

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

December 28, 2023

Hamilton Green I Partners LLC
Todd Rechler
625 RXR Plaza
Uniondale, NY 11556
Todd@rxr.com

Re: Certificate of Completion
WP Mall Cleaners & Gas Station Site
White Plains, Westchester County
Site No. C360221

Dear Todd Rechler,

Congratulations on having satisfactorily completed the remedial program at the WP Mall Cleaners & Gas Station Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (NYSDEC) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record the Notice of Certificate of Completion in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record the Notice within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the Notice is recorded within the time frame specified. A standard Notice of Certificate of Completion form is attached to this letter.
- Provide electronic copies of the recorded Notice and proof of recording to NYSDEC's project manager. Please return the hard copy of the proof of recording to:

Greta White, P.G., Project Manager, Bureau C
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233



- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. NYSDEC will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement NYSDEC-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to NYSDEC in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to NYSDEC in April 2025.

If you have any questions, please do not hesitate to contact Greta White, NYSDEC's project manager, at 518-402-2029.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

ec w/ enclosure:

L. Shaw – Knauf Shaw LLP, lshaw@nyenvlaw.com
F. Dahan – SESI Consulting Engineers, DPC, fd@sesi.org
C. Vooris – NYSDOH, christine.vooris@health.ny.gov
M. Doroski – NYSDOH, melissa.doroski@health.ny.gov
K. Kulow – NYSDOH, kristin.kulow@health.ny.gov
M. Gokey – NYSTF, matthew.gokey@tax.ny.gov
P. Takac – NYSTF, paul.takac@tax.ny.gov

ec w/o enclosure:

G. White, K. Thompson, S. Deyette, K. McCarthy, M. Murphy, K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Hamilton Green I Partners LLC

Address

625 RXR Plaza, Uniondale, NY 11556

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 3/25/22 **Agreement Execution:** 4/22/22

Agreement Index No.: C360221-03-22

Application Amendment Approval: 4/10/23

Agreement Amendment Execution: 4/27/23

SITE INFORMATION:

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

Site Owner: Hamilton Green I Partners LLC

Street Address: 250 Hamilton Avenue

Municipality: White Plains **County:** Westchester

DEC Region: 3

Site Size: 1.808 Acres

Tax Map Identification Number(s): 125.67-5-1..1

Percentage of site located in an EnZone: 0 - 49%

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the Final Engineering Report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial

Cleanup Track: Conditional Track 1: Unrestricted use, provided that the remedial goals for groundwater are achieved within five years of the date of the Certificate. If these goals are not achieved within five years, this Certificate shall be modified to a Track 2 Residential cleanup.

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50%.

Tangible Property Credit is 15%. Comprised of 10% Base, 5% Track 1.

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), if the site is located in a disadvantaged community and not located in an EnZone (5%), if the site is developed as a renewable energy facility site (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24%.

The Remedial Program includes use restrictions or reliance on the long-term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Westchester County as Instrument No. 632063045, with subsequent Amendment to the Environmental Easement recorded as Instrument No. 633423096.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the site and to a person who develops or otherwise occupies the site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon finding any of the following:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program; or
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By: Andrew Guglielmi Date: 12/28/2023

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

SCHEDULE A

"Deed Description and Brownfield Cleanup Program Site Environmental Easement Area"

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 $91^{\circ} 10' 00''$ 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;

RUNING THENCE along the westerly side of Cottage Place, South $27^{\circ} 01' 19''$ East a distance of 384.52 feet to a point;

THENCE along a curve to the right having a radius of 10.00 feet, a central angle of $89^{\circ} 38' 28''$ 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 the lands known as Disposition Parcel No. 14, North $27^{\circ} 01' 19''$ West a distance of 413.84 feet to a point along the southerly side of Barker Avenue;

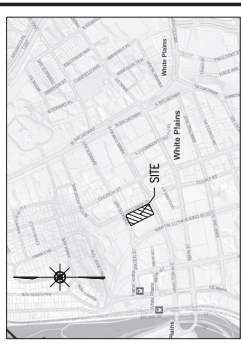
THENCE along the southerly side of Barker Avenue North $61^{\circ} 48' 41''$ East a distance of 163.52 feet to a point;

THENCE along a curve to the right having a radius of 25.00 feet, a central angle of $91^{\circ} 10' 00''$ and a length of 39.78 feet to the point and place of BEGINNING.

