

**REVISED BCP APPLICATION
50 COURT STREET**

TABLE OF CONTENTS

1. REVISED BCP APPLICATION

2. EXHIBITS

Exhibit A - Site Location Map, Base Map and Street Map

Exhibit B - Tax Map; Condominium Map and Survey

Exhibit C - En-Zone Map

Exhibit D - Disadvantaged Community Map

Exhibit E – Flood Map and Wetlands Maps

Exhibit F - Zoning Map

Exhibit G - Spider Maps

Exhibit H - NYSDOS Corporate Entity Information (Martine Avenue Partners LLC)

Exhibit I - Martine Avenue Partners LLC Operating Agreement

Exhibit J - Corporate Consent (Martine Avenue Partners LLC)

Exhibit K - Site Ownership Deed (Galleria City Holding Company LLC)

Exhibit L - Previous Owners and Operators

Exhibit M - Site Access Agreement (Galleria City Holding Company LLC)

Exhibit N - Site Contact List

Exhibit O - Repository Consent for Site Documents

3. ENVIRONMENTAL REPORTS

Fuel Oil Tank Upgrade Project Report Tank Closure and Installation, Clayton Environmental Consultants, April 1997 (prepared for Macy's East, Inc.)

Phase I Environmental Site Assessment, ATC Group Services, April 2019 (prepared for WP Galleria Realty)

Phase I Environmental Site Assessment, SESI, September 2024 (prepared for Martine Avenue Partners LLC)

Phase II Environmental Assessment Report, SESI, September 2024 (prepared for Martine Avenue Partners LLC)

Remedial Investigation/Interim Measures Work Plan, October 2024 (prepared for Martine Avenue Partners LLC)



SUBMITTAL INSTRUCTIONS:

1. Compile the application package in the following manner:
 - a. one file in non-fillable PDF of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
 - b. one individual file (PDF) of each previous environmental report; and,
 - c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. Compress all files (PDFs) into one zipped/compressed folder.
3. Submit the application to the Site Control Section either via email or ground mail, as described below.
Please select only ONE submittal method – do NOT submit both email and ground mail.

a. VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service.
(<http://fts.dec.state.ny.us/fts>) or another file-sharing service.
- Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
- Subject line of the email: "BCP Application NEW - *Proposed Site Name*"
- Email your submission to DERSiteControl@dec.ny.gov – do NOT copy Site Control staff.

b. VIA GROUND MAIL:

- Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
- Mail the external storage device to the following address:
Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PROPOSED SITE NAME: 50 Court Street

Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments.

If yes, provide existing site number: _____

☐

Yes

☒

No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: C360258

☒

Yes

☐

No



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME **50 Court Street**

ADDRESS/LOCATION **50 Court Street**

CITY/TOWN **White Plains**

ZIP CODE **10601**

MUNICIPALITY (LIST ALL IF MORE THAN ONE) **White Plains**

COUNTY **Westchester**

SITE SIZE (ACRES) **1.164**

LATITUDE

LONGITUDE

41.031509

73.768114

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage
50 Court Street, White Plains, NY, 10601	125.75	4	4..2	1.164

1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	<input checked="" type="radio"/> Y	<input type="radio"/> N
2. Is the required property map included with the application? (Application will not be processed without a map)	<input checked="" type="radio"/> Y	<input type="radio"/> N
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) If yes, identify census tract: ⁹³ _____ Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input checked="" type="radio"/>	<input checked="" type="radio"/> Y	<input type="radio"/> N
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input checked="" type="radio"/> Y	<input type="radio"/> N
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/> Y	<input checked="" type="radio"/> N
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	<input type="radio"/> Y	<input checked="" type="radio"/> N

SECTION II: Property Information (CONTINUED)		Y	N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		<input type="radio"/>	<input checked="" type="radio"/>
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.		<input type="radio"/>	<input checked="" type="radio"/>
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input type="radio"/>	<input checked="" type="radio"/>
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____		<input type="radio"/>	<input checked="" type="radio"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <div style="display: flex; justify-content: space-between;"> <u>Easement/Right-of-Way Holder</u> <u>Description</u> </div>		<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <div style="display: flex; justify-content: space-between;"> <u>Type</u> <u>Issuing Agency</u> <u>Description</u> </div>		<input type="radio"/>	<input checked="" type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?		<input checked="" type="radio"/>	<input type="radio"/>
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.			
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		Y <input type="radio"/>	N <input type="radio"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		<input type="radio"/>	<input type="radio"/>
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?		<input type="radio"/>	<input type="radio"/>
NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category. If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions. Initials of each Requestor: <div style="border-bottom: 1px solid black; width: 100%; height: 20px;"></div>			

SECTION II: Project Description

1. The project will be starting at: ☒ Investigation ☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see [DER-10, Technical Guidance for Site Investigation and Remediation](#) for further guidance), then a 45-day public comment period is required.

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?

☐ Yes ☐ No ☒ N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

☒ RIWP ☐ RAWP ☒ IRM ☐ No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.

Is this information attached? ☒ Yes ☐ No

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? B-6 (Enclosed Mall)

2. What uses are allowed by the property's current zoning (select all that apply)?

Residential ☐ Commercial ☒ Industrial ☒

3. Current use (select all that apply):

Residential ☐ Commercial ☐ Industrial ☐ Recreational ☐ Vacant ☒

4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant. Vacant since on or about March 2023
Is this summary included with the application?

Y ☒ N ☐

5. Reasonably anticipated post-remediation use (check all that apply):

Residential ☒ Commercial ☒ Industrial ☐

If residential, does it qualify as single-family housing?

N/A ☐ ☐ ☒

6. Please provide a statement detailing the specific proposed post-remediation use.
Is this summary attached?

☒ ☐

7. Is the proposed post-remediation use a renewable energy facility?
See application instructions for additional information.

☐ ☒

8. Do current and/or recent development patterns support the proposed use?

☒ ☐

9. Is the proposed use consistent with applicable zoning laws/maps?
Please provide a brief explanation. Include additional documentation if necessary.

☐ ☒

10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?
Please provide a brief explanation. Include additional documentation if necessary.

☒ ☐

SECTION IV: Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.

2. **SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please describe other known contaminants and the media affected:

3. For each impacted medium above, include a site drawing indicating:

- Sample location
- Date of sampling event
- Key contaminants and concentration detected
- For soil, highlight exceedances of reasonably anticipated use
- For groundwater, highlight exceedances of 6 NYCRR part 703.5
- For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application?

☒ YES

☐ NO

4. Indicate Past Land Uses (check all that apply):

<input type="checkbox"/> Coal Gas Manufacturing	<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Agricultural Co-Op	<input type="checkbox"/> Dry Cleaner
<input type="checkbox"/> Salvage Yard	<input type="checkbox"/> Bulk Plant	<input type="checkbox"/> Pipeline	<input type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input type="checkbox"/> Unknown

Other: Historic past use as courthouse, commercial establishments and residences with associated fuel storage and use. Retail shopping mall department stores from approximately 1987 to present.

SECTION V: Requestor Information							
NAME Martine Avenue Partners LLC							
ADDRESS c/o The Cappelli Organization, 5 Renaissance Square, 42nd Floor							
CITY/TOWN White Plains		STATE NY	ZIP CODE 10601				
PHONE (914) 769-6500		EMAIL louis@icappelli.com					
1. Is the requestor authorized to conduct business in New York State (NYS)?			<table border="1"> <thead> <tr> <th>Y</th> <th>N</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table>	Y	N	<input checked="" type="radio"/>	<input type="radio"/>
Y	N						
<input checked="" type="radio"/>	<input type="radio"/>						
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS 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 . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?			<table border="1"> <tbody> <tr> <td><input checked="" type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table>	<input checked="" type="radio"/>	<input type="radio"/>		
<input checked="" type="radio"/>	<input type="radio"/>						
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A <input type="radio"/>			<table border="1"> <tbody> <tr> <td><input checked="" type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table>	<input checked="" type="radio"/>	<input type="radio"/>		
<input checked="" type="radio"/>	<input type="radio"/>						
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.			<table border="1"> <tbody> <tr> <td><input checked="" type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table>	<input checked="" type="radio"/>	<input type="radio"/>		
<input checked="" type="radio"/>	<input type="radio"/>						

SECTION VI: Requestor Eligibility		
If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.		
	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input checked="" type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="radio"/>	<input checked="" type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?	<input type="radio"/>	<input checked="" type="radio"/>

SECTION VI: Requestor Eligibility (CONTINUED)				
7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involved 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?	Y <input type="radio"/>	N <input checked="" type="radio"/>		
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>		
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input checked="" type="radio"/>		
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>		
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>		
12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:				
<table border="1"> <tr> <td> PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, 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 hazardous waste or discharge of petroleum. </td> <td> VOLUNTEER <input checked="" type="checkbox"/> A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste. If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken. </td> </tr> </table>			PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, 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 hazardous waste or discharge of petroleum.	VOLUNTEER <input checked="" type="checkbox"/> A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste. If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.
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13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached? Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>				

SECTION VI: Requestor Eligibility (CONTINUED)

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

☐ Previous Owner ☐ Current Owner ☒ Potential/Future Purchaser ☐ Other: _____

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided.** 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 environmental easement on the site.

Is this proof attached?



Yes



No



N/A

Note: A purchase contract or lease agreement does not suffice as proof of site access.**SECTION VII: Requestor Contact Information**

REQUESTOR'S REPRESENTATIVE Louis R. Cappelli

ADDRESS c/o The Cappelli Organization, 5 Renaissance Square, 42nd Floor

CITY White Plains

STATE NY

ZIP CODE 10601

PHONE (914) 769-6500

EMAIL louis@lcappelli.com and bruce@lcappelli.com

REQUESTOR'S CONSULTANT (CONTACT NAME) Fuad Dahan

COMPANY SESI Consulting Engineers

ADDRESS 959 Route 46E, Floor 3, Suite 300

CITY Parsippany

STATE NJ

ZIP CODE 07054

PHONE (862) 702-5719

EMAIL fd@sesi.org and ssg@sesi.org

REQUESTOR'S ATTORNEY (CONTACT NAME) Denise J. D'Ambrosio

COMPANY Law Office of Denise J. D'Ambrosio

ADDRESS 2 Westchester Park Drive, Suite 418

CITY White Plains

STATE NY

ZIP CODE 10604

PHONE (914) 393-9578

EMAIL denisedambrosiolaw@gmail.com

SECTION VIII: Program Fee

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.

