



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:

On November 23, 2021, title to the BCP Site was acquired by existing BCP Volunteer 28 Pearl Street Development LLC. See Deed in Exhibit A. The change in ownership will not affect the remedial efforts at the Site.

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 a non-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: 28-34 Pearl Street		BCP SITE NUMBER: C360214	
NAME OF CURRENT APPLICANT(S): 28 Pearl Street Development LLC			
INDEX NUMBER OF AGREEMENT: 360214-06-21		DATE OF ORIGINAL AGREEMENT: 09/28/2021	
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	
<p>1. Is the requestor authorized to conduct business in New York State (NYS)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <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			
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	
<p>2. Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>3. Describe Requestor's Relationship to Existing Applicant:</p>			

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

OWNER'S NAME (if different from requestor) Same as Volunteer/Requestor

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner) Same as Volunteer/Requestor

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

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

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

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

PARTICIPANT

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

VOLUNTEER

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

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

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

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

Prior Owner Current Owner Potential /Future Purchaser Other _____

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

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

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

1. Property information on current agreement:

ADDRESS

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:

Acreage
Added by
Parcel

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

Total acreage to be added: _____

Reduction of property

2b. PARCELS REMOVED:

Acreage
Removed
by Parcel

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

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 checked="" type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
From ECL 27-1405(31):	
<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: 28-34 Pearl Street	BCP SITE NUMBER: C360214
NAME OF CURRENT APPLICANT(S): 28 Pearl Street Development LLC	
INDEX NUMBER OF AGREEMENT: 360214-06-21	
EFFECTIVE DATE OF ORIGINAL AGREEMENT: 09/28/2021	

Declaration of Amendment:

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

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

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

(Individual)

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

Date: _____ Signature: _____

Print Name: _____

(Entity)

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

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

Date: _____ Signature: _____

Print Name: _____

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

(Individual)

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

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am the sole member (title) of 28 Pearl Street Development 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: 3/10/2022 Signature: 

Print Name: Nicholas Williams

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: 09/28/2021

Signature by the Department:

DATED: May 6, 2022

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: *Susan Edwards*

Susan Edwards, P.E., Acting Director
Division of Environmental Remediation

SUBMITTAL INFORMATION:

- **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:** Albany

PROJECT MANAGER: Michael Squire



1400 Crossroads Building
2 State Street
Rochester, New York 14614
nyenvlaw.com

LINDA R. SHAW
ATTORNEY AT LAW

T 585.546.8430
C 585.414.3122
lshaw@nyenvlaw.com

March 15, 2022

VIA FEDERAL EXPRESS

Kelly A. Lewandowski, P.E. &
Chief Site Control Section
New York State Division of Environmental Conservation
Site Control Section
625 Broadway, 11th Floor
Albany, NY 12233

**RE: BCA Amendment Application
28-34 Pearl Street
Site #C360214**

Dear Ms. Lewandowski:

It has recently come to our attention that on November 23, 2021, title to the BCP Site was acquired by existing BCP Volunteer 28 Pearl Street Development LLC. The change in ownership will not affect the remedial efforts the Site. Enclosed please find a Change of Use form and BCA Amendment Application to reflect this transfer of ownership.

Please contact me if you have any questions.

Sincerely,

KNAUF SHAW LLP

A handwritten signature in black ink that reads 'Linda R. Shaw' in a cursive script.

LINDA R. SHAW

Encl.

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.



613164341DED004T

Westchester County Recording & Endorsement Page

Submitter Information

Name: The Great American Title Agency, Inc. Phone: 914 761 1776
 Address 1: 170 Hamilton Ave, Ste 207 Fax: 914 761 1770
 Address 2: Email: azhina@gamericantitle.com
 City/State/Zip: White Plains NY 10601 Reference for Submitter: GA2150262-34 Pearl Street

Document Details

Control Number: **613164341** Document Type: **Deed (DED)**
 Package ID: 2021111200616001001 Document Page Count: **3** Total Page Count: **4**

Parties

Additional Parties on Continuation page

1st PARTY 2nd PARTY
 1: GIANFRANCESCO JOSEPH - Individual 1: 28 PEARL STREET DEVELOPMENT LLC - Other
 2: GIANFRANCESCO JOSEPH A - Individual 2:

Property

Additional Properties on Continuation page

Street Address: 34 PEARL STREET Tax Designation: 142.30-1-83
 City/Town: RYE TOWN Village: PORT CHESTER

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: \$125.00
 TP-584 Filing Fee: \$5.00
 RPL 291 Notice Fee: \$10.00
 Total Recording Fees Paid: \$200.00

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: \$500,000.00
 Transfer Tax: \$2,000.00
 Mansion Tax: \$0.00
 Transfer Tax Number: 6578

Dwelling Type: Exempt:
 Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK

Record and Return To



Recorded: 12/08/2021 at 09:05 AM
 Control Number: **613164341**
 Witness my hand and official seal

