



Department of
Environmental
Conservation

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

1. Check the appropriate box(es) below based on the nature of the amendment modification requested:

☐ Amendment to modify the existing BCA: [check one or more boxes below]

- ☐ Add applicant(s)
- ☐ Substitute applicant(s)
- ☐ Remove applicant(s)
- ☐ Change in Name of applicant(s)

☒ Amendment to reflect a transfer of title to all or part of the brownfield site

1a. A copy of the recorded deed must be provided. Is this attached? ☒ Yes ☐ No

1b. ☒ Change in ownership ☐ Additional owner (such as a beneficial owner)

If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See <http://www.dec.ny.gov/chemical/76250.html>

☒ Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Sections I and V below and Part II*]

☐ Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Section I and V below and Part II*]

☐ **Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY:** Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.

☒ Other (explain in detail below)

2. Required: Please provide a brief narrative on the nature of the amendment:

The purpose of this BCA Application to Amend is to amend the BCA as follows:

1. Amend the site ownership from "Nassau County Department of Real Estate" to the Applicant, "Inwood 175, LLC". On May 23, 2022, Nassau County conveyed title to the Site to Applicant. The recorded deed is attached as Exhibit A.
- 2 (a) Correct the site name from "175 Roger Avenue LLC" to "175 Roger Avenue". The Environmental Site Remediation Database, DEC Decision Document, and BCA Cover Page all list the site name as "175 Roger Avenue". This proposed correction would bring the BCA into conformity therewith.
- 2 (b) Correct the description of the remedial Site to include Section 40, Block L, Lot 57. Please note, including Lot 57 itself does not alter the acreage, dimensions, or metes and bounds description of the site. Lot 57 was erroneously omitted from the BCA Section III (site description). However, the area comprising Lot 57 was included within BCA Exhibit A's site map.
- 2 (c) Correct the description of the remedial Site's acreage from 4.850 acres to 3.5537 acres. BCA Section III erroneously lists the acreage as 4.850 because at that time Applicant relied upon the Nassau County Tax Map to estimate the Site's acreage. Now that Applicant has a survey, attached as Exhibit B, the acreage has been accurately calculated at 3.5537 acres.

Please refer to the attached instructions for guidance on filling out this application

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment involves more than an insignificant change in acreage, applicants are encouraged to consult with the DEC project team prior to submitting this application.

Section I. Current Agreement Information		
BCP SITE NAME: 175 Roger Avenue LLC		BCP SITE NUMBER: C130164
NAME OF CURRENT APPLICANT(S): Inwood 175, LLC and AJM Capital II, LLC		
INDEX NUMBER OF AGREEMENT: C130164-07-19 DATE OF ORIGINAL AGREEMENT: 08/12/2019		
Section II. New Requestor Information (complete only if adding new requestor or name has changed)		
NAME		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
1. Is the requestor authorized to conduct business in New York State (NYS)? <input type="checkbox"/> Yes <input type="checkbox"/> No • If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.		
NAME OF NEW REQUESTOR'S REPRESENTATIVE		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
2. Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached? <input type="checkbox"/> Yes <input type="checkbox"/> No		
3. Describe Requestor's Relationship to Existing Applicant: 		

Section III. Current Property Owner/Operator Information (only include if new owner/operator)
Owner below is: ☒ Existing Applicant ☐ New Applicant ☐ Non-Applicant

OWNER'S NAME (if different from requestor) Inwood 175, LLC

ADDRESS P.O. Box 234800

CITY/TOWN Great Neck

ZIP CODE 11023

PHONE 516-743-9119

FAX

E-MAIL adam@ajmre.com

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☐ No
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? ☐ Yes ☐ No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? ☐ Yes ☐ No
Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☐ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information. ☐ Yes ☐ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ☐ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☐ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department? ☐ Yes ☐ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☐ No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☐ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☐ No

THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.

☐ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

12. Requestor's Relationship to Property (check one):

☐ Prior Owner ☐ Current Owner ☐ Potential /Future Purchaser ☐ Other _____

13. If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached? ☐ Yes ☐ No

Note: a purchase contract does not suffice as proof of access.

