

BABYLON INDUSTRIAL DEVELOPMENT AGENCY

MATTHEW T MCDONOUGH
CHIEF EXECUTIVE OFFICER

FORM APPLICATION FOR FINANCIAL ASSISTANCE

Nov 16, 2018

DATE: ~~July 17, 2018~~

APPLICATION OF: **75 E. Hoffman LH, LLC**
Company Name of Beneficial User of Proposed Project
(Not Realty or Special Purpose Entity (SPE) created for liability)

CURRENT ADDRESS: **45 Research Way, Suite 100**
East Setauket, NY 11733

ADDRESS OF PROPERTY
TO RECEIVE BENEFITS: **75 E. Hoffman Avenue, Lindenhurst NY 11757**

Tax Map# District: 103 Section: 10 Block: 4 Lot (s): 45.001,
45.003, 45.006,
45.007, 45.008,
45.009, 45.010

47 WEST MAIN STREET, SUITE 3 BABYLON, NY 11702- TEL: (631) 587-3679 FAX: (631)
587-3675 WEBSITE: WWW.BABYLONIDA.ORG
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INDEX

PART I	USER DATA AND OWNER (IF DIFFERENT)
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	Recapture Policy*

Part I: User (Applicant) & Owner Data (if different)

1. User Data (Applicant):

A. User: 75 E. Hoffman LH, LLC

Address: 45 Research Way, Suite 100, East Setauket, NY 11733

Federal Employer ID #: [REDACTED] **Website:** _____

NAICS Code: 237210

(111c North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy www.census.gov/eo/www/naics/)

Name of User Officer Certifying Application: [REDACTED]

Title of Officer: [REDACTED]

Phone Number: [REDACTED]

E-mail: [REDACTED]

Applicant is currently negotiating with Rockwood Capital, LLC ("Rockwood") to join as a joint venture partner in the Project. If the negotiation is successful, a new joint venture entity will be created to own the property.

Rockwood is a real estate investment management firm founded in 1995 that provides equity capital combined with real estate operating expertise for the repositioning, recapitalization, development and redevelopment of residential, office, research and development, retail and hotel space in key markets throughout the United States. Rockwood and its principals have invested on behalf of their clients in approximately \$27.4 billion of real estate. Rockwood manages a portfolio of approximately \$3.7 billion of net equity value and approximately \$9.9 billion of gross real estate value. Rockwood's investors include public and private pension funds, endowments, foundations, insurance companies, fund of funds, high net worth individuals and family offices.

B. Business Type:

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 _____")

Construction and operation of a 260-unit multifamily rental apartment building

- D. User Counsel:

Firm Name: **Farrell Fritz P.C.**
 Address: **400 RXR Plaza, Uniondale, NY 11556**
 Individual Attorney: **Peter L. Curry, Esq.**
 Phone Number: **516-227-0772** E-mail: **pcurry@farrellfritz.com**

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

<u>Name</u>	<u>Percent Owned</u>
Robert J. Coughlan	42.5%
James L. Coughlan	42.5%
Robert Kent and Robert Loscalzo	10% and 5%, respectively

- F. Has the User, or any subsidiary or affiliate of the User, 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)

NO

- 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 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.

Certain of the principals own numerous other single-purpose real estate entities, as well as TRITEC Real Estate Company, Inc. and related entities.

- H. 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:

NO

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

NONE

- J. 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:

NO

- K. List major bank references of the User:

Current and former relationships include, but is not limited to, the following:

UBS, J.P. Morgan Chase, The Principal Financial Group, Capital One, Bank of America, Bank of New York, Wells Fargo Bank, First Niagara, and Merrill Lynch

2. Owner Data

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

- A. Owner (together with the User, the "Applicant"): **N/A**

Address: **N/A**

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

Website: _____

NAICS Code: _____

Name of Owner Officer Certifying Application: **N/A**

Title of Officer: _____

Phone Number: _____

E-mail: _____

- B. Business Type: **N/A**

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 **X** No

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. Owner's Counsel:

Firm Name: N/A

Address: _____

Individual Attorney: _____

Phone Number: _____ E-mail: _____

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

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

G. Has the Owner, or any subsidiary or affiliate of the Owner, 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. 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 "F", 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.

N/A

- I. 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:

N/A

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

N/A

- K. 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:

N/A

- L. List major bank references of the Owner:

N/A

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Part II-Operation at Current Location

1. Current Location Address: N/A
2. Owned or Leased: N/A
3. Describe your present location (acreage, square footage, number of 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: **Related companies of the Applicant have developed, constructed and/or managed numerous real estate projects on Long Island.**
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: **The Applicant develops real estate projects throughout the Mid-Atlantic region of the United States, including the Metro Washington, D.C. area. Without the requested assistance, the Applicant would look to other States to develop their award-winning transit-oriented residential development housing model.**

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

A. Please explain: **The requested financial assistance would not prevent the Applicant from moving out of New York State, but would prevent the Applicant from developing the proposed 260-unit residential building and force the Applicant to focus development efforts in localities other than Long Island.**

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

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Part III-Project Data1. **Project Type:**

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

Straight Lease ☒ Taxable Bonds _____ Tax-Exempt Bonds _____

Equipment Only Straight Lease _____

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

Sales Tax Exemption ☒ Mortgage Recording Tax Exemption ☒Real Property Tax Abatement: ☒2. **Location of project:**A. Street Address: **75 E. Hoffman Avenue, Lindenhurst, NY 11757**B. Tax Map: District **103** Section **10** Block **4** Lot(s) **See below****Lots 45.001, 45.003, 45.006, 45.007, 45.008, 45.009, 45.010**

C. Municipal Jurisdictions:

i. Village: **Village of Lindenhurst**ii. School District: **Lindenhurst Union Free School District**iii. Library: **Lindenhurst Memorial Library**D. Acreage: **7.14**3. **Project Components (check all appropriate categories):**D. Construction of a new building ☒ Yes _____ Noi. Square footage: **331,988 SF (GFA)**E. Renovations of an existing building _____ Yes ☒ No

i. Square footage: _____

F. Demolition of an existing building ☒ Yes _____ Noi. Square footage: **121,185 SF (across 7 buildings)**G. Land to be cleared or disturbed ☒ Yes _____ Noi. Square footage/acreage: **Involves disturbance within creek (and surrounding 100-foot adjacent area) as well as the adjacent wooded lot (e.g. removal of existing non-native/invasive vegetation and storm water outfalls, bank stabilization efforts, etc.). The creek will be restored to its former natural state. The wooded lot is currently 0.36 acres of forested area; 0.24 acres to be available upon completion.**

- H. Construction of addition to an existing building _____ Yes ☒ No
 i. Square footage addition: _____
 ii. Total square footage upon completion: _____

- I. Acquisition of an existing building ☒ Yes _____ No
 i. Square footage of existing building:
121,185 SF of building coverage (across 7 buildings total)

- J. Installation of machinery and/or equipment ☒ Yes _____ No
 i. List principal items or categories of equipment to be acquired:
Apartment appliances; Furniture and other equipment for public amenities.

4. Current Use at Proposed Location:

- A. Does the Applicant currently hold fee title to the proposed location?
 i. If no, please list the present owner of the site: **LAKEVILLE REALTY CO.**

Applicant is in contract with current Owner. Applicant serves as Contract Vendee.

- B. Present use of the proposed location: **Commercial, light industrial, and vacant uses, and includes small undeveloped wooded areas proximate to Neguntatogue Creek.**

- 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? (if yes, attach): ☒ Yes _____
 No

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

5. Proposed Use:

- A. Describe the specific operations of the Applicant or other users to be conducted at the project site: **Construction and operation of a 260-unit multifamily rental apartment building.**

- B. Proposed product lines and market demands: **Multifamily; Significant demand for rental units on Long Island; Extremely low supply of rental housing available on Long Island relative to the national average and neighboring regions.**
- 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:

260 apartment units to be leased to future residents (includes studios, one-bedroom units, two-bedroom units, and three-bedroom units with an average unit size of 907 square feet).

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

High quality, new, professionally-managed apartments are in short supply in Suffolk County. The proposed project presents a compelling opportunity to deliver high-quality, upscale, for-rent housing to a deep and underserved group living in the greater Lindenhurst area possessing few options presently meeting their housing needs. The existing rental stock in Suffolk County is aging, under-amenitized and generally of low quality. This Project will incorporate the core elements of sustainable development, thoughtful land use planning, Smart Growth principles and high design standards to support Lindenhurst's efforts to revitalize its downtown into a lively walkable community. Additional details pertaining to the project's premium elements can be found in the Applicant Report and Cover Letter.

- 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 ☒

1. 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?

6. Project Work:

- A. Has construction work on this project begun? If yes, complete the following: **NO**

i.	Site Clearance:	Yes	No	X	%	Complete
ii.	Foundation:	Yes	No	X	%	Complete
iii.	Footings:	Yes	No	X	%	Complete
IV.	Steel:	Yes	No	X	%	Complete
v.	Masonry:	Yes	No	X	%	Complete
VI.	Other:					

- B. What is the current zoning? Downtown Residence District (DRD) Zone**

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

Yes **X** No

- D. If a variance or change of zoning is required, please provide the details/status of the variance or change of zone request:

Please find the Village of Lindenhurst Rezoning and Site Plan Resolution dated as of May 1, 2018 attached at Appendix C.

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

Please find the Village of Lindenhurst Rezoning and Site Plan Resolution dated as of May 1, 2018 attached at Appendix C.

7. Project Completion Schedule:

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

- i. Acquisition: **On or about December 31, 2018**
- ii. Construction/Renovation/Equipping: **On or about January 1, 2019***
(*Provided demolition permit is ready to pull and land has been acquired)

- 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:

Total construction period is estimated to be 25 Months; Pre-leasing is expected to begin roughly 3 months prior to completion of construction; Residential occupancy will begin upon completion of construction and receipt of Certificate of Occupancy.

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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*	11,400,000.00
Building(s) demolition/construction	39,404,104.00
Building renovation	0.00
Site Work	3,135,467.00
Machinery and Equipment	23,860,932.00
Legal Fees	975,000.00
Architectural/Engineering Fees	2,764,530.00
Financial Charges	7,343,224.00
Permit, Consultant, Inspection Fees	1,188,400.00
Taxes & Insurance	2,068,000.00
Other Soft Costs (Specify)	10,500,148.00
Total	\$ 102,639,805.00

**Acquisition & entitlement*

2. Method of Financing:

	<u>Amount</u>	<u>Term</u>
A. Tax-exempt bond financing		
B. Taxable bond financing	0.00	years
C. Conventional Mortgage*	\$76,979,854.00	[] years
D. SBA (504) or other governmental financing	0.00	years
E. Public Sources (include sum of all	0.00	years
State and federal grants and tax credits)	0.00	years
F. Other loans	0.00	years
G. Owner/User equity contributions	\$ \$25,659,951.00	years
Total Project Costs	<u>\$102,639,805.00</u>	

**Up to 75% LTC*

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

0%

3. Project Financing: (**Complete only if Bond Financing is being utilized**)

- 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.

- 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:

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

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

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Part V- Project Benefits

1. Mortgage Recording Tax Benefit:

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

\$76,979,854.00 (up to 75% loan-to-cost)

- B. Estimated Mortgage Recording Tax Exemption (product of Mortgage Amount and current Mortgage Recording Tax Rate):

\$ 577,348

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)

\$23,860,932.00

- B. Estimated State and local Sales and Use Tax exemption (product of current State and Local Sales and Use Tax Rate and figure above):

\$2,058,005.00

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

i. Owner: \$ _____

ii. User: \$ _____

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: **30 years**

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 user's 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 year second year following completion:

Estimates of employment at the proposed project location at the end of year one and year two:

	Present	First Year	Second Year	Residents of MLA
Full-Time		6	6	
Part-Time**				

*The Labor Market Area includes the Town of Babylon, Nassau and Suffolk Counties.

