

# Core Application - Applicant General Information

The Core Application captures specific and general information about the Applicant and the Project. This section begins with a survey of "General Information," followed by a section that describes the Applicant's Interest or relationship to the project site. This helps establish eligibility and which benefits will be applied to the project.

Name:	<b>3462 THIRD AVE. FOOD CORP.</b>
Address:	<b>3470 THIRD AVENUE BRONX, NY 10456</b>
Phone Number(s):	[REDACTED]
Fax Number(s):	<b>NOT APPLICABLE</b>
E-mail Address:	[REDACTED]; [REDACTED]
Website Address:	<b>NOT APPLICABLE</b>
Applicant EIN Number:	[REDACTED]
S.I.C. Code:	<b>NOT APPLICABLE</b>
NAICS Code:	<b>445110</b>

Date of Application: 06/24/2010

1. Applicable Program (please check one):

- |  |   |
|--|---|
| <input type="checkbox"/> Manufacturing Facilities Bond Program           | <input type="checkbox"/> Empowerment Zone Facilities Bond Program |
| <input checked="" type="checkbox"/> Industrial Incentive Program ("IIP") | <input type="checkbox"/> Exempt Facilities Bond Program           |
| <input type="checkbox"/> Small Industrial Incentive Program ("SIIP")     |   |

SIIP is only available for Applicants with annual revenues of less than \$5 million and fewer than 100 employees; IIP is only available for Applicants with either annual revenues that are \$5 million or greater or 100 or more employees.

2. Officer of Applicant serving as contact person:

Name: TEOFILO DE JESUS Firm: NOT APPLICABLE  
Phone #: [REDACTED] Fax #: NOT APPLICABLE  
E-mail Address: [REDACTED] Address: 206 EAST 167TH STREET BRONX, NY 10456

3. Attorney of Applicant:

Name: MAXIMO FIGUEREDO Firm: MAXIMO FIGUEREDO ATTORNEY AT LAW  
Phone #: [REDACTED] Fax #: [REDACTED]  
E-mail Address: [REDACTED] Address: 37-31 76TH STREET JACKSON HEIGHTS, NY 11377  
(FIRM ADDRESS)

4. Accountant of Applicant:

Name: MELVIN FASTOW Firm: INTERACTIVE BUSINESS SERVICES  
Phone #: [REDACTED] Fax #: [REDACTED]  
E-mail Address: [REDACTED] Address: 229 JERICHO TPKE NEW HYDE PARK, NY 11040

5. Other Advisor/Consultant to Applicant (if applicable): **NOT APPLICABLE**

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

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

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> General Partnership      | <input type="checkbox"/> Limited Partnership       | <input type="checkbox"/> C Corporation  |
| <input checked="" type="checkbox"/> S Corporation | <input type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Natural Person |
| <input type="checkbox"/> 501(c)(3) Organization   | <input type="checkbox"/> Other (specify): _____    |   |

7. Are any securities of Applicant publicly traded?

- Yes  No

8. Applicant's state of incorporation or formation: NEW YORK

9. Applicant's date of incorporation or formation: 06/23/2010

10. States in which Applicant is qualified to do business: NEW YORK

11. Please provide a brief description of Applicant and nature of its business: FULL SERVICE RETAIL SUPERMARKET  
INCLUDING GROCERIES, PRODUCE, FROZEN FOODS, DAIRY, DELI PRODUCTS, ETC.

## Core Application - Applicant Interest in Project Realty

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

1. Please check all that apply:

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

**Please note:** Please pay particular attention to items 5, 6 and 16 in the Required Documents List (attached), which request additional information specific to the Project realty.

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

**NOT APPLICABLE-NO REAL ESTATE HOLDING COMPANY**

- General Partnership
- Limited Partnership
- C Corporation
- S Corporation
- Limited Liability Company
- Not-for-profit 501(c)(3) Entity
- Natural Person
- Other (specify): \_\_\_\_\_

Name of SPE:
Address:
Phone Number(s):
Contact Person:
Title of Contact Person:
Affiliation of SPE to Applicant:
Owners of SPE and each respective ownership share:
SPE EIN Number:

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

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

**NOT APPLICABLE - THERE ARE NO SUBLEASES FOR BAKERY, DELI, E**

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

## Core Application - Project Description and Financial Information

Please complete this section of the Application for each of the Project sites, defined as a facility (perhaps encompassing more than one address and/or block and lot) with either a distinct employment base (as evidenced through D.O.L. reporting) or with a separate and distinguishable source of funding for the acquisition, renovation or construction of the facility. **If more than one site exists for this Project, please make the requisite number of copies of this section and fill it out for each site.**

<b>Site #</b>	
Borough:	<b>BRONX</b>
Neighborhood:	<b>MORRISANIA</b>
Block(s):	<b>2609</b>
Lot(s):	<b>115</b>
Street address and zip code:	<b>3470 THIRD AVENUE BRONX, NY 10456</b>
Zoning:	<b>MX-7</b>
Square footage of land:	<b>NOT APPLICABLE- CONDOMINIUM UNIT, NO LAND</b>
Square footage of existing building(s):	<b>SUPERMARKET AREA - 17,000 SQUARE FEET</b>
Number of floors:	<b>1 (GROUND FLOOR ONLY)</b>
Intended use(s) (e.g., office, retail, etc.):	<b>RETAIL SUPERMARKET</b>

1. Please provide the following Project information:

a. Please provide a brief description of the proposed Project: OPERATION OF A FULL SERVICE SUPERMARKET

b. When does Applicant want Closing to occur (i.e., when does Applicant want the proceeds from the Bonds or other benefits sought to be available for the Project costs)? AS SOON AS POSSIBLE - AUGUST 2010

c. Indicate the estimated date for commencement of the Project: AUGUST 17, 2010-EST. CLOSING TWO WEEKS AFTER

d. Indicate the estimated date for the completion of the Project: NOVEMBER 1, 2010 IDA BOARD OF DIRECTORS MEETING

e. Is the Project site located in a New York State Empire Zone?  Yes  No

If Yes, which zone? \_\_\_\_\_

f. Is the Project site located in the Federal Empowerment Zone?

Yes  No

g. Will the Project require Uniform Land Use Review Procedure ("ULURP") approval?