Section V. Property description and description of changes/additions/reductions (if applicable)

1. Property information on current agreement:

ADDRESS 175 Roger Avenue

CITY/TOWN Inwood

ZIP CODE 11096

TAX BLOCK AND LOT (SBL)

TOTAL ACREAGE OF CURRENT SITE: 4.850

Parcel Address

Section No. Block No. Lot No. Acreage

SEE EXHIBIT C

2. Check appropriate boxes below:



Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

2a. PARCELS ADDED:

Acreage
Added by
Parcel

Parcel Address

Section No. Block No. Lot No.

175 Roger Avenue	40	L	57	0.1664

Total acreage to be added: 0.1664

Reduction of property

2b. PARCELS REMOVED:

Acreage
Removed
by Parcel

Parcel Address

Section No. Block No. Lot No.



Change to SBL (e.g. merge, subdivision, address change)- inclusion of Section 40, Block L, Lot 57

Total acreage to be removed: _____

2c. NEW SBL INFORMATION:

Parcel Address

Section No. Block No. Lot No. Acreage

SEE EXHIBIT C				

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

3. TOTAL REVISED SITE ACREAGE: 3.5537

Please note, per the narrative in Part I, this updated total acreage reflects Applicant's survey in Exhibit B. At the time Applicant submitted its BCP Application and entered into the BCA, Applicant relied upon the Nassau County Tax Map to estimate the Site's acreage at 4.850.

Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
From ECL 27-1405(31): "Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.	
3. Is the project an affordable housing project as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
From 6 NYCRR 375- 3.2(a) as of August 12, 2016: (a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units. (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income. (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income. (3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.	

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: 175 Roger Avenue LLC	BCP SITE NUMBER: C130164
NAME OF CURRENT APPLICANT(S): Inwood 175, LLC and AJM Capital II, LLC	
INDEX NUMBER OF AGREEMENT: C130164-07-19	
EFFECTIVE DATE OF ORIGINAL AGREEMENT: 08/12/2019	

Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

Statement of Certification and Signatures: New Requestor(s) (if applicable)

(Individual)

I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am (title _____) of (entity _____); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

_____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am Authorized Signatory (title) of AJM Capital II, LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Adam Mann's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 06/23/2022 Signature: 

Print Name: Adam Mann

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Please see the following page for submittal instructions.

NOTE: Applications submitted in fillable format will be rejected.

Status of Agreement:

☐

PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.

☒

VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.

Effective Date of the Original Agreement: 08/12/2019

Signature by the Department:

DATED: 11/4/2022

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By: Andrew Guglielmi

Andrew O. Guglielmi, Director

Site Code: C130164

Division of Environmental Remediation

Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)

(Individual)


I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am Authorized Signatory (title) of Inwood 175, LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Adam Mann's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 6/23/22 Signature: 

Print Name: Adam Mann

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Please see the following page for submittal instructions.

NOTE: Applications submitted in fillable format will be rejected.

Status of Agreement:

☐

PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.

☒

VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.

Effective Date of the Original Agreement: 08/12/2019

Signature by the Department:

DATED: 11/4/2022

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By: 

Andrew O. Guglielmi, Director
Division of Environmental Remediation

SUBMITTAL REQUIREMENTS:

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in final, non-fillable Portable Document Format (PDF) must be sent to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

- **NOTE: Applications submitted in fillable format will be rejected.**

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE:_____ **LEAD OFFICE:**_____

PROJECT MANAGER:_____

Exhibit A - Application to Amend BCA

(see attached Deed from Nassau County to Inwood 175, LLC)

**** Electronically Filed Document ****

Instrument Number: 2022-65569

Recorded As: EX-D12 - COMMERCIAL

Recorded On: June 14, 2022

Recorded At: 11:45:05 am

Receipt Number: 2629189

Number of Pages: 6

Processed By: 001 MAC

Book-VI/Pg: Bk-D VI-14258 Pg-344

Total Rec Fee(s): \$15,425.00

** Examined and Charged as Follows **

12 - COMMERCIAL DEED	\$ 70.00	EX-Blocks - Deeds - \$300	\$ 300.00	EX-RP5217 Commercial Fee	\$ 250.00
EX-TP-584 Affidavit Fee	\$ 5.00				

