



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: 11/6/24</p>
<input checked="" type="checkbox"/>	Amendment to modify description of the property(ies) listed in the existing BCA
<input checked="" 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: This BCA Amendment application seeks to reflect the change in fee ownership of the BCP site from the Village of Pelham to existing requestor Pelham Green 2 LLC. This application additionally seeks to add an adjoining lot, SBL 163.36-2-23, to the BCP site. The attached results of an initial site investigation for Lot 23 show soil and groundwater contamination on the parcel that will be further investigated when the lot is added to the BCP site. Finally, this application seeks to reflect the merger of the existing BCP site tax lots (Lots 19 and 24) into a single tax lot along with Lot 23.

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

BCP SITE NAME: Pelham House	BCP SITE CODE: C360233
NAME OF CURRENT APPLICANT(S): Pelham Green LLC; Pelham Green 2 LLC	
INDEX NUMBER OF AGREEMENT: C360233-02-23	DATE OF ORIGINAL AGREEMENT: 05/22/2023

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"/>	<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"/>	<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"/>	<input type="radio"/>
4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached?			N/A <input type="radio"/>	<input type="radio"/>
5. Describe the new requestor's relationship to all existing applicants:				

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: Pelham Green 2 LLC	CONTACT: Mallory Warner
ADDRESS: 826 Broadway, 11th Floor	
CITY/TOWN: New York, NY	ZIP CODE: 10003
PHONE: (212) 777-9500	EMAIL: mwarner@hudsoninc.com
OPERATOR: N/A [owner is developing]	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: 220 Fourth Avenue and 217 Fifth Avenue

CITY/TOWN Pelham, NY

ZIP CODE: 10803

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE:

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
220 Fourth Avenue, Pelham, NY 10803	163.36	2	19	0.979
217 Fifth Avenue, Pelham, NY 10803	163.36	2	24	0.114

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
219 Fifth Avenue, Pelham, NY 10803	163.36	2	23	0.114

TOTAL ACREAGE TO BE ADDED: 0.114



- b. Reduction of property

PARCELS REMOVED:

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE

TOTAL ACREAGE TO BE REMOVED: _____



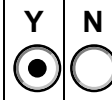
- c. Change to SBL (e.g., lot merge, subdivision, address change)

NEW PROPERTY INFORMATION:

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
95 3rd Street, Pelham, NY 10803	163.36	2	19.1	1.207

3. TOTAL REVISED SITE ACREAGE: 1.207

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?



**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: Pelham House

BCP SITE CODE: C360233

NAME OF CURRENT APPLICANT(S): Pelham Green LLC; Pelham Green 2 LLC

INDEX NUMBER OF AGREEMENT: C360233-02-23

DATE OF ORIGINAL AGREEMENT 05/22/2023

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 Authorized Signatory (title) of Pelham Green LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 2/13/25 Signature: _____Print Name: Joseph Kohl Riggs

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

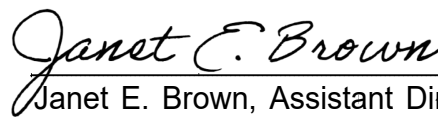
<input type="checkbox"/> PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site 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.
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Effective Date of the Original Agreement: 05/22/2023

Signature by the Department:

DATED: 4/10/25NEW 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)

I hereby affirm that I am Authorized Signatory (title) of Pelham Green 2 LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 2/13/25 Signature: [Signature]Print Name: Joseph Kohl Riggs

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: 05/22/2023

Signature by the Department:

DATED: 4/10/25NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

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

INSTRUCTIONS FOR COMPLETING AN APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

This form must be used to add or remove a party, reflect a change in property ownership to all or part of the site, modify a property description, or reduce/expand property boundaries for an existing BCP Agreement.

NOTE: DEC requires a standard full BCP application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate.

COVER PAGE

Please select all options that apply. Provide a brief narrative of the nature of the amendment requested.

SECTION I: CURRENT AGREEMENT INFORMATION

This section must be completed in its entirety. The information entered here will auto-populate throughout the application and amendment.

Provide the site name, site code and name(s) of current requestor(s) exactly as this information appears on the existing agreement. This should reflect any changes made by previous amendments to the site name or parties on the BCA. Provide the agreement index number and the date of the initial BCA.

SECTION II: NEW REQUESTOR INFORMATION

This section is to be completed only if a new requestor is being added to the BCA, or if the name of the existing requestor has changed with the NYSDOS.

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information.) The requestor is the person or entity seeking DEC review and approval of the remedial program.

If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database.

Requestor, Consultant and Attorney Contact Information

Provide the contact name, mailing address, telephone number and e-mail address for each of the following contacts:

Requestor's Representative: This is the person to whom all correspondence, notices, etc., will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative unless another contact name and address is provided with the application.

Requestor's Consultant: Include the name of the consulting firm and the contact person.

Requestor's Attorney: Include the name of the law firm and the contact person.

Required Attachments for Section II:

- 1. NYSDOS Information: A print-out of entity information from the NYSDOS database to document that the applicant is authorized to do business in NYS. The requestor's name must appear throughout the application exactly as it does in the database.*
- 2. LLC Organization: If the requestor is an LLC, provide a list of the names of the members/owners of the LLC.*
- 3. Authority to Bind: Proof must be included that shows that the party signing this application and amendment is authorized to do so on behalf of the requestor. This documentation may be in the form of corporate organizational papers, a Corporate Resolution or Operating Agreement or Resolution.*

SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Complete this section only if a transfer of ownership has taken place for all or part of the site property. Attach additional pages for each new owner if applicable.

Provide the relationship of the owner to the site by selecting one of the check-box options.

Owner Name, Address, etc.

Provide information for the new owner of the property. List all new parties holding an interest in the property. Attach separate pages as needed.

Operator Name, Address, etc.

Provide information for the new operator, if applicable.

NOTE: 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 form was not previously submitted, it must be included with this application. See <http://www.dec.ny.gov/chemical/76250.html> for additional information.

Required Attachments for Section III:

- 1. Copy of deed as proof of ownership.*
- 2. Ownership/Nominee Agreement, if applicable.*
- 3. Change of Use form, if not previously submitted to the Department.*

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION

For additional information regarding requestor eligibility, please refer to ECL §27-1407.

Provide a response to each question listed. If any question is answered in the affirmative, provide an attachment with detailed relevant information. It is permissible to reference specific sections of existing property reports; however, such information must be summarized in an attachment. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

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

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 signing the BCA and throughout the BCP project, including the ability to place an easement on the site. A purchase contract does not suffice as proof of access.

Required Attachments for Section IV:

- 1. Detailed information regarding any questions answered in the affirmation, if applicable.*
- 2. Statement describing why the requestor should be considered a volunteer, if applicable.*
- 3. Site access agreement, as described above, if applicable.*

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES

NOTE: DEC requires a standard full BCP application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate.

Property Information on Existing Agreement

Provide the site address and tax parcel information exactly as it appears on the current agreement (including as it has been modified in previous amendments).

Addition of Property

Provide the tax parcel information and acreage for each parcel to be added. Provide the total acreage to be added below the far-right column.

Reduction of Property

Provide the tax parcel information and acreage for each parcel to be removed. Provide the total acreage to be removed below the far-right column.

Change to address, SBL or metes and bounds description

Provide the new address and tax parcel information.

Total Revised Site Acreage

Provide the new total site acreage after addition or removal of property. If no change to site boundary, this should match the acreage provided above, under Property Information on Existing Agreement.

All requested changes to this section should be accompanied by a revised survey or other acceptable map depicting the proposed new site boundary. Additionally, provide a county tax map with the site boundary outlined, as well as a USGS 7.5-minute quadrangle map with the site location clearly identified.

Required Attachments for Section V:

1. *For all additions and removal of property:*
 - a. *Site map clearly identifying the existing site boundary and proposed new site boundary*
 - b. *County tax map with the new site boundary clearly identified*
 - c. *USGS 7.5-minute quadrangle map with the site location clearly identified*
2. *For address changes, lot mergers, subdivisions and any other change to the property description:*
 - a. *County tax map with the site boundary and all SBL information clearly identified*
 - b. *USGS 7.5-minute quadrangle map with the site location clearly identified*
 - c. *Approved application for lot merger or apportionment, or the equivalent thereof, as proof from the municipality of the SBL change(s)*

SUPPLEMENT TO THE APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT – QUESTIONS FOR SITES 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 responses to each question. If any question is answered in the affirmative, provide required documentation as applicable.

Required Attachments for NYC Site Supplement:

- 1. For sites located all or partially in an En-zone: provide a map with the site boundary clearly identified and the En-zone overlay showing that all or a portion of the site is located within an En-zone. This map must also indicate the census tract number in which the site is located. See [DEC's website](#) for additional information.*
- 2. For affordable housing projects: provide the affordable housing regulatory agreement and any additional relevant information.*
- 3. For renewable energy site projects: for (a) planned renewable energy facilities generating/storing less than twenty-five (25) megawatts, provide a local land use approval; or, for (b) planned renewable energy facilities generating/storing twenty-five (25) megawatts or greater, provide the permit issued by the NYS Office of Renewable Energy Siting.*
- 4. For sites located within a disadvantaged community and a conforming Brownfield Opportunity Area: provide a map with the site boundary clearly identified and the disadvantaged community overlay showing that the site is located within a disadvantaged community.*

PART II: BROWNFIELD CLEANUP PROGRAM AMENDMENT

The information in the “EXISTING AGREEMENT INFORMATION” section should auto-populate with the information provided on page 2.

If a new requestor is applying to enter the program, provide the required information and signature at the bottom of page 8 and the required information and signature on page 9.

If no new requestor is applying to the program but any other change has been made, provide the required information and signature on page 9.