Yes  No

h. Will the Project require any other special permit or approval?

Yes  No

If Yes, please explain: \_\_\_\_\_

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

Yes  No

If Yes, please provide details: \_\_\_\_\_

j. Will the Project require a tax lot apportionment or subdivision? (Tax lot apportionment will be required for real estate tax benefits to commence.)

Yes  No

If Yes, please provide details and timing: DEVELOPER HAS APPLIED FOR TAX LOT APPORTIONMENT WITH THE NYC DEPT OF FINANCE.

2. Please complete the following summary of Project sources and uses: **FOR THE SUPERMARKET**

Uses of Funds		Sources of Funds	
Land acquisition <sup>3</sup>		Bonds	
Building acquisition <sup>3</sup>		Loan (1) ASSOCIATED FOOD CORP.	700,000
New construction <sup>4</sup>		Loan (2)	
<del>RENOVATION</del> SOFT COSTS	84,000	Capital campaign <sup>3</sup>	
Fixed tenant improvements LEASEHOLD	116,000	Affiliate/employee loans FROM OTHER STORES- UNSECURED	195,000
Machinery and/or equipment & FIXTURES	325,000	Company funds - EQUITY	200,000
Soft costs (define):		Fund balance <sup>3</sup>	
Furnishings COMPUTERS & SCANNERS	70,000	Other equity (explain)	
Debt Service Reserve Fund <sup>5</sup>		Other (explain)	
Capitalized interest <sup>3</sup>		Other (explain)	
Other (explain) INVENTORY	500,000	Other (explain)	
<b>Total Project Uses</b>	<b>1,095,000</b>	<b>Total Project Sources</b>	<b>1,095,000</b>

3. Please list where machinery and equipment will be purchased and what percentage of total machinery and equipment relating to the Project this will represent:

- New York City Percentage of Total? 90
- New York State (excluding NYC) Percentage of Total? 10
- United States (excluding NY State) Percentage of Total? \_\_\_\_\_
- Outside United States Percentage of Total? \_\_\_\_\_

<sup>3</sup> Please estimate Land and Building acquisition costs separately if possible.

<sup>4</sup> Please define New Construction on a separate piece of paper.

<sup>5</sup> Applies to not-for-profit bond financings only

# Core Application - Background Information on Applicant & Applicant's Affiliates

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Has the 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, please provide details on an attached sheet.

Please answer the following questions relating to the Applicant (if the space provided below is insufficient, please provide complete information on an attached sheet):

7. List major customers:

Company Name	Address	Contact	Phone	Percent of Revenues
<b>INDIVIDUAL SHOPPERS NOT COMPANIES</b>				

8. List major suppliers:

Company Name	Address	Contact	Phone
ASSOCIATED FOOD CORP.	1800 ROCKAWAY AVE HEWLETT, NY		
PORKY PRODUCTS	400 PORT CARTERET DRIVE, NJ		
GOYA FOODS INC.	100 SEAVIEW DR SECAUCUS, NJ		

9. List unions (if applicable):

Union Name	Address	Contact	Phone	Contact Expiration
NONE				

10. List banks ASSOCIATED FOOD CORP. IS PROVIDING FINANCING

Bank Name	Address	Contact	Phone	Type of Account
BANCO POPULAR		WANDA MATOS		CHECKING

11. List licensing authorities, if applicable: **\*\*APPLIED FOR\*\***

Company Name	Address	Contact	Phone	Percent of Revenues
IRS - EMPLOYER				
NYS TAX DEPT. - CERTIFICATE OF AUTHORITY				
USDA - FOOD STAMPS/EBT				
W.F RYAN COMM HEALTH CIR:-WIC				
NYS DEPT OF AGRICULTURE & MARKETS-FOOD PROCESSING				



**Core Application - Request, Certification, etc.**

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

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

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

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

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

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

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

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

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

**That** in the event NYCIDA discloses the Application Materials in response to a request made pursuant to FOIL, Applicant hereby authorizes the NYCIDA to make such disclosure and hereby releases the NYCIDA from any claim or action that Applicant may have or might bring against the NYCIDA, its directors, officers, agents, employees and attorneys, by reason of such disclosure; and that Applicant agrees to defend, indemnify and hold the NYCIDA and, if applicable, 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.

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


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

this 24<sup>th</sup> day of June, 2010.

Name of Applicant: 3462 THIRD AVE. FOOD CORP.

By: Printed Name of Signer: TEOFILO DE JESUS

Title of Signer: PRESIDENT

Signature: 

## Short Environmental Assessment Form Guidelines

The following guidelines have been prepared to assist applicants in their completion of the Short Environmental Assessment Form ("SEAF") required by the NYCIDA. As noted, it is designed to assist the NYCIDA in determining the environmental effects of a project for which the NYCIDA is proposing to provide financial assistance. The SEAF is meant to be utilized instead of the EAF for relatively small projects involving occupation and use of existing residential or commercial office structures with minimal likelihood of resultant significant adverse environmental impacts. If you are not sure which form to complete, please contact NYCIDA staff.

While responses to most of the questions/statements in the SEAF are self-explanatory, a few are not. Guidance on the type or source of information required for the latter is discussed below.

### Description of Action

It is important to describe not only the action taken by the NYCIDA (e.g., provision of financial assistance), but also the effects or resulting physical change that will occur as a consequence of the action. The latter can vary substantially for very similar actions. For example, the action might provide assistance related to the occupation of 140,000 SF of office space in an existing building. In one instance, the action might involve renovation of space already occupied by the applicant involving no new employees and related increases in journey to work trips. On the other hand, the contemplated assistance might be for the purchase of a vacant building to be occupied by the Applicant, bringing a new population to a particular location. The environmental effects of these two actions might vary substantially.

### Site Description

**Question #9: What are the peak hours for vehicular trip generation? What is the maximum number of vehicular trips generated in each of the peak hours (combination of employee, business/visitor trips).**

Each vehicle's arrival at or departure from the project site constitutes a single vehicle trip; a roundtrip to or from the facility is counted as two trips. Typically, the peak vehicle trip generating hours occur in the AM when employees arrive for work and in the PM when they leave work for the day. Some types of land uses such as restaurants, retail facilities, movie theaters, etc., may have different peak hours coinciding with the arrival or departure of customers. The peak hours (AM and PM) for the proposed project must be identified as well as the number of vehicle trips that would be generated from all sources (e.g., employees, company vehicles picking up or delivering, visitors and suppliers) during those hours. The trip generation calculations for each trip type component must be shown. Please differentiate between car trips and truck trips to the project site.