	Tax Amount	Consid Amt	RS#/CS#		
Tax-Transfer	\$ 14800.00	\$ 3700000.00	RE 26386	Basic	\$ 0.00
HEMPSTEAD				Local NY CITY	\$ 0.00
				Additional MTA	\$ 0.00
				Spec ASST	\$ 0.00
				Spec ADDL SONYMA	\$ 0.00
				Transfer	\$ 14800.00

Tax Charge: \$ 14800.00

Property Information:

Section	Block	Lot	Unit	Town Name
40	L	117		HEMPSTEAD
40	L	2579		HEMPSTEAD
40	L	2585		HEMPSTEAD
40	L	5		HEMPSTEAD
40	L	55		HEMPSTEAD
40	L	56		HEMPSTEAD
40	L	57		HEMPSTEAD
40	L	59		HEMPSTEAD

*****THIS PAGE IS PART OF THE INSTRUMENT*****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.



Maureen O'Connell
County Clerk Maureen O'Connell

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

SPACE ABOVE LINE FOR RECORDER'S USE

BARGAIN AND SALE DEED

23RD

THIS INDENTURE (this "Indenture"), made as of the ___ day of May, 2022 between the **COUNTY OF NASSAU** ("Grantor"), a municipal corporation having its principal office at 1550 Franklin Avenue, Mineola, New York, 11501, and **INWOOD 175, LLC** ("Grantee"), having its principal office at c/o AJM, 2 Jericho Plaza, Suite 101, Jericho, New York 11753.

WITNESSETH, that Grantor, in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant and release unto Grantee, its heirs or successors and assigns forever, all of that certain plot, piece or parcel of land, with the buildings and improvements erected thereon, situate, lying and being in Inwood, Town of Hempstead, State of New York known and designated as Section 40, Block L, Lots 5, 55, 56, 57, 59, 117, 2579 and 2585 on the Land and Tax Map of the County of Nassau (the "Property"), being and intended to be the same premises conveyed to the Grantor by the following three (3) deeds:

As to Tax Lot 2585: by Tax Deed dated December 12, 1994 made by Santa C. Rozzi, as Treasurer of Nassau County recorded January 3, 1985 in the Office of the Clerk, County of Nassau in Liber 10503, page 112; and,

As to Tax Lots 55-57, 59, 117 and 2579: by Tax Deed dated December 12, 1994 made by Santa C. Rozzi, as Treasurer of Nassau County recorded January 4, 1995 in the Office of the Clerk, County of Nassau in Liber 10503, page 171; and,

As to Tax Lot 5: by Tax Deed dated February 1, 1995 made by Santa C. Rozzi, as Treasurer of Nassau County recorded February 7, 1995 in the Office of the Clerk, County of Nassau in Liber 10513, page 859;

said Property being more particularly bounded and described as follows:

[SEE SCHEDULE "A" ANNEXED HERETO AND MADE A PART HEREOF]

S-40
B-L
L-5
55
56
57
59
117
2579
2585

TOGETHER with all right, title and interest, if any, of Grantor in and to any streets and roads abutting the Property to the center lines thereof.

TOGETHER with the appurtenances and all the estate and rights of Grantor in and to the Property.


TO HAVE AND TO HOLD the Property herein granted unto Grantee, its heirs or successors and assigns forever, subject to the reservations, restrictions, covenants, and conditions herein contained. And the Grantor covenants that it has not done or suffered anything whereby the Property has been encumbered in any way whatsoever.

AND GRANTOR, in compliance with Section 13 of the Lien Law of the State of New York, covenants that Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the Grantor caused its corporate seal to be hereto affixed and these presents to be signed by its duly authorized officer the day and year first above written.

