



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:

Volunteer, St. Clair Development, LLC is now the owner of a portion of the BCP Site located at 38 Main Street (1.-501-18) and 36 Main Street (1.-501-19), Yonkers, New York, by deeds dated October 7, 2021 and recorded November 15, 2021. Please see deeds attached as Exhibit A. This transfer will not affect remedial efforts of the Site because St. Clair Development is the Remedial Party for the Site.

Lots 20, 22, and 23 were merged into a new Lot 20 with an address of 34 Main Street. Then a 0.019 acre portion of the new Lot 20 was subdivided into a new Lot 22. Please see the Reapportionment Survey attached as Exhibit B. The new Lot 22 is being removed from the BCP Site due to its ownership being retained by the Yonkers Community Development Agency ("YCDA") because it is subject to a sidewalk/right of way.

Narration Continued on Next Page.

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.

Narrative Continuation

Please see the survey of the BCP Site excluding the new Lot 22 attached as Exhibit C and the Legal Description of the new BCP Site attached as Exhibit D. The new acreage of the BCP Site is 0.221 Acres. An updated tax map of the BCP Site is attached as Exhibit E. St. Clair Development, LLC is under contact with YCDA to purchase the new Lot 20 and plans to purchase the Lot by the end of the year.

Section I. Current Agreement Information			
BCP SITE NAME: St. Clair Hotel Dry Cleaning Site		BCP SITE NUMBER: C360220	
NAME OF CURRENT APPLICANT(S): St. Clair Development, LLC			
INDEX NUMBER OF AGREEMENT: C360220-02-22		DATE OF ORIGINAL AGREEMENT: 2/7/2022	
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)? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<ul style="list-style-type: none"> If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS. 			
NAME OF NEW REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
2. Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached? <input type="checkbox"/> Yes <input type="checkbox"/> No			
3. Describe Requestor's Relationship to Existing Applicant:			

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

OWNER'S NAME (if different from requestor) St. Clair Development, LLC

ADDRESS c/o MacQuesten Companies, 438 Fifth Avenue, Suite 100

CITY/TOWN Pelham, New York

ZIP CODE 10803

PHONE (914) 667 - 7227

FAX (914) 667 - 8745

E-MAIL j_apicella@macquesten.com

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

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

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

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

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

PARTICIPANT

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

VOLUNTEER

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

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

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

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

Prior Owner Current Owner Potential /Future Purchaser Other _____

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

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

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

1. Property information on current agreement:

ADDRESS 32, 36, and 38 Main Street, 1 Riverdale Avenue and 3 Riverdale Avenue

CITY/TOWN Yonkers, New York

ZIP CODE 10701

TAX BLOCK AND LOT (SBL)

TOTAL ACREAGE OF CURRENT SITE: 0.24

Parcel Address	Section No.	Block No.	Lot No.	Acreage
32 Main Street; 36 Main Street; 38 Main Street	1	501	20;19;18	0.07;0.05;0.04
1 Riverdale Avenue	1	501	22	0.04
3 Riverdale Avenue	1	501	23	0.04

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
New Lot 22 (Portion of Former Lot 20 and 22)	1	501	22	0.019

Total acreage to be removed: 0.019

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

2c. NEW SBL INFORMATION:

Parcel Address	Section No.	Block No.	Lot No.	Acreage
38 Main Street	1	501	18	0.042/jeb
36 Main Street	1	501	19	0.05
34 Main Street	1	501	20	0.134

0.122/jeb

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: ~~0.224~~ 0.214/jeb

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

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
From ECL 27-1405(31):	
<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: St. Clair Hotel Dry Cleaning Site	BCP SITE NUMBER: C360220
NAME OF CURRENT APPLICANT(S): St. Clair Development, LLC	
INDEX NUMBER OF AGREEMENT: C360220-02-22	
EFFECTIVE DATE OF ORIGINAL AGREEMENT: 2/7/2022	

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)

(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 Member (title) of St. Clair 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. Rella Fogliano signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 10-8-22 Signature: 

Print Name: Rella Fogliano

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Please see the following page for submittal instructions.

NOTE: Applications submitted in fillable format will be rejected.