**Question #11: Is the project located within the New York City Designated Coastal Zone?**

The NYC designated coastal zone is shown on maps prepared by the Department of City Planning. The precise location of the project including nearest cross streets must be included in the response to question 4. The NYCIDA will consult the Coastal Zone maps to determine whether or not the project location is within the designated coastal zone. If the project is within the coastal zone, an analysis of the project's consistency with the City's Coastal Zone polices will be required.

**Question #16: Is the project site wholly or partially within, or substantially in a state designated tidal or freshwater wetland or the upland buffer area of such a wetland?**

Tidal and freshwater wetlands are designated by the New York State Department of Environmental Conservation (DEC), which prepares and maintains maps of these designated wetlands. DEC has promulgated regulations concerning land use development within state designated wetlands. All projects for which NYCIDA financial assistance is being sought must be in compliance with any applicable state wetland regulations. NYCIDA staff will review applications to determine if they are subject to state wetland regulations.

**FOR UNLISTED ACTIONS ONLY**

**Please note:** This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form. Answers to these questions will be considered part of the application for approval and may be subject to further verification and public review. It is expected that completion of this Short Environmental Assessment Form will be dependent on the information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action	
Precise location of action (or show site location on a copy of a Hagstrom or other street map): <b>3470 THIRD AVENUE BRONX, NY 10456</b>	
Name of Applicant: <b>3462 THIRD AVE. FOOD CORP.</b>	Telephone: [REDACTED]
Address of Applicant: <b>3470 THIRD AVENUE BRONX, NY 10456</b>	FAX: <b>NOT APPLICABLE</b>
	Contact: <b>TEOFILO DE JESUS</b>
Name of Owner (if different): <b>3462 THIRD AVENUE REALTY LLC</b>	Telephone: [REDACTED]
Address of Owner: <b>3470 THIRD AVENUE BRONX, NY 10456</b>	FAX: [REDACTED]
	Contact: <b>MR. KIUMARZ GEULA</b>
Description of action (please be precise): <b>NYCIDA TO PROVIDE FRESH FINANCIAL INCENTIVES RELATED TO THE OCCUPATION OF APPROXIMATELY 17,000 SQUARE FEET OF COMMERCIAL SPACE IN AN AFFORDABLE HOUSING BUILDING CURRENTLY UNDER CONSTRUCTION, TO BE OPERATED AS A FULL SERVICE RETAIL SUPERMARKET COMPLYING WITH FRESH PROGRAM GUIDELINES.</b>	
Is project action: <input type="checkbox"/> New Construction <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/Alteration <b>FIT OUT OF COMMERCIAL SPACE IN NEW BUILDING</b>	

NEIGHBORHOOD

**Site Description PROJECT IS SUPERMARKET ONLY**

(Physical setting of overall Project, both developed and undeveloped areas.)

1. Present land use:  Urban  Industrial  Commercial  
 Forest  Agriculture  Residential (suburban)  
 Rural (non-farm)  Other: **COMMERCIAL SPACE CURRENTLY UNDER CONSTRUCTION**
2. Describe present land use in vicinity of Project: **HOUSING PROJECTS, PARKING LOT, BUILDINGS UNDER CONSTRUCTION, OTHER BUSINESSES, ETC.**

3. Total acreage of Project area: \_\_\_\_\_ acres initially; \_\_\_\_\_ acres ultimately. - **NOT APPLICABLE: COMMERCIAL CONDO**

4. What is the zoning designation of the Project site: **MX-7**

5. Will proposed action comply with existing zoning or other existing land use restrictions?  
 Yes  No

If No, please describe briefly: **PROJECT IS ANTICIPATED TO RECEIVE "FRESH FOOD STORE CERTIFICATION" FROM CHAIRPERSON OF CITY PLANNING COMMISSION. THIS CERTIFICATION WILL ALLOW FOR AS-OF-RIGHT OPERATION OF A RETAIL SUPERMARKET ≤ 30,000 SQUARE FEET IN THE MX-7 ZONING DISTRICT AND WILL ELIMINATE THE PARKING REQUIREMENT FOR THE FIRST 15,000 SQUARE FEET OF SUPERMARKET SPACE.**

# Short Environmental Assessment Form

6. Does action involve a permit approval, or funding, now or ultimately from any other governmental agency (federal, state or local)?  
 Yes       No

If Yes, please list agency(ies) names and permits/approvals: NYC DEPT OF BUILDINGS PERMIT AND  
CERTIFICATE OF OCCUPANCY ; NYS DEPT OF AGRICULTURE & MARKETS FOOD PROCESSING LICENSE

7. Does any aspect of the action have a currently valid permit or approval?  
 Yes       No

If Yes, please list agency name and permit/approval: \_\_\_\_\_

8. Supplemental project description:

a) Is site currently vacant or developed (if developed, indicate current and previous site uses)? \_\_\_\_\_  
CURRENTLY UNDER DEVELOPMENT - PREVIOUS SITE WAS INDUSTRIAL NEW USES WILL BE  
RESIDENTIAL AND COMMERCIAL

b) Proposed building square footage for any new construction or expansion: (BLDG) 135,000 SQUARE FOOT MIXED USE BLDG-  
RETAIL SUPERMARKET WILL BE APPROXIMATELY  
c) Dimensions of any new construction: \_\_\_\_\_  
17,000 SQUARE FEET.

d) Number of existing 0 and proposed 81 parking spaces. FOR ENTIRE BLDG.

e) Number of employees currently 0 (SUPERMARKET); number of employees upon completion of the project 26.5 FTES-FOR THE FIRST YEAR

9. What are the peak hours (AM and PM) for vehicular trip generation (e.g., 8:00 AM - 9:00 AM)? 8:00AM-9:00AM  
4:00PM-5:00PM

What is the maximum number of vehicular trips generated in each of the peak hours (combination of employee, business/visitor trips)? 35

10. Will the project produce operating noise audible outside of (i.e., exceeding) local ambient noise levels?  
 Yes       No

**NOTE: IT IS ANTICIPATED THAT MOST CUSTOMERS WILL COME FROM RESIDENTIAL UNITS IN BUILDING AND SURROUNDING NEIGHBORHOOD, KEEPING VEHICLE TRIPS TO A MINIMUM.**

11. Is the project located within the New York City designated coastal zone?

Yes       No

12. Will the project routinely produce odors noticeable outside of any project buildings for more than one hour per day?

Yes       No

13. What wastes will be generated by the project? List amounts of each generated on a daily or monthly basis: \_\_\_\_\_

SUPERMARKET NORMAL WASTE; ALL WASTE TO BE REMOVED BY COMMERCIAL CARTERS.

