

Town of Brookhaven

**Industrial Development Agency**

Meeting Agenda

**Tuesday, March 26, 2024 at 12:15 PM**

1. Roll Call

2. Minutes

February 27, 2024

3. CFO'S Report

Audit  
PARIS  
Timely Payments

4. Applications

AVR-SP Brookhaven Subtenant – Tate's Bake Shop  
Nassau Provisions Kosher Food, Inc.

5. Resolutions

Organizational Resolution #29  
Organizational Resolution #30  
Brookhaven Solar Invest, LLC  
Nassau Provisions Kosher Food, LLC  
AVR-SP Brookhaven Subtenant – Tate's Bake Shop  
Well Life / Medford Gardens Request  
Mission Statement & Measurement Report

6. CEO'S Report

Board Assessments  
ABLI Sponsorship Request  
Project List  
NYSEDC Sponsorship

7. Executive Session

*The next IDA meeting is scheduled for Wednesday, April 17, 2024.*

TOWN OF BROOKHAVEN  
INDUSTRIAL DEVELOPMENT AGENCY

FEBRUARY 27, 2024

MEETING MINUTES

MEMBERS PRESENT: Frederick C. Braun, III  
Martin Callahan  
Mitchell H. Pally (via Zoom)  
Gary Pollakusky  
Ann-Marie Scheidt  
Frank C. Trotta

EXCUSED MEMBER: Felix J. Grucci, Jr.

ALSO PRESENT: Lisa M. G. Mulligan, Chief Executive Officer  
Lori J. LaPonte, Chief Financial Officer  
Amy Illardo, Director of Marketing  
Jocelyn Linse, Executive Assistant  
Annette Eaderesto, Counsel  
Barry Carrigan, Nixon Peabody, LLP  
Howard Gross, Weinberg, Gross & Pergament (via Zoom)  
Daniel Prokopy, Brookhaven Solar Invest, LLC (via Zoom)

Chairman Braun opened the Industrial Development Agency meeting at 12:19 P.M. on Tuesday, February 27, 2024, in the Agency's Office on the Second Floor of Brookhaven Town Hall, One Independence Hill, Farmingville, New York. A quorum was present.

Mr. Pollakusky made a motion to enter executive session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. The motion was seconded by Mr. Trotta and unanimously approved.

Ms. Scheidt left the meeting during executive session.

At 1:17 P.M., Mr. Pollakusky made a motion to resume the regular agenda. The motion was seconded by Mr. Callahan and unanimously approved. No action was taken in executive session.

**ORGANIZATIONAL RESOLUTIONS #1 - #5**

The motion to amend these resolutions was made by Mr. Callahan and seconded by Mr. Trotta. All voted in favor.

**ORGANIZATIONAL RESOLUTION #36**

The motion to approve this resolution was made by Mr. Braun, seconded by Mr. Callahan, and unanimously approved.

**PERSONNEL AGREEMENT**

The motion to ratify the personnel agreement was made by Mr. Trotta and seconded by Mr. Braun. All voted in favor.

**MEETING MINUTES OF JANUARY 23, 2024**

The motion to approve these Minutes as presented was made by Mr. Pollakusky, seconded by Mr. Callahan, and unanimously approved.

**CFO'S REPORT**

Ms. LaPonte presented the budget vs. actual report for the period ending December 31, 2023. The annual audit is underway. Revenue is up with twelve project closings last year. Costs above budget were other employee benefits based on adjustments from the New York State Retirement System and fixed asset depreciation. Investment earnings are also above budget. The external auditors will present the audit at next month's meeting.

All payroll taxes and related withholdings have been paid timely in accordance with Federal and State guidelines. All regulatory reports have been filed in a timely fashion. PILOT payments have been made in accordance with State guidelines and disbursed within the mandated 30-day deadline.

The motion to accept the report was made by Mr. Pollakusky, seconded by Mr. Trotta, and unanimously approved.

**APPLICATION & RESOLUTION – J-CAD SUBTENANT – RMI ROAD MARKINGS, INC.**

RMI Road Markings, Inc. is seeking to sublease approximately 500 square feet at the J-CAD facility to run their road marking business. They will have a three-year lease; currently they employ four full-time equivalent employees and expect to create four more positions. RMI Road Markings will join three other subtenants in the facility.

The motion to accept the application and approve the resolution subject to the review of their sublease by Mr. Gross was made by Mr. Callahan and seconded by Mr. Pollakusky. All voted in favor.

**BROOKHAVEN SOLAR INVEST, LLC – APPLICATION**

This application is for a 1.5-megawatt solar farm consisting of 2,704 modules at the Holtsville Ecology Site. There will be a 30-year lease. This is an approximately \$1.9 million project that is expected to create over 2 million kilowatts of power in the first year. This energy is enough to power approximately 250 homes and will be available to low to moderate income customers. A 30-year PILOT has been requested as well as exemptions from sales tax and mortgage recording taxes.

Mr. Prokopy provided an overview of the project for the Board. Construction is expected to begin this spring.

The motion to accept the application was made by Mr. Pollakusky, seconded by Mr. Callahan, and unanimously approved.

**ORGANIZATIONAL RESOLUTION #24**

The annual incentive goals are similar to last year with a focus on housing, energy projects and a caveat of personal performance added. The pool for 2024 will be \$75,000.

The motion to approve this resolution was made by Mr. Pollakusky and seconded by Mr. Trotta. All voted in favor.

**ORGANIZATIONAL RESOLUTION #38 HEALTH INSURANCE**

This resolution will be amended to add that an employee may retain NYSHIP health benefits through the month they terminate and the following one month. The option for COBRA will begin immediately after.

The motion to approve this amended resolution was made by Mr. Callahan, seconded by Mr. Trotta, and unanimously approved.

**SCALAMANDER COVE – FINAL AUTHORIZING RESOLUTION**

The PILOT study and cost benefit analysis were included in the meeting packets. A public hearing for this 96-unit apartment development was held with no comment received. There will be 10% of the units set aside as affordable and 10% set aside for workforce housing. This is a \$35.5 million project; 1.5 full-time equivalent positions will be created. They have requested a 15-year PILOT and exemptions from sales tax and mortgage recording tax.

The motion to approve this resolution was made by Mr. Callahan and seconded by Mr. Pollakusky. All voted in favor.

**INTERSTATE MECHANICAL SERVICES, INC. – RESOLUTION**

Interstate Mechanical Services, Inc. has requested permission to re-finance. No new money is involved and no benefits are being requested.

The motion to approve this resolution was made by Mr. Pollakusky, seconded by Mr. Trotta, and unanimously approved.

**INTEGRATED STRUTURES – RESOLUTION**

This project is seeking permission to expand their facility on Pinehurst Drive. No new benefits are being requested.

The motion to approve this resolution was made by Mr. Callahan and seconded by Mr. Pollakusky. All voted in favor.

### **BLUE POINT BREWERY / TILRAY – RESOLUTION**

Tilray, who recently acquired Blue Point Brewery, is seeking consent to do some internal corporate restructuring.

The motion to approve this resolution was made by Mr. Pollakusky, seconded by Mr. Callahan, and unanimously approved.

### **RONK HUB – RESOLUTION**

A closing to sell the Gordon property to Tritec is scheduled for Thursday. This resolution grants Ms. Mulligan or Mr. Braun the authority to sign the closing documents.

The motion to approve this resolution was made by Mr. Pollakusky and seconded by Mr. Callahan. All voted in favor.

### **CEO'S REPORT**

#### Mission Statement & Measurement Report

This will be voted on at the next meeting.

#### 2024 Bond Allocation

The bond allocation for 2024 is \$10,175,393.

#### Harassment Training

The Members were asked to complete their harassment training.

#### March Meeting

The March meeting has been moved to March 26<sup>th</sup> at noon.

IDA Meeting  
February 27, 2024

The motion to approve this rescheduling was made by Mr. Callahan, seconded by Mr. Trotta, and unanimously approved.

The motion to close the IDA meeting at 1:46 P.M. was made by Mr. Pollakusky and seconded by Mr. Callahan. All voted in favor.

*The next IDA meeting is scheduled for Tuesday, March 26, 2024.*

DRAFT



Lisa M. G. Mulligan, Chief Executive Officer

## **New York State Local Public Authority Mission Statement and Measurement Report** **January 2024**

**Local Public Authority Name:** Town of Brookhaven Industrial Development Agency

**Fiscal Year:** January 2024 – December 31, 2024

**Enabling Legislation** (enables Local Public Authority Mission Statement): Industrial development agencies (“IDAs”) are formed under Article 18-A of New York State General Municipal Law, as public benefit corporations. IDAs were created to actively promote, encourage, attract and develop job and recreational opportunities and economically-sound commerce and industry in cities, towns, villages and counties throughout New York State (the “State”). IDAs are empowered to provide financial assistance to private entities through tax incentives in order to promote the economic welfare, prosperity and recreational opportunities for residents of a municipality (“Benefited Municipality”).

**Mission Statement:** The Mission of the Town of Brookhaven Industrial Development Agency is to improve the quality of life for Brookhaven Town residents by promoting and assisting the growth of businesses that will increase employment opportunities, increase the commercial tax base, and are sensitive to the quality of the environment, including, but not limited to, commercial/industrial projects, housing projects and energy projects. To accomplish our mission, we will aggressively market to companies currently located within the Town, as well as those organizations external to the Town, utilizing the various incentives available to the IDA, specifically, sales tax and mortgage recording tax exemptions, real estate tax abatements, and the ability to issue lower cost tax-exempt and taxable bonds.

### **2024 Measurements:**

1. Secure Capital Investment Commitments from new and existing IDA projects
2. Secure Job Creation Commitments
3. Promote and market the IDA

As of December 31, 2023 there are 105 active projects with 8,201 full time jobs reported and 6,148 construction jobs created. This includes twelve (12) new projects which are expected to create and retain 336 new jobs and 4,094 construction jobs within the next two years.

**Authority Stakeholder(s):** Town of Brookhaven Town Council, and both Corporate and Individual residents of the Town of Brookhaven.



**Authority self-evaluation of prior year performance** (based upon established measurements): To Be provided by March 31, 2024 and related to 2023 performance.

**Governance Certification:**

1. Have the board members acknowledged that they have read and understand the mission of the public authority? Board of Directors Response: \_\_\_\_ Yes \_\_\_\_\_
2. Who has the power to appoint management of the public authority? Board of Directors Response: The Town of Brookhaven Industrial Development Agency Board of Directors
3. If the Board appoints management, do you have a policy you follow when appointing the management of the public authority. Board of Directors Response: \_\_\_\_\_ Yes \_\_\_\_\_
4. Briefly describe the role of the Board and the role of management in the implementation of the mission.

Board of Directors Response: The role of the Board regarding the implementation of the public authority’s mission is to provide strategic input, guidance, oversight, mission authorization, policy setting and validation of the authority’s mission, measurements and results. The role of management is to collaborate with the board in strategy development / strategy authorization and to implement established programs, processes, activities and policies to achieve the public authority’s mission.

