



Department of
Environmental
Conservation

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

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

☒ Amendment to [check one or more boxes below]

- ☒ Add
- ☐ Substitute
- ☐ Remove
- ☐ Change in Name

applicant(s) to the existing Brownfield Cleanup Agreement [*Complete Section I-IV below and Part II*]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site? ☐ Yes ☐ No

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)

Please provide a brief narrative on the nature of the amendment:

Commensurate with the requirements of a new financing, a new entity has been formed and will take title to the site. The existing applicant, 445 Gerard LLC, a Volunteer, will own 100% of the new entity.

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

Section I. Existing Agreement Information		
BCP SITE NAME: Gerard Avenue and East 146th Street Site BCP SITE NUMBER: C203111		
NAME OF CURRENT APPLICANT(S): 445 Gerard LLC and 417 Gerard Avenue Holdings LLC		
INDEX NUMBER OF EXISTING AGREEMENT: C203111-05-18 DATE OF EXISTING AGREEMENT: 6/27/18		
Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)		
NAME 445 Gerard Owner LLC		
ADDRESS 11 Park Place, Suite 1705		
CITY/TOWN New York		ZIP CODE 10007
PHONE (212) 991-0001	FAX	E-MAIL cpapamichael@thedomaincos.com
Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<ul style="list-style-type: none"> 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 Chris Papamichael		
ADDRESS (see above)		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) Langan - Ryan Manderbach CHMM		
ADDRESS 21 Penn Plaza, 360 West 31st Street, 8th Floor		
CITY/TOWN New York		ZIP CODE 10001-2727
PHONE (212) 479-5582	FAX	E-MAIL rmanderbach@Langan.com
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) Jon Schuyler Brooks - Freeborn & Peters LLP		
ADDRESS 230 Park Avenue, Suite 630		
CITY/TOWN New York		ZIP CODE 10169
PHONE (646) 993-4456	FAX	E-MAIL jbrooks@freeborn.com
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Describe Requestor's Relationship to Existing Applicant:		
The Requestor is owned 100% by the Existing Applicant, 445 Gerard LLC, a Volunteer.		

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Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)

OWNER'S NAME (if different from requestor)		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
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.

- Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☒ No
- Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? ☐ Yes ☒ No
- 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.
- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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.

Requestor's Relationship to Property (check one):

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

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)

ADDRESS _____

CITY/TOWN _____

ZIP CODE _____

TAX BLOCK AND LOT (TBL) (in existing agreement)

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

Check appropriate boxes below:

- ☐ Changes to metes and bounds description or TBL correction
- ☐ Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

Approximate acreage added: _____

ADDITIONAL PARCELS:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

- ☐ Reduction of property

Approximate acreage removed: _____

PARCELS REMOVED:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

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.

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 checked="" 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 checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>From ECL 27-1405(31):</p> <p>"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.</p>	
3. Is the project an affordable housing project as defined below?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>From 6 NYCRR 375- 3.2(a) as of August 12, 2016:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: Gerard Avenue and East 146th Street Site	BCP SITE NUMBER: C203111
NAME OF CURRENT APPLICANT(S): 445 Gerard LLC and 417 Gerard Avenue Holdings LLC	
INDEX NUMBER OF EXISTING AGREEMENT: C203111-05-18	
EFFECTIVE DATE OF EXISTING AGREEMENT: 5/27/18	

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 Authorized Signatory) of (entity 445 Gerard Owner LLC); 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.

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: Chris Papamichael

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 Managing Member (title) of 445 Gerard 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. 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: Chris Papamichael

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

<input type="checkbox"/> 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.	<input checked="" type="checkbox"/> 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.
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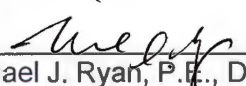
Effective Date of the Original Agreement: 5/27/2018

Signature by the Department:

DATED: 02/19/21

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:


Michael J. Ryan, P.E., Director
Division of Environmental Remediation

Section I: Certification and Signatures: Existing Application (an authorized representative of each party 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 Member of the Managing Member (title) of 417 Gerard Avenue Holdings 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. My _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 12/14/20 Signature: [Signature]

