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|----------|---|
| PART I | Company Data |
| PART II | Project Data |
| PART III | Employment/Sales Data |
| PART IV | Project Costs/Financing |
| PART V | Project Construction Schedule |
| PART VI | Certifications |
| PART VII | Required Attachments 1. Financial Information 2. EAF 3. RP 485-b |

APPLICANT INSTRUCTIONS

- In order for a Town of Islip IDA application to be reviewed in a timely manner, it must be complete. All questions must be answered and all required attachments must be included.
- Use "None" or "Not Applicable" where necessary.
- Part VI – Bond Information, need only be completed by applicants for Taxable or Tax Exempt Industrial Development Bonds.
- All applicants must submit an original and two (2) copies of all documents to the Agency.
- All applications must be accompanied by a \$500 non-refundable fee to the Town of Islip Industrial Development Agency, and a \$500 non-refundable fee to the Town of Islip for the EAF Review required by the State Environmental Quality Review Act (SEQRA).
(If the project has already undergone a SEQRA review during a previous process, the applicant can submit the completed EAF for the one attached to the application).


APPLICANT CHECKLIST

- I have completed all sections of the attached application.
- I have signed and had notarized the Certification Section (Part VII-A).
- I have signed Part VII-B regarding the Fee Structure for all IDA transactions.
- I have attached all company financial information required by Part VIII-A.
- I have completed and signed the Environmental Assessment Form required by SEQRA.
(If the project has already undergone a SEQRA review during a previous process, substitute the completed EAF for the one that was attached to this application).
- I have completed and signed Form RP485-b as required by Real Property Tax Law.
- I have submitted the original and two (2) copies of all application materials to the Agency for review.
- I have submitted an application fee check for \$500 payable to the Town of Islip IDA.
- I have submitted a \$500 check payable to the Town of Islip for the SEQRA review.
(If the project has already undergone a SEQRA review during a previous process, and the applicant substitutes the completed EAF for one attached to the application, the \$500 SEQRA fee is waived).

PROJECT SUMMARY

(For office use only)

GENERAL

Name of Project Briad Development East
Location of Project Carleton Ave, Central Islip
Contact Person Brad Honigfeld Telephone 

KEY DATES

Application Submitted 10/4/11 Projected Inducement 10/25/11
Agenda Closing 10/13/11

PROJECT TYPE (check one)

Industrial Not-for-Profit Commercial Hotel
Office Housing Other

PROJECT SIZE

Acreage 3.46 125 rooms
New Construction 95,205 Rehabed
Total Project Cost \$16,947,063

TYPE OF ASSISTANCE

Sale Leaseback Tax Exempt Bonds Taxable Bonds

PILOT

485-b Double 485-b 485-c
Affordable Housing Not-for-Profit Other

JOBS/PAYROLL

Retained Jobs 0 Payroll 0 Avg. Annual Wage 0
New Jobs 30 New Payroll \$796,973 New Avg. Ann. Wage 26,600

I. OWNER/USER DATA

A. OWNER DATA

1. Company Name Briad Development East, LLC
Current Address 78 Okner Parkway
Livingston, New Jersey 07039

2. Company Officer certifying this application
Name Brad Honigfeld Title CEO
Mailing Address 78 Okner Parkway, Livingston, New Jersey 07039
Telephone [REDACTED] Fax [REDACTED]
E-mail [REDACTED]

3. Business Type
 Sole Proprietorship
 Limited Partnership
 Not-for-profit Corporation
 Education Corporation
 Public Corporation - Listed on _____ Exchange
 General Partnership
 Limited Liability Company
 Privately Held Corporation
 Other _____

4. State of Incorporation New Jersey March 1, 1995

5. Principal Officers

| Name | Title |
|-----------------------|------------|
| <u>Brad Honigfeld</u> | <u>CEO</u> |

6. Principal Stockholders

| Name | Title |
|-------------|-------|
| <u>None</u> | |

7. Owner's Legal Counsel
Name Jonathan M. Hoffman, Esq.
Firm Name Westerman Ball Ederer Miller & Sharfstein, LLP
Address 1201 RXP Plaza, Uniondale, New York 11556
Telephone [REDACTED] Fax [REDACTED]
E-mail [REDACTED]