5. Has the Board acknowledged that they have read and understood the response to each of these questions? Board of Directors Response: \_\_\_\_\_ Yes \_\_\_\_\_

**FORM APPLICATION FOR FINANCIAL ASSISTANCE  
TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY  
1 Independence Hill, 2nd Floor, Farmingville, New York 11738  
631 406-4244**

DATE: 03-12-2024

APPLICATION OF: Nassau Provisions Kosher Foods Inc  
Name of Owner and/or User of Proposed Project

ADDRESS: 700 Furrows Road  
Holtsville NY 11742

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

Please respond to all items either by filling in blanks, by attachment (by marking space “see attachment number 1”, etc.) or by N.A., where not applicable. Application must be filed in two copies. A non-refundable application fee is required at the time of submission of this application to the Agency. The non-refundable application fee is \$3,000 for applications under \$5 million and \$4,000 for applications of \$5 million or more, and should be made payable to the Town of Brookhaven Industrial Development Agency.

Transaction Counsel to the Agency may require a retainer which will be applied to fees incurred and actual out-of-pocket disbursements made during the inducement and negotiation processes and will be reflected on their final statement at closing.

Information provided herein will not be made public by the Agency prior to the passage of an official Inducement Resolution but may be subject to disclosure under the New York State Freedom of Information Law.

Prior to submitting a completed final application, please arrange to meet with the Agency’s staff to review your draft application. Incomplete applications will not be considered. The Board reserves the right to require that the applicant pay for the preparation of a Cost Benefit Analysis, and the right to approve the company completing the analysis.

PLEASE NOTE: It is the policy of the Brookhaven IDA to encourage the use of local labor and the payment of the area standard wage during construction on the project.

IDA benefits may not be conferred upon the Company until the Lease and Project Agreement have been executed.

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<b>PART IV</b>	<b>PROJECT COSTS AND FINANCING</b>
<b>PART V</b>	<b>PROJECT BENEFITS</b>
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<b>PART VII</b>	<b>REPRESENTATIONS, CERTIFICATIONS AND INDEMNIFICATION</b>
<b>PART VIII</b>	<b>SUBMISSION OF MATERIALS</b>
EXHIBIT A	Proposed PILOT Schedule
SCHEDULE A	Agency's Fee Schedule
SCHEDULE B	Construction Wage Policy
SCHEDULE C	Recapture and Termination Policy

**Part I: Owner & User Data**

1. Owner Data:

A. Owner (Applicant for assistance): 885 Waverly LLC

Address: 700 Furrows Road  
Holtsville NY 11742

Federal Employer ID # [REDACTED] Website: nassauprovisions.com

NAICS Code: 424410

Owner Officer Certifying Application: Scott Horowitz

Title of Officer: President

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

B. Business Type:

Sole Proprietorship  Partnership  Limited Liability Company

Privately Held  Public Corporation  Listed on \_\_\_\_\_

State of Incorporation/Formation: New York

C. Nature of Business:

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

Wholesale distribution of food products.

D. Owner Counsel:

Firm Name: Jerry S Leibner PC

Address: 3061 Timothy Road  
Bellmore, NY 11710

Individual Attorney: Jerry Leibner

Phone Number: 516-242-2616 E-mail: jsllawpc@gmail.com

E. Principal Stockholders, Members or Partners, if any, of the Owner:

Name	Percent Owned
Scott Horowitz	100%
_____	_____
_____	_____

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

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

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 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

\_\_\_\_\_  
\_\_\_\_\_

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

No

\_\_\_\_\_  
\_\_\_\_\_

I. List parent corporation, sister corporations and subsidiaries:

\_\_\_\_\_  
\_\_\_\_\_

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

**No**

K. List major bank references of the Owner:

**Bank of America, Mario Ticas VP, 300 Broadhollow Rd**

**Melville, NY11747. tel 631-547-7567 email: Mario.Ticas@bofa.com**

2. User Data

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

A. User (together with the Owner, the "Applicant"): Nassau Provisions Kosher Foods Inc

Address: 700 Furrows Rd, Holtsville, NY 11742

Federal Employer ID: [REDACTED] Website: nassauprovisions.com

NAICS Code: 424410

User Officer Certifying Application: Scott Horowitz

Title of Officer: President

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

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 \_\_\_\_\_"; or "real estate holding company")

**Wholesale distributon of food products.**

D. Are the User and the Owner Related Entities? Yes  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. User's Counsel:

Firm Name: Jerry S Leibner PC

Address: 3061 Timothy Road  
Bellmore, NY 11710

Individual Attorney: Jerry Leibner

Phone Number: 516-242-2616

E-mail: jsllawpc@gmail.com

F. Principal Stockholders or Partners, if any:

Name	Percent Owned
<u>Scott Horowitz</u>	<u>100%</u>
_____	_____
_____	_____

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

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

No

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

No

- H. If any of the above persons (see "F", 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.

**Scott Horowitz 100%**

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

**No**

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

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

**No**

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- L. List major bank references of the User:

**Bank of America, Mario Ticas VP, 300 Broadhollow Rd,  
Melville, NY 11747. tel: 631-547-7567 email: Mario.Ticas@bofa.com**

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**Part II – Operation at Current Location**

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

1. Current Location Address: **700 Furrows Road, Holtsville, NY 11742**

2. Owned or Leased: **Owned**

3. Describe your present location (acreage, square footage, number buildings, number of floors, etc.):

**Acerage 11.6 Acres; Number of Buildings 2; Number of Floors - A 1 Story Building & th eother isa 2 stories**

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4. Type of operation (manufacturing, wholesale, distribution, retail, etc.) and products and/or services:

Wholesale and Distribution

5. Are other facilities or related companies of the Applicant located within the State?  
Yes  No

A. If yes, list the Address: 700 Furrows Road, Holtsville. NY 11742

6. Will the completion of the project result in the removal of any facility or facilities of the Applicant from one area of the state to another OR in the abandonment of any facility or facilities of the Applicant located within the State? Yes  No

A. If no, explain how current facilities will be utilized: The new facility will add  
to the present warehousing capacity, to be used for the storage and handling of food products

- 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: \_\_\_\_\_

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

A. Please explain: Financial assistance is necessary to stay competitive and to meet the goals of increasing employment,

energy efficiency and other cost improvement associated with the project. In addition Real Estate & Taxes are lower in NJ & PA

9. Number of full-time equivalent employees (FTE's) at current location and average salary (indicate hourly or yearly salary):

FTE: 103 Yearly Average Salary : \$69,522

**Part III – Project Data**

1. Project Type:

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

- Straight Lease  Taxable Bonds  Tax-Exempt Bonds   
Equipment Lease Only

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

- Sales Tax Exemption  Mortgage Recording Tax Exemption   
PILOT Agreement:

2. Location of project:

A. Street Address: 885 Waverly Ave, Holtsville, NY 11742

B. Tax Map: District 0200 Section 835.00 Block 01.00 Lot(s) 001.006

C. Municipal Jurisdiction:

- i. Town: Town of Brookhaven  
ii. Village: \_\_\_\_\_  
iii. School District: \_\_\_\_\_

D. Acreage: 3.0

3. Project Components (check all appropriate categories):

- A. Construction of a new building  Yes  No  
i. Square footage: \_\_\_\_\_
- B. Renovations of an existing building  Yes  No  
i. Square footage: none
- C. Demolition of an existing building  Yes  No  
i. Square footage: none
- D. Land to be cleared or disturbed  Yes  No  
i. Square footage/acreage: \_\_\_\_\_
- E. Construction of addition to an existing building  Yes  No  
i. Square footage of addition: \_\_\_\_\_  
ii. Total square footage upon completion: \_\_\_\_\_
- F. Acquisition of an existing building  Yes  No  
i. Square footage of existing building: 50,000 SQ FT

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

**Racks for warehousing, Handling Equipment, Docks**

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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: **Double G Properties**

- B. Present use of the proposed location: **Storage**
- 

- 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, explain):  Yes  No

**A contract exist between the Buyer and Seller**

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

5. Proposed Use:

- A. Describe the specific operations of the Applicant or other users to be conducted at the project site: Receiving , Storing and Shipping of food products.
- 

- B. Proposed product lines and market demands: **Various food products**
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**Market demand is high**

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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:

No

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

The applicant is in contract to acquire a Food Distribution Company and anticipates a 50-60% increase in business . This venture requires additional storage and handling space to accomodate the anticipated increase in volume.

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

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

F. To what extent will the project utilize resource conservation, energy efficiency, green technologies, and alternative / renewable energy measures?

Feasibility studies are on-going to make changes to the existing energy management and consumption

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Our priority is to be energy efficient and using alternative and renewal energy sources as far as applicable.

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6. Project Work:

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

i. Site Clearance:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	% COMPLETE	_____
ii. Foundation:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	% COMPLETE	_____
iii. Footings:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	% COMPLETE	_____
iv. Steel:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	% COMPLETE	_____
v. Masonry:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	% COMPLETE	none
vi. Other:	This is an existing building. it does not require construction work			

B. What is the current zoning? INDI(light Industrial)

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

Yes

No

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

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

F. Is a change of use application required? Yes  No

7. Project Completion Schedule:

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

i. Acquisition: Apr15, 2024

ii. Construction/Renovation/Equipping: May 1, 2024

B. Provide an accurate estimate of the time schedule to complete the project and when the first use of the project is expected to occur: 18 months

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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	\$ <u>9,000,000</u>
Building(s) demolition/construction	\$ <u>0</u>
Building renovation	\$ <u>0</u>
Site Work	\$ _____
Machinery and Equipment	\$ <u>900,000</u>
Legal Fees	\$ <u>40,000</u>
Architectural/Engineering Fees	\$ <u>20,000</u>
Financial Charges	\$ _____
Other (Specify)	\$ _____
<b>Total</b>	<b>\$ <u>9,960,000</u></b>

Please provide the percentage of materials and labor that will be sourced locally (Suffolk/Nassau Counties) 90 %

Please note, IDA fees are based on the total project costs listed above. At the completion of your project, you are required to provide both a certificate of completion along with a cost affidavit certifying the final project costs. The IDA fees may be adjusted as a result of the certified cost affidavit. Money will not be refunded if the final project cost is less than the amount listed above.

2. Method of Financing:

	Amount	Term
A. Tax-exempt bond financing:	\$ _____	_____ years
B. Taxable bond financing:	\$ _____	_____ years
C. Conventional Mortgage:	\$ 4,860,000	_____ years
D. SBA (504) or other governmental financing:	\$ 3,240,000	_____ years
E. Public Sources (include sum of all State and federal grants and tax credits):	\$ 0	
F. Other loans:	\$ _____	_____ years
G. Owner/User equity contribution:	\$ 1,860,000	_____ years
Total Project Costs	\$ 9,960,000	

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

none

3. Project Financing:

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

i. If yes, provide detail on a separate sheet.

