



# Babylon Industrial Development Agency

ROBERT STRICOFF  
CHIEF EXECUTIVE OFFICER

Applicant Contact And Basic Information	
Name:	WR Communities LLC
	c/o Albanese Organization, Inc.
Address:	1050 Franklin Avenue - Suite 200
	Garden City, NY 11530
Phone Number(s):	
Fax Number(s)	
E-mail Address:	
Website Address:	
Applicant EIN Number:	

Application Date:

1. Financial Assistance Requested (check applicable option(s)):

☐ Bond Financing

☒ Straight Lease

2. Officer of Applicant serving as contact person:

	Firm: Albanese Development

47 WEST MAIN STREET, SUITE 3, BABYLON, NY 11702 - TEL: (631) 587-3679 FAX: (631) 587-3675

WEBSITE: WWW.BABYLONIDA.ORG

E-MAIL: INFO@BABYLONIDA.ORG



3. Attorney of Applicant:

Name: Mark A. Cuthbertson	Firm: Law Office of Mark A. Cuthbertson
Phone #: 631 351-3501	Fax #:
E-mail Address: mcuthbertson@cuthbertsonlaw.com	Address: 434 New York Avenue Huntington, NY 11743

4. CFO/Accountant of Applicant:

Name: James F. Polcari	Firm: Albanese Organization, Inc
Phone #: 516 746-6000	Fax #: 516 746-0580
E-mail Address: jfp@albaneseorg.com	Address: 1050 Franklin Avenue Suite 200 Garden City, NY 11530

5. Financial Advisor or Consultant (if applicable):

Name:	Firm:
Phone #:	Fax #:
E-mail Address:	Address:

6. Applicant is (check one of the following, as applicable):

☐ General Partnership

☐ Limited Partnership

☐ C Corporation

☐ S Corporation

☒ Limited Liability Company

☐ Natural Person

☐ 501(c)(3) Organization

☐ Other (specify):

7. Are any securities of Applicant publicly traded?

☐ Yes

☒ No

8. Applicant's state of incorporation or formation: New York State

9. Applicant's date of incorporation or formation: September 23, 2011

10. States in which Applicant is qualified to do business: New York State

11. Please provide a brief description of Applicant and nature of its business:

Applicant is a Limited Liability Company created to perform as Master Developer for the purposes of real estate and community development in accordance with the Wyandanch Rising master plan.

**Please note:** An "Affiliate" means any individual, corporation, partnership, joint venture, sole proprietorship, limited liability company, trust or other entity that controls, is controlled by or is under common control with the Applicant.

12. Please check all that apply:

- ☐ Applicant or an Affiliate is the fee simple owner of the Project realty.
- ☒ Applicant or an Affiliate is not currently, but expects to be the fee simple owner of the Project realty.
- ☐ Applicant or an Affiliate is not the owner of the Project realty, but is the occupant of a material portion thereof for the conduct of its business pursuant to a lease or other occupancy agreement.
- ☐ Applicant or an Affiliate is not the owner of the Project realty, but expects, immediately following the closing, to be the occupant of a material portion thereof for the conduct of its business pursuant to a lease or other occupancy agreement.
- ☐ None of the above categories fully describe Applicant and its relation to the Project realty, which may be more accurately described as follows (please provide copies of supporting documentation, as applicable):

13. If a special-purpose entity ("SPE") that is owned and controlled by the Applicant will own or otherwise control the Project realty, the SPE will be a (check one of the following as applicable):

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> General Partnership | <input type="checkbox"/> Limited Partnership                  | <input type="checkbox"/> C Corporation                   |
| <input type="checkbox"/> S Corporation       | <input checked="" type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Not-for-profit 501(c)(3) Entity |
| <input type="checkbox"/> Natural Person      | <input type="checkbox"/> Other (specify):                     |  |

Name of SPE: WR Communities A LLC

Address: c/o Albanese Organization, Inc. 1050 Franklin Ave. Garden City,  
NY 11530

Phone Number(s): 516 746-6000

Contact Person: George P. Aridas

Affiliation of SPE to Applicant: SPE is controlled by the Applicant through a wholly owned subsidiary.

Owners of SPE and each respective ownership share: Albanese WRC A, LLC (.01%) Hudson Housing Capital LLC (99.99%)

SPE EIN Number: [REDACTED]

**Please note:** If information required above for the SPE is unknown at time of Application submission, then please submit any missing information to the Babylon IDA as soon as it becomes available.

The Applicant controls the SPE through a wholly owned subsidiary. The SPE identified above, will be the beneficial owner of the first mixed-use affordable housing building developed as part of Wyandanch Rising Phase I.

This IDA application seeks benefits for the first two mixed-use buildings.

Name of SPE: WR Communities B LLC

Address: 1050 Franklin Ave., Suite 200, Garden City, NY 11530

Phone Number(s): 516 746-6000

Contact Person: George P. Aridas

Affiliation of SPE to Applicant: SPE is controlled by the Applicant through a wholly owned subsidiary.

Owners of SPE and each respective ownership share: Albanese WRC B LLC (.01%)

TBD Tax Credit Investor (99.99%)

SPE EIN Number: [REDACTED]

**Please note:** If information required above for the SPE is unknown at time of Application submission, then please submit any missing information to the Babylon IDA as soon as it becomes available.

The Applicant controls the SPE through a wholly owned subsidiary. The SPE noted above is formed to be the beneficial owner of the second mixed-use, affordable building developed as part of Phase I.

14. Give the following information with respect to all proposed tenants and sub-tenants at the proposed project site. Provide information on an additional sheet if space is needed.

Company Name	Phone	Affiliation with Applicant	SI & Floors (Percent of Occupancy)	Lease Expiration	Tenant Business

Both Building A and Building B are being developed as mixed-use buildings with retail space on the ground floor. Building A will have approximately 17,800 square feet of retail tenancy, with an estimate of five different retailers. Building B will have approximately 20,000 square feet of retail tenancy, with an estimate of six different retailers. No tenants have signed letters of intent as of this application but all leases will be with third party, unaffiliated tenants at commercially reasonable terms.