8. Bank References Cathy McCaw, Private Client Advisor, Bank of America, private bank, 702-824-9110

9. Major Trade References Salim Atallah, Sysco Guest Supply, LLC
[REDACTED]

10. Nature of Business
(i.e. "manufacturer of ___ for ___ industry" or "warehouse distributor of ___" or "real estate holding company" etc.)
Hotel owner/developer for the hospitality business

B. USER DATA

*For co-applicants, where a tenant/landlord relationship will exist between the owner and the user.
User must occupy at least 50% of the square footage of the facility)*

1. Company Name _____
Current Address _____

2. Company Officer certifying this application
Name _____ Title _____
Mailing Address _____
Telephone _____ Fax _____
E-mail _____

3. Business Type
 Sole Proprietorship
 Limited Partnership
 Not-for-profit Corporation
 Education Corporation
 Public Corporation - Listed on _____ Exchange
 General Partnership
 Limited Liability Company
 Privately Held Corporation
 Other _____

4. State of Incorporation _____

5. Principal Officers
Name Title

6. Principal Stockholders
Name Title

7. User's Legal Counsel
Name _____
Firm Name _____
Address _____
Telephone _____ Fax _____
E-mail _____

8. Bank References _____

9. Major Trade References _____

10. Nature of Business
(i.e. "manufacturer of _____ for _____ industry" or "warehouse distributor of _____" or "real estate holding company" etc.)

II. PROJECT DATA

A. Location

1. Street Address N/E/C Carleton Avenue and Courthouse Drive
Central Islip, New York 11722
2. Tax Map

| | | | |
|-------------|---------------|--------------|----------------|
| <u>0500</u> | <u>207.00</u> | <u>01.00</u> | <u>003.056</u> |
| District # | Section # | Block # | Lot # |
3. Acreage 3.46
4. Municipal Jurisdictions
Town Islip
Village Central Islip
School District Central Islip

B. Description (Check all that apply)

- | | | |
|--|---------------|-------------|
| <input checked="" type="checkbox"/> New Construction | <u>95,205</u> | Square Feet |
| <input type="checkbox"/> Addition to Existing Facility | _____ | Square Feet |
| <input type="checkbox"/> Acquisition of Existing Facility | _____ | Square Feet |
| <input type="checkbox"/> Acquisition & Renovation of Existing Facility | _____ | Square Feet |
| <input type="checkbox"/> Purchase of New Machinery & Equipment | _____ | Square Feet |
| <input type="checkbox"/> Other (Specify) _____ | _____ | _____ |

C. Related Facilities

1. Are other facilities or related companies located within the state? Yes No
Address _____
2. If yes to above (C-1), will any of these facilities close or be subject to reduced activity?
 Yes No
3. If yes to above (C-2), please describe: N/A

D. Real Estate Search

1. Has the company actively sought sites in another state or outside the New York metropolitan region? Yes No
2. If yes to above (D-1), please list the states/regions considered: New Jersey,
Connecticut, Pennsylvania

E. Present Owner

1. Who is the current legal owner of the site? Home Run Hotel, LLC
2. Is there a purchase option or other legal or common control in the project? Yes No
3. Is there an existing or proposed lease for the project? Yes No
4. If yes to either of the above (E-2 or E-3), please describe the relevant terms.
(i.e. purchase price, term of lease, etc.) \$2.8 million for the land to construct
a hotel

III. EMPLOYMENT/ SALES DATA

| A. Employees: | CURRENT (actual) | FIRST YEAR UPON COMPLETION (projected) | SECOND YEAR UPON COMPLETION (projected) |
|---------------|---------------------|--|---|
| Full Time | 0 | 30 | 30 |
| Part Time | 0 | 0 | 0 |
| Seasonal | 0 | 0 | 0 |
| TOTAL | 0 | 30 | 30 |

| B. Payroll: | CURRENT (actual) | FIRST YEAR UPON COMPLETION (projected) | SECOND YEAR UPON COMPLETION (projected) |
|-----------------|---------------------|--|---|
| TOTAL \$ | 0 | \$773,760.00 | \$796,973.00 |

| C. Avg. Annual Wages: | CURRENT (actual) | FIRST YEAR UPON COMPLETION (projected) | SECOND YEAR UPON COMPLETION (projected) |
|-----------------------|---------------------|--|---|
| TOTAL \$ | 0 | \$773,760.00 | \$796,973.00 |

| D. Sales: | CURRENT (actual) | FIRST YEAR UPON COMPLETION (projected) | SECOND YEAR UPON COMPLETION (projected) |
|-----------------|---------------------|--|---|
| TOTAL \$ | 0 | \$4,078,000.00 | \$4,531,000.00 |