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:

No

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

No - The funds borrowed will be used exclusively towards the building acquisition cost.

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

N/A

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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):

\$ 8,100,000

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

\$ 60,750

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):

\$ 900,000

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

\$ 77,625

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

i. Owner: \$ 0

ii. User: \$ 77,625

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: Agency Pilot Benefit

B. Agency PILOT Benefit:

i. Term of PILOT requested: 10 years

ii. Upon acceptance of this application, the Agency staff will create a PILOT schedule and attach such information to Exhibit A hereto. Applicant hereby requests such PILOT benefit as described on Exhibit A.

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



**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, not just new employment, at the end of year one and year two following project completion and (ii) the number of residents of the Labor Market Area\* (“LMA”) that would fill the full-time and part-time jobs at the end of the second year following completion:

Present number of FTEs \*\*: 103      02-29-2024      69,522.00  
 Date      Average Annual Salary of Jobs to be Retained  
 FTEs to be Created in First Year: 2024      (fill in year)

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
FTE													17

FTEs to be Created in Second Year: 2025      (fill in year)

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
FTE													0

Number of Residents of LMA:

Full-Time: 17

Part-Time: \_\_\_\_\_

Cumulative Total FTEs \*\* After Year 2      17

Construction Jobs to be Created: 10

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

**\*\* To calculate FTEs (Full-Time Equivalent Employees) please use the following example: if an organization considers 40 hours per week as full-time and there are four employees who work 10 hours each per week, the cumulative hours for those employees equal 1 FTE.**

2. Salary and Fringe Benefits:

Category of Jobs to be Created	Average Salary	Average Fringe Benefits
Salary Wage Earners	65,000	9600
Commission Wage Earners	0	0
Hourly Wage Earners	55000	7400
1099 and Contract Workers	45,000	0

What is the annualized salary range of jobs to created? 41,600 to 90,000

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

**Part VII – Representations, Certifications and Indemnification**

1. Is the Applicant in any litigation which would have a material adverse effect on the Applicant's financial condition? (If yes, furnish details on a separate sheet)

Yes  No

2. Has the Applicant or any of the management of the Applicant, the anticipated users or any of their affiliates, or any other concern with which such management has been connected, been cited for a violation of federal, state, or local laws or regulations with respect to labor practices, hazardous wastes, environmental pollution, or other operating practices? (If yes, furnish details on a separate sheet)

Yes  No

3. Is there a likelihood that the Applicant would proceed with this project without the Agency's assistance? (If no, please explain why; if yes, please explain why the Agency should grant the benefits requested)

Yes  No

The cost savings assistance is necessary in order to stay competitive and to meet  
the employment, energy efficiency and cost savings goals.

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?

We would need to look elsewhere for favorable terms, cost savings and tax benefits.

The impact on the municipality will be a reduction in permanent job creation and a loss of tax revenues.

**Original signature and initials are required. Electronic signatures and initials are not permitted.**

5. 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, where practicable, 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 SA

6. 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 in the Project as well as may lead to other possible enforcement actions.

Initial SA

7. 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 SA

8. 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 SA

9. 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. The IDA fees are based on the total project costs listed in this application. At the completion of the project, you are required to provide both a certificate of completion along with a cost affidavit certifying the final project costs. The IDA fees may be increased as a result of the certified cost affidavit. Monies will not be refunded if the final costs are below the amount listed in the application.

Initial SA

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

Initial SA

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

Initial SA

12. The Applicant confirms and hereby acknowledges it has received the Agency's PILOT Policy attached hereto as Schedule D and agrees to comply with the same.

Initial SA

13. The Company hereby authorizes the Agency, without further notice or consent, to use the Company's name, logo and photographs related to the Facility in its advertising, marketing, and communications materials. Such materials may include web pages, print ads, direct mail and various types of brochures or marketing sheets, and various media formats other than those listed (including without limitation video or audio presentations through any media form). In these materials, the Agency also has the right to publicize its involvement in the Project.

Initial SA

14. The applicant confirms and hereby acknowledges it has received the Agency's Application and Resolution Expiration Policy available at [brookhavenida.org/application](http://brookhavenida.org/application) and agrees to comply with same.

Initial SA

15. The Applicant confirms and hereby acknowledges it has reviewed the Agency's application expiration policy located at <https://brookhavenida.org/files/IDA%20Resolution%20Regarding%20Expiration%20of%20Applications.pdf> and agrees to the terms regarding the expiration of the Agency's approvals.

Initial SA

**Part VIII – Submission of Materials**

1. Financial statements for the last two fiscal years (unless included in the Applicant's annual report). Note, if the project company is a newly formed entity, then the applicant is required to submit financial statements for the parent company or sponsor entity.
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 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 the employee Social Security numbers and note the full-time equivalency for part-time employees.

*(Remainder of Page Intentionally Left Blank)*

**Part IX – Special Representations**

1. 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. The Applicant hereby indicates its compliance with Section 862(1) by signing the applicable statement below. **(Please sign only one of the following statements a. or b. below).**

a. The completion of the entire project will not result in the removal of an industrial or manufacturing plant of the project occupant from one are of the stat 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.

Representative of the Applicant: Scott Horowitz

b. The completion of this entire project will 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 because 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.

Representative of the Applicant: \_\_\_\_\_

2. 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.

Representative of the Applicant: Scott Horowitz

3. 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.

Representative of the Applicant: Scott Horowitz

4. 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.

Representative of the Applicant: Scott Horowitz


**Part X – Certification**

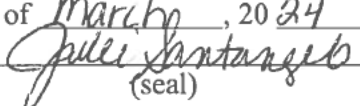
SCOTT HOROWITZ \_\_\_\_\_ (Name of representative of entities submitting application) deposes and says that he or she is the PRESIDENT \_\_\_\_\_ (title) of NASSAU PROVISIONS KOSHER FOODS INC \_\_\_\_\_, the entities named in the attached application; that he or she has read the foregoing application 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 entities named in the attached Application (the “Applicant”) and to bind the Applicant. The grounds of deponent’s belief relative to all matters in said Application which are not stated upon his/her personal knowledge are investigations which deponent has caused to be made concerning the subject matter this Application, as well as in formation acquired by deponent in the course of his/her duties in connection with said Applicant and from the books and papers of the Applicant.

As representative of the Applicant, deponent acknowledges and agrees that Applicant shall be and is responsible for all costs incurred by the Town of Brookhaven 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 of the transaction contemplated herein, the Applicant shall pay to the Agency an administrative fee set by the Agency in accordance with its fee schedule in effect on the date of the foregoing application, and all other appropriate fees, which amounts are payable at closing.

The Applicant hereby subscribes and affirms under the penalties of perjury that the information provided in this Application is true, accurate and complete to the best of his or her knowledge

  
\_\_\_\_\_  
Representative of Applicant

Sworn to me before this 12th  
Day of March, 2024  
  
\_\_\_\_\_  
(seal)

**JULIE SANTANGELO**  
Notary Public, State of New York  
Registration #01SA6236076  
Qualified In Suffolk County  
Commission Expires Feb. 22, 2027

**\*\* Note: If the entities named in this Application are unrelated and one individual cannot bind both entities, Parts VII, IX and X of this Application must be completed by an individual representative for each entity \*\***



**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 to this Exhibit.

**Town of Brookhaven Industrial Development**  
**Schedule of Fees**

Application -	\$3,000 for projects with total costs under \$5 million \$4,000 for projects with total costs \$5 million and over (non-refundable)
Closing/Expansion Sale/Transfer/Increase of Mortgage Amount/ Issuance of Refunding Bonds -	¾ of one percent up to \$25 million total project cost and an additional 1/4 of one percent on any project costs in excess of \$25 million. Projects will incur a minimum charge of \$10,000 plus all fees incurred by the Agency including, but not limited to publication, legal, and risk monitoring.
Annual Administrative -	\$2,000 administrative fee plus \$500 per unrelated subtenant located in the project facility. This fee is due annually.
Termination –	Between \$1,000 and \$2,500
Refinance (excluding refunding bonds) –	1/4 of one percent of mortgage amount or \$5,000, whichever is greater.
Late PILOT Payment –	5% penalty, 1% interest compounded monthly, plus \$1,000 administrative fee.
PILOT extension -	a minimum of \$15,000
Processing Fee -	\$275 per hour with a minimum fee of \$275
Lease of Existing Buildings (partial or complete) -	Fee is based on contractual lease amount.

The Agency reserves the right to adjust these fees.

Updated: November 17, 2020

**SCHEDULE B**

**CONSTRUCTION WAGE POLICY**

**EFFECTIVE January 1, 2005**

The purpose of the Brookhaven IDA is to provide benefits that reduce costs and financial barriers to the creation and to the expansion of business and enhance the number of jobs in the Town.

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

The following shall be the policy of the Town of Brookhaven IDA for application for financial assistance in the form of tax-exempt financing for projects with anticipated construction costs in excess of \$5,000,000.00 per site received after January 1, 2005. Non-profit corporations and affordable housing projects are exempt from the construction wage policy.

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

- (1) Employ 90% of the workers for the project from within Nassau or Suffolk Counties. In the event that this condition cannot be met, the applicant shall submit to the Agency an explanation as to the reasons for its failure to comply and;
- (2) Be governed by the requirements of Section 220d of Article 8 of the Labor Law of the State of New York; and when requested by the Agency, provide to the Agency a plan for an apprenticeship program;

OR

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

Furthermore, this policy may be waived, in the sole and final discretion of the Agency, in the event that the applicant demonstrates to the Agency special circumstances or economic hardship to justify a waiver to be in the best interests of the Town of Brookhaven.

Adopted: May 23, 2005

## SCHEDULE C

### RECAPTURE AND TERMINATION POLICY

**EFFECTIVE JUNE 8, 2016**

Pursuant to Sections 874(10) and (11) of Title 1 of Article 18-A of the New York State General Municipal Law (the “Act”), the Town of Brookhaven Industrial Development Agency (the “Agency”) is required to adopt policies (i) for the discontinuance or suspension of any financial assistance provided by the Agency to a project or the modification of any payment in lieu of tax agreement and (ii) for the return of all or part of the financial assistance provided by the Agency to a project. This Recapture and Termination Policy was adopted pursuant to a resolution enacted by the members of the Agency on June 8, 2016.

#### **I. Termination or Suspension of Financial Assistance**

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

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

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

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

- (i) any exemption from any applicable mortgage recording tax with respect to the Facility on mortgages granted by the Agency on the Facility at the request of the Applicant;

- (ii) sales tax exemption savings realized by or for the benefit of the Applicant, including and savings realized by any agent of the Applicant pursuant to the Project Agreements in connection with the Facility; and
- (iii) real property tax abatements granted under the Project Agreements.