## Project Description and Financial Information

### Project Site Building A

District:	100
Section:	40
Block(s):	2
Lot(s):	6 (New Sub-division plan)
Street address and zip code:	TBD - New Construction and Street
Zoning	Mixed-Use - Wyandanch Form Based Code
Area (acreage):	2.42
Square footage of existing building(s):	- 0 -
Number of floors:	- 0 -
Intended use(s) (e.g., office, retail, etc.):	Retail and Residential

1. Please provide the following Project information:

a. Please provide a brief description of the proposed Project: Building is a five-story mixed-use building developed as part of the Wyandanch Rising master plan. The building will contain 91 rental residential units and 17,800 square feet of ground floor retail - all new construction.

b. Indicate the estimated date for commencement of the Project: May 2013

c. Indicate the estimated date for the completion of the Project: Oct 2014

d. Will the Project require any special permits, variances or zoning approval?

☐ Yes ☒ No

If Yes, please explain:

e. Is any governmental entity intended or proposed to be an occupant at the Project site?

☐ Yes ☒ No

If Yes, please explain:



## Project Description and Financial Information

### Project Site Building B

District:	100
Section:	40
Block(s):	2
Lot(s):	11 (New Subdivision Plan)
Street address and zip code:	New Street - TBD
Zoning	Mixed Use Wyandanch Form Based Code
Area (acreage):	2.35
Square footage of existing building(s):	0
Number of floors:	0
Intended use(s) (e.g., office, retail, etc.):	Retail and Residential

1. Please provide the following Project information:

- a. Please provide a brief description of the proposed Project: Building is a four-story mixed use building with 86 rental residential units above 20,000 square feet of ground floor retail space. All new construction.
- b. Indicate the estimated date for commencement of the Project: August 2013
- c. Indicate the estimated date for the completion of the Project: January 2015
- d. Will the Project require any special permits, variances or zoning approval?

☐ Yes ☒ No

If Yes, please explain:

- e. Is any governmental entity intended or proposed to be an occupant at the Project site?

☐ Yes ☒ No

If Yes, please explain:

# BUILDING A

2. Please complete the following summary of Project sources and uses:

PROJECT COSTS		PROJECT FUNDING (Permanent)	
Land acquisition	400,000	Bonds	
Building acquisition	0	Loans	13,850,000
New construction	26,800,000	Affiliate/employee loans Def Fee	667,000
Renovations	0	Company funds	1,600,000
Fixed tenant improvements	550,000	Other (explain) State HTF	2,088,000
Machine and/or equipment	Inc Const	Fed LIHTC	12,516,000
Soft costs	8,157,000	State LIHTC	4,500,000
Furnishings		County Workforce Prog	1,540,000
Other (explain) Req Reserves	854,000		
<b>Total Project Costs</b>	<b>36,761,000</b>	<b>Total Project Funding Sources</b>	<b>36,761,000</b>

Building A is developed using Federal and State Low Income Housing Tax Credits. The majority of those funds become available at permanent financing (as do the State Housing Trust funds). Therefore, the Project Funding is the Permanent Sources stack.

# BUILDING B

2. Please complete the following summary of Project sources and uses:

PROJECT COSTS		PROJECT FUNDING (Permanent)	
Land acquisition	387,000	Bonds NYS HFA	12,900,000
Building acquisition	0	Loans	
New construction	24,205,000	Affiliate/employee loans Def Fee	1,638,000
Renovations	0	Company funds	3,500,000
Fixed tenant improvements	660,000	Other (explain) Home	180,000
Machine and/or equipment	incl	State HWF	1,976,000
Soft costs	9,354,000	Fed LIHTC	8,762,000
Furnishings	0	State LIHTC	4,500,000
Other (explain)	576,000	County WF Infra	1,725,000
Total Project Costs	35,181,000	Total Project Funding Sources	35,181,000

Building B is developed using Federal and State Low Income Housing Tax Credits. The majority of those funds become available at permanent financing (as do the Homes for Working Families (HWF)). Therefore, the Project Funding is the Permanent Sources stack.

## Background Information on Applicant and Applicant's Affiliates

**Please note:** "Principal" means the following with respect to the Applicant and/or the SPE: all persons (entities or individuals) that control the Applicant and/or the SPE, and/or own more than 10 percent of either; all executive officers; all directors; and all members and general partners for, respectively, limited liability companies and partnerships.

Please answer the following questions and, if necessary, include additional information as an attachment:

1. Has Applicant, or any Affiliate or Principal, ever received, or is any such person or entity currently receiving, financial assistance or any other kind of discretionary benefit from any local, state or federal governmental entity or agency, or any public authority or public benefit corporation, or any local development corporation?

☒ Yes

☐ No

If Yes, please provide details on an attached sheet.

Please note: local, state and federal governmental entities or agencies, public authorities or public benefit corporations, and local development corporations, shall be referred to as "Public Entit(y)(ies)."

2. Has Applicant, or any Affiliate or Principal, or any existing or proposed occupant at the Project site, obtained, or is any such person or entity in the process of obtaining, or contemplating obtaining, other assistance from the Babylon IDA?

☐ Yes

☒ No

If Yes, please provide details on an attached sheet.

3. Has Applicant, or any Affiliate or Principal, ever defaulted on a loan or other obligation to a Public Entity?

☐ Yes

☒ No

If Yes, please provide details on an attached sheet.

Question 1 - The Albanese Organization has developed affordable housing which is owned by affiliates of the Organization. Principals of Albanese are managing members of those affiliates which received Federal Low Income Housing tax credits and real estate abatements from NYC. In addition, 1001 Realty LLC, of which the Albanese principals are members, received tax and economic benefits from the Town of Hempstead IDA.

4. Has real property in which Applicant, or Affiliate or Principal, holds or has ever held an ownership interest and/or controlling interest of 25 percent or more, now or ever been (i) the subject of foreclosure (including a deed in lieu of foreclosure), or (ii) in arrears with respect to any type of tax, assessment or other imposition?

☐ Yes      ☒ No      If Yes, please provide details on an attached sheet.