14. Is the applicant aware of and/or have any reason to believe there are any hazardous and/or toxic or similar material(s), substance(s) and/or waste(s), including but not limited to petroleum products, present at the site which may pose a health or physical hazard to persons employed at or visiting the site?

Yes       No

If Yes, please provide specific information regarding all such material(s), substance(s) and /or waste(s) on a separate piece of paper.

15. Is the applicant aware of and/or have any reason to believe there are any hazardous and/or toxic or similar material(s), substance(s) and/or waste(s), including but not limited to petroleum products, present at properties in the vicinity of the site, which may pose a health or physical hazard to persons employed at or visiting the site?

Yes       No

If Yes, please provide specific information regarding all such material(s), substance(s) and /or waste(s) on a separate piece of paper.

16. Is the project site wholly or partially in a state designated tidal or freshwater wetland or the upland buffer area of such a wetland?

Yes  No

17. Does the action occur wholly or partially within, or substantially contiguous to any historic building, structure, facility, site or district or prehistoric site that is listed on the national register of historic places or that has been recommended by the New York State Board on Historic Preservation for nomination for inclusion in the National Register, or that is listed on the State Register of Historic Places? For assistance in answering this question, you may wish to call the NYC Landmarks Preservation Commission at (212) 487-6782.

Yes  No

### Informational Details

Attach any additional information that may be needed to clarify your Project. If there are or could be any adverse environmental impacts with your proposal, please discuss such impacts and the measures you propose to mitigate or avoid them.

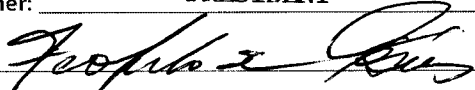
### Certification

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

Name of Applicant: 3462 THIRD AVE. FOOD CORP.

By: Printed Name of Signer: TEOFILO DE JESUS

Title of Signer: PRESIDENT

Signature: 

Date: 06/24/2010

**NOT APPLICABLE**  
**\* NO MANUFACTURING TO BE CONDUCTED**  
**ON SITE- RETAIL FACILITY**

Please complete the following questions for each facility to be financed. Use additional pages as necessary. For background information, see "Requirements for Issuance of Triple Tax-Exempt Bonds for Manufacturing Facilities" located in the Introduction and Information section of this Application.

1. Describe the production process that occurs at the facility to be financed: \_\_\_\_\_  
 \_\_\_\_\_

2. Allocate portions of the facility to be financed by function, expressed in square footage and location in relation to production (e.g., same building, adjacent land or building, off-site, etc.):

Production line		
Warehouse/storage		
Loading areas		
Office space for a shop foreman		
Employee restrooms, locker rooms and parking		
Employee eating area		
Repair shop		
Offices for administration		
Other (specify)		
Other (specify)		
<b>Total Square Footage</b>		

3. Of the space allocated to offices for administration above, identify by function (e.g., executive offices, payroll, production, etc.) and location in relation to production (same building, adjacent land or building, off-site, etc.):

<b>Total Square Footage</b>		

**NOT APPLICABLE**

4. Of the space allocated to storage or warehousing above, identify the square footage and location of the areas devoted to the following:

Raw materials used for production of manufactured goods		
Finished product storage		
Component parts of goods manufactured at the facility		
Purchased component parts		
Other (specify)		
Other (specify)		
Other (specify)		
<b>Total Square Footage</b>		

5. List raw materials used in the processing of the finished product(s) at the facility to be financed: \_\_\_\_\_

6. List finished product(s) that are produced at the facility to be financed: \_\_\_\_\_

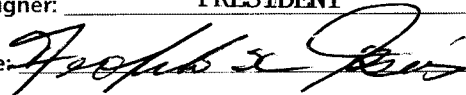
**C. Signature**

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

**Name of Applicant:** 3462 THIRD AVE. FOOD CORP.

**By:** **Printed Name of Signer:** TEOFILO DE JESUS

**Title of Signer:** PRESIDENT

**Signature:** 

**Date:** 06/24/2010

**FOR THE PROPOSED SUPERMARKET**

1. Will any portion of the Project consist of facilities or property that are or will be primarily used in making retail sales of goods to customers who personally visit the Project?

Yes       No

2. If the answer to question 1 is "Yes," will the applicant or any other project occupant be a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the "retail sale of tangible personal property" (as defined in Section 1101(b)(4)(i) of the Tax Law)?

Yes       No

3. Will any portion of the Project consist of facilities or property that are or will be primarily used in making retail sales of services to customers who personally visit the Project?

Yes       No

4. If the answer to question 1 or question 3 is "Yes," what percentage of the cost of the Project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project?

100 percent

5. If the answer to question 1 or question 3 is "Yes," and the answer to question 4 is more than 33.33 percent, indicate whether any of the following apply to the Project:

a. Will a not-for-profit corporation operate the Project?

Yes       No

b. Is the Project likely to attract a significant number of visitors from outside New York City?

Yes       No

c. Would the Applicant, but for the contemplated financial assistance from the NYCIDA, locate the related jobs outside the State of New York?

Yes       No

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

Yes       No

**PLEASE NOTE THAT THIS IS A PREMISE OF THE FRESH PROGRAM. THE CITY HAS DETERMINED THIS AREA IS UNDERSERVED BY FULL SERVICE GROCERY RETAIL AND THAT LACK OF FRESH FOOD ACCESS**

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

Yes       No

**\*SEE ATTACHMENT FURNISHED BY NYCEDC**

**HAS LED TO HIGH RATES OF DIET-RELATED DISEASE.**

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

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

**26.5 FULL TIME EQUIVALENTS DURING THE FIRST YEAR OF OPERATION.**

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



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

Name of Applicant: 3462 THIRD AVE. FOOD CORP.

