

## 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:	<u>J &amp; J Farms Creamery Co., Inc.</u>
Address:	<u>57-48 49th Street, Maspeth, NY 11378</u>
Phone Number(s):	<u>718-821-1200</u>
Fax Number(s):	<u>718-821-0246</u>
E-mail Address:	
Website Address:	
Applicant EIN Number:	<u>[REDACTED]</u>
S.I.C. Code:	
NAICS Code:	

Date of Application: 5/10/05

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: Simon Friedman Firm: J & J Farms Creamery Co. Inc.  
Phone #: 718-821-1200 Fax #: 718-821-0246  
E-mail Address: \_\_\_\_\_ Address: 57-48 49th St., Maspeth, NY 11378

3. Attorney of Applicant:

Name: Bill Walzer Firm: Kozupsky & Lebowitz, LLP  
Phone #: 212-686-3636 Fax #: 212-686-0976  
E-mail Address: \_\_\_\_\_ Address: 10 E. 40th St., NY, NY 10016

4. Accountant of Applicant:

Name: Jack Schwartz Firm: Schwartz & Co.  
Phone #: 212-695-3362 Fax #: 212-695-3362  
E-mail Address: \_\_\_\_\_ Address: 855 Avenue of the Americas  
New York, NY 10001

5. Other Advisor/Consultant to Applicant (if applicable):

Name: Robert Morel Firm: City One Real Estate & Financing  
Phone #: 718-349-0050 Fax #: 718-349-0072  
E-mail Address: CITYONERE@AOL.com Address: 236 Greenpoint Avenue  
Brooklyn, NY 11222

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

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> General Partnership    | <input type="checkbox"/> Limited Partnership       | <input checked="" type="checkbox"/> C Corporation |
| <input 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: NY

9. Applicant's date of incorporation or formation: \_\_\_\_\_

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

11. Please provide a brief description of Applicant and nature of its business: J & J Farm Creamery is a  
distributor of all types of dairy products that you would find  
in a supermarket dairy section, including cheeses, yogurts,  
juices, cold cuts, and eggs.

## **CORE APPLICATION EXPLANATION**

### **QUESTION # 1**

The applicant, J & J Farms Creamery Co., Inc. is currently party to an IDA transaction under the old program where fee ownership rests with the IDA. However, immediately after the closing of our new Straight Lease Programs under the new guidelines, they hope to occupy the entire facility. Therefore we answered all the above questions within those parameters.

## 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. **(currently owned by IDA)**
- 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):

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

Name of SPE: <u>not yet determined</u>
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.

Company Name	Phone	Affiliation with Applicant	SF & Floors (Percent of Occupancy)	Lease Expiration	Tenant Business
J & J Farms	718-821-1200	applicant	43,000	n/a	dairy distribution
Three River Import Trading Company		None	12,000	May 2006	restaurant kitchen supplier

## 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.

Site #	
Borough:	Queens
Neighborhood:	Maspeth
Block(s):	2602
Lot(s):	220
Street address and zip code:	57-48 49th Street, Maspeth, NY 11378
Zoning:	M3-1
Square footage of land:	72,000
Square footage of existing building(s):	55,000
Number of floors:	1
Intended use(s) (e.g., office, retail, etc.):	warehouse distribution

1. Please provide the following Project information:

- a. Please provide a brief description of the proposed Project: Renovation of the soon to be vacated 12,000 sf tenant space including refrigeration, and the construction of 3 loading docks for shipping & receiving, construction & installation of emergency generator system.
- 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)? Sept - Oct. 2005

c. Indicate the estimated date for commencement of the Project: Summer 2005

d. Indicate the estimated date for the completion of the Project: Fall 2005

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: building permit

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: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

Uses of Funds		Sources of Funds	
Land acquisition <sup>3</sup>		Bonds	
Building acquisition <sup>3</sup>		Loan (1) possibly	
New construction <sup>4</sup>		Loan (2)	
Renovations	400,000	Capital campaign <sup>5</sup>	
Fixed tenant improvements		Affiliate/employee loans	
Machinery and/or equipment		Company funds possibly	
Soft costs (define):		Fund balance <sup>5</sup>	
Furnishings		Other equity (explain)	
Debt Service Reserve Fund <sup>5</sup>		Other (explain)	
Capitalized interest <sup>3</sup>		Other (explain)	
Other (explain) fees	80,000	Other (explain)	
<b>Total Project Uses</b>	<b>480,000</b>	<b>Total Project Sources</b>	<b>480,000</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:

