

# NYCIDA PROJECT COST/BENEFIT ANALYSIS

January 14, 2021

## APPLICANT

**Bogopa Harlem, LLC**

201 East 125<sup>th</sup> Street

New York, New York 10035

## PROJECT LOCATION

201 East 125<sup>th</sup> Street

New York, New York 10035

### **A. Project Description:**

Bogopa Harlem, LLC; a New York limited liability company (the “Company”), is seeking financial assistance in connection with the construction, furnishing and/or equipping of an approximately 45,344 square foot retail condominium unit (the “Facility”) for use as a full-service supermarket located within a mixed-use 19-story building located on an approximately 47,100 square foot parcel of land located at 201 East 125<sup>th</sup> Street, New York, New York 10035. The Facility will be owned by East Harlem MEC Parcel B West LLC which will lease the property to the Company to be operated as a full-service Food Bazaar supermarket. Total project costs are estimated to be \$8,000,000 with \$4,000,000 in construction hard costs, \$500,000 construction soft costs, \$2,500,000 for furnishings, fixtures, machinery and equipment, and \$1,000,000 for closing costs fees and other costs. It is anticipated that the project will create 102.5 existing full-time-equivalent jobs within three years of project completion.

### **B. Costs to City (New York City taxes to be exempted):**

Land Tax Abatement (NPV, 25 years):	\$47,385
Building Tax Exemption (NPV, 25 years):	\$6,939,515
Sales Tax Exemption:	\$238,500
<b>Total Cost to NYC</b>	<b>\$7,225,400</b>

### **C. Benefit to City from Operations and**

**Renovation** (Estimated NYC direct and indirect taxes to be generated by Company) (estimated NPV 25 years @ 6.25%):

**\$7,834,643**

### **D. Benefit to City from Jobs to be Created**

(Estimated NYC direct and indirect taxes to be generated by Company) (estimated NPV 25 years @ 6.25%):

**\$7,857,435**



Food Retail Expansion to Support Health

# FRESH CORE APPLICATION

Submit your electronically completed Core Application via email to your assigned Project Manager as a Word Document file or a Word Document saved as a PDF.

## A. APPLICANT OVERVIEW

Applicant Name (the "Applicant"): BOGOPA Harlem, LLC	Name of operating company (if different from Applicant): Food Bazaar
Operating company Address: 201 East 125 <sup>th</sup> st. New York, NY 10035	Website address: www.foodbazaar.com
EIN #:	NAICS Code: 445110
State and date of incorporation or formation: NY	Qualified to conduct business in NY? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Applicant is (check one of the following, as applicable): <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Business Corporation <input type="checkbox"/> Other: <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Natural Person <input type="checkbox"/> S Corporation	
Is the Applicant publicly traded? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the Applicant affiliated with a publicly traded company? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, name the affiliated company:

## B. APPLICANT CONTACT INFORMATION

	Name/Title	Company	Address	Email	Phone	Primary <sup>1</sup>
<b>Applicant Contact Person</b>	Edward Suh/ Executive VP	Bogopa Service Corp	650 fountain Ave. Brooklyn, NY 11208			<input checked="" type="checkbox"/>
<b>Attorney</b>	Allen Perlstein	HK&P, LLP	3000 Marcus Ave. Lake Success, NY 11042			<input type="checkbox"/>
<b>Accountant</b>	David Chung	KLICHs LLP	222 Bridge Plaza South, Suite 480, Fort Lee, NJ 07024			<input type="checkbox"/>
<b>Consultant/Other</b>						<input type="checkbox"/>

## C. APPLICABLE FINANCIAL ASSISTANCE

Provide the estimated value of each of the following types of Project Financial Assistance being requested. Discuss the estimation of the Requested Financial Assistance with your assigned Project Manager, if needed.

Requested Financial Assistance	Estimated Value of Requested Financial Assistance
Real Estate Tax Benefits	
Sales Tax Waiver	\$600,000
Mortgage Recording Tax Benefit	\$

## D. APPLICANT BACKGROUND

Provide a brief description of the Applicant's history and the nature of its business. Feel free to include information from Applicant's website or other official documentation describing the Applicant. Include information such as when the Applicant was founded, who founded the Applicant, a brief history of the Applicant, the Applicant's primary services and market, and the number of the Applicant's employees in NYC and elsewhere. **Limit the description to 250 words.**

See Attachment 1

<sup>1</sup> Please select the individual to whom questions should be directed and who may speak on behalf of the Applicant.