Status of Agreement:

PARTICIPANT

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

VOLUNTEER

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

Effective Date of the Original Agreement: 2/7/2022

Signature by the Department:

DATED: 3/3/23

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: Janet E. Brown for

Andrew Guglielmi Director
Division of Environmental Remediation

Site Code: C360220

SUBMITTAL REQUIREMENTS:

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

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

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

FOR DEPARTMENT USE ONLY

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

PROJECT MANAGER: _____

EXHIBIT A

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.



612944037DED0010

Westchester County Recording & Endorsement Page

Submitter Information

Name:	Recording Dept	Phone:	212-757-5800
Address 1:	110 East 42nd Street	Fax:	
Address 2:	10th Floor	Email:	candace.paul@TITLEVEST.COM
City/State/Zip:	NEW YORK NY 10017	Reference for Submitter:	TWE796472

Document Details

Control Number:	612944037	Document Type:	Deed (DED)
Package ID:	2021102100557001001	Document Page Count:	4
		Total Page Count:	5

Parties

Additional Parties on Continuation page

1st PARTY		2nd PARTY			
1:	RISING DEVELOPMENT - 36 MAIN LLC	- Other	1:	ST CLAIR DEVELOPMENT LLC	- Other
2:			2:		

Property

Additional Properties on Continuation page

Street Address:	36 MAIN STREET	Tax Designation:	1.-501-19
City/Town:	YONKERS	Village:	

Cross-References

Additional Cross-Refs on Continuation page

1:	2:	3:	4:
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Supporting Documents

1: RP-5217	2: TP-584
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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:	\$480,000.00
Transfer Tax:	\$1,920.00
Mansion Tax:	\$0.00
Transfer Tax Number:	5702

Dwelling Type:	Exempt: <input type="checkbox"/>
Serial #:	

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 11/15/2021 at 03:52 PM
 Control Number: **612944037**
 Witness my hand and official seal

Timothy C. Idoni
Westchester County Clerk

Record and Return To

Pick-up at County Clerk's office

TITLEVEST AGENCY LLC
110 EAST 42ND STREET
10TH FLOOR
NEW YORK, NY 10017
Attn: TITLEVEST AGENCY LLC

BARGAIN & SALE DEED WITHOUT COVENANTS

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

THIS INDENTURE, ^{effective} made as of the 7 day of October, two thousand and twenty-one

BETWEEN

RIISING DEVELOPMENT – 36 MAIN, LLC,
a New York limited liability company,
having an address at 555 Madison Avenue, 6th floor, New York, New York 10022,

S:1
B-501
hi 10

party of the first part, and

ST. CLAIR DEVELOPMENT, LLC,
a New York limited liability company,
having an address at 438 Fifth Avenue-Suite 100, Pelham, New York 10803,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration 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 **CITY OF YONKERS, COUNTY OF WESTCHESTER, AND STATE OF NEW YORK**, bounded and described more particularly as set forth in Schedule A annexed hereto and made a part hereof;

See SCHEDULE A annexed hereto.

PREMISES being known as 36 Main Street, Yonkers, New York.

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 of the lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to the 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, 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 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:

RISING DEVELOPMENT – 36 MAIN, LLC

By: 

Name: Matthew Sprayregen
Title: Authorized Signatory

STATE OF NEW YORK ^{Jersey}
COUNTY OF NEW YORK ^{Beugen} ss:
On the 5 day of Oct in the year 2021, before me, the undersigned personally appeared Matthew Sprayregen, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

Karen Ann Olsen
Notary Public of New Jersey
My Commission Expires 2/28/2021

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:
On the ___ day of _____ in the year 2020, before me, the undersigned personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

BARGAIN AND SALE DEED
WITHOUT COVENANTS
AGAINST GRANTOR'S ACTS

TITLE NO. _____

Rising Development – 36 Main, LLC

- to -

St. Clair Development LLC

SECTION: 1
BLOCK: 501
LOT: 19
COUNTY: Westchester
ADDRESS: 36 Main Street
Yonkers, New York

RETURN BY MAIL TO:

Schedule A

Legal Description

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, known by the post office address of 36 Main Street, Yonkers, New York, 10701; also known on the Official Tax Map of the City of Yonkers as Block 501, Lot 19, being more particularly described as follows:-

BEGINNING at a point on the southerly side of Main Street as legally opened and widened by the City of Yonkers, distant fifty feet three inches westerly from the corner formed by the intersection of the southerly side of Main Street with the westerly side of Riverdale Avenue and at the northeasterly corner of a four-story brick building erected upon the premises herein described;

RUNNING THENCE southerly making an interior angle of eighty-six degrees forty-seven minutes and part of the distance along the east face of said four-story brick building eighty-nine feet to land formerly of L. Wangeastern;

RUNNING THENCE westerly along the land now or formerly of Wangeastern twenty-five feet, more or less, to land heretofore conveyed by John Copcutt to Patrick Shannon;

RUNNING THENCE northerly along said land as conveyed to Patrick Shannon and part of the distance through the middle of a brick partition wall eighty-nine feet nine inches to the southerly side of Main Street;

RUNNING THENCE easterly along the southerly side of Main Street twenty-five feet three-quarters inch to the point or place of BEGINNING.