- |   |                            |                           |
|---|----------------------------|---------------------------|
| <input type="checkbox"/> New York City                      | Percentage of Total? _____ | <b>Not Yet Determined</b> |
| <input type="checkbox"/> New York State (excluding NYC)     | Percentage of Total? _____ |                           |
| <input type="checkbox"/> United States (excluding NY State) | Percentage of Total? _____ |                           |
| <input type="checkbox"/> 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
Mehadrin Milk	Montreal, PO	F. Felberbaum		less than 1%
Ever-Fresh	Great Neck, NY	M. Solomon		less than 1%
Silverbarn	Middle Village, NY	Abe Gabor		less than 1%
C-Town	Eastchester, NY	Joe Friedman		less than 1%
Mountain Fruit	Brooklyn, NY	M. Welis		less than 1%
Three Guys of B	Brooklyn, NY	Phil Penta		less than 1%
Super-Sol	Lawrence, NY	Mr. Garber		



8. List major suppliers:

Company Name	Address	Contact	Phone
Kraft Foods	Allentown, PA	Joyce Robinson	[REDACTED]
Friendship	Jericho, NY	Alice Sarrell	
Johanna Farms		Jerry Steinberg	
Conagra Foods		Mike Arthur	
Tropicana	Plano, TX	Marcy Mahon	
Minute Maid Co.	Houston, TX	Sandra Lawrence	

9. List unions (if applicable):

Union Name	Address	Contact	Phone	Contact Expiration
Local 348-S	108-36 Queens	Anthony Fazio	[REDACTED]	2/1/06
U.F.C.W. AFL-	Blvd., Forest			
C10	Hills, NY 11375			

10. List banks:

Bank Name	Address	Contact	Phone	Type of Account
Bank of NY	1401 Franklin	Eileen	[REDACTED]	Business
	Ave., Garden City	Sackman		
	NY 11530			

11. List licensing authorities, if applicable:

Company Name	Address	Contact	Phone	Percent of Revenues
None				

## 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 10th day of May, 2005.

Name of Applicant: J & J Farm Creamery Co., Inc.

By: Printed Name of Signer: Michael Oberlander

Title of Signer: President

Signature: Michael Oberlander

If the Project should be considered for energy benefits, please answer the following questions:

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

Provider: Con Edison Account Number: [REDACTED]  
 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: 50,000

b. Current use of site: Percent storage: 15,000 tenant 27% (moving out)

Percent office: 2,000 4%

Percent refrigeration: 38,000 70%

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

3. Please provide a description of Project site: same building

a. Total square footage of building at site:

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

Percent office: 2%

Percent refrigeration: 98%

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

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

Yes  No

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

Yes  No

Your account number  
21-1352-2637-0801-8

Next reading date  
MAY 16, 2005

For service and billing information call  
212-780-6718

55

Service to: JJ FARM CREMERY INC  
at: 57-48 49 ST STO

**ELECTRIC USE - RATE EL9 GENERAL LARGE**

**DEMAND REGISTRATION**

04/15/05 reading (Actual)..... 2478  
03/17/05 reading (Actual)..... -1865  
Meter reading difference 613  
Meter multiplier x160  
Total KWH used in 29 days..... 98080

04/15/05 reading (Actual)... 3.83  
03/17/05 reading (Actual)... -2.52  
Meter reading difference.... 1.31  
Meter multiplier..... x160  
KW recorded during period... 209.60

**CHARGES FOR ELECTRICITY USED**

Energy charge  
for 98,080 KWH..... \$10,162.81  
Demand charge  
for 209.6 KW..... 3,707.80  
Adjust. Factor @ .1809¢ 177.43

**BILLING SUMMARY AS OF 04/28/05**

Amount due last bill... NONE

**CURRENT ELECTRIC CHARGES \$14,048.04**

CURRENT ELEC CHARGES... \$14048.04  
Adjustments.(SEE BELOW) \$3188.47CF

**TOTAL AMOUNT NOW DUE... \$10859.57**

**THE MARKET SUPPLY PRICE FOR ELECTRIC INCLUDED IN ABOVE: 9.5¢/KWH.  
The Market Supply Price is your price to compare when shopping for energy.**

**IMPORTANT MESSAGES**

The "Adjustments" amount above includes a credit of \$3,188.47 resulting from the New York City Energy Cost Savings Program. If you require information about the remaining amount(s) shown above as "Adjustments", please call us at the number shown on your bill.