	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input type="radio"/>	<input checked="" type="radio"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.		
Is the appropriate documentation included with this application?	N/A <input checked="" type="radio"/>	<input type="radio"/>

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER Galleria City Holding Company LLC		
CONTACT NAME Steven Plenge		
ADDRESS 100 N. Pacific Coast Highway, Suite 1925		
CITY El Segundo	STATE CA	ZIP CODE 90245
PHONE (310) 321-5980	EMAIL splenge@pacificretail.com	
OWNERSHIP START DATE October 18, 2022		
CURRENT OPERATOR Galleria City Holding Company LLC		
CONTACT NAME Steven Plenge		
ADDRESS 100 N. Pacific Coast Highway, Suite 1925		
CITY El Segundo	STATE CA	ZIP CODE 90245
PHONE (310) 321-5980	EMAIL splenge@pacificretail.com	
OPERATION START DATE Vacant since on or about March 2023		

SECTION X: Property Eligibility Information

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>

SECTION X: Property Eligibility Information (continued)

	Y	N
3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____ Date Permit Issued: _____ Permit Expiration Date: _____	<input type="radio"/>	<input checked="" type="radio"/>
4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents. N/A <input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____	<input type="radio"/>	<input checked="" type="radio"/>
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>

SECTION XI: Site Contact List

To be considered complete, the application must include the Brownfield Site Contact List in accordance with *DER-23: Citizen Participation Handbook for Remedial Programs*. Please attach, at a minimum, the names and mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Sole Member (title) of Martine Avenue Partners LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 1/16/25 Signature: Louis R. Cappelli

Print Name: _____ Louis R. Cappelli

**PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR
DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.**

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 15

Please respond to the questions below and provide additional information and/or documentation as required. Please refer to the application instructions.	Y	N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input checked="" 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 NYS Tax Law 21(b)(6)?	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down or underutilized as defined below?		
Upside down	<input type="radio"/>	<input type="radio"/>
Underutilized	<input type="radio"/>	<input type="radio"/>

From ECL 27-1405(31):

"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.

From 6 NYCRR 375-3.2(l) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category can only be made at the time of application):

375-3.2:

- (l) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
 - (1) the proposed use is at least 75 percent for industrial uses; or
 - (2) at which:
 - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
 - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
 - (iii) one or more of the following conditions exists, as certified by the applicant:
 - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
 - (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or
 - (c) there are no structures.

"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

5. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review).

Check appropriate box below:

☐ Project is an Affordable Housing Project – regulatory agreement attached

☐ Project is planned as Affordable Housing, but agreement is not yet available*

*Selecting this option will result in a "pending" status. The regulatory agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☐ This is not an Affordable Housing Project

From 6 NYCRR 375-3.2(a) as of August 12, 2016:

- (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.
- (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.
- (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.
- (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.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

6. Is the site a planned renewable energy facility site as defined below?

☐ Yes – planned renewable energy facility site with documentation

☐ Pending – planned renewable energy facility awaiting documentation

*Selecting this option will result in a "pending" status. The appropriate documentation will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☐ No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

From ECL 27-1405(33) as of April 9, 2022:

"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.

From Public Service Law Article 4 Section 66-p as of April 23, 2021:

(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.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

☐ Yes - *Selecting this option will result in a "pending" status, as a BOA conformance determination has not yet been made. Proof of conformance will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☐ No

From ECL 75-0111 as of April 9, 2022:

(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.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP) INSTRUCTIONS FOR COMPLETING AND SUBMITTING A BCP APPLICATION

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional Office](#) to schedule a meeting. To add a party to an existing BCP Agreement, use the [BCP Agreement Amendment Application](#).

For further information regarding the determination of a complete application, please refer to the guidance following these instructions, as well as the [NYSDEC BCP website](#).

SUBMITTAL INSTRUCTIONS

- Compile the application package in the following manner:
 - one file in non-fillable portable document format (PDF) of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
 - one individual file (PDF) of each previous environmental report; and,
 - one file (PDF) of each work plan being submitted with the application, if applicable.
- Compress all files (PDFs) into one zipped/compressed folder
- Submit the application to the Site Control Section either via email or ground mail, as described below.

Please select only ONE submittal method - do NOT submit both via email and via ground mail.

VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service (<https://fts.dec.state.ny.us/fts/>) or another file-sharing service.
- Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
- Subject line of the email: *"BCP Application NEW - *Proposed Site Name*"*
- Email your submission to DERSiteControl@dec.ny.gov - do NOT copy Site Control staff.

VIA GROUND MAIL:

- Save the application file and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
- Mail the external storage device to the following address:

Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

SECTION I: Property Information	
PLEASE NOTE	If any changes to SECTION I are required prior to application approval, a new page 2, initialed by each requestor, must be submitted with the revisions.
Proposed Site Name	Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e., ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.
Site Address	Provide a street address, city/town, zip code, and each municipality and county in which the site is located.
Site Size	Provide the approximate acreage of the site.
GIS Information	Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.
Tax Parcel Information	Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5-minute quad map on which the property appears and clearly indicate the proposed site's location.
Tax Map Boundaries	State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/ reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.
Site Map	Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: (i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and (ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.
En-zone	If any part of the site is located within an En-zone, please provide a map showing the location of the site with the En-zone overlay. For information on En-zones, please see DEC's website . Note that new En-zone boundaries are effective January 1, 2023.
Disadvantaged Communities	If the site is located within a Disadvantaged Community, please provide a map showing the location of the site with the Disadvantaged Community overlay. For additional information on disadvantaged communities, please refer to the Climate Leadership and Community Protection Act website .

SECTION I: Property Information (continued)

<p>Brownfield Opportunity Area (BOA)</p>	<p>If the site is located within a NYS Department of State designated Brownfield Opportunity Area, please provide a map showing the location of the site with the BOA overlay. For more information on designated BOAs, please refer to the NYS DOS website. Additional information on BOA conformance determinations can be found at the Office of Planning and Development website. A BOA conformance determination cannot be made until a Decision Document has been issued for the site.</p>
<p>Multiple Applications</p>	<p>Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where (1) the development project spans more than 25 acres; (2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and (3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).</p>
<p>Previous BCP Applications</p>	<p>If all or part of the proposed site has been the subject of a previous BCP application (whether accepted, denied or withdrawn), please provide the assigned DEC site number from the previous application as well as any relevant information regarding why the property is not currently in the program.</p>
<p>Registry Listing and P-site Status</p>	<p>If all or part of the proposed site is now or ever was listed on the Registry of Inactive Hazardous Waste Disposal Sites or is currently the subject of investigation as a Potential Site, please provide the assigned DEC site number.</p>

SECTION II: Property Information (continued)

Property Description Narrative

Provide a property description in the format provided below. Each section should be no more than one paragraph long.

Location:

Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}

Site Features:

Example: "The main site features include several large, abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."

Current Zoning and Land Use: (Ensure the current zoning is identified)

Example: "The site is currently inactive and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility rights-of-way. The nearest residential area is 0.3 miles east on Route 55."

Past Use of the Site: include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).

Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."

When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.

Site Geology and Hydrogeology:

As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.

SECTION I: Property Information (continued)

Environmental Assessment	<p>The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semi-volatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths. The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SCGs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.</p> <p>A typical Environmental Assessment would look like the following:</p> <p>Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).</p> <p><i>Soil</i> - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).</p> <p><i>Groundwater</i> - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.</p> <p><i>Soil Vapor & Indoor Air</i> - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.</p>
Questions 15-17: New York City Sites	<p>These questions pertain ONLY to sites located within the five counties comprising New York City. If the requestor is seeking a determination that the site is eligible for tangible property tax credits, this section and the <i>Supplemental Questions for Sites Seeking Tangible Property Credits in New York City</i> must be completed.</p>

SECTION II: Project Description

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the issuance of the Certificate of Completion is anticipated.

SECTION III: Land Use Factors

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).

This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

Zoning and Current Use	Provide the current municipal zoning designation and uses permitted by that designation. Provide a summary of the current use of the site, including identifying possible contaminant source areas. If the site is no longer in use, provide the date by which operations ceased.
Anticipated Use	Identify the anticipated post-remediation use of the site and provide a detailed description of the specific anticipated post-remediation use as an attachment.
Renewable Energy Facility Site	Indicate if the post-remediation use of the site is proposed to be a renewable energy facility. A "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. Section 66-p of the Public Service Law: "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. Provide any detailed plans or documentation to support this. Appropriate documentation must be provided as follows: for planned renewable energy facilities generating/storing less than twenty-five (25) megawatts, a local land use approval must be provided. For planned renewable energy facilities generating/storing twenty-five (25) megawatts or greater, a permit issued by the Office of Renewable Energy Siting must be provided.
Compliance with Zoning Laws, Recent Development, and Community Master Plans	Provide an explanation to support the responses to each of these items. Attach additional documentation if applicable.

SECTION IV: Property's Environmental History

For all sites, an investigation report is required that is sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data include site drawings and data summary tables requested in Section IV, #3 of the BCP application form. Specific instructions regarding the data summary tables are attached at the end of these instructions.

SECTION V: Requestor Information

Requestor Name	<p>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.</p> <p>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 in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.</p>
Address, etc.	Provide the requestor's mailing address, telephone number and e-mail.
LLC Information	If the requestor(s) is/are an LLC, the names of the members/owners must be provided on a separate attachment.
Document Certification	<p>All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of DER-10. Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:</p> <ul style="list-style-type: none">• New York State licensed professional engineers (P.E.s), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a P.E. with current license and registration for work that was done by them or those under their direct supervision. The firm by which the P.E. is employed must also be authorized to practice engineering in New York State;• qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;• remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or• site owners, which are the owners of the property comprising the site at the time of the certification.

SECTION VI: Requestor Eligibility

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

Volunteer Statement	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.
Proof of Site Access	If a requestor is not the current owner of the entirety of the site, a site access agreement must be provided that demonstrates that the requestor will have access to the property before signing the BCA and throughout the BCP project. Additionally, the access agreement must include language allowing the requestor the ability to place an environmental easement on the site should the requestor not be the owner at the time remediation is complete and a Track 1 cleanup has not been achieved.

SECTION VII: Requestor Contact Information

Requestor's Representative	Provide information for the requestor's authorized 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 of Applications determined to be Participants unless another contact name and address is provided with the application.
Requestor's Consultant and Requestor's Attorney	Provide all requested information.

SECTION VIII: Program Fee

If the requestor is applying for a fee waiver, sufficient documentation must be provided to demonstrate financial hardship. To demonstrate financial hardship, the applicant must show that with the payment of the program fee, remediation of the brownfield site would not be economically viable. This documentation may be in the form of federal tax returns with applicable schedules, financial statements and balance sheets, proof that the applicant has waived its right to tax credits, or any other documentation deemed acceptable by the Department.

If the requestor is applying for a fee waiver based on the requestor's status as a not-for-profit entity, please provide documentation of non-profit designation.