## E. PROPOSED PROJECT ACTIVITIES

Describe the proposed Project, including its purpose and Project Location, in the text box below. Refer to the example below.

See Attachment 2

**Example:** [Applicant Name] ("Applicant") is a [supermarket operator and/or supermarket developer]. Applicant is seeking financial assistance in connection with the [list Project activities, such as acquisition, construction, furnishing, equipping, etc.] of a [ ] square foot [building or retail condominium] (the "Project") [to be located within a [ ] square foot mixed-use facility] on a [ ] square foot parcel of land at [address] (the "Facility"). The Facility will be owned by [Applicant or Holding Company] and operated by [Company Name] as a [Banner] supermarket. The total development cost is approximately [Project cost]. The anticipated closing date is [ ]. The project is anticipated to be completed in \_\_\_\_ [months or years].

## F. PROJECT LOCATION DETAIL

Complete this table for *each* Project Location with a distinct Block/Lot. For Projects with more than one Block/Lot, copy the Project Location table below and paste it directly underneath to complete it.

Project Location Information		
Project Address: 201 East 125 <sup>th</sup> st New York, NY 10035		Location # of
Borough/Block/Lot: Manhattan/01790-0001	Community Board #: 11	Neighborhood: 35,743
Square footage of land: 45,344 SQFT	Square footage of existing building: 45,344 SQFT	Number of Floors: 19
How is the anticipated Project Location currently used and what percentage is currently occupied? - It's ground up building 0%		
In the case of relocation, what will happen with the Applicant's current facility? N/A		
Is there any space at the Project Location that is currently being/will be occupied and/or used by any entity other than the Applicant or operating company, whether Affiliates or otherwise? Yes x No If yes, attach a separate page and provide details about tenants such as (1) name of tenant business(es) (whether Affiliates or otherwise), (2) square footage of tenant operations, (3) tenant occupancy commencement and termination dates, and (4) copies of leases, licenses, or other documents evidencing a right to possession or occupancy.  For the purposes of this question, any license or other right of possession or occupancy granted by the Applicant or operating company with respect to the Project Location shall be deemed a tenancy.		
Construction Information		
Construction Start Date (as defined in the Policies and Instructions): Est 10/2020 Facility Operations Start Date (as defined in the Policies and Instructions): 7/2021		
Does the Project involve the construction of a new building or an expansion/renovation of an existing building? x Yes No		
If yes, please complete the following questions and attach a separate page and provide drawings, plans, or a description of the proposed work.		
Does the Project involve subsurface disturbance or excavation? <input type="checkbox"/> Yes x No		
Anticipated square footage of Facility after construction and/or renovation: 45,344 SQFT		
Anticipated square footage of <i>non-building improvements</i> after construction and/or renovation (e.g. parking lot construction):		
Please describe any <i>non-building improvements</i> on a separate page.		
Square feet of grocery space created: 45,344 SQFT		
Percentage of retail space for perishable goods: 60%		
Square feet of retail space for fresh produce: 7,000 SQFT		
Are energy efficiency improvements or the installation of a renewable energy system anticipated as part of the Project? <sup>2</sup> Yes		

<sup>2</sup> More information on free energy efficiency advisory services can be found [here](#).

Which of the below statements best reflects your current stage in the contractor procurement process?

☐ A contractor has been selected and the procurement process is complete.

☐ The procurement process has begun but a contractor has not been selected. Selection is anticipated by:

☐ The procurement process has not begun. Procurement is anticipated to begin by:

x Other: TBD

☐ Not applicable

**Zoning Information**

Current zoning of Project Location: C6-3

Is a zoning variance or special permit required for the Project to proceed at this Location? ☐ Yes x No

If yes, attach a separate page and describe the zoning variance or special permit required, which agencies are involved, and the anticipated schedule for zoning approval.

Is the Project subject to any other city, state or federal approvals? ☐ Yes x No

If yes, attach a separate page and describe the approval required, and if applicable, list any other environmental review that may be required.

Is the Project subject to a tax lot or condominium apportionment? ☐ Yes x No

If yes, attach a separate page and describe the approvals required, and the anticipated schedule for approval.