## **II. Recapture of Financial Assistance**

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

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

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

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

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

## **III. Modification of Payment In Lieu of Tax Agreement**

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

## SCHEDULE D

### Agency Payment in Lieu of Taxes (PILOT) Policy

An annual fee of \$2,000 (plus \$500 per subtenant) will be due to the Agency in addition to the PILOT payment to cover ongoing costs incurred by the Agency on behalf of the project.

1. The Town of Brookhaven Industrial Development Agency (IDA) may grant or be utilized to obtain a partial or full real property tax abatement for a determined period. To be eligible for this abatement there would be a requirement of new construction, or renovation, and a transfer of title of the real property to the Town of Brookhaven IDA.
2. The Chief Executive Officer (CEO) or their designee shall consult with the Town Assessor to ascertain the amounts due pursuant to each PILOT Agreement. Thereafter, the PILOT payment for each project shall be billed to the current lessees. The lessees can pay the PILOT payment in full by January 31<sup>st</sup> of each year, or in two equal payments due January 31<sup>st</sup> and May 31<sup>st</sup> of each year of the PILOT Agreement. The CEO or their designee shall send all PILOT invoices to the lessees on a timely basis.
3. The Town of Brookhaven IDA shall establish a separate, interest-bearing bank account for receipt and deposit of all PILOT payments. The CEO or their designee shall be responsible for depositing and maintaining said funds with input from the Chief Financial Officer (CFO).
4. The CEO or their designee shall remit PILOT payments and penalties if any, to the respective taxing authorities in the proportionate amounts due to said authorities. These remittances shall be made within thirty (30) days of receipt of the payments to the Agency.
5. Payments in lieu of taxes which are delinquent under the agreement shall be subject to a late payment penalty of five percent (5%) of the amount due. For each month, or part thereof, that the payment in lieu of taxes is delinquent beyond the first month, interest shall on the total amount due plus a late payment penalty in the amount of one percent (1%) per month until the payment is made.
6. If a PILOT payment is not received by **January 31<sup>st</sup>** of any year or **May 31<sup>st</sup>** of the second half of the year the lessee shall be in default pursuant to the PILOT Agreement. The Agency may give the lessee notice of said default. If the payment is not received within thirty (30) days of when due, the CEO shall notify the Board, and thereafter take action as directed by the Board.
7. The CEO shall maintain records of the PILOT accounts at the Agency office.
8. Nothing herein shall be interpreted to require the Agency to collect or disburse PILOT payments for any projects which are not Agency projects.

9. Should the Applicant fail to reach employment levels as outlined in their application to the Agency, the Board reserves the right to reduce or suspend the PILOT Agreement, declare a default under the Lease or the Installment Sale Agreement, and/or convey the title back to the Applicant.
10. This policy has been adopted by the IDA Board upon recommendation of the Governance Committee and may only be amended in the same manner.

**TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY  
APPLICATION FOR CONSENT TO SUBLEASE**

**APPLICATION OF:**            AVR-SP Brookhaven JV LLC            (“Company”)

**FOR CONSENT TO SUBLEASE TO**

Tate's Wholesale, LLC            (“Subtenant”)

**FACILITY/PROJECT:**       AVR-SP Brookhaven JV LLC 2022 Facility

**DATE:**                        December 1, 2023

**Please respond to all items either by filing in blanks, by attachment (by marking space “see attachment number 1”, etc.) or by N.A., where not applicable.**

**Application must be filed in one (1) original and one (1) electronic form.**

**A \$750.00 non-refundable application fee made payable to the Town of Brookhaven Industrial Development Agency is required at the time of submission to the Agency.**

**Information provided herein will not be made public by the Agency prior to the passage of an official Resolution but may be subject to disclosure under the New York State Freedom of Information Act.**

**Please write or call:**

**Town of Brookhaven Industrial Development Agency  
One Independence Hill  
Farmingville, New York 11738**

**(631) 406-4244**



I. Company Data

A. **Company:** AVR-SP Brookhaven JV LLC  
**Contact:** Brian Ferruggiari  
**Title/Position:** Director of Public Affairs  
**Address:** 1 Executive Blvd., Yonkers, NY 10701  
**Phone:** [REDACTED]  
**Federal Employer I.D.:** [REDACTED]

B. **Related User of the Facility:**

<b>Name</b>	<b>Relationship</b>
<u>N/A</u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

C. **Company Counsel**

**Firm Name:** Joseph Meyers & Associates P.C.  
**Individual Attorney:** Joseph Meyers  
**Address:** c/o AVR Realty Company, 1 Executive Blvd.  
Yonkers, NY 10701  
**Phone:** 914 965-8940, Ext. 1

II. Project/Facility Data

A. **Location of Project:** 111 Precision Drive  
**Address:** Shirley, NY  
**S.C. Tax Map:**  
**District** 02.00 **Section** 554 **Block** 3 **Lot** 4.55



G. Will the completion of the project or the subleasing to the Subtenant result in the removal of any facility or facilities of the ~~Applicant~~<sup>Subtenant</sup> from one area of the State to another OR in the abandonment of any facility or facilities of the ~~Applicant~~<sup>Subtenant</sup> located within the State?

YES  X  NO

i. If no, explain how current facilities will be utilized

\_\_\_\_\_  
\_\_\_\_\_

ii. If yes, please indicate whether the subleasing of the Facility to the Subtenant is reasonably necessary for the Subtenant to maintain its competitive position in its industry or remain in the State and explain in full:

The new facility is necessary as Subtenant has outgrown its current facility in

Westhampton Beach, New York and needed to relocate and the Project provided suitable space that could meet

the Subtenant's current and future needs. Subtenant is moving from a facility with 58,000 square feet to this new

Facility with 150,000 square feet

H. Principal stockholders, members, or partners, if any, of Subtenant:

Name and Address	Percent Owned
<u>Mondelez International, Inc., (publicly traded, NSDQ: MDLZ)</u>	<u>100% (directly or indirectly)</u>
_____	_____
_____	_____

I. Has the Subtenant, or any subsidiary or affiliate ~~of the Subtenant, 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?

YES \_\_\_\_\_ NO X

1. If yes, please explain

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ii. Been convicted of a felony, or misdemeanor, or criminal offense (other than a motor vehicle violation)?

YES \_\_\_\_\_ NO X

1. If yes, please explain

---

---

J. Relationship of Subtenant to Company (e.g., affiliate, arm's-length tenant, etc.)

Arms-length tenant

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K. Proposed area of the facility to be occupied by the Subtenant (Sq. Ft.) 150,000

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

Warehouse distribution of packaged food products.

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M. Does the proposed use and occupancy of the Subtenant conform with all applicable zoning, planning, building and Environmental Laws, ordinances, rules and regulations of governmental authorities having jurisdiction over the Facility?

YES  X  NO \_\_\_\_\_

i. If no, please explain

\_\_\_\_\_  
\_\_\_\_\_

**IV. Proposed Sublease Agreement Terms**

**A. Attach a copy of Executed Sublease Agreement (may be conditioned upon Agency approval)**

Term: 84 months  
Commencement Date: 12/1/2023  
Guarantors: Mondelez International, Inc.  
Base Rent: \$2,625,000 annual  
Base Rent Increases and Intervals: Annual 3.5%  
Common Area Rent: TBD (CAM expenses will be billed to Tenant)

**B. Improvements to Proposed Demised Area to be Made by Company**

Description: New build 150,000 sf. state- of- the- art  
warehouse building

Cost: \$28 million (excluding land)

Source of Payment: Bank Loan and Owner Equity.

**C. Improvements to Proposed Demised Area to be Made by Subtenant**

Description: Warehouse improvements

Cost: N/A

Source of Payment: Equity of subtenant

**D. Fair Market Rent Evaluation**

Is rent to be charged Fair Market? YES  NO

How was Fair Market rent determined? (Attach supporting documentation)

CBRE was the exclusive leasing broker and executed a full marketing effort to lease the building

**E. Does or will any of the "Financial Assistance" provided by the Agency, including Real Estate Tax Exemption, Sales and Use Tax Exemption, benefit the Subtenant in any manner?**

YES  NO

If yes, explain

Subtenant pays real estate taxes/PILOT

**F. How many Full-Time Equivalent Employees (FTEs) are there presently at the subtenant's current location: 30 FTEs currently.**

How may additional FTEs are to be expected at the Facility regarding this application: Subtenant will retain the existing 30 FTEs and relocate them to the Facility.

G. Salary and Fringe Benefits by Subtenant

Jobs To be Created:	<b>*Existing jobs to be retained and relocated to new Facility</b>	
	Average Salary	Average Fringe Benefits
Salary Wage Earners	<u>\$93,900</u>	<u>\$35,900</u>
Commission Wage Earners	<u>N/A</u>	<u>N/A</u>
Hourly Wage Earners	<u>\$41,400</u>	<u>\$17,300</u>
1099/Contract Workers	<u>N/A</u>	<u>N/A</u>

What is the annualized salary range of jobs to be created?

\$0 ZERO to \$ 0 ZERO (NO JOBS CREATED)

What is the number of construction jobs created as a result of this Subtenant Application? \_\_\_\_\_ (FTEs)

V. Mortgagees

Have the Holders of all mortgages or record consented to the proposed sublease?

YES X NO \_\_\_\_\_

If yes, attach evidence thereof.

Attached SNDA

**COMPANY CERTIFICATION**

Michael Jacobs [Insert name of Chief Executive Officer/Manager/Partner of proposed Company] deposes and says that s/ he is the Authorized Representative [insert title] of AVR-SP Brookhaven JV LLC [insert name of Company], the company named in the attached application; that s/he has read the foregoing application and knows the contents thereof; that the same is true to her/his knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by AVR-SP Brookhaven JV LLC

[insert name of Company] is because the said company is a limited liability company [insert type of entity]. The grounds of deponent's belief relative to all matters in the said application which are not stated upon her/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 books and papers of said company.

As an Authorized Representative [insert position, e.g., officer, member, manager, partner] of said company (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 Brookhaven Industrial Development Agency (hereinafter referred to as the "Agency") in connection with this application and all matters relating to the proposed sublease, including the Agency's attorneys' fees, regardless of whether or not 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 consummate the sublease for any reason. upon presentation of invoices, applicant shall pay to the agency, its agents or assigns, all costs incurred with respect to the application, including fees to counsel for the agency and fees of general counsel for the agency.

  
\_\_\_\_\_  
Chief Executive Officer/Member/Manager/Partner of Company

Sworn to before me this  
27<sup>th</sup> day of February, 2024

  
\_\_\_\_\_  
NOTARY PUBLIC

ALICIA N SIMMONS  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01SI6192713  
Qualified in Westchester County  
My Commission Expires 09-02-2024



SUBTENANT CERTIFICATION

Jason Kucharczuk *[Insert name of Chief Executive Officer/Manager/Partner of proposed Subtenant]* deposes and says that s/he is the Chief Financial Officer *[insert title]* of TATE'S WHOLESALE, LLC *[insert name of Subtenant]*, the proposed subtenant named in the attached application; that s/he has read the foregoing application and knows the contents thereof; that the same is true to her/his knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by TATE'S WHOLESALE, LLC *[insert name of Subtenant]* is because the said proposed subtenant is a LIMITED LIABILITY COMPANY *[insert type of entity]*. The grounds of deponent's belief relative to all matters in the said application which are not stated upon her/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 books and papers of said proposed subtenant.