For information only: Said premises are known as 36 Main Street, Yonkers, N.Y. and designated as Section 1 Block 501 Lot 19 on the Westchester County Land and Tax Map.

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.



612943989DED001F

Westchester County Recording & Endorsement Page

Submitter Information

Name: Recording Dept Phone: 212-757-5800
 Address 1: 110 East 42nd Street Fax:
 Address 2: 10th Floor Email: candace.paul@TITLEVEST.COM
 City/State/Zip: NEW YORK NY 10017 Reference for Submitter: TWE796472

Document Details

Control Number: **612943989** Document Type: **Deed (DED)**
 Package ID: 2021102100557001001 Document Page Count: **4** Total Page Count: **5**

Parties

Additional Parties on Continuation page

1st PARTY **2nd PARTY**
 1: RISING DEVELOPMENT-38 MAIN LLC - Other 1: ST CLAIR DEVELOPMENT LLC - Other
 2: 2:

Property

Additional Properties on Continuation page

Street Address: 38 MAIN STREET Tax Designation: 1.-501-18
 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: \$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: \$480,000.00
 Transfer Tax: \$1,920.00
 Mansion Tax: \$0.00
 Transfer Tax Number: 5701

Dwelling Type: Exempt:
 Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 11/15/2021 at 03:52 PM
 Control Number: **612943989**
 Witness my hand and official seal

Timothy C. Idoni
 Westchester County Clerk

Record and Return To

Pick-up at County Clerk's office

Titlevest Agency
110 E 42ND STREET
10TH FLOOR
New York, NY 10017
Attn: RECORDING DEPARTMENT

BARGAIN & SALE DEED WITHOUT COVENANTS

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

THIS INDENTURE, made ^{effective} as of the 7 day of October, two thousand and twenty-one

BETWEEN

RISING DEVELOPMENT - 38 MAIN, LLC,
a New York limited liability company,
having an address at 555 Madison Avenue, 6th floor, New York, New York 10022,

party of the first part, and

ST. CLAIR DEVELOPMENT, LLC,
a New York limited liability company,
having an address at 438 Fifth Avenue-Suite 100, Pelham, New York 10803,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration 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 **CITY OF YONKERS, COUNTY OF WESTCHESTER, AND STATE OF NEW YORK**, bounded and described more particularly as set forth in Schedule A annexed hereto and made a part hereof;

See SCHEDULE A annexed hereto.

PREMISES being known as 38 Main Street, Yonkers, New York.

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 of the lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to the 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, 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 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:

RISING DEVELOPMENT - 38 MAIN, LLC

By: 

Name: Matthew Sprayregen
Title: Authorized Signatory

STATE OF NEW ~~YORK~~ ^{Jersey}
 COUNTY OF NEW YORK ^{Bergen}) ss:
 On the 05 day of Oct in the year
 2021, before me, the undersigned personally
 appeared Matthew Sprayregen, personally known
 to me or proved to me on the basis of satisfactory
 evidence to be the individual whose name is
 subscribed to the within instrument and
 acknowledged to me that he executed the same in
 his capacity, and that by his signature on the
 instrument, the individual, or the person upon
 behalf of which the individual acted, executed the
 instrument.


 Notary Public

STATE OF NEW YORK)
 COUNTY OF NEW YORK) ss:
 On the ___ day of _____ in the year
 2020, before me, the undersigned personally
 appeared _____, personally known
 to me or proved to me on the basis of satisfactory
 evidence to be the individual whose name is
 subscribed to the within instrument and
 acknowledged to me that he executed the same in
 his capacity, and that by his signature on the
 instrument, the individual, or the person upon
 behalf of which the individual acted, executed the
 instrument.