5. Does Applicant, or any Affiliate or Principal, have any contingent liabilities not already covered above (e.g., judgment liens, lis pendens, other liens, etc.)? Please include mortgage loans and other loans taken in the ordinary course of business only if in default.

☐ Yes      ☒ No      If Yes, please provide details on an attached sheet.

**6. List major customers:**

Company Name	Address	Contact	Phone

**7. List major suppliers:**

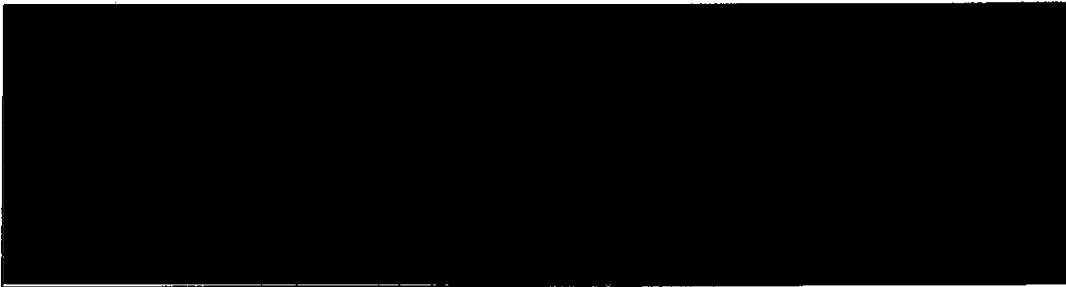
Company Name	Address	Contact	Phone
Turner Const	375 Hudson St.	Charles Murphy	212 229-6225
	New York, NY	Sr. VP - G. Mgr	

**8. List unions (if applicable):**

Company Name	Address	Contact	Phone

The applicant, as a newly formed entity does not have a history of customers or suppliers. The Albanese Organization engages in real estate development. On its larger projects it generally engages Contract Managers (such as Turner Construction) which in turn engages sub-contractors, suppliers and union labor.

**9. List banks/current accounts:**

A large black rectangular redaction box covering the entire area for listing banks or current accounts.

**10. List licensing authorities, if applicable:**

Company Name	Address	Contact	Phone

## Project Description and Financial Information

**I, the undersigned officer/member/partner of Applicant, on behalf of Applicant, hereby request, represent, certify, understand, acknowledge and agree as follows:**

**I request** that this Application, together with all materials and data submitted in support of this Application (collectively, these "Application Materials"), be submitted for review to the Babylon IDA Board, in order to obtain from the Babylon IDA Board an expression of intent to provide the financial assistance for the Project. I understand that this expression of intent will take the form of an inducement resolution to be adopted by the Board.

**I represent** that I have the authority to sign these Application Materials on behalf of, and to bind, Applicant.

**I certify** to the best of my knowledge and belief that all of the information provided in these Application Materials is accurate, true and correct. I understand that an intentional misstatement of fact, or, whether intentional or not, a material misstatement of fact, or the providing of materially misleading information, or the omission of a material fact, may cause the Babylon IDA Board to reject the request made in the Application Materials.

**I understand** the following: that Applicant and Principals will be subject to a background check and actual or proposed subtenants may be subject to a background check; that the Babylon IDA may be required under SEQRA to make a determination as to the Project's environmental impact and that in the event the Babylon IDA does determine that the Project will have an environmental impact, Applicant will be required to prepare, at its own expense, an environmental impact statement; that the decision of the Board to approve or to reject the request made in the Application Materials is a discretionary decision; that no Bonds may be issued (if Bonds are being requested) unless such Bonds are approved by the Supervisor of the Town; that under the New York State Freedom of Information Law ("FOIL"), the Babylon IDA may be required to disclose the Application Materials and the information contained therein; and that Applicant shall be entirely responsible and liable for the fees referred to in these Application Materials, including (in the case of Bonds) but not limited to payment of the New York State bond issuance fees (if applicable to the Bonds in question) based upon the aggregate principal amount of the Bonds.



**I further understand and agree as follows:**

**That** in the event the Application Materials are not submitted to the Babylon IDA Board for any reason including negative results obtained through the background check, and/or, with respect to Application Materials that are submitted to the Babylon IDA Board, in the event the Babylon IDA Board rejects same, then, under either of said circumstances, Applicant shall have no recourse against the Babylon IDA, or any directors, officers, employees or agents of the Babylon IDA, for the Application Fee, or for other expenses incurred by Applicant or other parties on behalf thereof, or for damages or specific performance; and that the Application Fee is under all circumstances (including but not limited to the ones just described and the ones described in the next succeeding paragraph) non-refundable; and

**That** if the Town of Babylon IDA Board adopts an inducement resolution with respect to the request made in the Application Materials, such adoption shall not be deemed a guaranty that the Town of Babylon IDA Board will adopt an authorizing resolution; or that the Babylon IDA will then provide the induced financial assistance; and

**That** Applicant shall indemnify the Babylon IDA for fees and disbursements incurred by bond counsel (in the case of a Bond transaction) or by project counsel (in the case of a straight-lease transaction); and that bond counsel or project counsel (as applicable) shall be a third-party beneficiary of this indemnity to the Babylon IDA regardless of whether financial assistance is granted and a bond closing or straight lease closing occurs and if no closing occurs, regardless of the reason thereafter and regardless of whether a closing was within or without the control of any of the Public Participants; and

**That** in the event Babylon IDA discloses the Application Materials in response to a request made pursuant to FOIL, Applicant hereby authorizes the Babylon IDA to make such disclosure and hereby releases the Babylon IDA from any claim or action that Applicant may have or might bring against the Babylon IDA, its directors, officers, agents, employees and attorneys, by reason of such disclosure; and that Applicant agrees to defend, indemnify and hold the Babylon IDA and its respective directors, officers, agents, employees and attorneys harmless (including without limitation for the cost of reasonable attorneys fees) against claims arising out of such disclosure as such claims may be made by any party including the Applicant, Affiliate, Owner or Principal, or by the officers, directors, employees and agents thereof.

I acknowledge and agree that the Babylon IDA reserves the right in its sole and absolute discretion to request additional information, waive any requirements set forth herein, and/or amend the form of this Application, to the full extent permitted by applicable law.