SECTION IX: Current Property Owner and Operator Information	
Owner Information	Provide requested information of the current owner of the property. List <u>all</u> parties holding an interest in the property and, if the requestor is not the current owner, describe the requestor's relationship to the current owner. If the property consists of multiple parcels, be sure to include the ownership start date of each.
Operator Information	Provide requested information of the current operator(s). If multiple operators, attach the requested information for each operator, including the date each operator began utilizing the property.
Historical Owners and Operators	Provide a list of previous owners and a list of previous operators, including dates of ownership or operation and last-known addresses and phone numbers. Describe the requestor's relationship to each previous owner and operator; if no relationship, indicate "none". When describing the requestor's relationship to current and historical owners and operators, include any relationship between the requestor's corporate members and the previous owners and operators.

SECTION X: Property Eligibility Information	
As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.	
CERCLA / NPL Listing	Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.
Registry Listing	Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) website for a database of sites with classifications.
RCRA Listing	Does the property have a Resource Conservation and Recovery Act (RCRA) TSD Permit in accordance with the ECL 27-0900 et seq? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.
Registry/RCRA Sites Owned by Volunteers	If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27- 1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

SECTION X: Property Eligibility Information (CONTINUED)

Existing Order	Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.
Pending Enforcement Actions	Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information as an attachment.

SECTION XI: Site Contact List

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project. For sites located in a city with a population of one million or more, the appropriate community board must be included as an additional document repository, and acknowledgement of their agreement to act as such must also be provided.

SECTION XII: Statement of Certification and Signatures

The requestor must sign the application or designate a representative who is authorized to sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each requestor must sign a signature page. 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 entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

DATA SUMMARY TABLE INSTRUCTIONS

Data summary tables should include the following columns:

Soil Table:

Analytes > SCOs ^a	Detections > SCOs ^b	Max. Detection (ppm) ^c	SCO (ppm) ^d	Depth (ft bgs)
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Groundwater Table:

Analytes > AWQS ^e	Detections > AWQS ^f	Max. Detection (ppb) ^c	AWQS (ppb) ^g
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Soil Gas Table:

Analytes ^h	Total Detections	Max. Detection (ug/m3) ^c	Type ⁱ
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^a Include all contaminants over the applicable soil cleanup objectives (SCOs). Column header should specify which SCOs are being compared to. (i.e., "RRSCOs" for Restricted Residential SCOs)

^b Number of detections over applicable SCOs. Specify which SCOs are being compared to in column header.

^c Maximum detection in parts per million (ppm) for soil, parts per billion (ppb) for groundwater, or micrograms per cubic meter (ug/m3) for soil gas.

^d List the respective SCO. Specify which SCOs are being compared to in column header.

^e Include all contaminants over Class GA Ambient Water Quality Standards (AWQS).

^f Number of detections over AWQS.

^g List the respective AWQS.

^h Include all chlorinated volatile organic compound (VOCs) detections.

ⁱ Specify type: soil vapor, sub-slab or indoor air.

Example Data Summary Tables

Soil Table:

Analytes > RR SCOs	Detections > RR SCOs	Maximum Detection (ppm)	RR SCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	3	11	1	5 – 7
Benzo(a)pyrene	4	15	1	5 – 7
Benzo(b)fluoranthene	5	15	1	5 – 7
Benzo(k)fluoranthene	1	5.3	3.9	5 – 7
Indeno(1,2,3-cd)pyrene	7	8.4	0.5	5 – 7
barium	2	967	400	0.5 – 2.5
cadmium	2	94.1	4.3	6 – 8
lead	3	1,790	400	0.5 – 2.5

Groundwater Table:

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
Benz(a)anthracene	2	0.2	0.002
Benzo(a)pyrene	2	0.221	ND
Benzo(b)fluoranthene	2	0.179	0.002
Benzo(k)fluoranthene	2	0.189	0.002
Indeno(1,2,3-cd)pyrene	2	0.158	0.002
Tetrachloroethene (PCE)	1	12	5

Soil Gas Table:

Analytes	Total Detections	Max. Detection (µg/m³)	Type
Carbon tetrachloride	1	0.84	Soil vapor
Methylene chloride	1	2.6 J	Soil vapor
Tetrachloroethene	2	47	Soil vapor
Trichloroethene	1	1.2	Soil vapor
Trichlorofluoromethane	1	21	Soil vapor

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DETERMINATION OF A COMPLETE APPLICATION

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of common application deficiencies and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. (Please note: the application as a whole requires more than the information outlined below to be determined complete). The application must include:
 - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section IV, #3 of the BCP application form.
 - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties and their ability to fund remediation of the site. This documentation is required for:
 - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
 - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
 - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.
 - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

DETERMINATION OF A COMPLETE APPLICATION (CONTINUED)

4. If the application is found to be incomplete:
 - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
 - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
 - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
 - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
 - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
 - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
 - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
 - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the timeframes established by the LOC, the public comment period on the application will be extended to ensure that there will be the required comment period.
 - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

SECTION I: PROPERTY INFORMATION

Site Property and Tax Identification

The Site is located at 50 Court Street, White Plains. **A Site location map, base map and street map are attached as Exhibit A.** The maps collectively provide sufficient detail, clarity and accuracy to show the location of the Site with respect to adjacent streets and roadways; proposed boundary property lines with adjacent property owners clearly identified.

The Site is a portion of the vacant Macy's department store property which was a portion of the enclosed vacant Galleria Mall property located at 100 Main Street. The Macy's portion of the Galleria Mall property received approval for two condominium buildings in applications to NYS and the City of White Plains which were designated Unit 1 (address 180 Main Street) and Unit 2 (address 50 Court Street). In addition, the condominium units were assigned new tax lot identifiers. The Unit 2 condominium lot, which is the subject of this application, is located at 50 Court Street (formerly 100 Main Street) and the condominium tax lot identifier is 125.75-4-4..2. The boundary of the Site condominium development proposed for 50 Court Street is consistent with the new tax boundary for the Unit 2 condominium lot. **A Tax Map, Condominium Map and Survey are attached as Exhibit B.**

One Hundred percent (100%) of the Site is in En-Zone 93. **An En-Zone Map is attached as Exhibit C.** The Site is not located in a BOA or Potential Environmental Justice Area. The Site is in a Disadvantaged Community. **A Disadvantaged Community Map is attached as Exhibit D.**

Site Location

This 1.164-acre Site is located at 50 Court Street, White Plains, New York 10601. The Site is located on new tax lot 125.75-4-4..2. The Site is in a B-6 (Enclosed Mall) zone within walking distance of the Metro North - White Plains train station. To the north of the Site is the balance of the subdivided former Macy's property designated Unit 1 on the condominium approval maps. To the east of the Site are retail stores. The Westchester County office building is to the south of the Site and to the west of the Site is the balance of the vacant Galleria Mall. See Exhibit A.

Site Features

The Site is improved with the former Macy's portion of the Galleria Mall which has been vacant since on or about March 2023. On occasion the vacant mall is used by Homeland Security and local police departments for training exercises. The Site is located approximately 0.35 miles from the Bronx River. The Site is not located in a flood zone or otherwise environmentally sensitive area. NYS and Federal Flood and Wetlands Maps are attached as Exhibit E.

Current Zoning and Land Use

The Site is currently located in a B-6 (Enclosed Mall) zone but is part of an effort to rezone the Galleria Mall area to allow for dense residential and commercial use; inclusive of the current proposed condominium development at 50 Court Street. The zoning change would be consistent

with the desired City of White Plains plan for dense residential development near the White Plains train station which is approximately 0.23 miles from the Site and within easy walking distance. **The current Zoning Map and proposed Zoning Map are attached as Exhibit F.** Proximate properties already include commercial, business, retail and dense residential uses.

Past Use of the Site

The past uses of the Site are somewhat vague; however, based on Sanborn Fire Insurance Maps the Site it is evident the Site was developed prior to 1885; and essentially contained residences, the Westchester County Courthouse (circa 1885-1950), followed by the Galleria Mall (circa 1980-present). Associated with the courthouse use was a jail, bake shop and boiler rooms; and presumably heating oil for the facilities as the residences. Adjacent property uses included a fire station, upholstery and battery services; and retail stores.

A total of two (2) releases (Spill Nos. 8803673 and 8805571) were identified in the EDR LTANKS and NY SPILLS databases and reported to the NYSDEC in 1988. These spills were associated with unknown gallons of No. 2 fuel oil due to tanks tests associated with a 10,000-gallon UST. These spills are administratively closed with the NYSDEC. However, no closure documentation or testing data was available for review.

Site Geology and Hydrogeology

As per the USDA National Cooperative Soil Survey (NCSS) map for the area, the soils at the Site Property are characterized as UoA (Urban Land outwash substratum) urban land which is surface covered by pavement, concrete, buildings, and other structures underlain by disturbed and natural soil material, till substratum, 0 to 3 percent slopes. Based on the Remedial Investigation Report (RIR) from an adjacent Brownfield Cleanup Program Site (C360073) to the northeast (221 Main Street), the elevation of groundwater at the Site is approximately 180-200 feet AMSL, and groundwater flow direction is expected to follow the topography in the western direction.

Environmental Assessment

Based on the Phase II conducted at the Site by SESI dated September 2024, the following exceedances were observed in soils, water and air samples. **Spider maps depicting contaminated soil, water and air samples are attached as Exhibit G.**

SOILS

SVOCs (primarily polycyclic aromatic hydrocarbons [PAHs]) were observed to exceed the RRSCOs or USCOs throughout the Site from 2.5 to 11.5 ft-bgs. Higher concentrations were specifically found at the eastern portion of the Site. Metals were found above the USCOs to 8 ft-bgs throughout the Site. Additionally, mercury was found above the RRSCO in one (1) sample (43M[2.5-3']) at the southwestern portion of the Site from 2.5 to 3 ft-bgs. Pesticides were found above the USCOs to 18 ft-bgs throughout the Site.

Analytes > RRSCOs	Detections > RRSCOs	Maximum Detection (mg/kg)	RRSCO	Depth (ft-bgs)
Benzo(a)anthracene	8	39.4	1	6-6.5
Benzo(a)pyrene	7	16.7	1	3.5-4
Benzo(b)fluoranthene	7	33.4	1	3.5-4
Benzo(k)fluoranthene	1	5.33	3.9	3.5-4
Chrysene	3	37.7	3.9	3.5-4
Dibenzo(a,h)anthracene	3	3.07	0.33	3.5-4
Indeno(1,2,3-cd)pyrene	7	9.59	0.5	11-11.5
Mercury	1	3.72	0.81	2.5-3

GROUNDWATER

The groundwater analytical results indicate consistent concentrations of 1,4-dioxane, PFAS, PAHs and metals were found to exceed the AWQS throughout the Site.