ATTACHMENT 1

COPY OF CHANGE OF USE FORM - SUBMITTED 11/6/24

**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: Pelham House **DEC Site ID No.** C360233

II. Contact Information of Person Submitting Notification:

Name: Adam Stolorow - Sive, Paget & Riesel PC
Address1: 560 Lexington Avenue, 15th Floor
Address2: New York, NY 10022
Phone: (646) 378-7256 E-mail: astolorow@gmail.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): Dec 13, 2024**IV. Description:** Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

Ownership of Lot 19 will be transferred from the Village of Pelham to Pelham Green 2 LLC and ownership of Lot 24 will be transferred from the Village of Pelham First Fire District to Pelham Green 2 LLC.

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

- V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name: _____
(Signature) _____ (Date)

Mallory Warner

(Print Name)

Address1: c/o Hudson Companies, 826 Broadway, 11th Floor
Address2: New York, NY 10003
Phone: (212) 777-9500 E-mail: mwarner@hudsoninc.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: Pelham Green 2 LLC
Address1: c/o Hudson Companies, 826 Broadway, 11th Floor
Address2: New York, NY 10003
Phone: (212) 777-9500 E-mail: mwarner@hudsoninc.com

Certifying Party Name: _____
Address1: _____
Address2: _____
Phone: _____ E-mail: _____

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

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

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

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

Name: _____
(Signature)

(Date)

Mallory Warner

(Print Name)

Address1: c/o Hudson Companies, 826 Broadway, 11th Floor

Address2: New York, NY 10003

Phone: (212) 777-9500 E-mail: mwarner@hudsoninc.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: _____



Instructions for Completing the 60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion (CoC), and/or Ownership Form

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

Section I

Description

Site Name

Official DEC site name.
(see <http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3>)

DEC Site ID No.

DEC site identification number.

Section II

Contact Information of Person Submitting Notification

Name

Name of person submitting notification of site change of use, transfer of certificate of completion and/or ownership form.

Address1

Street address or P.O. box number of the person submitting notification.

Address2

City, state and zip code of the person submitting notification.

Phone

Phone number of the person submitting notification.

E-mail

E-mail address of the person submitting notification.

Section III

Type of Change and Date

Check Boxes

Check the appropriate box(s) for the type(s) of change about which you are notifying the Department. Check all that apply.

Proposed Date of Change

Date on which the change in ownership or remedial party, transfer of CoC, or other change is expected to occur.

Section IV

Description

Description

For each change checked in Section III, describe the proposed change.
Provide all applicable maps, drawings, and/or parcel information.
If "Other" is checked in Section III, explain how the change may affect the site's proposed, ongoing, or completed remedial program at the site.
Please attach additional sheets, if needed.

Section V Certification Statement

This section must be filled out if the change of use results in a change of ownership or responsibility for the proposed, ongoing, or completed remedial program for the site. When completed, it provides DEC with a certification that the prospective purchaser has been provided a copy of any order, agreement, or State assistance contract as well as a copy of all approved remedial work plans and reports.

Name	The owner of the site property or their designated representative must sign and date the certification statement. Print owner or designated representative's name on the line provided below the signature.
Address1	Owner or designated representative's street address or P.O. Box number.
Address2	Owner or designated representative's city, state and zip code.
Phone	Owner or designated representative's phone number.
E-Mail	Owner or designated representative's E-mail.

Section VI Contact Information for New Owner, Remedial Party, and CoC Holder (if a CoC was issued)

Fill out this section only if the site is to be sold or there will be a new remedial party. Check the appropriate box to indicate whether the information being provided is for a Prospective Owner, CoC Holder (if site was ever issued a COC), Prospective Remedial Party, or Prospective Owner Representative. Identify the prospective owner or party and include contact information. A Continuation Sheet is provided at the end of this form for additional owner/party information.

Name	Name of Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.
Address1	Street address or P.O. Box number for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.
Address2	City, state and zip code for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.
Phone	Phone number for the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.
E-Mail	E-mail address of the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.

If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/EC), indicate who will be the certifying party(ies). Attach additional sheets, if needed.

Certifying Party

Name Name of Certifying Party.

Address1 Certifying Party's street address or P.O. Box number.

Address2 Certifying Party's city, state and zip code.

Phone Certifying Party's Phone number.

E-Mail Certifying Party's E-mail address.

Section VII Agreement to Notify DEC After Property Transfer/Sale

This section must be filled out for all property transfers of all or part of the site. If the site also has a CoC, then the CoC shall be transferred using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>

Filling out and signing this section of the form indicates you will comply with the post transfer notifications within the required timeframes specified on the form. If a CoC has been issued for the site, the DEC will allow 30 days for the post transfer notification so that the "Notice of CoC Transfer Form" and proof of it's filing can be included. Normally the required post transfer notification must be submitted within 15 day (per 375-1.11(d)(3)(ii)) when no CoC is involved.

Name Current property owner must sign and date the form on the designated lines. Print owner's name on the line provided.

Address1 Current owner's street address.

Address2 Current owner's city, state and zip code.

ATTACHMENT 2
RECORDED DEED

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.



643413388DED0014

Westchester County Recording & Endorsement Page

Submitter Information

Name: Benchmark Title Agency LLC
Address 1: 222 Bloomingdale Road
Address 2:
City/State/Zip: White Plains NY 10605

Phone: 914-250-2400
Fax:
Email: aruano@benchmarkta.com
Reference for Submitter: BTA81925

Document Details

Control Number: **643413388**

Document Type: **Deed (DED)**

Package ID: 2024120600204001004

Document Page Count: **4**

Total Page Count: **6**

Parties

☐ Additional Parties on Continuation page

1st PARTY

1: PELHAM VILLAGE OF
2:

- Other

1: PELHAM GREEN LLC
2:

- Other

2nd PARTY

Property

☒ Additional Properties on Continuation page

Street Address: 217 5TH AVE

Tax Designation: 163.36-2-23

City/Town: PELHAM

Village: PELHAM

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:	\$650,000.00
Transfer Tax:	\$2,600.00
Mansion Tax:	\$0.00
Transfer Tax Number:	6352

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: 01/03/2025 at 08:44 AM

Control Number: **643413388**

Witness my hand and official seal

Timothy C. Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

BENCHMARK TITLE AGENCY
222 BLOOMINGDALE ROAD
SUITE 102
WHITE PLAINS, NY 10605

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.

643413388DED0014

Westchester County Recording & Endorsement Page

Document Details

Control Number: 643413388

Document Type: Deed (DED)

Package ID: 2024120600204001004

Document Page Count: 4

Total Page Count: 6

Properties Addendum

217 5TH AVE 10803

PELHAM

PELHAM

163.36-2-24

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

THIS INDENTURE, made ^{as of} effective the ^{23rd} day of December, 2024

BETWEEN

VILLAGE OF PELHAM, AS SUCCESSOR IN INTEREST TO VILLAGE OF NORTH PELHAM, WHICH MERGED WITH VILLAGE OF PELHAM ON JUNE 1, 1975, as Successor in Interest to First Fire District Town of Pelham, with an address at 195 Sparks Avenue, Pelham, New York 10803

party of the first part, and

PELHAM GREEN LLC, with an address at 826 Broadway, Floor 11, New York, New York 10011

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten and 00/100 (\$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, with the buildings and improvements thereon erected, situate, lying and being in the

SEE ATTACHED SCHEDULE "A"

Being and intended to convey the same premises conveyed to the First Fire District Town of Pelham, Predecessor in Interest to Grantor Herein, by Deed recorded on 12/24/1926 in Liber 2727 Page 377 (as to Parcel I), and the same premises described in Deed recorded on 7/20/1965 in Liber 6526 Cp 134 (as to Parcel II).

SAID premises being known as 217 Fifth Avenue, Pelham, New York 10803 and designated on the tax map as County of Westchester, Section 163.36, Block 2, Lot 23 (Parcel I) and Section 163.36, Block 2, Lot 24 (Parcel II).

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

SUBJECT TO a Parking Easement Agreement, being made and to be recorded simultaneously hereto, affecting the aforesaid Premises.

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

VILLAGE OF PELHAM AS SUCCESSOR IN INTEREST TO VILLAGE OF NORTH PELHAM, WHICH MERGED WITH VILLAGE OF PELHAM ON JUNE 1, 1975, as Successor in Interest to First Fire District Town of Pelham

By: Charles Mulken
Name: Charles Mulken
Title: Mayor

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

State of New York, County of Westchester ss:

On the 17th day of December in the year 2024 before me, the undersigned, personally appeared Chance Mullen 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 A. Russo

(signature and office of individual taking acknowledgment)

TRACY A. RUSSO
Notary Public, State of New York
No. 01RU6364241
Qualified in Westchester County
Commission Expires 9/11/2025

State of New York, County of _____ ss:

On the _____ day of _____ in the year 2024 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

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

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

On the _____ day of _____ in the year 2024 before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

in
(insert the City or other political subdivision)

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

(signature and office of individual taking acknowledgment)

BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. BTA-81925

SECTION	163.36
BLOCK	2
LOT	23 (Parcel I); 24 (Parcel II)
COUNTY OR TOWN	Westchester
STREET ADDRESS	Fifth Avenue

VILLAGE OF PELHAM, as Successor in Interest to
First Fire District Town of Pelham, Grantor, to
PELHAM GREEN LLC, Grantee

RETURN BY MAIL TO:

Andrew Ng
Notary Public, State of New York
Qualified in Queens County
No. 01NG6441578
Commission Expires 09/26/2026

SCHEDULE A

Parcel I: (Tax Lot 163.36-2-23)

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

BEGINNING at a point on the Westerly side of Fifth Avenue, distant 200.86 feet Northerly from the corner formed by the intersection of the Northerly side of Third Street with the Westerly side of Fifth Avenue;

RUNNING THENCE North 70 degrees 29 minutes 03 seconds West 100.22 feet to a stake;

THENCE North 20 degrees 26 minutes 55 seconds East 49.50 feet to a stake;

THENCE South 70 degrees 29 minutes 03 seconds East 100.20 feet to the Westerly side of Fifth Avenue;

THENCE Southerly along the Westerly side of Fifth Avenue South 20 degrees 26 minutes 55 seconds West 49.49 feet to the point or place of **BEGINNING**.

