



Department of  
Environmental  
Conservation

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

Please refer to the attached instructions for guidance on completing this application.

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment seeks to add or subtract more than an insignificant acreage of property to the BCA, applicants are encouraged to consult with the DEC project team prior to submitting this application.

### PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

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

<input type="checkbox"/>	Amendment to modify the existing BCA (check one or more boxes below):
<input type="checkbox"/>	Add applicant(s)
<input type="checkbox"/>	Substitute applicant(s)
<input type="checkbox"/>	Remove applicant(s)
<input type="checkbox"/>	Change in name of applicant(s)
<input checked="" type="checkbox"/>	Amendment to reflect a transfer of title to all or part of the brownfield site:
	<p>a. A copy of the recorded deed must be provided. Is this attached? Yes <input checked="" type="radio"/> No <input type="radio"/></p> <p>b. <input checked="" type="checkbox"/> Change in ownership <input type="checkbox"/> Additional owner (such as a beneficial owner)</p> <p>c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached? Yes <input type="radio"/> No <input checked="" type="radio"/> Submitted on: 6/22/2023</p>
<input type="checkbox"/>	Amendment to modify description of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit.
<input type="checkbox"/>	Other (explain in detail below)

2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment: Current Volunteers, Mures Alexander, LLC and Alexander 72G, LLC became title owners of the Brownfield Cleanup Program ("BCP") Site as tenants-in-common by Bargain and Sale Deed dated June 22, 2023 and filed with the Westchester County Clerk's Office on July 10, 2023, with Control # 631243142. Mures Alexander, LLC holds an undivided 69% interest to the Site and Alexander 72G, LLC holds an undivided 31% interest to the Site. Please see the Deed attached as Exhibit A. Attached as Exhibit B please find a Site Access Agreement for other Volunteer Fondak Enterprises, LLC.

**SECTION I: CURRENT AGREEMENT INFORMATION***This section must be completed in full. Attach additional pages as necessary.*

BCP SITE NAME: Glenwood Container Site	BCP SITE CODE: C360154
NAME OF CURRENT APPLICANT(S): Mures Alexander, LLC, Alexander 72G, LLC and Fondak Enterprises, LLC	
INDEX NUMBER OF AGREEMENT: C360154-07-16	DATE OF ORIGINAL AGREEMENT: 11/01/2016

**SECTION II: NEW REQUESTOR INFORMATION***Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.*

NAME:				
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
REQUESTOR CONTACT:				
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
REQUESTOR'S CONSULTANT:		CONTACT:		
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
REQUESTOR'S ATTORNEY:		CONTACT:		
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
			<b>Y</b>	<b>N</b>
1. Is the requestor authorized to conduct business in New York State?			<input type="radio"/>	<input type="radio"/>
2. If the requestor is a corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State (NYSDOS) to conduct business in NYS, the requestor's name must appear exactly as given above in the NYSDOS Corporation & Business Entity Database. A print-out of entity information from the NYSDOS database must be submitted with this application. Is this print-out attached?			<input type="radio"/>	<input type="radio"/>
3. Requestor must submit proof that the party signing this application and amendment has the authority to bind the requestor. This would be documentation showing the authority to bind the requestor in the form of corporate organizational papers, a Corporate Resolution or an Operating Agreement or Resolution for an LLC. Is this proof attached?			<input type="radio"/>	<input type="radio"/>
4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached?			N/A <input type="radio"/>	<input type="radio"/>
5. Describe the new requestor's relationship to all existing applicants:				

**SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION***Complete this section only if a transfer of ownership has taken place. Attach additional pages if necessary.*

Owner listed below is: <input checked="" type="checkbox"/> Existing Applicant		<input type="checkbox"/> New Applicant		<input type="checkbox"/> Non-Applicant	
OWNER'S NAME: Mures Alexander, LLC			CONTACT: Ioan Sita		
ADDRESS: 214 Starr Street, 2nd Floor					
CITY/TOWN: Brooklyn, New York			ZIP CODE: 11237		
PHONE: (516) 860-8609		EMAIL: ioan.sita@starrwin.com			
OPERATOR:			CONTACT:		
ADDRESS:					
CITY/TOWN:			ZIP CODE:		
PHONE:		EMAIL:			

**SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION***Complete this section only if adding new requestor(s). Attach additional pages if necessary.*

If answering "yes" to any of the following questions, please provide additional information as an attachment. Please refer to ECL § 27-1407 for details.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?	<input type="radio"/>	<input type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for the site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input type="radio"/>
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 or regulation of the state or federal government? If so, provide additional information as an attachment.	<input type="radio"/>	<input type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as site name, address, DEC site number, reason for denial, and any other relevant information.	<input type="radio"/>	<input type="radio"/>
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 or contaminants?	<input type="radio"/>	<input type="radio"/>
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?	<input type="radio"/>	<input type="radio"/>
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?	<input type="radio"/>	<input type="radio"/>

**SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION***Complete this section only if a transfer of ownership has taken place. Attach additional pages if necessary.*

Owner listed below is: <input checked="" type="checkbox"/> Existing Applicant		<input type="checkbox"/> New Applicant		<input type="checkbox"/> Non-Applicant	
OWNER'S NAME: Alexander 72G, LLC			CONTACT: Gheorghe Sita		
ADDRESS: 214 Starr Street					
CITY/TOWN: Brooklyn, New York			ZIP CODE: 11237		
PHONE: (917) 468-1466		EMAIL: lenuta_sita@yahoo.com			
OPERATOR:			CONTACT:		
ADDRESS:					
CITY/TOWN:			ZIP CODE:		
PHONE:		EMAIL:			

**SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION***Complete this section only if adding new requestor(s). Attach additional pages if necessary.*

If answering "yes" to any of the following questions, please provide additional information as an attachment. Please refer to ECL § 27-1407 for details.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?	<input type="radio"/>	<input type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for the site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input type="radio"/>
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 or regulation of the state or federal government? If so, provide additional information as an attachment.	<input type="radio"/>	<input type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as site name, address, DEC site number, reason for denial, and any other relevant information.	<input type="radio"/>	<input type="radio"/>
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 or contaminants?	<input type="radio"/>	<input type="radio"/>
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?	<input type="radio"/>	<input type="radio"/>
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?	<input type="radio"/>	<input type="radio"/>

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION (continued)		Y	N
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?		<input type="radio"/>	<input type="radio"/>
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?		<input type="radio"/>	<input type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?		<input type="radio"/>	<input type="radio"/>
12. 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:			
<input type="checkbox"/> <b>PARTICIPANT</b>  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 type="checkbox"/> <b>VOLUNTEER</b>  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 a 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 they have 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.  <b>If a requestor's liability arises solely as a result of ownership, operation of or involvement with the site, they must submit a statement describing why they should be considered a volunteer – be specific as to the appropriate care taken.</b>	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		N/A <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>
14. Requestor's relationship to the property (check all that apply):  <input type="checkbox"/> Prior Owner <input type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input type="checkbox"/> Other: _____			
15. If the 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 being added to the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?		N/A <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>

**SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES**

*Complete this section only if property is being added to or removed from the site, a lot merger or other change to site SBL(s) has occurred, or if modifying the site address for any reason.*

1. Property information on current agreement (as modified by any previous amendments, if applicable):

ADDRESS:

CITY/TOWN

ZIP CODE:

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

2. Requested change (check appropriate boxes below):

☐

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

PARCELS ADDED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE ADDED: \_\_\_\_\_

☐

b. Reduction of property

PARCELS REMOVED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE REMOVED: \_\_\_\_\_

☐

c. Change to SBL (e.g., lot merge, subdivision, address change)

NEW PROPERTY INFORMATION:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

3. TOTAL REVISED SITE ACREAGE: \_\_\_\_\_

4. For all changes requested in this section, documentation must be provided. Required attachments are listed in the application instructions. Is the required documentation attached?