In presence of

COUNTY OF NASSAU

By 

Bruce A. Blakeman
County Executive

STATE OF NEW YORK)

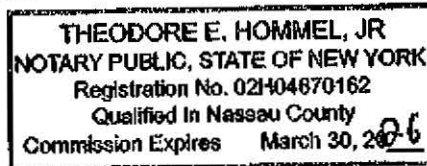
)ss.:

COUNTY OF NASSAU)

On the RD 23 day of May in the year 2022 before me, the undersigned, personally appeared Bruce A. Blakeman, County Executive of the County of Nassau, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



NOTARY PUBLIC



SCHEDULE A

LEGAL DESCRIPTION

ALL that certain plot, piece or parcel of land with the buildings, and improvements thereon erected, situate at Inwood, Town of Hempstead, County of Nassau and State of New York being more particularly bounded and described as follows:

BEGINNING at corner formed by the intersection of the southerly line of Roger Avenue with the westerly line of Gates Avenue (a/k/a Gater Street);

RUNNING THENCE South 12 degrees 12 minutes 15 seconds west, along the westerly line of Gates Avenue, 350.75 feet to a point;

THENCE North 77 degrees 47 minutes 45 seconds west, 140.70 feet to a point in the easterly line of Cerro Street;

THENCE, North 02 degrees 37 minutes 08 seconds east, along the easterly line of Cerro Street, 50.87 feet to the northerly terminus of Cerro Street;

THENCE North 86 degrees 57 minutes 45 seconds west, along the said northerly terminus of Cerro Street and along the northerly line of Section 40, Block L, Lot 225 on the Land and Tax Map of Nassau County, 133.48 feet to a point;

THENCE South 03 degrees 02 minutes 15 seconds west, 40.00 feet to a point;

THENCE North 86 degrees 57 minutes 45 seconds west, 240.00 feet to a point;

THENCE North 03 degrees 02 minutes 15 seconds east, 156.00 feet to a point;

THENCE South 86 degrees 57 minutes 45 seconds east, 154.03 feet to a point;

THENCE North 08 degrees 10 minutes 45 seconds east, 96.27 feet to a point;

THENCE North 12 degrees 12 minutes 15 seconds east, 125.00 feet to a point in the southerly line of Roger Avenue; and,

RUNNING THENCE South 77 degrees 47 minutes 45 seconds east, 391.06 feet to the first above mentioned corner the point and place of **BEGINNING**.

For Information Only:

Premises commonly known as 175 Roger Avenue, Inwood, NY 11906

Section 40 Block L Lots 5, 55-57, 59, 117, 2579 and 2585

COUNTY OF NASSAU

To

INWOOD 175, LLC

BARGAIN AND SALE DEED

THE LAND AFFECTED BY THE WITHIN
INSTRUMENT LIES IN SECTION 40,
BLOCK L, LOTS 5, 55, 56, 57, 59, 117, 2579 AND 2585 ON THE
LAND AND TAX MAP OF THE COUNTY OF NASSAU

Record and Return

To

Yuri Burshteyn, Esq.
Braunstein Turkish LLP
7600 Jericho Turnpike, Suite 402
Woodbury, N.Y. 10797

Exhibit B - Application to Amend BCA
(see attached Survey)

NOTES:

1. PROPERTY KNOWN AND DESIGNATED AS LOTS 5, 55-57, 59, 117, 2579, & 2585, IN BLOCK L, SECTION 40 ON THE OFFICIAL TAX MAP FOR THE TOWN OF HEMPSTEAD, NASSAU COUNTY, NEW YORK, DATED: APRIL 2, 2015.
2. AREA OF LOTS 5, 55-57, 59, 117, 2579 & 2585: 154,798 S.F. OR 3.5537 AC.
3. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE. LOCATIONS AND SIZES ARE BASED ON PRIOR UTILITY MARK-OUTS, ABOVE GROUND STRUCTURES THAT WERE VISIBLE & ACCESSIBLE IN THE FIELD, AND THE MAPS AS LISTED IN THE REFERENCES AVAILABLE AT THE TIME OF THE SURVEY. AVAILABLE ASBULT PLANS AND UTILITY MARKOUT DOES NOT ENSURE MAPPING OF ALL UNDERGROUND UTILITIES AND STRUCTURES. BEFORE ANY EXCAVATION IS TO BEGIN, ALL UNDERGROUND UTILITIES SHOULD BE VERIFIED AS TO THEIR LOCATION, SIZE AND TYPE BY THE PROPER UTILITY COMPANIES.
4. THIS SURVEY IS PREPARED WITH REFERENCE TO A CERTIFICATE OF TITLE PREPARED BY EAST COAST ABSTRACT, LLC AS AGENTS FOR FIDELITY NATIONAL, TITLE INSURANCE COMPANY, TITLE NO. ECA47976, WITH AN EFFECTIVE DATE OF DECEMBER 7, 2020 COVERING SECTION 40, BLOCK L, LOTS 5, 55, 56, 57, 59, 117, 2579 & 2585. TITLE REPORT IS AMENDED PER EAST COAST ABSTRACT, LLC LETTER DATED NOVEMBER 22, 2021.
5. BY GRAPHIC PLOTTING, PROPERTY IS PARTIALLY LOCATED IN FLOOD HAZARD ZONE AE, BASE FLOOD ELEVATION 9 (NAVD 1988) AND PARTIALLY LOCATED IN ZONE X, AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% CHANCE FLOOD AS IDENTIFIED ON NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP NO. 36059C0282G, EFFECTIVE DATE: SEPTEMBER 11, 2009, REVISED TO REFLECT LOMR ON JULY 16, 2013, OBTAINED FROM FEMA NFHL WEB SERVICE ON JANUARY 19, 2021.
6. THE LOCATION AND EXTENTS OF UNDERGROUND TANKS & VAULTS, IF ANY EXIST, HAVE NOT BEEN DETERMINED BY THE SURVEYOR.