Analytes > AWQS	Detections > AWQS	Maximum Detection (ug/L)	AWQS
1,4-Dioxane	1	2.03	1
Perfluorooctanesulfonic Acid (PFOS)	1	10.9	2.7
Perfluorooctanoic Acid (PFOA)	2	31.8	6.7
Benzo(a)anthracene	2	0.12	0.002
Benzo(a)pyrene	2	0.1	0
Benzo(b)fluoranthene	2	0.11	0.002
Benzo(k)fluoranthene	2	0.04	0.002
Chrysene	2	0.09	0.002
Indeno(1,2,3-cd)pyrene	2	0.07	0.002
Arsenic, Total	1	37.94	25
Barium, Total	1	10690	1000
Beryllium, Total	1	12.83	3
Cadmium, Total	1	7.35	5
Chromium, Total	2	1295	50
Copper, Total	1	1818	200
Iron, Total	2	389000	300
Lead, Total	2	632.8	25
Magnesium, Total	2	854000	35000
Manganese, Total	2	25420	300
Mercury, Total	1	1.17	0.7
Nickel, Total	1	896.6	100
Selenium, Total	1	61.4	10

Sodium, Total	2	2780000	20000
Thallium, Total	1	7.23	0.5

SOIL VAPOR

Several PHC and chlorinated VOCs were detected in the soil vapor and indoor air sample, and some PHC and chlorinated VOCs exceeded their respective decision matrix concentration in the indoor air.

Analytes	Total Detections	Maximum Detection (ug/m3)	Type
1,2,4-Trimethylbenzene	2	7.87	Soil Vapor
1,3,5-Trimethylbenzene	2	2.35	Soil Vapor
2-Butanone	1	1.5	Soil Vapor
4-Ethyltoluene	1	1.28	Soil Vapor
Acetone	3	178	Soil Vapor
Benzene	3	0.91	Soil Vapor
Carbon disulfide	1	5.6	Soil Vapor
Chloroform	1	11	Soil Vapor
Cyclohexane	1	2.2	Soil Vapor
Chloromethane	3	11	Soil Vapor
Dichlorodifluoromethane	3	102	Soil Vapor
Ethanol	1	80.3	Soil Vapor
Ethylbenzene	2	6.5	Soil Vapor
Isopropanol	1	13.6	Soil Vapor
Heptane	1	6.6	Soil Vapor
n-Hexane	1	32	Soil Vapor
Isopropyl Alcohol	1	8.8	Soil Vapor
o-Xylene	3	6.5	Soil Vapor
p/m-Xylene	3	20	Soil Vapor
Methyl ethyl ketone	1	6.2	Soil Vapor
Methylene chloride	1	22	Soil Vapor
Tertiary butyl Alcohol	3	4.52	Soil Vapor
Tetrachloroethene	2	15	Soil Vapor
Toluene	3	12	Soil Vapor
Trichloroethylene	1	1	Soil Vapor
Trichlorofluoromethane	3	3	Soil Vapor

SECTION II: PROJECT DESCRIPTION

Short Project Description

The planned project for the Site entails the construction of a mixed-use commercial/residential development with retail space located on the ground floor and residential units consisting of studios, one-bedroom units, two- bedroom and three-bedroom units above. Parking for the development will be provided in a below-grade parking structure for residential and retail use. The Site will also include condominium common space and City of White Plains required open space.

Project Schedule

A Remedial Investigation (“RI”) Work Plan (“RIWP”) and Interim Remedial Work (“IRM”) Plan (“IRM”) are included with this BCP application. RI and IRM activities are expected to commence in or about late Spring of 2025. An Initial RI Report is expected to be completed for the Site in the Summer of 2025. After the building on the Site is demolished and the IRM complete, a Final Remedial Investigation Report will be submitted. The Remedial Action Work Plan (“RAWP”) is expected to be submitted in late 2025 with implementation of an approved RAWP thereafter in late 2025 or early 2026. The Certificate of Completion is anticipated to be issued in late 2026.

SECTION III: LAND USE FACTORS

Current Zoning and Land Use

The Site is currently zoned B-6 (Enclosed Mall). The B-6 zoning district allows for recreational, health club public, community facility theatres, office business automotive, commercial, retail and parking uses. The Site is part of the Galleria Mall which encompasses two large city blocks in downtown White Plains is proximate to, and within easy walking distance of, the White Plains train station. The Galleria Mall is surrounded by governmental, office, retail and more recently dense residential with ground floor retail and restaurant uses.

Anticipated Zoning and Use

The zoning change being sought by the Requestor is for a new Transit Development 2 District (TD-2). The TD-2 District would allow for additional dense residential and retail development near the train station consistent with other recent developments in downtown White Plains. The enclosed mall concept has become outdated and has served as an impediment to the development of White Plains as a pedestrian oriented business and residential community. The elimination of the enclosed mall is consistent with the vision embodied in the City of White Plains Comprehensive Plan for a pedestrian oriented downtown. The rezoning is anticipated to be completed by the end of 2024.

The anticipated use of the Site is a 32-floor condominium building consisting of 472 residential units with retail on the ground floor. The building will include a parking garage, residential storage, common and open space. The development of the Site for a condominium has already been approved by NYS and the City of White Plains with accompanying Site specific address and tax lot identification. The condominium building is not proposed to be a “renewable energy facility”.

SECTION IV: PROPERTY’S ENVIRONMENTAL HISTORY

Environmental Reports

The following are the Site environmental report separately included with this application:

- a. Phase I Environmental Site Assessment prepared by SESI for Martine Avenue Partners LLC dated September 2024;
- b. Phase II Environmental Site Assessment prepared by SESI for Martine Avenue Partners LLC dated September 2024.
- c. Phase I Environmental Site Assessment prepared by ATC Group for WP Galleria Realty dated April 2019
- d. Fuel Oil Tank Upgrade Project Report Tank Closure and Installation Prepared by Clayton Environmental Consultants, Inc. for Macy’s East Inc., April 1997

Sampling Data

The sampling data from the Phase II Environmental Site Assessment prepared by SESI is summarized in Section I: Environmental Assessment and in the Spider Maps attached as Exhibit G.

SECTION V: REQUESTOR INFORMATION

The Requester is Martine Avenue Partners LLC, a New York limited liability company, authorized to conduct business in the State of New York. **NYS Department of State’s Corporation & Business Entity Database Site Information is attached as Exhibit H.** The Requestor is located at 5 Renaissance Square, White Plains, New York 10605. Louis R. Cappelli is the sole and managing member of Martine Avenue Partners LLC. **The Operating Agreement of Martine Avenue Partners LLC is attached as Exhibit I.**

Louis R. Cappelli, as sole and managing member of the Requestor Martine Avenue Partners LLC, has authorized himself to execute this BCP application and all documents required to facilitate the BCP remedial program for the Site including but not limited to, access agreements, BCP amendments, and an environmental easement for the Site as may be required. **The Martine Avenue Partners LLC designation and certification of authority is attached as Exhibit J.**

Martine Avenue Partners LLC does not own the Site but is the contract vendee for the Site. The Site is owned by Galleria City Holding Company LLC, located at 100 North Pacific

Coast Highway, Suite 1925, El Segundo, CA, 90245. **The Deed for the Site is attached as Exhibit K.**

SECTION VI: REQUESTOR ELIGIBILITY

Volunteer Status

Martine Avenue Partners LLC has no current or prior relationship with the owner of the Site, which was purchased in and about the time the mall was slated to discontinue operation. Martine Avenue Partners LLC also had no relationship with the most recent and prior operators of the Site. **A list of known past owners and operators of the Site is attached as Exhibit L.** The Requestor did not cause any contamination of the Site, which predates this BCP application. The Requestor has also performed all required environmental due diligence in relation to the Site.

Volunteer Non-Owner Access Agreement

The current owner of the Site has executed an access and consent agreement for the Site which authorizes Martine Avenue Partners LLC access to the property throughout the BCP application and BCP project, to participate in the BCP, and to investigate and perform a remedial program for the Site, including but not limited to authority to execute and grant to the NYSDEC an environmental easement on the Site should Martine Avenue Partners LLC not own the Site at the time the remediation is complete. **The Access and Consent Agreement is attached as Exhibit M.**

Volunteer Certification

The Requestor certifies that it is a Volunteer, since it does not own the Site; and does not have nor has ever had a relationship with any of the past owners or operators of the Site that caused the contamination, nor was it involved with the Site at the time of disposal. The Requestor has performed all required environmental due diligence prior to acquiring the Site.

SECTION VII: REQUESTOR CONTACT INFORMATION

Complete contact information for the Requester representative, Site owner, environmental consultant and legal counsel is provided in the BCP Application Form. Each representative except for the Site owner requests copies of correspondence, notices, etc.

SECTION VIII: PROGRAM FEE

The Requestor is not seeking a program fee waiver

SECTION IX: PROGRAM ELIGIBILITY INFORMATION

In addition to the responses on the BCP Application Form, the Site meets the definition of an eligible "brownfield site" in Environmental Conservation Law § 27-1405(2) as "any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations." Environmental sampling demonstrates the impact of the Site's previous commercial, retail and residential uses caused Site contamination above the applicable cleanup standards. See Environmental Reports separately attached and the Spider Maps in Exhibit F of data demonstrating exceedances of the cleanup standards for this Site.


SECTION X: CONTACT LIST INFORMATION AND REPOSITORY

The Site Contact List and Repository Letter are attached as Exhibits N and O respectively.

