



Department of
Environmental
Conservation

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

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

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

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

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

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

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

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

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

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

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

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

Other (explain in detail below)

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

Transfer of Ownership - The current Requestor Volunteer S-WD/WP LLC, the prospective purchaser for the Hamilton Green Site at the time of the BCP application, closed on the purchase of the the Hamilton Green Site on November 30, 2022 and is now the owner of the BCP Site. The recorded deed reflecting the transfer of ownership is attached. A Change of Use is also attached.

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

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

Section I. Current Agreement Information

BCP SITE NAME: Hamilton Green

BCP SITE NUMBER: C360177

NAME OF CURRENT APPLICANT(S): S-WD/WP LLC

INDEX NUMBER OF AGREEMENT: C360177-03-022 DATE OF ORIGINAL AGREEMENT: 4/05/2022

Section II. New Requestor Information (complete only if adding new requestor or name has changed)

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

1. Is the requestor authorized to conduct business in New York State (NYS)? Yes No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

NAME OF NEW REQUESTOR'S REPRESENTATIVE

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

2. Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached? Yes No

3. Describe Requestor's Relationship to Existing Applicant:

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

OWNER'S NAME (if different from requestor) S-WD/WP LLC (became owner 11/30/2022)		
ADDRESS 7 Renaissance Square, 4th Floor		
CITY/TOWN White Plains, NY		ZIP CODE 10601
PHONE 914-769-6500	FAX	E-MAIL bruce@icappelli.com
OPERATOR'S NAME (if different from requestor or owner) n/a building now demolished		
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.

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

Prior Owner Current Owner Potential /Future Purchaser Other _____

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

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

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

1. Property information on current agreement:

ADDRESS				
CITY/TOWN			ZIP CODE	
TAX BLOCK AND LOT (SBL)			TOTAL ACREAGE OF CURRENT SITE: _____	
Parcel Address	Section No.	Block No.	Lot No.	Acreage

2. Check appropriate boxes below:

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

2a. PARCELS ADDED:

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

Total acreage to be added: _____

Reduction of property

2b. PARCELS REMOVED:

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

Total acreage to be removed: _____

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

2c. NEW SBL INFORMATION:

Parcel Address	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.

3. TOTAL REVISED SITE ACREAGE: _____

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

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<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 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: Hamilton Green	BCP SITE NUMBER: C360177
NAME OF CURRENT APPLICANT(S): S-WD/WP LLC	
INDEX NUMBER OF AGREEMENT: C360177-03-022	
EFFECTIVE DATE OF ORIGINAL AGREEMENT: 4/05/2022	

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)
<p>(Individual)</p> <p>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.</p> <p>Date: _____ Signature: _____</p> <p>Print Name: _____</p> <p>(Entity)</p> <p>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.</p> <p>_____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____</p> <p>Print Name: _____</p>

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

(Individual)

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

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am Authorized Person (title) of S-WD/WP 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. Bruce Berg's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 12/19/2022 Signature: 

Print Name: Bruce Berg, Authorized Person

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Please see the following page for submittal instructions.

NOTE: Applications submitted in fillable format will be rejected.

Status of Agreement:

<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: 4/05/2022

Signature by the Department:

DATED: 2/17/23

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:  for

Andrew Guglielmi, Director
Division of Environmental Remediation

SUBMITTAL REQUIREMENTS:

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

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

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

FOR DEPARTMENT USE ONLY

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

PROJECT MANAGER: _____

CONSENT CERTIFICATION

S-WD/WP LLC hereby certifies as follows:

1. S-WD/WP LLC is the Volunteer for the Hamilton Green Site C360177, Index No. C360177-03-022 located at 200 Hamilton Avenue, White Plains, New York 10601 ("BCP Site"). Hamilton Green II Partners is managing member of S-WD/WP LLC.
2. At the time of the BCP application S-WD/WP LLC was the prospective purchaser of the BCP Site. On November 30, 2022, S-WD/WP LLC is expected to close on the purchase of the BCP Site and become the owner.
3. S-WD/WP LLC consents to the authority of Bruce Berg to execute any amendments to the BCA to reflect the change in ownership of the BCP Site from W.P. Mall Realty, LLC to S-WD/WP LLC as well as any other documents filed under the BCP by S-WD/WP LLC, including but not limited to BCA amendments, BCP Site access agreements, and a BCP Site environmental easement should it be required..