LEGAL DESCRIPTION OF ENVIRONMENTAL EASEMENT

SECTION 40, TAX BLOCK L, LOTS 5, 55-57, 59, 117, 2579 & 2585

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND WITH THE BUILDINGS, AND IMPROVEMENTS THEREON ERECTED, SITUATE AT INWOOD, TOWN OF HEMPSTEAD, COUNTY OF NASSAU AND THE STATE OF NEW YORK BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY LINE OF ROGER AVENUE AND THE WESTERLY LINE OF GATES AVENUE (A/K/A GATER STREET);

RUNNING THENCE SOUTH 12 DEGREES 12 MINUTES 15 SECONDS WEST ALONG THE WESTERLY LINE OF GATES AVENUE, A DISTANCE OF 350.75 FEET TO A POINT;

THENCE NORTH 77 DEGREES 47 MINUTES 15 SECONDS WEST, 140.70 FEET TO A POINT IN THE EASTERLY LINE OF CERRO STREET;

THENCE, NORTH 2 DEGREES 37 MINUTES 08 SECONDS EAST, ALONG THE EASTERLY LINE OF CERRO STREET, 50.87 FEET TO THE NORTHERLY TERMINUS OF CERRO STREET;

THENCE, NORTH 86 DEGREES 57 MINUTES 45 SECONDS WEST, ALONG THE SAID NORTHERLY TERMINUS OF CERRO STREET AND ALONG THE NORTHERLY LINE OF SECTION 40, BLOCK L, LOT 225, ON THE LAND AND TAX MAP OF NASSAU COUNTY, 133.48 FEET TO A POINT;

THENCE, SOUTH 3 DEGREES 02 MINUTES 15 SECONDS WEST, 40.00 FEET TO A POINT;

THENCE, NORTH 86 DEGREES 57 MINUTES 45 SECONDS WEST, 240.00 FEET TO A POINT;

THENCE, NORTH 3 DEGREES 02 MINUTES 15 SECONDS EAST, 156.00 FEET TO A POINT;

THENCE, SOUTH 86 DEGREES 57 MINUTES 45 SECONDS EAST, 154.03 FEET TO A POINT;

THENCE, NORTH 8 DEGREES 10 MINUTES 45 SECONDS EAST, 96.27 FEET TO A POINT;

THENCE, NORTH 12 DEGREES 12 MINUTES 15 SECONDS EAST, 125.00 FEET TO A POINT IN THE SOUTHERLY LINE OF ROGER AVENUE; AND,

RUNNING THENCE, SOUTH 77 DEGREES 47 MINUTES 15 SECONDS EAST, 391.06 FEET TO THE FIRST ABOVE MENTIONED CORNER THE POINT AND PLACE OF BEGINNING.

AREA OF LOTS 5, 55-57, 59, 117, 2579 & 2585: 154,798 S.F. OR 3.5537 AC.