 Notary Public

**BARGAIN AND SALE DEED
 WITHOUT COVENANTS
 AGAINST GRANTOR'S ACTS**

TITLE NO.

Rising Development – 38 Main, LLC
 - to -
 St. Clair Development LLC

SECTION: 1
 BLOCK: 501
 LOT: 18
 COUNTY: Westchester
 ADDRESS: 38 Main Street
 Yonkers, New York

RETURN BY MAIL TO:

Karen Ann Olsen
 Notary Public of New Jersey
 My Commission Expires 2/28/2026

Schedule A

Legal Description

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, bounded and described as follows:-

BEGINNING at a point on the southerly side of Main Street distant 75 feet 3 inches westerly from the corner formed by the intersection of the southerly side of Main Street and the westerly side of Riverdale Avenue;

RUNNING THENCE southerly along a line forming an interior angle of 86 degrees 47 minutes 00 seconds with the southerly side of Main Street, 50 feet 5 inches;

THENCE easterly at right angles to the last mentioned course, 0 feet 2 inches;

THENCE southerly at right angles to the last mentioned course, 39 feet 4 inches;

THENCE westerly along a line forming an interior angle of 94 degrees 54 minutes 00 seconds with the last mentioned course, 20 feet 2 inches;

THENCE along a line forming an interior angle of 85 degrees 11 minutes 00 seconds with the last mentioned course, 90 feet 0 inches to the southerly side of Main Street;

THENCE easterly along a line forming with an interior angle of 93 degrees 8 minutes 00 seconds with the southerly side of Main Street and along same, 20 feet 0 inches to the point or place of BEGINNING.

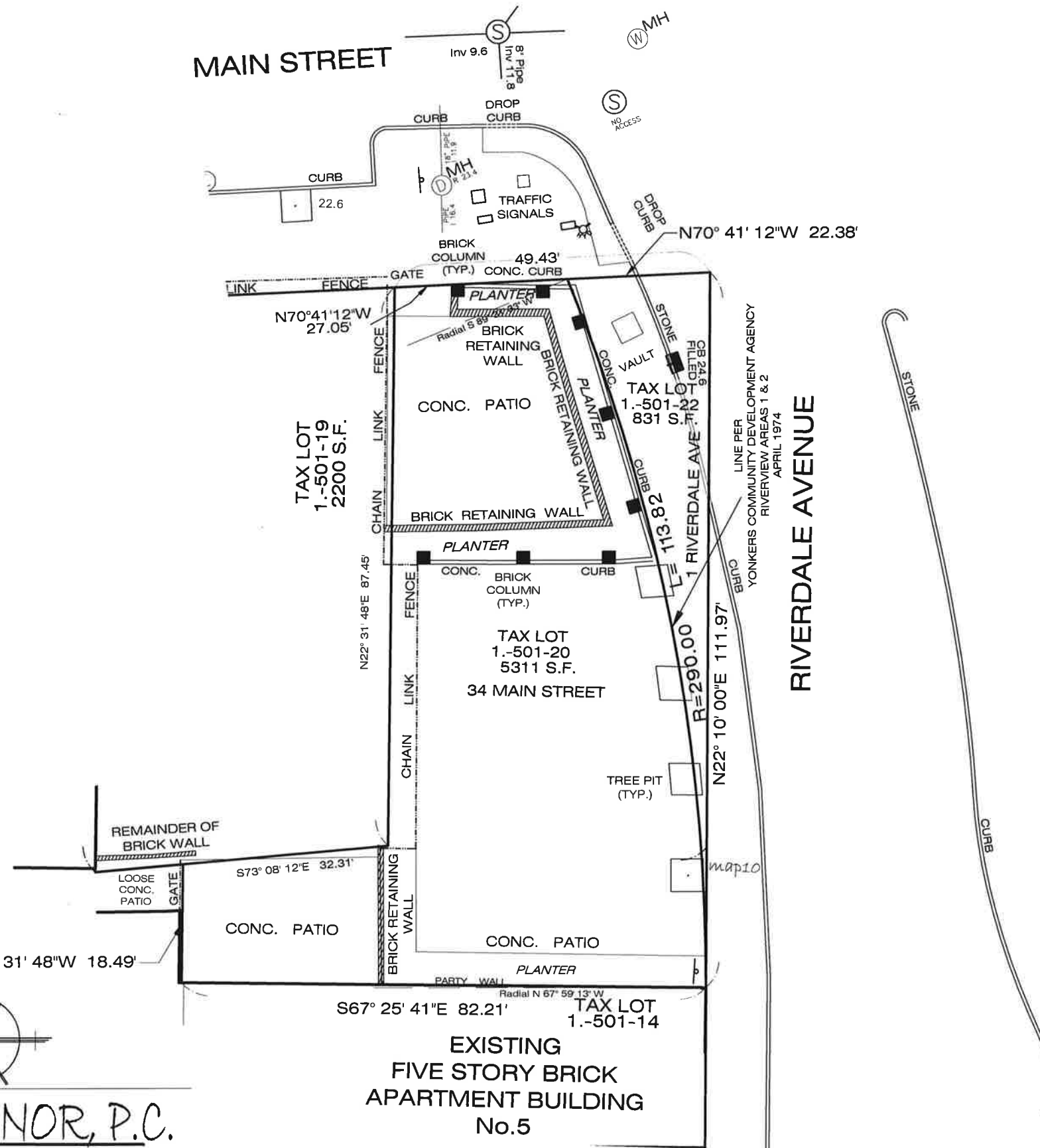
FOR INFORMATION ONLY: Said premises are known as 38 Main Street, Yonkers, NY, and designated as Section 1 Block 501 Lot 18 as shown on the Tax Map of the City of Yonkers, County of Westchester.