IV. PROJECT COSTS/FINANCING

A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipping of the project.

| ITEM | AMOUNT |
|--|------------------------|
| 1. Land | \$ 2,800,000.00 |
| 2. Site Work | 1,200,000.00 |
| 3. Building (new construction) | 6,875,000.00 |
| 4. Building (rehabilitation) | 0 |
| 5. Engineering / Architectural Fees | 300,000.00 |
| 6. Machinery & Equipment | 2,250,000.00 |
| 7. Other (Specify) | 3,522,063.00 |
| <u>Impact fees, admin costs, financing costs</u> | |
| TOTAL PROJECT COST* | \$16,947,063.00 |

B. How does the company propose to finance the project?

| | AMOUNT | TERM |
|---|--------------------------------|-------|
| 1. Tax Exempt IDB* | \$ _____ | _____ |
| 2. Taxable IDB* | _____ | _____ |
| 3. Conventional Mortgage (with IDA sale/leaseback) | _____ | _____ |
| 4. Owner/User Self-Financing (with IDA sale/leaseback) | <u>Unknown at this time</u> | _____ |
| 5. JDA/SBA | _____ | _____ |
| 6. Other Loans | _____ | _____ |
| 7. Company / Owner Equity Contribution | <u>Unknown at this time</u> | _____ |
| TOTAL AMOUNT FINANCED | \$ <u>Unknown at this time</u> | _____ |

C. Please estimate when the above amounts will be required.

| | |
|----------------|-------------|
| <u>January</u> | <u>2012</u> |
| Month | Year |

*The Agency fee of one-half of a basis point (.005) will be applied against the total project cost or, where applicable, against the amount of the IDB issuance.

V. PROJECT CONSTRUCTION SCHEDULE

A. Key Dates (proposed)

| | | |
|------------------------------|-------------------------|---------------------|
| 1. Construction commencement | <u>January</u> Month | <u>2012</u> Year |
| 2. Construction completion | <u>June</u> Month | <u>2013</u> Year |
| 3. Building occupancy | <u>July</u> Month | <u>2013</u> Year |

B. Please check if any of the following applications/permits have been filed for the project: (check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Change of Zone | <input type="checkbox"/> Interior alterations |
| <input type="checkbox"/> Special Use | <input type="checkbox"/> Building |
| <input type="checkbox"/> Variance | <input checked="" type="checkbox"/> Site plan |

VI. CERTIFICATIONS

A. Applicant Responsibilities

Brad Honeyfeld (name of representative of entity submitting application of name of individual submitting application) deposed and says that s/he (choose and complete one of the following two options) (i) is a/the CFO (title) of Brakal Development East, LLC (company name), the entity named in the attached application, or (ii) is the individual named in the attached application; that s/he has read the foregoing application and knows the contents thereof; and that the same is true of his/her knowledge.

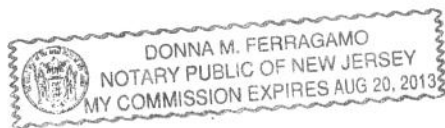
Deponent further says that s/he is duly authorized to make this certification on behalf of her/himself or on behalf of the entity named in the attached application. The grounds of deponent's belief relative to all matters in said application which are not stated upon his/her own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as, if deponent is not an individual applicant, information acquired by deponent in the course of his/her duties in connection with said entity and from the books and papers of said entity.

As (i) the representative of said entity, or (ii) the individual applicant (such entity or individual applicant hereinafter referred to as the "Applicant"), deponent acknowledges and agrees that the Applicant shall be and is responsible for all costs incurred by the Town of Islip Industrial Development Agency (hereinafter referred to as the "Agency"), acting on behalf of the Applicant in connection with this application and all matters relating to the provision of financial assistance to which this application and all matters relating to the provision of financial assistance to which this application relates. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified period of time to take reasonable, proper or requested action or withdraws, abandons, cancels or neglects the application, then upon presentation of an invoice, the 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 transaction counsel for the Agency and fees of general counsel for the Agency. Upon the 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, which amount is payable at closing.