IN WITNESS HEREOF, the undersigned executes this Certificate of Consent on this 8th day of November 2022.

S-WD/WP LLC

By: _____

Ken Narva, Member

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.



623113486DED001Y

Westchester County Recording & Endorsement Page

Submitter Information

Name: Stewart Title Insurance Company (pick up by Ramon) Phone: 914-993-9393
 Address 1: 711 Westchester Avenue, Ste 302 Fax: 914-997-1698
 Address 2: Email: nymetrorecordings@stewart.com
 City/State/Zip: White Plains NY 10804 Reference for Submitter: 1308681/71165285 Hamilton Green

Document Details

Control Number: **623113486** Document Type: **Deed (DED)**
 Package ID: 2022110700221001001 Document Page Count: 4 Total Page Count: 5

Parties

1st PARTY Additional Parties on Continuation page
 2nd PARTY
 1: WP MALL REALTY LLC - Other 1: SWD/WP LLC - Other
 2: 2:

Property

Street Address: 200 HAMILTON AVENUE Tax Designation: 125.67-5-1..2
 City/Town: WHITE PLAINS Village: Additional Properties on Continuation page

Cross-References

1: 2: 3: 4: Additional Cross-Refs on Continuation page

Supporting Documents

1: RP-5217 2: TP-584

Recording Fees

Statutory Recording Fee: \$40.00
 Page Fee: \$25.00
 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: \$320.00

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

Transfer Taxes

Consideration: \$28,000,000.00
 Transfer Tax: \$112,000.00
 Mansion Tax: \$0.00
 Transfer Tax Number: 5934

Dwelling Type: Exempt:
 Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 12/01/2022 at 03:53 PM
 Control Number: **623113486**
 Witness my hand and official seal

Timothy C. Idoni
 Westchester County Clerk

Record and Return To

Pick-up at County Clerk's office

DeBello Donnellan Weingarten Wise & Wiederkehr, LLP
 One North Lexington Avenue
 11th Floor
 White Plains, NY 10601
 Attn: Heidi M. Winslow, Esq.

BARGAIN AND SALE DEED WITH COVENANTS AGAINST GRANTOR'S ACTS

W.P. Mall Realty, LLC
a New York limited liability company

TO

S WD/WP LLC,
a Delaware limited liability company

ADDRESS: Unit 2 of The Hamilton Green Condominium
260 ~~220~~ Hamilton Avenue and 20 Barker Avenue
SECTION: 125.67 A/K/A
BLOCK: 5
LOT: 1..2
CITY: White Plains
COUNTY: Westchester
STATE: New York

RETURN BY MAIL TO:

DelBello Donnellan Weingarten
Wise & Wiederkehr, LLP
One North Lexington Avenue, Fl. 11
White Plains, New York 10601
Attention: Heidi M. Winslow, Esq.

**BARGAIN AND SALE DEED
(WITH COVENANT AGAINST GRANTOR'S ACTS)**

THIS INDENTURE, made as of the 30th day of November, 2022

Between **W.P. Mall Realty, LLC**, a New York limited liability company with offices at c/o 35 West Street, Suite 202, Spring Valley, New York 10977 (together with its successors and assigns "Grantor"); and

S WD/WP LLC, a Delaware limited liability company with offices at c/o The Cappelli Organization, 7 Renaissance Square, 4th Floor, White Plains, New York 10601 ("Grantee").

WITNESSETH, that Grantor, in consideration of Ten and 00/100 (\$10.00) Dollars and other valuable consideration, the receipt and sufficiency of which hereby are acknowledged, does hereby grant and release unto Grantee, the heirs or successors and assigns of Grantee forever,

ALL that certain plot, piece or parcel of land, together with the buildings and improvements thereon erected, situate, lying and being in the City of White Plains, County of Westchester and State of New York, as more fully described on Schedule "A" annexed hereto and made a part hereof.

BEING and intended to be a portion of the same premises conveyed to the Grantor by W.P. Mall, LLC dated February 17, 2003 and recorded in the Office of the Clerk of the County of Westchester on April 15, 2005 as Control No. 451020703.

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 the covenants, easements and restrictions of record; **TO HAVE AND TO HOLD** the premises herein granted unto Grantee, the heirs or successors and assigns of Grantee forever.

AND the Grantor covenants that the Grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever, 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 before using any part of the total of the same for any other purpose.