ABBREVIATIONS

AC AIR-CONDITIONING UNIT
B.B.C. BELGIAN BLOCK CURB
BOT. BOTTOM OF STRUCTURE
B.P. BRICK PAVER
C.L.F. CHAIN LINK FENCE
C.C. CONCRETE CURB
CONC. CONCRETE
C.W. CONCRETE WALK
D.C. DEPRESSED CURB
D.Y. DOUBLE YELLOW LINE
E.M. ELECTRIC METER
E.O.C. EDGE OF CONCRETE
E.O.P. EDGE OF PAVEMENT
FEN. FENCE
FM FILED MAP
GR. GRATE
HYD. HYDRANT
MH. MANHOLE
POW. PAINTED CROSSWALK
RD. ROOF DRAIN
S.B. STOP BAR
SWL. SOLID WHITE LINE
TM. TAX MAP
TYP. TYPICAL
UP. UTILITY POLE
UPL. UTILITY POLE/LIGHT POLE
V.F. VINYL FENCE
W.F. WOOD FENCE

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UTILITIES:

THE FOLLOWING COMPANIES WERE NOTIFIED BY NEW YORK STATE ONE-CALL SYSTEM (1-800-272-4480) AND REQUESTED TO MARK OUT UNDERGROUND FACILITIES AFFECTING AND SERVICING THIS SITE. THE UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS BASED UPON THE UTILITY COMPANIES RESPONSE TO THIS REQUEST. SERIAL NUMBER(S): 212160578, 212160581

UTILITY COMPANY
CABLEVISION OF WOODBURY
NATIONAL GRID
VERIZON COMMUNICATIONS
NEW YORK AMERICAN WATER
LONG ISLAND POWER AUTHORITY

NOT ALL UTILITY COMPANIES RESPONDED TO THE MARKOUT REQUEST

NEW YORK STATE REQUIRES NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE.