Parcel II: (Tax Lot 163.36-2-24)

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village of Pelham, Town of Pelham, County of Westchester and State of New York, known and designated as the north half of Lot No. 16 on a certain map entitled "Map of Pelhamville, Westchester County, N.Y.", made by William Bryson, C.E. dated August 4, 1851, and filed in the Office of the County Clerk, Division of Land Records, formerly Register's Office of Westchester County, New York, on September 1, 1851, as Map No. 205, which lot is more particularly bounded and described as follows:

BEGINNING at a point on the Westerly side of Fifth Avenue, distant 100.15 feet Southerly from the corner formed by the intersection of the Westerly side of Fifth Avenue with the Southerly side of Lincoln Avenue;

THENCE Southerly and along the Westerly side of said Fifth Avenue, South 20 degrees 26 minutes 55 seconds West 50 feet to the center line of said Lot 164;

THENCE North 70 degrees 29 minutes 03 seconds West 100.20 feet;

THENCE North 20 degrees 26 minutes 55 seconds East 50.00 feet;

THENCE South 70 degrees 29 minutes 10 seconds East, 100.20 feet to the point and place 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.



643413398DED0015

Westchester County Recording & Endorsement Page

Submitter Information

Name: Benchmark Title Agency LLC Phone: 914-250-2400
Address 1: 222 Bloomingdale Road Fax:
Address 2: Email: aruano@benchmarkta.com
City/State/Zip: White Plains NY 10605 Reference for Submitter: BTA81925

Document Details

Control Number: **643413398** Document Type: **Deed (DED)**
Package ID: 2024120600204001004 Document Page Count: **3** Total Page Count: **5**

Parties

☐ Additional Parties on Continuation page

1st PARTY

1: PELHAM GREEN LLC - Other
2:

2nd PARTY

1: PELHAM GREEN 2 LLC - Other
2:

Property

☒ Additional Properties on Continuation page

Street Address: 217 5TH AVE Tax Designation: 163.36-2-23
City/Town: PELHAM Village: PELHAM

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: \$0.00
Transfer Tax: \$0.00
Mansion Tax: \$0.00
Transfer Tax Number: 6353

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: 01/03/2025 at 08:44 AM
Control Number: **643413398**
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

BENCHMARK TITLE AGENCY
222 BLOOMINGDALE ROAD
SUITE 102
WHITE PLAINS, NY 10605

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.

643413398DED0015

Westchester County Recording & Endorsement Page

Document Details

Control Number:	643413398	Document Type:	Deed (DED)		
Package ID:	2024120600204001004	Document Page Count:	3	Total Page Count:	5

Properties Addendum

217 5TH AVE 10803	PELHAM	PELHAM	163.36-2-24
- 5TH AVE 10803	PELHAM	PELHAM	163.36-2-19

BTA81925
Westchester
Section 163.36
Block 2
Lot 23, 24, 19

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

THIS INDENTURE, made effective the 29th day of December, 2024

BETWEEN

PELHAM GREEN LLC with an address at 826 Broadway, Floor 11, New York, New York 10011

party of the first part, and

PELHAM GREEN 2 LLC, with an address at 826 Broadway, Floor 11, New York, New York 10011

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten and 00/100 (\$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, with the buildings and improvements thereon erected, situate, lying and being in the

SEE ATTACHED SCHEDULE "A"

BEING AND INTENDED TO CONVEY THE SAME PREMISES:

- a. Conveyed to the First Fire District Town of Pelham, Predecessor-in-interest to the Village of Pelham, by Deed recorded on 12/24/1926 in Liber 2727 Page 377 (as to Parcel I), and the same premises described in the Deed recorded on 7/20/1965 in Liber 6526 Cp 134 (as to Parcel II); and then conveyed by the Village of Pelham, as Successor in Interest to Village of North Pelham, which merged with Village of Pelham on June 1, 1975, as Grantor, to Pelham Green, LLC, as Grantee, now being the Grantor herein, by Deed dated December 17, 2024 and to be recorded immediately prior hereto; and
- b. Conveyed by the Village of Pelham, as Successor in Interest to Village of North Pelham, which merged with Village of Pelham on June 1, 1975, as Grantor, to Pelham Green, LLC, as Grantee, now being the Grantor herein, by Deed dated June 13, 2023 and recorded at Control No. 630303429 on June 22, 2023 (as to Parcel III)

SAID premises being known as 217 Fifth Avenue, Pelham, New York 10803 and designated on the tax map as County of Westchester, Section 163.36, Block 2, Lot 23 (Parcel I) and Section 163.36, Block 2, Lot 24 (Parcel II); and being known as Fifth Avenue, Pelham, New York 10803 and designated on the tax map of the County of Westchester as Section 163.36, Block 2, Lot 19 (Parcel III).

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

SUBJECT TO a Parking Easement Agreement made between Pelham Green LLC, as Grantor, and the Village of Pelham, as Grantee, affecting the aforesaid Premises, and to be recorded prior to the recording of this Deed.


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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

PELHAM GREEN LLC

By: 
Name: Joseph Riggs
Title: Authorized Signatory

Benchmark Title Agency, LLC

Title No. BTA81925

SCHEDULE A

COMPOSITE DESCRIPTION:

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

BEGINNING at the corner formed by the intersection of the Westerly side of Fifth Avenue and the Northerly side of Third Street;

THENCE Westerly along the Northerly side of Third Avenue, North 70 degrees 29 minutes 05 seconds West, 200.40 feet to the Easterly side of Fourth Avenue;

THENCE Northerly along the Easterly side of Fourth Avenue, North 20 degrees 26 minutes 55 seconds East, 325.46 feet to a point;

THENCE South 70 degrees 29 minutes 05 seconds East, 100.20 feet to a point;

THENCE South 20 degrees 26 minutes 55 seconds West, 25.11 feet to a point;

THENCE South 70 degrees 29 minutes 10 seconds East, 100.20 feet to the Westerly side of Fifth Avenue;

THENCE Southerly along the Westerly side, South 20 degrees 26 minutes 55 seconds West, 99.49 feet to a point;

THENCE North 70 degrees 29 minutes 03 seconds West, 100.22 feet to a point;

THENCE South 20 degrees 26 minutes 55 seconds West, 100.86 feet to a point;

THENCE South 70 degrees 29 minutes 03 seconds East, 100.20 feet to the Westerly side of Fifth Avenue;

THENCE along the same South 20 degrees 26 minutes 55 seconds West, 100.00 feet to the point or place of **BEGINNING**.

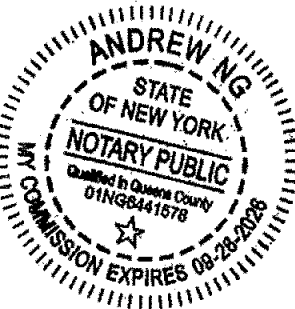
TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of New York ss:

State of New York, County of _____ ss:

On the 14th day of December in the year 2024 before me, the undersigned, personally appeared Joseph Kahl Riggs personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

On the _____ day of _____ in the year 2024 before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



(signature and office of individual taking acknowledgment)

(signature and office of individual taking acknowledgment)

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

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

ss:

On the _____ day of _____ in the year 2024 before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

in
(insert the City or other political subdivision)

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

(signature and office of individual taking acknowledgment)

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

Title No.

PELHAM GREEN LLC TO PELHAM GREEN 2 LLC

SECTION
BLOCK
LOT

163.36
2
23 (Parcel I)
24 (Parcel II)
19 (Parcel III)