Is the Project Location a designated historic landmark or located in a designated historic district? ☐ Yes x No

Is the Project Location within the NYC Coastal Zone Boundary? ☐ Yes x No

Intended use(s) of site (check all that apply): ☐ Non-Supermarket Retail % ☐ Office % ☐ Restaurant % ☐ Other %  
☐ Residential % For residential use, please describe number of units, % affordable and affordable housing financing

## G. ANTICIPATED OWNERSHIP

1. Check the accurate description of the Project Location's anticipated ownership.

<input type="checkbox"/> Applicant or an Affiliate is/expects to be the Project Location's fee simple owner.	(Projected) Acquisition date:
x Applicant or an Affiliate leases/expects to lease the Project Location. <input type="checkbox"/> Lease is for an entire building and property. x Lease is for a portion of the building and/or property.	(Projected) Lease signing date: 4/4/2019 (Projected) Possession date: 10/1/2020
<input type="checkbox"/> Neither of the above categories fully describes Applicant's interest or intended interest in the Project Location. Describe the anticipated ownership of the Project Location premises:	

2. Does/will an Affiliate own/control the Project Location? x Yes No

If yes, complete the table below:

Name of Affiliate: Bogopa Harlem, LLC	Address of Affiliate: 201 East 125 <sup>th</sup> st. New York, NY 10035
Affiliate is (check one of the following, as applicable): <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Business Corporation <input type="checkbox"/> Other: x Limited Liability Company <input type="checkbox"/> Natural Person <input type="checkbox"/> S Corporation	

## H. PROJECT FINANCING

1. **Sources of Financing.** Provide amounts as aggregates for all Project Locations. Add table rows, if needed.

Sources	Total Amount	Percent of Total Financing
Equity	\$8,000,000	100%
Commercial Loan (Bank Name: )	\$	%
New York City Public Funds	\$	%
Source:	\$	%
Source:	\$	%
New York State Public Funds	\$	%
Other:	\$	%
<b>Total</b>	<b>\$8,000,000</b>	<b>100%</b>

- | Uses  | Total Amount       | Percent of Total Financing |
|---|--------------------|----------------------------|
| <b>Land and Building Acquisition</b>  | \$                 | %                          |
| <b>Construction Hard Costs</b><br>(i.e. site excavation, building materials, labor, landscaping, construction materials, etc.)  | \$4,000,000        | %                          |
| <b>Construction Soft Costs</b><br>(i.e. pre-planning, legal, financing, design, etc.)   | \$500,000          | %                          |
| <b>Furnishings, Fixtures, &amp; Equipment (FF&amp;E) and Machinery &amp; Equipment (M&amp;E)</b><br>(i.e. generators, desks, chairs, electronic equipment, specialized manufacturing equipment, assembly equipment, etc.) | \$2,500,000        | %                          |
| FF&E purchased in NYC   | \$1,500,000        |                            |
| M&E purchased in NYC  | \$                 |                            |
| <b>Closing Fees</b> (costs associated the execution of deal, i.e. debt service reserve fund, financing fees, loan origination fees, attorney fees, pre-payment penalties, etc.)   | \$150,000          | %                          |
| <b>Other (please describe):</b> Plumbing, electric lightning and other uncategorized costs  | \$850,000          | %                          |
| <b>Total</b>  | <b>\$8,000,000</b> | <b>%</b>                   |

## I. EMPLOYMENT INFORMATION

**1. Job Creation Schedule for the Applicant**  
For all responses in the table below, part-time ("PT") employees are defined as those working between 17.5 and 35 hours per week on average, and full-time ("FT") employees are defined as those working 35 hours or more per week. Hourly wages in Columns E & F should represent the pay rate and are exclusive of overtime. For salaried employees, divide the annual salary by 1,820 working hours per year to calculate an hourly wage.

A	B	C			D	E	F	G	H
Job Category	# of NYC jobs retained by Project	# of jobs to be added in each year at Project Location in first 3 years of operation to be employed by Applicant			Total # of Jobs at Project Location in first 3 years of operation (Sum of all Columns B and C)	Average hourly wage for Year 1	Lowest hourly wage for Year 1	Average Fringe Benefit for retained jobs	Average Fringe Benefit for created jobs
		Year 1: 2019	Year 2: 2020	Year 3: 2021					
FT Executive level						\$		\$	\$
FT Manager level	0	8	0	0	8	\$19		\$5,000 / Y	\$5,000 / Y
FT Staff level	0	67	5	5	77	\$15.5		\$	\$
Total FT Employees					85	\$15.88	\$15	\$40,000	\$40,000