Y

☐

N

☐

**APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT SUPPLEMENT  
QUESTIONS FOR SITE SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY**

*Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits. Provide supporting documentation as required. Refer to the application instructions for additional information.*

	Y	N
1. Is the site located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
3. 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="radio"/>	<input type="radio"/>
4. Is the property upside down as defined below?	<input type="radio"/>	<input type="radio"/>
<p><b>From ECL 27-1405(31):</b></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>		
5. Is the project and affordable housing project as defined below?	<input type="radio"/>	<input type="radio"/>
<p><b>From 6 NYCRR 375-3.2(a) as of August 12, 2016:</b></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' household's 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 homeowners 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>		

APPLICATION SUPPLEMENT FOR NYC SITES (continued)	Y	N
<p>6. Is the project a planned renewable energy facility site as defined below?</p> <p><b>From ECL 27-1405(33) as of April 9, 2022:</b></p> <p>"Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.</p> <p><b>From Public Service Law Article 4 Section 66-p as of April 23, 2021:</b></p> <p>(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.</p>	<input type="radio"/>	<input type="radio"/>
<p>7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?</p> <p><b>From ECL 75-0111 as of April 9, 2022:</b></p> <p>(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.</p>	<input type="radio"/>	<input type="radio"/>



**PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT****EXISTING AGREEMENT INFORMATION**

BCP SITE NAME: Glenwood Container Site

BCP SITE CODE: C360154

NAME OF CURRENT APPLICANT(S): Mures Alexander, LLC, Alexander 72G, LLC and Fondak Enterprises, LLC

INDEX NUMBER OF AGREEMENT: C360154-07-16

DATE OF ORIGINAL AGREEMENT 11/01/2016

**Declaration of Amendment:**

By the requestor(s) and/or applicant(s) signature(s) 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 obligations held under the Agreement or those same laws.

**STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR**

*Complete the appropriate section (individual or entity) below only if this Amendment adds a new requestor. Attach additional pages as needed.*

**(Individual)**

I hereby affirm that the 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 complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.*

(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 Sole Member (title) of Alexander 72G, 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. Gheorghe Sita's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 9/26/24 Signature: Gheorghe SitaPrint Name: Gheorghe Sita**PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS****REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> 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"/> <b>VOLUNTEER</b> 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: 11/01/2016

Signature by the Department:

DATED: 9/20/24NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By:

Janet E. BrownJanet E. Brown, Assistant Director  
Division of Environmental Remediation

**STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)**

*An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.*

(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 Manager (title) of Mures Alexander, 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. Ioan Sita, Jr.'s signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 6/26/2024 Signature: Print Name: Ioan Sita, Jr.**PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS****REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

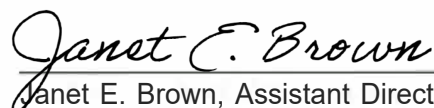
<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	<input checked="" type="checkbox"/> <b>VOLUNTEER</b> 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: 11/01/2016

Signature by the Department:

DATED: 9/20/24NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By:

Janet E. Brown, Assistant Director  
Division of Environmental Remediation

**STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)**

*An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.*

(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 Sole Member (title) of Fondak Enterprises, 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. Jeffrey Fondak's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 2 July 2024 Signature: Jeffrey F. FondakPrint Name: Jeffrey Fondak**PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS****REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> 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"/> <b>VOLUNTEER</b> 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: 11/01/2016

Signature by the Department:

DATED: 9/20/24NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By:

Janet E. Brown  
Janet E. Brown, Assistant Director  
Division of Environmental Remediation

# **EXHIBIT A**

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



\*631243142DED006Q\*

## Westchester County Recording & Endorsement Page

### Submitter Information

Name: Mid-Atlantic Abstract Corp. Phone: (516) 482-4784  
Address 1: 36 S STATION PLZ Fax: (555) 555-5555  
Address 2: Email: midatlanticabstract@yahoo.com  
City/State/Zip: GREAT NECK NY 11021 Reference for Submitter: 6255593-Mid-Atlantic Abstract Corp.

### Document Details

Control Number: **631243142** Document Type: **Deed (DED)**  
Package ID: 2023071000104001000 Document Page Count: **3** Total Page Count: **4**

### Parties

☐ Additional Parties on Continuation page

#### 1st PARTY

1: FONDAK ENTERPRISES LLC - Other  
2:

#### 2nd PARTY

1: MURES ALEXANDER LLC - Other  
2: ALEXANDER 72G LLC - Other

### Property

☐ Additional Properties on Continuation page

Street Address: 72 ALEXANDER STREET Tax Designation: 2-2608-25  
City/Town: YONKERS Village:

### Cross- References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

### Supporting Documents

1: RP-5217 2: TP-584

### Recording Fees

Statutory Recording Fee: \$40.00  
Page Fee: \$20.00  
Cross-Reference Fee: \$0.00  
Mortgage Affidavit Filing Fee: \$0.00  
RP-5217 Filing Fee: \$250.00  
TP-584 Filing Fee: \$5.00  
RPL 291 Notice Fee: \$0.00  
Total Recording Fees Paid: **\$315.00**

### Transfer Taxes

Consideration: \$3,250,000.00  
Transfer Tax: \$13,000.00  
Mansion Tax: \$0.00  
Transfer Tax Number: 14207

### Mortgage Taxes

Document Date:  
Mortgage Amount:  
  
Basic: \$0.00  
Westchester: \$0.00  
Additional: \$0.00  
MTA: \$0.00  
Special: \$0.00  
Yonkers: \$0.00  
Total Mortgage Tax: **\$0.00**

Dwelling Type: Exempt: ☐  
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 07/10/2023 at 02:14 PM  
Control Number: **631243142**  
Witness my hand and official seal

*Timothy C. Idoni*

Timothy C. Idoni  
Westchester County Clerk

### Record and Return To

☐ Pick-up at County Clerk's office

GLEICH, FARKAS & EMOUNA LLP  
36 SOUTH STATION PLAZA

GREAT NECK, NY 11021  
Attn: STEPHAN B. GLEICH, ESQ.

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT---THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made as of the 22<sup>nd</sup> day of June, in the year 2023

BETWEEN

**FONDAK ENTERPRISES, LLC.**

having an address at 255 Paddock Street, Watertown, NY 13601  
party of the first part, and

**MURES ALEXANDER, LLC.** with respect to an undivided 69% interest as tenant-in-common, &  
**ALEXANDER 72G, LLC.** with respect to an undivided 31% interest as tenant-in-common,  
each having an address at 214 Starr Street, 2<sup>nd</sup> Floor, Brooklyn, NY 11237  
party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of then (\$10.00) dollars paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Yonkers, County of Westchester, and State of New York, as more particularly described on Schedule A attached hereto and made a part hereof.

**BEING** and intended to be the same premises conveyed to the part of the first part by deed dated 6/23/2016 and recorded 7/1/2016 in Control NO. 561753270 in the Office of the Clerk of Westchester County.

TOGETHER with all right, title and interest, if any, of the party of the first part 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 the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part 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. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

FONDAK ENTERPRISES, LLC

X Jeffrey Fondak

By: Jeffrey Fondak

Its: Sole Member

Sec: 2  
Blk: 2608  
Lot: 25

# Westcor Land Title Insurance Company

**Title No:** MIAC-W-0022

## Schedule A

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

BEGINNING at a point on the easterly side of Alexander Street, distant 385.67 feet as measured in a southerly direction along the easterly side of Alexander Street from the corner formed the intersection of the southerly side of Ashburton Avenue with the easterly side of Alexander Street;

RUNNING THENCE in an easterly direction on a line having an interior angle of 87 degrees 22 minutes 00 seconds with the easterly side of Alexander Street, a distance of 227 feet to the westerly line of land of the New York Central Railroad;

THENCE in a southerly direction and along the westerly line of land of the New York Central Railroad on a curve to the right having a radius of 2707.48 feet an arc distance of 77.42 (deed) feet 77.45 (actual) feet to the northerly line of land now or formerly of Mary Eliza Saunders;

THENCE in a westerly direction and along the northerly line of land now or formerly of Mary Eliza Saunders, and on a line having an interior angle of 90 degrees 47 minutes 34 seconds with the easterly side of Alexander Street a distance of 209.75 feet to the easterly side of Alexander Street;

THENCE in a northerly direction and along the easterly side of Alexander Street, a distance of 83.08 feet to the point or place of BEGINNING.

NOTE: Being Section: 2 Block: 2608 Lot: 25, County of Westchester.

Commonly known as 72 Alexander Street, Yonkers, New York.

NOTE: Lot and Block shown for informational purposes only.

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TOGETHER with all right, title and interest of the party of the first part of, in and to the land lying in the street in front of and adjoining said premises.



**ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE**

State of New York, County of Jefferson, ss:

On the 16 day of June in the year 2023, before me, the undersigned, personally appeared **Jeffrey Fondak**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Merrilee M. Taylor  
NOTARY PUBLIC  
MERRILEE M. TAYLOR  
Notary Public, State of New York  
Qualified in Jefferson County  
Reg. No. 01TA4850186  
My Commission Expires 01-27-2026

**ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS  
TAKEN IN NEW YORK STATE**

State of New York, County of \_\_\_\_\_, ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, the

subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

Bargain and Sale Deed with  
Covenant against Grantors Acts

Title No. MIAC-W-0022

Fondak Enterprises, LLC  
TO

Mures Alexander, LLC & Alexander 72G, LLC

**ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE**

State of New York, County of \_\_\_\_\_, ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2023, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC

**ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK  
STATE**

\*State of \_\_\_\_\_ County of \_\_\_\_\_, ss:

\*(Or insert District of Columbia, Territory, Possession or Foreign County)

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2023, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual make such appearance before the undersigned in the City/Town of \_\_\_\_\_ in the County of \_\_\_\_\_.

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

\_\_\_\_\_  
NOTARY PUBLIC

SECTION: 2  
BLOCK: 2608  
LOT: 25  
COUNTY: Westchester  
CITY: Yonkers  
ADDRESS: 72 Alexander Street, Yonkers, NY 10701

Record and Return To:

**Gleich, Farkas & Emouna LLP**  
**36 South Station Plaza**  
**Great Neck, NY 11021**

# **EXHIBIT B**

Fondak Enterprises, LLC  
C/O Jeffrey Fondak  
255 Paddock Street  
Watertown, New York 13601

Mures Alexander, LLC  
Alexander 72G, LLC  
214 Starr Street, 2<sup>nd</sup> Floor  
Brooklyn, New York 11237

**Re: Site Access to Perform Brownfield Cleanup Program Work  
72 Alexander Street, Yonkers, New York 10701**

To Whom It May Concern:


Fondak Enterprises, LLC ("Fondak") is a current Volunteer for the Brownfield Cleanup Program ("BCP") Site located at 72 Alexander Street, Yonkers, New York 10701 (2.-2608-25), known as the Glenwood Container Site (DEC Site No.: C360154) (the "BCP Site"). Fondak entered into a Brownfield Cleanup Agreement ("BCA") with the NYS DEC on November 1, 2016, to investigate and remediate the above-referenced BCP Site. As you know, Mures Alexander, LLC and Alexander 72G, LLC, as well as also being Volunteers under the BCA, are also owners of BCP Site. Fondak needs the owners' written permission below to access the BCP Site for the purpose of performing environmental investigation and remediation work per their Agreement with the NYS DEC.

If you agree to sign below, you are granting Fondak what is known as a "temporary license" to allow an appropriate contractor hired to enter the property to perform investigation and remediation work. Fondak promises to provide you with copies of any information generated about the property, and if the property is accidentally damaged in any way, Fondak agrees to repair the damage to restore the property to the way it was before being entered. Fondak's contractor will also maintain insurance that would cover any accidents on the job. Fondak promises to minimize any and all inconvenience to you in connection with this work and will give you one week notice before the work begins.


In addition, because you will still own the BCP Site when the remediation is complete and the Certificate of Completion is about to be obtained, and a Track 1 remediation level is not being achieved, you are hereby also agreeing to impose an environmental easement on the BCP Site if required by the New York State Department of Environmental Conservation.

Thank you for your cooperation.

Sincerely,

  
\_\_\_\_\_  
Fondak Enterprises, LLC  
Jeffery Fondak, Sole Member

As the Manager of Mures Alexander, LLC, owner of 69% undivided interest of the BCP Site, I am authorized to grant this temporary license and agree to allow Fondak Enterprises, LLC and its agents to enter the BCP Site to perform the BCP Investigation and/or remediation work required.

  
Mures Alexander, LLC  
Ioan Sita, Jr.

As the Sole Member of Alexander 72G, LLC, owner of 31% undivided interest of the BCP Site, I am authorized to grant this temporary license and agree to allow Fondak Enterprises, LLC and its agents to enter the BCP Site to perform the BCP Investigation and/or remediation work required.