Enroll in our Direct Payment Plan - (X) Marks the spot in the DPP Enrollment ( ) box above. Joining our Direct Payment Plan couldn't get easier. Just place an 'X' between the ( ) in the Check to enroll in DPP area displayed in the receipt portion of your bill when you mail back your payment. We'll use the banking check information from your payment check to enroll you into our Direct Payment Plan. Then each month, after you receive and review your bill, we will automatically deduct your Con Edison bill from your checking account. No more checks to write, stamps to buy, bills to mail. Join now - its never been easier.

Please pay the Total Amount Due by MAY 23, 2005 to avoid a late payment charge of \$162.89.



636896  
Keep this part for your records. See reverse side for additional information.

www.coned.com

## Environmental Assessment Form

**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 as part of the application for approval and may be subject to further verification and public review. It is expected that completion of the full EAF 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: <b>Economic Development Assistance &amp; renovations</b>	
Location of action (or show site location on a copy of a Hagstrom or other street map): <b>57-48 49th Street, Maspeth, NY 11378</b>	
Name of Applicant: <b>J &amp; J Farms Creamery Co.</b>	Telephone: <b>718-821-1200</b>
Address of Applicant: <b>57-48 49th Street Maspeth, NY 11378</b>	FAX: <b>718-821-0246</b>
	Contact:
Name of Owner (if different):	Telephone:
Address of Owner:	FAX:
	Contact:
Description of action (please be precise): <b>Renovation of 3 loading docks &amp; construction of 12,000 sf of refrigeration &amp; construction &amp; installation of energy generator.</b>	

### Site Description

(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: \_\_\_\_\_

2. Total acreage of Project area: 1 1/2 acres

Approximate Acreage	Presently (in acres)	After Completion (in acres)
Meadow or brushland (non-agricultural)		
Forested		
Agricultural (includes orchards, cropland, pasture, etc.)		
Wetland (freshwater or tidal as per Articles 24, 25 of ECL)		
Water surface area		
Unvegetated (rock, earth or fill)		
Roads, building and other paved surfaces		
Other (indicate type) <b>existing building</b>	<b>1 1/2</b>	<b>1 1/2</b>

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

- a. Soil drainage:  Well-drained 100 percent of site  
 Moderately well drained \_\_\_\_\_ percent of site  
 Poorly drained \_\_\_\_\_ percent of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NY Land Classification System? NA acres. (See I NYCRR 370).

4. Are there bedrock outcroppings on Project site?

- Yes  No

If Yes, what is depth to bedrock? (in feet) \_\_\_\_\_

5. Approximate percentage of proposed Project site with slopes:

- 0-10 percent  
 10-15 percent  
 15 percent or greater

6. Is Project substantially contiguous to, or contain a building, site or district listed on the State or the National Registers of Historic Places?

- Yes  No

7. Is Project substantially contiguous to a site on the Register of National Natural Landmarks?

- Yes  No

8. What is the depth of the water table? NA (in feet)

9. Is site located over a primary, principal or sole source aquifer?

- Yes  No

10. Do hunting, fishing or shellfishing opportunities currently exist in the Project area?

- Yes  No

11. Does Project site contain any species of plant or animal life that is identified as threatened or endangered?

- Yes  No

If Yes, according to: \_\_\_\_\_

If Yes, please identify each species: \_\_\_\_\_

12. Are there any unique or unusual landforms on the Project site? (i.e., cliffs, dunes, other geological formations)

- Yes  No

If Yes, please describe: \_\_\_\_\_

13. Is the Project site currently used by the community or neighborhood as an open space or recreation area?

- Yes  No

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

14. Does the present site include scenic views known to be important to the community?

- Yes  No

15. Please list the streams within or contiguous to Project area: NA

Please list the name of stream and name of river to which it is tributary: \_\_\_\_\_

16. Please list lakes, ponds, wetland areas within or contiguous to Project area:

a. Name: NA

b. Size (in acres): \_\_\_\_\_

17. Is the site served by existing public utilities?

Yes  No

If Yes, does sufficient capacity exist to allow connection?  Yes  No

If Yes, will improvements be necessary to allow connection?  Yes  No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?