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<b>Total PT Employees</b>	<b>0</b>	<b>25</b>	<b>5</b>	<b>5</b>	<b>35</b>	<b>\$15.0</b>	<b>\$15</b>	<b>\$</b>	<b>\$</b>
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2. Of the Total Jobs at Project Location in Column D, how many employees are/will be NYC residents? 120
3. Does the Project currently have, or anticipate having, contract or vendor employees<sup>4</sup> at the Project Location? Yes x No
4. Generally describe all other forms of compensation and benefits that permanent employees will receive (i.e. healthcare, employer contributions for retirement plans, on-the-job training, reimbursement for educational expenses, etc.), including amounts for different employee titles. See the attachment #1.Hiring plan
5. Will the Applicant or any of its Affiliates be required to provide health coverage to its employees pursuant to the federal Patient Protection and Affordable Care Act (the "Act")? x Yes ☐ No  
If yes, provide an overview of the applicable requirements under the Act and an explanation of how Applicant plans to comply with such requirements. If no, explain why and provide a FT employee count using the Act "[FTE Employee Calculator](#)". Insurance will be provided by respective Union accordingly based on seniority and job title
6. Is the Applicant currently providing paid sick time to employees in accordance with the Earned Sick Time Act (Chapter 8 of Title 20 of the NYC Administrative Code) and otherwise in compliance with such law? x Yes ☐ No  
If yes, provide an explanation of your company's paid and unpaid sick time policy. If No, explain why and provide a table which outlines the number of anticipated employees and hours worked per calendar year.<sup>5</sup> Bogopa provides employees with paid sick days so that they can recover from illnesses. The amount of sick days provided to you may vary depending on store location(applicable state, city or local law), full-time status, seniority, and the respective Union contract. Employee can consult its union contract as well as applicable state/city or local law addendums, to determine how many sick days employee is entitled to. Whether they will be paid for accrued sick time at the end of the year or at termination is governed by each union contract and applicable state, city or local law.
7. Will the Project use an apprenticeship program approved by the New York State Department of Labor? ☐ Yes x No

## J. LABOR

The Applicant and its Affiliates hereinafter will be referred to collectively as the "Companies" or individually as a "Company." If none of the following questions apply to any of these Companies, answer *No*. For any question that does apply, be sure to specify to which of the Companies the answer is relevant.

1. Have any of the Companies during the current calendar year or any of the five preceding calendar years experienced labor unrest situations, including actual or threatened labor strikes, hand billing, consumer boycotts, mass demonstrations or other similar incidents?  
☐ Yes x No If Yes, explain on an attached sheet.
2. Have any of the Companies received any federal and/or state unfair labor practices complaints asserted during the current calendar year or any the five calendar years preceding the current calendar year?  
☐ Yes x No If Yes, describe and explain current status of complaints on an attached sheet.
3. Do any of the Companies have pending or threatened requests for arbitration, grievance proceedings or other labor disputes during the current calendar year or any of the five calendar years preceding the current calendar year?  
☐ Yes x No If Yes, explain on an attached sheet.
4. Are any of the Companies' employees *not* permitted to work in the United States?  
☐ Yes x No If Yes, provide details on an attached sheet.
5. Is there any period for which the Companies did not complete and retain or do not anticipate completing and retaining all required documentation related to this inquiry, such as Employment Eligibility Verification (I-9) forms?  
☐ Yes x No If "Yes," explain on an attached sheet.
6. Has the United States Department of Labor, the New York State Department of Labor, the New York City Office of the Comptroller or any other local, state or federal department, agency or commission having regulatory or oversight responsibility with respect to workers and/or their working conditions and/or their wages, inspected the premises of any Company or audited the payroll records of any Company during the current or preceding three year calendar years?

<sup>4</sup> Contract or vendor employees are independent contractors (i.e. persons who are not "employees") or are employed by an independent contractor, who provide services at a Project Location.

<sup>5</sup>Information on the Paid Sick Leave Law can be found: [here](#)



☐ Yes ☒ No

If "Yes," use an attached sheet to briefly describe the nature and date of the inspection and the inspecting governmental entity. Briefly describe the outcome of the inspection, including any reports that may have been issued and any fines or remedial or other requirements imposed upon any of the Companies as a consequence.

7. Have any of the Companies incurred, or potentially incurred, any liability (including withdrawal liability) with respect to an employee benefit plan, including a pension plan?