Print Name: Azriel Mandel

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

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: 5/27/18

Signature by the Department:

DATED: 02/19/21

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

[Signature]
Michael J. Ryan, P.E., Director
Division of Environmental Remediation

SUBMITTAL INFORMATION:

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in 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

FOR DEPARTMENT USE ONLY

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

PROJECT MANAGER: _____

STATEMENT PURSUANT TO SECTION IV OF THE REQUEST TO AMEND THE BCA

Requestor, 445 Gerard Owner LLC, is a newly-formed entity. Its sole member is the Existing Applicant, 445 Gerard LLC, a Volunteer. As with the Existing Applicant, the Requestor has no connection to any prior owner or operator of the Site.

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through December 11, 2020.

Selected Entity Name: 445 GERARD OWNER LLC

Selected Entity Status Information

Current Entity Name: 445 GERARD OWNER LLC

DOS ID #: 5895227

Initial DOS Filing Date: DECEMBER 11, 2020

County: NEW YORK

Jurisdiction: DELAWARE

Entity Type: FOREIGN LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

445 GERARD OWNER LLC
C/O THE DOMAIN COMPANIES LLC
11 PARK PLACE, SUITE 1705
NEW YORK, NEW YORK, 10007

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

of Shares Type of Stock \$ Value per Share

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
DEC 11, 2020	Actual	445 GERARD OWNER LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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RESOLUTION OF LIMITED LIABILITY COMPANY

445 GERARD OWNER LLC, a Delaware limited liability company (the "Company"), does hereby resolve that:

1. Chris Papamichael is duly appointed as an Authorized Signatory of the Company, and in that capacity has the full power and authority on behalf of the Company to:

(a) Execute documents in connection with the application of the Company for participation in the New York State Brownfield Cleanup Program (the "BCP");

(b) Enter into agreements with the New York State Department of Environmental Protection (the "DEC") in connection with the Company's participation in the BCP;

(c) Execute any and all documents in connection with the Company's participation in the BCP, including but not limited to applications, agreements, and tax returns;

(d) Take any action necessary to the furtherance of the Company's participation in the BCP, including but not limited to conducting negotiations on behalf of the Company.

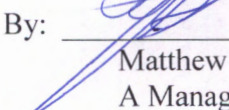
2. The authority hereby conferred shall be deemed retroactive, and any and all acts authorized herein which were performed prior to the passage of this unanimous consent are hereby approved and ratified. The authority hereby conferred is in addition to that conferred by any other consent heretofore or hereafter delivered to the DEC and shall continue in full force and effect until the DEC shall have received notice in writing, certified by the Manager of the Company, of the revocation hereof by a resolution duly adopted by the Company. Any such revocation shall be effective only as to actions taken by this Company subsequent to DEC's receipt of such notice.

3. The undersigned hereby represents and warrants that (i) the undersigned is a Managing Member of 445 Gerard LLC ("Manager"); (ii) Manager is the sole member and manager of the Company; and (iii) the consent of any Managing Member of the Manager is sufficient to authorize the Company to take the aforementioned actions.

Dated: New York, New York
December 11, 2020

445 GERARD OWNER LLC

By: 445 Gerard LLC
Its Manager and Sole Member

By: 
Matthew Schwartz
A Managing Member

445 GERARD LLC
11 Park Place, Suite 1705
New York, NY 10007

December 11, 2020

Mr. Chris Papamichael
445 Gerard Owner LLC
11 Park Place, Suite 1705
New York, NY 10007

RE: Right of Access – New York State Brownfield Cleanup Program (“BCP”)

Dear Chris:

This letter confirms (1) 445 Gerard LLC (“Fee Owner”) is the current fee owner of the real property that comprises the BCP site known as the Gerard Avenue and East 146th Street Site (the “Property”), (2) Fee Owner intends to transfer title to the Property to the newly-formed entity known as 445 Gerard Owner LLC (“Transferee”), and (3) Fee Owner hereby grants to Transferee the right to access the Property for purposes of complying with all and any requirements of the BCP.