COUNTY OR TOWN
STREET ADDRESS

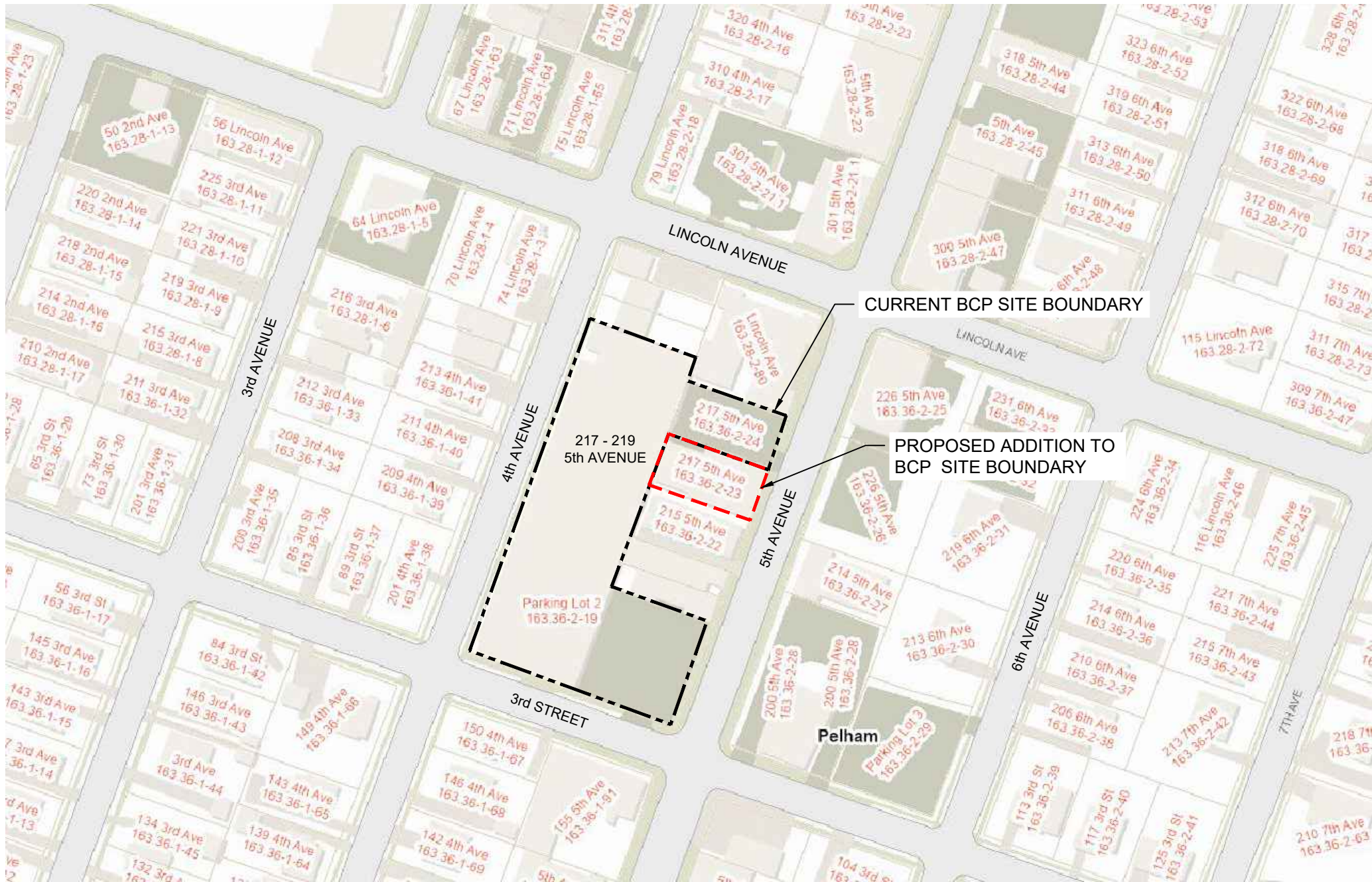
Westchester
Fifth Avenue

RETURN BY MAIL TO:

Benchmark Title Agency, LLC
222 Bloomingdale Road, Suite 102
White Plains, NY 10605

ATTACHMENT 3
SITE PLAN SHOWING NEW SITE BOUNDARY

N:\ACAD\12335\CAD\12335 - FIG 2-2 SITE LOCATION PLAN.DWG 07/10/24 01:06:21PM, alan.ward, LAYOUT:FIG 2.1 SITE



REFERENCE

1. EXIST CONDITIONS & TAX BOUNDARY ARE TAKEN FROM "WESTCHESTER COUNTY GEOGRAPHIC INFORMATION SYSTEM" MUNICIPAL TAX PARCEL VIEWER, DATA: 2021.

LEGEND:

- - - - - CURRENT BCP SITE BOUNDARY
- - - - - PROPOSED ADDITION TO BCP SITE BOUNDARY

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dwg by: AW
chk by: JS
scale: NTS
date: 07/10/2024

SESI CONSULTING ENGINEERS

GEOTECHNICAL | ENVIRONMENTAL | SITE CIVIL
959 route 46e, 3rd floor, parsippany, nj 07054 ph: 973.808.9050

BCP SITE No. C360233
217-219 5TH AVENUE
PELHAM, NY 10803

SITE PLAN

project:

title:

job no: 12335
drawing no:

FIG-1

ATTACHMENT 4
SITE INVESTIGATION SAMPLING RESULTS FOR LOT 23

N:\ACAD\12335\CAD\BCP_C360233 DRAWINGS\12335.DWG LOT 23 SOIL SAMP PLAN.DWG 01/16/25 01:13:28PM, alan.ward, LAYOUT:SOIL (FIG-1)

Compound	RRSCO	USCO
VOCs		
Acetone	100	0.05
SVOCs		
Benzo(a)anthracene	1	1
Benzo(a)pyrene	1	1
Benzo(b)fluoranthene	1	1
Benzo(k)fluoranthene	3.9	0.8
Chrysene	3.9	1
Dibenzo(a,h)anthracene	0.33	0.33
Indeno(1,2,3-cd)pyrene	0.5	0.5
METALS		
Nickel	310	30

Notes
All units in mg/kg
USCO: NYSDEC Unrestricted Soil Cleanup Objective
RRSCO: NYSDEC Restricted Residential Soil Cleanup Objective
fbgs: Feet below ground surface
VOC: Volatile organic compounds
SVOC: Semi-volatile organic compounds
Values highlighted in yellow exceed NYSDEC USCOs.
Values highlighted in red exceed NYSDEC RRSCOs.

NYS Education Law
Unauthorized alterations or additions to this plan are a violation of section 7209 (2) of the New York State Education Law. Copies of this map not having the seal of the engineer shall not be valid.

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SAMPLE ID:	FH-5
COLLECTION DATE:	6/13/2024
SAMPLE MATRIX:	Soil
SAMPLE DEPTH (fbgs):	12.0 to 12.5
ANALYTE Results (m g/kg)	
VOCs	
Acetone	0.13

SAMPLE ID:	FH-6
COLLECTION DATE:	6/13/2024
SAMPLE MATRIX:	Soil
SAMPLE DEPTH (fbgs):	12.0 to 12.5
ANALYTE Results (m g/kg)	
VOCs	
Acetone	0.12

SAMPLE ID:	FH-7 (0.5-1)
COLLECTION DATE:	12/26/2024
SAMPLE MATRIX:	Soil
SAMPLE DEPTH (ft below slab):	0.5 to 1.0
ANALYTE Results (m g/kg)	
VOCs	
Acetone	0.11

SAMPLE ID:	FH-8 (0.5-1)
COLLECTION DATE:	12/26/2024
SAMPLE MATRIX:	Soil
SAMPLE DEPTH (ft below slab):	0.5 to 1.0
ANALYTE Results (m g/kg)	
SVOCs	
Benzo(a)anthracene	8.7
Benzo(a)pyrene	8.3
Benzo(b)fluoranthene	12
Benzo(k)fluoranthene	2.6
Chrysene	7.3
Dibenzo(a,h)anthracene	1.1
Indeno(1,2,3-cd)pyrene	5.2

SAMPLE ID:	FH-8 (5-5.5)
COLLECTION DATE:	12/26/2024
SAMPLE MATRIX:	Soil
SAMPLE DEPTH (ft below slab):	5.0 to 5.5
ANALYTE Results (m g/kg)	
VOCs	
Acetone	0.11

SAMPLE ID:	FH-1
COLLECTION DATE:	6/12/2024
SAMPLE MATRIX:	Soil
SAMPLE DEPTH (fbgs):	12.0 to 12.5
ANALYTE Results (m g/kg)	
VOCs	
Acetone	0.091

SAMPLE ID:	FH-11 (0.5-1)
COLLECTION DATE:	12/26/2024
SAMPLE MATRIX:	Soil
SAMPLE DEPTH (ft below slab):	0.5 to 1.0
ANALYTE Results (m g/kg)	
METALS	
Nickel	86.8

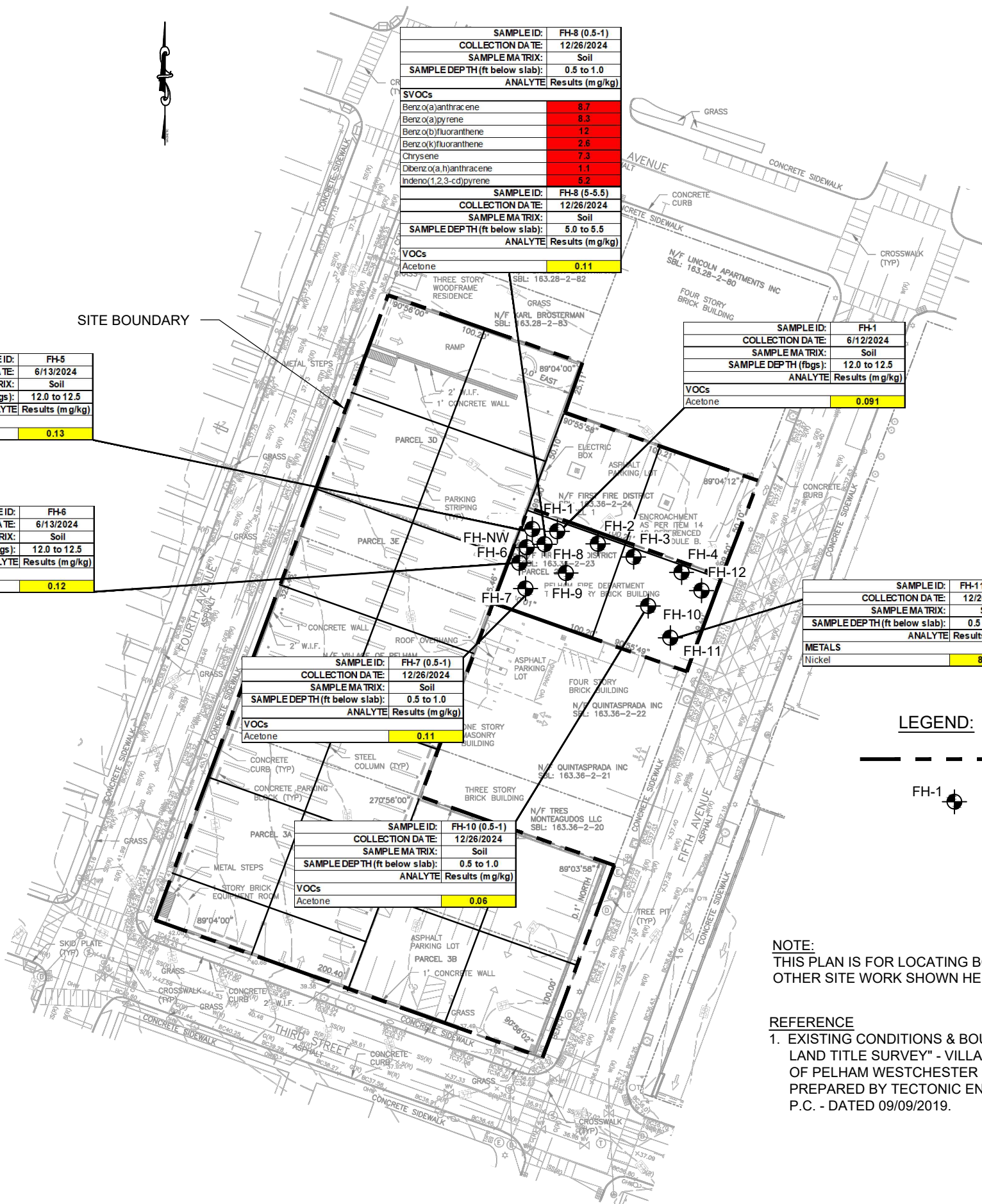
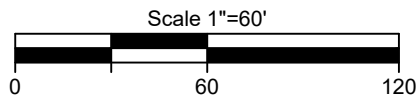
LEGEND:

- SITE BOUNDARY
- FH-1 - APPROXIMATE SOIL SAMPLE LOCATION AND NUMBER

NOTE:
THIS PLAN IS FOR LOCATING BORINGS ONLY.
OTHER SITE WORK SHOWN HERE IS NOT INTENDED FOR CONSTRUCTION.