☐ Yes ☒ No

If "Yes," use an attached sheet to quantify the liability and briefly describe its nature. Refer to any governmental entities that have had regulatory contact with the Company in connection with the liability.

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

☐ Yes ☒ No

If "Yes," provide details on an attached sheet. Note "discrimination" includes sexual harassment.

## K. FINANCIALS

1. Has the Applicant, Affiliate(s), Principal(s), or any close relative of the Principal(s), ever received, or is any such person or entity currently receiving, financial assistance or any other kind of non-discretionary benefit from any Public Entities?

☐ Yes ☒ No

If Yes, provide details on an attached sheet.

2. Has Applicant, or any Affiliate or Principal, or any existing or proposed occupant at the Project Location(s), obtained, or is any such person or entity in the process of obtaining, or contemplating obtaining, other assistance from the NYCIDA/Build NYC and/or other Public Entities?

☒ Yes ☐ No

If Yes, provide details on an attached sheet. : See the attachment Q-K2

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

☐ Yes ☒ No

If Yes, provide details on an attached sheet.

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

☐ Yes ☒ No

If Yes, provide details on an attached sheet.

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

☐ Yes ☒ No

If Yes, provide details on an attached sheet.

6. Has Applicant, or any Affiliate or Principal, failed to file any required tax returns as and when required with appropriate governmental authorities?

☐ Yes ☒ No

If Yes, provide details on an attached sheet.

7. In the table below, provide contact information for the Applicant's references. If the space provided below is insufficient, provide complete information on an attached sheet. List any "Major Customers" (those that compose more than 10% of annual revenues) and any "Major Suppliers" (those that compose more than 10% of goods, services, and materials).

Reference Type	Company Name	Address	Contact Person	Phone	Fax	Email	% of Inventory
Major Suppliers	Bozzuto, Inc.	275 Schoolhouse Road Cheshire, CT 06410					30%
							%
Unions	Local 342	166 East Jericho Turnpikes, Mineola, NY 11501					
Banks	Chase	270 Park Ave 42 <sup>nd</sup> F New York, NY 10017		2			

## L. ANTI-RAIDING

1. Will the completion of the Project result in the relocation of any plant or facility located within New York State, but outside of New York City, to New York City? ☐ Yes ☒ No

If "Yes," provide the names of the owners and addresses of the to-be-removed plant(s) or facility(ies):

2. Will the completion of the Project result in the abandonment of any plants or facilities located in an area of New York State other than New York City? ☐ Yes ☒ No

If "Yes," provide the names of the owners/operators and the addresses of the to-be-abandoned plant(s) or facility(ies):

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

3. Is the Project reasonably necessary to preserve the competitive position of this Applicant, or of any proposed occupants of the Project, in its industry? ☒ Yes ☐ No
4. Is the Project reasonably necessary to discourage the Applicant, or any proposed occupant of the Project, from removing such plant or facility to a location outside New York State? ☐ Yes ☒ No

If the answer to question 3 or 4 is "Yes," provide a detailed explanation in a separate document.

## M. COMPLIANCE WITH LAW

1. The Applicant and any owner or occupant of the proposed project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations. ☒ Yes ☐ No
2. The proposed project, as of the date of this application, is in compliance with all provisions of Article 18-A of the General Municipal Law, including, but not limited to the provisions of Section 859-a and Section 862(1) thereof. ☒ Yes ☐ No

## N. SUPERMARKET DEVELOPMENT & OPERATIONS

1. Will the Project Location participate in the Supplemental Nutrition Assistance Program ("SNAP")? ☒ Yes ☐ No  
If "No," please describe why:
2. Will the Project Location participate in the Special Supplemental Nutrition Program for Women, Infants and Children ("WIC")? ☒ Yes ☐ No  
If "No," please describe why:

3. Please describe the Applicant pricing strategy for Project Location and Affiliate track record of success operating supermarkets in other New York City neighborhoods

We provide the freshest products with the lowest price for the community and operate 29 supermarkets in Tri-state area.