  
Alexander 72G, LLC  
Gheorghe Sita

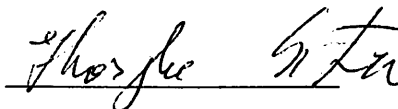
# **EXHIBIT C**

## WRITTEN CONSENT

The undersigned, being the Sole Member of Alexander 72G, LLC does hereby certify as follows:

1. Alexander 72G, LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at a portion of 72 Alexander Street, Yonkers, New York 10701, Tax Parcel Section No. 2, Block No. 26088, Lot No. 25 (the "BCP Site").
2. The following person, Gheorghe Sita, the Sole Member of Alexander 72G, LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer Alexander 72G, LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 10<sup>th</sup> day of May, 2023.

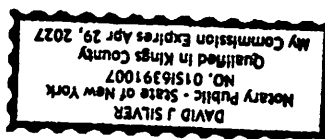


Alexander 72G, LLC

Gheorghe Sita, Sole Member







## WRITTEN CONSENT

The undersigned, being the sole Member of Fondak Enterprises, LLC, does hereby certify as follows:

1. Fondak Enterprises, LLC is the prospective volunteer for the Glenwood Container Site located at 72 Alexander Street, Yonkers, New York, 10701 (the "Site").

2. I, Jeffrey Fondak, am the sole member of Fondak Enterprises, LLC, and am therefore authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer Fondak Enterprises, LLC.

4. I am authorized to execute any document required as a result of the Site's participation in the Brownfield Cleanup Program on behalf of Fondak Enterprises, LLC, including the Brownfield Cleanup Agreement (BCA), any Change of Use applications, BCA Amendments, and if required, an environmental easement.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 28 day of April 2016.



Jeffrey Fondak  
Sole Member, Fondak Enterprises, LLC

## CORPORATE RESOLUTION WRITTEN CONSENT

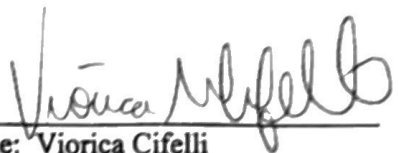
The undersigned, being a Member and Manager of Mures Alexander, LLC, does hereby certify as follows;

1. Mures Alexander, LLC is a prospective volunteer for the Brownfield Cleanup Program (BCP) Site located at 72 Alexander Street, Yonkers, New York 10701 (Tax Lot # 2-2608-25; DEC Site No.: C360154) (the "BCP Site").

2. The following person, Ioan Sita, Jr., has been designated as a Manager and authorized signatory of Mures Alexander, LLC, and is hereby authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer Mures Alexander, LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this document on this \_\_\_\_ day of December, 2022.

MURES ALEXANDER, LLC

By: 

Name: Viorica Cifelli

Title: Manager





2600 Innovation Square  
100 South Clinton Avenue  
Rochester, New York 14604  
nyenvlaw.com

**LINDA R. SHAW**  
ATTORNEY AT LAW

T 585.546.8430  
C 585.414.3122  
lshaw@nyenvlaw.com

July 16, 2024

**VIA ELECTRONIC MAIL**  
**[DERSitecontrol@dec.ny.gov](mailto:DERSitecontrol@dec.ny.gov)**

Site Control Section  
New York State Division of Environmental Conservation  
625 Broadway, 11th Floor  
Albany, New York 12233

**RE: BCA Amendment Application  
Glenwood Container Site  
BCP Site No.: C360154**

To Whom It May Concern:

Below please find a link to a BCA Amendment Application for the above referenced BCP Site. The purpose of this BCA Amendment Application is to inform the NYS DEC that current Volunteers, Mures Alexander, LLC and Alexander 72G, LLC are now the title owners of the BCP Site as tenants-in-common.

[https://www.dropbox.com/scl/fo/soonecyuzsrmgbrayueug/AK7D\\_A2Y18WLWGWncGIrZe0?rlkey=xudb7fm0on1z5678evlns1x2s&st=v8c33olf&dl=0](https://www.dropbox.com/scl/fo/soonecyuzsrmgbrayueug/AK7D_A2Y18WLWGWncGIrZe0?rlkey=xudb7fm0on1z5678evlns1x2s&st=v8c33olf&dl=0)

Please let me know if you have any questions. Thank you.

Sincerely,

**KNAUF SHAW LLP**

A handwritten signature in black ink that reads "Linda R. Shaw".

LINDA R. SHAW, ESQ.

Enclosure