REFERENCE

- EXISTING CONDITIONS & BOUNDARY ARE TAKEN FROM "ALTA/ACSM LAND TITLE SURVEY" - VILLAGE OF PELHAM FOURTH AVENUE VILLAGE OF PELHAM WESTCHESTER COUNTY, NEW YORK - DRAWING NO. SU-101 - PREPARED BY TECTONIC ENGINEERING & SURVEYING CONSULTANTS P.C. - DATED 09/09/2019.



dwg by: AMW
chk by: JS
scale: AS NOTED
date: 01/16/2025

SESI CONSULTING
ENGINEERS

GEOTECHNICAL | ENVIRONMENTAL | SITE CIVIL
959 route 46e, 3rd floor, parsippany, nj 07054 ph: 973.808.9050

project: BCP SITE No.C360233
FOURTH AVENUE
VILLAGE OF PELHAM
WESTCHESTER COUNTY, NEW YORK

title: LOT 23 SOIL SAMPLE LOCATION AND
RESULTS PLAN

job no: 12335
drawing no:

FIG-1

N:\ACAD\12335\CAD\BCP_C360233 DRAWINGS\12335.DWG LOT 23 GW SAMP PLAN.DWG 01/16/25 01:17:16PM, dlan.ward, LAYOUT:GW (FIG-2)

Compound	NY-AWQS
PFAS	
Perfluorooctanoic Acid (PFOA)	0.0067
Perfluorooctanesulfonic Acid (PFOS)	0.0027
SVOCs	
Phenol	1
Benzo(a)anthracene	0.002
Benzo(a)pyrene	0
Benzo(b)fluoranthene	0.002
Benzo(k)fluoranthene	0.002
Chrysene	0.002
Indeno(1,2,3-cd)pyrene	0.002
Total Metals	
Antimony, Total	3
Arsenic, Total	25
Barium, Total	1000
Beryllium, Total	3
Cadmium, Total	5
Chromium, Total	50
Copper, Total	200
Iron, Total	300
Lead, Total	25
Magnesium, Total	35000
Manganese, Total	300
Mercury, Total	0.7
Nickel, Total	100
Selenium, Total	10
Sodium, Total	20000
Thallium, Total	0.5
Zinc, Total	2000

Notes

All units in ug/l

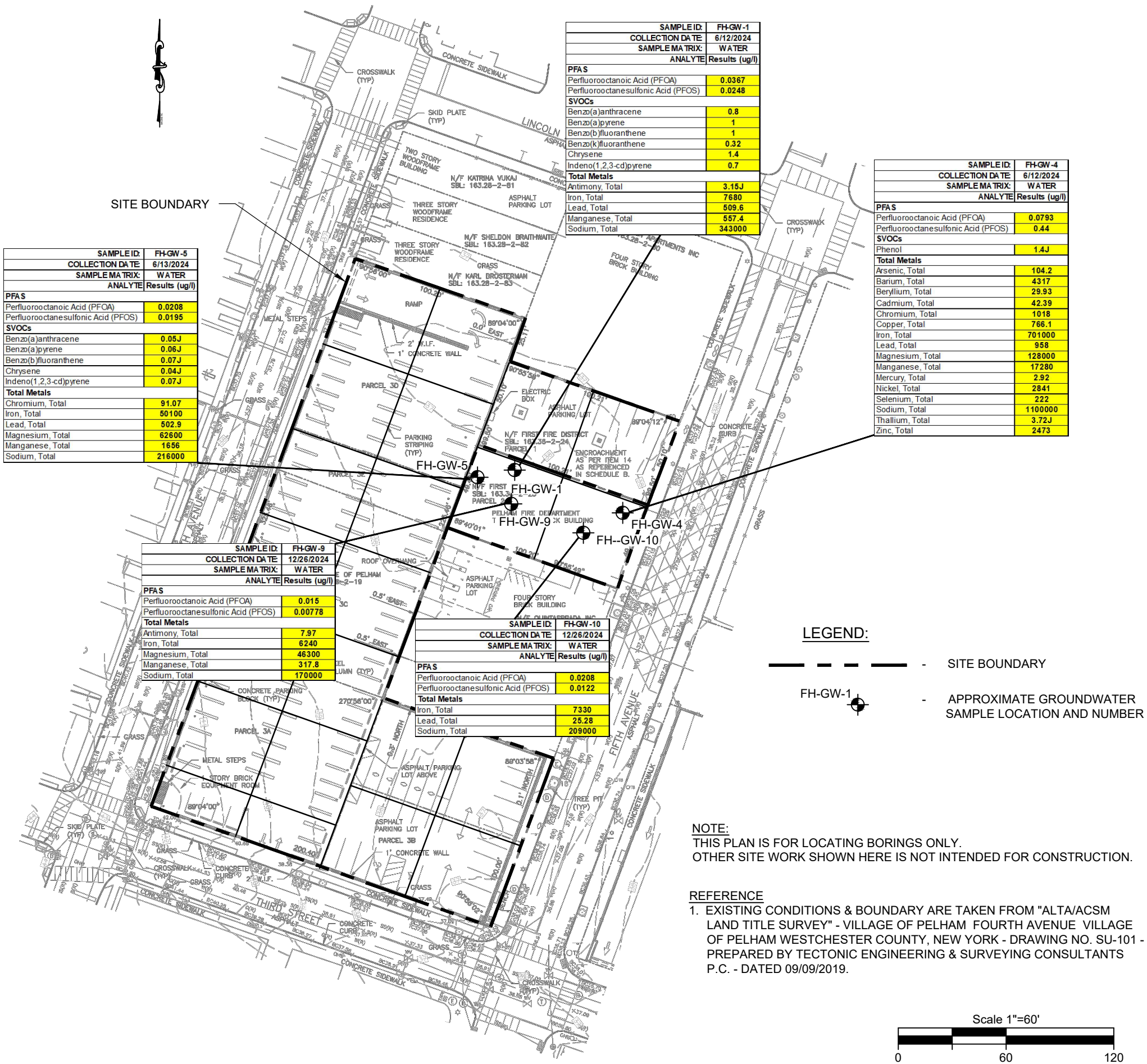
NY-AWQS: NYSDEC Ambient Water Quality Standards

NYS Education Law

Unauthorized alterations or additions to this plan are a violation of section 7209 (2) of the New York State Education Law. Copies of this map not having the seal of the engineer shall not be valid.

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dwg by: AMW
chk by: JS
scale: AS NOTED
date: 01/16/2025

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GEOTECHNICAL | ENVIRONMENTAL | SITE CIVIL
959 route 46e, 3rd floor, parsippany, nj 07054 ph: 973.808.9050

project: BCP SITE No. C360233
FOURTH AVENUE
VILLAGE OF PELHAM
WESTCHESTER COUNTY, NEW YORK

title: LOT 23 GROUNDWATER SAMPLE
LOCATION AND RESULTS PLAN

job no: 12335
drawing no:

FIG-2

ATTACHMENT 5
LOT MERGER DOCUMENTATION

Chance Mullen
Mayor



Christopher Scelza
Village Administrator

January 22, 2025

Via Electronic Mail

Joseph Battaglia
Town of Pelham Town Assessor
34 Fifth Avenue
Pelham, NY 10803

Re: Approval to Apportion or Consolidate Property

Dear Mr. Battaglia:

In accordance with the Procedure for Apportionment or Consolidation issued by your office, I am writing to inform you that the Village of Pelham has approved a Site Plan Application by Pelham Green, LLC last revised as of July 2022, which included a request for a merger of the 1.2-acre site designated as Section 163.3, Block 2, Lots 19, 23 and 24 on the Town of Pelham Tax Map, pursuant to Village Code section 98-135.1. A copy of the Resolution approving the Site Plan and lot merger is attached to this letter.

Please feel free to contact me with any questions, or if I may be of any assistance.