Sincerely,

445 Gerard LLC

By: 

Matthew Schwartz
A Managing Member

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**60-Day Advance Notification of Site Change of Use, Transfer of
Certificate of Completion, and/or Ownership**

Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

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To be submitted at least 60 days prior to change of use to:

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

I. **Site Name:** Gerard Avenue and East 146th Street Site **DEC Site ID No.** C203111

II. **Contact Information of Person Submitting Notification:**

Name: Jon Schuyler Brooks
Address1: Freeborn & Peters LLP
Address2: 230 Park Avenue, Suite 630, New York, NY 10169
Phone: (646) 993-4456 E-mail: jbrooks@freeborn.com

III. **Type of Change and Date:** Indicate the Type of Change(s) (check all that apply):

- ☒ Change in Ownership or Change in Remedial Party(ies)
☐ Transfer of Certificate of Completion (CoC)
☐ Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): 12/18/2020

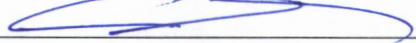
IV. **Description:** Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

Commensurate with the requirements of a new financing, a new entity has been formed and will take title
to the site. The existing applicant, a Volunteer, will own 100% of the new entity.

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

- V. Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name:  12/11/2020
(Signature) (Date)

Chris Papamichael
(Print Name)

Address1: 445 Gerard LLC c/o The Domain Companies
Address2: 11 Park Place, Suite 1705, New York, NY 10007
Phone: (212) 991-0001 E-mail: cpapamichael@thedomaincos.com

- VI. Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

☒ Prospective Owner ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: 445 Gerard Owner LLC
Address1: c/o The Domain Companies
Address2: 11 Park Place, Suite 1705, New York, NY 10007
Phone: (212) 991-0001 E-mail: cpapamichael@thedomaincos.com

Certifying Party Name: _____
Address1: _____
Address2: _____
Phone: _____ E-mail: _____

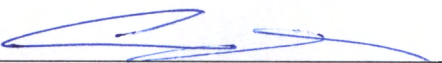
VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name:


(Signature)

12/11/2020

(Date)

Chris Papamichael

(Print Name)

Address1: 445 Gerard LLC c/o The Domain Companies

Address2: 11 Park Place, Suite 1705, New York, NY 10007

Phone: (212) 991-0001

E-mail: cpapamichael@thedomaincos.com

Continuation Sheet

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

New York State Department of Environmental Conservation



Instructions for Completing the 60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion (CoC), and/or Ownership Form

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

Section I	Description
Site Name	Official DEC site name. (see http://www.dec.ny.gov/cfm/externalapps/derexternal/index.cfm?pageid=3)
DEC Site ID No.	DEC site identification number.
Section II	Contact Information of Person Submitting Notification
Name	Name of person submitting notification of site change of use, transfer of certificate of completion and/or ownership form.
Address1	Street address or P.O. box number of the person submitting notification.
Address2	City, state and zip code of the person submitting notification.
Phone	Phone number of the person submitting notification.
E-mail	E-mail address of the person submitting notification.
Section III	Type of Change and Date
Check Boxes	Check the appropriate box(s) for the type(s) of change about which you are notifying the Department. Check all that apply.
Proposed Date of Change	Date on which the change in ownership or remedial party, transfer of CoC, or other change is expected to occur.
Section IV	Description
Description	For each change checked in Section III, describe the proposed change. Provide all applicable maps, drawings, and/or parcel information. If "Other" is checked in Section III, explain how the change may affect the site's proposed, ongoing, or completed remedial program at the site. Please attach additional sheets, if needed.

Section V Certification Statement

This section must be filled out if the change of use results in a change of ownership or responsibility for the proposed, ongoing, or completed remedial program for the site. When completed, it provides DEC with a certification that the prospective purchaser has been provided a copy of any order, agreement, or State assistance contract as well as a copy of all approved remedial work plans and reports.

Name The owner of the site property or their designated representative must sign and date the certification statement. Print owner or designated representative's name on the line provided below the signature.

Address1 Owner or designated representative's street address or P.O. Box number.