Yes  No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL and 6 NYCRR617?

Yes  No

20. Has the site ever been used for the disposal of solid or hazardous wastes? **unknown**

Yes  No

21. Is any part or the entire site listed on the National Priorities List, CERCLA Information System List ("CERCLIS LIST"), the New York State Inactive Hazardous Waste Disposal Site Registry and/or the New York State Petroleum Spill List? **unknown**

Yes  No

If Yes, please provide specific information regarding such listing on a separate piece of paper.

22. Has any part or all of the site been listed on the National Priorities List, CERCLIS LIST, the New York State Inactive Hazardous Waste Disposal Site Registry and/or the New York State Petroleum Spill List? **unknown**

Yes  No

23. Are there 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 that may pose a health or physical hazard to persons employed at or visiting the Project site? **unknown**

Yes  No

If Yes, please provide specific information regarding all such materials(s), substance(s) and/or waste(s): \_\_\_\_\_

24. Are there any properties which are or have been listed on the National Priorities List, CERCLIS LIST, the New York State Inactive Hazardous Waste Disposal Site Registry and/or the New York State Petroleum Spill List within a 1/4-mile radius of the site? **unknown**

Yes  No

If Yes, please provide specific information regarding all such property(ies) on a separate piece of paper.

25. Are there any properties which are or have been listed on the National Priorities List, CERCLIS LIST, the New York State Inactive Hazardous Waste Disposal Site Registry and/or the New York State Petroleum Spill List that may pose a health or physical hazard to persons employed at or visiting the site? **unknown**

Yes  No

If Yes, please provide specific information regarding all such property(ies) on a separate piece of paper.

26. Does the Applicant have any reason to believe that 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 that which may pose a health or physical hazard to persons employed at the visiting site?

Yes  No

If Yes, please explain on a separate piece of paper.

4 am - 6am 10 truck r/t  
 8 am - 6pm 8 car  
 trips r/t

**Project Description**

1. Physical dimensions and scale of Project (fill in dimensions as appropriate)

8am - 3pm 9 delivery  
 trucks r/t

- a. Total contiguous acreage owned or controlled by Project sponsor: 1 1/2 acres.
- b. Project acreage to be developed: \_\_\_\_\_ acres initially; 1 1/2 acres ultimately
- c. Project acreage to remain undeveloped: NA acres.
- d. Length of Project, in miles: NA (if appropriate).
- e. If the Project is an expansion, indicate percent of expansion proposed: NA percent.
- f. Number of off-street parking spaces: existing 5; proposed 10.
- g. Maximum vehicular trips generated in the AM and PM peak hours upon completion of Project: \_\_\_\_\_.
- h. If residential, number and type of housing units: NA

	One Family	Two Family	Multiple Family	Condominium
Initially				
Ultimately				

- i. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; \_\_\_\_\_ length.
- j. Linear feet of frontage along a public thoroughfare Project will occupy: \_\_\_\_\_ ft.

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? NA tons/cubic yards.

3. Will disturbed areas be reclaimed?

- Yes       No       NA

Mass Transit Bus Rts.

If Yes, for what intended purpose is the site being reclaimed?

Q59 Q39 Q67 Q18  
 Q54 B24

If Yes, will topsoil be stockpiled for reclamation?       Yes       No

If Yes, will upper subsoil be stockpiled for reclamation?       Yes       No

M train in Middle Vill.  
 E,F,R,7 train at  
 Roosevelt Ave/Jackson  
 Heights

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? NA acres

5. Will any mature forest (over 100 years old) or other locally important vegetation be removed by this Project?

- Yes       No

6. If single phase Project, anticipated period of construction NA months (including demolition).

7. If multi-phased: NA

- a. Total number of phases anticipated \_\_\_\_\_
- b. Anticipated date of commencement phase 1 \_\_\_\_\_ month \_\_\_\_\_ year (including demolition)
- c. Approximate completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year.
- d. Is phase 1 functionally dependent on subsequent phases?       Yes       No