The words "Grantor" and "Grantee" shall be construed as if it read "Grantors" and "Grantees" whenever the sense of this indenture so requires.

Schedule A

Legal Description of Unit 2

ALL that certain plot piece or parcel of land, situate, lying and being in the part of the condominium located in the City of White Plains, County of Westchester and State of New York, known and designated as Unit No. 2, together with a 40.00% undivided interest in the common elements of the condominium, hereafter described as the same is defined in the Declaration of Condominium hereinafter referred to.

The real property above described is a unit shown on map entitled "Condominium Map prepared for Hamilton Green Condominium, located at 200 & 250 Hamilton Ave., White Plains, NY 10601 and W.P. Mall Realty LLC, property situate in the City of White Plains, County of Westchester, State of New York," prepared by Line & Grade Surveyors D.P.C., and filed in the Office of the Clerk of the County of Westchester on August 25, 2021 as Map No. 29553, defined in the Declaration of Condominium entitled "The Hamilton Green Condominium" made by W.P. Mall Realty, LLC, under Article 9-B of the New York Real Property Law dated as of August 24, 2021, and recorded in the Office of the Clerk of the County of Westchester on September 1, 2021, in Control No. 612383625, covering the property therein described. The land area of Unit 2 is described as follows:

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

BEGINNING at a point on the easterly side of Dr. Martin Luther King Blvd. (formerly known as Northern Arterial) at the northerly end of a curve having a radius of 20.00 feet, a central angle of $100^{\circ}16'52.9''$ and a length of 35.00 feet which curve connects the southerly side of Barker Avenue with the easterly side of Dr. Martin Luther King Blvd. (formerly known as Northern Arterial) as shown on a certain map entitled "Disposition Parcel No. 14, W. P. Mall Corp." which map is filed in the Westchester County Clerk's Office, Division of Land Records on June 9, 1971 as Map No. 17464;

RUNNING THENCE along the southerly side of Barker Avenue North $61^{\circ}48'41''$ East a distance of 208.58 feet to a point;

THENCE through the lands known as Disposition Parcel 14, South $27^{\circ}01'19''$ East a distance of 413.84 feet to a point along the northerly side of Hamilton Avenue;

THENCE along the northerly side of Hamilton Avenue, along a curve to the right having a radial bearing of North $25^{\circ}09'48''$ West, a radius of 4627.386 and a length of 183.292 feet to a point;

THENCE along a curve to the right having a radius of 20.00 feet, a central angle of $88^{\circ}53'19''$ and a length of 31.028 feet to a point;

THENCE along the easterly side of Dr. Martin Luther King Blvd. (formerly known as Northern Arterial) along a curve to the left having a radius of 1414.00 feet, a central angle of $14^{\circ}27'53''$ and a length of 356.97 feet to a point;

THENCE along a curve to the right having a radius of 20.00 feet, a central angle of $100^{\circ}16'52.9''$, and a length of 35.00 feet to the point and place of BEGINNING.

For Information Only: Said premises are known as 200 Hamilton Avenue, White Plains, New York and designated as Tax Lot 1..2, Block 5, Section 125.67, on the tax map of the City of White Plains.

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)

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: Hamilton Green DEC Site ID No. C360177

II. Contact Information of Person Submitting Notification:

Name: Denise J. D'Ambrosio, Esq.
Address1: Law Office of Denise J. D'Ambrosio
Address2: 2 Westchester Park Drive, Suite 418, White Plains, NY 10604
Phone: 914-393-9578 E-mail: denisedambrosiolaw@gmail.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):

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

Change in Ownership: S-WD/WP LLC, the prospective purchaser of the Hamilton Green Site per the BCP application, purchased the Hamilton Green Site on November 30, 2022 from W.P. Mall Realty, LLC and is now the owner of the Hamilton Green Site. A copy of the recorded deed is attached.

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: 
(Signature)

12/19/00
(Date)

W.P. Mall Realty, LLC by Juda Klein
(Print Name)

Address1: 8 Sunrise Drive

Address2: Monsey, NY 10952

Phone: 914-522-3256 E-mail: juda@elmny.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: S-WD/WP LLC

Address1: 7 Renaissance Square, 4th Floor

Address2: White Plains, NY 10601

Phone: 914-789-6500 E-mail: bruce@lcappelli.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:

[Handwritten Signature]
(Signature)

12/19/11
(Date)

(Print Name)

Address1: _____

Address2: _____

Phone: _____

E-mail: _____