EXHIBIT B

Possession NOT indicated

This is to certify that this map and the survey on which it is based were made in accordance with the "Minimum Standard" Detail Requirements for New York State Association of Land Surveyors.

Eliot Senor, L.S. New York State Lic. No. 049822



**REAPPORTIONMENT MAP
TAX LOTS
1.-501-20
1.-501-22**
AS SHOWN ON THE OFFICIAL
AS TAX MAPS OF THE
CITY OF YONKERS
WESTCHESTER COUNTY, NEW YORK.

SCALE: 1" = 20'

DATE: FEB 16, 2022
FEB 18, 2022 rev
MARCH 30, 2022 REV

GABRIEL E. SENOR, P.C.

CONSULTING ENGINEER • LAND SURVEYORS
90 NORTH CENTRAL AVE., HARTSDALE, NEW YORK, 10530
(914) 422-0070 FAX 422-3009

EXHIBIT C

Possession only where indicated
 This is to certify that this map and the survey on which it is based were made in accordance with the "Minimum Standard" Detail Requirements for New York State Association of Land Surveyors. This Survey is a representation of the property as surveyed on May 4, 2021, the date that the field work was performed. Subsequent revision dates do not constitute an updated survey.

Eliot Senor, L.S. New York State Lic. No. 049822

Copies of the survey map not bearing the land surveyor's original blue signature and embossed seal shall not be considered to be a true and valid copy. Copyright Gabriel E. Senor, P.C., 2021. ALL RIGHTS RESERVED.

Certifications indicated are limited only to the entity for which this survey was prepared and on its behalf to the title company, governmental agency and lending institution for the policy numbers listed hereon. These certifications are not transferable.

A Title report lists easements and restrictions that are recorded in the County Clerk's office, if the report was not provided these easements and or restrictions may not be shown. A copy of the title report was not provided. There may also be Easements and Restrictions that are not recorded. Survey may be subject to easements not shown.

Surface elevations and underground appurtenances, if any, whether or not shown are not certified. This survey shows straight lines between located points for fences or other appurtenances of underground items. These connections or possession lines generally do not follow a straight line and therefore are schematic only. Any dimensions shown are to the surveyed point only. Labeled dimensions cannot be used for any other point along the line.