Very truly yours,

Christopher Scelza
Village Administrator

Item # 12 – Resolution Approving Zoning and Site Plan Application for Pelham Green, LLC. at 201 Fifth Avenue (Inclusion in the Business District Floating Zone in Accordance with § 98-106.3, Site Plan in Accordance with § 79-5, and Lot Merger in Accordance with § 98-135.1)

Whereas, the Board of Trustees of the Village of Pelham (the "Board of Trustees") has found and determined that encouraging mixed-use projects within the Village's downtown core will activate street life in the Village of Pelham (the "Village"), enhance walkability, promote the Village's culture, enhance the real property tax base, and better utilize existing public services; that there are opportunities within the Village's downtown core to use vacant and underutilized property more efficiently to reinvigorate the Village's downtown area; that creating incentives for higher density development within the Village's downtown core will be more cost-effective because it will use infrastructure that already exists and thereby avoid the need to create additional costly infrastructure; and that those incentives will allow for development within the Village's downtown core that will preserve, complement and be compatible with the character, massing, and scale of adjacent residential land uses; and

Whereas, in the furtherance of those purposes the Board of Trustees adopted § 98-106.3, the Business District Floating Zone ("BDFZ"), which authorizes the Board of Trustees to permit and grant site plan approval for proposed developments that comply with the requirements of the BDFZ; and

Whereas, to continue implementing the recommendations within the Village's Comprehensive Plan, the Board of Trustees proposed several projects, the "Downtown Restoration Initiatives," aimed at restoring and reinvigorating community services in the downtown, and

Whereas, to address essential municipal services that are deteriorating and in critical need of restoration, the Downtown Restoration Initiatives included the need to construct a new municipal center to consolidate a new fire station, police station, and Village Hall; and

Whereas, on December 7, 2018, Pelham House, LLC ("Pelham House") responded to a Request for Proposal issued by the Board of Trustees to create a master land use plan that would redevelop several Village-owned properties along the Fifth Avenue commercial corridor and would provide for the construction of a consolidated municipal services facility, i.e., fire station, police station, village hall, and municipal parking, along with a mixed-use, transit-oriented development project, and

Whereas, on March 29, 2019, the Board of Trustees selected Pelham House as the preferred developer, and the Village and Pelham House agreed to proceed with the construction of a new municipal center and a privately sponsored mixed-use project subject to the terms and conditions of a certain Disposition Agreement, dated as of January 7, 2021 (the "Disposition Agreement") and entered into by the Village and Pelham Local Development Corporation ("LDC"), and a certain Land Development Agreement ("LDA"); and

Whereas, the cornerstone of this public-private venture is the construction of an approximately 27,545 square foot municipal center to house fire, police, and Village administrative services at the former Capital One Bank Building site at 200 Fifth Avenue; and

Whereas, on June 14, 2022, Pelham House submitted a request to the Village and LDC to designate Pelham Green LLC ("Pelham Green") as an Eligible Transferee, as defined within the LDA, for purposes of allowing Pelham House to assign the Project and its interests in the LDA to Pelham Green (collectively, the "Assignment"); and

Whereas, on August 10, 2022, the LDC approved the Assignment, and the LDA, Pelham House and Pelham Green executed and delivered a certain Assignment and Assumption Agreement (with acknowledgment by the Village), dated as of September 8, 2022 (the "Assignment Agreement"); and

Whereas, in consideration for Pelham Green's assumption of all obligations under the LDA, including the commitment for construction of the new municipal building, the LDA contemplates that two parcels of Village-owned property will be transferred through the LDC to Pelham Green in two phases (the "Dispositions"), including (i) the Village Fire House at 217 Fifth Avenue (Section 163.3, Block 2, Lots 23 and 24); and (ii) the Village parking lot on the corner of Third Street and Fifth Avenue and the parking deck on the corner of Third Street and Fourth Avenue (Section 163.3, Block 2 Lot 19) ("collectively, the "Site"), and

Whereas, Pelham Green proposes to construct a mixed-use development on the 1.2-acre Site in the form of a 5-story building containing 127 residential units consisting of four (4) studio units, 53 one-bedroom units, 64 two-bedroom units and six (6) 3-bedroom units, together with approximately 5,000 square feet of commercial space on the first floor of the building fronting on Fifth Avenue, together with related amenities; and

Whereas, one hundred twenty-one (121) of the units will be market rate and six (6) will be workforce housing affordable to households making up to 80 percent of the Average Median Income (AMI); and

Whereas, Pelham Green will include on the Site two hundred twenty (220) parking spaces, sixty (60) of which will be made available to the Village in perpetuity for municipal use through an easement; and

Whereas, the Downtown Restoration Initiatives were classified as a Type I Action, as defined pursuant to Article 8 of the Environmental Conservation Law and related regulations, collectively referred to as the State Environmental Quality Review Act (collectively herein, "SEQRA"); and

Whereas, the Board of Trustees designated itself lead agency pursuant to SEQRA and prepared a Generic Environmental Impact Statement ("GEIS") for the Downtown Restoration Initiatives which disclosed all pertinent information, and weighed and balanced the relevant environmental impacts with social economic, and other considerations for the Board of Trustees to conclude that potential adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating relevant mitigation measures that were identified as practicable in the GEIS, and

Whereas, on July 26, 2022, the Board of Trustees adopted a certain Environmental Findings Statement pursuant to SEQRA, (the "SEQRA Findings Statement"), and

Whereas, the development of the Pelham Green Site was one of the projects included in the Downtown Restoration Initiatives that was included in the GEIS; and

Whereas, in accordance with the requirements of chapter 79 of the Code of the Village of Pelham (the Village Code"), which governs site plan approval, § 79-5, a formal application for the approval of a site plan titled "Pelham House" (the predecessor of Pelham Green) prepared by Marvel Architects ("Marvel"), dated June 4, 2021, and last revised July 2022, to be located at 217 Fifth Avenue and designated as Section 163.3, Block 2, Lots 19, 23 and 24 on the Village of Pelham Tax Map, was submitted to the Board of Trustees (the "site plan approval application"); and

Whereas, on June 4, 2021, in the site plan approval application, Pelham House (the predecessor of Pelham Green) sought to develop the Village-owned property in accordance with the requirements and standards established by Village Code § 98-106.3 and the BDFZ; and

Whereas, pursuant to § 98-135.1 of the Village Code and § 7-728 of the New York State Village Code, which govern required approvals for a subdivision, “[n]o person may offer for sale a lot that was not defined as a separate parcel of land on the Tax Map of the Village of Pelham on April 1, 2016, without first obtaining the approval of the Board of Trustees for a subdivision plat in the manner provided by Article 7 of the Village Law” and “[n]o permit for the construction of any building on any lot in a proposed subdivision may be issued unless the subdivision has been duly approved by the Board of Trustees, the plat has been duly filed in the office of the County Clerk and the street or highway giving access to the lot has been suitably improved to the satisfaction of the Board of Trustees or a performance bond as required by the Board of Trustees has been duly filed with the Board of Trustees;” and

Whereas, Pelham Green has requested a merger of the 1.2-acre Site designated as Section 163.3, Block 2, Lots 19, 23 and 24 on the Village of Pelham Tax Map that pursuant to Village Code § 98-135.1, and

Whereas, pursuant to § 79-5 of the Village Code, in considering the site plan approval. application, the Board of Trustees is required to take into consideration the public health, safety and general welfare and the comfort and convenience of the public in general and of the residents or users of the proposed Pelham House development and the immediate neighborhood and prescribe conditions with regard to achieving the stated objectives, and

Whereas, the development site is located in the Residential-M and Business-1 zoning districts; and

Whereas, pursuant to the LDA, Pelham Green is authorized to apply for permits and approvals necessary to develop the three Village-owned parcels and to bind Pelham Green to all of the conditions and requirements that will be imposed if that site plan application is approved; and

Whereas, Pelham House (the predecessor to Pelham Green) previously submitted to the Village Building Inspector a declaration of intent to develop accompanied by the requisite documents and information; and

Whereas, Pelham House (the predecessor to Pelham Green) submitted a formal and complete proposed site plan application prepared by Marvel dated April 7, 2021 (“100% Schematic Design Package”) revised on March 3, 2019 (“BDFZ Submission 1”), April 7, 2021 (“BDFZ Submission 2”), and last revised July 16, 2022 (“Design Development Package”), pursuant to Chapter 79 of the Village Code, showing a proposed development and use of the property; and

Whereas, Pelham House (the predecessor to Pelham Green) previously provided notice of the site plan application to all property owners contiguous to the development site in accordance with § 79-6 of the Village Code; and

Whereas, Pelham Green has submitted the fees required in accordance with the fee schedule promulgated pursuant to § 34-23 of the Village Code; and

Whereas, Pelham Green has agreed to accommodate the relocation of certain wireless devices and equipment (the “Wireless Equipment”) that is presently located on the Village fire house building at 217 Fifth Avenue (the “firehouse”) pursuant to leases between the Village and certain wireless communications companies (the “wireless carriers”), and to negotiate the modification of leases with the wireless carriers under which the Wireless Equipment will be permanently located on the mixed-used building to be constructed on the development site; and

Whereas, the existing Village firehouse was constructed by the A.C.G. Fletcher in 1927 and is eligible for listing in the National Register of Historic Places, and

Whereas, pursuant to a site visit to the firehouse on September 1, 2021 by Stephen Tilly, Principal of Stephen Tilly, Architect, the structural condition of the existing firehouse was found to be "poor" and not viable to be rehabilitated or adaptively reused; and

Whereas, Pelham Green will document the history of the volunteer fire-fighting company and their members, as well as the firehouse's historic use for community purposes with an on-site marker and photographs, and written descriptions documenting and memorializing historic elements of the Fire House in archival form pursuant to the guidance from the NY State Historic Preservation Office ("SHPO"); and

Whereas, in July 2022, Pelham House (the predecessor to Pelham Green) engaged the services of SESI Consulting Engineers to perform a geotechnical investigation to evaluate potential foundation design parameters; and

Whereas, as part of the geotechnical investigation SESI evaluated subsurface soil conditions and discovered the presence of metals and chemical contaminants that exceeded NYS Department of Environmental Conservation (NYSDEC) Unrestricted Use Soil Cleanup Objectives (USCOs), Residential Soil Cleanup Objectives (RSCOs), Restricted Residential Cleanup Objectives (RRSCOs), and the NYSDEC Soil Screening Levels for emerging contaminants (NYSDEC Guidelines for Sampling and Analysis of PFAS Under NYSDEC's Part 375 Remedial Programs, June 2021; and