\_\_\_\_\_  
Chief Executive Officer/Member/Manager/Partner of Subtenant

Sworn to before me this  
23<sup>rd</sup> day of February, 2024

  
\_\_\_\_\_  
NOTARY PUBLIC

Commonwealth of Pennsylvania - Notary Seal  
Nicole Ann Dawkins, Notary Public  
Northampton County  
My commission expires April 21, 2025  
Commission number 1396529  
Member, Pennsylvania Association of Notaries

**Industrial Development Agency  
2023 Board Assessment**

Rating Scale:  
1 = Do Not Agree  
2 = Somewhat Agree  
3 = Agree  
4 = Highly Agree  
5 = No Opinion

Circle One:

---

**Mission, Values, Vision and Strategic Direction:**

---

1 2 3 4 5 The Board's policy and strategic decisions reflect and support the IDA's mission, values and vision.

Comments: **3.71**

---

1 2 3 4 5 The Board is actively involved in strategic planning.

Comments: **3.71**

---

**Board Structure and Processes:**

---

1 2 3 4 5 Board disagreement is seen as a search for solutions rather than a win/lose proposition.

Comments: **3.57**

---

1 2 3 4 5 The Board contains a sufficient range of qualities (i.e. expertise, perspectives, external relationships and size) to ensure effectiveness.

Comments: **3.86**

---

1 2 3 4 5 Board agendas provide adequate time for discussing significant issues impacting our IDA's progress, and requiring Board action.

Comments: **3.86**

---

1 2 3 4 5 I receive meeting materials in advance and come prepared to engage in meaningful dialogue and critical decision-making.

Comments: **3.86**

---

1 2 3 4 5 The timeliness, quality, quantity and presentation of information provided to the Board meets our needs in understanding issues and challenges and enables effective decision-making.

Comments: **3.86**

---

1 2 3 4 5 The Board demonstrates good problem solving skills.

Comments: **3.57**

---

1 2 3 4 5 The Board Chair leads fairly and effectively.

Comments: **3.0**

---

1 2 3 4 5 The number of meetings, meeting length and attendance of directors is sufficient for our IDA's needs. Board agendas provide adequate time for discussing significant issues impacting our IDA's progress and requiring Board action.

Comments: **3.43**

---

1 2 3 4 5 The time and day of IDA meetings is convenient and productive.

Comments: **3.86**

---

### **Board / CEO Relationships:**

---

1 2 3 4 5 A climate of trust, respect and support exist between the Board and the CEO.

Comments: **3.71**

---

1 2 3 4 5 The Board supports the CEO in implementing Board policy; Board members understand their 'policy-making' vs. the CEO's 'management' role.

Comments: **3.86**

---

1 2 3 4 5 The Board receives timely and helpful information from the CEO on how well the IDA is meeting its planned objectives.

Comments: **3.57**

---

### **Servicing the Community:**

---

1 2 3 4 5 The Board is effective in representing and promoting the IDA in the community.

Comments: **3.67**

---

1 2 3 4 5 Board members receive appropriate continuing education and orientation to better understand their role in providing healthy community leadership.

Comments: **3.86**

---

1 2 3 4 5 The Board develops a positive image for our IDA and has gained a high level of public confidence.

Comments: **3.71**

---

1 2 3 4 5 The Board is well-informed about market, environmental and competitive factors that affect its services and programs.

Comments: **3.86**

---

**Finances:**

---

1 2 3 4 5 The Board effectively carries out its responsibility for the oversight of fiscal resources.

Comments: **3.86**

---

1 2 3 4 5 Financial reports are presented in a format that builds understanding and enables effective decision-making.

Comments: **3.86**

---

1 2 3 4 5 The Board adopts operating and capital budgets (where applicable) annually and consistently monitors performance.

Comments: **3.86**

---

1 2 3 4 5 The Board has committed the resources necessary to address community issues and challenges.

Comments: **3.57**

---

1 2 3 4 5 The Board has a corporate compliance plan in effect, and ensures that compliance policies and procedures are fully functioning.

Comments: **3.86**

---

1 2 3 4 5 This survey tool is an appropriate length to gather pertinent data.

Comments: **3.86**

---

Additional Comments:

---

---

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\_\_\_\_\_  
Signature  
3/15/24

\_\_\_\_\_  
Date

# Town of Brookhaven Industrial Development Agency

## MRB Cost Benefit Calculator



Date: March 20, 2024  
 Project Title: Brookhaven Solar Invest, LLC  
 Project Location: part of 249 Buckley Road Holtsville, NY

### Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

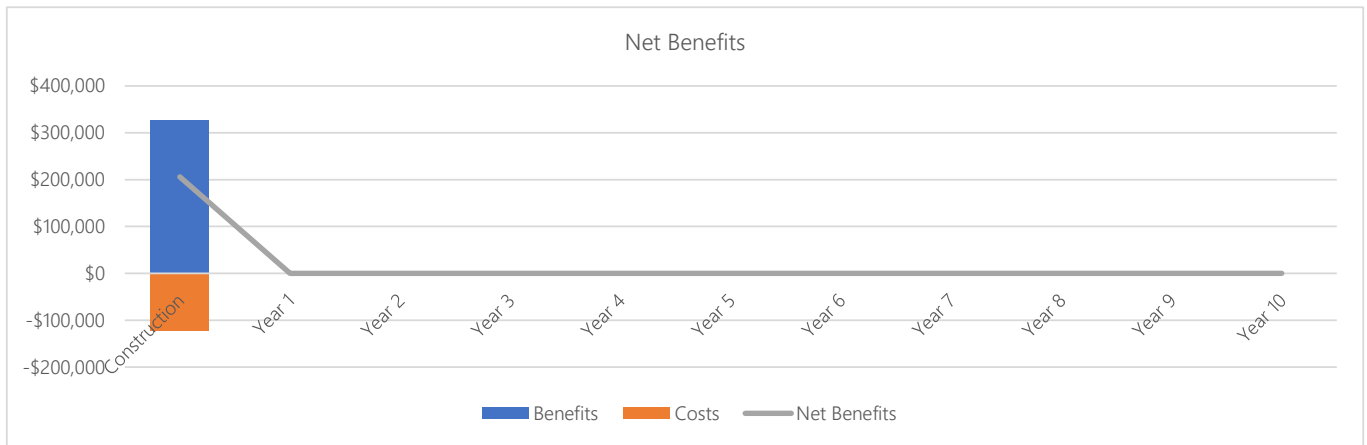
Project Total Investment  
 \$1,971,040

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	2	1	2
Earnings	\$245,754	\$63,376	\$309,130
Local Spend	\$640,000	\$220,031	\$860,031

	Ongoing (Operations)		
	Direct	Indirect	Total
Jobs	0	0	0
Earnings	\$0	\$0	\$0

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

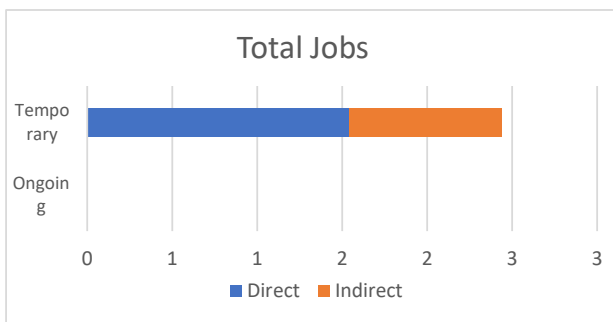
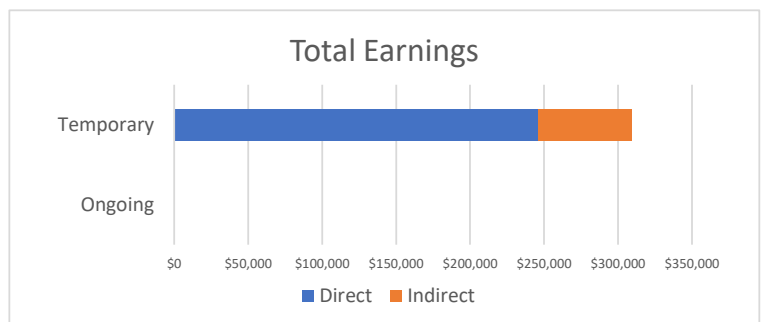


Figure 3



# Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$107,036	\$107,036
Local Sales Tax Exemption	\$57,396	\$57,396
State Sales Tax Exemption	\$49,640	\$49,640
Mortgage Recording Tax Exemption	\$14,783	\$14,783
Local Mortgage Recording Tax Exemption	\$4,928	\$4,928
State Mortgage Recording Tax Exemption	\$9,855	\$9,855
<b>Total Costs</b>	<b>\$121,819</b>	<b>\$121,819</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$311,632</b>	<b>\$311,632</b>
To Private Individuals	\$309,130	\$309,130
Temporary Payroll	\$309,130	\$309,130
Ongoing Payroll	\$0	\$0
Other Payments to Private Individuals	\$0	\$0
To the Public	\$2,502	\$2,502
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$2,502	\$2,502
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
Other Local Municipal Revenue	\$0	\$0
<b>State Benefits</b>	<b>\$16,075</b>	<b>\$16,075</b>
To the Public	\$16,075	\$16,075
Temporary Income Tax Revenue	\$13,911	\$13,911
Ongoing Income Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$2,164	\$2,164
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
<b>Total Benefits to State &amp; Region</b>	<b>\$327,707</b>	<b>\$327,707</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$311,632	\$62,324	5:1
State	\$16,075	\$59,495	:1
<b>Grand Total</b>	<b>\$327,707</b>	<b>\$121,819</b>	<b>3:1</b>

\*Discounted at 2%

### Additional Comments from IDA

Brookhaven Solar Invest, LLC is leasing 3.5 acres of land at the Holtsville Ecology Center to construct a photovoltaic solar array consisting of 2,704 solar modules with a capacity totalling 1.5 MW-dc, which is estimated to produce 2,112MWh in it's first year, to power 196 homes per year, to offset 653 metric tons of CO2 per year and to increase the solar capacity in Suffolk County by .2%. As per the IDA's Uniform Project Evaluation Criteria Policy, the criteria met for this project include, but are not limited to, capital investment by the applicant and energy production need for the region.