Full-Time Employee shall mean, with respect to an Annual Period, an individual on the payroll of, receiving customary benefits from, and directly employed during such Annual Period by, any Company Group Entity (and excluding any individuals employed by temporary employment or similar agencies) and each of whom works within the Town for any Company Group Entity during such Annual Period on a "full-time basis" (*i.e.*, working at least a 35-hour week, subject to customary vacation, holiday and sick leave).

**Agency converts Part-time staff to Full-Time Equivalent Employee as follows, with respect to an Annual Period, two (2) individuals on the payroll of, receiving customary benefits from, and directly employed during such Annual Period by, any Company Group Entity (and excluding any individuals employed by temporary employment or similar agencies) and each of whom works within the Town for any Company Group Entity during such Annual Period on a "part-time basis" (*i.e.*, working at least a 20-hour week, subject to customary vacation, holiday and sick leave).

2. Salary and Fringe Benefits:

Category of Jobs to be	Number of Employees	Average Salary or Range of Salary	Average Fringe Benefits or Range of Fringe Benefits
Management	2	\$45,760 - \$75,000	\$7,333 - \$16,954
Professional	1	\$39,520	\$10,729
Administrative			
Production			
Supervisor			
Laborer			
Other			
Service Manager	1	\$72,800	\$14,929
Service Technician	2	\$43,680	\$10,968 - \$11,550

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

3. Annualized salary range of jobs to be created in the first two years (see question #1):

FROM **\$39,520**

TO: **\$75,000**

4. List the number of *Construction jobs (if applicable) to be created by the Applicants Project.

	<u>First Year</u>	<u>Second Year</u>	<u>Third Year</u>
*Full-Time	247	247	
**Part-Time			

*Construction jobs are defined as full-time equivalents (FTE), or 2,080-hour units of labor (one construction period job equates to one full-time job for 1 year).

**A part-time or temporary job may be considered one job by other models but would constitute only a fraction of a job. For example, if a laborer or craftsman worked only 3 months on a construction or renovation project (assuming no overtime), that would be considered one-quarter of a job.

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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 **X**

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:

- a. Labor practices,

(with respect to workers and/or their working conditions and/or their wages, including but not limited to pending or threatened labor strikes, hand billing, consumer boycotts, mass demonstrations or other similar incidents; unfair labor practices complaints; incurred, or potentially incurred, liability including withdrawal liability with respect to an employee benefit plan, including a pension plan; any complaints, claims, proceedings or litigation arising from alleged discrimination in the hiring, firing, promoting, compensating or general treatment of employees. Please consider "discrimination" to include sexual harassment.)

Yes _____ No **X** (If yes, furnish details on a separate sheet)

- b. hazardous wastes, environmental pollution,

Yes _____ No **X** (If yes, furnish details on a separate sheet)

- c. other operating practices

Yes _____ No **X** (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 **X** No

Without the assistance of the Babylon Industrial Development Agency, the Project would not be financially feasible. There have been no significant residential projects undertaken on Long Island without IDA assistance. Maintaining real estate taxes at a partially-abated level allows the Applicant to construct the improvements, lease the units in several years up and stabilize the project, and to assist the local community in its redevelopment efforts.

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?

The Applicant would be unable to move forward with the \$102 million investment in the Lindenhurst Residences Project, which in turn would have adverse ripple effects throughout the municipality, including but not limited to the following:

- **Hurt Village's revitalization efforts – the Village of Lindenhurst is focusing its efforts on downtown revitalization; without a significant economic catalyst, such as the Lindenhurst Residences, such revitalization would be much more difficult for the Village to attain;**
 - **Impact to Town rating – Moody's accredited the Lindenhurst Residences as part of their rating upgrade for the Town of Babylon;**
 - **No future residents from the Project – Lindenhurst Residences' projected discretionary income to be spent in a 10-mile radius: \$6,350,00;**
 - **Discourage retail investment in the Village – May discourage future retailers from opening up in the Village (i.e. the Lindenhurst BID noted that 6 new restaurateurs have signed leases in the Lindenhurst, all citing the Lindenhurst Residences as part of their reason for locating in the Village of Lindenhurst)**
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 RLK

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 RLK

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 NEU

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 NEU

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 NEU

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 NEU

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 NEU

Initial after receipt and acceptance of Schedule A and Schedule B

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 neu

13. 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 Policy, attached hereto as Schedule B.

Initial neu

Part VIII- Submission of Materials

Please send under separate cover all information directly to Agency Counsel:

William F. Dudine, Partner
Katten Muchin Rosenman
LLP 575 Madison Avenue
New York, NY 10022-2585

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

(Remainder of Page Intentionally Left Blank)

Part IX-Certification**Property Owner (if different from Applicant)**

Robert E. Kent (name of representative of company submitting application) deposes and says that he or she is the Manager (title) of 75 E. Hoffman LH, 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.

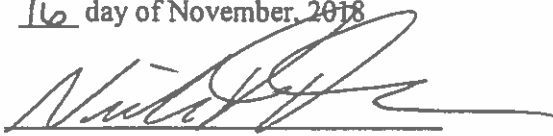
Deponent further says that s/he is duly authorized to make this certification on behalf of the entity named in the attached Application (the "Applicant") and to bind the Applicant. The grounds of deponent's belief relative to all matters in said Application which are not stated upon his/her personal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



Representative of Applicant

Sworn to me before this
16 day of November, 2018



(seal)

Nicholas T Terzulli
 Notary Public State of New York
 No. 02TE6277983
 Qualified in Nassau County
 Commission Expires 9/12/21

Town of Babylon Industrial Development Agency

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.

EXHIBIT A – Lindenhurst Residences

PILOT Schedule

Payments in Lieu of Taxes on the land and the improvements constituting the Project:

The Company shall be obligated to make Payments in Lieu of Taxes (i) with respect to Lindenhurst School District, Lindenhurst Library, Suffolk County and the Town of Babylon taxes for each tax year (December 1 to and including November 30) starting with the tax year commencing December 1, 2019 to and including the tax year December 1, 2048 in the amounts set forth below and (ii) with respect to the Village of Lindenhurst taxes for each Village tax year (March 1 to and including February 28/29) starting with the Village tax year commencing March 1, 2020 to and including the tax year March 1, 2049 in the amounts set for the below. For each tax year commencing December 1, 2049 and thereafter, the Company shall pay Payments in Lieu of Taxes equal to full taxes levied for the Lindenhurst School District, Lindenhurst Library, Suffolk County and the Town of Babylon. For each Village of Lindenhurst tax year commencing March 1, 2050 and thereafter, the Company shall pay Payments in Lieu of Taxes equal to full taxes levied for the Village of Lindenhurst.

Payment:

<u>December 1</u>	<u>Lindenhurst School</u>	<u>Lindenhurst Library</u>	<u>Suffolk County</u>	<u>Town of Babylon</u>	<u>Total School, Library, County & Town</u>
2019	\$233,480	\$10,721	\$40,510	\$15,768	\$300,479
2020	238,149	10,935	41,319	16,086	306,489
2021	242,912	11,154	42,146	16,407	312,619
2022	247,771	11,377	42,989	16,734	318,871
2023	252,726	11,604	43,849	17,069	325,248
2024	257,780	11,836	44,726	17,411	331,753
2025	262,936	12,073	45,620	17,759	338,388
2026	268,195	12,315	46,533	18,113	345,156
2027	273,559	12,561	47,464	18,475	352,059
2028	279,030	12,812	48,413	18,846	359,101
2029	330,750	15,187	57,387	22,340	425,664
2030	384,428	17,652	66,701	25,963	494,744
2031	440,121	20,209	76,362	29,726	566,418
2032	497,888	22,861	86,386	33,627	640,762
2033	557,820	25,613	96,785	37,674	717,892
2034	619,918	28,465	107,559	41,869	797,811
2035	684,278	31,420	118,724	46,218	880,640
2036	750,964	34,482	130,296	50,720	966,462
2037	820,044	37,653	142,281	55,386	1,055,364
2038	891,586	40,938	154,694	60,220	1,147,438
2039	965,663	44,340	167,546	65,221	1,242,770
2040	1,042,345	47,861	180,851	70,401	1,341,458
2041	1,121,709	51,505	194,622	75,760	1,443,596
2042	1,203,830	55,276	208,871	81,307	1,549,284
2043	1,288,825	59,178	223,617	87,048	1,658,668
2044	1,376,700	63,213	238,865	92,982	1,771,760
2045	1,467,575	67,385	254,632	99,120	1,888,712
2046	1,561,534	71,700	270,934	105,465	2,009,633
2047	1,658,663	76,160	287,786	112,027	2,134,636
2048	1,759,054	80,769	305,205	118,807	2,263,835

2049 and thereafter Full taxes due on the assessed value of the land and improvement constituting the Project in accordance with the then current tax rate and then current assessed value of the land and improvements constituting the Project.

MEK

March 1	Lindenhurst Village
2020	\$40,000
2021	40,752
2022	41,522
2023	42,293
2024	43,083
2025	43,893
2026	44,723
2027	45,573
2028	46,422
2029	47,292
2030	55,555
2031	64,133
2032	73,034
2033	82,270
2034	91,848
2035	101,780
2036	112,073
2037	122,740
2038	133,788
2039	145,227
2040	157,066
2041	169,318
2042	181,989
2043	195,089
2044	208,697
2045	222,760
2046	237,288
2047	252,291
2048	267,779
2049	283,844
2050 and thereafter	Full taxes due on the assessed value of the land and improvements constituting the Project in accordance with the then current tax rate and then current assessed value.

NEK

The tax benefits provided for in this schedule shall be deemed to commence December 1, 2019 with respect to Lindenhurst School District, Lindenhurst Library, Suffolk County and Town of Babylon taxes and on March 1, 2020 with respect to the Village of Lindenhurst taxes. The Company shall be required to pay full Lindenhurst School District, Lindenhurst Library, Suffolk County and Town of Babylon taxes or payments in lieu thereof with respect to the land and improvements constituting the Project prior to December 1, 2019. The Company shall be required to pay full Village of Lindenhurst taxes or payments in lieu thereof with respect to the land and improvements constituting the Project prior to March 1, 2020. In no event shall the Company be entitled to receive real property tax benefits due to the Project for a period longer than the period set forth in the formula immediately above. Notwithstanding the foregoing schedule, the Company further covenants and agrees that for any period that the Agency continues to hold a leasehold interest in the land and improvements constituting the Project after the March 1, 2050 with respect to Lindenhurst School District, Lindenhurst Library, Suffolk County and Town of Babylon taxes and after March 1, 2050 (the "Expiration Date") the Company shall pay 100% of the taxes due on the assessed value of the land and improvements constituting the Project in accordance with the then current tax rate of the Town and then current assessed value of the land and improvements constituting the Project.

In addition to the Payments in Lieu of Taxes specified above, the Company will be required to pay with respect to the land and improvement constituting the Project any special ad valorem levies, special assessments and service charges levied against real property located in the Town of Babylon, (including any existing incorporated village or any village which may be or may have been incorporated after the date hereof, within which the Project is wholly or partially located) which are or may be imposed for special improvements or special district improvements, which the Company will pay without exemption.