Address2 Owner or designated representative's city, state and zip code.

Phone Owner or designated representative's phone number.

E-Mail Owner or designated representative's E-mail.

Section VI Contact Information for New Owner, Remedial Party, and CoC Holder (if a CoC was issued)

Fill out this section only if the site is to be sold or there will be a new remedial party. Check the appropriate box to indicate whether the information being provided is for a Prospective Owner, CoC Holder (if site was ever issued a COC), Prospective Remedial Party, or Prospective Owner Representative. Identify the prospective owner or party and include contact information. A Continuation Sheet is provided at the end of this form for additional owner/party information.

Name Name of Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.

Address1 Street address or P.O. Box number for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.

Address2 City, state and zip code for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.

Phone Phone number for the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.

E-Mail E-mail address of the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.

If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/EC), indicate who will be the certifying party(ies). Attach additional sheets, if needed.

Certifying Party

Name	Name of Certifying Party.
Address1	Certifying Party's street address or P.O. Box number.
Address2	Certifying Party's city, state and zip code.
Phone	Certifying Party's Phone number.
E-Mail	Certifying Party's E-mail address.

Section VII Agreement to Notify DEC After Property Transfer/Sale

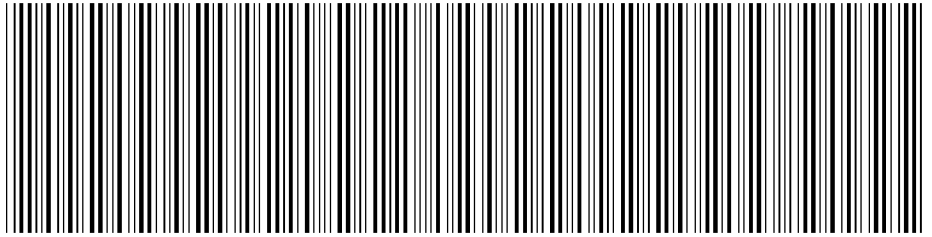
This section must be filled out for all property transfers of all or part of the site. If the site also has a CoC, then the CoC shall be transferred using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>

Filling out and signing this section of the form indicates you will comply with the post transfer notifications within the required timeframes specified on the form. If a CoC has been issued for the site, the DEC will allow 30 days for the post transfer notification so that the "Notice of CoC Transfer Form" and proof of it's filing can be included. Normally the required post transfer notification must be submitted within 15 day (per 375-1.11(d)(3)(ii)) when no CoC is involved.

Name	Current property owner must sign and date the form on the designated lines. Print owner's name on the line provided.
Address1	Current owner's street address.
Address2	Current owner's city, state and zip code.

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



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RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 9

Document ID: 2021010500328002

Document Date: 12-31-2020

Preparation Date: 01-05-2021

Document Type: DEED

Document Page Count: 7

PRESENTER:

ALL NEW YORK TITLE AGENCY, INC.
222 BLOOMINGDALE ROAD^ANY2019-4666C
SUITE 306
WHITE PLAINS, NY 10605
914-686-5600
JKAMNA@ALLNYT.COM

RETURN TO:

SARAH HETZER
CANNON HEYMAN & WEISS LLP
54 STATE ST, 5TH FLOOR
ALBANY, NY 12207

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BRONX	2351	20	Entire Lot	417 GERARD AVENUE

Property Type: NON-RESIDENTIAL VACANT LAND

Borough	Block	Lot	Unit	Address
BRONX	2351	12	Entire Lot	445 GERARD AVENUE

Property Type: NON-RESIDENTIAL VACANT LAND

☒ Additional Properties on Continuation Page

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

445 GERARD LLC
11 PARK PLACE, SUITE 1705
NEW YORK, NY 10007

GRANTEE/BUYER:

445 GERARD OWNER LLC
11 PARK PLACE, SUITE 1705
NEW YORK, NY 10007

FEES AND TAXES

Mortgage :

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

TOTAL: \$ 0.00

Recording Fee: \$ 81.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

RECORDED OR FILED IN THE OFFICE

OF THE CITY REGISTER OF THE

CITY OF NEW YORK

Recorded/Filed 01-06-2021 14:48

City Register File No.(CRFN):