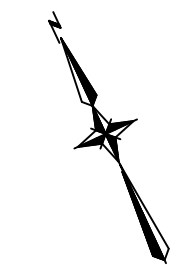
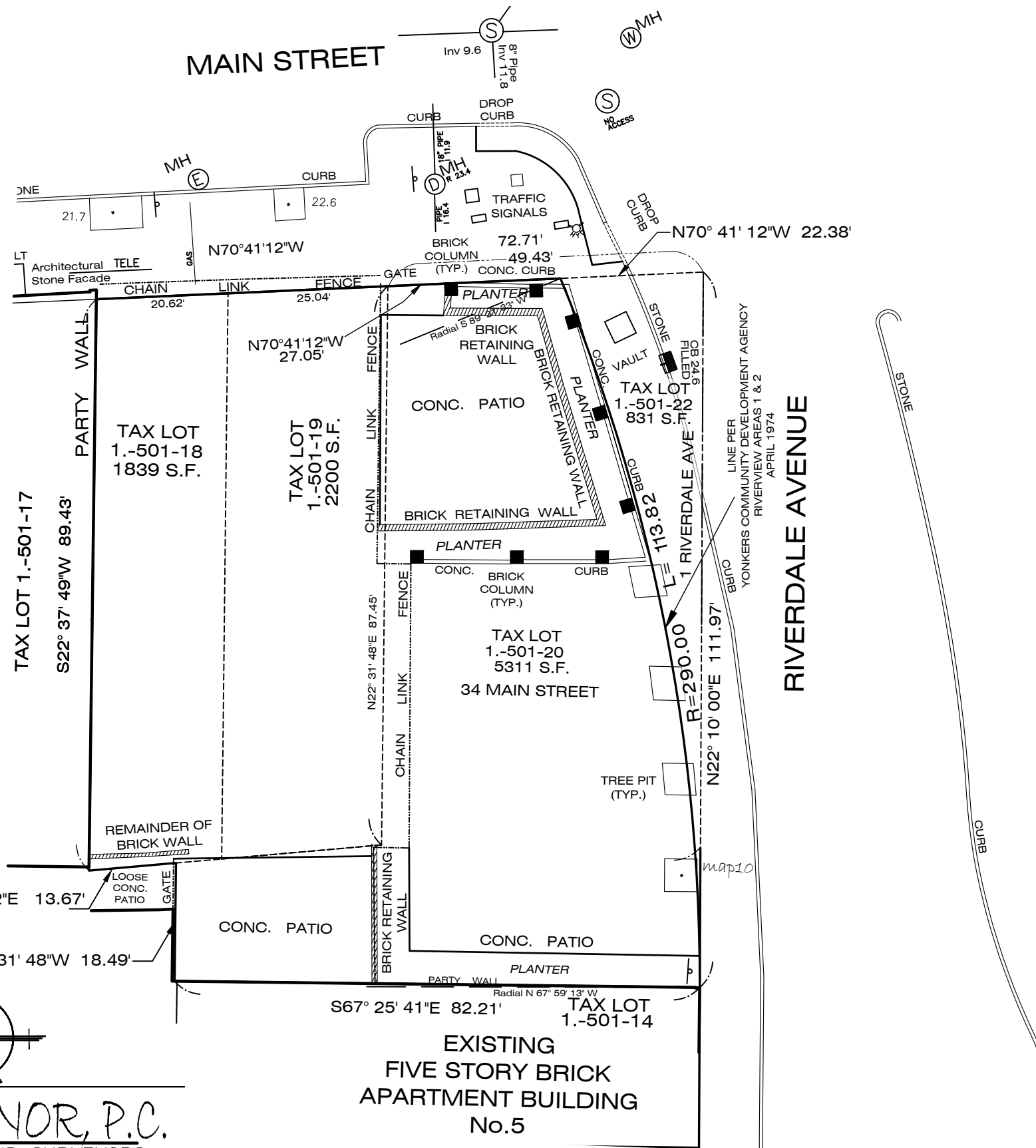
Unauthorized alteration or additions to the survey map is a violation of Section 7209 sub-section 2 of the New York State Education Law

Certified to:

**SURVEY
 TAX LOTS
 1.-501-18, 1.-501-19 AND 1.-501-20**
 AS SHOWN ON THE OFFICIAL
 AS TAX MAPS OF THE
CITY OF YONKERS
 WESTCHESTER COUNTY, NEW YORK.

SCALE: 1" = 20'

DATE: JULY 5, 2022
 JULY 21, 2022 Rev



GABRIEL E. SENOR, P.C.
 CONSULTING ENGINEER • LAND SURVEYORS
 90 NORTH CENTRAL AVE., HARTSDALE, NEW YORK, 10530
 (914) 422-0070 FAX 422-3009

EXHIBIT D

Description of a Tax Lot 1.-501-18, Tax Lot 1.-501-19, Tax Lot 1.-501-20
City of Yonkers

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 the northwest corner of Tax Lot 1.-501-18, said corner being 95.09 feet westerly from the corner intersection of the southerly side of Main Street with the westerly side of Riverdale Avenue;

THENCE RUNNING along said southerly side of Main Street South $70^{\circ} 41' 12''$ East 72.71 feet;

THENCE RUNNING on a curve to the right having a radius of 290.00 feet, a radial of S $89^{\circ} 31' 33''$ W and a length of 113.82 feet to the westerly side of Main Street;

THENCE RUNNING thence the following courses and distances;

North $67^{\circ} 25' 41''$ West 82.21 feet;

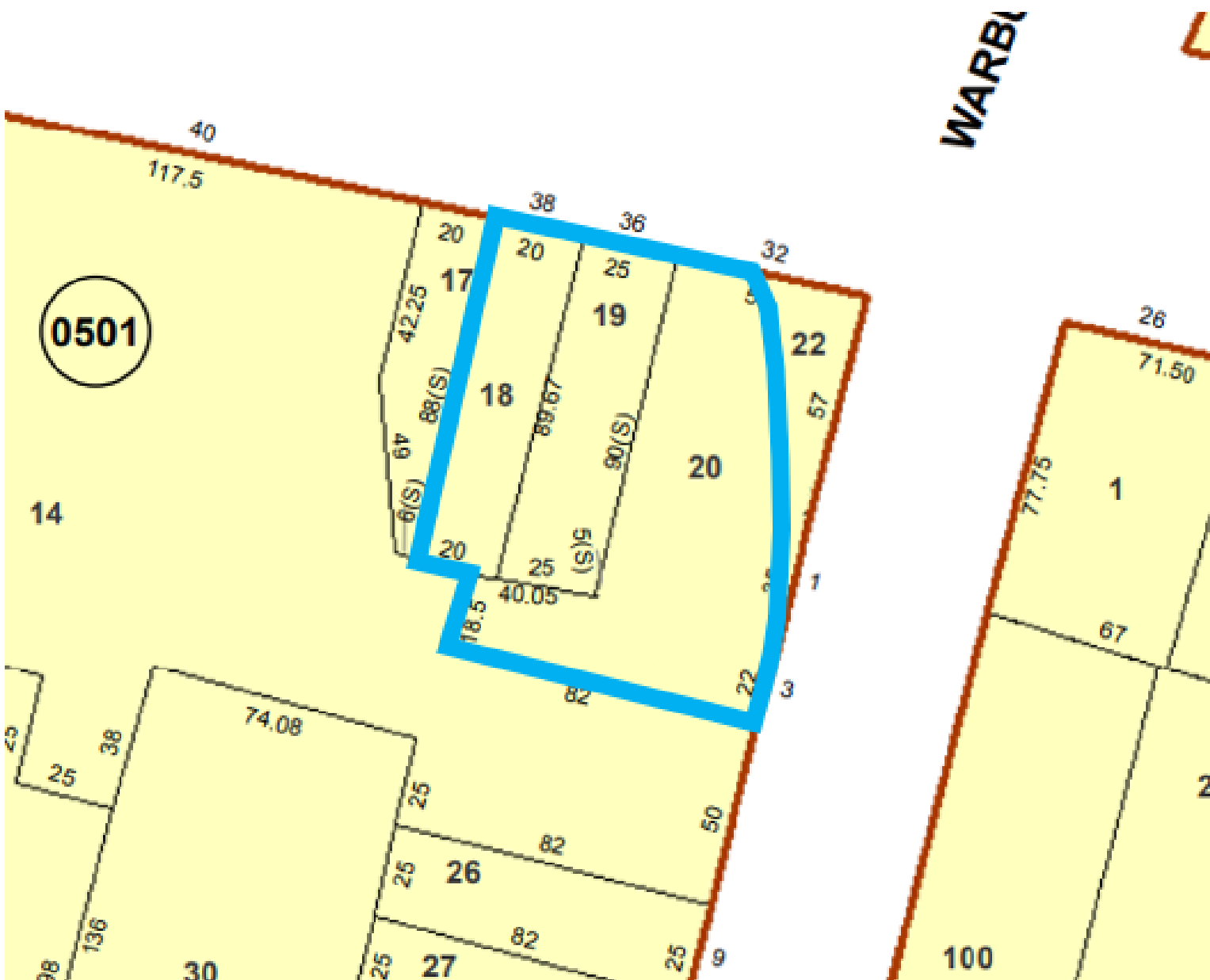
North $22^{\circ} 31' 48''$ East 18.49 feet;

North $73^{\circ} 08' 12''$ West 13.67 feet;

North $22^{\circ} 37' 49''$ East 89.43 feet to the point of BEGINNING.