4. Will the Project Location participate in any other community-focused programs or partnerships (e.g. senior discounts, cooking demonstrations, volunteer days, etc.)? ☒ Yes ☐ No  
If "Yes," please describe each activity and its frequency (e.g. daily senior discounts, weekly healthy cooking demonstrations, etc.): 5% senior discount, 10% FDNY discount, 5% ID NYC cardholder discount
5. Do Applicant and/or its Affiliates own and/or operate other supermarkets or supermarket-related businesses in New York City? ☒ Yes ☐ No  
If "Yes," please complete the following table and add rows as needed:

Store & Company Name	Address	Size (sf)	Years in Operation	Owned or Leased
	Please see attachment 4			

6. Do the Applicant and/or its Affiliates own and/or operate any other businesses in New York City? ☒ Yes ☐ No



If “Yes”, please describe the nature of business and years in operation:

7. Has the Project Location been approved for/is currently seeking FRESH Zoning benefits? ☐ Yes ☒ No

If “Yes”, please describe the applicable FRESH Zoning benefits (i.e. additional development rights, reduction in required parking, larger as-of-right in M1), primary applicant company, and anticipated schedule for approval:

## O. ADDITIONAL QUESTIONS

1. How does the Applicant intend to utilize the tax savings provided through the NYCIDA?. We plan to use the saving for sourcing better products to provide fresher products to community and for store renovation and maintenance to provide better condition to customers
2. What are the primary sources of revenue supporting Applicant’s operations? It will be by selling grocery and produces to community customers.
3. If the Applicant’s income statement categorizes any revenues as “Other operating revenues,” describe what revenues are captured in that category: Comission from lottery, bottle deposit, ATM, vending machine, etc ☐ N/A
4. If the Applicant’s income statement categorizes any revenues as “*Other* general and administrative,” describe what revenues are captured in that category: ☒ N/A

# CERTIFICATION

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

**I request** that this Application, together with all materials and data submitted in support of this Application (collectively, these "Application Materials"), be submitted for review to the Agency's Board of Directors (the "Board"), in order to obtain from the Board an expression of intent to provide the benefits requested herein for the Project.

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

**I certify** under penalty of perjury to the best of my knowledge and belief, after due investigation, that the information contained in these Application Materials is accurate, true and complete and does not contain a misstatement of a material fact or omit to state a material fact necessary to make the statements contained herein not misleading. I understand that an intentional misstatement of fact, or, whether intentional or not, a material misstatement of fact, or the providing of materially misleading information, or the omission of a material fact, may cause the Board to reject the request made in the Application Materials. I understand that the Agency will rely on the information contained within these Application Materials in producing and publishing a public notice and convening a public hearing. If any information in these Application Materials is found to be incorrect, the Applicant may have to provide new information and a new public notice and public hearing may be required. If a new public notice and public hearing is required, they will be at the Applicant's expense.

**I acknowledge** 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 exemptions claimed by reason of Agency involvement in the project.

I further understand and agree as follows:

**That** notwithstanding submission of this Application, the Agency shall be under no obligation to present Applicant's proposed Project to the Board for approval. If the Agency presents Applicant's proposed Project to the Board for approval, the Agency does not guaranty that such approval will be obtained. If upon presenting Applicant's proposed Project to the Board for approval the Agency obtains such approval, such approval shall not constitute a guaranty from the Agency to Applicant that the Project transaction will close.

**That** preparation of this Application and any other actions taken in connection with the proposed Project shall be entirely at Applicant's sole cost and expense. Under all circumstances, the Application Fee is non-refundable, including but not limited to the circumstance where the Agency decides, in its sole discretion, to not present Applicant's proposed project to the Board for Approval.

**That** each of Applicant and each of its Affiliates (collectively, the "Indemnitors") hereby releases the Agency and NYCEDC and their respective directors, officers, employees and agents (collectively, the "Indemnitees") from and against any and all claims that any Indemnitor has or could assert and which arise out of, or are related to, any Application Materials, any actions taken in connection therewith or any other actions taken in connection with the proposed Project (collectively, the "Actions"). Each Indemnitor hereby indemnifies and holds harmless each of the Indemnitees from and against any and all claims and damages brought or asserted by third parties, including reasonable attorneys' fees, arising from or in connection with the Actions. As referred to herein, "third parties" shall include, but shall not be limited to, Affiliates.

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

**That** capitalized terms used but not defined in this Application have the respective meanings specified in the Policies and Instructions.

