CONSTRUCTED.
THE APPLICANT, A SEASONED LONG ISLAND DEVELOPER OF MULTI-FAMILY RENTAL AND FOR-SALE HOUSING, BELIEVES THAT THE TOWN OF HUNTINGTON IS UNDERSERVED IN THE NUMBER OF EXISTING HOUSING UNITS FOR SENIORS WHO WISH TO REMAIN IN THEIR CURRENT LOCALES OF LONG ISLAND. THERE IS A SPECIAL NEED FOR THE AFFORDABLE AND WORKFORCE UNITS THAT THIS PROJECT WILL PROVIDE. THIS BELIEF IS BORNE OUT BY NUMEROUS STUDIES, AND WILL BE CONFIRMED BY THE AGENCY’S FEASIBILITY STUDY.

Part IV – Project Costs and Financing
Insert 10 (Page 18, Paragraph 3.A.i)

SEE IMMEDIATELY FOLLOWING PAGE.
<table>
<thead>
<tr>
<th>Description</th>
<th>Cost To Date</th>
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<td>LAND DEPOSIT</td>
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<td>DEVELOPMENT</td>
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<tr>
<td>CONSTRUCTION</td>
<td></td>
</tr>
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<td>SUPPLIES</td>
<td></td>
</tr>
<tr>
<td>CONSULTANTS</td>
<td></td>
</tr>
<tr>
<td>LIGHT</td>
<td></td>
</tr>
<tr>
<td>CONSTRUCTION Software</td>
<td></td>
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<td>ACQUISITION</td>
<td>$ 475,000.00</td>
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<td>DUE DILIGENCE</td>
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<td>APPROVALS</td>
<td>$ 1,250.00</td>
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<td>MARKETING</td>
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<td>START UP</td>
<td>$</td>
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<td>SUB TOTAL ACQUISITION</td>
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<td>SUB TOTAL SOFT COST</td>
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<tr>
<td>SUB TOTAL ACQUISITION &amp; SOFT</td>
<td>$ 905,307.61</td>
</tr>
</tbody>
</table>
Part VII -- Representations, Certifications and Indemnification

Insert 11 (Page 25, Paragraph 3)

AS STATED ABOVE, GIVEN THE HIGH DEVELOPMENT COSTS ON LONG ISLAND, WITHOUT THE FINANCIAL ASSISTANCE NECESSARY TO MAKE THE PROJECT A SUCCESS, THE APPLICANT WILL DEPLOY ITS ASSETS IN OTHER LOCATIONS AND WILL NOT UNDERTAKE THE CONSTRUCTION AND OPERATION OF THE PROJECT.

Insert 12 (Page 25, Paragraph 4)