Requested, Represented, Certified, Acknowledged, Understood and Agreed by Applicant,

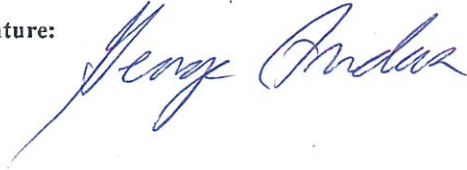
this 12<sup>th</sup> day of February 2013:

Name of Applicant: WR Communities LLC

By: Printed Name of Signer: George P. Aridas

Title of Signer: Authorized Signatory for Applicant

Signature:

A handwritten signature in blue ink, appearing to read "George Aridas", written over a horizontal line.

### Retail Questionnaire

1. Will any portion of the Project consist of facilities or property that are or will be primarily used in making retail sales of goods to customers who personally visit the Project?  
☒ Yes      ☐ No
2. If the answer to question 1 is "Yes," will the applicant or any other project occupant be a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the "retail sale of tangible personal property" (as defined in Section 1101 (b)(4)(i) of the Tax Law)?  
☒ Yes      ☐ No
3. Will any portion of the Project consist of facilities or property that are or will be primarily used in making retail sales of services to customers who personally visit the Project?  
☒ Yes      ☐ No
4. If the answer to question 1 or question 3 is "Yes," what percentage of the cost of the Project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project? percent
5. If the answer to question 1 or question 3 is "Yes," and the answer to question 4 is more than 33.33 percent, indicate whether any of the following apply to the Project: N/A.
  - a. Will a not-for-profit corporation operate the Project?  
☐ Yes      ☐ No
  - b. Is the Project likely to attract a significant number of visitors from outside the Town of Babylon?  
☐ Yes      ☐ No
  - c. Would the Applicant, but for the contemplated financial assistance from the Babylon IDA, locate the related jobs outside the State of New York?  
☐ Yes      ☐ No

Question 4 - Total project costs associated with development of retail uses is approximately 6% for the two buildings.

- d. Is the predominant purpose of the Project to make available goods or services that would not, but for the Project, be reasonably accessible to Town of Babylon residents because of a lack of reasonably accessible retail trade facilities offering such goods or services?

☐ Yes

☐ No

- e. Will the Project be located in one of the following: (a) an area designated as an economic development zone pursuant to Article 18-B of the General Municipal Law; or (b) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) that, according to the most recent census data, has (i) a poverty rate of at least 20 percent for the year to which the data relates, or at least 20 percent of its households receiving public assistance, and (ii) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates?

☐ Yes

☐ No

6. If the answers to any of subdivisions (c) through (e) of question 5 are "Yes," will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?

If "Yes", please furnish details in a separate attachment.

7. If the answers to any of subdivisions (a) through (e) of question 5 are "Yes," please furnish details in a separate attachment.

#'s 5,6,7 are blank because the answer to #4 is less than 33%.

THE UNDERSIGNED HEREBY CERTIFIES that the answers and information provided above, and in any statement attached hereto, are true and correct.

Name of Applicant: WR Communities, LLC

By: Printed Name of Signer: George P. Aridas

Title of Signer: Authorized Signatory for Applicant

Signature:

Date:

*George P. Aridas*  
*Feb 12, 2013*

### Anti-Pirating Questionnaire

1. Will the completion of the Project result in the removal of a plant or facility of the Applicant, or of a proposed occupant of the Project, from an area in New York State (but outside of the Town of Babylon) to an area within the Town of Babylon?

☐ Yes

☒ No

If "Yes," please provide the following information:

Address of the to-be-removed plant or facility:

Names of all current occupants of the to-be-removed plant or facility:

2. Will the completion of the Project result in the abandonment of one or more plants or facilities of the Applicant, or of any proposed occupant of the Project, located in an area of New York State other than the Town of Babylon?

☐ Yes

☒ No

If "Yes," please provide the following information:

Addresses of the to-be-abandoned plant(s) or facility(ies):

Names of all current occupants of the to-be-abandoned plants or facilities:

3. Will the completion of the Project in any way cause the removal and/or abandonment of plants and facilities anywhere in New York State (but outside of the Town of Babylon)?

☐ Yes

☒ No

If "Yes," please provide all information relevant to such future removal and/or abandonment:

If the answer to either question 1, 2 or 3, is "Yes," please continue and answer questions 4 and 5.

4. Is the Project reasonably necessary to preserve the competitive position of this Applicant, or of any proposed occupants of the Project, in its industry?

☐ Yes      ☐ No

5. Is the Project reasonably necessary to discourage the Applicant, or any proposed occupant of the Project, from removing such plant or facility to a location outside New York State?

☐ Yes      ☐ No

If the answer to question 4 and/or question 5 is "Yes," please provide on a separate sheet of paper a detailed statement explaining same.

THE UNDERSIGNED HEREBY CERTIFIES that the answers and information provided above, and in any statement attached hereto, are true and correct.

Name of Applicant: WR Communities LLC

By: Printed Name of Signer: George P. Aridas

Title of Signer: Authorized Signatory for Applicant

Signature:

Date:

*George P. Aridas*  
*Feb. 12, 2013*



## Employment Questionnaire

The Town of Babylon Industrial Development Agency requires all Applicants to fill out this Employment Questionnaire. As used in this Questionnaire, "Company" means the Applicant; "Project Location" means the project location which Applicant has identified in its Application; and "Tenant" means any person or entity to whom or to which Applicant intends to lease part or all of the Project Location. If Applicant is a real estate holding company that is an affiliate of an operating company and Applicant intends to lease the Project Location to such operating company, then the Applicant and the operating company must fill out separate copies of this Questionnaire.