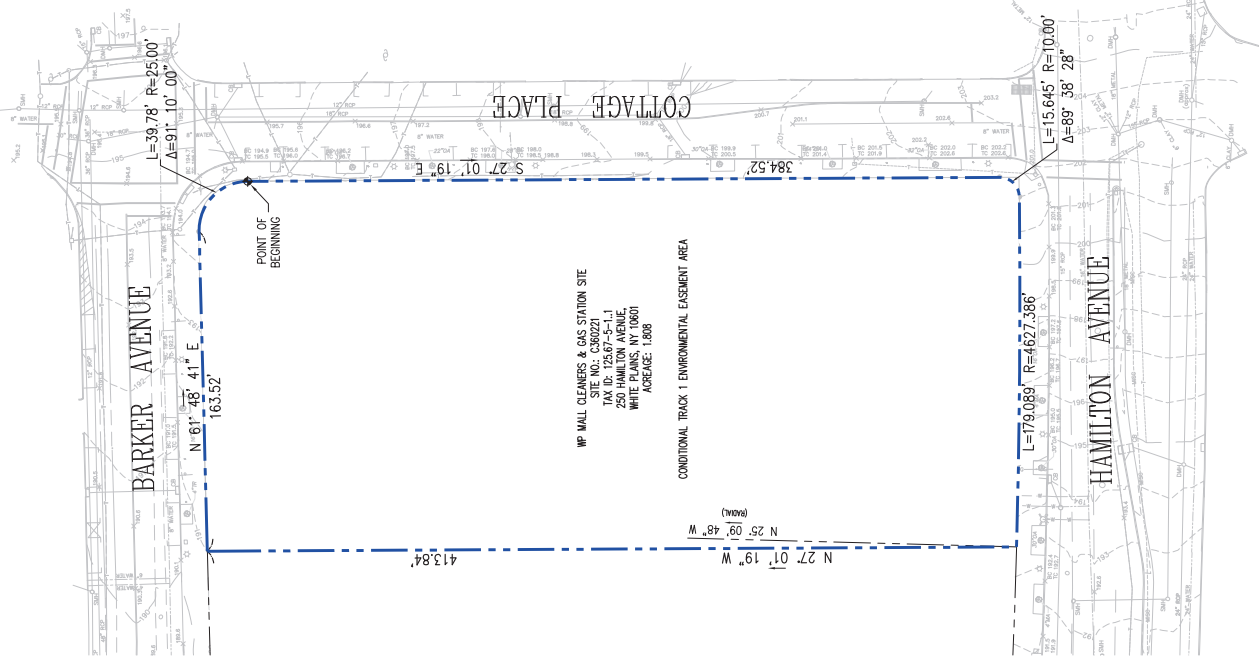
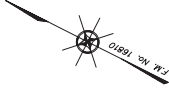
Containing within said bounds $1.808\pm$ acres of land.

Exhibit B

Site Survey



VICINITY MAP



WP MALL CLEANERS & GAS STATION SITE
SITE NO. C-59021
TAX ID: 125.67-5-1.1
250 HAMILTON AVENUE,
WHITE PLAINS, NY 10601
ADDRESS: 1208

CONDITIONAL TRACK 1 ENVIRONMENTAL EASEMENT AREA

LEGEND:

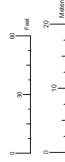
--- BROWNFIELD CLEANUP SITE ENVIRONMENTAL EASEMENT AREA

"The Temporary Environmental Easement Area is subject to an environmental easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law. The engineering and institutional controls for this Easement are set forth in the Site Management Plan (SMP). A copy of the SMP must be obtained by any party with an interest in the property. The SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at derweb@dec.ny.gov."

BROWNFIELD CLEANUP PROGRAM
PREPARED FOR

HAMILTON GREEN I PARTNERS LLC

PROPERTY SITUATE IN THE
CITY OF WHITE PLAINS
COUNTY OF WESTCHESTER
STATE OF NEW YORK



DATE: JULY 27, 2023
REV: AUGUST 1, 2023 (MISC. NOTES)
REV: SEPTEMBER 15, 2023 (PARCEL NAME)
REV: NOVEMBER 28, 2023 (REV. AREA-NOTES)

CADD FILE: C20071-024 HAMILTON ARE LOT 1 BROWNFIELD.CADD

SCHEDULE A

"Detailed Description and Brownfield Cleanup Program Site Environmental Easement Area"

All land, certain plot, piece or parcel of land, abutting, 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 "Proposition Parcel No. 14, M. 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 394.52 feet to a point;

THENCE along a curve to the right 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 the 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 and place of BEGINNING.