Whereas, Pelham Green intends to submit an application to enter into the Brownfield Cleanup Program (BCP) to defray the costs for the site cost associated with the poor soil conditions on the site; and

Whereas, Pelham Green shall commit to removing the contaminated soil and remediating the Site to levels acceptable for residential use per NYSDEC criteria; and

Whereas, Pelham House (the predecessor to Pelham Green) has submitted the following documents and plans in support of the site plan approval application:

- Cover letter from David Cooper, Esq to Hon. Chance Mullen, Mayor of the Village of Pelham and the members of the Board of Trustees, dated July 11, 2022.
- The site plan application and declaration of intent to develop, prepared by Marvel and dated March 3, 2019, April 7, 2021 and last revised July 16, 2022, unless otherwise noted:
 - T-001, Title
 - G-015, Abbreviations and Symbols
 - G-030, Survey, prepared by Tectonic Engineering, dated February 23, 2022
 - G-031, Context Photos
 - G-032, Vicinity Plan
 - G-033, Shadow Studies, dated February 23, 2022, and last revised March 16, 2022
 - G-034, Shadow Studies, dated February 23, 2022, and last revised March 16, 2022
 - Z-000, Zoning Map, Tax Map, Flood Map
 - Z-001, Zoning- Analysis, Plot Plan, Diagrams
 - Z-002, Zoning – Heights and Setbacks
 - Z-003, Zoning – Parking
 - Z-050, Gross Floor Areas
 - A-000, Site Plan
 - A-090, Unit Mix Summary & Key Plans, dated March 16, 2022

- A-100, Cellar Floor Plan
- A-102, 1st Floor Plan
- A-103, 2nd Floor Plan
- A-103, 3rd Floor Plan
- A-104, 4th Floor Plan
- A-105, 5th Floor Plan
- A-106, Roof Floor Plan
- A-201A, Ground Floor RCP, dated March 16, 2022
- A-310, Building Elevations, dated March 16, 2022
- A-311, Building Elevations, dated March 16, 2022
- A-330, Building Sections
- A-331, Building Sections
- C-101, General Notes and Legends
- C-102, Site Plan
- C-103, Grading and Drainage Plan
- C-104, Erosion & Sediment Control Plan
- C-105, Utility Plan
- C-201, Details
- C-202, Details
- C-203, Details
- C-204, Details
- L-100, Ground Floor Landscaping Plan, dated March 16, 2022
- Full Environmental Assessment Form, Part 1, prepared by BFJ Planning, dated June 16, 2021, and last revised July 8, 2022, with the following additional materials:
 - Pelham Fire House Site Visit Report and Assessment, prepared by Stephen Tilly, Architect.
 - Pelham House School Age Children Generation, prepared by BFJ Planning
 - SHPO Correspondence, dated July 27, 2021.
- Traffic Impact Study, Wolfs Lane/Fifth Avenue, prepared by MASER Consulting P.A. for Excelsior Housing Group, LLC, dated September 9, 2019
- SWPPP Stormwater Pollution Prevention Plan, prepared by Tectonic Engineers, Geologists and Land Surveyors, dated March 2022, and last revised July 2022
- Phase I Environmental Site Assessment, 217-219 5th Avenue, Pelham NY, prepared by Hillman Consulting, LLC, dated April 23, 2020
- Phase II Environmental Site Assessment Report for Proposed Mixed-Use Development, 5th Avenue, Pelham, New York, prepared for Pelham House LLC, and prepared by SESI Consulting Engineers, dated May 2022.

Whereas, on June 22, 2021, the Board of Trustees determined that General Municipal Law § 239-n and Westchester County Administrative Code § 277.61 required that the proposed action be referred to the Westchester County Planning Board for review and comment and directed the Village Clerk to make that referral; and

Whereas, on June 22, 2021, the Village Clerk referred the proposed action to the Westchester County Planning Board for review and comment; and

Whereas, pursuant to the Village Code § 98-106.3(C) the Board of Trustees also referred the proposed project to the Village Planning Board (the "Planning Board") and Architectural Review Board (the "ARB"); and

Whereas, on June 22, 2022, Pelham House (the predecessor of Pelham Green) submitted a site plan approval application to the Village Planning Board and ARB for the purpose of obtaining their recommendations with respect to the application in accordance with Village Code § 79-6A; and

Whereas, the Planning Board conducted a detailed review of the site plan approval application on June 29, 2021, December 14, 2021, and January 18, 2022, and, on February 15, 2022, submitted to the Board of Trustees a resolution recommending approval with conditions; and

Whereas, the ARB conducted a detailed review of the application on July 21, 2022, September 22, 2021, November 17, 2021, December 16, 2021 and March 16, 2022, and submitted to the Board of Trustees, on March 24, 2022, a resolution recommending approval with conditions; and

Whereas, on July 26, 2022, after due notice, the Board of Trustees opened a public hearing with respect to the site plan approval application; and

Whereas, the Board of Trustees thereafter continued the public hearing on the site plan approval application until August 5, 2022 to receive and consider public comments; and

Whereas, the Board of Trustees has considered the design guidelines in the BDFZ established by Village Code § 98-106.3(E)(9); and

Whereas, on June 16, 2021, and revised on July 8, 2022, and pursuant to SEQRA, Pelham House (the predecessor to Pelham Green) submitted to the Board of Trustees a project specific Full Environmental Assessment Form ("EAF") with supplemental information concerning potential shadow impacts, traffic impacts, school age children, and environmental site assessment reports; and

Whereas, the Board of Trustees has (1) considered the action as defined in 6 NYCRR §§617.2(b) and 617.3(g); (2) reviewed the EAF in context with the SEQRA Findings Statement for the Downtown Restoration Initiatives the thresholds and criteria for determining significance set forth in 6 NYCRR §617.7(c) and other supporting information to identify the relevant areas of environmental concern; (3) thoroughly analyzed the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment; and

Whereas, on September 27, 2022 the Board of Trustees found that the requirements of 6 NYCRR Part 617 were satisfied and issued a "Negative Declaration" pursuant to and in accordance with SEQRA; and

Whereas, the Board of Trustees has considered the standards for site plan review established by Village Code § 79-5, §§ 87-1 *et seq.* and the applicable requirements set forth in Village Code § 98-106.3 (the "BDFZ").

Now, therefore, be it resolved, after considering the documents submitted by the applicant, as recited above, the recommendations from the Planning Board and Architectural Review Board and all of the public comments heard at the public hearing, the Board of Trustees of the Village of Pelham finds and determines as follows:

1. All significant environmental impacts of the Project (including the Dispositions) that are the subject of the site plan approval application were fully reviewed and analyzed during the

related SEQRA process for the Downtown Restoration Initiatives, addressed in the GEIS, and the SEQRA Findings Statement, and in the project-specific Environmental Assessment Form (EAF); and

2. The Site is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare; the proposed lots satisfy the zoning regulations except as modified by this determination in accordance with Village Code §98-106.4; and there are no roads within the proposed lot merger; and
3. To enable and encourage flexibility of design and development of land in such a manner as to preserve its natural and scenic qualities, protect areas of meaningful ecological value, reduce flood hazards, facilitate the adequate and economical provision of streets and utilities, minimize negative environmental impacts, improve the aesthetic quality of new residential developments, encourage the conservation of energy, increase recreational opportunities and otherwise promote the planned and environmentally desirable use of land, the Board of Trustees finds that development of the Site as proposed is commensurate with the public benefit and meets the applicable provisions of Chapter 98 of the Village Code with respect to lot coverage and minimum lot area per dwelling unit in connection with the public benefits of the project and the redevelopment of the property; and
4. The project as described in the site plan approval application and the additional documents and submissions (the "Pelham House project") satisfies the requirements of Village Code § 98-106.3 (BDFZ), the standards for site plan review established by Chapter 79 of the Village Code, and the criteria for subdivision approval/lot merger set forth in Village Code § 98-135.1 and § 7-728 of the New York State Village Law; and

Be it further resolved, that after considering the site plan approval application and additional documents and submissions, as detailed above, the recommendation by the ARB and the Planning Board and all of the public comments heard at the public hearing, the Board of Trustees finds and determines as follows:

1. The site plan approval application is hereby approved subject to the following conditions:
 1. Prior to the issuance of a building permit, Pelham Green shall submit to the Building Inspector the following, all of which shall be adequate and complete as determined by the Building Inspector and the Village:
 - i. A complete and final set of drawings and plans for the Pelham Green project that address the comments of the ARB, dated March 24, 2022, in order that the ARB be given the opportunity to review, comment on, and forward to the Board of Trustees prior to the issuance of a building permit its recommendation regarding the following design components:
 - Main entry (Third Street) awning details above main entry.
 - Main entry doors and windows and the niche below the awnings.
 - Fourth Avenue entry niches, including the door/windows and awnings.
 - Fourth Avenue door specification.
 - Store front door/window specifications.
 - Removal of vertical stiles above the storefronts as required to allow for a sign in the sign band
 - Garage door specification.