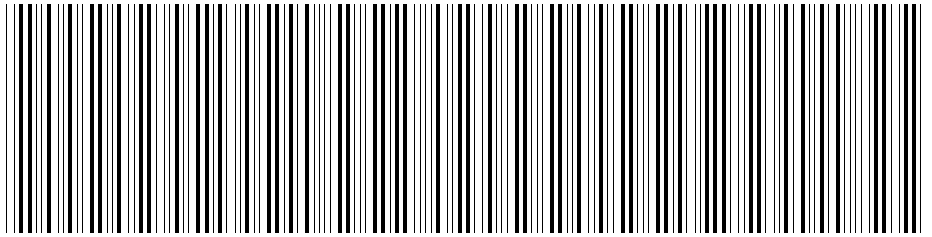
2021000004641



Annette McMill

City Register Official Signature

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2021010500328002001CC557

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION)

PAGE 2 OF 9

Document ID: 2021010500328002

Document Date: 12-31-2020

Preparation Date: 01-05-2021

Document Type: DEED

PROPERTY DATA

Borough	Block Lot	Unit	Address
BRONX	2351 3 Entire Lot		440 MAJ WM DEEGAN BLVD
Property Type: NON-RESIDENTIAL VACANT LAND			
Borough	Block Lot	Unit	Address
BRONX	2351 1 Entire Lot		404 MAJ WM DEEGAN BLVD
Property Type: NON-RESIDENTIAL VACANT LAND			

BARGAIN AND SALE DEED

THIS INDENTURE, made the 31st day of December, 2020, between **445 GERARD LLC**, a New York limited liability company, having an address at 11 Park Place, Suite 1705, New York, New York 10007 (hereinafter referred to as "Grantor"), and **445 GERARD OWNER LLC**, a Delaware limited liability company, having an address at 11 Park Place, Suite 1705, New York, New York 10007 (hereinafter referred to as "Grantee"),

W I T N E S S E T H:

That Grantor, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, lawful money of the United States, paid by the Grantee, the receipt and sufficiency of which are hereby acknowledged, does hereby covenant, grant and release unto Grantee, its heirs and successors and assigns, forever, all right, title and interest of Grantor in and to the following:

All that certain plot, piece, or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in Borough of Bronx, City State of New York, as more particularly described on Schedule "A" attached hereto and incorporated herein for all purposes.

BEING the same premises conveyed to Grantor by deed from 440 Exterior Street Holdings LLC, 445 Gerrard Avenue Holdings LLC and 417 Gerard Avenue Holdings LLC dated as of April 18, 2019 and recorded April 29, 2019 in the Office of the New York City Register, Bronx County, in CRFN: 2019000135698. (As to Parcels 1, 2, and 3)

BEING the same premises conveyed to Grantor by deed from Rocket Jewelry Box, Inc. dated as of July 3, 2019 and recorded July 16, 2019 in the Office of the New York City Register, Bronx County, in CRFN: 2019000223667. (As to Parcel 4)

TOGETHER with all right, title and interest, if any, of Grantor in and to any streets and roads abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of Grantor in and to said premises;

SUBJECT to all matters of public record including but not limited to all covenants, restrictions, easements and rights of way; and subject to all laws, statutes, codes, rules, regulations and ordinances;

TO HAVE AND TO HOLD the premises herein granted unto Grantee, its heirs and successors and assigns, forever.

AND Grantor covenants that it has not done or suffered anything whereby the said premises have been encumbered in any way whatsoever, except as aforesaid.

AND Grantor, in compliance with Section 13 of the Lien Law, 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.

Signature Page to Follow

IN WITNESS WHEREOF, the Grantor has duly executed this deed the day and year first above written.