Timothy C. Idoni
 Westchester County Clerk

Pick-up at County Clerk's office

JOHN B. COLANGELO, ESQ
 25 S. REGENT ST., SUITE D-1

PORT CHESTER, NY 10573

THIS INDENTURE, made the 23 day of November, 2021

BETWEEN

ROSEANN BARRESE, residing at 180 N Regent St. Port Chester, 10573

as executor of *Joseph A. Gianfrancesco* the last will and testament of JOSEPH GIANFRANCESCO *a/k/a* who died as a resident of Westchester County (Estate filed in Surrogate's Court file #2020-2857) late of 545 1/2 Westchester Avenue, Port Chester New York, 10573

party of the first part, and

28 PEARL STREET DEVELOPMENT LLC,
181 Westchester Avenue
Port Chester, New York 10573

party of the second part,

WITNESSETH, that the party of the first part, by virtue of the power and authority given in and by said last will and testament, and in consideration of FIVE HUNDRED THOUSAND and 00/100

***** (\$500,000.00) 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

See "Schedule A" attached hereto and by reference made a part thereof.

SAID PREMISES IS ALSO KNOWN AS SECTION 142.30, BLOCK 1, LOT 83 ON THE OFFICIAL TAX MAP OF THE TOWN OF RYE IN THE VILLAGE OF PORT CHESTER.

SAID PREMISES BEING INTENDED TO BE THE SAME PREMISES AS CONVEYED IN DEED IN LIBER 10107 PAGE 171

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 also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise; 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:

ESTATE OF JOSEPH GIANFRANCESCO. *a/k/a Joseph A. Gianfrancesco*
Barrese
By: Roseann Barrese, Executrix

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of Westchester

ss:

State of New York, County of

ss:

On the 23 day of November in the year 2021
before me, the undersigned, personally appeared

Roseann Barrese
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.

On the day of in the year
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.

(signature and office of individual taking acknowledgment)

(signature and office of individual taking acknowledgment)

Brendan G. Maloney
Notary Public, State of New York
Registration #02MA6269498
Qualified in Westchester County
Commission Expires February 17, 2025

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

State (or District of Columbia, Territory, or Foreign Country) of

ss:

On the day of in the year 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, and that such individual made such appearance before the undersigned in the

(insert the City or other political subdivision)

in _____
(and insert the State or Country or other place the acknowledgment was taken)

(signature and office of individual taking acknowledgment)

EXECUTOR'S DEED

Title No. GA2150262

ESTATE OF Joseph Gianfrancesco *a/k/a Joseph A. Gianfrancesco*
TO

28 Pearl Street Development LLC.

SECTION 142.30
BLOCK 1
LOT 83
COUNTY OR TOWN WESTCHESTER COUNTY
STREET ADDRESS 34 Pearl Street
Port Chester, New York

Recorded at Request of
~~JUDICIAL TITLE INSURANCE AGENCY LLC~~

RETURN BY MAIL TO:

John B. Colangelo, Esq.
25 S. Regent St., Suite D-1
Port Chester, New York 10573

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
JUDICIAL TITLE INSURANCE AGENCY LLC
550 MAMARONECK AVENUE
HARRISON, NY 10528
914-381-6700

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

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.



613164321DED003R

Westchester County Recording & Endorsement Page

Submitter Information

Name:	The Great American Title Agency, Inc.	Phone:	914 761 1776
Address 1:	170 Hamilton Ave, Ste 207	Fax:	914 761 1770
Address 2:		Email:	azhina@gamericantitle.com
City/State/Zip:	White Plains NY 10601	Reference for Submitter:	GA2150262-28 Pearl Street

Document Details

Control Number:	613164321	Document Type:	Deed (DED)
Package ID:	2021111200609001001	Document Page Count:	3
		Total Page Count:	4

Parties

<input type="checkbox"/> Additional Parties on Continuation page	
1st PARTY	2nd PARTY
1: GREENS CIRCLE REALTY LTD - Other	1: 28 PEARL ST DEVELOPMENT LLC - Other
2: CHERYL-PEARL REALTY CORP - Other	2:

Property

Street Address:	28 PEARL STREET	Tax Designation:	142.30-1-84
City/Town:	RYE TOWN	Village:	PORT CHESTER

Cross-References

<input type="checkbox"/> Additional Cross-Refs on Continuation page			
1:	2:	3:	4:

Supporting Documents

1: RP-5217	2: TP-584
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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:	\$2,500,000.00
Transfer Tax:	\$10,000.00
Mansion Tax:	\$0.00
Transfer Tax Number:	6477

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: <input type="checkbox"/>
Serial #:	

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 12/03/2021 at 09:32 AM
 Control Number: **613164321**
 Witness my hand and official seal

Timothy C. Idroni
Westchester County Clerk

Record and Return To

Pick-up at County Clerk's office

JOHN B. COLANGELO, Esq.
25 S REGENT ST., SUITE D-1

PORT CHESTER, NY 10573

THIS INDENTURE, made the 23rd day of November, 2021

BETWEEN

GREENS CIRCLE REALTY, LTD F/K/A CHERYL-PEARL REALTY CORP.
56 Greens Circle
Stamford, Connecticut

party of the first part, and
28 PEARL STREET DEVELOPMENT LLC,
181 Westchester Avenue
Port Chester, New York 10573

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TWO MILLION FIVE HUNDRED THOUSAND 00/100 (\$2,500,000) 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

See Schedule A for legal description which is attached hereto and by reference made a part hereof.