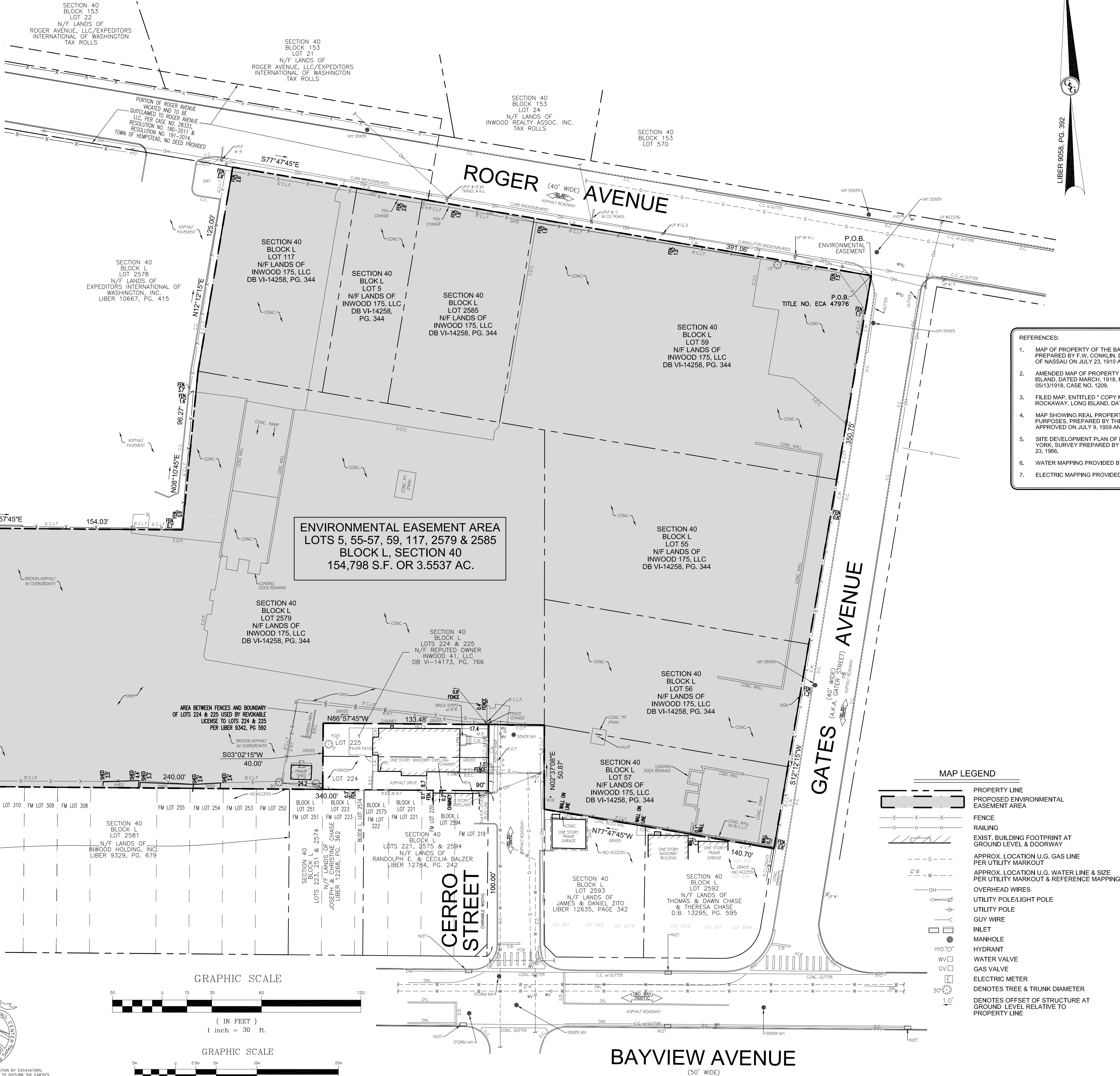
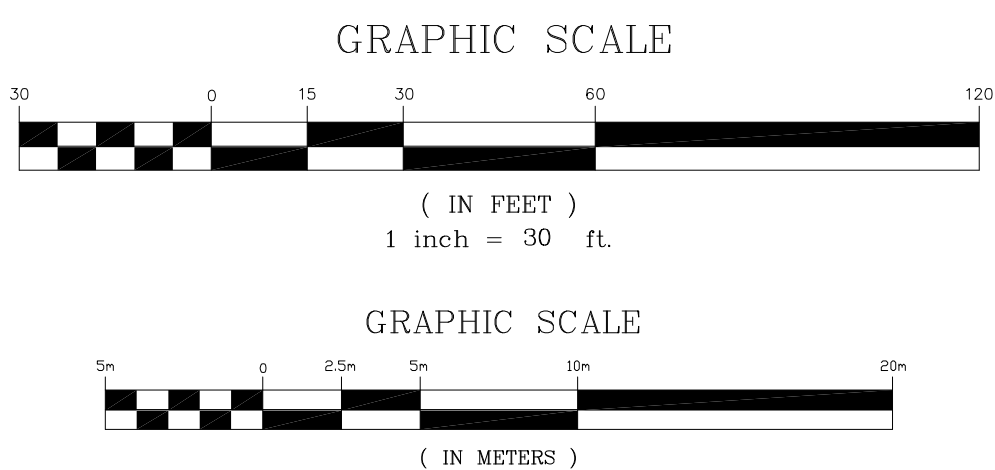


Exhibit C - Application to Amend BCA

Section V, Item 1

Parcel Address	Section No.	Block No.	Lot No.	Acreage
175 Roger Avenue	40	L	5	Not listed on current BCA
175 Roger Avenue	40	L	55	Not listed on current BCA
175 Roger Avenue	40	L	56	Not listed on current BCA
175 Roger Avenue	40	L	59	Not listed on current BCA
175 Roger Avenue	40	L	117	Not listed on current BCA
175 Roger Avenue	40	L	2279	Not listed on current BCA
175 Roger Avenue	40	L	2585	Not listed on current BCA

Section V, Item 2c

Parcel Address	Section No.	Block No.	Lot No.	Acreage
175 Roger Avenue	40	L	5	0.1148
175 Roger Avenue	40	L	55	0.3939
175 Roger Avenue	40	L	56	0.2677
175 Roger Avenue	40	L	57	0.1664
175 Roger Avenue	40	L	59	0.5923
175 Roger Avenue	40	L	117	0.2183
175 Roger Avenue	40	L	2579	1.6035
175 Roger Avenue	40	L	2585	0.1968
Total Revised Site Acreage:				3.5537