8. Will blasting occur during construction?

- Yes       No

9. Number of jobs generated: during construction \_\_\_\_\_ after Project is complete \_\_\_\_\_

10. Number of jobs eliminated by this Project none

11. Will Project require relocation of any Projects or facilities?

- Yes       No

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



12. Is surface liquid waste disposal involved?

Yes  No

If Yes, indicate type of waste (sewage, industrial, etc.) and amount: \_\_\_\_\_

If Yes, name of water body into which effluent will be discharged: \_\_\_\_\_

13. Is subsurface liquid waste disposal involved?

Yes  No

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

14. Will surface area of an existing water body increase or decrease by proposal?

Yes  No

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

15. Is Project or any portion of Project located in a 100-year flood plain?

Yes  No

16. Will the Project generate solid waste? **3 cubic yard containers 3x a week**

Yes  No

If Yes, what is the amount per month? \_\_\_\_\_ tons.

If Yes, will an existing solid waste facility be used?  Yes  No

If Yes, please give name: \_\_\_\_\_ and location: \_\_\_\_\_

Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No

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

17. Will the Project involve the disposal of solid waste? **3 cubic yard containers 3x a week**

Yes  No

If Yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.

If Yes, what is the anticipated site life? \_\_\_\_\_ years.

18. Will Project use herbicides or pesticides?

Yes  No

19. Will Project routinely produce odors (more than one hour per day)?

Yes  No

20. Will Project produce operating noise exceeding the local ambient noise levels?

Yes  No

21. Will Project result in an increase in energy use?

Yes  No

If Yes, indicate type(s): **12,000 sf additional refrigeration**

22. If water supply is from wells, indicate pumping capacity: \_\_\_\_\_ gallons/minute.

23. Total anticipated water usage: \_\_\_\_\_ gallons/day.

24. Does Project involve local, state or federal funding?

Yes  No

If Yes, please explain: **NYC IDA Economic Development Assistance**

25. Approvals Required:

- City, Town, Village Planning Board     Yes    No    Type: \_\_\_\_\_ Submittal Date: \_\_\_\_\_
- City, Town Zoning Board                 Yes    No    Type: \_\_\_\_\_ Submittal Date: \_\_\_\_\_
- City, County Health Department         Yes    No    Type: \_\_\_\_\_ Submittal Date: \_\_\_\_\_
- Other Local Agencies                     Yes    No    Type: \_\_\_\_\_ Submittal Date: \_\_\_\_\_
- Other Regional Agencies                 Yes    No    Type: \_\_\_\_\_ Submittal Date: \_\_\_\_\_
- State Agencies                             Yes    No    Type: NYC IDA    Submittal Date: 5/20/05
- Federal Agencies                          Yes    No    Type: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

**Zoning and Planning Information**

1. Does proposed action involve a planning or zoning decision?

- Yes                 No

If Yes, indicate decision required:

- Zoning amendment                     Zoning variance                     Special use permit
- Subdivision                                 Site plan                                 New/revision of master plan
- Resource Management Plan     Other (specify): \_\_\_\_\_

2. What is the zoning classification(s) of the site? manufacturing

3. What is the maximum potential development of the site if developed as permitted by the present zoning? \_\_\_\_\_

4. What is the proposed zoning of the site? manufacturing

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? \_\_\_\_\_

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?

- Yes                 No

7. What are the predominant land use(s) and zoning classifications within a 1/4-mile radius of proposed action? industrial

8. Is the proposed action compatible with adjoining/surrounding land uses within a 1/4-mile radius?

- Yes                 No

9. If the proposed action is the subdivision of land, how many lots are proposed?

What is the minimum lot size proposed? NA

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?

- Yes                 No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

- Yes                 No

If Yes, is existing capacity sufficient to handle projected demand?                 Yes                 No

12. Will the proposed action result in the generation of traffic significantly above present levels?

- Yes                 No

If Yes, is the existing road network adequate to handle the additional traffic?    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.