Tax Savings for property with physical address of:

Lindenhurst Residences

75 E Hoffman Ave - 0103 010.00 04.00 045.001
 85 E Hoffman Ave - 0103 010.00 04.00 045.007
 95 E Hoffman Ave - 0103 010.00 04.00 045.008
 165 S Pennsylvania Av - 0103 010.00 04.000 045.009
 175 S Pennsylvania Av - 0103 010.00 04.000 045.006
 90 Mal Dr - 0103 010.00 04.000 045.003
 95 Mal Dr - 0103 010.00 04.000 045.010
 Lindenhurst, NY 11757

(Lindenhurst SD)

Assuming:

Assessed Value of:

Base Assessed Value	101100
Incremental AV	344350
Total Assessed Value	445450

	Eligible for Abatement	1,273,002
	Other Non-Abated taxes	32,916
2017-2018	Estimated Tax without Exemption	1,305,918

2017-2018 Tax Rate of: 285.7788

Rate Increment of: 2.00%

PILOT number of years 30

Incremental Abatements starting at 100% years 1 to 10
 declining increments 4.76% years 11 to 30

Number of Years	Incremental Abatement %	PILOT %	Combined Estimated to be Paid	Combined Estimated Savings	Estimated Taxes To be Paid Town	Estimated Savings Town	Estimated To be Paid Village	Estimated Savings Village
1	100.00%	0.00%	\$ 373,395	\$ 1,150,497	\$ 333,395	\$ 1,023,440	\$ 40,000	\$ 127,057
2	100.00%	0.00%	380,157	1,173,523	339,405	1,043,910	40,752	129,613
3	100.00%	0.00%	387,057	1,197,028	345,535	1,064,790	41,522	132,238
4	100.00%	0.00%	394,080	1,220,952	351,787	1,086,090	42,293	134,862
5	100.00%	0.00%	401,247	1,245,364	358,164	1,107,810	43,083	137,554
6	100.00%	0.00%	408,562	1,270,273	364,669	1,129,960	43,893	140,313
7	100.00%	0.00%	416,027	1,295,699	371,304	1,152,560	44,723	143,139
8	100.00%	0.00%	423,645	1,321,643	378,072	1,175,610	45,573	146,033
9	100.00%	0.00%	431,397	1,348,057	384,975	1,199,130	46,422	148,927
10	100.00%	0.00%	439,309	1,374,997	392,017	1,223,110	47,292	151,887
11	95.24%	4.76%	514,135	1,335,732	458,580	1,188,190	55,555	147,542
12	90.48%	9.52%	591,793	1,294,358	527,660	1,151,390	64,133	142,968
13	85.72%	14.28%	672,368	1,250,799	599,334	1,112,640	73,034	138,159
14	80.96%	19.04%	755,948	1,204,971	673,678	1,071,870	82,270	133,101
15	76.20%	23.80%	842,656	1,156,789	750,808	1,029,000	91,848	127,789
16	71.44%	28.56%	932,507	1,106,220	830,727	984,010	101,780	122,210
17	66.68%	33.32%	1,025,629	1,053,177	913,556	936,820	112,073	116,357
18	61.92%	38.08%	1,122,118	997,566	999,378	887,350	122,740	110,216
19	57.16%	42.84%	1,222,068	939,302	1,086,280	835,520	133,788	103,782
20	52.40%	47.60%	1,325,581	878,314	1,180,354	781,270	145,227	97,044
21	47.64%	52.36%	1,432,752	814,503	1,275,686	724,510	157,066	89,993
22	42.88%	57.12%	1,543,692	747,786	1,374,374	665,170	169,318	82,616
23	38.12%	61.88%	1,658,501	678,067	1,476,512	603,160	181,989	74,907
24	33.36%	66.64%	1,777,289	605,266	1,582,200	538,410	195,089	66,856
25	28.60%	71.40%	1,900,281	529,251	1,691,584	470,780	208,697	58,471
26	23.84%	76.16%	2,027,436	449,989	1,804,676	400,270	222,760	49,719
27	19.08%	80.92%	2,158,916	367,348	1,921,628	326,760	237,288	40,588
28	14.32%	85.68%	2,294,840	281,219	2,042,549	250,150	252,291	31,069
29	9.56%	90.44%	2,435,331	191,493	2,167,552	170,340	267,779	21,153
30	4.80%	95.20%	2,580,595	98,083	2,296,751	87,250	283,844	10,833
Estimate Taxes to be paid			\$ 32,869,312		\$ 29,275,190		\$ 3,594,122	
Estimated Savings				\$ 28,578,266		\$ 25,421,270		\$ 3,156,996

SCHEDULE A

Agency's Fee Schedule

SCHEDULE A

AGENCY'S FEE SCHEDULE

75 E. Hoffman LH, LLC - Lindenhurst Residences

75 Hoffman Ave, Lindenhurst, NY 11757

0103 010.00 04.00 Lots 045.001, 045.003, 045.006, 045.007, 04.008, 045.009, 045.010

Application date Nov. 16, 2018

Application Fee \$ 1,500

Estimated Public Hearing and Deviation Memo delivery 1,100

Straight lease

Project Costs - page 14

Land &/or Bldg Acquisition	11,400,000
Bldg demo / construction	39,404,104
Site Work	3,135,467
Machinery & Equip	23,860,932
Legal fees	975,000
Arch/Engineering fees	2,764,530
Financial Charges	7,343,224
Permits, Consultant, Inspection fee	1,188,400
Taxes & Insurance	2,068,000
Other Soft Costs	10,500,148

Total Project Cost pg 14 102,639,805

Large Development

1-15 M	15,000,000	1.00%	\$ 150,000
15- 25 M	10,000,000	0.75%	75,000
25 - 35 M	10,000,000	0.50%	50,000
< 35 M	67,639,805	0.25%	169,100

Estimated Project costs 102,639,805 \$ 444,100

Estimated Net Savings 31,213,620 0.75% \$ 234,100

Closing Fee \$ 678,200 \$ 678,200

Total Agency fees \$ 680,800

Estimated Savings	Town	Village	Combined
Est PILOT - Base AV = Current AV	25,421,270	3,156,996	\$ 28,578,266
Est Mtg Rec pg 16	76,979,854	0.75	577,349
Est Sales Tax pg 16	23,860,932	0.08625	2,058,005
Estimated Savings			31,213,620

Plus an Annual Reporting / Compliance fee of \$1,000 per year for the duration of the PILOT

REC

SCHEDULE B

Agency's Recapture Policy

SCHEDULE B

Recapture of Agency Benefits. It is understood and agreed by the parties hereto that the Agency is entering into this Lease Agreement in order to provide financial assistance to the Company for the Facility and to accomplish the public purposes of the Act. In consideration therefor, the Company hereby agrees as follows:

(a) If there shall occur a Recapture Event after the date hereof, the Company shall pay to the Agency, or to the State of New York, if so directed by the Agency (except as otherwise specified below) as a return of public benefits conferred by the Agency, the following amounts:

- (i) one hundred percent (100%) of the Recaptured Benefits (as defined below) if the Recapture Event occurs within the first twenty (20) years after the date hereof;
- (ii) eighty percent (80%) of the Recaptured Benefits (as defined below) if the Recapture Event occurs during the twenty-first (21st) years after the date hereof;
- (iii) sixty percent (60%) of the Recaptured Benefits (as defined below) if the Recapture Event occurs during the twenty-second (22nd) to twenty-third (23rd) year after the date hereof;
- (iv) forty percent (40%) of the Recaptured Benefits (as defined below) if the Recapture Event occurs during the twenty-fourth (24th) year after the date hereof; or
- (v) twenty percent (20%) of the Recaptured Benefits (as defined below) if the Recapture Event occurs during the twenty-fifth (25th) year after the date hereof.

(b) The term “**Recaptured Benefits**” 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 Lease Agreement including, but not limited to, the amount equal to 100% of:

- (i) the Mortgage Recording Tax Exemption; and
- (ii) Sales Tax Exemption savings realized by or for the benefit of the Company, including any savings realized by any Agent pursuant to the Lease Agreement and each Sales Tax Agent Authorization Letter issued in connection with the Facility (the “**Company Sales Tax Savings**”); and
- (iii) real property tax abatements granted pursuant to Section 5.1 hereof (the “**Real Property Tax Abatements**”);

REV

which Recaptured Benefits from time to time shall upon the occurrence of a Recapture Event in accordance with the provisions of subsection (c) below and the declaration of a Recapture Event by notice from the Agency to the Company be payable directly to the Agency or the State of New York if so directed by the Agency within ten (10) days after such notice.

(c) The term “**Recapture Event**” shall mean any of the following events:

- (1) sale or closure of the Facility;
- (2) a material violation of the terms and conditions of the Transaction Documents, including failure to complete the Facility in accordance with Section 3.6 hereof;
- (3) a material misrepresentation made by the Company and contained in the application for Financial Assistance, any Transaction Documents or any other materials delivered pursuant to the Transaction Documents;
- (4) the Company shall have liquidated its operations and/or assets at the Facility (absent a showing of extreme hardship);
- (5) the Company shall have ceased all or substantially all of its operations at the Facility (whether by relocation to another facility or otherwise, or whether to another facility either within or outside of the Town) through no force majeure event;
- (6) (Reserved);
- (7) the Company shall have subleased all or any portion of the Facility in violation of the limitations imposed by the Transaction Documents, without the prior written consent of the Agency;
- (8) the Company shall have sold, leased, transferred or otherwise disposed of all or substantially all of its interest in the Facility without the prior written consent of the Agency;
- (9) the failure by the Company to complete the Project on or before the Completion Date substantially in accordance with the Plans and Specification and the Project Budget;
- (10) the Company receives Company Sales Tax Savings in connection with the Project Work in excess of the Maximum Company Sales Tax Savings Amount; provided, however, that the foregoing shall constitute a Recapture Event with respect to such excess Company Sales Tax Savings only. It is further provided that failure to repay the Company Sales Tax Savings within thirty (30) days shall constitute a Recapture Event with respect to all Recaptured Benefits; and

REK

(11) The Company fails to use and maintain the Facility as an Affordable Housing Project for the term of this Lease Agreement.

(d) Furthermore, notwithstanding the foregoing, a Recapture Event shall not be deemed to have occurred if the Recapture Event shall have arisen as a result of (i) a "force majeure" event (as more particularly defined in Section 10.1(b) hereof), (ii) a taking or condemnation by governmental authority of all or part of the Facility, or (iii) the inability or failure of the Company after the Facility shall have been destroyed or damaged in whole or in part (such occurrence a "Loss Event") to rebuild, repair, restore or replace the Facility to substantially its condition prior to such Loss Event, which inability or failure shall have arisen in good faith on the part of the Company or any of its affiliates so long as the Company or any of its affiliates have diligently and in good faith using commercially reasonable efforts pursued the rebuilding, repair, restoration or replacement of the Facility or part thereof.

(e) The Company covenants and agrees to furnish the Agency with written notification (i) within thirty (30) days of the end of each Tax Year the number of FTEs located at the Facility for such Tax Year, and (ii) within thirty (30) days of actual notice of any facts or circumstances which would likely lead to a Recapture Event or constitute a Recapture Event hereunder. The Agency shall notify the Company of the occurrence of a Recapture Event hereunder, which notification shall set forth the terms of such Recapture Event.

(f) In the event any payment owing by the Company under this Section shall not be paid on demand by the Agency, such payment shall bear interest from the date of such demand at a rate equal to one percent (1%) plus the Prime Rate, but in no event at a rate higher than the maximum lawful prevailing rate, until the Company shall have made such payment in full, together with such accrued interest to the date of payment, to the Agency (except as otherwise specified above).

(g) The Agency shall be entitled to deduct all reasonable out of pocket expenses of the Agency, including without limitation, reasonable legal fees, incurred with the recovery of all amounts due under this Section 5.4, from amounts received by the Agency pursuant to this Section 5.4.

The obligations of the Company under this Section 5.4 shall survive the termination or expiration of this Lease Agreement for any reason whatsoever. The Agency, in its sole discretion and in furtherance of the purposes of the Act, may waive, the payment of Recaptured Benefits in whole or in part, for good cause shown.