Does the IDA believe that the project can be accomplished in a timely fashion? Yes







# Town of Brookhaven Industrial Development Agency

## MRB Cost Benefit Calculator



Date: March 18, 2024  
 Project Title: Nassau Provisions Kosher Foods, Inc.  
 Project Location: 885 Waverly Ave Holtsville, NY 11742

### Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

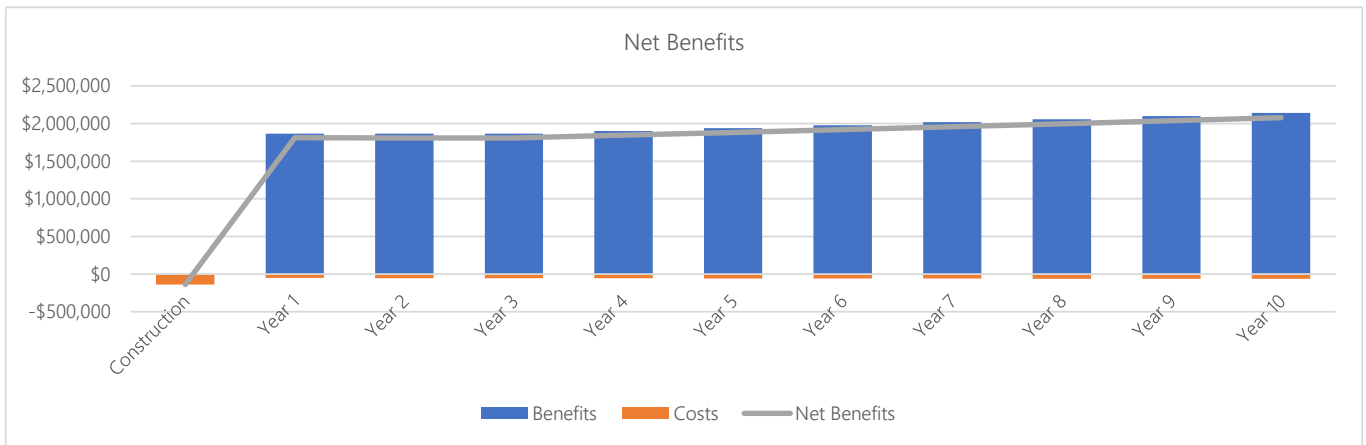
Project Total Investment  
 \$9,960,000

		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		0	0	0
Earnings		\$0	\$0	\$0
Local Spend		\$0	\$0	\$0

		Ongoing (Operations)		
		Direct	Indirect	Total
Jobs		17	11	28
Earnings		\$12,507,736	\$6,103,486	\$18,611,222

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

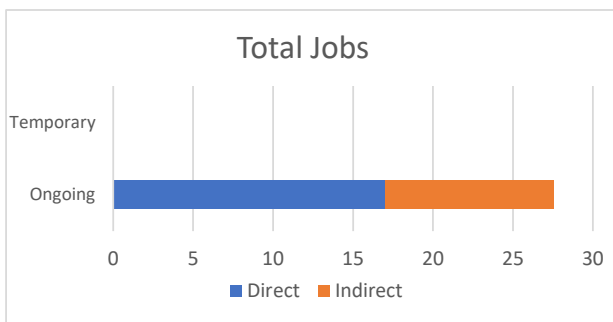
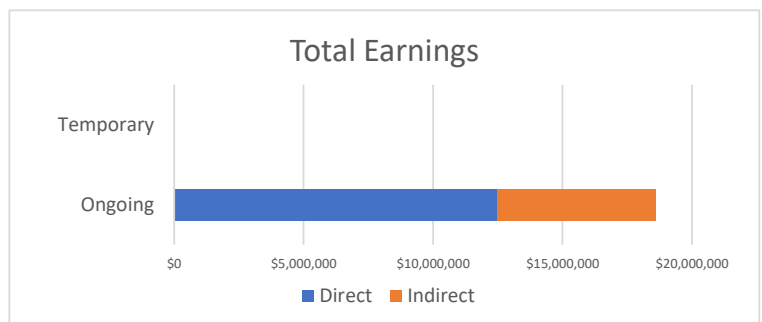


Figure 3



# Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$579,750	\$519,084
Sales Tax Exemption	\$77,625	\$77,625
Local Sales Tax Exemption	\$41,625	\$41,625
State Sales Tax Exemption	\$36,000	\$36,000
Mortgage Recording Tax Exemption	\$60,750	\$60,750
Local Mortgage Recording Tax Exemption	\$20,250	\$20,250
State Mortgage Recording Tax Exemption	\$40,500	\$40,500
<b>Total Costs</b>	<b>\$718,125</b>	<b>\$657,459</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$18,182,107</b>	<b>\$16,287,638</b>
To Private Individuals	<b>\$18,611,222</b>	<b>\$16,671,785</b>
Temporary Payroll	\$0	\$0
Ongoing Payroll	\$18,611,222	\$16,671,785
Other Payments to Private Individuals	\$0	\$0
To the Public	<b>(\$429,115)</b>	<b>(\$384,146)</b>
Increase in Property Tax Revenue	(\$579,750)	(\$519,084)
Temporary Jobs - Sales Tax Revenue	\$0	\$0
Ongoing Jobs - Sales Tax Revenue	\$150,635	\$134,937
Other Local Municipal Revenue	\$0	\$0
<b>State Benefits</b>	<b>\$967,784</b>	<b>\$866,933</b>
To the Public	<b>\$967,784</b>	<b>\$866,933</b>
Temporary Income Tax Revenue	\$0	\$0
Ongoing Income Tax Revenue	\$837,505	\$750,230
Temporary Jobs - Sales Tax Revenue	\$0	\$0
Ongoing Jobs - Sales Tax Revenue	\$130,279	\$116,702
<b>Total Benefits to State &amp; Region</b>	<b>\$19,149,890</b>	<b>\$17,154,571</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$16,287,638	\$580,959	28:1
State	\$866,933	\$76,500	11:1
<b>Grand Total</b>	<b>\$17,154,571</b>	<b>\$657,459</b>	<b>26:1</b>

\*Discounted at 2%

### Additional Comments from IDA

Nassau Provisions Kosher Foods, Inc. plans to purchase an existing, underutilized approximately 50,000 sf building located at 885 Waverly Ave Medford to expand their warehousing capacity for their distribution of specialty foods. As per the Brookhaven IDA Uniform Project Evaluation Criteria Policy, the criteria met for this project include, but are not limited to jobs retained and created and capital investment by the applicant.

Does the IDA believe that the project can be accomplished in a timely fashion? Yes





# NASSAU

## PROVISIONS

700 Furrows Road, Holtsville, NY 11742  
TEL. # 516-378-5921 FAX# 516-378-5923

03-12-2024

Town of Brookhaven Industrial Development Agency  
c/o Town of Brookhaven Division of Economic Development  
One Independence Hill  
Farmingville, NY 11738

To Whom It May Concern:

Nassau Provisions Kosher Foods Inc, has been in business since 1984. We specialize in the distribution of specialty, deli, frozen foods and general groceries throughout , with our full service in store sales staff. We serve Supermarkets, Restaurants, C-Stores and Delis.

Scott Horowitz founded Nassau Provisions in 1984 and began his journey as an entrepreneur, with one truck and 15 customers. He started what has now become a multigenerational family business, servicing thousands of happy customers and employing over 100 people.

From 1984 to now, we have expanded our warehousing from 1000 sf to 125,000 sf. Our product lines increased from a few items to 9,500 items. The trucking fleet increased from 1 truck to 17 trucks including 3 tractors and trailers. Due to the volume of growth we experienced over the years, Nassau Provisions have out grown its warehousing facilities. The last one was at Freeport, where the warehousing facilities could not efficiently support the distribution operation. It prompted the move to Holtsville. The acquisition of a 125,000 square feet facility at 700 Furrows Road, Holtsville, provided Nassau Provisions with 35,000 SF freezer, 20,000 SF fridge and 18 Loading Docks.

The acquisition of the warehousing facility at 700 Furrows Road, Holtsville, provided a solution for the short term. Our long-term expansion plan, included adding more product lines and the acquisition of other food distributors. We are in contract to acquire a company that would increase our sales volume by 50-60%. This created the need for additional storage space for inventory items and to maintain operational efficiency.

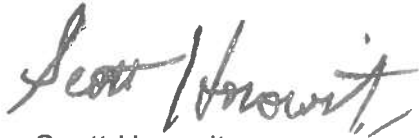
# NASSAU

## PROVISIONS

We are in contract to acquire a new 50,000 sf warehouse, contingent on the IDA Loan approval. The warehouse is located at 885 Waverly Ave, Holtsville, NY. This new addition to our warehousing capacity will provide more storage space and make our operations more efficient. We will be adding more drivers, warehouse helpers and supervisors to support our operations. We estimated the need for 17 more employees over the next 2 years. The new warehouse is in close proximity to 700 Furrows Road, this would add a quick turn around time for product exchange and reduce trucking cost between the facilities.

Please review our application and submit it to the Board. We look forward to working with the Town of Brookhaven.

Yours truly,



Scott Horowitz  
President  
Nassau Provisions Kosher Foods Inc.



A bee cruises for pollen in a bloom of purple crocus on a warm Sunday in Centereach.

NEWSDAY / THOMAS A. FERRARA

## Warm on Monday, storm for midweek

BY GRANT PARPAN  
grant.parpan@newsday.com

Long Islanders looking to take advantage of unseasonably warm temperatures will need to do so before the rain comes, according to a weather forecast for the week ahead.

High temperatures, usually in the mid-40s for the first week of March, reached 64 degrees in Islip on Sunday, just two degrees shy of a daily record high of 66 set there in 1991, according to Bill Goodman, meteorologist at the National Weather Service in Upton.

Meanwhile New York City broke previous daily warm records at three climate sites Sunday, with the mercury hitting 68 at Kennedy Airport, surpassing a high of 63 set in 1991. LaGuardia Airport reached 67 degrees, overtaking a record high of 65 set in 1967, and Central Park saw temperatures climb to 68 degrees, breaking a high of 65 from 1991.

But springlike temperatures won't be sticking around for long, with a cooldown starting on Monday as high temperatures are expected to linger in the low 50s.

Sunday was "just a foretaste of spring weather for one day," Goodman said.

Rain is forecast to develop overnight Monday into Tues-



Jenny Moss, of Huntington, and daughter Rafaella, 11, watch their Labradoodle, Hazel, and another dog at Coindre Hall in Huntington.

RICK KOPSTEIN

day, extending for several days and possibly even bringing up to three-quarters of an inch of rain on Tuesday.

The rainfall will likely pick up again Wednesday night and continue into Thursday.

Highs are expected to return closer to normal next weekend — 47 degrees on Friday and 44 on Saturday — when a slight chance of rain remains, according to the ex-

tended forecast.

"It's really just a lingering chance of rain through the end of the week," NWS meteorologist James Tomasini said. "20% to 30% chances."

Tomasini said the rain earlier in the week is projected due to a coastal low. The "second shot of rain" is due to a low pressure system approaching from the west, he said.

With Lorena Mongelli

# TOWN: BIDS

Brookhaven may be alone in looking at site applications

ONLY IN NEWSDAY

BY MARK HARRINGTON  
mark.harrington@newsday.com

As more Long Island towns ponder the prospect of a moratorium on construction of large-scale battery storage projects, Brookhaven Town is welcoming the facilities as part of its larger embrace of off-shore wind.