By: Printed Name of Signer: TEOFILO DE JESUS

Title of Signer: PRESIDENT

Signature: *Teofilo de Jesus*

Date: 06/24/2010

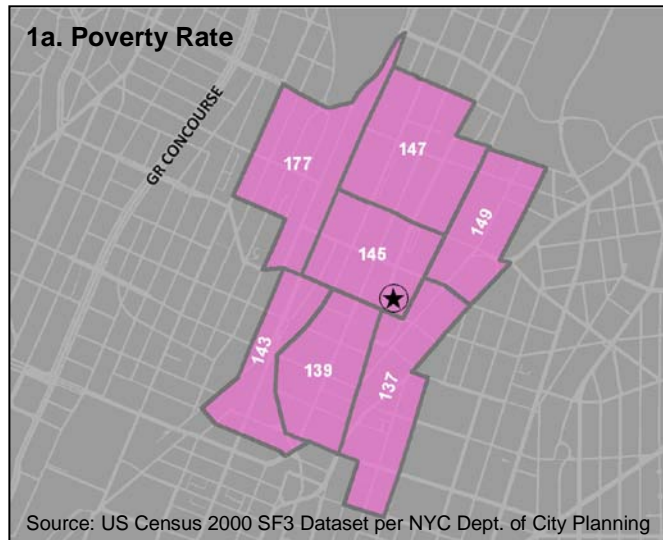
Applicant Name: 3462 Third Ave Food Corp  
Project Number: 4491  
Date of Analysis: 7/13/2010

Site Address: 3470 Third Avenue, Bronx  
Borough-Block-Lot: 2-2609-115  
Census Tract: 145

## Eligibility Criteria<sup>1</sup>

In order to qualify for NYCIDA incentives, the site in question must either be located in a census tract with the following measures of distress or be adjacent to a census tract with these measures as recorded in the 2000 Census:

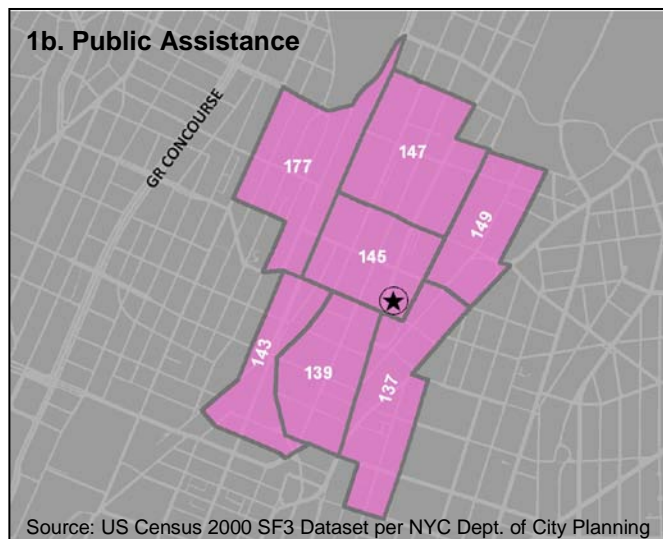
1. (a) Poverty rate of at least 20%, **or** (b) at least 20% of households receiving public assistance;  
**and**
2. Unemployment rate of at least 1.25 times the statewide average.



### Legend

- Poverty Rate  $\geq$  20%
- Poverty Rate  $<$  20%

The subject property is located in census tract 145. This census tract and all 6 contiguous census tracts have poverty rates greater than or equal to 20%.

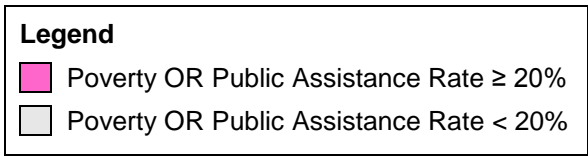
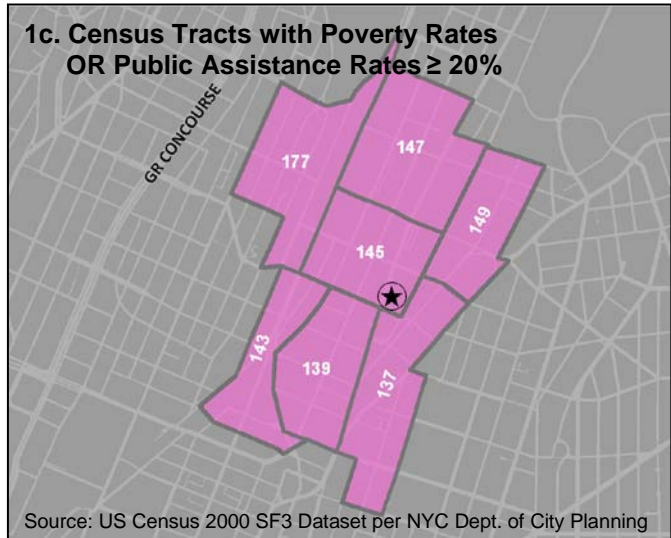


### Legend

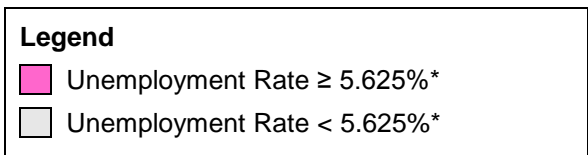
- HH Receiving Public Assistance  $\geq$  20%
- HH Receiving Public Assistance  $<$  20%

Census tract 145 and all 6 contiguous census tracts have public assistance rates greater than or equal to 20%.

<sup>1</sup> All NYCIDA benefits are discretionary. Companies requesting assistance from the NYCIDA will be evaluated by NYCIDA staff individually to determine specific eligibility. All benefits are, by statute, subject to approval of the NYCIDA's Board of Directors. Companies must request NYCIDA assistance prior to entering into any property lease, acquisition, or renovation contracts, unless such contracts are contingent upon NYCIDA assistance.