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

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

I certify that, using due care, I know of no misstatement of material fact in the Application Materials, and know of no material fact required to be stated in the Application Materials to make the statements made therein not misleading. **Certified by Preparer,**

**This 14<sup>th</sup> day of September, 2020**

**This 14th day of September, 2020.**

**Name of Applicant:** Bogopa Harlem, LLC

**Name of Preparer:** Kirk Hwang

**Signatory:** Spencer An

**Signatory:** Kirk Hwang

**Title of Signatory:** CEO

**Title of Signatory:** Director of Accounting / Finance

**Signature:** *Spencer An*

**Signature:** *Kirk Hwang*

## A BRIEF DESCRIPTION OF APPLICANT AND NATURE OF BUSINESS

(Attachment 1)

Bogopa Service Corp. has been in business since 1988 and currently operated twenty-nine (29) large, full-scale supermarkets in the metropolitan area, nineteen (19) of which are located in New York City, many of which are in economically disadvantaged neighborhoods. The stores are located in many different neighborhoods, each vibrant with numerous ethnicities and nationalities, and their corresponding cultures and flavors. The stores range in size from 17,000 square feet to 65,000 square feet. The company's "Food Bazaar" trade names are highly regarded and well-known throughout the five (5) boroughs for offering unequalled value and product selection. Unlike many national or regional retailers, we take great pride in our ability to cater to the local demographic composition of each area in which our stores operate. We also acknowledge that demographics change and our success is based on being able to quickly adapt to changes in market conditions. We pride ourselves on going to great lengths in order to provide each of the communities that we serve with the flavors that they love and recall from "back home." Each of our stores devote aisles of space to international and mainstream groceries.

As part of the company's spirit to contribute and support the respective communities, we provide discounts for senior citizens and firefighters and we also offer discounts for IDNYC cardholders through a partnership New York City.

The company and its affiliates employ more than three thousand (3,000) people in and around New York City, all of whom are members of UFCW Local 342, an AFL-CIO member. Many of the employees have been with the company for decades and reside in the communities in which they are employed. Like the customers we serve, our workforce is ethnically diverse. The company projects 2020 retail sales to be approximately \$1.1 billion dollars.

The food retail service business is extremely competitive in the New York City area. The emergence of national and international "big box" chains such as Costco and BJ's Wholesale Club have made it more challenging for "traditional" supermarkets such as Food Bazaar, A&P and Stop & Shop. Additionally, other retailers, such as Target and Bed Bath & Beyond have ventured into the food retail causing more competition for the supermarket industry. As a result, our company must maintain and elevate our food products, service, décor and other controllable variables to stay competitive in the saturated food retail industry.

## Attachment 2

- 1) Brief overview of entire proposed project- The project involves a brand new construction of a 45,000 square foot building to open and operate a first class supermarket under the banner Food Bazaar. The site is ground up building. And the market will be using ground and 2<sup>nd</sup> floor of total 19 floors of residential building in East Harlem.
- 2) Impact on current operations- The proposed project will cost approximately \$8,000,000, which will significantly impact the company's finances. Also. This space was not occupied by grocery stores. Therefore, we will have to face significant amount of capital expenditures to build the new structure to fit in the state of the art grocery store.
- 3) Brief description of renovation/construction- The project entails renovating the entire interior of the building and will include any structural changes. Major work includes, but is not limited to, new concrete floors, fully open ceiling, brand new furnishings, fixtures, cases and equipment (including condensers and compressors), new cash registers, drainage, lighting (LED), cosmetic changes, etc. There will be a new layout as well.
- 4) Brief timeline- We hope to start renovation on the project October 2020 and complete construction and open for business around 2Q 2021.
- 5) There is a strong likelihood that the project will not commence in 2021 without financial assistance from the Agency. As mentioned above, we may not have the financial capacity to invest a large amount of money for construction/renovation. This site is located in an underserved area that would greatly benefit from a first class supermarket that would offer the freshest foods at low prices. As mentioned, we do not just operate a supermarket in the community. We become part of the community by hiring locally and giving back to various neighborhood organizations and causes.