Donna Ferragamo
Name:
Title:

NOTARY
Sworn to before me this _____
day of _____, 20 ____

(Seal)



B. Fee Structure

1. **Application Fee – \$500.00**
An application for IDA assistance must be accompanied by a non-refundable fee of \$500 plus a \$500 fee for Town of Islip review of Environmental Assessment Form as required by the State Environmental Quality Review Act (SEQRA). (The \$500 SEQRA fee will be waived if the applicant's project has already undergone a SEQRA review during a previous process, i.e. site plan, building permit, change of zone, etc.)
2. **Agency Fee – .005**
Upon closing of any IDA project, the Agency will assess an administrative fee of one-half of a basis point (.005) against the size of the project. For IDB projects, the .005 will be measured against the final bond amount. For straight-lease transactions, the .005 will be measured against the projected total costs.
3. **Agency Counsel – \$150 per hour**
The Law Offices of Mark Cuthbertson act as counsel to the Town of Islip IDA and must be reimbursed for time spent on IDA-related transactions. The Agency counsel bills all time spent on IDA matters at \$150 per hour. For IDA closings up to \$5 million, Agency counsel bills a minimum of \$2,500. For projects greater than \$5 million, Agency counsel bills a minimum of \$3,500. For all other activities, i.e. terminations simple consents and waivers, transfer of assets, etc., Agency counsel will bill at the aforementioned \$150 per hour.
4. **Processing Fee – \$250**
During the course of IDA ownership/involvement, the Agency may occasionally be required, by the company, to consent to a variety of items, i.e. pre-payment of bonds, second mortgages, additional secured financing, etc. The Agency will charge a \$250 processing fee for each of these requests.
5. **Assignments & Assumptions – \$1,500**
Occasionally, the IDA is asked to transfer benefits that were assigned to the original company, i.e. PILOT or mortgage recording tax benefits, to a different company, typically upon a sale of the IDA property. The new company often wishes to continue IDA involvement with the property in order to retain the IDA incentives. The Agency will charge a \$1,500 fee for each of these transactions.
6. **Bond/Transaction Counsel – Fee negotiated separately**
While the Town of Islip IDA is represented locally by the Law Offices of Mark Cuthbertson, a separate Bond/Transaction Counsel is also necessary on any IDA project. Bond/Transaction counsels render "third party" opinions that the bond or straight lease transaction is authorized under all federal, state and local statutes. Bond/Transaction counsel also prepares all documents related to IDA transactions and coordinates all activities leading up to closing. The Town of Islip IDA has designated the firm of Nixon Peabody, LLP as its Bond/Transaction counsel and all fees are separately negotiated with them.

I have read and understand the aforementioned explanation of the fees associated with all Town of Islip Industrial Development Agency transactions.

Name: 

VII. REQUIRED ATTACHMENTS

A. Financial Information

(Attach the following financial information of the owner and user)

1. Financial statements for the last two fiscal years (unless included in the Owner's or User's annual report)
2. Owner's and User's annual reports (or Form 10-k's) 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, if applicable, please attach the financial information described above in items A, B and C, of any expected guarantor of the proposed bond issue other than the Owner or the User.
5. Upon the request of the Applicant, the Agency will review the information submitted pursuant to this Section VIII and return all copies to the Applicant within two weeks after the inducement date. Please indicate whether you require the information to be returned.

Yes No

B. Environmental Assessment Form

Please complete the attached EAF as required by the State Environmental Quality Review Act (SEQRA).

C. Form RP 485-b

Please complete the attached Form RP 485-b as required by Section 485-b of the Real Property Tax Law.

COST BENEFIT ANALYSIS

(For office use only)

I. State and Local Incentives (Cost of Unrealized Taxes)

A. Property Tax Abatement (Net of 485-b) \$ _____

B. Mortgage Recording Tax Exemption _____

C. Sales Tax Exemption _____

TOTAL "COST" _____

II. State and Local Economic Benefits

A. PILOT Payments \$ _____

B. Payroll Taxes (Company) _____

C. Payroll Taxes (Construction Phase) _____

D. Corporate Taxes _____

E. Indirect _____

TOTAL "BENEFIT" _____

III. BENEFIT-TO-COST RATIO

_____ To _____