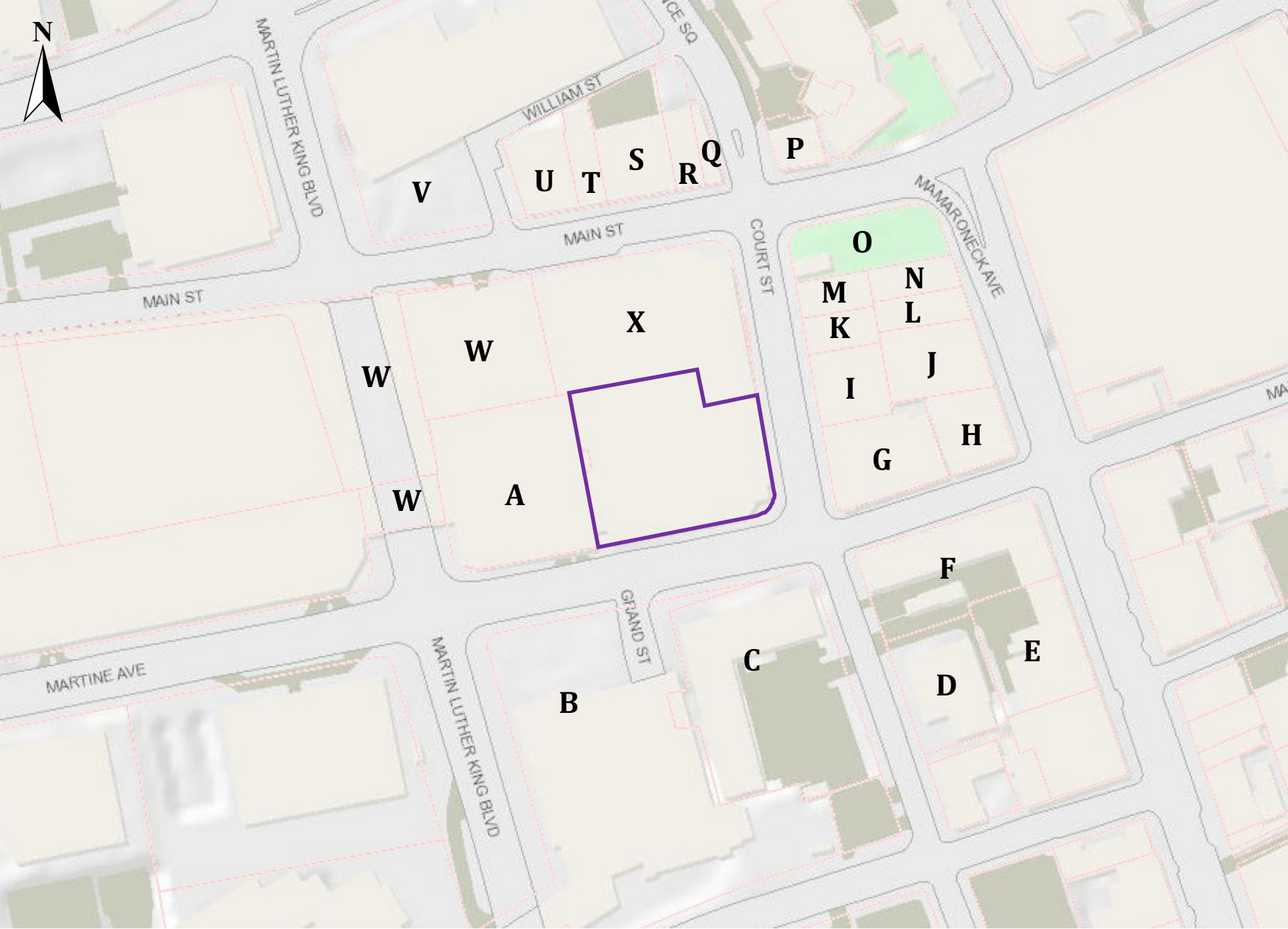
Exhibit A:

Site Location Map, Base Map,
and Street Map

Site Name: 50 Court Street
Site Address: 50 Court Street, White Plains, NY 10601

 BCP Site Location





Map Source: Westchester County Tax Parcel Viewer
Date Created: October 4, 2024

**Map is approximate, should not be used as a survey*

BCP Site Information

-Site Address: 50 Court Street, White Plains, NY 10601

-Site SBL: 125.75-4-4..2

-Site Owner: Galleria City Holding Company LLC

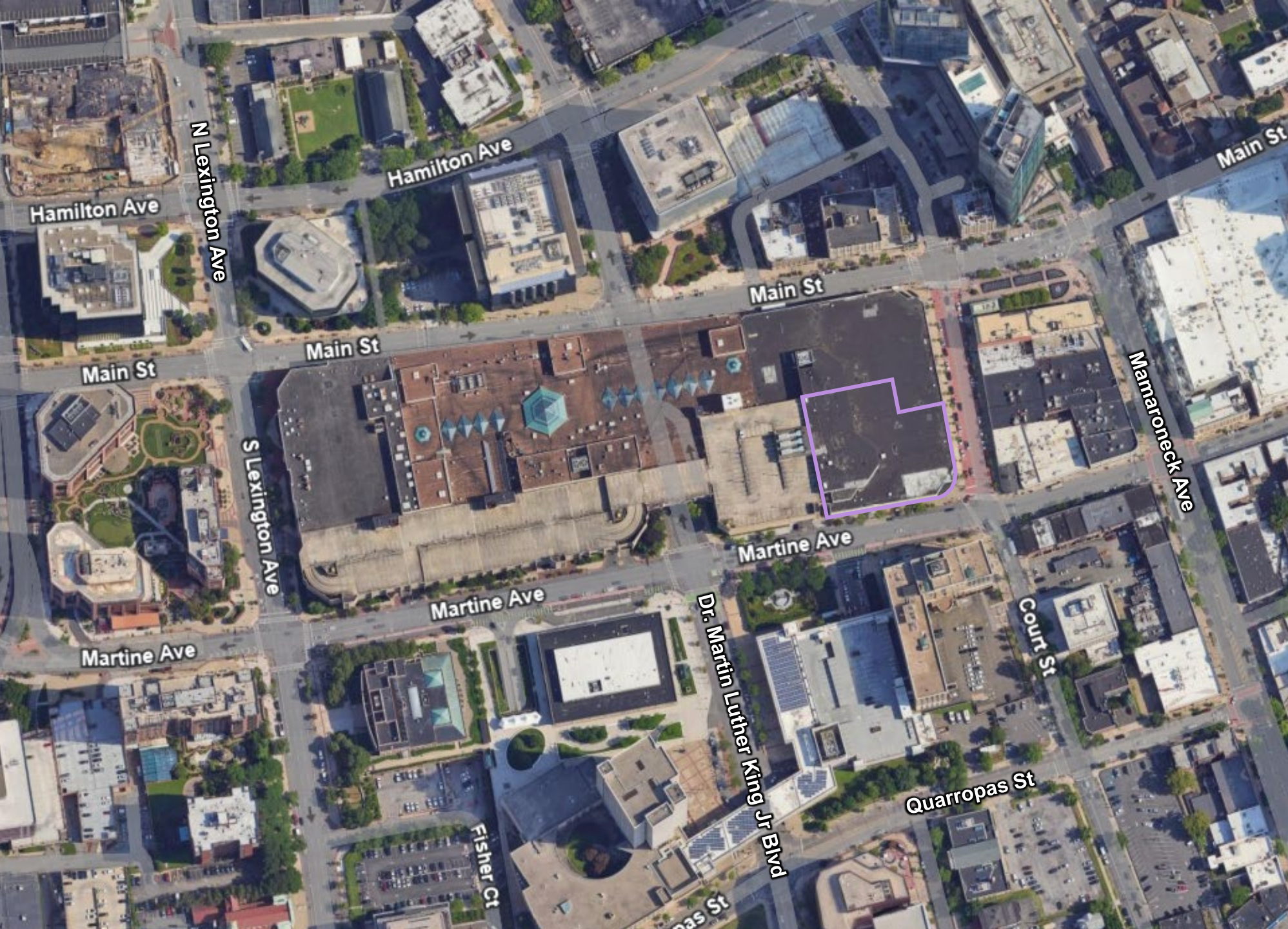
Base Map

Site Name: 50 Court Street
Site Address: 50 Court Street, White Plains, NY 10601

 BCP Site Boundary

Letter	SBL Number	Adjacent Property Owner	Property Address	Adjacent Property Owner Information
A	125.75-4-5	City of White Plains	100 Main Street	
B	125.75-6-1.2	County of Westchester	110-111 Dr. Martin L. King Blvd	
C	125.75-6-2	County of Westchester	148 Martine Avenue	
D	125.75-7-5	County of Westchester	83 Court Street	
E	125.75-7-2	76 Mamaroneck Ave, LLC	64-86 Mamaroneck Avenue	
F	125.75-7-1	48 Mamaroneck Ave, LLC, c/o Silverman Realty	48-62 Mamaroneck Avenue	
G	125.75-3-6	Court & Martine 2009 LLC, c/o Minskoff Grant Realty	167-183 Martine Avenue	
H	125.75-3-5	24-46 Mamaroneck Avenue Associates, LLC, c/o Silverman Realty Grp	44 Mamaroneck Avenue	
I	125.75-3-7	24-46 Mamaroneck Avenue Associates, LLC, c/o Silverman Realty Grp	31-37 Court Street	
J	125.75-3-4	24-46 Mamaroneck Avenue Associates, LLC, c/o Silverman Realty Grp	26-32 Mamaroneck Avenue	<div>Base Map</div> <div> Site Name: 50 Court Street Site Address: 50 Court Street, White Plains, NY 10601 </div>
K	125.75-3-8	Minskoff,E Et Al % Minskoff Grant Realty	25-29 Court Street	
L	125.75-3-3	20 Mamaroneck LLC	20 Mamaroneck Avenue	
M	125.75-3-9	Dions Court Plaza LLC, c/o Rraci Realty	19 Court Street	
N	125.75-3-2	Roy Properties LLC	200-202 Main Street	

Letter	SBL Number	Adjacent Property Owner	Property Address	Adjacent Property Owner Information
O	125.75-3-1	City of White Plains	200-202 Main Street	
P	125.75-2-9.1	199 Main Street Realty Corp.	199 Main Street	
Q	125.75-2-6	Nisi 189 LLC,	189 Main Street	
R	125.75-2-5.1	K.A.T. Meat Corp	185-187 Main Street	
S	125.75-2-4	Wyssup-Laurel Glen Corp	175 Main Street	
T	125.75-2-3	Singer,Edwin McMahon, c/o Misra Group LLC	171-173 Main Street	
U	125.75-2-2	A & F Williams Street LLC	165 Main Street	
V	125.75-2-1	Power Authority of the State of New York	123 Main Street	
W	125.75-4-3	Galleria City Holding Company LLC	100 Main Street	
X	125.75-4-4..1	Galleria City Holding Company LLC	180 Main Street	
				Base Map
				Site Name: 50 Court Street Site Address: 50 Court Street, White Plains, NY 10601



Map Source: Google Earth
Date Created: October 4, 2024

Street Map

Site Name: 50 Court Street
Site Address: 50 Court Street,
White Plains, NY 10601

— BCP Site Boundary

Exhibit B:

Tax Map, Condominium Map and Survey

The map displays a residential neighborhood in White Plains, New York. The streets shown include MAIN ST, COURT ST, MARTINE AVE, MAMARONECK AVE, and GRAND ST. A purple outline highlights a property at 50 COURT ST, 125.75-4-4..2. Other labeled properties include 111 MAIN ST 125.75-1-1, 123 MAIN ST 125.75-2-1, 165 MAIN ST 125.75-2-2, 175 MAIN ST 125.75-2-4, 180 MAIN ST 125.75-4-4..1, 100 MAIN ST 125.75-4-3, 100 MAIN ST 125.75-4-2, 100 MAIN ST 125.75-4-5, 100 MAIN ST 125.75-4-3, 19 COURT ST 125.75-3-9, COURT ST 125.75-3-8, COURT ST 125.75-3-7, MAMARONECK AVE 125.75-3-4, MARTINE AVE 125.75-3-6, MAMARONECK AVE 125.75-7-1, MAMARONECK AVE 125.75-7-1, MAMARONECK AVE 125.75-7-2, 83 COURT ST 125.75-7-5, 148 MARTINE AVE 125.75-6-2, and 100 MARTINE AVE 125.75-5-1. The map also shows the location of the White Plains Courthouse and the White Plains Library.