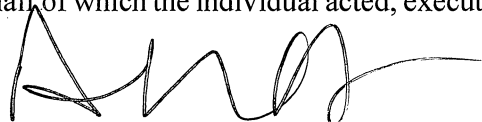
445 GERARD LLC, a New York
limited liability company

By: 445 Gerard Member LLC, its manager

By: 
Name: Matthew Schwartz
Title: Authorized Signatory

STATE OF LOUISIANA)
) SS.:
PARISH OF ORLEANS)

On the 10th day of December, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Matthew Schwartz 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 s/he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public – State of Louisiana



DEBORAH DAIGLE DAVIS
NOTARY PUBLIC
State of Louisiana, Bar Roll # 26009
My Commission is for life.

Record and Return to:
Cannon Heyman & Weiss, LLP
54 State Street, 5th Floor
Albany, New York 12207
Attn: Sarah Hetzer

Block: 2351
Lots: 20, 12, 3 & 1
County: Bronx

SCHEDULE "A"

Legal Description

PARCEL 1 (Block 2351, Lot 20):

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough and County of Bronx, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of East 144th Street with the westerly side of Gerard Avenue;

RUNNING THENCE westerly along said northerly side of East 144th Street, North 71 degrees 03' 45" 100.10 feet to a point;

THENCE northerly along a line, North 16 degrees 21' 00" East 81.92 feet (Survey) (81.90 feet – Deed) to a point;

THENCE norther along a line, north 89 degrees 40' 57" East 48.74 feet to a point;

THENCE easterly and parallel with the southerly side of East 146th Street, South 71 degrees 14' 04" East 53.35 feet to a point;

THENCE southerly along said westerly side of Gerard Avenue, South 16 degrees 21' 02" West 98.17 (Survey) (98.13 feet – Deed) feet to the point or place of BEGINNING.

PARCEL 2 (Block 2351, Lot 12):

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough and County of Bronx, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of East 146th Street with the westerly side of Gerard Avenue;

RUNNING THENCE southerly along said westerly side of Gerard Avenue, South 16 degrees 21' 02" West 100.09 feet to a point;

THENCE westerly and parallel with said southerly side of East 146th Street, North 71 degrees 14' 04" West 100.00 feet to a point;

THENCE northerly and parallel with said westerly side of Gerard Avenue, North 16 degrees 21' 02" 100.09 feet to the aforementioned southerly side of East 146th Street;

THENCE easterly along said southerly side of East 144th Street, South 71 degrees 14' 04" East 100.00 feet to the point or place of BEGINNING.

PARCEL 3 (Block 2351, Lot 3):

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough and County of Bronx, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of East 146th Street with the easterly side of Exterior Street (aka Major Deegan Boulevard);

RUNNING THENCE easterly along said southerly side of East 146th Street, South 71 degrees 14' 04" 80.18 feet to a point;

THENCE southerly and parallel with the westerly side of Gerard Avenue, South 16 degrees 21' 02" West 100.09 feet (Survey) (100.11 feet – Deed) to a point;

THENCE easterly and parallel with the aforementioned southerly side of East 146th Street, South 71 degrees 14' 04" East 46.45 feet (Survey) (46.38 feet – Deed) to a point;

THENCE westerly along a line, South 89 degrees 40' 57" West 153.13 feet (Survey) (152.68 feet – Deed) to the aforementioned easterly side of Exterior Street;

THENCE along said easterly side of Exterior Street, North 23 degrees 58' 06" East 150.69 feet (Survey) (150.22 feet – Deed) to the point or place of BEGINNING.

PARCEL 4 (Block 2351, Lot 1):

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough and County of Bronx, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of East 144th Street with the easterly side of Exterior Street (aka Major Deegan Boulevard);

RUNNING THENCE northerly along said easterly side of Exterior Street, North 16 degrees 21' 00" East 47.46 feet to a point;

THENCE easterly along a line, north 89 degrees 40' 57" East 104.39 feet (Survey) (104.38 feet – Deed) to a point;

THENCE southerly and parallel with the easterly side of Exterior Street, South 16 degrees 21' 00" West 81.92 feet (Survey) (81.90 feet – Deed) to the aforementioned northerly side of East 144th Street;

THENCE westerly along said northerly side of East 144th Street, North 71 degrees 03' 45" West 100.10 feet to the point or place of BEGINNING.