REN

Appendix B
Short Environmental Assessment Form

Attached



(631) 957-7500
FAX (631) 957-4605

INCORPORATED VILLAGE OF LINDENHURST
430 SO. WELLWOOD AVENUE • LINDENHURST, NEW YORK 11757

MAYOR
THOMAS A. BRENNAN
CLERK-TREASURER
SHAWN CULLINANE, MMC

BOARD OF TRUSTEES
DARREL J. KOST
MICHAEL A. LAVORATA
JOAN M. MASTERSON
MARYANN WECKERLE

November 4, 2016

To: Town of Babylon Industrial Development Agency
47 West Main Street
Suite 6
Babylon, NY 11702

Re: LEAD AGENCY COORDINATION REQUEST

Proposed Revision to Village of Lindenhurst Zoning Code to Create a New Downtown Redevelopment District (DRD), Rezoning of Certain Property Located in Industry and "C" Residence Zoning Districts to DRD, and Redevelopment of Said Property in Accordance with the DRD, "Lindenhurst Apartments", Village of Lindenhurst, Suffolk County, New York; District 103, Section 10, Block 4, Lots 045.001, 045.003, and 045.006-045.010

The purpose of this correspondence is to determine, in conformance with Article 7 of the Environmental Conservation Law (State Environmental Quality Review Law, SEQRA) and the implementing regulations thereto at 6 NYCRR Part 617, the following:

1. your agency's jurisdiction in the proposed action described below;
2. your agency's interest in assuming the responsibilities of lead agency for review of the proposed action pursuant to SEQRA; and
3. issues of concern which you believe should be evaluated in regard to the proposed action.

Attached for your information is a Voluntary Draft Environmental Impact Statement (VDEIS) which has been prepared by the applicant in the Lindenhurst Apartments application.

Proposed Action: The proposed action consists of three components, summarized as follows:

1. Amendment of the Zoning Code of the Village of Lindenhurst, Article XXIV, to create a new Downtown Redevelopment District (DRD);

2. Rezoning of a certain 7.14-acre parcel of land, as specified below, to DRD, from its current zoning which is predominantly Industry and also includes a small parcel in the "C" Residence district; and
3. Redevelopment of the aforementioned 7.14-acre parcel of land, in accordance with the DRD, with a single, multi-wing building containing 260 residential rental apartments of various sizes, ranging from studios to three-bedroom units. The proposed building would be four stories and 57.5 feet in height, and would provide a range of amenities which include a reception area, coffee bar, office and conference space, mail room, lounge/fitness area, gaming area, outdoor pool and patio, rooftop deck with kitchenette, and landscaped courtyard with reflecting pool. Additionally, ± 90 linear feet of culvert would be removed from the segment of Neguntatogue Creek on the subject property and the exposed creek banks would be planted with native vegetation. The redeveloped site would contain 342 constructed parking spaces and 39 land-banked spaces, with 291 spaces constructed at-grade and 51 spaces in a garage under the building.

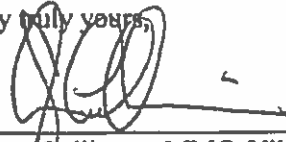
Location: 75 East Hoffman Avenue, between South Smith Street and South Pennsylvania Avenue, Incorporated Village of Lindenhurst, Suffolk County, New York; District 103, Section 10, Block 4, Lots 045.001, 045.003, and 045.006-045.010

SEORA Classification: Type I

Contact Person: Shawn Cullinane, MMC, Village Clerk
Lindenhurst Village Hall
430 South Wellwood Avenue
Lindenhurst, NY 11757

Please respond to the Contact Person on or before **December 5, 2016**. If no response to this correspondence is received from your agency within the specified time frame, it will be assumed that your agency has no comments at this time regarding the subject proposed action and that your agency has no interest in assuming the role of lead agency.

Very truly yours,



Shawn Cullinane, MMC, Village Clerk

Attachments (distribution list and VDEIS)

Cc: Gerard J. Glass, Esq., Glass & Glass, Esqs., Village Attorney, w/ distribution list attachment
John Ellsworth, Cashin Spinelli & Ferretti, LLC, Village Environmental Consultant, w/ distribution list attachment
75 E. Hoffman LH, LLC; c/o John M. Wagner, Esq., Certilman Balin Adler & Hyman, LLP, w/ distribution list attachment

Appendix C
Village of Lindenhurst Site Plan and Rezone Resolution

Attached



(631) 957-7500
FAX (631) 957-4605

INCORPORATED VILLAGE OF LINDENHURST
430 SO. WELLWOOD AVENUE • LINDENHURST, NEW YORK 11757

MAYOR
THOMAS A. BRENNAN
CLERK-TREASURER
SHAWN CULLINANE, MMC

BOARD OF TRUSTEES
DARREL J. KOST
MICHAEL A. LAVORATA
JOAN M. MASTERSON
MARYANN WECKERLE

**Approved Resolution from Village Board
Meeting of November 1, 2016**

17. Motion by Trustee Masterson, seconded by Trustee Kost that

WHEREAS, the Board is considering 1) the adoption of a "floating zone" district in the Village to be known as the "Downtown Redevelopment District (DRD)", 2) the establishment, as a DRD, of approximately 7.14 acres of contiguous land bounded on the north by East Hoffman Avenue, on the east by South Pennsylvania Avenue, on the west by South Smith Street and Parcel No. 0103-010.00-04.00-044.000 on the Suffolk County Tax Map, and on the south by East Gates Avenue and Parcel No. 0103-010.00-04.00-044.000 (altogether the "Subject Property"), and 3) the proposed future development of the Subject Property, pursuant to the DRD zoning, as a 260-unit rental residential community to be known as the "Lindenhurst Residences" (together the "Proposed Action"); and

WHEREAS, pursuant to 6 NYCRR §617.4, the Board of Trustees has reviewed the Proposed Action and the attached Voluntary DEIS, and has preliminarily determined that same is a Type I action under 6 NYCRR §617.4(b)(5)(iii); and

WHEREAS, pursuant to 6 NYCRR §617.6(b)(3), the Board of Trustees is undertaking a coordinated review of the Proposed Action;

NOW THEREFORE, be it **RESOLVED** by the Board of Trustees:

THAT, the Proposed Action is subject to review under the New York State Environmental Quality Review Act ("SEQRA") – Article 8 of the Environmental Conservation Law) and the SEQRA implementing regulations at 6 NYCRR Part 617 and does not involve a federal agency; and

THAT, the Board preliminarily classifies the Proposed Action as a Type I action, pursuant to 6 NYCRR §617.4(b)(5)(iii);

THAT, the Board shall undertake a coordinated review of the Proposed Action; and

THAT, the Board of Trustees, pursuant to 6 NYCRR §617.6(b)(3), hereby declares its intention to act as lead agency for the SEQRA review of the Proposed Action; and

THAT, the Village Clerk is authorized and directed to circulate to the following agencies, which together constitute all involved agencies for the Proposed Action, 1) this resolution, 2) the attached Voluntary DEIS, and 3) a notice indicating the Board's intent to act as lead agency and notifying the interested agencies that a lead agency must be agreed upon within 30 calendar days of mailing:

Village Board of Trustees of the Village of Lindenhurst
Village Department of Public Works of the Village of Lindenhurst
Suffolk County Planning Commission
Suffolk County Department of Public Works
Suffolk County Water Authority
Suffolk County Department of Health Services
Suffolk County Sewer Agency
New York State Department of Environmental Conservation; and

THAT, if no other involved agency seeks lead agency status within 30 calendar days of the Village Clerk's mailing, the Board of Trustees will assume the role of lead agency; and

THAT, this resolution shall take effect immediately.

Ayes: Trustee Kost, Lavorata, Masterson, Weckerle and Mayor Brennan.
Noes: None. Motion Carried.



INCORPORATED VILLAGE OF LINDENHURST

430 SO. WELLWOOD AVENUE • LINDENHURST, NEW YORK 11757

MAYOR
MICHAEL A. LAVORATA

ADMINISTRATOR CLERK
DOUGLAS MADLON

BOARD OF TRUSTEES
JOAN M. MASTERSON
PATRICK M. PICHICHERO
RICHARD J. RENNA
MARYANN WECKERLE

Approved Resolution from Village Board Meeting of May 1, 2018

60. **Motion by Trustee Masterson, seconded by Trustee Pichichero** to approve the rezoning of 75 Hoffman Avenue, 90 Mal Drive, South Pennsylvania Avenue, 85 East Hoffman Avenue, 95 East Hoffman Avenue, 165 South Pennsylvania Avenue, and 95 Mal Drive. Suffolk County Tax Number 103-10-4-45.1, 45.3, 45.6, 45.7, 45.8, 45.9, and 45.10 to "Downtown Redevelopment District". A copy of the full text of the conditional approval is on file with the Village Administrator.

Ayes: Trustee Masterson, Pichichero, Renna and Weckerle.

Noes: None. Motion Carried.

BOARD OF TRUSTEES
VILLAGE OF LINDENHURST, STATE OF NEW YORK
-----X

In the Matter of the Application of

75 E. HOFFMAN LH, LLC

for Site Plan Approval and Rezoning

-----X

WHEREAS, in coordination with the adoption of a new Downtown Redevelopment District ("DRD") Floating Zone District under Article XXIV of Chapter 193 of the Lindenhurst Village Code, as well as the potential establishment of the new DRD Zone on approximately 7.14 acres of industrial/residential land bounded on the north by East Hoffman Avenue, on the east side by South Pennsylvania Avenue, on the west by South Smith Street: 75 Hoffman Avenue, 90 Mal Drive, South Pennsylvania Avenue, 85 East Hoffman Avenue, 95 East Hoffman Avenue, 165 South Pennsylvania Avenue, and 95 Mal Drive. Suffolk County Tax Number 103-10-4-45.1, 45.3, 45.6, 45.7, 45.8, 45.9, and 45.10 (all together the "subject property") and the proposed future development of the subject property pursuant to the DRD zoning as a 260-unit rental residential community, 75 E. HOFFMAN LH, LLC (the "Applicant") submitted a voluntary Draft Environmental Impact Statement ("DEIS") when the Board of Trustees of the Incorporated Village of Lindenhurst ("Village Board") determined the action as a Type I action under 7 NYCRR 617.4(b)(5)(iii) and undertook a coordinated review of the proposed action and further declared its intention to act as lead agency for the SEQRA review of the proposed action; and

WHEREAS, the Applicant submitted a Voluntary Draft Environmental Impact Statement (VDEIS) dated October 2016 and revised June 2017 with attachments including a project description and history; an evaluation of potential significant environmental impacts of the proposed action; and

WHEREAS, in accordance with State Environmental Quality Review Act ("SEQRA") and its implementing regulations as set forth in 6 NYCRR Part 617, the Village Board reviewed the Voluntary Draft Environmental Impact Statement (VDEIS) for the proposed action (which was treated as an Expanded Assessment Form for the purpose of determining significance in accordance with 6 NYCRR 617.6(a)(4) of the SEQRA regulations), and the comment response letter prepared by VHB Engineering, Survey and Landscape Architecture ("VHB") dated June 6, 2017, conducted site inspections by members of the Village Board, and reviewed and considered various planning studies, public comments, and environmental and transportation reviews undertaken by the Village's traffic and environmental planning consultants, referral materials, and the criteria set forth in 6 NYCRR Part 617.7; and

WHEREAS, by Resolution dated June 20, 2017, the Village Board had reviewed the application, and has determined that the proposed action will not have a significant adverse impact on the environment and issued a Negative Declaration under SEQRA; and

WHEREAS, following two public hearings on the proposed local law amendment, by Resolution dated June 20, 2017, the Village Board adopted the Downtown Redevelopment District Floating Zone and filed same with the Department of State on July 5, 2017; and

WHEREAS, upon the filing and review of the site plan application, a resolution was duly adopted by the Village Board to schedule a public hearing to be held by said Village Board on January 9, 2018 to hear all interested parties on an application by 75 E Hoffman LH, LLC for 1) rezoning the subject property to DRD and 2) a site plan review pursuant to the Village Code, relative to the proposed application:

To construct a total of 260 residential units, parking structure and associated appurtenances on the approximately 7.14 acre site ("Subject Property").