Applicant Name: WR Communities LLC

Address: c/o Albanese Org., 1050 Franklin Ave., Garden City, NY 11530

Phone Number(s): 516 746-6000

I.R.S. Employer ID Number: [REDACTED]

Department of Labor. Registration Number:

Project Location: Phase I - Transit Plaza, Wyandanch, New York

1. How many employees does Applicant employ in the Town of Babylon at the time of Application submission?

	Number	Average Annual Salary (FT) Hourly Rate (PT)	On average Part-time Workers Hours per week
Full Time	_____	\$ _____	_____
Part Time	_____	\$ _____	_____

2. How many employees referred to in question 1 reside in the Town of Babylon at the time of Application submission?

	Number	Average Annual Salary (FT) Hourly Rate (PT)	On average Part-time Workers Hours per week
Full Time	N/A	\$ _____	_____
Part Time	_____	\$ _____	_____

3. How many employees does Applicant employ outside of the Town of Babylon but in New York State at the time of Application submission?

Number	None	Average Annual Salary (FT) Hourly Rate (PT)	On average Part-time Workers Hours per week
Full Time	_____	\$ _____	_____
Part Time	_____	\$ _____	_____

4. How many employees does the applicant employ at the project location (annual average) at the time of Application submission?

	Number	Average Annual Salary (FT) Hourly Rate (PT)	On average Part-time Workers Hours per week
	None		
Full Time	_____	\$ _____	_____
Part Time	_____	\$ _____	_____

5. Projected employment at Project Location for the Applicant on December 31 of each of the five calendar years following the completion of the Project.

Year	Number of Full-time Employees	Average Annual Full-time Salary	Number of Part-time Employees	Average Hourly Rate Part-time	Average Hours per week Part-time	Average Annual Part-time Salary	Total Estimated Annual Payroll
1	4	45,000	2	15.00	15	23,400	203,400
2	4	46,350	2	15.00	15	23,400	208,800
3	4	47,750	2	15.50	15	24,180	215,180
4	4	48,700	2	16.00	15	24,960	219,760
5	4	49,650	2	16.50	15	25,740	224,340

6. Describe the occupational composition of the workforce at the Project Location. Please describe pay levels and number of employees at each pay level.

The Applicant controls two SPE that are to be the beneficial owners of Building A and Building B. Those entities, in turn will employ superintendents and maintenance staff to operate the buildings when construction on those buildings is complete and placed in service.

7. Please provide documentary evidence (Form Year end W-2, Form EEO-1 or external or internal payroll statements(last quarter or year end statements) supporting the answer provided in question numbers 1, 3 and 4. The Applicant had no employees as of the time of the application.
8. Does Applicant intend to employ new employees at the Project Location, and/or will Applicant transfer current employees from premises currently being used? Please provide details. The SPEs controlled by the Applicant will hire new employees to operate the buildings developed as part of the project that is associated with the application.

I authorize any private or governmental entity, including but not limited to the New York State Department of Labor ("DOL"), to release to the Babylon IDA and to its successors and assigns, any and all employment information under DOL's control that is pertinent to the Company and the Company's employees. This authorization shall remain in effect throughout the term of this Lease.

Name of Applicant: WR Communities LLC

By: Printed Name of Signer: George P. Aridas

Signature:

Date:

Title of Signer: Authorized Signatory for Applicant

Attach to this Questionnaire your most recent four quarters of the NYS-45 "Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return." Attach additional pages if necessary.

## Labor Questionnaire

The Applicant and its Affiliates hereinafter will be referred to as the "Companies" or individually as a "Company." If any of the following questions applies to none of these Companies, answer "NONE"; but, for any question that does apply, be sure to specify to which of the Companies the answer is relevant. When the space provided for an answer is insufficient, provide the answer on a separate sheet of paper and attach that paper to this Questionnaire.

1. List all of the labor union contracts and collective bargaining arrangements to which any of the Companies is currently a party:

None Currently

2. Have any of the Companies during the current calendar year and the five calendar years preceding the current calendar year experienced labor unrest situations, including pending or threatened labor strikes, hand billing, consumer boycotts, mass demonstrations or other similar incidents?

☐ Yes ☒ No If Yes, please explain:

3. Have any of the Companies received any federal and/or state unfair labor practices complaints asserted during the current calendar year and the three calendar years preceding the current calendar year?

☐ Yes ☒ No If Yes, please describe and explain current status of complaints:

4. Do any of the Companies have pending or threatened requests for arbitration, grievance proceedings, labor disputes, strikes or disturbances during the current calendar year and the three calendar years preceding the current calendar year?

☐ Yes ☒ No If Yes, please explain:

5. Are all employees of the Companies permitted to work in the United States?

☐ Yes

☐ No

If No, please provide details on an attached sheet.

What steps do the Companies take as a matter of course to ascertain their employees' employment status?

Do the Companies complete and retain all required documentation related to this inquiry, such as Employment Eligibility Verification (1-9) forms?

☒ Yes

☐ No

If No, please explain:

6. Has the United States Department of Labor, the New York State Department of Labor or any other local, state or federal department, agency or commission having regulatory or oversight responsibility with respect to workers and/or their working conditions and/or their wages, inspected the premises of any Company or audited the payroll records of any Company during the current calendar year or during the three calendar years preceding the current one?

☐ Yes

☒ No

If the answer to this question is "Yes," briefly describe the nature of the inspection, the inspecting governmental entity and when the inspection occurred. Briefly describe the outcome of the inspection, including any reports that may have been issued and any fines or remedial or other requirements imposed upon the Company or Companies as a consequence:

7. Has any Company incurred, or potentially incurred, any liability (including withdrawal liability) with respect to an employee benefit plan, including a pension plan?

☐ Yes

☒ No

If the answer to this question is "Yes," quantify the liability and briefly describe its nature and refer to any governmental entities that have had regulatory contact with the Company in connection with the liability:

8. Are the practices of any Company now, or have they been at any time during the three calendar years preceding the current calendar year, the subject of any complaints, claims, proceedings or litigation arising from alleged discrimination in the hiring, firing, promoting, compensating or general treatment of employees?

☐ Yes

☒ No

If the answer to this is "Yes," provide details. When answering this question, please consider "discrimination" to include sexual harassment.

THE UNDERSIGNED HEREBY CERTIFIES that the answers and information provided above, and in any statement attached hereto, are true and correct.