Tax parcel data was provided by local municipality. This map is generated as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact local municipality assessor's office.

N

Westchester County GIS

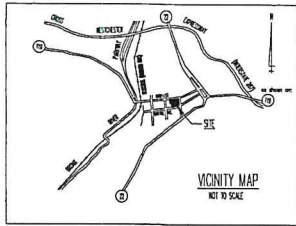
GIS GEOGRAPHIC INFORMATION SYSTEMS

<http://giswww.westchestergov.com>

Michaelian Office Building
148 Martine Avenue Rm 214
White Plains, New York 10601

Site Name: 50 Court Street
Site Address: 50 Court Street,
 White Plains, NY 10601
**edited from original
 Westchester County GIS tax map*

— BCP Site Boundary



TAX LOT SCHEDULE:		TAX LOT SCHEDULE:	
OLD TAX LOT NUMBER	NEW TAX LOT NUMBER	OLD TAX LOT NUMBER	NEW TAX LOT NUMBER
125.75-4-4	125.75-4-1	125.75-4-5	125.75-4-2

ACREAGE SCHEDULE:		ACREAGE SCHEDULE:	
TRACED	ACRES	TRACED	ACRES
1.0588	1.0588	1.1636	1.1636

COUNTY INDEX:		COUNTY INDEX:	
125.75-4-1	125.75-4-2	125.75-4-3	125.75-4-4

CERTIFICATION OF ASSESSOR:

This is to certify that the land designated and the tax lot numbers shown herein are correct to the official Tax Lot number of said land in the official map of the City of White Plains, County of Westchester, State of New York.

Tax Number: _____

Source to before was this _____ day of _____

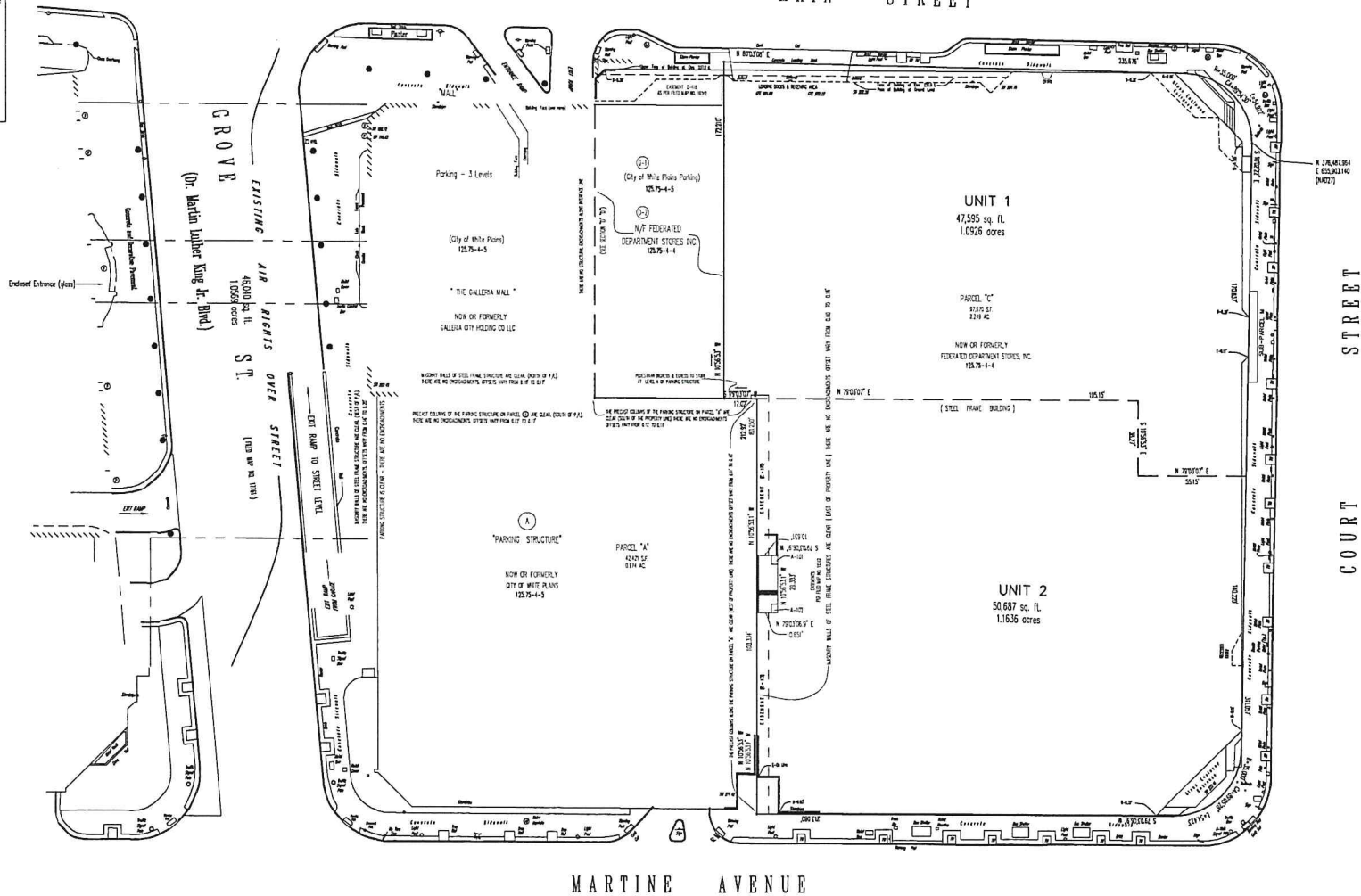
Notary Public: _____

OWNER OF RECORD:

Date: _____

Other: _____

Owner: Galleria City Holding Co LLC
1 Boulevard
White Plains, NY 10601

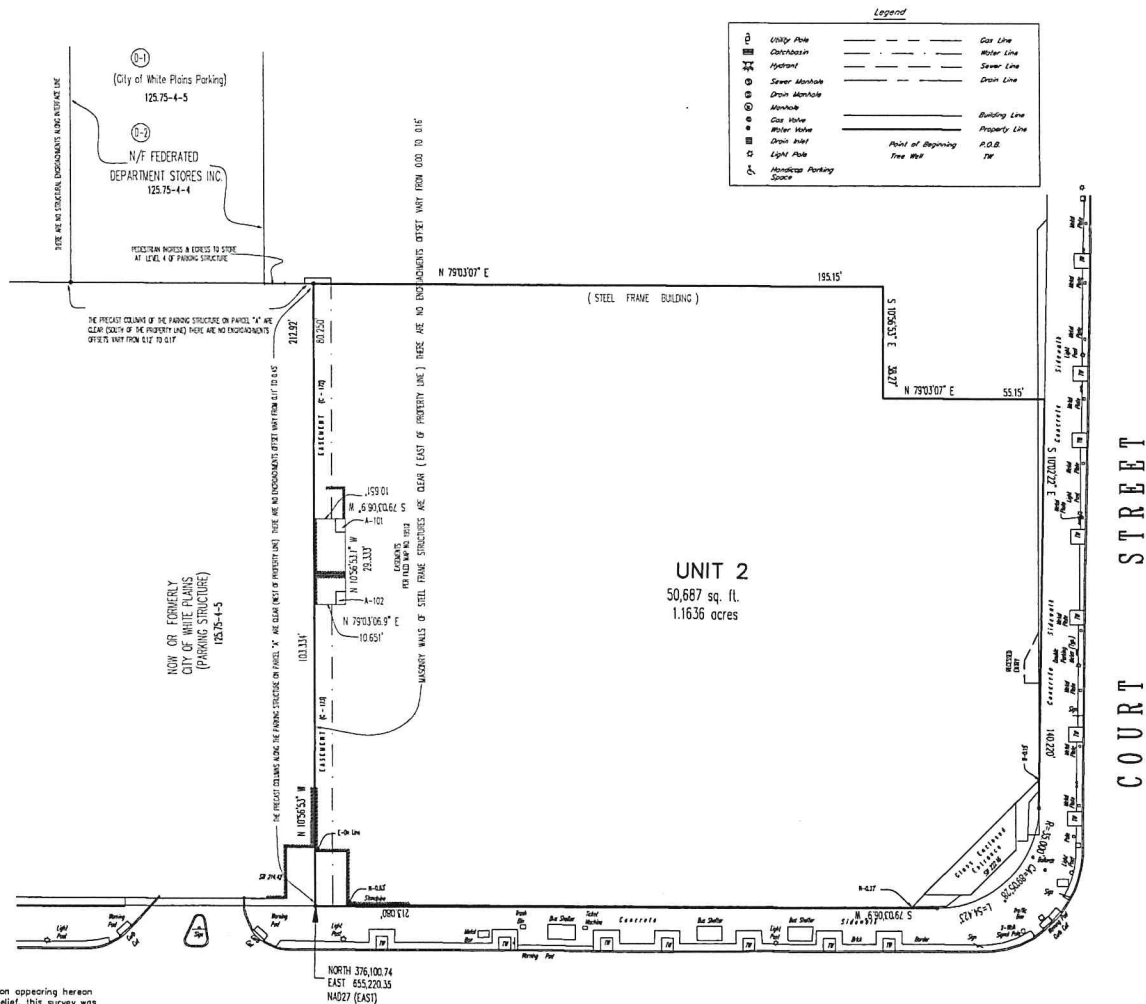


Legend	
125.75-4-1	125.75-4-2
125.75-4-3	125.75-4-4
125.75-4-5	125.75-4-6

Galleria East Condominium
Located at 100 Main Street
White Plains, NY 10601 and
prepared for
Galleria City Holding Co LLC
in the City of
White Plains
Westchester County, N.Y.
Scale 1"=20' Sept. 16, 2024

The parcel shown on this map is located in the City of White Plains, NY 10601 and is shown on the official Tax Lot number of said land in the official map of the City of White Plains, NY 10601.

Residence	_____
Commercial	_____
Industrial	_____
Public	_____
Other	_____



SURVEY OF PROPERTY
GALLERIA EAST CONDOMINIUM - UNIT 2
TAX ID: 125.75-4-4.2
50 COURT STREET, WHITE PLAINS, NEW YORK
COUNTY OF WESTCHESTER
STATE OF NEW YORK
DATE: SEPTEMBER 24, 2024

Spatial Reference System
USA/NAD 83 (2011)/NEW YORK (EAST)

The surveyor's seal, signature and any certification appearing hereon signify that, to the best of his knowledge and belief, this survey was prepared in accordance with the minimum standards for land surveys as set forth in the Code of Practice adopted by the New York State Association of Professional Land Surveyors, Inc.

Certifications shall run only to the person for whom this survey was prepared, and on his behalf, to the title company, lending institution and governmental agency listed herein.

Underground improvements, structures, utilities or encroachments, and any easements related thereto, are not depicted hereon unless otherwise noted.

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, Sub-Division 2 of the New York State Education Law.