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village and mailed to owners of land identified by the Applicant in accordance with the Village Code; and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said application; and

WHEREAS, the Village Board sent written correspondence to the Applicant for reply to written comments following the public hearing to which the Village Board required responses and such comments were responded to in writing by the Applicant and made part of the record; and

WHEREAS, in accordance with § 239-m of Article 12-B of the General Municipal Law a referral was made to the Suffolk County Planning Commission on or about December 28, 2017; and

WHEREAS, the Suffolk County Planning Commission by Resolution No. ZAR-18-02 adopted at its meeting on February 7, 2018, voted to approve the change of zone, conceptual development plan, and site development plans; and

WHEREAS, the Village Board, after due deliberation and consideration of public health, safety and welfare concerns, finds it in the best interest of the Village to approve the site plan subject to certain covenants hereinafter set forth,

NOW, THEREFORE on a motion by Trustee Masterson and seconded by Trustee Pichichero, the Village of Lindenhurst Board of Trustees does hereby APPROVE the rezoning and the site plan application of 75 E. HOFFMAN LH, LLC:

A) To change the zoning classification of the Subject Property from Industrial/C-Residential to DRD;

B) To construct a total of 260 residential units, a parking structure below a portion of the building, surface parking, and associated appurtenances on the approximately 7.14 acre subject property subject to the submitted plans and in compliance by said Applicant with the

following covenants:

1. Village Inspections: Applicant grants the Chief Building Inspector, Code Enforcement Officer, Mayor, and/or their designees a license to enter upon premises, upon reasonable notice to the property manager (except in emergency circumstances) to determine that these covenants are being fulfilled notwithstanding any signs or other notices purporting to limit access to the property.
2. Landscaping: Prior to the issuance of any building permits or Certificates of Occupancy, there shall be submitted to the Village of Lindenhurst Building Department for review and subject to approval a landscaping plan indicating in detail the proposed landscaping treatment. To ensure the long term survival of lawns and landscape plantings, the Applicant shall maintain and keep functional an automatic irrigation system for all landscaped areas.
3. Lighting: All lighting shall comply with the Village, County and New York State Codes as applicable. Prior to the issuance of any building permits or Certificates of Occupancy, there shall be submitted to the Village Building Department for review and subject to approval a lighting plan indicating in detail the proposed lighting, including designation of fixture type, height, location and illumination and photometric data. This data shall demonstrate that the proposed lighting will not unduly illuminate the adjacent properties and will not contribute to excessive sky glow. Subject to Suffolk County DPW approval, the Applicant shall in cooperation with the Village, bear the cost of extending the downtown lamppost style lighting along Hoffman Ave on the perimeter of the project so as to match the prototypical existing downtown lamppost lighting.
4. Maintenance and Improvements: All improvements specified in this declaration shall be maintained by the property owner in first class, good condition and order. This shall include, but is not limited to, pavement, fencing, buffers and landscaping and all structures and improvements of whatsoever nature. The subject property shall be maintained in a neat, clean, litter-free condition. The Applicant/owner(s) shall be responsible for adequate private refuse collection to ensure compliance with this condition in a time and manner that does not disturb the residents of the development, or neighbors. Snow removal and interior street maintenance and repair shall be the obligation of the Applicant, including snow removal and maintenance of the public sidewalks surrounding the development.
5. Compliance with Law: Except as provided herein, the Applicant/owner agrees to comply in all respects to all local, county, state and federal laws and regulations in connection with their use and development of the premises.
6. Plans: This revised site plan as approved is strictly predicated upon the site plan drawings, building elevations, and the color renditions annexed thereto, except as they may be technically modified pursuant to paragraph 17 by the Village's Building Department or Village Engineers. These plans are set forth in Exhibit A.

7. **Building Permits:** Demolition of the existing structures is required within twelve (12) months from issuance of a demolition permit. A demolition permit shall be applied for no later than 180 days from the date of this resolution. Thereafter, the building permit for the entire project shall be applied for within 180 days of completion of the demolition. Construction shall commence within 90 days after issuance of a building permit, and the project shall be complete no later than 32 months from the date of the issuance of a building permit. These time limits are based on the Applicant's construction estimates and may be extended for reasonable cause on the request of the Applicant, including but not limited to, tolls for litigation challenges. The Building Department shall issue reasonable rules and guidelines, consistent with Village wide practices, concerning the demolition process which shall be deemed conditions on the demolition and building permits so as to minimize interference with adjacent roadways, properties and the Village generally.
8. **Construction:** Prior to the commencement of any clearing, grading, excavation or construction, a project-limiting fence shall be installed along the clearing limit line shown of the approved plan/or along the perimeter of the parcel/or down gradient of the proposed work area, to the satisfaction of the Building Department. The Applicant shall subsequently request an inspection by the Building Department to verify that such limits are correctly and adequately defined. Said fencing shall remain throughout the entire construction period of the project and be maintained in a suitable condition to mitigate impacts to adjoining parcels, street rights-of-way, and existing drainage control devices. Appropriate measures shall be taken during project construction to prevent windblown and waterborne erosion and sedimentation. Such measures shall include, but not be limited to, the installation of silt fencing and staked hay-straw bales along the outside perimeter of the proposed area of disturbance during development activities and until such time that soils are adequately stabilized, so as to prevent erosions of soils on-site and the siltation of off-site areas, including street rights-of-way, storm water catch basins, and other drainage facilities. Any impact of dust upon surrounding properties shall be promptly and appropriately addressed and mitigated by the Applicant. All vehicles, equipment and machinery used at the premises during construction and otherwise shall be utilized in such a fashion as to comply with the Village noise ordinances
9. **Review:** The construction connected therewith shall be subject to the Building Department's review of the site plan for compliance with applicable federal, state and local building and fire codes.
10. **Bond and Security:** The Applicant shall post such bonds or security for onsite and offsite improvements as may be reasonably required by the Building Department.
11. **Occupancy:** Occupancy shall be in strict accordance with Article XXIV of the Village Code, as it is from time to time amended by the Village Board. The occupancy limits shall be set forth in the leases.

12. **Expert and Professional Services:** The Applicant agrees to pay for the Village's reasonable cost of expert and professional services, including the costs incurred for architectural, planning, engineering, environmental consultants, the Village Attorney and make such deposits as reasonably requested by the Village Treasurer from time to time to ensure the Village may timely pay its vendors for services related to this project.
13. **Sidewalks/Curbs:** The public sidewalks and curbs along the perimeter of the entire project will be redeveloped as part of this development in concrete and grass as provided on the site plans.
14. **Utilities:** All internal utilities servicing the project and installed by the Applicant shall be underground. Letters from all relevant public utilities as may be required by the Building Department shall be submitted to the Village Board indicating suitable infrastructure and capacity service to serve the proposed project, prior to issuance of a building permit.
15. **Sewers/Drainage:** The site shall be connected to the Southwest Sewer District. All storm water runoff, drainage or overflow which may occur during or after the site preparation and development of this site plan and its roads, driveways, sidewalks, parking areas, decks, patios, roofs, or other impervious surfaces shall be retained on-site by adequate drainage structures to ensure that such runoff does not reach nearby properties and public rights-of-way. Drainage facilities of sufficient size with appropriate environmental filters, as approved by the Village Building Department, shall be installed prior to the issuance of a Certificate of Occupancy. No building permits shall be issued unless plans depicting these drainage facilities have been reviewed and approved by the Village Building Department. Any adjustments in any offsite public drainage facilities required in the opinion of the Village, prior to the issuance of the Certificate of Occupancy as a consequence of the development and reasonably required by the Building Department shall be borne by the Applicant.
16. **Parking:** All vehicular parking shall be contained on site and be limited to passenger cars, trucks, or SUVs only. Commercial vehicles are permitted for temporary services/deliveries; however no commercial vehicles, boats, or trailers are permitted to be permanently stored on the site. All leases shall indicate these requirements. The Applicant shall set aside, in perpetuity, an area identified as a "Land-banked Parking Area" on the Final Approved Site Plan, for development and use as an overflow parking area should there be excess parking demand. A reasonable sum, commensurate to the work and satisfactory to the Village Board, by bond may be required to be set aside for a period of three (3) years no later than the issuance of the Certificate of Occupancy to ensure the development of the "Land-banked Parking Area" should the Village Board, in its discretion determine such additional parking is necessary.
17. **Basement/Cellars:** No basement or cellar areas shall be occupied as living or sleeping quarters, or for habitable use of any sort.

18. Suffolk Department of Transportation: All required permits from the Suffolk County Department of Transportation for curb cuts, lane improvements; acceleration and deceleration lanes, etc. shall be obtained and submitted to the Village Building Department prior to issuance of a building permit. All work shall be completed to the satisfaction of the Suffolk County Department of Transportation prior to the issuance of a Certificate of Occupancy.

19. Interior Parking Areas: The interior parking areas of the development shall be private and limited to use by tenants, guests, owners, managers, employees or agents of the development and management.

20. Fees: The Village of Lindenhurst Code contemplates a 1% building permit fee. The Applicant and the Village agree however, that such fee was established without expectation of a development of this nature and size and accordingly, the fee might be susceptible to challenge, particularly where the Village will employ outside consultants at the Applicant's expense to perform inspection and other services the Village would ordinarily perform at the cost of the Applicant. Notwithstanding, the Applicant agrees the 1% fee is a fair and reasonable charge. In consideration thereof, the Village has agreed to not charge any other fees it might otherwise assess, including but not limited to, under Section 7-725a of the Village Law. The Applicant and Village have agreed that the building permit fee will be based on a minimum estimated construction cost of Fifty-Four Million Nine Hundred Thousand (\$54,900,000.00) Dollars or as reasonably adjusted upwards by the Building Inspector prior to issuance of the Building Permit. The Building Department shall not charge any renewal fees for building permits, and the permits may be segmented provided the time limitations for project completion and issuance of a certificate of occupancy as set forth herein are reasonably met.

21. Merger: The development consists of more than one lot. The development shall be merged into a single tax lot. No subdivision shall hereafter be permitted.

22. Rental Apartments: The project shall be developed exclusively as rental apartments. The leases relating to the rental apartments shall incorporate house rules and regulations that incorporate the tenets of the Downtown Redevelopment District Code, as well as the restrictions of the within resolution.

23. Final Plans: Prior to the issuance of a building permit, the Applicant shall submit building plans which are in accordance, in all respects, with the requirements of the site plans submitted to the Village Board, the DRD Code and any and all applicable governmental regulations having jurisdiction over the property and scope of the project. .

24. Uniform Appearance: The hanging of clothes outdoors shall be prohibited. Balconies or interior hallways shall not be used for storage. Rules shall be developed and made part of the leases concerning Tenant lighting, window treatment, decorations and storage to encourage and promote a uniform organized neat appearance.

25. Community Center/Events: The community center shall be open at all times to owners, tenants and their guests, but may not be leased to non-residents. No music shall emanate from

the community center so as to annoy or disturb others.

26. Department of Health/New York State Department of Environmental Conservation: The Applicant shall submit to the Village Building Department evidence of Suffolk County Department of Health Services approval, in the form of a final site plan with Health Department stamp and signature, prior to the issuance of a Building Permit. All New York State Department of Environmental Conservation permits shall be in place prior to issuance of a Building Permit.

27. Signage: Prior to installation, plans for all outdoor signs shall be submitted to the Village in accordance with the Village Code.

28. Designated Responsible Party: The Applicant shall designate an entity as the "designated responsible party" who shall serve as the informational center of the complex. The designated responsible party shall be on call 24 hours of each day.

29. Firematic Concerns: Fire hydrants and/or other fire improvements shall be installed at the Applicant's expense at the offsite and onsite locations depicted on the approved site plan and as otherwise required in accordance with the recommendations of the Fire Marshal. Prior to issuance of a Certificate of Occupancy, the Fire Marshal shall approve the satisfactory installation and operation of said improvements.