EXHIBIT E

Updated Tax Map



 BCP Site

EXHIBIT F

WRITTEN CONSENT

The undersigned, being a Member of St. Clair Development, LLC, does hereby certify as follows:

1. St. Clair Development, LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (“BCP”) Site located at the following addresses:

Parcel	Address	Tax Parcel No.
1	32 Main Street	1-501-20
2	36 Main Street	1-501-19
3	38 Main Street	1-501-18
4	1 Riverdale Avenue	1-501-22
5	3 Riverdale Avenue	1-501-23

(collectively the “BCP Site”).

2. The following person, Rella Fogliano, a member of St. Clair Development, LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer St. Clair Development, LLC relation to the BCP Site.

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



Joseph Apicella
Member of St. Clair Development, LLC



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

October 12, 2022

VIA ELECTRONIC MAIL AND FEDEX

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

**RE: BCA Amendment Application
St. Clair Hotel Dry Cleaning Site
Site No. C360220**

Dear Ms. Lewandowski:

Enclosed please find a BCA Amendment Application for the above referenced BCP Site. This amendment is being submitted to inform the DEC that the Volunteer, St. Clair Development, LLC has purchased Lots 18 (38 Main Street) and 19 (36 Main Street) of the BCP Site.

Moreover, Lots 20 (32 Main Street), 22 (1 Riverdale Avenue) and 23 (3 Riverdale Avenue) were merged into one lot, the new Lot 20 (34 main Street). A portion of the new Lot 20 was then subdivided to create a new Lot 22. The new Lot 22, which is 0.019 Acres, is being removed from the BCP Site due to its ownership being retained by the Yonkers Community Development Agency ("YCDA").

St. Clair Development, LLC is under contract with YCDA to purchase the new Lot 20 and plans to purchase the Lot by the end of the year.

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

Sincerely,

KNAUF SHAW LLP


LINDA R. SHAW



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: St. Clair Hotel Dry Cleaning Site **DEC Site ID No.** C360220

II. Contact Information of Person Submitting Notification:

Name: Linda R. Shaw, Esq., Knauf Shaw LLP
 Address1: 1400 Crossroads Building, 2 State Street
 Address2: Rochester, New York 14614
 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.

Volunteer, St. Clair Development, LLC is now the owner of a portion of the BCP Site located at 38 Main Street (1.-501-18) and 36 Main Street (1.-501-19), Yonkers, New York, by deeds dated October 7, 2021 and recorded November 15, 2021. Please see deeds attached as Exhibit A. This transfer will not affect remedial efforts of the Site because St. Clair Development is the Remedial Party for 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).

Lots 20, 22, and 23 were merged into a new Lot 20 with an address of 34 Main Street. Then a 0.019 acre portion of the new Lot 20 was subdivided into a new Lot 22. Please see the Reapportionment Survey attached as Exhibit B. The new Lot 22 is being removed from the BCP Site due to its ownership being retained by the Yonkers Community Development Agency ("YCDA") because it is subject to a sidewalk/right of way.

Description Continuation on Next Page

Description Continuation

Please see the survey of the BCP Site excluding the new Lot 22 attached as Exhibit C and the Legal Description of the new BCP Site attached as Exhibit D. The new acreage of the BCP Site is 0.221 Acres. An updated tax map of the BCP Site is attached as Exhibit E. St. Clair Development, LLC is under contact with YCDA to purchase the new Lot 20 and plans to purchase the Lot by the end of the year.

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) 10-8-22 (Date)

Rella Fogliano
(Print Name)

Address1: c/o MacQuesten Companies, 438 Fifth Avenue, Suite 100
Address2: Pelham, New York 10803
Phone: (914) 667 - 7227 E-mail: R_fogliano@macquesten.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: Rella Fogliano
Address1: c/o MacQuesten Companies, 438 Fifth Avenue, Suite 100
Address2: Pelham, New York 10803
Phone: (914) 667 - 7227 E-mail: R_fogliano@macquesten.com

Certifying Party Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

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

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

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

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

Name: 
(Signature)

10-5-22
(Date)

Rella Fogliano
(Print Name)

Address1: c/o MacQuesten Companies, 438 Fifth Avenue Avenue, Suite 100

Address2: Pelham, New York 10803

Phone: (914) 667 - 7227 E-mail: R_fogliano@macquesten.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: _____