Islip Town later this month plans to vote on the prospect of a battery moratorium, while Oyster Bay Town has initiated a public comment period on the matter. If they ultimately enact moratoriums on the facilities, they would join Southampton, Southold and Huntington towns, which already have done so. Babylon Town is expected to vote on one soon. An Islip Town spokeswoman said year "convinced" the town to consider a moratorium.

To date, only two such facilities are on Long Island — one in Montauk and another in East Hampton, which experienced a fire last year. But as Newsday has reported, dozens are proposed, from the East End to Glen Head and Island Park, with many at or near Long Island Power Authority power stations.

Brookhaven Town's acceptance of properly sited battery storage facilities was put into focus this week when New York State announced it again had awarded a contract for Sunrise Wind, a 924-megawatt project that will bring its power to Long Island via a 17½-mile cable through a main artery in Brookhaven Town to a Holtsville substation.

Construction of the cable infrastructure already had begun, and Brookhaven Town has been an early proponent of the project, one that could bring more than \$130 million into town coffers over 25 years, in addition to jobs, facilities and other local benefits.

"You can't support wind with-

out supporting batteries," Brookhaven Town Supervisor Dan Panico said in an interview last month. "You're going to need battery storage."

The Sunrise Wind farm will bring in enough energy to power hundreds of thousands of homes when its turbines are spinning off the coast of Massachusetts/Rhode Island by 2026. Most of the energy will be made during the windier winter months, when power use traditionally goes down.

LIPA and the state are working to encourage more winter electricity use, through electric heat pumps to replace oil- and natural gas-based systems as well as through electric cars. Shifting ratepayers to greater winter peaks will mean greater electricity use when more is available from wind turbines.

### Storage a critical part

Storage of electricity also will play a critical role, as the state works to wind down use of smaller so-called peaking power plants located throughout Long Island and the state. Peakers and other fossil-fuel plants must be retired by 2040, unless they can be powered by "green" fuel such as hydrogen.

Gov. Kathy Hochul has proposed 6,000 megawatts of battery storage across the state by 2030, and the New York Power Authority issued a bid request for a battery facility at its Brentwood plant.

The New York State Energy Research and Development Authority, which is administering battery programs, in a statement said it is "aware that some communities are concerned in light of recent fires and are enacting local moratoriums for new energy storage facilities." But the agency said an interagency task force and pending new safety standards will address the concerns. Batteries, the state said, "will continue to play a critical role" in the state's green energy plan.

LIPA said it already has plans for three battery facilities from a 2021 bid request — in Islip, Shoreham and West Babylon. "Like any land-use development," LIPA added in a statement, "the local community needs to be reasonably satisfied that the facilities are safe."

# FOR BATTERIES WELCOME



Other towns are weighing or have moratoriums on battery storage after a fire last year in East Hampton.

Two of those sites are in locations that currently host a fossil-fuel plant that are expected to be retired.

“Going forward, LIPA plans to continuously review storage needs on Long Island as more fossil units retire and offshore wind is added to the grid,” LIPA said, noting that it will work with state “storage procurement team” to prioritize more sites that offer “grid benefits and help to replace capacity lost to local fossil retirements.”

The fire at the East Hampton storage facility last year has taken it out of commission since May 31, as owners NextEra and National Grid replace the 5-megawatt unit battery cells. The job could take until July. Concerns about that fire and two others upstate last year have fueled opposition.

Brookhaven Town has fielded applications for battery storage units, including one for a 110-megawatt facility that will be 20 times larger than the East Hampton unit. Residents have been up in arms about it, and held a protest at Brookhaven Town headquarters last year.

Brookhaven has instituted a special zoning code for the bat-

tery facilities, and has been reviewing applications on a case-by-case basis, Panico said. The town would not provide Newsday with a list of pending or approved projects.

“We’re aware that there are many battery developers looking to land projects, not only in Brookhaven but throughout Long Island,” Panico said. “We have a local approach when it comes to battery storage, and each council member is very engaged . . . Not all locations are appropriate.”

Others, he said, “lend themselves to be more appropriate, and those are the ones you will see a public hearing on.”

Fran Lunati, who is leading a group in opposition to batteries located in residential areas and around schools, said it’s all about location.

“We’re fine with green energy, but they’re just putting these plants too close to homes and schools, and they don’t have evacuation plans,” said Lunati, who lives in Holbrook, less than a mile from a proposed Holtsville site. Her group plans to bring a petition with more than 2,700 signatures to Islip Town in support of the morato-

rium. She noted her groups support a lawsuit recently filed by Sachem Central School District to stop the Holtsville battery facility and urged Panico to consider a moratorium.

“Change your way of thinking and think about the safety of the people in your community,” she said. “We wouldn’t know how to even start evacuating those schools.”

## Growing opposition

Panico said the town will approve only industrially zoned property for batteries, and argued the town won’t become saturated with batteries. “I don’t think there’s any fear of that,” he said. “A moratorium may sound good. And it sounds like a pause, but the fact of the matter is, these applications take so long to get approved and get permitted that I would call into question the efficacy of what a 30- or 60- or 90-day pause really means because if the application is coming before a town board, that application needs a change of zone. That’s a legislative act in and of itself. It’s not an as-of-right application.”

Panico stressed that he

## WHAT TO KNOW

- **Brookhaven Town** is welcoming large-scale battery storage projects and facilities as part of its larger embrace of offshore wind.
- **Other municipalities** are pushing back: Islip Town later this month plans to vote on a battery moratorium; Oyster Bay Town has initiated a public comment period on the matter.
- **Southampton, Southold and Huntington** towns already have enacted moratoriums on battery facilities.

wasn’t calling into question the actions of other towns that are implementing moratoriums. “People do what’s appropriate for their towns,” he said.

But he said he wished New York State would do more to educate residents about batteries and “explain what’s required to meet these goals. At the local level, we receive mandates, but we often are left on our own,” he said.

Growing opposition to batteries also leaves those officials who profess to support green energy in a state of contradiction.

“The same people who claim to be for green energy and renewables, I would say, also seem to talk a big game when it comes to affordable housing. But it’s this town and other similarly situated towns that are getting it done,” said Panico, who like all but one of the town’s board members is a Republican. “It paints a picture of what’s ultimately going on here on Long Island, and some of the hypocrisy that has not been called out enough.”

In the end, support of batteries means not only addressing environmental issues, but could help local districts with funding, Panico suggested.

Battery facilities and their tax payments “certainly could be very important to school districts, school taxes, possibly even our fire departments and emergency service providers,” he said, stressing that “each individual application [must be] looked at and treated individually” with an “understanding of what the needs are in the community.”

With *Brianne Ledda and Joseph Ostapiuk*

**Newsday**

**Long Island Office**  
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## CORRECTIONS

Elmont won its first boys basketball county title since 2020. A headline on the Nassau County championship game was incorrect in the high school sports section in Sunday’s editions.

## THIS DATE IN HISTORY

**1789** The Constitution of the United States went into effect as the first Federal Congress met in New York.

**1865** President Abraham Lincoln was inaugurated for a second term of office; with the end of the Civil War in sight, he said: “With malice toward none, with charity for all, with firmness in the fight as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation’s wounds, to care for him who shall have borne the battle and for his widow and his orphan — to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.”

**1987** President Ronald Reagan addressed the nation on the Iran-Contra affair, acknowledging his overtures to Iran had “deteriorated” into an arms-for-hostages deal.

**1994** Four extremists were convicted of the 1993 World Trade Center bombing that killed six people, including two from Long Island.



# NYS awards more than \$20 million to senior housing projects in Rockville Centre, Medford



Rockville Manor in Rockville Centre will get \$7.5 million to expand the from 50 to 56 units. Credit: Howard Schnapp

**By John Asbury**[john.asbury@newsday.com](mailto:john.asbury@newsday.com)[JohnAsbury](#) Updated March 19, 2024 10:53 am  
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The state is giving more than \$20 million to two senior housing projects on Long Island, Gov. Kathy Hochul said on Monday.

The funding includes \$13.2 million for a new senior apartment complex in Medford and \$7.5 million to expand the 50-unit Rockville Centre Housing Authority's Rockville Manor to 56 units, as well as adding a new elevator and \$625,000 to revamp the building's electrical system.

Hochul announced the Long Island's projects as part of \$260 million awarded statewide through tax credits and subsidies to create or preserve 1,852 affordable, supportive and sustainable homes in 29 developments.

"The only way to address New York's housing crisis and bring down costs for families is to keep building and preserving homes in every region of our state," Hochul said in a statement. "With this funding, we are pushing forward with our agenda to unlock New York's housing potential."

Funding in Brookhaven is dedicated to the 67-unit Medford Gardens apartment complex, just north of the Long Island Expressway, developed by the WellLife Network for seniors 55 and older. The project includes 33 supportive units for those who require social services and assistance for residents with disabilities.

The mixed-use complex advances the state's supportive housing goals, according to an application last year to the Brookhaven Town IDA. It will include affordable housing based on income requirements. Of the 33 supportive units, 16 apartments will also be designated for the chronically homeless.

Some advocates said the funding is a step forward, using incentives to offset Long Island's high costs, but others said more housing options are needed for all demographics.

"While there is no debate on Long Island regarding the lack of housing, especially affordable housing, there remains much debate on how to resolve it," said Kyle Strober, executive director of the Association For a Better Long Island, an economic development advocacy organization. "The governor is now offering a viable pathway to confronting this crisis through development incentives that leverage private investment to spark new residential growth and improve existing but aging housing stock."

Investments in existing housing authorities, such as in Rockville Centre, are important to maintain living conditions and helps add housing, which can be more affordable than building new homes, said Ian Wilder, director of Long Island Housing Services, a Bohemia-based fair housing agency. He said adding supportive units is also important but there should also be expanded housing for the general public.

"Any part of creating housing is very important, along with adding supportive units and making sure everybody, regardless of abilities, is able to access housing," he said.

# NYS OKs wind energy contracts that would increase customer costs

By Mark

Harrington [mark.harrington@newsday.com](mailto:mark.harrington@newsday.com) [MHarringtonNews](#) Updated

February 29, 2024 12:16 pm

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New York state on Thursday announced that two offshore wind developers that had sought to re-do their previously awarded contracts to account for higher costs have been "provisionally awarded" new contracts that nearly triple the anticipated bill impacts for average customers.

Both Sunrise Wind, by Denmark-based Orsted, and Empire Wind 1, by Norway-based Equinor, had sought higher prices for the energy from their projects to compensate for rising materials costs and interest rates.

Average customer bills would increase around 2%, or \$2.09 per month under the new contracts during their 25-year term, the state said in announcing the awards. Previously the state had said the projects would hike bills about 73 cents per month. The all-in development costs of the projects, at \$150.15 per megawatt hour, was "on par with the latest market prices," the state said.