SAID PREMISES BEING COMMONLY KNOWN AS 28 Pearl Street Port Chester NY 10573 AND IS ALSO KNOWN ON
THE TAX MAP FOR THE TOWN OF RYE AS SECTION 142.30 BLOCK 1 LOTS 84 (the "Premises").

SOURCE OF TITLE: HAVING ACQUIRED TITLE BY DEED FROM ATLANTIC RICHFIELD COMPANY, (KNOWN IN
NEW YORK AS ATLANTIC RICHFIELD COMPANY INCORPORATED), DATED JULY 21ST, 1975, RECORDED JULY
31ST, 1975 IN LIBER 7277 PAGE 784 IN THE WESTCHESTER COUNTY CLERK'S OFFICE, DIVISION OF LAND
RECORDS.

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" when ever 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:

GREENS CIRCLE REALTY, LTD. F/K/A Cheryl-Pearl
Realty Corp.

Joseph Gianfrancesco, President

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of Westchester

ss:

State of New York, County of Westchester

ss:

On the 23 day of November in the year 2021
before me, the undersigned, personally appeared

On the _____ day of _____ in the year _____
before me, the undersigned, personally appeared

Joseph Gianfrancesco
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.

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.

(signature and office of individual taking acknowledgment)

(signature and office of individual taking acknowledgment)

Aldo V. Vitagliano
Notary Public, State of New York
Qualified in Westchester County
#01V14727805 #01V14727805
My Commission Expires 7/31/22

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

State (or District of Columbia, Territory, or Foreign Country) of _____

ss:

On the _____ day of _____ in the year _____ 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, and that such individual made such appearance before the undersigned in the

(insert the City or other political subdivision)

in _____
(and insert the State or Country or other place the acknowledgment was taken)

(signature and office of individual taking acknowledgment)

DISTRICT
SECTION 142.30
BLOCK 1
LOT 84

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

Title No. GA2150262

GREENS CIRCLE REALTY, LTD. f/k/a
Cheryl-Pearl Realty Corp.
TO

28 PEARL STREET DEVELOPMENT LLC

COUNTY OR TOWN RYE

STREET ADDRESS 28 Pearl Street
Port Chester, New York

~~Recorded at Request of~~
~~THE JUDICIAL TITLE INSURANCE AGENCY LLC~~

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
THE JUDICIAL TITLE INSURANCE AGENCY LLC
550 MAMARONECK AVENUE
HARRISON, NY 10528
914-381-6700 • 800-281-TITLE

John B. Colangelo, Esq.
25 S. Regent St., Suite D-1
Port Chester, New York 10573

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

NY COMMISSION ON THE STATUS OF WOMEN
ESTABLISHED BY LEGISLATIVE ACTION
OFFICE OF THE COMMISSIONER OF LABOR
STATE OF NEW YORK
ALDO A. LIPSON

EXHIBIT B

CORPORATE RESOLUTION

The undersigned, being the Sole Member of 28 Pearl Street Development LLC, does hereby certify as follows:

1. 28 Pearl Street Development LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site No. C360214 located at 28-34 Pearl Street, Port Chester, New York 10573 (Tax Map ID Nos.: 142.30-1-84, 142.30-1-83) (the "BCP Site").
2. That I, Nicholas Williams, am the sole member of 28 Pearl Street Development LLC.
3. That I, Nicholas Williams, am authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer 28 Pearl Street Development LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 12th day of August 2021.



Nicholas Williams
Member of 28 Pearl Street Development LLC



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: 28-34 Pearl Street **DEC Site ID No.** C360214

II. Contact Information of Person Submitting Notification:

Name: Linda Shaw, Esq., Knauf Shaw LLP
Address1: 1400 Crossroads Building, 2 State Street, Rochester, New York 14614
Address2: _____
Phone: (585) 546 - 8430 E-mail: lshaw@nyenvlaw.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.

On November 23, 2021, title to the BCP Site was acquired by existing BCP Volunteer 28 Pearl Street Development LLC. The change in ownership will not affect the remedial efforts the Site.

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:  3/14/2022
(Signature) (Date)

Nicholas Williams
(Print Name)

Address1: 181 Westchester Avenue, Port Chester, New York 10573

Address2: _____

Phone: (917) 428 - 7181 E-mail: nick@stkatherinegroup.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: 28 Pearl Street Development LLC

Address1: 181 Westchester Avenue, Port Chester, New York 10573

Address2: _____

Phone: (917) 428 - 7181 E-mail: nick@stkatherinegroup.com

Certifying Party Name: Nicholas Williams

Address1: 181 Westchester Avenue, Port Chester, New York 10573

Address2: _____

Phone: (917) 428 - 7181 E-mail: nick@stkatherinegroup.com

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)

3/14/2022
(Date)

Nicholas Williams
(Print Name)

Address1: 181 Westchester Avenue, Port Chester, New York 10573

Address2: _____

Phone: (917) 428 - 7181 E-mail: nick@stkatherinegroup.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: _____