Name of Applicant: WR Communities LLC

By: Printed Name of Signer: George P. Aridas

Title of Signer: Authorized Signatory for Applicant

Signature:

Date:

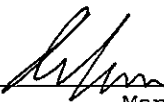
*George P. Aridas*  
*Feb 13, 2013*

CERTIFICATION

Russell C. Albanese (Name of Chief Executive Officer of company submitting application) deposes and says that he is the Manager (title) of WR Communities LLC (Company Name), the entity named in the attached application; that he has read the foregoing application and knows the contents thereof; that the same is true to his knowledge.

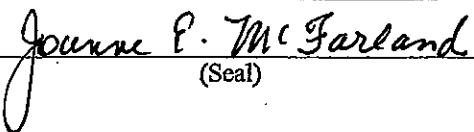
Deponent further says that the reason this verification is being made by deponent and not by WR Communities LLC (Company Name) is because the said Company is a limited liability company. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as an officer of and from the books and papers of said corporation.

As a Manager of said entity (hereinafter referred to as 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") acting on behalf of the applicant in connection with this application and all matters relating to the lease back transaction. 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, then upon presentation of invoice, applicant shall pay to the Agency, its agents or assigns, all actual cost incurred with respect to the application, up to that date and time, including fees of project counsel and general counsel for the Agency. The applicant shall pay to the Agency an administrative fee set by the Agency not to exceed an amount equal to 1% of the total project cost, which amount is payable at closing.

  
\_\_\_\_\_  
Manager of Company

Sworn to before me this 11

day of February, 2013

  
\_\_\_\_\_  
(Seal)

JOANNE E. MCFARLAND  
Notary Public State of New York  
No. 01MC6119763  
Qualified in Nassau County  
Term Expires December 6, 2016

In the matter of the Application of:

WR Communities LLC

P.O. Address

c/o Albanese Organization, Inc.

1050 Franklin Avenue, Garden City, NY 11530

FULL DISCLOSURE  
AFFIDAVIT

to the TOWN OF BABYLON  
INDUSTRIAL DEVELOPMENT AGENCY

STATE OF NEW YORK

} ss.:

COUNTY OF SUFFOLK

Russell C. Albanese

being duly sworn, deposes and says

1. This affidavit is made by your deponent and intended to be filed with the above board of the Town of Babylon to fulfill requirements of Article XXIII of the Building Zone Ordinance of the Town of Babylon with respect to the above-entitled Application made or intended to be made affecting property located and described as follows:  
Those certain parcels of land located in the Hamlet of Wyandanch which  
will, following approval of Babylon Dept. of Planning contain the following  
Suffolk County Tax Map Designations - District: 100; Section: 40; Block 2;  
Lots: 11 and 6.
2. The name and address of the Applicant are as follows :  
WR Communities LLC, c/o Albanese Organization, Inc. 1050 Franklin Avenue,  
Garden City, NY 11530.
3. The name and address of the person who has made and signed this Application are as follows:  
Russell C. Albanese, c/o Albanese Organization, Inc., 1050 Franklin Avenue,  
Garden City, NY 11530
4. The names and addresses of all persons having any interest whatsoever in the property described in this Application direct or indirect, vested or contingent, regardless of whatever such person has an interest as a contract vendor, contract vendee, lessor, sub-lessor, contract lessor, lessee, sub-lessee, contract lessee, holder of any beneficial interest, contract holder of any beneficial interest, mortgagor, mortgagee, holder of any encumbrance of lien, contract holder of any encumbrance or lien, guarantor, assignee, agent or broker, or otherwise, and regardless of whether the interest arises as the result of advancing or lending funds in connection with the acquisition or development of the property and regardless of whether the interest may arise or be affected by the decision to be made by this Board, are as follows :  
Russell C. Albanese  
Christopher V. Albanese
5. The names and addresses of all persons who will receive any benefit as a result of their work, effort or services in connection with this Application are as follows :



6. The names and addresses of all persons hereinabove set forth under paragraph number 4 or paragraph number 5 of this affidavit who also have any interest such as described in paragraph number 4 or in paragraph number 5 of this Affidavit, in any property within one mile of the property described in this Application, are as follows :

None

7. The names and addresses of all persons hereinabove set forth under paragraph number 4 or paragraph number 5 of this Affidavit who are officers or employees of the Town of Babylon, are as follows :

None

8. In detail, the nature and extent of the Interest in the property described in this Application, of all officers or employees of the Town of Babylon set forth under paragraph number 7 of this Affidavit, are as follows :

9. The names and addresses of all persons hereinabove set forth under paragraph 4 or paragraph 5 of this Affidavit, who are related to any officer or employee of the Town of Babylon are as follows :

None

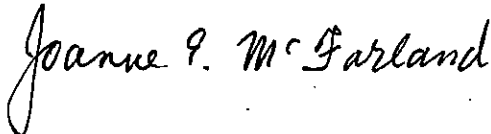
10. In detail, the nature of the relationship between all persons set forth in paragraph number 9 of this Affidavit and any officers or employees of the Town of Babylon, are as follows :

11. In detail, the nature and extent of the interest in the property described in the Application of all persons set forth under paragraph number 9 of this Affidavit, are as follows :

The undersigned affirms the truth and completeness of the foregoing under penalty of perjury:



Sworn before me this day  
11 day of February 2013



JOANNE E. MCFARLAND  
Notary Public State of New York  
No. 01MC6119763  
Qualified in Nassau County 16  
Term Expires December 6, 2016

Project I.D. Number \_\_\_\_\_

### Short Environmental Assessment Form

**Part 1 – Project Information** (To be completed by Applicant or Project Sponsor)

1. Applicant/Sponsor: WR Communities LLC
2. Project Name: Wyandanch Rising - Phase I
3. Project Location: Wyandanch, New York SCTM# \_\_\_\_\_
4. Precise Location- Municipality / County:  
Town of Babylon/Suffolk County  
Specifically District 100 Section 40 Block 2  
Intersection of Acorn Street and Straight Path  
(Street address and road intersections, prominent land marks, etc. or provide map)
5. Is Proposed Action ☒ New ☐ Expansion ☐ Modification / Alteration
6. Describe Project Briefly:  
Development of Mixed-Use buildings on land that is  
part of Wyandanch Revitalization Project sponsored by  
Town of Babylon.
7. Amount of Land Affected (initially) 4.75 acres (ultimately) 25 acres
8. What proposed action complies with existing zoning or other existing land use restrictions? Development is in compliance with Form Based  
Code promulgated by the Town.
9. What is present land use in vicinity of project?  
☐ Residential  
☐ Industrial  
☒ Commercial  
☐ Agriculture  
☐ Park / Forrest/ Open Space  
☒ Other  
Describe: Vacant former commercial land and parking lots.