- Balcony railing details.
 - Standing seam metal roof specification with the smallest rib height possible.
 - Roof guardrail details and its location relative to the exterior wall, including a site section to determine how much will be visible from the street.
 - Window specifications, which includes simulated divided lights and the muntin dimension.
 - Replacement of the Sweetbay tree to a larger tree that will contribute to the tall canopy of the streetscape.
 - A pallet of the materials to be used.
 - Light fixture specifications.
- ii. Provide detailed architectural plans addressing the public access to the parking garage from both Fourth and Fifth Avenue, which shall include signage, lighting and architectural details and any other needed details.
2. Prepare a Construction Management Plan to include the following:
- A detailed Construction Phasing Plan
 - A Staging Plan, including planned closures of sidewalks, roadways, traffic lanes, and/or parking spaces, with plans outlining mitigation of negative effects to the public
 - Construction logistics including construction narrative, common items such as operating hours, site security, temporary lighting, temporary construction worker parking, etc.
 - A detailed plan concerning public safety and site security, site lighting
 - An Erosion and Sediment Control Plan consistent with the Construction Phasing Plan that details silt fencing, the location of soil and debris stockpiles, concrete washout area, equipment entrances, etc.
 - A plan to control and limit noise and vibration
 - A plan to manage dust, stormwater runoff, and site drainage
 - A plan for the delivery of materials by phases
 - A plan detailing how materials, construction vehicles and heavy trucks will circulate on the site and move to/from the site by construction phase
 - Signage providing the contact information and feedback protocol between neighbors regarding construction activities
 - A plan for temporary utility structures or equipment and proof of utility shut offs
 - A plan for maintenance of safe pedestrian access via a Site Safety Plan indicating protection of pedestrians, sidewalk, foundation shoring/bracing and details
 - A system to prevent standing water from accumulating in lower levels of site.
3. Documentation sufficient to demonstrate that Pelham Green has, or will, accommodate the relocation to the development site of the Wireless Equipment and negotiate leases with the wireless carriers under which the Wireless Equipment will be permanently located on the mixed-used building to be constructed on the development site; and
4. Submission of and payment of fees as required by the Village Code and the amended and restated LDA, approved by and between Pelham Green and the LDC; and
5. Prior to the issuance of the first temporary certificate of occupancy ("TCO") for the mixed- use building, Pelham Green shall notify the Board of Trustees of the engagement by Pelham Green of a qualified not-for-profit housing organization whose responsibility it will be to manage the selection and oversight of the workforce housing units. The workforce housing units shall be

made available to households with Area Median Incomes ("AMIs") at or below 80%. The not-for-profit housing organization shall report to the Board of Trustees on an annual basis the status of the occupancy of these units; and

6. Pelham Green shall demonstrate in writing that all landscaping and screening between the Pelham Green property and the surrounding residential properties to the west will be maintained by Pelham Green in perpetuity; and
7. Pelham Green shall provide in writing a commitment to maintain in perpetuity off-street bicycle parking facilities and resident storage space within the building; and
8. Pelham Green shall provide to the Village Board and the Building Inspector prior to the issuance of a building permit, architectural details, i.e., materials, colors, signage, lighting, etc., that the entrance to the public parking facility from Fifth Avenue will be consistent with the architectural quality of the Pelham House project; and
9. Prior to the issuance of a TCO for the mixed-use building, Pelham Green shall provide to the Board of Trustees a plan to document the historical use of the current firehouse, including photographs and oral histories, per guidance from SHPO; and
10. Pelham Green shall provide information sufficient to establish that there will be adequate and convenient access of ADA parking for the public and for Pelham Green residents; and
11. Pelham Green shall provide a plan to Board of Trustees and the Building Inspector for maintaining the design features of the Pelham House after construction is complete; and
12. Pelham Green shall comply with § 98-135.1 of the Village Code and file a plat showing the lot merger with the office of the County clerk.

Be it further resolved, that in accordance with Village Code § 79-7, this resolution approving the site plan approval application shall be null and void if Pelham Green fails to obtain a building permit within 120 days of the date of this resolution, or an extension as permitted under Village Code § 79-7.

Vote Record - Item # 12 - Resolution Approving Zoning and Site Plan Application for Pelham Green, LLC, at 201 Fifth Avenue (Inclusion in the Business District Floating Zone in Accordance with § 98-106.3, Site Plan in Accordance with § 79-5, and Lot Merger in Accordance with § 98-135.1) - 9:02PM						
Village of Pelham Board of Trustees Regular Meeting			Tuesday, September 27, 2022			
			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Approved	Mayor Mullen		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Approved as Amended	Deputy Mayor Carpenter		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Village Trustee Hill-Ries	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Village Trustee Eldahry		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussed	Village Trustee McGreal		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Otondi		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Solomon	Motion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<https://www.dropbox.com/s/exf3dv4lfa6v3ze/2022-07-16%20-%20BDFZ%20%20Submission-Revised%20Set.pdf?dl=0>

CERTIFICATION
THE ABOVE RESOLUTION WAS
ADOPTED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF PELHAM ON

9/27/22
SARAH LOPUZZO
VILLAGE CLERK

Sarah Lopuzzo

Adam Stolorow

From: David J. Cooper <Dcooper@zarin-steinmetz.com>
Sent: Monday, December 2, 2024 4:30 PM
To: Mallory Warner; Jacob Amir
Subject: FW: Lot Merger

FYI. Below is the lot number for the consolidated parcel once we are ready to merge.

David J. Cooper, Esq.
Partner

81 Main Street, Suite 415
White Plains, New York 10601
Tel.: (914) 682-7800 ext. 121
Direct: (914) 220-9795
dcooper@zarin-steinmetz.com
www.zarin-steinmetz.com
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-----Original Message-----

From: Battaglia, Joseph <Jbattaglia@townofpelham.com>
Sent: Monday, December 2, 2024 4:23 PM
To: David J. Cooper <Dcooper@zarin-steinmetz.com>
Subject: RE: Lot Merger

Hi David,

So sorry, but I didn't see this until just now (Outlook Online version stinks). When consolidating properties in New York, the lowest Section, Block, Lot (SBL) number of all the parcels involved in the merge will receive a 1 in the subplot portion of the new SBL.

In this case the consolidated property would be numbered 163.36-2-19.1

Regards,

Joe Battaglia
Assessor - Town of Pelham
34 5th Ave, Pelham, NY 10803
Tel: 914-738-2878/Fax: 914-813-1655
JBattaglia@TownOfPelham.com

Please see these 2 helpful articles on Assessments and Taxes:
1) Property Tax Myths & Misunderstandings and

2) Should You File A Grievance?

From: David J. Cooper [Dcooper@zarin-steinmetz.com]
Sent: Monday, December 2, 2024 3:40 PM
To: Battaglia, Joseph
Cc: engineer@townofpelham.com; 'Chris Scelza'; Mallory Warner; Jacob Amir
Subject: RE: Lot Merger

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Joe -

I hope you had a nice Thanksgiving.

I am following up on the email below. Has the Town been able to generate a new lot number so that we can start working on a consolidation deed?

Best,
David

David J. Cooper, Esq.
Partner

81 Main Street, Suite 415
White Plains, New York 10601
Tel.: (914) 682-7800 ext. 121
Direct: (914) 220-9795
dcooper@zarin-steinmetz.com
<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.zarin%2dsteinmetz.com&umid=5fc6384b-e6b5-4f79-8e79-7226dd7c12f3&auth=eaf0434777941ac023efb3d0740f0606008e2544-6d6c6b6f46f37b4501bb75ac05104f8728e3f467>
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-----Original Message-----

From: David J. Cooper
Sent: Thursday, November 21, 2024 4:26 PM
To: Battaglia, Joseph <jbattaglia@townofpelham.com>
Cc: engineer@townofpelham.com; 'Chris Scelza' <chris.scelza@pelhamgov.com>; Mallory Warner <mwarner@hudsoninc.com>; Jacob Amir <jamir@zarin-steinmetz.com>
Subject: RE: Lot Merger

Joe -

As to the first item on the list, attached is the Village Board Resolution approving the site plan and lot merger for the Pelham Green site.

In addition, attached is a survey of the lots, including a composite metes and bounds description of merged lot.

Once the Town Engineer generates a new lot number for the merged lot, we can prepare a deed reflecting the merger.

Best,
David

David J. Cooper, Esq.
Partner

81 Main Street, Suite 415
White Plains, New York 10601
Tel.: (914) 682-7800 ext. 121
Direct: (914) 220-9795
dcooper@zarin-steinmetz.com
<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.zarin%2dsteinmetz.com&umid=5fc6384b-e6b5-4f79-8e79-7226dd7c12f3&auth=eaf0434777941ac023efb3d0740f0606008e2544-6d6c6b6f46f37b4501bb75ac05104f8728e3f467>
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-----Original Message-----

From: Battaglia, Joseph <JBattaglia@townofpelham.com>
Sent: Wednesday, November 20, 2024 10:30 AM
To: David J. Cooper <Dcooper@zarin-steinmetz.com>
Subject: RE: Lot Merger

Hi David,

Attached is the procedure for Consolidation. Let me know if you have any questions.

Regards,

Joe Battaglia
Assessor - Town of Pelham
34 5th Ave, Pelham, NY 10803
Tel: 914-738-2878/Fax: 914-813-1655
JBattaglia@TownOfPelham.com

From: David J. Cooper [Dcooper@zarin-steinmetz.com]
Sent: Tuesday, November 19, 2024 3:24 PM
To: Battaglia, Joseph
Subject: Lot Merger

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Joe –

Thank you for returning my call this afternoon. I am looking for a summary of the procedure for merging the following tax lots in the Village of Pelham into a single lot:

- * 163.36-2-23
- * 163.36-2-24
- * 163.36-2-19

By way of background, the above lots are the subject of the public/private partnership between Pelham Green and the Village of Pelham. Pelham Green acquired Lot 19 from the Village last year. The closing of the sale on Lots 23 & 24 is scheduled for mid-December. For various financing reasons, the primary being an attempt to close out an application to the Brownfield Cleanup Program, we would like to be able to merge the lots either before, or shortly after, the December closing.

Can you let me know the steps Pelham Green will need to take to merge the lots?

Thanks,
David

David J. Cooper, Esq.
Partner

[A picture containing text, sign Description automatically generated]

81 Main Street, Suite 415

White Plains, New York 10601

Tel.: (914) 682-7800 ext. 121

Direct: (914) 220-9795

dcooper@zarin-steinmetz.com<mailto:dcooper@zarin-steinmetz.com>

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