The two projects, totaling more than 1,700 megawatts, will be the "largest power generation projects in New York state in over 35 years once they enter operation in 2026," Gov. Kathy Hochul's office said in announcing the new awards.

Sunrise Wind, which is expected to land its power cable at Smith Point, has already begun construction, with land-based infrastructure for a 17.5 mile cable under way at a new substation in Holtsville.

Orsted has announced that it will take over complete ownership of Sunrise Wind after partner Eversource announced its plan to divest itself of wind-energy assets last year.

Equinor has also parted company with its partner bp, and is developing the Empire projects on its own. Equinor withdraw a previously awarded state

contract for Empire Wind 2 earlier this year. The project had faced opposition to a cable route through Long Beach.



By [Mark Harrington](#)

[mark.harrington@newsday.com](mailto:mark.harrington@newsday.com)[MHarringtonNews](#)

# Orsted chief says 'contaminated soil' found at Sunrise Wind cable site



The Sunrise Wind power station site in Holtsville. Credit: Newsday/Mark Harrington

**By Mark**

**Harrington**[mark.harrington@newsday.com](mailto:mark.harrington@newsday.com)[MHarringtonNews](#) Updated March 8, 2024 3:44 pm

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The developers of an offshore wind project slated for Long Island said they have discovered unspecified “soil contamination” on the project’s route on land that could help it qualify for greater federal subsidies.

An Orsted spokesperson said environmental assessment of the site in Holtsville found “small amounts” of contaminants, but the site does not require remediation.

In an interview with Denmark-based news site [Energy Watch](#), Orsted chief executive Mads Nipper was quoted this week as saying the company “discovered the soil was contaminated where we will land the export cable” for Sunrise Wind, the 924-megawatt offshore wind project that recently was awarded a more lucrative state contract.

The project, with turbines slated to be built in the waters off Massachusetts/Rhode Island in 2026, is scheduled to make landfall at [Smith Point County Park](#), Newsday has reported, with a 17.5-mile cable connecting to the grid in Holtsville.

Meaghan Wims, a spokeswoman for Sunrise Wind, said Nipper was referring to the project's cable station in Holtsville, not the landing site in Smith Point.

“This is the part of the project that could make Sunrise Wind eligible for the investment tax credit bonus, not the site at Smith Point County Park,” Wims wrote to Newsday in an email late Thursday.

Brookhaven Supervisor Dan Panico, which negotiated a \$169 million community benefits package with Sunrise Wind for the cable construction, said the town had not been told about the contamination.

“This is the first I've heard of it,” he said of a reporter's call, adding the town is seeking a full report from Orsted of “what was found, how much, and what steps, if any, are needed” for remediation.

“Any time you hear of contamination you're concerned,” Panico said.

Spokespersons for the federal Bureau of Ocean Energy Management and Suffolk County didn't respond to requests for comment.

Nipper, according to the report, said the findings allow the company to “define this area as a brownfield site,” a designation that he told Energy Watch would allow Sunrise Wind to qualify for an additional 10% federal tax credit of the project's cost, over and above a 30% federal investment tax credit already available to the project.

“This is the first time in the history of the world that I have been happy about soil contamination,” Nipper is quoted by Energy Watch as saying.

Wims said Orsted's environmental assessment "investigated potential impacts to on-site soil, groundwater and site soil vapors," and confirmed the presence of "small amounts of contaminants, which was an unsurprising finding given the site's prior industrial use."

She said the company "shared our site assessment with the New York Department of Environmental Conservation," as required under state regulations that granted an approval for the site's construction plan.

"The project is complying with applicable regulations concerning the disposal of excavated soil," Wims said. "The disposal of soils is covered under a DEC-approved plan," adding the site "does not require remediation."

DEC spokesman John Salka III did not immediately respond to a request for comment.

With a project cost above \$4 billion, [as Newsday has reported](#), the additional 10% would amount to more than \$400 million, depending on how much the cost of the project has increased since the company's recent award of a higher energy price to reflect the cost of inflation and higher interest rates. New York State awarded Sunrise the new contract last month.

The additional tax credit would be a benefit for Sunrise and Orsted, which has taken more than \$4 billion in impairment charges to reflect the lower book value of its U.S. offshore wind assets, after canceling two projects for New Jersey and withdrawing two others in Maryland over the past few months. Even with the new state contract, Nipper told Energy Watch, the project is "still not up to our return [on investment] requirements."

The landing route for the Sunrise Wind cable will travel 17.5 miles from Smith Point County Park, under a section of bay and up William Floyd Parkway, and Horse Block Road before following the Long Island Expressway to a landing site already under construction in Holtsville.



By [Mark Harrington](#)

[mark.harrington@newsday.com](mailto:mark.harrington@newsday.com) [MHarringtonNews](#)

Mark Harrington, a Newsday reporter since 1999, covers energy, wineries, Indian affairs and fisheries.



## Brookhaven Solar Invest, LLC Proposed PILOT

The facility will receive a 100% exemption for thirty (30) years based on the Agency's Uniform Tax Exemption Policy (UTEP).

Nassau Provisions Kosher Foods DRAFT PILOT

Year	PILOT
1	\$ 52,947
2	\$ 54,005
3	\$ 55,086
4	\$ 56,187
5	\$ 57,311
6	\$ 58,457
7	\$ 59,626
8	\$ 60,819
9	\$ 62,035
10	\$ 63,276

**PROPOSED PILOT BENEFITS ARE FOR DISCUSSION  
PURPOSES ONLY AND HAVE NOT BEEN APPROVED  
BY THE AGENCY.**

# IDA Keep out! Signed, Southold Supervisor Krupski

By [Nicholas Grasso](#)



Town Supervisor Al Krupski addressed the crowd gathered at the Southold Town 2024 inauguration ceremony Tuesday. (Credit: Nicholas Grasso)

The Southold Town Board has dug its heels into its clash with the Suffolk County Industrial Development Agency following its approval of a \$2.7 million [tax relief package](#) for the forthcoming \$43.9 million luxury hotel dubbed the Enclaves.

On Feb. 13, board members unanimously authorized Supervisor Al Krupski to issue a letter of objection to the county IDA with a request for reconsideration. The letter decries the agency’s unanimous Jan. 25 approval of tax relief for Enclaves LLC, comprising developers Jonathan Tibett, Edward Glackin and Andrew Giambertone, and asks that it “reconsider the implications” of this decision.

“I think anything could help,” Mr. Krupski said in a telephone interview about the letter. “At some point someone supported this and enabled the IDA to support businesses that weren’t going to pay their fair share of taxes. So if an effort can be made to reverse that, why not? It’s always worth the effort.”

The Town Board’s letter additionally demands — “on behalf of the residents of Southold Town” — that the county IDA “permanently remove the town from its jurisdiction.”

“One bad example was enough to alert us to the fact that it damages the residents,” Mr. Krupski said.

The IDA-approved tax package for The Enclaves includes a 15-year schedule of payments in lieu of taxes, or PILOTs, totaling \$700,000 for the project, which upon completion will boast a two-story hotel with 40 guest rooms, four detached cottages and a pair of restaurants. In public comments, Town Board members and numerous Southold residents have asked that the IDA decline Enclaves LLC’s request so it would pay the full amount of property taxes it would normally be assigned following development and an updated assessment to fund schools and public works. Many also derided the majority of the jobs the project would create — 40 employees paid \$33,993 annually, with 11 more slated to earn \$88,400 each, according to IDA documents — as insufficient for those looking to live in the township in which they would work. Some residents supported the tax incentives on the grounds that even under the PILOT program, the property would still create jobs and generate more taxes than it currently does as the shuttered Hedges bed and breakfast on Main Road in Southold. During the IDA’s Jan. 25 public meeting, the developers said that without the tax breaks for which they applied, they could not proceed with the project, as costs had increased since it was first proposed in 2017.

The same evening it authorized the letter to the county IDA, the Town Board unanimously supported state legislation introduced last year by state Sen. Sean Ryan (D-Buffalo) and Assemblyman Harry Bronson (D-Rochester) aimed at protecting school districts from losing much-needed tax dollars due to IDA incentives. According to an analysis conducted by the national policy resource center Good Jobs First, New York public schools lost at least \$1.8 billion in fiscal year 2021 to IDA tax abatements. Additionally, tax abatements cost an average of \$541 per pupil among impacted school districts.

The Town Board’s endorsement of this legislation arrived a month after Gov. Kathy Hochul released her [preliminary budget for the 2025](#) fiscal year. If approved as written, that budget would slash hundreds of thousands of dollars in state aid for school districts within Southold Town. These districts have been lobbying for a return of some of these funds before any figures become final. The state budget must be passed by April 1 and school districts will hold budget votes on May 21.

“That’s a step in the right direction,” Mr. Krupski said of the state legislation to keep school taxes out of IDA tax incentive packages. “It seems reasonable that people who have come up with their business plan should be paying their fair share of their impacts on the community.”

Nicholas Grasso joined Times Review Media Group in January 2023 as a staff reporter who covers local entertainment, government and businesses. He graduated Stony Brook University School of Communication and Journalism in 2021.



February 29, 2024

**VIA FEDERAL EXPRESS**

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Town of Brookhaven Industrial Development Agency  
One Independent Hill  
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Attention: Lisa M. G. Mulligan, CEO

**Re: WellLife Network Inc., Medford Gardens, LLC, and Medford Gardens  
Housing Development Fund Corp. (collectively, the Company")  
SCTM# 0200-700.00-01.00-004.002**

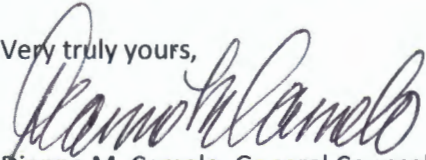
Dear Ms. Mulligan:

Reference is hereby made to that certain Resolution dated October 23, 2023, and accepted on October 27, 2023 (the "Resolution"), issued by the Town of Brookhaven Industrial Development Agency (the "Agency") approving the application of the Company for development and construction of the Project (as defined in the Resolution).

The Company respectfully requests an extension of the Resolution for an additional 180-day period (the "Extension"). The Extension is necessary as the Company continues to navigate the various state and regulatory approvals required for the Project. Currently, the Company is awaiting approval from the New York Department of Housing and Community Renewal ("HCR"), which is the financing component to the Project. HCR approval is anticipated in or about mid-May 2024, which would mean a closing in late fall 2024.

Based on the foregoing, the Company respectfully requests that the Agency extend the expiration of the Resolution for an additional 180-day period. Kindly advise if any additional information is required for the Agency's consideration of the aforementioned request.

Thank you in advance for your consideration with respect to this matter.

Very truly yours,  
  
Dianne M. Camelo, General Counsel

cc.: Howard R. Gross, Esq. (via email and regular mail)  
Weinberg, Gross & Pergament LLP  
400 Garden City Plaza, Suite 309  
Garden City, New York 11530