10. Does action involve a permit approval, or funding, now or ultimately from any other governmental agency: ☒ yes ☐ no \_\_\_\_\_ (Federal, State or Local)?

11. Does any aspect of the action have a currently valid permit or approval?

☒ yes

☐ no

If yes, list agency name and permit / approval Master Development Agreement with Town of Babylon.

12. As a result of proposed action will existing permit / approval require modification?

☐ yes

☒ no

I certify that the information provided above is true to the best of my knowledge:

Applicant / Sponsor: Name WR Communities LLC Date Feb 12, 2013

Signature 

by GEORGE ARIDAS

**Prepared by Project Sponsor**

Notice: This document is assigned to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information requiring such additional work is unavailable, so indicate and specify each instance.

Name of action: \_\_\_\_\_

Location of Action, (include Street address, Municipality, County)

\_\_\_\_\_

Location of Applicant / Sponsor:
Business Telephone:
Address
City/ PO:
State:
Zip Code:

Name of Owner, (if different):
Business Telephone:
Address:
City/PO:
State:
Zip Code:

It should be noted that the entire Wyandanch Rising project area was the subject of a SEQR Process and Final Environmental Impact Statement adopted by the Town of Babylon and that the proposed development is undertaken in conformance with the Town's Master Plan.

Please complete each question- Indicate N.A. if not applicable

A. Site Description: Cleared land and parking lots

Physical setting of overall project, both developed and undeveloped areas:

1. Present land use:

- ☒ Urban
- ☐ Industrial
- ☐ Commercial
- ☐ Resident (suburban)
- ☐ Rural (non-farm)
- ☐ Forrest
- ☐ Agriculture
- ☐ Other

2. Total acreage of project area: 6.25 acres.

Approximate Acreage	Presently	After Completion
Meadow or Brush land (Non Agricultural)	<u>0</u> acres	<u>      </u> acres
Forested	<u>0</u> acres	<u>      </u> acres
Agricultural (includes orchards, croplands, pasture, etc.)	<u>0</u> acres	<u>      </u> acres
Wetland (freshwater or tidal as per articles 24,25 of ECL)	<u>0</u> acres	<u>      </u> acres
Water Surface Area	<u>0</u> acres	<u>      </u> acres
Unvegetate, (rock, earth or fill)	<u>      </u> acres	<u>      </u> acres
Roads, Buildings, Other Paved Surfaces	<u>6.25</u> acres	<u>4.75</u> acres
Other (indicate type) park and public plaza	<u>      </u> acres	<u>1.5</u> acres

3. What is the predominant soil type (s) on project site?

- a. Soil Drainage:        well drained        % of site  
X moderately well drained 100 % of site  
       poorly drained        % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group N/A

c. 1 through 4 of the NYS Classification System?        acres. (See NYCRR 370).

4. Are there bedrock outcroppings on project site?        yes X no

a. What is the depth to bedrock?        (in feet)

5. Approximate percentage of proposed project site with slopes:

- X 0-10%
- 10-15%
- 15% or greater

6. Is project substantially contiguous to, or contain a building, site or district, listed on the State or National Registers of Historic Places:        yes X no

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks: \_\_\_\_ yes X no
8. What is the depth of the Water Table? 12 (in feet)
9. Is the site located over a primary, principal or sole source aquifer? \_\_\_\_ yes X no
10. Does hunting, fishing or shell fishing opportunities presently exist in the project area?  
\_\_\_\_ yes X no
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? \_\_\_\_ yes X no  
According to \_\_\_\_\_  
Identify each species \_\_\_\_\_
12. Are there any unique or unusual land forms on the project site? (i.e. cliffs, dunes, other geological formations) \_\_\_\_ yes X no  
Describe \_\_\_\_\_  
\_\_\_\_\_
13. Is the project site presently used by the community or neighborhood as an open space or recreation area? \_\_\_\_ yes X no  
If yes explain \_\_\_\_\_
14. Does present site include scenic views known to be important to the community?  
\_\_\_\_ yes X no
15. Are there streams within or contiguous to project area? \_\_\_\_ yes X no  
a. Name of stream and name of river to which it is tributary: \_\_\_\_\_  
\_\_\_\_\_
16. Lakes ponds, wetland areas within or contiguous to project area:  
a. b. size N/A
17. Is the site served by existing public utilities: X yes \_\_\_\_ no  
a. If yes, does sufficient capacity exist to allow connection? X yes \_\_\_\_ no  
b. B. If yes, will improvements be necessary to allow connection? X yes \_\_\_\_ no

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA Section 303 and 3047? \_\_\_\_yes Xno
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to article 8 of the ECL and 6 NYCRR 617? \_\_\_\_yes Xno
20. Has the site ever been used for disposal of solid or hazardous wastes? \_\_\_\_yes Xno

#### B. Project Description

1. Physical dimensions and scale of project, (fill in dimensions as appropriate)
  - a. Total contiguous acreage owned or controlled by project sponsors 4.75 acres.
  - b. Project acreage to be developed: 4.75 acres initially 7-20 acres ultimately.
  - c. Project acreage to remain undeveloped: 25 acres. (as public parks)
  - d. Length of project in miles: \_\_\_\_ (if appropriate). N/A
  - e. If the project is an expansion, indicate percent of expansion proposed \_\_\_\_%. N/A
  - f. Number of off-street parking spaces \_\_\_\_ existing \_\_\_\_ proposed.
  - g. Maximum vehicular trips generated per hour \_\_\_\_ (upon completion of project)? See SEQR
  - h. If residential: number and type of housing units:
 