Containing within said bounds 1.8085 acres of land.

REFERENCE is made to a MAP ENTITLED "CONDOMINIUM MAP PREPARED FOR HAMILTON GREEN CONDOMINIUM" FILED IN THE WESTCHESTER COUNTY CLERK'S OFFICE, DIVISION OF LAND RECORDS AS MAP NO. 25551.

REFERENCE is made to a MAP ENTITLED "MAP SHOWING LOTS TO BE ACQUIRED BY THE CITY OF WHITE PLAINS FOR THE LIVING OUT AND WINDING OF ... " ON FILE IN THE WESTCHESTER COUNTY CLERK'S OFFICE, DIVISION OF LAND RECORDS AS MAP NO. 19801. MAP ENTITLED "DISPOSITION PARCEL NO. 14, M. P. MALL CORP." DATED MARCH 19, 1971 FILED IN THE WESTCHESTER COUNTY CLERK'S OFFICE, DIVISION OF LAND RECORDS AS MAP NO. 17464 AND LATER CORRECTED PAGE 716.

PLANNING BACKGROUND INFORMATION WAS PROVIDED BY RUSTE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE P.C.

CONTIGUOUS AND SPOT ELEVATIONS ARE RELATIVE TO NORTH AMERICAN VERTICAL DATUM 1988 (NAVD84-88).

THE SURVEYOR'S SEAL, SIGNATURE AND ANY CERTIFICATION APPEARING HEREON SHOWN THAT, TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR LAND SURVEYS AS SET FORTH IN THE CODE OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7208, SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

LIVE & GRADE SURVEYORS D.P.C.

23 Neperston Avenue
Elmsford, New York 10523
Phone: (914) 347-3141
email: office@liveandgrade.net



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NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

WP Mall Cleaners & Gas Station Site, Site ID No. C360221
250 Hamilton Avenue, White Plains, NY 10601
White Plains, Westchester County, Tax Map Identification Number: 125.67-5-1..1

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (NYSDEC) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Hamilton Green I Partners LLC for a parcel approximately 1.808 acres located at 250 Hamilton Avenue in White Plains, Westchester County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by NYSDEC of the Final Engineering Report and data submitted pursuant to the Brownfield site Cleanup Agreement, as well as any other relevant information regarding the site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the Remedial Work Plan.

PLEASE TAKE NOTICE, the remedial program for the site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☒ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☒ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☒ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by NYSDEC as not inconsistent with the remedy.

PLEASE TAKE NOTICE, the remedial program relies upon use restrictions or the long-term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Westchester County as Instrument No. 632063045, with subsequent Amendment to the Environmental Easement recorded as Instrument No. 633423096.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved Site Management Plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to NYSDEC's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the site and to a person who develops or otherwise occupies the site, subject to certain limitations as set forth in ECL Section 27-1421. The liability

WP Mall Cleaners & Gas Station Site, C360221
250 Hamilton Avenue, White Plains, NY 10601

limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to NYSDEC in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 3 Office located at 21 South Putt Corners Road, New Paltz, NY 12561, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C360221>.

WHEREFORE, the undersigned has signed this Notice of Certificate

Hamilton Green I Partners LLC

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20__, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name 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

Please record and return to:
Hamilton Green I Partners LLC
625 RXR Plaza
Uniondale, NY 11556



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form



SITE DESCRIPTION

SITE NO. C360221

SITE NAME: WP Mall Cleaners & Gas Station Site

SITE ADDRESS: 250 Hamilton Avenue ZIP CODE: 10601

CITY/TOWN: White Plains

COUNTY: Westchester

ALLOWABLE USE: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan



Monitoring Plan



Operation and Maintenance (O&M) Plan



Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2025

Description of Institutional Control

Hamilton Green I Partners LLC

625 RXR Plaza

250 Hamilton Avenue

Environmental Easement

Block: 5

Lot: 1

Sublot: .1

Section: 125

Subsection: .67

S_B_L Image: 125.67-5-1..1

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

Site Management Plan

Description of Engineering Control