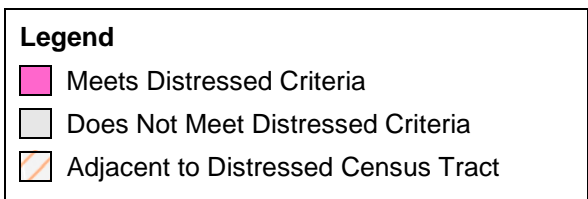
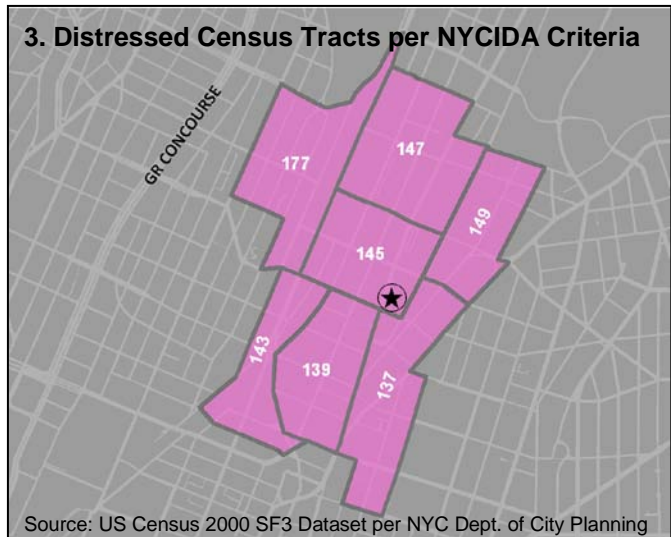


Census tract 145 and all 6 contiguous census tracts have either a poverty rate or public assistance rate greater than or equal to 20%.



Census tract 145 and all 6 contiguous census tracts have unemployment rates greater than or equal to 1.25 times the statewide average.

\* NY state unemployment rate in 2000 = 4.5%;  
 $1.25 \times 4.5\% = 5.625\%$



Census tract 145 and all 6 contiguous census tracts meet NYCIDA's definition of "distressed." Census tract 145, therefore, is eligible for NYCIDA incentives.

Is the subject property eligible for NYCIDA incentives?<sup>1</sup>

YES     NO

<sup>1</sup> All NYCIDA benefits are discretionary. Companies requesting assistance from the NYCIDA will be evaluated by NYCIDA staff individually to determine specific eligibility. All benefits are, by statute, subject to approval of the NYCIDA's Board of Directors. Companies must request NYCIDA assistance prior to entering into any property lease, acquisition, or renovation contracts, unless such contracts are contingent upon NYCIDA assistance.

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

Yes  No

If "Yes," please provide the following information:

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

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

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

Yes  No

If "Yes," please provide the following information:

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

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

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

Yes  No

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

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**If the answer to either question 1, 2 or 3, is "Yes," please continue and answer questions 4 and 5. NOT APPLICABLE**

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

Yes  No

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

Yes  No

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

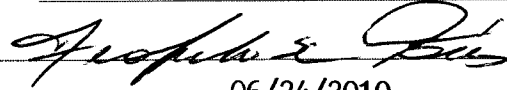
Text

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

Name of Applicant: 3462 THIRD AVE. FOOD CORP.

By: Printed Name of Signer: TEOFILO DE JESUS

Title of Signer: PRESIDENT

Signature: 

Date: 06/24/2010

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

Applicant Name:	<b>3462 THIRD AVE. FOOD CORP.</b>
Address:	<b>3470 THIRD AVENUE BRONX, NY 10456</b>
Phone Number(s):	<b>[REDACTED]</b>
I.R.S. Employer ID Number:	<b>[REDACTED]</b>
Department of Labor Registration Number:	<b>APPLIED FOR</b>
Project Location:	<b>3470 THIRD AVENUE BRONX, NY 10456</b>

- Do you expect to conduct business at other locations in New York State?  
 Yes  No
- Expected construction completion date (where applicable): **NOVEMBER 1, 2010**
- Department of Labor Registration Number of Tenant(s): **NOT APPLICABLE - NO SUBTENANTS**

**Do not include any subcontractors or subconsultants; include only employees and owners/principals on your payroll and on the payroll of Tenant(s).**

- How many employees does Applicant employ in New York City at the time of Application submission?  
 Full-time: 0 Part-time: 0 (on average, Part-time workers work - hours per week)
- How many employees referred to in question 4 reside in New York City at the time of Application submission?  
 Full-time: \_\_\_\_\_ Part-time: NOT APPLICABLE
- How many employees does Applicant employ outside of New York City but in New York State at the time of Application submission?  
 Full-time: 0 Part-time: 0 (on average, Part-time workers work - hours per week)
- How many employees does Applicant employ at the project location (annual average)?  
 Full-time: 0 Part-time: 0
- Projected employment at Project Location for the Company on June 30: **FOR THE SUPERMARKET**  
**\*ALL PART TIME EMPLOYEES WORK 20 HRS. OR MORE PER WEEK\***

Full-time	<b>18</b>	<b>18</b>	<b>19</b>	<b>19</b>	<b>20</b>	<b>20</b>	<b>21</b>
Part-time	<b>17</b>	<b>17</b>	<b>18</b>	<b>20</b>	<b>21</b>	<b>23</b>	<b>25</b>

- Projected employment at Project Location for your Tenant(s) on an annual basis: **NOT APPLICABLE -NO SUBTENANTS**

Full-time						
Part-time						

- Projected average quarterly wage/salary of employees at project location during first year of operation: \$ 158,000 @ (\$13.10 /HR DURING 1ST YR)  
**\*\*PLEASE NOTE THAT NEW EMPLOYEES EARN LOWER WAGES- THIS NUMBER IS SLIGHTLY LOWER THAN NUMBERS FOR A STORE WITH LESS NEW EMPLOYEES\*\***  
**\$158,000/455 HRS PER FTE EMPLOYEES/ 26.5 FTE EMPLOYEES IN YR 1 = \$ 13.10 PER HOUR.**

**\* PLEASE NOTE THAT THIS OCCUPATIONAL COMPOSITION IS TYPICAL FOR RETAIL SUPERMARKETS**

1. Describe the occupational composition of the workforce at the Project Location. Note differences between this composition and what is typical at other NYC locations.