One family \_\_\_\_ initially \_\_\_\_ ultimately

Two Family \_\_\_\_ initially \_\_\_\_ ultimately

Multiple Family 177 initially \_\_\_\_ ultimately

Condominium \_\_\_\_ initially \_\_\_\_ ultimately
  - i. Dimension, ( in feet) of largest proposed structure  
 \_\_\_\_ Height; \_\_\_\_ width; \_\_\_\_ length.
  - j. Linear feet frontage along a public thoroughfare project will occupy? \_\_\_\_ ft.
2. How much natural material, (i.e. rock, earth, etc.) will be removed from the site?  
5,000 tons/cubic yards.
3. Will disturbed areas be reclaimed? \_\_\_\_yes \_\_\_\_no x N/A
  - a. If yes, for what intended purpose is the site being reclaimed?  
 \_\_\_\_\_  
 \_\_\_\_\_
  - b. Will topsoil be stockpiled for reclamation? \_\_\_\_yes \_\_\_\_no
  - c. Will upper subsoil be stockpiled for reclamation? \_\_\_\_yes \_\_\_\_no

4. How many acres of vegetation, (trees, shrubs, ground covers) will be removed from site: 0 acres
5. Will any mature forest, (over 100 years old) or other locally important vegetation be removed by this project? \_\_\_\_\_yes X no
6. If single phase project: Anticipated period of construction 22 months, (including demolition).
7. If Multi-phased:
- a. Total number of phases anticipated 6 (number)
- b. Anticipated date of commencement phase 1: 5 month 2013 year.  
(including demolition)
- c. Approximate completion date of final phase: \_\_\_\_\_month \_\_\_\_\_year Unknown
- d. Is phase 1 functionally dependent on subsequent phases? \_\_\_\_\_yes X no
8. Will blasting occur during construction? \_\_\_\_\_yes X no
9. Number of jobs generated:
- a. during construction +/- 100
- b. after project is complete +/- 40
10. Number of jobs eliminated by this project 0.
11. Will project require relocation of any projects or facilities? \_\_\_\_\_yes \_\_\_\_\_no  
If yes explain Retail relocation by Town prior to Applicant involvement.
12. Is surface liquid waste disposal involved? \_\_\_\_\_yes X no
- a. If yes, indicate type of waste, ( sewage, industrial, etc.) and amount \_\_\_\_\_  
\_\_\_\_\_
13. Is subsurface liquid waste disposal involved? \_\_\_\_\_yes x no.  
Explain: \_\_\_\_\_
14. Will surface area of existing water body increase or decrease by proposal?  
\_\_\_\_\_yes \_\_\_\_\_no Explain:  
N/A
15. Is project or any portion of project located in a 100 year flood plain?  
\_\_\_\_\_yes X no



16. Will the project generate solid waste? ☒ yes ☐ no  
 a. If yes, what is the amount per month 37 tons  
 b. If yes, will an existing solid waste facility be used? ☒ yes ☐ no  
 c. If yes, give name Regular TOB Refuse Collection  
 d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ yes ☒ no  
 e. If yes, explain \_\_\_\_\_
17. Will the project involve the disposal of solid waste? ☐ yes ☒ no  
 a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.  
 b. If yes what is the anticipated site life? \_\_\_\_\_ years.
18. Will project use herbicides or pesticides ☐ yes ☒ no
19. Will project routinely produce odors, (more than one hour a day)?  
☐ yes ☒ no
20. Will project produce operating noise exceeding the local ambient noise levels?  
☐ yes ☒ no
21. Will project result in an increase in energy use?  
☒ yes ☐ no
22. If water supply is from wells, indicate pumping capacity \_\_\_\_\_ gals/min. N/A
23. Total anticipated water usage per day \_\_\_\_\_ gals/day.
24. Does project involve Local, State or Federal Funding? ☒ yes ☐ no  
 If yes, explain Detailed in the permanent sources summary provided earlier in application.

\*

25. Approvals required:	Type	Submittal Date
City, Town, Village Board	yes no	
City, Town, Village Plan Bd.	yes no	
City, Town, Zoning Board	yes no	
City, County, Health Dept.	yes no	
Other Local Agencies	yes no	
Other Regional Agencies	yes no	
State Agencies	yes no	
Federal Agencies	yes no	

\* As per SEQR findings document, "...adequately addressed all of the relevant public and agency comments raised on the DEIS, and FGEIS, in accordance with SEQR..."

### C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision \_\_\_\_yes X no  
If yes, indicate decision required:  
\_\_\_\_zoning amendment \_\_\_\_ zoning variance \_\_\_\_special use permit  
\_\_\_\_ subdivision \_\_\_\_site plan \_\_\_\_new revision of master plan  
\_\_\_\_ resource management plan \_\_\_\_other
2. What is the zoning classification of the site? Form Based Code - Mixed-Use
3. What is the maximum potential development of the site if developed as permitted by the proposed zoning? \_\_\_\_\_
4. What is the proposed zoning of the site? Mixed Use
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? Depends upon how "site" is defined.
6. Is the proposed action consistent with the recommended uses in adopted local land use plans? X yes \_\_\_\_no
7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action? Residential, Commercial, Commuter Parking.
8. Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile? X yes \_\_\_\_no
9. If the proposed action is the subdivision of land, how many lots are proposed?  
Four
10. Will proposed action require any authorization(s) or the formation of sewer or water districts? X yes \_\_\_\_no
11. Will the proposed action create a demand for any community provided services (recreation, education, police, and fire protection)? X yes \_\_\_\_no  
If yes, is existing capacity sufficient to handle projected demand? X yes \_\_\_\_no
12. Will the proposed action result in the generation of traffic significantly above present levels? \_\_\_\_yes X no  
If yes, is the existing road network adequate to handle the additional traffic?  
\_\_\_\_yes \_\_\_\_no

**D. Informational Details**

Attach any information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, Please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name: WR Communities LLC by George P. Aridas

Signature: 

Date: Feb 13, 2013

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

Project Manager: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_