NOTES:

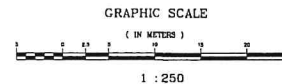
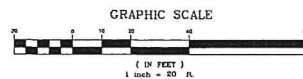
1) The premises source of title are recorded in the Westchester County Clerk's Office (Division of Land Records) are as follows:

A) Control No. 622273842 dated October 18, 2022 and recorded October 28, 2022.

(The property described in the deed is the overall property - a portion as said property is shown on the survey).

2) There is one existing building shown on the surveyed property.

3) This survey has been revised with the benefit of Title Report Commitment No. FA-WE-522157.



LINE & GRADE SURVEYORS D.P.C.

23 Nepperhan Avenue
Elmsford, New York 10523
Phone: (914) 347-3141
Email: office@lineandgrade.net

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Revisions:

Revised Tax Id and Block as per City Assessor Sept. 16, 2024.
Added property address as per City Assessor Sept. 24, 2024.

E:\Galleria-White Plains\dwg\57870-Galleria-East-Unit 2.dwg

Exhibit C:

En-Zone Map



Map Source: Google Earth
Date Created: October 4, 2024

En-Zone Type: AB

	93
STATEFP	36
COUNTYFP	119
TRACTCE	009300
GEOID	36119009300
NAME	93
NAMELSAD	Census Tract 93
MTFCC	G5020
FUNCSTAT	S
ALAND	555583
AWATER	0
INTPTLAT	+41.0295908
INTPTLON	-073.7698819
FIPS	36119009300
County_FIPS	36119
Geography	Census Tract 93
County	Westchester County
UnempRate	12.2
NYS_UR	7.1
Pov_Rate	33.5
County_PR	8.4
CountyRateX2	16.8
Criteria_A	Y
Criteria_B	Y
Both_AB	Y
EnZoneType	AB

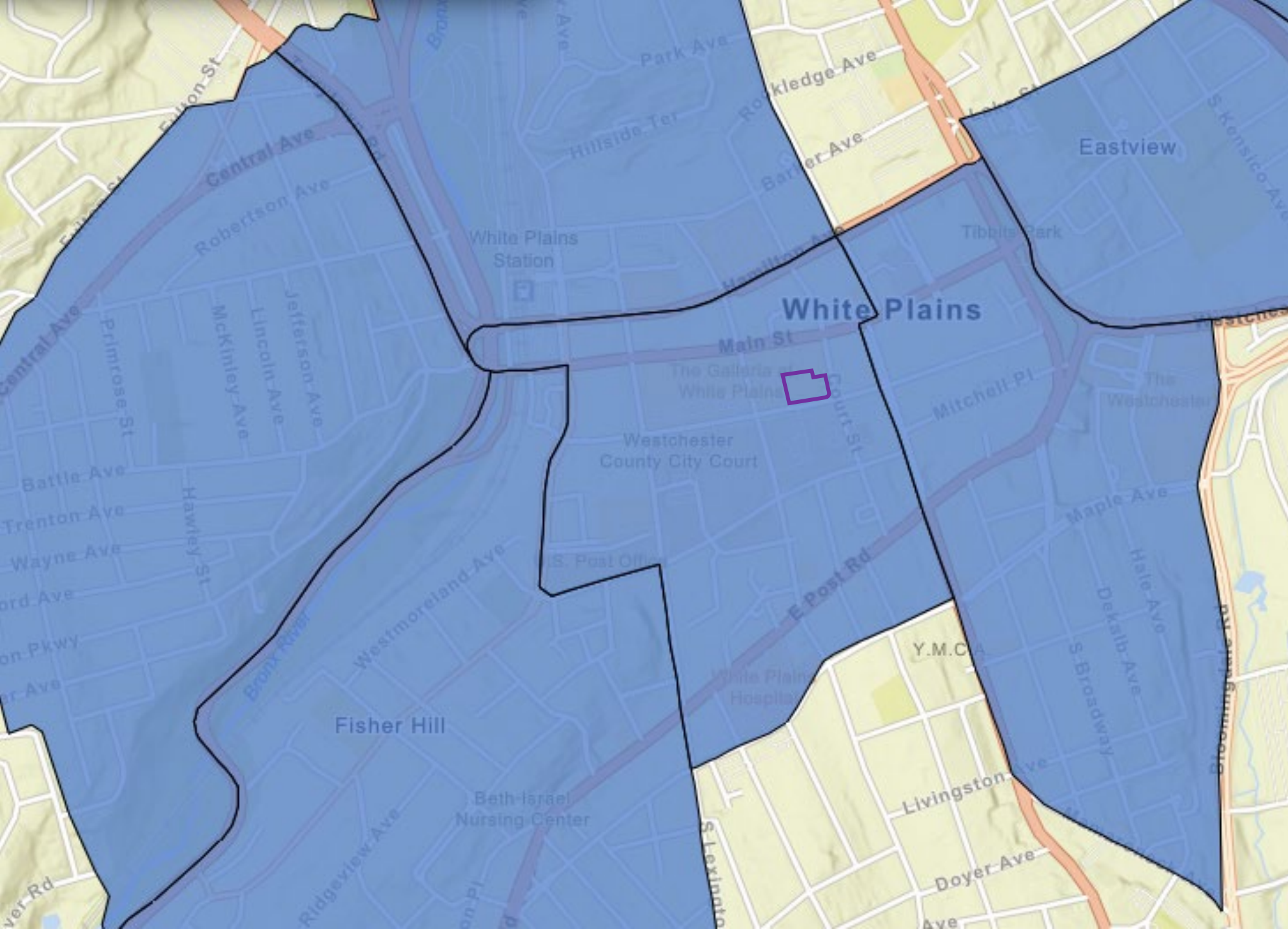
En-Zone Map

Site Name: 50 Court Street
Site Address: 50 Court Street,
White Plains, NY 10601

Legend:
— BCP Site Boundary

Exhibit D:

Disadvantaged Community Map

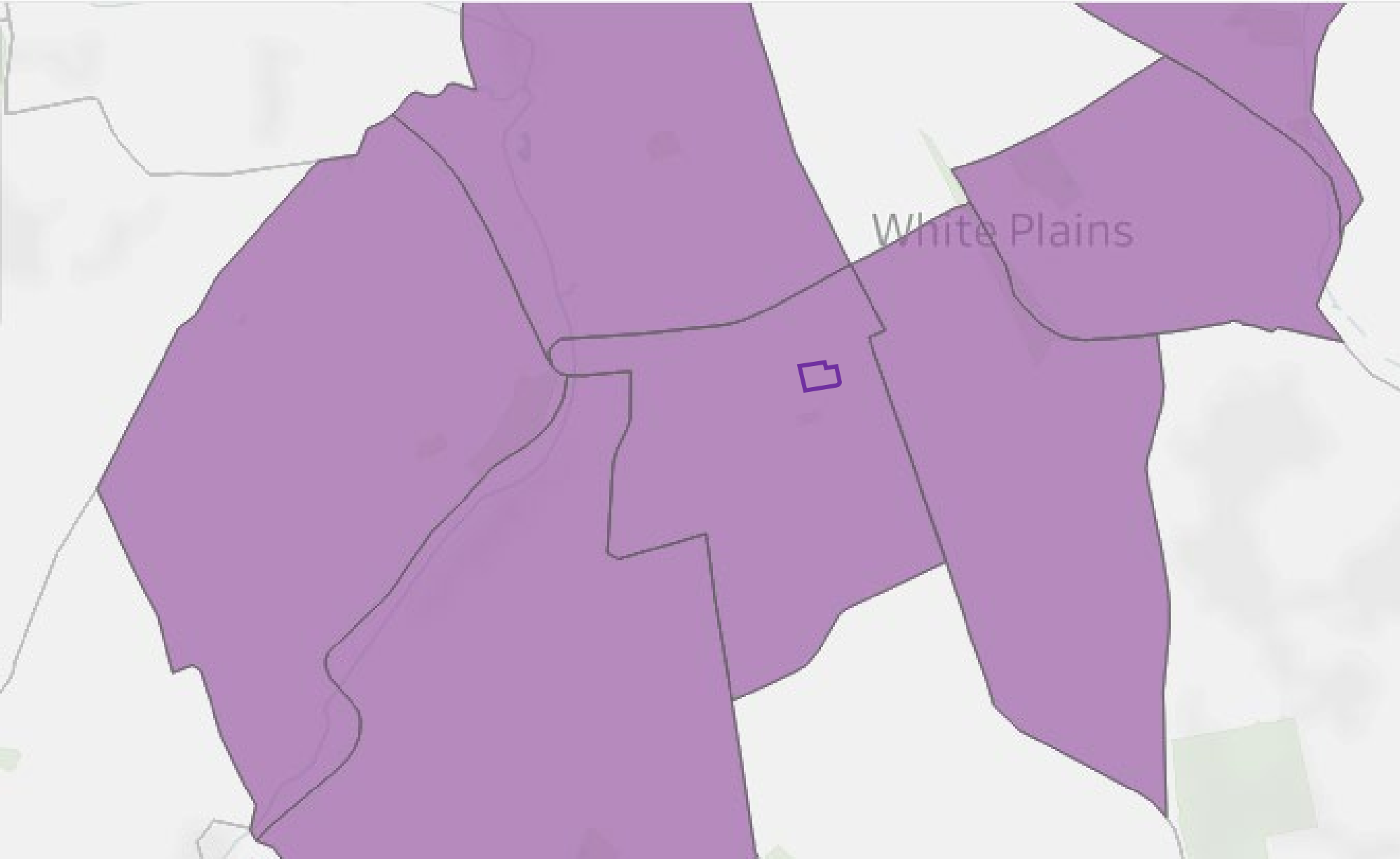


Map Source: NYSDA
Disadvantaged Communities
Interactive Map
Date Created: October 4, 2024

DAC ×
GEOID: 36119009300
Household Count: 1430
Population Count: 2968
Regional Economic Development Council: Mid-Hudson

***Disadvantaged
Communities Map***
Site Name: 50 Court Street
Site Address: 50 Court Street,
White Plains, NY 10601

Legend
BCP Site Boundary
Disadvantaged Community





Map Source: New York State
Climate Act Disadvantaged
Communities Criteria Map
Date Created: October 4, 2024

Disadvantaged Communities Map

Site Name: 50 Court Street
Site Address: 50 Court Street,
White Plains, NY 10601

Legend

-  BCP Site Boundary
-  Disadvantaged Community

Census Tract 36119009300 is **Designated a DAC**
 This Tract covering **White Plains city** has a population of **2,968**

Environmental Burden is higher
 than **55%** of Census Tracts statewide
Population Vulnerability is higher
 than **80%** of Census Tracts statewide

Population Characteristics & Vulnerability ...