# Environmental Assessment Form

## 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: J & J Farm Creamery Co., Inc.

By: Printed Name of Signer: Michael Oberlander

Title of Signer: President

Signature: Michael Oberlander

Date: 5/10/05

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

1. Will any portion of the Project consist of facilities or property that are or will be primarily used in making retail sales of goods to customers who personally visit the Project?  
 Yes      No
2. If the answer to question 1 is "Yes," will the applicant or any other project occupant be a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the "retail sale of tangible personal property" (as defined in Section 1101(b)(4)(i) of the Tax Law)?  
 Yes      No
3. Will any portion of the Project consist of facilities or property that are or will be primarily used in making retail sales of services to customers who personally visit the Project?  
 Yes      No
4. If the answer to question 1 or question 3 is "Yes," what percentage of the cost of the Project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project?  
\_\_\_\_\_ percent
5. If the answer to question 1 or question 3 is "Yes," and the answer to question 4 is more than 33.33 percent, indicate whether any of the following apply to the Project:
  - 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
  - e. Will the Project be located in one of the following: (a) an area designated as an economic development zone pursuant to Article 18-B of the General Municipal Law; or (b) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) that, according to the most recent census data, has (i) a poverty rate of at least 20 percent for the year to which the data relates, or at least 20 percent of its households receiving public assistance, and (ii) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates?  
 Yes      No
6. If the answers to any of subdivisions (c) through (e) of question 5 are "Yes," will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?  
If "Yes", please furnish details in a separate attachment.
7. If the answers to any of subdivisions (a) through (e) of question 5 are "Yes," please furnish details in a separate attachment.

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Name of Applicant: J & J Farm Creamery Co., Inc.

By: Printed Name of Signer: Michael Oberlander

Title of Signer: President

Signature: *Michael Oberlander*

Date: 5/10/05

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.**

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.

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Name of Applicant: J & J Farm Creamery Co., Inc.

By: Printed Name of Signer: Michael Oberlander

Title of Signer: President

Signature: Michael Oberlander

Date: 5/10/05

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: <u>J &amp; J Farms Creamery Co., Inc.</u>
Address: <u>57-48 49th Street, Maspeth, NY 11378</u>
Phone Number(s): <u>718-821-1200</u> Fax: <u>718-821-0246</u>
I.R.S. Employer ID Number: <span style="background-color: black; color: black;">XXXXXXXXXX</span>
Department of Labor Registration Number:
Project Location:

- Do you expect to conduct business at other locations in New York State?  
 Yes     No
- Expected construction completion date (where applicable): Dec. 2005
- Department of Labor Registration Number of Tenant(s): NA

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: 86 Part-time: \_\_\_\_\_ (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: 78 Part-time: \_\_\_\_\_
- 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: \_\_\_\_\_ (on average, Part-time workers work \_\_\_\_\_ hours per week)
- How many employees does Applicant employ at the project location (annual average)?  
 Full-time: 86 Part-time: \_\_\_\_\_
- Projected employment at Project Location for the Company on June 30:

	1st Year	2nd Year	3rd Year	4th Year	5th Year	6th Year	7th Year
Full-time	86	88	90	92	94	96	96
Part-time							

- Projected employment at Project Location for your Tenant(s) on an annual basis:

	1st Year	2nd Year	3rd Year	4th Year	5th Year	6th Year	7th Year
Full-time	NA						
Part-time							

- Projected average quarterly wage/salary of employees at project location during first year of operation: \$ \_\_\_\_\_.



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

warehouse men/pickers & packers

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

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: J & J Farm Creamery Co., Inc.

By: Printed Name of Signer: Michael Oberlander

Title of Signer: President

Signature: Michael Oberlander

Date: 5/10/05

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:

Union contract in effect. Current term 2/1/03 to 2/1/06.

Local 348-S U.F.C.W., AFL-C10, 108-36 Queens Blvd., Forest

Hills, NY 11375 and County Agency Inc. (employer) 129 S.8th St.,

Brooklyn, NY 11211

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

Yes  No If Yes, please explain:

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

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

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

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

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

Yes  No If Yes, please explain:

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

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

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

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

Forms I-9 are completed by all new employees. Documentation is

verified. If documentation indicates an expiration date,

follow-up is done to ascertain renewal.

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:

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

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:

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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:

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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.

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Certification

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