## Bogopa Group

CID	FIRM'S NAME	EIN	ADDRESS		
11	Bogopa, Inc.	11-3232431	17-59 Ridgewood Place, Brooklyn, NY 11237	NYC	
12	Bogopa-Junction, Inc.	11-3303369	34-20 Junction Blvd, Jackson Heights, NY 11372	NYC	
13	57th Ave Market, Inc.	11-2911959	97-27 57th Ave., Corona, NY 11368	NYC	
14	Bogopa-West NY, Inc.	22-3453155	57-01 Broadway, West NY, NJ 07093		
16	AFS Market, Inc.	11-3391545	1102 Myrtle Ave., Brooklyn, NY 11206	NYC	
17	37th Ave Market, Inc.	11-3463593	35-60 Junction Blvd., Corona, NY 11368	NYC	
18	Bogopa-Concourse, Inc.	11-3507881	238 East 161st Street, Bronx, NY 10451	NYC	
22	Bogopa-Manhattan, Inc.	11-3592885	21 Manhattan Ave., Brooklyn, NY 11206	NYC	
23	Bogopa-Gates, Inc.	11-3592881	1590 Gates Ave., Ridgewood, NY 11385	NYC	
25	Bogopa-Junius, Inc.	11-3592894	417 Junius Street, Brooklyn, NY 11212	NYC	
27	Bogopa-Bruckner, Inc.	83-0359289	1630 Bruckner Blvd., Bronx, NY 10473	NYC	
30	Bogopa-170th, Inc.	13-4194311	535 East 170th Street, Bronx, NY 10456	NYC	
35	Bogopa Trenton, LLC	26-0248104	635 S. Clinton Ave., Trenton, NJ 08611		
36	Bogopa BP Corporation	27-1109102	500 Sylvan Ave. Bridgeport, CT 06606		
37	Bogopa 58-01, LLC	26-0750972	58-01 Junction Blvd. Corona, NY 11368	NYC	
38	Bogopa St. Johns, Inc.	26-2194400	1682 Saint Johns Pl. Brooklyn, NY 11233-4906	NYC	
40	Bogopa Mt. Vernon, Inc.	80-0779676	One Bogopa Plaza, Mount Vernon, NY 10550		
41	Bogopa LIC, Inc.	80-0833166	42-02 Northern BlvdLIC, NY 11101	NYC	
42	Bogopa Washington, Inc.	90-0969845	445 East 163rd StreetBronx, NY 10451	NYC	
43	Bogopa 345 Huntington, Inc.	47-2750609	345 Huntington Turnpike, Bridgeport, CT 06610		
46	BOGOPA ELIZABETH, INC.	47-5288618	211 Elmora Ave.Elizabeth, NJ 07202		
47	BOGOPA FAIRVIEW, INC.	47-5303652	425 Anderson AvenueFairview, NJ 07022		
48	BOGOPA BRENTWOOD, INC.	47-5317019	101 Wicks RoadBrentwood, NY 11717		
49	Bogopa BG Flatlands, LLC	82-4907385	11110 Flatlands Avenue. Brooklyn, NY 11207	NYC	
50	BOGOPA KENNEDY, INC.	47-5596066	1425 Kennedy BoulevardNorth Bergen, NJ 07047		
72	BOGOPA BTM, LLC	83-0937416	610 Exterior St. Bronx, NY 10451	NYC	
75	Bogopa Red Hook, LLC	85-1774326	480-500 Van Brunt St Brooklyn, NY 11231	NYC	50K SQFT
76	Bogopa Douglaston, LLC	85-1963696	242-02 61st Ave Douglaston, NY 11362	NYC	50K SQFT
78	BG Westbury, LLC	85-2127484	1258 Corporate Drive Westbury, NY 11590	new store	60K SQFT

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

**Instructions for Completing**


**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Bogopa Harlem, LLC			
Project Location (describe, and attach a location map): 201 East 125th St New York, NY 10035			
Brief Description of Proposed Action: The project involves a brand new construction of a 45,000 square foot building to open and operate a first class supermarket under the banner Food Bazaar. The site is ground up building. And the market will be using ground and 2nd floor of total 19 floors of residential building in East Harlem.			
Name of Applicant or Sponsor: Bogopa Harlem, LLC		Telephone: _____	
		E-Mail: _____	
Address: 201 East 125th St.			
City/PO: New York		State: NY	Zip Code: 10035
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ 1.0 acres			
b. Total acreage to be physically disturbed? _____ 1.0 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.0 acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			



5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Bogopa Harlem, LLC</u>	Date: <u>8/21/2020</u>	
Signature: 		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	<b>NO</b>	<b>YES</b>
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	<b>NO</b>	<b>YES</b>
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	<b>NO</b>	<b>YES</b>
	<input type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: _____ Date: _____ Signature: _____		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
NYC IDA	December 4, 2020
Name of Lead Agency	Date
Marilyn Lee	Vice President, Land Use
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<i>Marilyn Lee</i>	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT**