

**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:** WP Mall Cleaners & Gas Station Site **DEC Site ID No.** C360221

**II. Contact Information of Person Submitting Notification:**

Name: Linda R. Shaw, 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): 11/30/2022**IV. Description:** Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

Volunteer, Hamilton Green I Partners LLC became the title owner of the WP Mall Cleaners & Gas Station Site by deed dated November 30, 2022 and recorded with the Westchester County Clerk's office on December 8, 2022. This transfer does not affect remedial efforts because Hamilton Green I Partners LLC is already the remedial party for the Site subject to the Brownfield Cleanup Agreement. Katherin Machol is no longer a member of the Volunteer. Todd Rechler is the new authorized signatory....

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).

See Exhibit A - Deed; Exhibit B - New Corporate Consent; Exhibit C - LLC DOS Filing; and Exhibit D - the LLC Organization Chart

- 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)

3/22/23

(Date)

Todd Rechler, Authorized Person

(Print Name)

Address1: Hamilton Green I Partners LLC

Address2: 625 RXR Plaza Uniondale, New York 11556

Phone: 212-715-6110

E-mail: todd@rxr.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: Hamilton Green I Partners LLC Attn: Todd Rechler

Address1: 625 RXR Plaza

Address2: Uniondale, New York 11556

Phone: 212-715-6110

E-mail: todd@rxr.com

Certifying Party Name: Todd Rechler, Hamilton Green I Partners LLC

Address1: 625 RXR Plaza

Address2: Uniondale, New York 11556

Phone: 212-715-6110

E-mail: todd@rxr.com


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

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

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

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

Name:

  
(Signature)

3/22/23  
(Date)

Todd Rechler, Authorized Person  
(Print Name)

Address1: Hamilton Green I Partners LLC

Address2: 625 RXR Plaza Uniondale, New York 11556

Phone: 212-715-6110 E-mail: todd@rxr.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: \_\_\_\_\_



**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: <u>N/A</u></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, Hamilton Green I Partners LLC became the title owner of the WP Mall Cleaners & Gas Station Site by deed dated November 30, 2022 and recorded with the Westchester County Clerk's office on December 8, 2022. Please see the Deed attached as Exhibit A. This transfer does not affect remedial efforts because Hamilton Green I Partners LLC is already the remedial party for the Site subject to the Brownfield Cleanup Agreement. Katherin Machol is no longer a member of the Volunteer. Todd Rechler is the new authorized signatory. See attached Ex A - Deed; Ex B - Corporate Consent; Ext C - DOS Filing; and Ex D - the LLC Organization Chart.

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

BCP SITE NAME: WP Mall Cleaners & Gas Station Site	BCP SITE NUMBER: C360221
NAME OF CURRENT APPLICANT(S): Hamilton Green I Partners LLC	
INDEX NUMBER OF AGREEMENT: C360221	DATE OF ORIGINAL AGREEMENT: 04/22/2022

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

NAME: Hamilton Green I Partners LLC Attn: (same requestor but new contact information)			
ADDRESS: 625 RXR Plaza			
CITY/TOWN: Uniondale, New York			ZIP CODE: 11556
PHONE: 212-715-6110	EMAIL: todd@rxr.com		
REQUESTOR CONTACT: Todd Rechler			
ADDRESS: 625 RXR Plaza			
CITY/TOWN: Uniondale, NY			ZIP CODE: 11556
PHONE: 212-715-6100	EMAIL: todd@rxr.com		
REQUESTOR'S CONSULTANT: SESI Engineers		CONTACT: Fuad Dahan, P.E.	
ADDRESS: 959 Route 46E, Suite 300			
CITY/TOWN: Parsippany, NJ			ZIP CODE: 07054
PHONE: 9373-808-9050	EMAIL: fd@sesi.org		
REQUESTOR'S ATTORNEY: Knauf Shaw LLP		CONTACT: Linda Shaw, Esq.	
ADDRESS: 2600 Innovation Square, 100 S.Clinton Avenue [NOTE NEW KNAUF SHAW ADDRESS]			
CITY/TOWN: Rochester, NY			ZIP CODE: 14604
PHONE: 585-546-8430	EMAIL: lshaw@nyenvlaw.com		
			<b>Y</b>
			<b>N</b>
1. Is the requestor authorized to conduct business in New York State?			<input checked="" 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 checked="" 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 checked="" type="radio"/>
4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached?			<input checked="" type="radio"/>
5. Describe the new requestor's relationship to all existing applicants: The requestor is not new but the Site was sold to the requestor and there is a new contact person for the requestor.			<input checked="" 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: Hamilton Green I Partners LLC	CONTACT: Todd Rechler
ADDRESS: 625 RXR Plaza	
CITY/TOWN: Uniondale, NY	ZIP CODE: 11556
PHONE: (212) 715-6100	EMAIL: todd@rxr.com
OPERATOR: Hamilton Green I Partners LLC	CONTACT:
ADDRESS: SITE IS VACANT - Owner has no operations on the site.	
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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?		<input type="radio"/>	<input checked="" type="radio"/>
12. THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:			
<input type="checkbox"/> <b>PARTICIPANT</b>  A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	<input checked="" type="checkbox"/> <b>VOLUNTEER</b>  A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of a hazardous waste or discharge of petroleum.  NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that they have exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.  <b>If a requestor's liability arises solely as a result of ownership, operation of or involvement with the site, they must submit a statement describing why they should be considered a volunteer – be specific as to the appropriate care taken.</b>		
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		N/A <input type="radio"/>	Y <input checked="" type="radio"/> N <input type="radio"/>
14. Requestor's relationship to the property (check all that apply):  <input type="checkbox"/> Prior Owner <input checked="" 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 checked="" type="radio"/>	Y <input type="radio"/> N <input type="radio"/>



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

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

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

ADDRESS:

CITY/TOWN:

ZIP CODE:

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE


2. Requested change (check appropriate boxes below):

☐

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

PARCELS ADDED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE


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

☐

b. Reduction of property

PARCELS REMOVED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE


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

☐

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

NEW PROPERTY INFORMATION:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE


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

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

Y

☐

N

☐

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

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

	Y	N
1. Is the site located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down as defined below?	<input type="radio"/>	<input type="radio"/>
<p><b>From ECL 27-1405(31):</b></p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>		
5. Is the project and affordable housing project as defined below?	<input type="radio"/>	<input type="radio"/>
<p><b>From 6 NYCRR 375-3.2(a) as of August 12, 2016:</b></p> <p>(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.</p> <p>(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' household's annual gross income.</p> <p>(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.</p> <p>(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States Department of Housing and Urban Development, or its successor, for a family of four, as adjusted for family size.</p>		

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

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

BCP SITE NAME: WP Mall Cleaners &amp; Gas Station Site

BCP SITE NUMBER: C360221

NAME OF CURRENT APPLICANT(S): Hamilton Green I Partners LLC

INDEX NUMBER OF AGREEMENT: C360221

DATE OF ORIGINAL AGREEMENT 04/22/2022

**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 an authorized signatory (title) of Hamilton Green I Partners 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. Todd Rechler's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 3/22/23 Signature: 

Print Name: Todd Rechler, Authorized Person

**PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS**

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

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: 04/22/2022

Signature by the Department:

DATED: 4/11/23

**NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**

By:



Janet Brown, Assistant Director  
Division of Environmental Remediation

**SUBMITTAL REQUIREMENTS:**

- The Department accepts both hard copy and electronic submittal of the Application to Amend Brownfield Cleanup Agreement and Amendment form.
- Hard copy submissions must also include an electronic version of the complete application form and attachments, in final, non-fillable Portable Document Format (PDF), on an external storage device (such as a thumb drive or CD). Applications 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: Electronic applications submitted in fillable format will be rejected.

# **EXHIBIT A**

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

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

TO

**Hamilton Green I Partners LLC,**  
a Delaware limited liability company

ADDRESS: Unit 1 of The Hamilton Green Condominium  
7 Cottage Place and 240 Hamilton Avenue  
SECTION: 125.67  
BLOCK: 5  
LOT: 1..1  
CITY: White Plains  
COUNTY: Westchester  
STATE: New York

RETURN BY MAIL TO:

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



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

**THIS INDENTURE**, made as of the 30<sup>th</sup> day of November, 2022

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

**Hamilton Green I Partners LLC**, a Delaware limited liability company with offices at 625 RXR Plaza, Uniondale, New York 11556 ("**Grantee**").

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

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

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

**TOGETHER** with all right, title and interest, if any, of Grantor in and to any streets and roads abutting the above described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of Grantor in and to said premises; **SUBJECT TO** all the covenants, easements and restrictions of record; **TO HAVE AND TO HOLD** the premises herein granted unto Grantee, the heirs or successors and assigns of Grantee forever.

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

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

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

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

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

By: Juda Klein  
Name: Juda Klein  
Title: Managing Member

STATE OF NEW YORK )  
COUNTY OF Westchester ) ss.:  
)

On the 14<sup>th</sup> day of November in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared **Juda Klein** 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/she/they executed the same in his capacity, and that by his/her/their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Signature and Office of individual taking  
acknowledgement

EON STEPHEN NICHOLS  
Notary Public, State of New York  
No. 02N16228900  
Qualified in Westchester County  
Commission Expires Sept. 27, 2026

*(Signature page to Bargain and Sale Deed)*

**Schedule A**  
**Legal Description of Unit 1**

ALL that certain plot piece or parcel of land, situate, lying and being in the part of the condominium located in the City of White Plains, County of Westchester and State of New York, known and designated as Unit No. 1, together with a 60.00% undivided interest in the common elements of the condominium, hereafter described as the same is defined in the Declaration of Condominium hereinafter referred to.

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

The land area of Unit 1 is described as follows:

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

BEGINNING at a point on the westerly side of Cottage Place at the southerly end of a curve having a radius of 25.00 feet, a central angle of 91° 10' 00" and a length of 39.78 feet which curve connects the southerly side of Barker Avenue with the westerly side of Cottage Place, as shown on a certain map entitled "Disposition Parcel No. 14, W. P. Mall Corp." which map is filed in the Westchester County Clerk's Office, Division of Land Records on June 9, 1971 as Map No. 17464;

RUNNING THENCE along the westerly side of Cottage Place, South 27° 01' 19" East, a distance of 384.52 feet to a point;

THENCE along a curve to the left having a radius of 10.00 feet, a central angle of 89° 38' 28" and a length of 15.645 feet to a point along the northerly side of Hamilton Avenue;

THENCE along the northerly side of Hamilton Avenue along a curve to the right having a radius of 4627.386 and a length of 179.089 feet to a point;

THENCE through lands known as Disposition Parcel No. 14, North 27° 01' 19" West, a distance of 413.84 feet to a point along the southerly side of Barker Avenue;

THENCE along the southerly side of Barker Avenue, North 61° 48' 41" East, a distance of 163.52 feet to a point;

THENCE along a curve to the right having a radius of 25.00 feet, a central angle of 91° 10' 00" and a length of 39.78 feet to the point or place of BEGINNING.

For Information Only: Said premises are known as 250 Hamilton Avenue, White Plains, New York and designated as Tax Lot 1..1, Block 5, Section 125.67, on the tax map of the City of White Plains.

# **EXHIBIT B**

## WRITTEN CONSENT

The undersigned, being a Member of RX Hamilton Investor LLC, which is the member of Hamilton Green I Partners LLC, does hereby certify as follows:

1. Hamilton Green I Partners LLC is the prospective volunteer for the prospective Brownfield Cleanup Program ("BCP") Site located at 250 Hamilton Avenue, White Plains, New York 10601, tax parcel identification no. 125.67-5-1..1 ("Site" or "BCP Site.").

2. The following person, Todd Rechler, a member of RX Hamilton Investor LLC, which is the member of Hamilton Green I Partners LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer Hamilton Green I Partners LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 22 day of March 2023.

By: 

Frank Adipietro  
Authorized Person

# **EXHIBIT C**

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through March 31, 2021.

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Selected Entity Name: HAMILTON GREEN I PARTNERS LLC

Selected Entity Status Information

**Current Entity Name:** HAMILTON GREEN I PARTNERS LLC

**DOS ID #:** 5975763

**Initial DOS Filing Date:** MARCH 29, 2021

**County:** WESTCHESTER

**Jurisdiction:** DELAWARE

**Entity Type:** FOREIGN LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

HAMILTON GREEN I PARTNERS LLC

ATTN: KEVIN MCMANUS

7 RENAISSANCE SQUARE - 4TH FL.

WHITE PLAINS, NEW YORK, 10601

**Registered Agent**

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

**\*Stock Information**

# of Shares	Type of Stock	\$ Value per Share
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No Information Available

\*Stock information is applicable to domestic business corporations.

### Name History

Filing Date	Name Type	Entity Name
MAR 29, 2021	Actual	HAMILTON GREEN I PARTNERS LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#) [New Search](#)

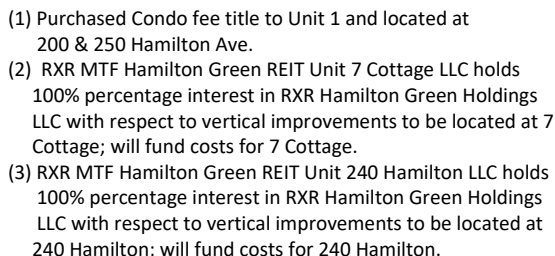
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# **EXHIBIT D**

**November 28, 2022**

7/14/22	PSA Agreement executed
7/14/22	LRC Term Sheet executed
11/28/22	Land Acquisition and Construction GCA



Notes: (i) All LLC and LP entities are Delaware domiciled except RX Hamilton Investor LLC (New York) and (ii) prior to operations commencing, need to form one or two TRS entities.