**MANAGERS - OVERALL & SPECIALTY DEPARTMENTS, BUTCHERS, COOK, STOCK CLERKS, CASHIERS, ETC.**

**COOK DUTIES: PREPARE HOT FOODS WHICH WILL BE SOLD AT THE SUPERMAKET.**

**BUTCHER DUTIES: PREPARES PACKAGED MEATS AND INDIVIDUAL CUTS WHEN REQUESTED BY CUSTOMERS.**

12. Does Applicant intend to employ new employees at the Project Location, and/or will Applicant transfer current employees from premises currently being used? Please provide details.

**NEW EMPLOYEES - AMONG THE SOURCES WE WILL USE TO HIRE OUR NEW EMPLOYEES WILL BE**

**" HIRE NYC"**

*Authorization*

I authorize any private or governmental entity, including but not limited to the New York State Department of Labor ("DOL"), to release to the NYCIDA and/or to NYCEDC and/or to the successors and assigns of either (collectively, the "Information Recipients"), any and all employment information under DOL's control that is pertinent to the Company and the Company's employees. In addition, upon the Agency's request, the Company shall provide to the Agency any employment information in the Company's possession that is pertinent to the Company and the Company's employees. Information released or provided to Information Recipients by DOL, or by any other governmental entity, or by any private entity, or by the Company itself, or any information previously released as provided by all or any of the foregoing parties (collectively, "Employment Information") may be disclosed by the Information Recipients in connection with the administration of the programs of the Agency, and/or NYCEDC, and/or the successors and assigns of either, and/or the City of New York, and/or as may be necessary to comply with law; and without limiting the foregoing, the Employment Information may be included in (1) reports prepared by the Information Recipients pursuant to New York City Local Law 69 of 1993, (2) other reports required of the Agency, and (3) any other reports required by law. This authorization shall remain in effect throughout the term of this Lease.

Name of Applicant: 3462 THIRD AVE. FOOD CORP.

By: Printed Name of Signer: TEOFILO DE JESUS

Title of Signer: PRESIDENT

Signature: *Teofilo de Jesus*

Date: 06/24/2010

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

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

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

**NONE**

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

Yes  No If Yes, please explain:

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

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

**COMPLAINTS WERE MADE AND SETTLED WITH NEW YORK STATE DEPARTMENT OF LABOR FOR OVERTIME WAGES NOT PAID TO SOME EMPLOYEES.**

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

Yes  No If Yes, please explain:

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

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

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

**USE UNITED STATES GOVERNMENT DATA BASE OF VALID SOCIAL SECURITY #S**

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

Yes  No If No, please explain:

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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 calendar year or during the three calendar years preceding the current one?

Yes  No

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

COMPLAINTS WERE MADE AND SETTLED WITH THE NEW YORK STATE DEPARTMENT OF LABOR FOR OVERTIME WAGES NOT PAID TO SOME EMPLOYEES.

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

Yes  No

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

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

Yes  No

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

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

Name of Applicant: 3462 THRID AVE. FOOD CORP.

By: Printed Name of Signer: TEOFILO DE JESUS

Title of Signer: PRESIDENT

Signature: 

Date: 06/24/2010

If the Project should be considered for energy benefits, please answer the following questions. **NOT APPLICABLE**

1. Please list Applicant's current electricity and/or gas providers and account numbers with such providers:

Provider: \_\_\_\_\_ Account Number: \_\_\_\_\_

Provider: \_\_\_\_\_ Account Number: \_\_\_\_\_

Provider: \_\_\_\_\_ Account Number: \_\_\_\_\_

Provider: \_\_\_\_\_ Account Number: \_\_\_\_\_

2. Please provide a description of the current/existing site used by the Applicant:

a. Total square footage of building at site: \_\_\_\_\_

b. Current use of site: Percent storage: \_\_\_\_\_

**NOT APPLICABLE**

Percent office: \_\_\_\_\_

Percent refrigeration: \_\_\_\_\_

Percent processing/manufacturing: \_\_\_\_\_

3. Please provide a description of Project site:

a. Total square footage of building at site: **SUPERMARKET** 17,000 **SQUARE FEET**

b. Projected use of site: Percent storage: 14%

Percent office: 1%

Percent refrigeration: 5%

Percent **RETAIL** processing/manufacturing: 80%

**SUPERMARKET**

4. Will the Project include the construction of a new building on a block and lot that is currently unimproved?

Yes  No

**NOT APPLICABLE**

5. Does the Project site include a building that has been vacant for at least 12 of the last 24 months?

Yes  No

**BUILDING CURRENTLY UNDER CONSTRUCTION**

Following is the NYCEDC Internal Background Investigation Questionnaire for privately held companies to be submitted with the Core Application. If Applicant is a publicly held entity or wholly owned subsidiary of a publicly held entity, please contact NYCIDA staff for the appropriate questionnaire. Thank you.

# OSC-ABO Employment Requirements

For purposes of the following questions, "Applicant" shall mean Applicant and/or affiliates of applicant.

The following form will be used as part of the Agency's compliance with the Public Authorities Accountability Act. The requested information is a one time collection and is meant to capture projected wage information for existing and new growth employees at the NYCIDA project location.

**Please complete one of these forms for each Project Location.** If more than one Project Location exists, please make the requisite number of copies of this section and fill it out one for each site. For all Programs, except Commercial Growth, a Project Site is defined as a facility (perhaps encompassing more than one address and/or block and lot) with either a distinct employment base (as evidenced in the Applicant's reporting to the Department of Labor) or with a separate and distinguishable source of funding for the acquisition, renovation or construction of the facility. For the Commercial Growth Program, a Project Site is the location(s) where benefits are being requested.