30. IDA Component: It is understood by the Village that the Applicant intends on pursuing an application with the Town of Babylon Industrial Development Agency ("IDA"), or the similar agency for assistance. As a material inducement of the Applicant to gain this approval however, the Applicant has agreed to pay the Village an amount equal to the base minimum real property tax sum not less than the current full Village tax without adjustment per year. Moreover, commencing year five (5) after the issuance of the building permit, the Applicant agrees to pay the Village an amount equal to twenty (20%) percent of the Village Tax based on the increased assessment at the time the Certificate of Occupancy is issued, with such amount increasing annually thereafter by twenty (20%) percent per year until one hundred (100%) of the Village tax assessment is reached in Year 9.

31. Certificate of Occupancy: No certificate of occupancy shall be issued until the conditions and restrictions set forth herein are satisfied. Further, these conditions shall be and constitute real covenants running with the land and shall be binding upon the Applicant and any and all subsequent users or owners of the said real property of any part thereof, and upon their heirs, executors, administrators, successors and/or assigns, subject however to the right of the Village after public hearing to amend, alter, annul or repeal any or all of the foregoing covenants, conditions and/or restrictions at any time with the consent of the owner or owners, and such right shall be effectual and may be exercised without the consent of any adjacent owners or owners of any other property. The form of such covenants shall apply to all parcels at the premises which are the subject of this site plan approval and rezoning and shall be approved by the Village Attorney prior to being filed with the Suffolk County Clerk. The failure of the Applicant to strictly comply with each of these conditions and restrictions will permit the Village Board to act to enforce these restrictions by seeking injunctive relief from a

court of competent jurisdiction in which case, the Applicant shall be responsible for all costs and expenses of enforcement, including the Village's legal fees. The covenant and restriction concerning Mal Drive which of record was previously required by the Village Board, is hereby forever repealed.

Dated: Lindenhurst, NY
May 1, 2018

BY AUTHORITY OF THE BOARD OF TRUSTEES

By: 
Michael A. Lavorata, Mayor

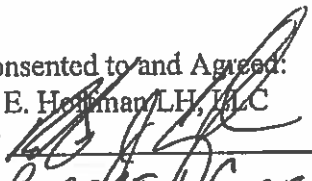
Consented to and Agreed:
75 E. Hoffman LH, LLC
By 
ROBERT J. COUGHLAN
AUTHORIZED SIGNATOR

EXHIBIT A

No.	Drawing Title	Latest Issue	Author
C-1	Legend And General Notes	Rev. 11/09/2017	VHB Engineering, Surveying & Landscape Architecture, PC
C-2	Layout and Materials Plan, with sidewalk extension along property frontage on East Gates Ave.	Rev. 04/16/2018	VHB Engineering, Surveying & Landscape Architecture, PC
C-2A	Full Buildout Parking Plan	Rev. 11/09/2017	VHB Engineering, Surveying & Landscape Architecture, PC
C-3	Grading and Drainage Plan, with sidewalk extension along property frontage on East Gates Ave.	Rev. 11/09/2017	VHB Engineering, Surveying & Landscape Architecture, PC
C-4	Utility Plan	Rev. 11/09/2017	VHB Engineering, Surveying & Landscape Architecture, PC
C-5	Erosion and Sediment Control Plan	Rev. 11/09/2017	VHB Engineering, Surveying & Landscape Architecture, PC
C-6	Site Details 1	Rev. 11/09/2017	VHB Engineering, Surveying & Landscape Architecture, PC
C-7	Site Details 2	Rev. 11/09/2017	VHB Engineering, Surveying & Landscape Architecture, PC
C-8	Site Details 3	Rev. 11/09/2017	VHB Engineering, Surveying & Landscape Architecture, PC
C-9	Boring Logs	Rev. 11/09/2017	VHB Engineering, Surveying & Landscape Architecture, PC (Data compiled by Vachris Engineering, P.C., 02/09/2015)
L-1	Overall Planting Plan	Rev. 11/09/2017	VHB Engineering, Surveying & Landscape Architecture, PC
L-2	Planting Plan	Rev. 11/09/2017	VHB Engineering, Surveying & Landscape Architecture, PC

L-3	Planting Notes and Details	Rev. 11/09/2017	VHB Engineering, Surveying & Landscape Architecture, PC
	Boundary & Topographic Survey	02/10/2016	Bowne AE&T Group
ESL-01	Electrical Site Lighting Calculations	10/16/2017	EMTEC
A1.00	Garage Level Plan	10/15/2017	BHC Architects (Beatty Harvey Coco Architects, LLP)
A1.01	First Floor Plan	10/15/2017	BHC Architects (Beatty Harvey Coco Architects, LLP)
A1.02	Second Floor Plan	10/15/2017	BHC Architects (Beatty Harvey Coco Architects, LLP)
A1.03	Third Floor Plan	10/15/2017	BHC Architects (Beatty Harvey Coco Architects, LLP)
A1.04	Fourth Floor Plan	10/15/2017	BHC Architects (Beatty Harvey Coco Architects, LLP)
A1.05	Roof Plan	10/15/2017	BHC Architects (Beatty Harvey Coco Architects, LLP)
A1.06	Roof Terrace Roof Plan	10/15/2017	BHC Architects (Beatty Harvey Coco Architects, LLP)
A4.00	Key Elevations*	10/15/2017*	BHC Architects (Beatty Harvey Coco Architects, LLP)
A4.01	South and East Elevations*	10/15/2017*	BHC Architects (Beatty Harvey Coco Architects, LLP)
A4.02	Upper Courtyard and East Elevations*	10/15/2017*	BHC Architects (Beatty Harvey Coco Architects, LLP)
A4.03	West and North Elevations*	10/15/2017*	BHC Architects (Beatty Harvey Coco Architects, LLP)
A4.04	Lower Courtyard Elevations	10/15/2017*	BHC Architects (Beatty Harvey Coco Architects, LLP)
	Stream Corridor Overall Site Plan (Sheet 1 of 15)	Rev. 11/16/2017	VHB Engineering, Surveying & Landscape Architecture, PC
	Stream Corridor Detail Plan Key Map (Sheet 2 of 15)	Rev. 11/16/2017	VHB Engineering, Surveying & Landscape Architecture, PC

	Stream Corridor Detail Plans - 1 (Sheet 3 of 15)	Rev. 11/16/2017	VHB Engineering, Surveying & Landscape Architecture, PC
	Stream Corridor Detail Plans - 2 (Sheet 4 of 15)	Rev. 11/16/2017	VHB Engineering, Surveying & Landscape Architecture, PC
	Stream Corridor Detail Plans - 3 (Sheet 5 of 15)	Rev. 11/16/2017	VHB Engineering, Surveying & Landscape Architecture, PC
	Stream Corridor Detail Plans - 4 (Sheet 6 of 15)	Rev. 11/16/2017	VHB Engineering, Surveying & Landscape Architecture, PC
	Stream Corridor Detail Plans - 4 (Sheet 7 of 15)	Rev. 11/16/2017	VHB Engineering, Surveying & Landscape Architecture, PC
	Stream Corridor Detail Plans - 4 (Sheet 8 of 15)	Rev. 11/16/2017	VHB Engineering, Surveying & Landscape Architecture, PC
	Stream Corridor Detail Plans - 4 (Sheet 9 of 15)	Rev. 11/16/2017	VHB Engineering, Surveying & Landscape Architecture, PC
	Stream Corridor Mitigation Details - 1 (Sheet 10 of 15)	Rev. 11/16/2017	VHB Engineering, Surveying & Landscape Architecture, PC
	Stream Corridor Mitigation Details - 2 (Sheet 11 of 15)	Rev. 11/16/2017	VHB Engineering, Surveying & Landscape Architecture, PC
	Stream Corridor Mitigation Details - 3 (Sheet 12 of 15)	Rev. 11/16/2017	VHB Engineering, Surveying & Landscape Architecture, PC
	Stream Corridor Mitigation Planting Specifications & Notes (Sheet 13 of 15)	Rev. 11/16/2017	VHB Engineering, Surveying & Landscape Architecture, PC
	Stream Corridor Mitigation Planting Specifications & Notes (Sheet 14 of 15)	Rev. 11/16/2017	VHB Engineering, Surveying & Landscape Architecture, PC
	Stream Corridor Mitigation Planting Specifications & Notes (Sheet 15 of 15)	Rev. 11/16/2017	VHB Engineering, Surveying & Landscape Architecture, PC
	Conceptual Development Plan (1 of 2)	Rev. 11/09/2017	VHB Engineering, Surveying & Landscape Architecture, PC
	Conceptual Development Plan (2 of 2)	Rev. 11/09/2017	VHB Engineering, Surveying & Landscape Architecture, PC

*** Subject to submission and Village approval of updated Elevations to reflect Renderings dated January 30, 2018 prepared by BHC Architects (Beatty Harvey Coco Architects, LLP) prior to issuance of a building permit.**



(631) 957-7500
(FAX (631) 957-4605

INCORPORATED VILLAGE OF LINDENHURST
430 SO. WELLWOOD AVENUE - LINDENHURST, NEW YORK 11757

MAYOR
MICHAEL A. LAVORATA

ADMINISTRATOR CLERK
DOUGLAS MADLON

BOARD OF TRUSTEES
DARREL J. KOST
JOAN M. MASTERSON
RICHARD J. RENNA
MARYANN WECKERLE

May 12, 2017

Town of Babylon Industrial Development Agency
47 West Main Street, Suite 3
Babylon, NY 11702

To Whom It May Concern:

I am pleased to provide you with the revised Downtown Redevelopment Ordinance. This Ordinance has been created to encourage pleasant and attractive multifamily residential development in proximity to the Lindenhurst Long Island Railroad Station and Downtown Business District. It is hoped that if this law is approved, it will help spur positive growth and development in our downtown, replace less desirable development and blight, and provide an inviting alternative to housing in a single family residential type settling.

The revisions to the Ordinance have been the product of a public hearing, numerous Village Board meetings and several months of review with that as a backdrop. The Village Board hopes to vote on the Local Law at its Board meeting on June 6, 2017.

The revisions can be found on the Village's website, www.villageoflindenhurstny.gov in the notices section (located under 'resources'). Hard copies of the text are also available at Lindenhurst Village Hall.

We welcome your comments at any time in writing, or at the public portions of any of the next two Board meetings on May 16, 2017 or June 6, 2017.

Thank you.

Very truly yours,

Michael A. Lavorata
Mayor



NELSON, POPE & VOORHIS, LLC
ENVIRONMENTAL PLANNING CONSULTING

Hudson Valley Office

156 Route 59, Suite C6
Suffern, NY 10901
(845) 368-1472

Long Island Office

572 Walt Whitman Road
Melville, NY 11747
(631) 427-5665

Transmittal Letter

TO: Board of Trustees, Village of Lindenhurst
Michael Lavorata, Mayor
Lindenhurst Village Hall
430 South Wellwood Avenue
Lindenhurst, NY 11757

Date: Friday, July 07, 2017

Re: Lindenhurst Apartments

NP&V #: 17058

VIA:

X

Regular Mail

Enclosed please find the following:

Quantity	Description
1	Approved Resolution from Village Board Meeting 6/20/17, EAF Parts II & III, and SEQRA Negative Declaration

Dear Mayor Lavorata:

Please find the enclosed materials. Please do not hesitate to contact me should you have any questions or need further assistance. Thank you.

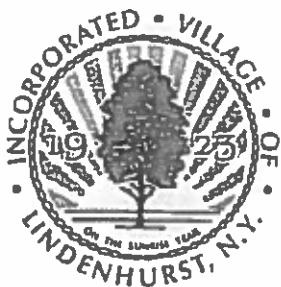
Sincerely,

NELSON, POPE & VOORHIS, LLC

By: Carrie O'Farrell, AICP

Email: cofarrell@nelsonpopevoorhis.com

CC: John Liebl, Chairman, Planning Board, Vill. of Lindenhurst
James F. Gaughran, Chairman, SCWA
James L. Tomarken, Commissioner, SCDHS
Gilbert Anderson, Commissioner, SCDPW
Theresa Ward, Acting Commissioner, SC Planning Commission
Roger Evans, Permit Administrator, NYSDEC Region 1
Village of Lindenhurst Highway & Sanitation Dept.
Paul Vinciguerra, Lindenhurst Fire Department
Daniel Giordano, Superintendent, Lindenhurst School District
Division of Regulatory Services, NYSDEC
Industrial Development Agency, Town of Babylon
Ronald R. Pinzon, Chief Eastern Section, USACOE
Gerard Glass, Village Attorney
Brian Egan, Egan & Golden, LLP
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File



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INCORPORATED VILLAGE OF LINDENHURST

430 SO. WELLWOOD AVENUE • LINDENHURST, NEW YORK 11757

MAYOR
MICHAEL A. LAVORATA
ADMINISTRATIVE CLERK
DOUGLAS MADLON

BOARD OF TRUSTEES
DARREL J. KOST
JOAN M. MASTERSON
RICHARD J. RENNA
MARYANN WECKERLE

Approved Resolution from Village Board Meeting of June 20, 2017

151. Adopting a negative declaration pursuant to SEQRA for the Downtown Redevelopment District Floating Zone Project.

Motion by Trustee Weckerle, seconded by Trustee Masterson that

WHEREAS, pursuant to resolutions adopted on November 1 and December 6, 2016, which are attached hereto, the Board established itself as lead agency for the State Environmental Quality Review Act review of the 1) enactment of a local law adding Article XXIV to Chapter 193 of the Village Code, 2) the establishment of certain property as a DRD, and 3) the development of such property pursuant to DRD Zoning (hereinafter the "Proposed Action"); and

WHEREAS, the Board of Trustees, as lead agency, has caused to be prepared the attached Environmental Impact Statement (the "EIS") to evaluate potential significant adverse environmental impacts associated with the Proposed Action, and has reviewed the aforesaid EIS, along with all relevant documents including the proposed local law and agrees with the contents thereof; and

NOW THEREFORE, be it **RESOLVED** by the Board of Trustees:

THAT, the Board of Trustees, as lead agency for the action contemplated herein, after review of the Proposed Action and 6 NYCRR Part 617, hereby determines that the above-described project is a Type I action; and

THAT, based upon the information contained in the EIS, the proposed local law, and other relevant information before the Board of Trustees, the Board of Trustees, as lead agency for the action contemplated herein, and after due deliberation, review and analysis, hereby determines that the Proposed Action will not result in significant adverse impacts to the

environment, and hereby adopts a Negative Declaration for the Proposed Action; and

THAT, the Village Clerk is authorized to prepare and file this resolution with all necessary agencies and in accordance with the requirements of 6 NYCRR § 617.12; and

THAT, this Resolution shall take effect immediately.

Ayes: Trustee Kost, Masterson, Renna, Weckerle and Mayor Lavorata.
Noes: None. Motion Carried.

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only (If applicable)
 Project : DRD Zone & Est./Redevelop of 7-Ac Site
 Date : June 20, 2017

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>				<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>		

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - i. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: <u>Clearing, excavation, grading and construction, installation of drainage structures and foundations in general proximity to wetlands</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
 If "Yes", answer questions a - h. If "No", move on to Section 5.

☐ NO ☒ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding
 The proposed action may result in development on lands subject to flooding.
 (See Part 1. E.2)
 If "Yes", answer questions a - g. If "No", move on to Section 6.

☐ NO ☒ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: <u>Modification of existing stormwater inputs to surface water</u>		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) If "Yes", answer questions a - f. If "No", move on to Section 7.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES If "Yes", answer questions a - j. If "No", move on to Section 8.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part I. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part I. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation The proposed action may result in a change to existing transportation systems. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy The proposed action may cause an increase in the use of any form of energy. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light The proposed action may result in an increase in noise, odors, or outdoor lighting. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part I.D.2.q., E.1. d. f. g. and h.)

☐ NO

☒ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached determination.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
Voluntary Draft Environmental Impact Statement dated Oct. 2016, revised June 2017 & additional supporting materials (See attached).

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Village Board of Trustees as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Proposed Adoption of "Downtown Redevelopment District (DRD)" Floating Zone, Establishment & Redevel. of DRD on 7 acre lot

Name of Lead Agency: Village of Lindenhurst Village Board of Trustees

Name of Responsible Officer in Lead Agency: Mayor Michael Lavorata

Title of Responsible Officer: Mayor

Signature of Responsible Officer in Lead Agency:

Michael Lavorata

Date: 6/20/2017

Signature of Preparer (if different from Responsible Officer)

Christine Farrell

Date: 6/20/17

For Further Information:

Contact Person: Douglas Madlon, Village Clerk, The Incorporated Village of Lindenhurst

Address: Village Hall, 430 South Wellwood Avenue, Village of Lindenhurst, NY 11757

Telephone Number: (631) 957-7500

E-mail: dmadlon@villageoflindenhurstny.gov

For Type I Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

SEQR NEGATIVE DECLARATION

Determination of Significance

Lead Agency: Incorporated Village of Lindenhurst Board of Trustees

Address: 430 South Wellwood Avenue
Lindenhurst, NY 11757

Date: June 20, 2017

This notice is issued pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review – “SEQR”) of the Environmental Conservation Law. The Incorporated Village of Lindenhurst (“Village”) Board of Trustees, as Lead Agency, has determined that the proposed action described below will not have a potential significant adverse effect on the environment and issues a Negative Determination based on the information provided herein.

Title of Action: Proposed Adoption of “*Downtown Redevelopment District (DRD)*” Floating Zone, Establishment of Certain Property as a DRD, and Development of Such Property Pursuant to DRD Zoning

SEQR Status: Type I Action

Location/SCTM Number: The proposed DRD Floating Zone applies to eligible parcels of three acres or more located within walking distance of the Long Island Railroad (LIRR) Station platform and Central Business District in the Village of Lindenhurst. Establishment of the DRD and redevelopment pursuant to the DRD Floating Zone is proposed on an approximately 7.14 acre site (“subject site”) in the Village of Lindenhurst bounded on

Determination of Significance
Proposed Adoption of "Downtown Redevelopment District (DRD)" Floating Zone, Establishment of
Certain Property as a DRD, and Development of Such Property Pursuant to DRD Zoning

the north by East Hoffman Avenue, on the east by South Pennsylvania Avenue, on the west by South Smith Street and Suffolk County Tax Map Parcel No. 0103-010.00-04.00-044.000, and on the south by East Gates Avenue and Suffolk County Tax Map Parcel No. 0103-010.000-04.00-44.000.

Description of Action: The Proposed Action involves:

- 1) Adoption by the Village of Lindenhurst Village Board of Trustees of proposed Local Law #3-2017 dated May 2017 which amends the Village Code to establish a "floating zone" district in the Village of Lindenhurst to be known as the *Downtown Redevelopment District ("DRD")*;
- 2) Establishment as a DRD on an approximately 7.14 acre subject site that is currently developed with commercial and light industrial uses, vacant buildings, and a small undeveloped wooded area; and
- 3) The development of the subject site pursuant to the DRD zoning as a 260 unit residential rental community with 339 standard parking spaces (including 12 handicapped accessible spaces), the equivalent of 40 landbanked parking spaces, an outdoor swimming pool and patio and various amenities, and stream restoration and mitigation plantings ("proposed project" also known as "Lindenhurst Residences").

Reasons Supporting This Determination:

1. In accordance with SEQRA and its implementing regulations as set forth in 6 NYCRR Part 617, the Incorporated Village of Lindenhurst Village Board of Trustees as Lead Agency has determined that, based on the Voluntary Draft Environmental Impact Statement (VDEIS) dated October 2016 and revised June 2017 for the proposed action (which is being treated as an Expanded Assessment Form for the purpose of determining significance in accordance with 6 NYCRR 617.6(a)(4) of the SEQRA regulations), comment response letter prepared by VHB Engineering, Survey and Landscape Architecture ("VHB") dated June 6, 2017, site inspections by members of the Village Board, review and consideration of various planning studies, public comments, and environmental and transportation review undertaken by the Village's traffic and

Determination of Significance
**Proposed Adoption of "Downtown Redevelopment District (DRD)" Floating Zone, Establishment of
Certain Property as a DRD, and Development of Such Property Pursuant to DRD Zoning**

environmental planning consultants, referral materials, and the criteria set forth in 6 NYCRR Part 617.7, the Incorporated Village of Lindenhurst Board of Trustees as Lead Agency has determined that the proposed action will not result in significant adverse impacts to the environment and that adoption of a Negative Declaration is appropriate for the Proposed Action. The Criteria for Determining Significance are specifically evaluated as follows with respect to this action:

- a. The goal of the *Downtown Redevelopment District (DRD)* code (proposed Local Law #3-2017 dated May 2017), which creates a "floating zone" zoning district in the Village of Lindenhurst, is to encourage residential and mixed use development and redevelopment on properties within walking distance to the LIRR station and the Village's Central Business District, a type of development that is commonly referred to Transit Oriented Development (TOD). The *Downtown Redevelopment District (DRD)* sets forth the criteria for site eligibility, the application and review process, and the requirements and standards for site development, including, but not limited, to minimum site size, maximum density, minimum floor area, setbacks, and parking, that will collectively ensure the compatibility of development pursuant to the DRD with respect to various planning studies, surrounding land use, and local and regional needs while minimizing the potential for adverse impacts to the environment. A geographic analysis systems (GIS) analysis identified five parcels that meet the location and minimum acreage requirements set forth in the DRD, of which two are school district properties and one is a Village park parcel, all of which are unlikely to be developed under the DRD. The subject site proposed for redevelopment as the Lindenhurst Residences, and a 4.6 acre "former Waldbaum's parcel", which could theoretically generate 170 residential units, are the two properties which currently meet the eligibility criteria. The creation of the DRD is not anticipated to result in a significant adverse environmental impact.
- b. The approximately 7.14 acre subject site that is being proposed for *Downtown Redevelopment District (DRD)* is within walking distance of and opposite to the Long Island Railroad's Lindenhurst station. It is comprised of multiple tax map parcels and is currently developed with vacant and underutilized commercial and light industrial

Determination of Significance
Proposed Adoption of "Downtown Redevelopment District (DRD)" Floating Zone, Establishment of
Certain Property as a DRD, and Development of Such Property Pursuant to DRD Zoning

uses and has several small undeveloped wooded areas which makes the subject site appropriate and suitable for redevelopment as a high quality residential Transit Oriented Development (TOD) that is consistent with the goals and purposes of the *Downtown Redevelopment District (DRD)*. Lindenhurst Residences will meet the needs of the Village, the Town of Babylon, Suffolk County and the region and conforms to various County and Village planning studies. In addition, the existing development on the subject property has caused a number of environmental impairments to Neguntatogue Creek, which traverses the subject site, and which is proposed for restoration as part of the redevelopment of the subject property.

- c. The demolition of the existing development and the redevelopment of the property with the 260 unit residential rental community with 339 standard parking spaces including 12 standard handicapped accessible spaces and an additional 40 landbanked parking spaces, and various amenities on the subject site in conformance with the *Downtown Redevelopment District (DRD)* will not result in significant adverse impacts based on review of the body of information contained in the VDEIS and the following considerations:

- i. The proposed project will not cause a substantial adverse change in existing ground or surface water quality or quantity, or a substantial increase in erosion, flooding, leaching or drainage problems. All sewage will be treated at the Southwest Sewer District which has sufficient capacity to treat the estimated 59,175 gallons of wastewater per day that will be generated. The proposed project will connect to public water and will require 59,175 gallons per day of drinking water and 8,877 gallons per day for irrigation during the irrigation season; adequate water services exist in proximity to the subject site to serve the proposed project. With respect to surface waters, the proposed project will reduce the amount of impervious surface area from 82 percent under existing conditions, to 64 percent under proposed conditions. The volume of stormwater runoff generated from the proposed redevelopment would be reduced due to the reduction in impervious surfaces, and the volume of stormwater runoff flowing into Neguntatogue Creek will also be

Determination of Significance
Proposed Adoption of "Downtown Redevelopment District (DRD)" Floating Zone, Establishment of
Certain Property as a DRD, and Development of Such Property Pursuant to DRD Zoning

significantly reduced through the installation of a drainage system of leaching galleys proposed throughout the site. Construction activities will be completed in accordance with a Stormwater Pollution Prevention Plan prepared to manage erosion and sedimentation of Neguntatogue Creek, as well as control stormwater runoff both during site construction activities and post construction.

- ii. The property has minimal topographic relief within the area of proposed construction disturbances, with no excessive slopes that would pose a constraint to development.
- iii. No adverse impact to public health is anticipated as result of the proposed site development as site decommissioning and demolition of existing buildings and improvements will be conducted by licensed and certified agents, and remediation operations would be performed in conformance with relevant regulations and under the supervision of the applicable agencies (e.g., New York State Department of Labor, Suffolk County Department of Health Services and the New York State Department of Environmental Conservation (NYSDEC)).
- iv. The proposed project will not result in the removal or destruction of large quantities of flora or fauna; vegetated habitat including landscaping will be increased from 11 percent to 30 percent of the project site and the existing impervious area will be reduced by approximately 20 percent. No rare or threatened species have been identified on the project site and no rare or unique habitats are associated with the project site. The proposed project will restore and enhance Neguntatogue Creek, a tributary to the Great South Bay, where it traverses the project site. The Creek is regulated by the New York State Department of Environmental Conservation and the US Army Corps of Engineers and as detailed in the *Stream Corridor Restoration and Mitigation Plan* that was submitted as part of the required permit applications, the restoration and enhancement of Neguntatogue Creek will increase the stream footprint by 3,670 square feet, daylighting of the creek through removal of the

Determination of Significance
Proposed Adoption of "Downtown Redevelopment District (DRD)" Floating Zone, Establishment of
Certain Property as a DRD, and Development of Such Property Pursuant to DRD Zoning

existing culvert, resulting in decreased shading by 18 linear feet, and significant revegetation of the area adjacent to Neguntatogue Creek to increase vegetative diversity and habitat quality.

- v. The proposed project is not expected to cause impairments to the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character. There are no sites or buildings listed or eligible to be listed on the State or National Register of Historical Places, although existing Building 1, a 32,312 square foot brick and concrete building that is the former Vulcanite Manufacturing Company which fabricated such things as buttons, costume jewelry and safety pins building, was built in 1895 and has undergone a series of additions and alterations since that time. Review of the current conditions has found that the original integrity of the building has been substantially reduced and will be taken down. To date, no known nomination or further historic inventory of Building 1 is not currently being considered. Therefore, implementation of the proposed action would not result in a significant adverse impact to historic, cultural or archaeological resources at, or in the immediate vicinity of, the subject property.

The proposed project will protect and maintain aesthetic resources through attractive architecture and site design, and landscaping and architectural treatment intended to reduce the overall massing of the building. The proposed building will have a maximum height of 53 feet, which would make it one of the taller buildings in the area. However, the elevation is compatible with the elevation of the Long Island Railroad station platform, which is opposite the subject sites and has an elevation of over 50 feet. Based on a review of other TOD codes recently adopted in Long Island communities, the maximum height permitted in the DRD is similar or notably lower than the maximum allowable height in similar TOD codes. The proposed project will undergo site plan review, including architectural review to ensure the proposed building is compatible with the surrounding community.

Determination of Significance
Proposed Adoption of "Downtown Redevelopment District (DRD)" Floating Zone, Establishment of
Certain Property as a DRD, and Development of Such Property Pursuant to DRD Zoning

- vi. The proposed project will increase the amount energy that is being used and the energy providers have indicated there is sufficient capacity to meet this increase. The incorporation of energy conservation measures identified in the VDEIS and smart growth principles into the proposed project's design will lessen the proposed project's consumption of energy.
- vii. The proposed project will generate additional noise during construction but this will be a temporary increase that will be limited through compliance with the Village's noise ordinance; as per the noise ordinance, construction can only occur between 7:00 am to 9:00 pm but as a practical matter construction will be of a shorter duration. Appropriate Best Management Practices for noise reduction will be incorporated into the building design to reduce post-construction noise impacts and thus will lessen any potential noise impacts. The proposed project is not anticipated to result in a significant increase in air emissions or cause significant adverse impacts to air quality.
- viii. As evidenced by a number of studies, because the proposed project is a Transit Oriented Development (TOD), it should generate comparatively less automobile traffic and parking demands than a non-TOD development. The DRD requires site plan review for all proposed application, which includes the review of the adequacy of site access and parking adequacy. A Traffic Impact Study (TIS) was prepared for the proposed Lindenhurst Residences to provide a comprehensive evaluation of the potential traffic impacts resulting from the proposed project and the analyses contained therein found that: 1) adjacent roadways will be able to accommodate the additional traffic from the proposed project; 2) the two signalized intersections at East Hoffman Avenue at South Wellwood Avenue and East Hoffman Avenue at South Pennsylvania Avenue will continue to operate at Level of Service (LOS) C or better; 3) the two unsignalized intersections of Hoffman Avenue at South Smith Street at South Pennsylvania Avenue will continue to operate at LOS D or better; and 4) the three proposed site access driveways will operate an LOS of D or better. No

Determination of Significance
Proposed Adoption of "Downtown Redevelopment District (DRD)" Floating Zone, Establishment of
Certain Property as a DRD, and Development of Such Property Pursuant to DRD Zoning

significant increase in accidents is anticipated and the site design provides adequate on-site circulation.

The DRD establishes required parking ratios based on the number of bedrooms proposed for residential uses, and provides a provision for landbanked parking that may be constructed at a later time if determined necessary. The VDEIS includes a review of parking demand studies for similar TOD developments and recently adopted TOD codes, and found peak parking demand ratios ranging from 1.0 to 2.0 parking spaces per residential unit. The DRD proposes a minimum parking ratio of 1.15 parking spaces per unit (studio unit) ranging up to 2.0 parking spaces for three bedroom units, which provides a consistent parking ratio. The proposed project will provide 339 standard parking spaces (including 12 standard handicapped accessible parking spaces) and 40 landbanked parking spaces in conformance with the DRD code. The proposed project and any future development pursuant to the DRD will undergo site plan review to ensure adequate parking can be accommodated by the proposed development.

- ix. The land uses in the immediate area of the proposed project consists of commercial, light industrial, and institutional uses but the proposed multifamily development will not be out-of-character. By redeveloping the subject site as a 260 unit multifamily community, the proposed project will fulfill a local need for multifamily housing and which will also serve to assist revitalize the downtown, the goal of the DRD.
- x. The proposed project will cause a slight increase in the need for community services; however, the proposed project is located within a commercial corridor and the site is presently served by public water and sewer systems. The proposed project would not result in a substantial increase in solid waste production or significantly increase the demand on public services. It is expected that the construction of the 260 apartments will generate 8 school aged children which will not adversely impact the Lindenhurst Unified Free School District (UFSD).

Determination of Significance
**Proposed Adoption of "Downtown Redevelopment District (DRD)" Floating Zone, Establishment of
Certain Property as a DRD, and Development of Such Property Pursuant to DRD Zoning**

2. The proposed action will not create a material demand of other actions that would result in one or more adverse impacts.
3. The implementation of the proposed action will not result in changes to one or more elements of the environment, none of which has a significant adverse impact on the environment but when considered together will result in a significant adverse impact on the environment.
4. The implementation of the proposed action will not create a material conflict with the Village's goals and plans but will serve to advance the Village's goals and plans.
5. Implementation of the proposed action will not result in cumulative impacts that would meet any of the criteria set forth in 6 NYCRR Part 617.7.

For further information contact:

Douglas Madlon, Village Clerk
Incorporated Village of Lindenhurst
430 South Wellwood Avenue
Lindenhurst, New York 11757
Telephone: (631) 957-7500

Copies of this notice shall be sent to:

Environmental Notices Bulletin (ENB)
Commissioner, NYSDEC
NYSDEC, Regional Office at Stony Brook
Village Clerk of the Village of Lindenhurst
Village Trustees of the Village of Lindenhurst
Village Department of Public Works (Highway and Sanitation)
Suffolk County Planning Commission
Suffolk County Department of Health Services
Suffolk County Department of Public Works
Suffolk County Water Authority
Suffolk County Sewer Agency
PSEG-Long Island
U.S. Army Corps of Engineers

Determination of Significance
Proposed Adoption of “Downtown Redevelopment District (DRD)” Floating Zone, Establishment of
Certain Property as a DRD, and Development of Such Property Pursuant to DRD Zoning

Lindenhurst Fire Department
Lindenhurst School District
Town of Babylon Industrial Development Agency



Peter L. Curry
Partner

Direct Dial: 516.227.0772
Direct Fax: 516.336.2208
pcurry@farrellfritz.com

1320 RXR Plaza
Uniondale, NY 11556
www.farrellfritz.com

Our File No.
13702/115

May 21, 2018

Mr. Matthew T. McDonough
Executive Director
Town of Babylon Industrial Development Agency
47 West Main Street, Suite 3
Babylon NY 11702

Re: 75 E. Hoffman LH, LLC

Dear Matt:

I am writing in furtherance of and response to your Letter of Intent, dated May 16, 2018, regarding the above client and Lindenhurst residences. I wish to raise certain points to clarify the understandings between the parties, and to make a proposal regarding the PILOT schedule.

Calculation of Affordability

In the meeting we attended with you and your representatives on April 12, 2018, we proposed that the measure of "affordability" for the purposes of complying with Agency policies would be set at 115% of adjusted median income ("AMI") for the Nassau-Suffolk region. This is not mentioned in the Letter of Intent, and we would like the Agency to confirm its agreement with this proposal.

Employment Covenant

The feasibility study commissioned by the Applicant envisioned that 47 full-time equivalent jobs would be created by the Project. The increase would occur through both direct employment and hiring undertaken by local businesses as a consequence of the increase in residential population in the area neighboring the Village of Lindenhurst downtown. The proposed size of the employment increase is based upon economic studies undertaken by industry professionals. We will be unable to calculate the indirect hiring by Village businesses, and must have an employment covenant based only upon the Applicant's direct hirings.

Mr. Matthew McDonough
May 21, 2018
Page 2

Total Investment

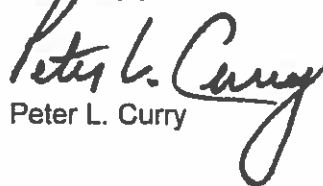
We are pleased to state that the total investment in the Project is expected to approximate \$102,000,000, of which approximately \$65,000,000 constitute "hard costs" of the construction, not an aggregate \$70,077,000.

PILOT Calculation

We agree on the methodology the IDA is using to calculate the Base Assessed Value, Incremental Assessed Value, Rate Increment and Incremental Abatement. We propose that the Agency "fix" the PILOT payments using this methodology, rather than adopt a "percentage of other applicable taxes" approach. Fixed PILOT payments are much easier for potential lenders to understand and incorporate into their underwriting process. In consideration for fixing the payments, the Applicant will agree not to use the certiorari process to further reduce the fixed payments.

Please feel free to contact me regarding the contents of this letter. We look forward to submitting an application to the Agency, and to closing with you as expeditiously as this matter will allow.

Very truly yours,


Peter L. Curry

PLC/an

cc: Mr. Robert J. Coughlan
Mr. James L. Coughlan
Ms. Kelley Coughlan Heck
Robert E. Kent, Esq.