



Department of
Environmental
Conservation

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

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

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

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

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

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | Amendment to modify the existing BCA (check one or more boxes below): |
| <input type="checkbox"/> | Add applicant(s) |
| <input type="checkbox"/> | Substitute applicant(s) |
| <input type="checkbox"/> | Remove applicant(s) |
| <input type="checkbox"/> | Change in name of applicant(s) |
| <input checked="" type="checkbox"/> | Amendment to reflect a transfer of title to all or part of the brownfield site: |
| | <p>a. A copy of the recorded deed must be provided. Is this attached? Yes <input checked="" type="radio"/> No <input type="radio"/></p> <p>b. <input checked="" type="checkbox"/> Change in ownership <input type="checkbox"/> Additional owner (such as a beneficial owner)</p> <p>c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached? Yes <input checked="" type="radio"/> No <input type="radio"/> Submitted on: 4/14/2023</p> |
| <input type="checkbox"/> | Amendment to modify description of the property(ies) listed in the existing BCA |
| <input type="checkbox"/> | Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA |
| <input type="checkbox"/> | Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit. |
| <input type="checkbox"/> | Other (explain in detail below) |

2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment:

Volunteer, St. Clair Owners LLC became the owner of the entire BCP site by deeds dated June 29, 2023, but recorded September 11, 2023. Multiple transactions were recorded with the clerk's office on September 11, 2023. First, the Yonkers Community Development Agency transferred ownership of lot 20 to St. Clair Development, LLC by deed with Control No.: 631443183. Second, St. Clair Development, LLC transferred ownership of lots 18, 19 and Portion of 20 (St Clair Development, LLC retained ownership of the p/o the lot designated for retail space) to the County of Westchester by deed with Control No.: 631443127. Third, the County of Westchester transferred ownership of lots 18,19 and p/o 20 to St. Clair Owners LLC. Please see deed attached as Exhibit A. Fourth, St. Clair Development, LLC transferred ownership of the remain p/o lot 20 to St. Clair Owners LLC. Please see deed attached as Exhibit B. A chart showing the order of transactions is attached as Exhibit C. A Site Access Agreement is attached as Exhibit D.

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

| | |
|---|--|
| BCP SITE NAME: St. Clair Hotel Dry Cleaning Site | BCP SITE CODE: C360220 |
| NAME OF CURRENT APPLICANT(S): St. Clair Development, LLC and St. Clair Owners LLC | |
| INDEX NUMBER OF AGREEMENT: C360220-02-22 | DATE OF ORIGINAL AGREEMENT: 02/07/2022 |

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

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

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

| | | | |
|---|----------------------------------|--|--|
| Owner listed below is: <input checked="" type="checkbox"/> Existing Applicant | | <input type="checkbox"/> New Applicant | <input type="checkbox"/> Non-Applicant |
| OWNER'S NAME: St. Clair Owners LLC | | CONTACT: Joseph Apicella | |
| ADDRESS: 438 Fifth Avenue, Suite 100 | | | |
| CITY/TOWN: Pelham, New York | | ZIP CODE: 10803 | |
| PHONE: (914) 667-7227 | EMAIL: j_apicella@macquesten.com | | |
| OPERATOR: Same as Owner | | CONTACT: | |
| ADDRESS: | | | |
| CITY/TOWN: | | ZIP CODE: | |
| PHONE: | EMAIL: | | |

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

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

| | Y | N |
|---|-----------------------|-----------------------|
| 1. Are any enforcement actions pending against the requestor regarding this site? | <input type="radio"/> | <input type="radio"/> |
| 2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? | <input type="radio"/> | <input type="radio"/> |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for the site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. | <input type="radio"/> | <input type="radio"/> |
| 4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the subject law; (ii) any order or determination; (iii) any regulation implementing ECL Article 27 Title 14; or (iv) any similar statute or regulation of the state or federal government? If so, provide additional information as an attachment. | <input type="radio"/> | <input type="radio"/> |
| 5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as site name, address, DEC site number, reason for denial, and any other relevant information. | <input type="radio"/> | <input type="radio"/> |
| 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting or contaminants? | <input type="radio"/> | <input type="radio"/> |
| 7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? | <input type="radio"/> | <input type="radio"/> |
| 8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department? | <input type="radio"/> | <input type="radio"/> |

| SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION (continued) | | Y | N |
|--|--|---|---|
| 9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? | | <input type="radio"/> | <input type="radio"/> |
| 10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? | | <input type="radio"/> | <input type="radio"/> |
| 11. Are there any unregistered bulk storage tanks on-site which require registration? | | <input type="radio"/> | <input type="radio"/> |
| 12. THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW: | | | |
| <input type="checkbox"/> 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 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 disposal of a hazardous waste or discharge of petroleum. NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that they have exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste. If a requestor's liability arises solely as a result of ownership, operation of or involvement with the site, they must submit a statement describing why they should be considered a volunteer – be specific as to the appropriate care taken. | |
| 13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached? | | N/A <input type="radio"/> | Y <input type="radio"/> N <input type="radio"/> |
| 14. Requestor's relationship to the property (check all that apply): <input type="checkbox"/> Prior Owner <input type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input type="checkbox"/> Other: _____ | | | |
| 15. If the requestor is not the current site owner, proof of site access sufficient to complete the remediation must be submitted. Proof must show that the requestor will have access to the property before being added to the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached? | | N/A <input type="radio"/> | Y <input type="radio"/> N <input type="radio"/> |

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES

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

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

ADDRESS:

CITY/TOWN

ZIP CODE:

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

2. Requested change (check appropriate boxes below):

☐

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

PARCELS ADDED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE ADDED: _____

☐

b. Reduction of property

PARCELS REMOVED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE REMOVED: _____

☐

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

NEW PROPERTY INFORMATION:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

3. TOTAL REVISED SITE ACREAGE: _____

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

Y

☐

N

☐

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

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

| | Y | N |
|--|-----------------------|-----------------------|
| 1. Is the site located in Bronx, Kings, New York, Queens or Richmond County? | <input type="radio"/> | <input type="radio"/> |
| 2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit? | <input type="radio"/> | <input type="radio"/> |
| 3. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information. | <input type="radio"/> | <input type="radio"/> |
| 4. Is the property upside down as defined below? | <input type="radio"/> | <input type="radio"/> |
| <p>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> | | |
| 5. Is the project and affordable housing project as defined below? | <input type="radio"/> | <input type="radio"/> |
| <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' household's annual gross income.</p> <p>(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.</p> <p>(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States Department of Housing and Urban Development, or its successor, for a family of four, as adjusted for family size.</p> | | |

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

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

BCP SITE NAME: St. Clair Hotel Dry Cleaning Site

BCP SITE CODE: C360220

NAME OF CURRENT APPLICANT(S): St. Clair Development, LLC and St. Clair Owners LLC

INDEX NUMBER OF AGREEMENT: C360220-02-22

DATE OF ORIGINAL AGREEMENT 02/07/2022

Declaration of Amendment:

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

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

STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR

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

(Individual)

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

Date: _____ Signature: _____

Print Name: _____

(Entity)

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

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

Date: _____ Signature: _____

Print Name: _____

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

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

(Individual)

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

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am a 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's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 4/9/2024 Signature: 

Print Name: Rella Fogliano

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

| | |
|--|--|
| <input type="checkbox"/> 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. |
|--|--|

Effective Date of the Original Agreement: 02/07/2022

Signature by the Department:

DATED: 7/11/24

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:


Janet E. Brown, Assistant Director
Division of Environmental Remediation

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

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

(Individual)

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

Date: _____ Signature: _____

Print Name: _____

(Entity)

St. Clair Development Managers, LLC

I hereby affirm that I am a Managing Member (title) of Sole Member of St. Clair Owners 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's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 4/9/2024 Signature: [Signature]Print Name: Rella Fogliano**PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS****REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

| | |
|--|--|
| <input type="checkbox"/> 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. |
|--|--|

Effective Date of the Original Agreement: 02/07/2022

Signature by the Department:

DATED: 7/11/24NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

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

EXHIBIT A

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



631443183DED001X

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 10604 Reference for Submitter: 1594843/71198864 St Clair LDA

Document Details

Control Number: **631443183** Document Type: **Deed (DED)**
Package ID: 2022071800165001006 Document Page Count: **3** Total Page Count: **4**

Parties

☐ Additional Parties on Continuation page

1st PARTY

2nd PARTY

1: YONKERS COMMUNITY DEVELOPMENT AGENCY - Other 1: ST CLAIR DEVELOPMENT LLC - Other
2: 2:

Property

☐ Additional Properties on Continuation page

Street Address: 34 MAIN STREET Tax Designation: 1-501-20
City/Town: YONKERS Village:

Cross- References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

1: RP-5217 2: TP-584

Recording Fees

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

Transfer Taxes

Consideration: \$1,000,000.00
Transfer Tax: \$4,000.00
Mansion Tax: \$0.00
Transfer Tax Number: 1941

Mortgage Taxes

Document Date:
Mortgage Amount:

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

Dwelling Type: Exempt: ☐
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 09/11/2023 at 09:26 AM
Control Number: **631443183**
Witness my hand and official seal

Timothy C. Idoni

Timothy C. Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

Stewart Title
711 Westchester Ave
Suite 302
White Plains, NY 10604
Attn: NYMETRO RECORDING DEPARTMENT

Quitclaim Deed— Individual or Corporation

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

THIS INDENTURE, made ^{AS OF} the 29 day of June, 2023

BETWEEN

YONKERS COMMUNITY DEVELOPMENT AGENCY, a New York municipal urban renewal agency having its principal office at 87 Nepperhan Avenue, 3rd Floor, Yonkers, New York (“Grantor”), and

ST. CLAIR DEVELOPMENT, LLC, a limited liability company organized and existing under the laws of the State of New York, having its principal office at c/o Macquesten Companies, 438 Fifth Avenue, Suite 100, Pelham, New York 10803 (“Grantee”),

WITNESSETH, that Grantor, in consideration of ten dollars (\$10.00) and other valuable consideration paid by Grantee, does hereby remise, release and quitclaim unto Grantee, the heirs or successors and assigns of Grantee forever, all of its right, title and interest in and to:

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, State of New York, more particularly described on **Schedule A** attached hereto and made part hereof.

TOGETHER with all right, title and interest, if any, of the 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;

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

SUBJECT to the terms of a Land Disposition Agreement dated July 13, 2022 (the “Agreement”), between the parties hereto, a memorandum of which is to be recorded in the Office of the Westchester County Clerk, Division of Land Records simultaneously with this Deed.

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that the party 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, Grantor has duly executed this deed the day and year first above written.

YONKERS COMMUNITY
DEVELOPMENT AGENCY

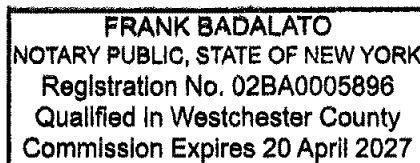
By: *Lee J. ELLMAN*
NAME: LEE J. ELLMAN
TITLE: ACTING SECRETARY

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

On the 14th day of JUNE, 2023, before me, the undersigned, a Notary Public in and for the State of New York, personally came LEE J. ELLMAN, 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.

Frank Badalato
Notary Public

Section: 1.
Block: 501
Lot: 20
City: Yonkers



Record and Return

Michael A. Greco, Esq.
Cannon Heyman & Weiss, LLP
54 State St Suite 1001
Albany, NY 12207

Schedule A to Quitclaim Deed

Legal Description

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.-501-20, said corner being 49.43 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° 41' 12" East 27.05 feet;

THENCE RUNNING on a curve to the right having a radial of S 89° 31' 33" W, a radius of 290.00 feet and a length of 113.82 feet to the westerly side of Riverdale Avenue;

THENCE RUNNING the following courses and distances;

North 67° 25' 41" West 82.21 feet along Tax Lot 1.-501-14;

North 22° 31' 48" East 18.49 feet along Tax Lot 1.501-14 to Tax Lot.1.-501-18;

South 73° 08' 12" East 32.31 feet along Tax Lots 1.501-18 and 19;

North 22° 31' 48" East 87.45 feet along Tax Lot 1.-501-19 to the point of BEGINNING.

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.



631443127DED001V

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 10604 Reference for Submitter: 1594843/71198864 St Clair LDA

Document Details

Control Number: **631443127** Document Type: **Deed (DED)**
Package ID: 2022071800165001006 Document Page Count: **4** Total Page Count: **6**

Parties

☐ Additional Parties on Continuation page

1st PARTY

2nd PARTY

1: ST CLAIR DEVELOPMENT LLC - Other 1: WESTCHESTER COUNTY OF - Other
2: 2:

Property

☒ Additional Properties on Continuation page

Street Address: 34 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**

Transfer Taxes

Consideration: \$1,900,000.00
Transfer Tax: \$0.00
Mansion Tax: \$0.00
Transfer Tax Number: 1942

Mortgage Taxes

Document Date:
Mortgage Amount:

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

Dwelling Type: Exempt: ☐
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 09/11/2023 at 09:26 AM
Control Number: **631443127**
Witness my hand and official seal

Timothy C. Idoni

Timothy C. Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

Stewart Title
711 Westchester Ave
Suite 302
White Plains, NY 10604
Attn: NYMETRO RECORDING DEPARTMENT

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.

631443127DED001V

Westchester County Recording & Endorsement Page

Document Details

Control Number: **631443127**

Document Type: **Deed (DED)**

Package ID: 2022071800165001006

Document Page Count: 4

Total Page Count: 6

Properties Addendum

36 MAIN STREET 10701

YONKERS

1 501 19

38 MAIN STREET 10701

YONKERS

1 501 p/o 20

BARGAIN AND SALE DEED

THIS INDENTURE is made as of the 29th day of June, 2023, between **ST. CLAIR DEVELOPMENT, LLC**, a New York limited liability company having its offices at 438 Fifth avenue, Suite 100, Pelham, New York 10803 ("**Grantor**"), and **THE COUNTY OF WESTCHESTER**, a municipal corporation of the State of New York having its offices at 148 Martine Avenue, White Plains, New York 10601 ("**Grantee**").

WITNESSETH:

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

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

BEING a portion of the same premises conveyed to the Grantor from Rising Development – 36 Main, LLC and recorded in the Westchester County Clerk's Office on November 15, 2021 as Control No. 612944037, from Rising Development – 38 Main, LLC and recorded in the Westchester County Clerk's Office on November 15, 2021 as Control No. 612943989 and from the City of Yonkers Community Development Agency on the date hereof to be recorded in the Westchester County Clerk's Office. Said premises are known and designated as Section 1, Block 501, Lot 18, Section 1, Block 501, Lot 19 and a portion of Section 1, Block 501, Lot 20.

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

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

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

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

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

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor will receive the consideration for this conveyance and will hold the right to receive such

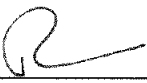
consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" as used herein shall be construed as if it reads "parties" whenever the sense of this indenture so requires.

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

GRANTOR:

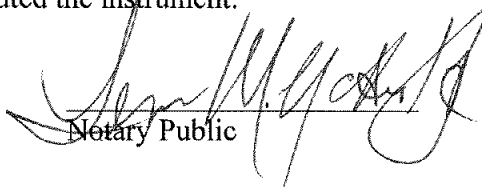
ST. CLAIR DEVELOPMENT, LLC

By: 
Rella Fogliano, Manager

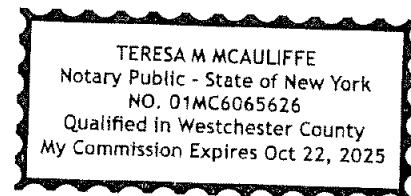
STATE OF NEW YORK)

COUNTY OF WESTCHESTER)

On the 9th day of June, in the year 2023, before me, the undersigned, a Notary Public in and for said state, personally appeared **Rella Fogliano** personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is 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 person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.


Notary Public

RECORD & RETURN TO:
Westchester County Attorney's Office
148 Martine Avenue - Room 600
White Plains, NY 10601



SCHEDULE "A"

Legal Description (Lots 18, 19 and p/o Lot 20)

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.-501-20, said corner being 98.09 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° 41' 12" East 72.71 feet;

THENCE RUNNING on a curve to the right having a radial of S 89° 31' 33" W, a radius of 290.00 feet and a length of 113.82 feet to the westerly side of Riverdale Avenue;

THENCE RUNNING the following courses and distances;

North 67° 25' 41" West 82.21 feet along Tax Lot 1.-501-14;

North 22° 31' 48" East 18.49 feet along Tax Lot 1.501-14 to Tax Lot.1.-501-18;

North 73° 08' 12" West 13.67 feet along Tax Lots 1.501-18;

North 22° 37' 49" East 89.43 feet along Tax Lot 1.-501-17 to the point of BEGINNING,

EXCEPTING AND RESERVING unto the Seller the following two air space lots:

Lot A

ALL that certain volume of space, situate, lying, and being in the City of Yonkers, County of Westchester and State of New York, lying between a horizontal limiting plane having an elevation of 26.00 feet and a horizontal limiting plane having an elevation of 38.00 which elevations are in reference to the North American Vertical Datum of 1988 (NAVD88), bounded and described as follows:

BEGINNING at a point being 17.46 ft southerly from the corner formed by the intersection of the southerly side of Main Street with the westerly side of Riverdale Avenue;

THENCE RUNNING on a curve to the right having a radial bearing of N 87° 01' 29" W, a radius of

290.00 feet and a length of 54.25 feet to the westerly side of Riverdale Avenue

THENCE RUNNING through Tax Lot 1.-501-20 the following courses and distances;

North 80° 25' 41" West 32.69 feet along Lot B;

North 19° 18' 48" East 51.70 feet;

North 74° 06' 36" East 7.33 feet;

South 80° 37' 27" East 16.15 feet to the point of BEGINNING.

Said Volume of Lot "A" is 18264 c.f.

Lot B

ALL that certain volume of space, situate, lying, and being in the City of Yonkers, County of Westchester and State of New York, lying between a horizontal limiting plane having an elevation of 27.75 feet and a horizontal limiting plane having an elevation of 38.00 which elevations are in reference to the North American Vertical Datum of 1988 (NAVD88), bounded and described as follows:

BEGINNING at a point being 71.71 ft southerly from the corner formed by the intersection of the southerly side of Main Street with the westerly side of Riverdale Avenue;

THENCE RUNNING on a curve to the right having a radial bearing of N 76° 18' 23" W, a radius of 290.00 feet and a length of 17.34 feet to the westerly side of Riverdale Avenue;

THENCE RUNNING thence through Tax Lot 1.-501-20 the following courses and distances;

North 67° 25' 41" West 5.33 feet;

South 22° 34' 19" West 19.47 feet;

North 67° 25' 41" West 7.61 feet;

North 22° 34' 19" East 2.12 feet;

North 67° 25' 41" West 7.21 feet;

North 22° 34' 19" East 21.76 feet;

North 67° 25' 41" West 13.55 feet;

North 19° 18' 48" East 5.45 feet;

South 80° 25' 41" East 32.69 feet along Lot A to the point of BEGINNING.

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.



631603242DED001R

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 10604 Reference for Submitter: 1594843/71198864 St Clair LDA

Document Details

Control Number: **631603242** Document Type: **Deed (DED)**
Package ID: 2022071800165001006 Document Page Count: **5** Total Page Count: **7**

Parties

☐ Additional Parties on Continuation page

1st PARTY

1: WESTCHESTER COUNTY OF - Other
2:

2nd PARTY

1: ST CLAIR OWNERS LLC - Other
2:

Property

☒ Additional Properties on Continuation page

Street Address: 34 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: \$0.00
Page Fee: \$0.00
Cross-Reference Fee: \$0.00
Mortgage Affidavit Filing Fee: \$0.00
RP-5217 Filing Fee: \$0.00
TP-584 Filing Fee: \$0.00
RPL 291 Notice Fee: \$0.00
Total Recording Fees Paid: **\$0.00**

Transfer Taxes

Consideration: \$0.00
Transfer Tax: \$0.00
Mansion Tax: \$0.00
Transfer Tax Number: 1943

Mortgage Taxes

Document Date:
Mortgage Amount:

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

Dwelling Type: Exempt: ☐
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 09/11/2023 at 09:26 AM
Control Number: **631603242**
Witness my hand and official seal

Timothy C. Idoni

Timothy C. Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

Stewart Title
711 Westchester Ave
Suite 302
White Plains, NY 10604
Attn: NYMETRO RECORDING DEPARTMENT

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.

631603242DED001R

Westchester County Recording & Endorsement Page

Document Details

Control Number: **631603242**

Document Type: **Deed (DED)**

Package ID: 2022071800165001006

Document Page Count: 5

Total Page Count: 7

Properties Addendum

36 MAIN STREET 10701

YONKERS

1 501 19

38 MAIN STREET 10701

YONKERS

1 501 p/o 20

THIS INDENTURE, made the 29th day of June, 2023 by and between

THIS INSTRUMENT IS EXEMPT FROM
RECORDING OR FILING FEES PURSUANT
TO LAW.

Danila Field
Sr. Asst. COUNTY ATTORNEY

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (the "Grantor" and/or "party of the first part"), and

ST. CLAIR OWNERS LLC, a New York limited liability corporation having an office and place of business at 438 Fifth Avenue, Suite 100 Pelham, New York 10803 (the "party of the second part")

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

ALL that certain plot, piece or parcel of land, lying and being located at 34,36,38 Main Street in the City of Yonkers, County of Westchester, State of New York identified on the tax maps as Section: 1, Block: 501, Lots: 18, 19 and a portion of 20, as more particularly described on Schedule "A," attached here to and made part hereof (the "Property").

TO HAVE AND TO HOLD the Property herein granted unto the party of the second part, and assigns forever subject to the following:

This conveyance is made subject to the obligations and the restrictions set forth in that certain Declaration of Restrictive Covenants (the "Declaration") of the date even herewith recorded in the Westchester County Clerk's Office Land Records Division including without limitation the fair housing and anti-discrimination requirements set forth therein. The Declaration runs with the land and binds the property, and is enforceable against the property's owner, any subsequent owners and all of its respective legal representatives, executors, administrators, heirs, successors, assigns. The Declaration shall inure to the benefit of and be enforceable by the County of Westchester for fifty (50) years, all as more fully set forth in said Declaration, and may not be altered or removed prior to the expiration of the Period of Affordability without the written permission of the County. The Declaration shall survive any foreclosure or the issuance of a deed in lieu of foreclosure and shall not terminate until the expiration of the Period of Affordability, without the express written consent of the County.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described Property 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 Property; **TO HAVE AND TO HOLD** the Property 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 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.

SCHEDULE "A"

Legal Description (Lots 18, 19 and p/o Lot 20)

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.-501-20, said corner being 98.09 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° 41' 12" East 72.71 feet;

THENCE RUNNING on a curve to the right having a radial of S 89° 31' 33" W, a radius of 290.00 feet and a length of 113.82 feet to the westerly side of Riverdale Avenue;

THENCE RUNNING the following courses and distances;

North 67° 25' 41" West 82.21 feet along Tax Lot 1.-501-14;

North 22° 31' 48" East 18.49 feet along Tax Lot 1.501-14 to Tax Lot.1.-501-18;

North 73° 08' 12" West 13.67 feet along Tax Lots 1.501-18;

North 22° 37' 49" East 89.43 feet along Tax Lot 1.-501-17 to the point of BEGINNING,

EXCEPTING AND RESERVING unto the Seller the following two air space lots:

Lot A

ALL that certain volume of space, situate, lying, and being in the City of Yonkers, County of Westchester and State of New York, lying between a horizontal limiting plane having an elevation of 26.00 feet and a horizontal limiting plane having an elevation of 38.00 which elevations are in reference to the North American Vertical Datum of 1988 (NAVD88), bounded and described as follows:

BEGINNING at a point being 17.46 ft southerly from the corner formed by the intersection of the southerly side of Main Street with the westerly side of Riverdale Avenue;

THENCE RUNNING on a curve to the right having a radial bearing of N 87° 01' 29" W, a radius of

290.00 feet and a length of 54.25 feet to the westerly side of Riverdale Avenue

THENCE RUNNING through Tax Lot 1.-501-20 the following courses and distances;

North 80° 25' 41" West 32.69 feet along Lot B;

North 19° 18' 48" East 51.70 feet;

North 74° 06' 36" East 7.33 feet;

South 80° 37' 27" East 16.15 feet to the point of BEGINNING.

Said Volume of Lot "A" is 18264 c.f.

Lot B

ALL that certain volume of space, situate, lying, and being in the City of Yonkers, County of Westchester and State of New York, lying between a horizontal limiting plane having an elevation of 27.75 feet and a horizontal limiting plane having an elevation of 38.00 which elevations are in reference to the North American Vertical Datum of 1988 (NAVD88), bounded and described as follows:

BEGINNING at a point being 71.71 ft southerly from the corner formed by the intersection of the southerly side of Main Street with the westerly side of Riverdale Avenue;

THENCE RUNNING on a curve to the right having a radial bearing of N 76° 18' 23" W, a radius of 290.00 feet and a length of 17.34 feet to the westerly side of Riverdale Avenue;

THENCE RUNNING thence through Tax Lot 1.-501-20 the following courses and distances;

North 67° 25' 41" West 5.33 feet;

South 22° 34' 19" West 19.47 feet;

North 67° 25' 41" West 7.61 feet;

North 22° 34' 19" East 2.12 feet;

North 67° 25' 41" West 7.21 feet;

North 22° 34' 19" East 21.76 feet;

North 67° 25' 41" West 13.55 feet;

North 19° 18' 48" East 5.45 feet;

South 80° 25' 41" East 32.69 feet along Lot A to the point of BEGINNING.

This conveyance is authorized by Act No. Act No. 2022 - 154 of the Westchester County Board of Legislators on November 14, 2022 and the Westchester County Board of Acquisition and Contract on February 16, 2023.

IN WITNESS WHEREOF, each of the party of the first part and the party of the second part have duly executed this deed the day and year first above written.

IN PRESENCE OF:

COUNTY OF WESTCHESTER



George Latimer
County Executive

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

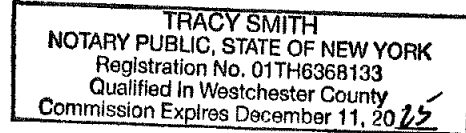
ss:

On the _____ day of _____ in the year of 2023
before me, the undersigned, personally appeared
George Latimer 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)

On the 15 day of June in the year of 2023
before me, the undersigned, personally appeared
George Latimer 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.

Tracy Smith
(signature and office of individual taking acknowledgment)



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

Title No. _____

SECTION: 1
BLOCK: 501
LOTS: 18,19 and portion of 20
CITY: Yonkers
STREET ADDRESS: 34,36,38 Main Street

RECORD AND RETURN BY MAIL TO:

EXHIBIT B

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.



631443204DED001R

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 10604 Reference for Submitter: 1594843/71198864 St Clair LDA

Document Details

Control Number: **631443204** Document Type: **Deed (DED)**
Package ID: 2022071800165001006 Document Page Count: **4** Total Page Count: **5**

Parties

☐ Additional Parties on Continuation page

1st PARTY

1: ST CLAIR DEVELOPMENT LLC - Other
2:

2nd PARTY

1: ST CLAIR OWNERS LLC - Other
2:

Property

☐ Additional Properties on Continuation page

Street Address: 38 MAIN STREET Tax Designation: 1-501-p/o 20
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**

Transfer Taxes

Consideration: \$60,000.00
Transfer Tax: \$240.00
Mansion Tax: \$0.00
Transfer Tax Number: 1944

Mortgage Taxes

Document Date:
Mortgage Amount:

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

Dwelling Type: Exempt: ☐
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 09/11/2023 at 09:26 AM
Control Number: **631443204**
Witness my hand and official seal

Timothy C. Idoni

Timothy C. Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

Stewart Title
711 Westchester Ave
Suite 302
White Plains, NY 10604
Attn: NYMETRO RECORDING DEPARTMENT

BARGAIN AND SALE DEED

THIS INDENTURE is made as of the 29th day of June, 2023, between **ST. CLAIR DEVELOPMENT, LLC**, a New York limited liability company having its offices at 438 Fifth avenue, Suite 100, Pelham, New York 10803 ("**Grantor**"), and **ST. CLAIR OWNERS LLC**, a New York limited liability company having its offices at 438 Fifth avenue, Suite 100, Pelham, New York 10803 ("**Grantee**").

W I T N E S S E T H:

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

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

BEING a portion of the same premises conveyed to the Grantor from the City of Yonkers Community Development Agency on the date hereof by deed to be recorded in the Westchester County Clerk's Office. Said premises are known and designated as a portion of Section 1, Block 501, Lot 20.

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

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

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

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

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" as used herein shall be construed as if it reads "parties" whenever the sense of this indenture so requires.

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

GRANTOR:

ST. CLAIR DEVELOPMENT, LLC

By: [Signature]
Rella Fogliano, Manager

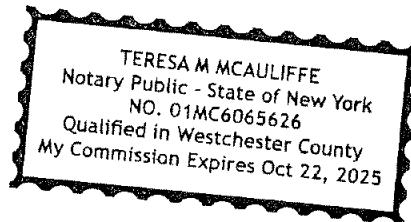
STATE OF NEW YORK)

COUNTY OF WESTCHESTER)

On the 9th day of June, in the year 2023, before me, the undersigned, a Notary Public in and for said state, personally appeared **Rella Fogliano** personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is 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 person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

[Signature]
Notary Public

RECORD & RETURN TO:
Westchester County Attorney's Office
148 Martine Avenue - Room 600
White Plains, NY 10601



SCHEDULE "A"

Legal Description (Air Space Lots p/o Lot 20)

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:

Lot A

ALL that certain volume of space, situate, lying, and being in the City of Yonkers, County of Westchester and State of New York, lying between a horizontal limiting plane having an elevation of 26.00 feet and a horizontal limiting plane having an elevation of 38.00 which elevations are in reference to the North American Vertical Datum of 1988 (NAVD88), bounded and described as follows:

BEGINNING at a point being 17.46 ft southerly from the corner formed by the intersection of the southerly side of Main Street with the westerly side of Riverdale Avenue;

THENCE RUNNING on a curve to the right having a radial bearing of N 87° 01' 29" W, a radius of

290.00 feet and a length of 54.25 feet to the westerly side of Riverdale Avenue

THENCE RUNNING through Tax Lot 1.-501-20 the following courses and distances;

North 80° 25' 41" West 32.69 feet along Lot B;

North 19° 18' 48" East 51.70 feet;

North 74° 06' 36" East 7.33 feet;

South 80° 37' 27" East 16.15 feet to the point of BEGINNING.

Said Volume of Lot "A" is 18264 c.f.

Lot B

ALL that certain volume of space, situate, lying, and being in the City of Yonkers, County of Westchester and State of New York, lying between a horizontal limiting plane having an elevation of 27.75 feet and a horizontal limiting plane having an elevation of 38.00 which elevations are in reference to the North American Vertical Datum of 1988 (NAVD88), bounded and described as follows:

BEGINNING at a point being 71.71 ft southerly from the corner formed by the intersection of the southerly side of Main Street with the westerly side of Riverdale Avenue;

THENCE RUNNING on a curve to the right having a radial bearing of N 76° 18' 23" W, a radius of 290.00 feet and a length of 17.34 feet to the westerly side of Riverdale Avenue;

THENCE RUNNING thence through Tax Lot 1.-501-20 the following courses and distances;

North 67° 25' 41" West 5.33 feet;

South 22° 34' 19" West 19.47 feet;

North 67° 25' 41" West 7.61 feet;

North 22° 34' 19" East 2.12 feet;

North 67° 25' 41" West 7.21 feet;

North 22° 34' 19" East 21.76 feet;

North 67° 25' 41" West 13.55 feet;

North 19° 18' 48" East 5.45 feet;

South 80° 25' 41" East 32.69 feet along Lot A to the point of BEGINNING.

EXHIBIT C

The St. Clair – Property Transfers

All lots: Section 1, Block 501
City of Yonkers, New York

Last Revised 3.16.23

Yonkers Community
Development Agency

Lot 20

DEED

Control #: 631443183

St. Clair Development, LLC

Lot 18

Lot 19

Lot 20

DEED (EXCLUSIVE
OF RETAIL SPACE)

Control #: 631443127

County of Westchester

Lots 18, 19,
p/o 20

Notes:

Lot 20 to have separate
legal description of
approximately 2,008 sq. ft.
Retail Space prepared by
surveyor

Lot 20 result of merger of
former lots 20, 23 and p/o
22

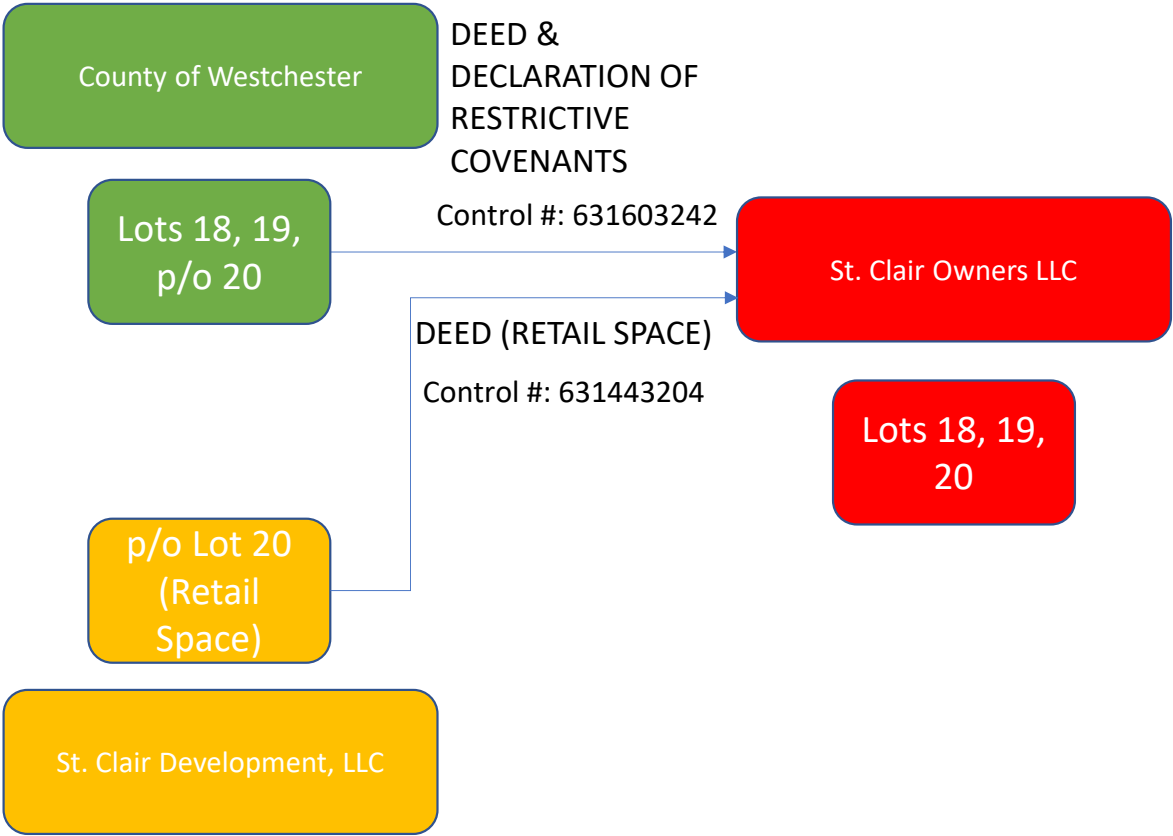


EXHIBIT D

**St. Clair Owners LLC
438 Fifth Avenue, Suite 100
Pelham, New York 10803**

St. Clair Development, LLC
438 Fifth Avenue, Suite 100
Pelham, New York 10803

RE: Site Access to Perform Brownfield Cleanup Program Work
BCP Site: St. Clair Hotel Dry Cleaning Site
BCP Site No.: C360220

St. Clair Development, LLC and St. Clair Owners LLC have submitted a Brownfield Cleanup Program ("BCP") Application and entered into a Brownfield Cleanup Agreement ("BCA") with the New York State Department of Environmental Conservation to voluntarily investigate and remediate the St. Clair Hotel Dry Cleaning Site; BCP Site No.: C360220 located at 34, 36, and 38 Main Street, Yonkers, New York 10701 (Tax Parcel Nos.: 1-501-18, 1-501-19 and 1-501-20) (the "BCP Site"). As you are aware, St. Clair Owners LLC is the current owner of the BCP Site. St. Clair Owners LLC herein provides access to the BCP Site to St. Clair Development, LLC for the purpose of performing any required environmental investigation and remediation work. Moreover, when remediation at the BCP Site is complete and the Certificate of Completion is about to be obtained, and a Track 1 remediation level is not achieved, St. Clair Owners LLC hereby also agrees to impose an environmental easement on the BCP Site if required by the New York State Department of Environmental Conservation.

As a member of the BCP Site owner St. Clair Owners LLC, I am authorized to grant temporary license and agree to allow St. Clair Development, LLC and its agents to enter the BCP Site to perform any BCP investigation and/or remediation work required.

IN WITNESS WHEREOF, the undersigned has executed this document on this 9th day of April 2024.



Rella Fogliano
Member of St. Clair Development, LLC

EXHIBIT E

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

WRITTEN CONSENT

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

1. St. Clair Owners LLC is the prospective volunteer for the St. Clair Hotel Dry Cleaning Brownfield Cleanup Program ("BCP") Site located at 36, 38 and 34 Main Street Yonkers, New York (Tax Lot Nos. 1-501-20, 1-501-19, and 1-501-18, assigned DEC Site No.: C360220 (the "BCP Site")):

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

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 12 day of April, 2023.



Joseph Apicella
Member of St. Clair Development Managers, LLC
Sole Member of St. Clair Owners LLC