**IDA Project Location** (note: This section should match information provided on p.4 of the core application.)

How many sites comprise the Project? **1**

This is a description of Site# **1** of **1**

Borough: **BRONX**

Block(s): **2609**

Lot(s): **115**

Street address and zip code: **3470 THIRD AVENUE BRONX, NY 10456**

Intended use(s) of site (e.g., office, retail, etc.): **RETAIL SUPERMARKET**

**A. Commencement of Operations at Project Location**

What is the projected date in which the facility at the above project location will become operational? (If the applicant currently owns the project facility and renovation/construction will not effect current operations enter anticipated closing date.) **NOVEMBER 1, 2010**

**B. Employment at the Project Location Answer either 1 or 2, not both**

1. *If the Applicant currently owns the project facility answer the following:* **NOT APPLICABLE**

Number of employees the Applicant currently employs at the project location.	
Average wage of these current Employees	
Number of additional, new growth, employees the Applicant projects will be employed at the project location by the date given in section A.	
Projected annual average wage of these new growth employees	

2. *If the Applicant intends to acquire the project facility answer the following:*

Number of employees the applicant plans to move to the project location from other locations. <b>NOT APPLICABLE</b>	<b>0</b>
Annual average wage of these current employees	<b>0</b>
Number of additional, new growth, employees the Applicant projects will be employed at the project location by the date given in section A.	<b>26.5 - FIES</b>
Projected annual average wage of these new growth employees	<b>\$632,000</b>

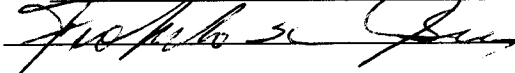
I certify to the best of my knowledge and belief based upon my investigation, that all of the information provided in this form is accurate, true and correct. I understand that an intentional misstatement of fact, a material misstatement of fact (whether intentional or not), the providing of materially misleading information, or the omission of a material fact, may cause the Agency to reject the request made.

This **24<sup>th</sup>** day of **June**, 20**10**.

Name of Applicant: 3462 THIRD AVE FOOD CORP.

By: Printed Name of Signer: TEOFILO DE JESUS

Title of Signer: PRESIDENT

Signature: 

## Employment Questionnaire Addendum

In order to comply with recent revisions to Local Law employment reporting requirements, the Applicant is required to complete and sign this Employment Questionnaire Addendum (the "Addendum"). The Applicant shall also submit an updated Employment Questionnaire and Addendum to NYCIDA at the time of the execution and delivery of the Project Agreement (as defined below) if the employment information submitted with the Application is no longer accurate.

**Instructions:**

The Applicant shall submit with its Application one Employment Questionnaire and Addendum that covers (i) the Applicant and its Affiliates and (ii) Tenants and subtenants of Tenants. Each Tenant must complete a copy of the Employment Questionnaire and Addendum with respect to itself and any of its subtenants and return it to the Applicant (and the Applicant shall retain such reports for a period of not less than six (6) years). Certain capitalized terms used herein and in the Employment Questionnaire are defined below (and the definitions of certain terms defined below shall supersede the definitions of such terms set forth in the Employment Questionnaire).

1. Please provide the total number of employees in each category that will be employed at the Project Location(s) by the Applicant and its Affiliates and any Tenants and subtenants of Tenants on or about the date of the Project Agreement:

Permanent Full-time Employees:	<u>18</u>	Non-Permanent Full-time Employees:	<u>0</u>
Permanent Part-time Employees:	<u>17</u>	Non-Permanent Part-time Employees:	<u>0</u>
Full-time Equivalent Employees:	<u>26.5</u>	Contract Employees:	<u>0</u>

2. With respect to item 8 of the Employment Questionnaire, please include projected employment of the Applicant and its Affiliates.
3. Please estimate the total number of Full-time Equivalent Employees and Contract Employees that will be employed (both retained and created jobs) at the Project Location(s) by the Applicant and its Affiliates and any Tenants and subtenants of Tenants on June 30<sup>th</sup> of the next seven (7) years following the date hereof:

	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup> year
Full-time Equivalent Employees	26.5	26.5	28	29	30.5	31.5	33.5
Contract Employees	0	0	0	0	0	0	0

**Definitions:**

“Affiliate” is (i) a business entity in which more than fifty percent is owned by, or is subject to a power or right of control of, or is managed by, an entity which is a party to a Project Agreement, or (ii) a business entity that owns more than fifty percent of an entity which is a party to a Project Agreement or that exercises a power or right of control of such entity.

“Applicant” includes any entity that will be a party to a Project Agreement.

“Contract Employee” is a person who is an independent contractor (i.e., a person who is not an “employee”), or is employed by an independent contractor (an entity other than the Applicant or its Affiliate, a Tenant or a subtenant of a Tenant), who will provide services at a Project Location.

“Financial Assistance” is any of the following forms of financial assistance received from or at the direction of NYCIDA and/or NYCEDC: a loan, grant, tax benefit and/or energy benefit pursuant to the Business Incentive Rate (BIR) program or New York City Public Utility Service (NYCPUS) program.

“Full-time Employee” is an employee who will work at least 35 hours per week at a Project Location.

“Full-time Equivalent Employee” is two or more Part-time Employees who collectively will work at least 35 hours per week at a Project Location.

“Part-time Employee” is an employee who will work less than 35 hours per week at a Project Location.

“Project Agreement” is any agreement or instrument pursuant to which an entity will receive Financial Assistance from or at the direction of NYCIDA or NYCEDC.

“Project Location” is any location (a) with regard to which Financial Assistance will be provided to the Applicant and/or its Affiliates, or (b) that is or will be occupied by the Applicant and/or its Affiliates at which such entities have employees who will be eligible to be reported per the terms of the Project Agreement with the Applicant and/or its Affiliates.

“Tenant” is a tenant or subtenant (excluding the Applicant and its Affiliates) that will lease or sublease facilities from the Applicant or its Affiliate at any Project Location.

**Certification:**

I, the undersigned, an authorized officer or principal owner of the Applicant/Affiliate/Tenant, hereby certify to the best of my knowledge and belief, that all information contained in this report is true and complete. This form and information provided pursuant hereto may be disclosed to the New York City Economic Development Corporation ("NYCEDC") and New York City Industrial Development Agency ("NYCIDA") and may be disclosed by NYCEDC and NYCIDA in connection with the administration of the programs of NYCEDC and/or NYCIDA and/or the City of New York; and, without limiting the foregoing, such information may be included in (x) reports prepared by NYCEDC pursuant to New York City Charter Section 1301 et. seq., (y) other reports required of NYCIDA or NYCEDC, and (z) any other reports or disclosure required by law.

Name of Entity: 3462 THIRD AVE. FOOD CORP.

By: Printed Name of Signer: TEOFILO DE JESUS

Title of Signer: PRESIDENT

Signature: *Teofilo de Jesus*

Date: 06/24/2010