Health Impacts & Burdens	Asthma ED visits	77%
	COPD ED visits	72%
	Heart attack (MI) Hospitalization	7%
	Low Birthweight	50%
	Pct Adults Age 65+	93%
	Pct w/ Disabilities	75%
	Pct w/o Health Insurance	85%
	Premature Deaths	18%
Housing, Mobility, Communications	Energy Poverty / Cost Burden	6%
	Homes Built Before 1960	13%
	Housing Cost Burden (Rental C...	87%
	Manufactured Homes	0%
	Pct Renter-Occupied Homes	79%
	Pct w/o Internet (home or cellul...	44%
Income	Pct <100% of Federal Poverty ..	89%
	Pct <80% Area Median Income	86%
	Pct Single-Parent Households	89%
	Pct w/o Bachelor/Es Degree	44%
	Unemployment Rate	97%
Race/Ethnicity	Limited English Proficiency	85%
	Pct Asian	79%
	Pct Black or African American	72%
	Pct Latino/a or Hispanic	88%
	Pct Native American or Indigen...	2%

Environmental Burden & Climate Change Risk ...

Land Use & Historic Discrimination	Active Landfills	0%
	Housing Vacancy Rate	60%
	Industrial/Manufacturing/Mining La..	0%
	Major Oil Storage Facilities	0%
	Municipal Waste Combustors	0%
	Power Generation Facilities	0%
	Regulated Management Plan (Ch...	27%
	Remediation Sites	57%
Potential Climate Change Risk	Scrap Metal Processing	0%
	Agricultural Land Use	0%
	Coastal Flooding and Storm Risk ..	0%
	Driving Time to Urgent/Critical Care	1%
	Extreme Heat Projections (>90? d...	96%
	Inland Flooding Risk Areas	7%
	Low Vegetative Land Cover	84%
Potential Pollution Exposure	Benzene Concentration (Modeled)	55%
	Particulate Matter (PM2.5)	48%
	Traffic: Diesel Trucks	65%
	Traffic: Number of Vehicles	89%
	Wastewater Discharge	13%

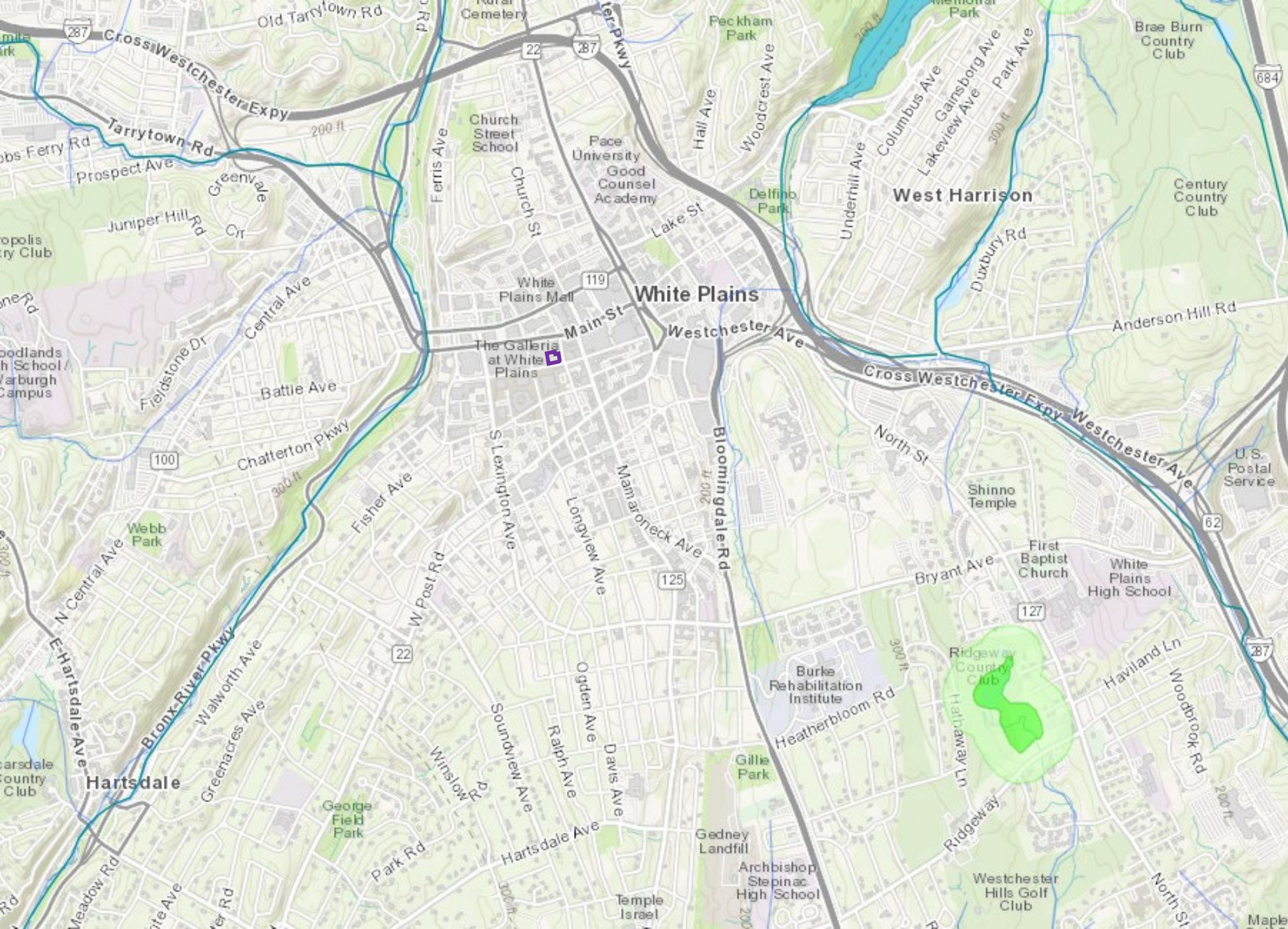
Source: New York State
 Climate Act Disadvantaged
 Communities Criteria Website

Disadvantaged Communities Map

Site Name: 50 Court Street
Site Address: 50 Court Street,
 White Plains, NY 10601

Exhibit E:

Flood Map and Wetlands Map



Map Source: NYS DEC
Environmental Resource
Mapper
Date Created: October 7, 2024

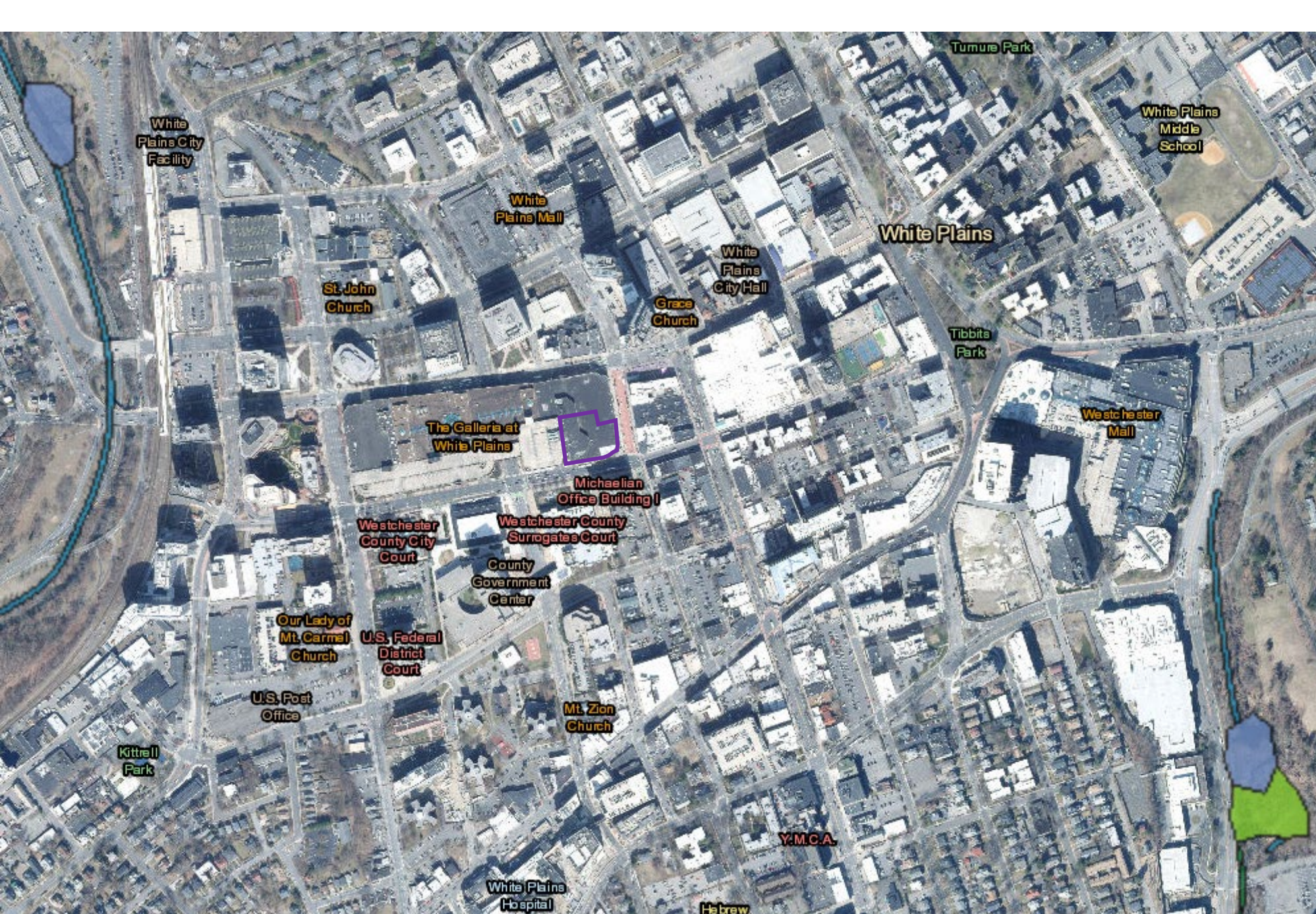
Legend (from Mapper)

- Waterbody Classifications for Rivers/Streams
- Waterbody Inventory/Priority Waterbodies List
 - Lakes and Reservoirs
 - Estuaries
 - Rivers and Streams
 - Shorelines
- State Regulated Freshwater Wetlands (Outside of the Adirondack Park)
- State Regulated Wetland Checkzone

New York State Wetlands Map

Site Name: 50 Court Street
Site Address: 50 Court Street,
White Plains, NY 10601

BCP Site Boundary



Map Source: US FWS National Wetlands Inventory Mapper
Date Created: October 7, 2024

Legend (from Mapper)

Wetlands

- Estuarine and Marine
- Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

Riparian

- Forested/Shrub
- Herbaceous

Riparian Mapping Areas

- Riparian Mapping Areas

Areas of Interest

- Other
- Ramsar site

FWS Managed Lands

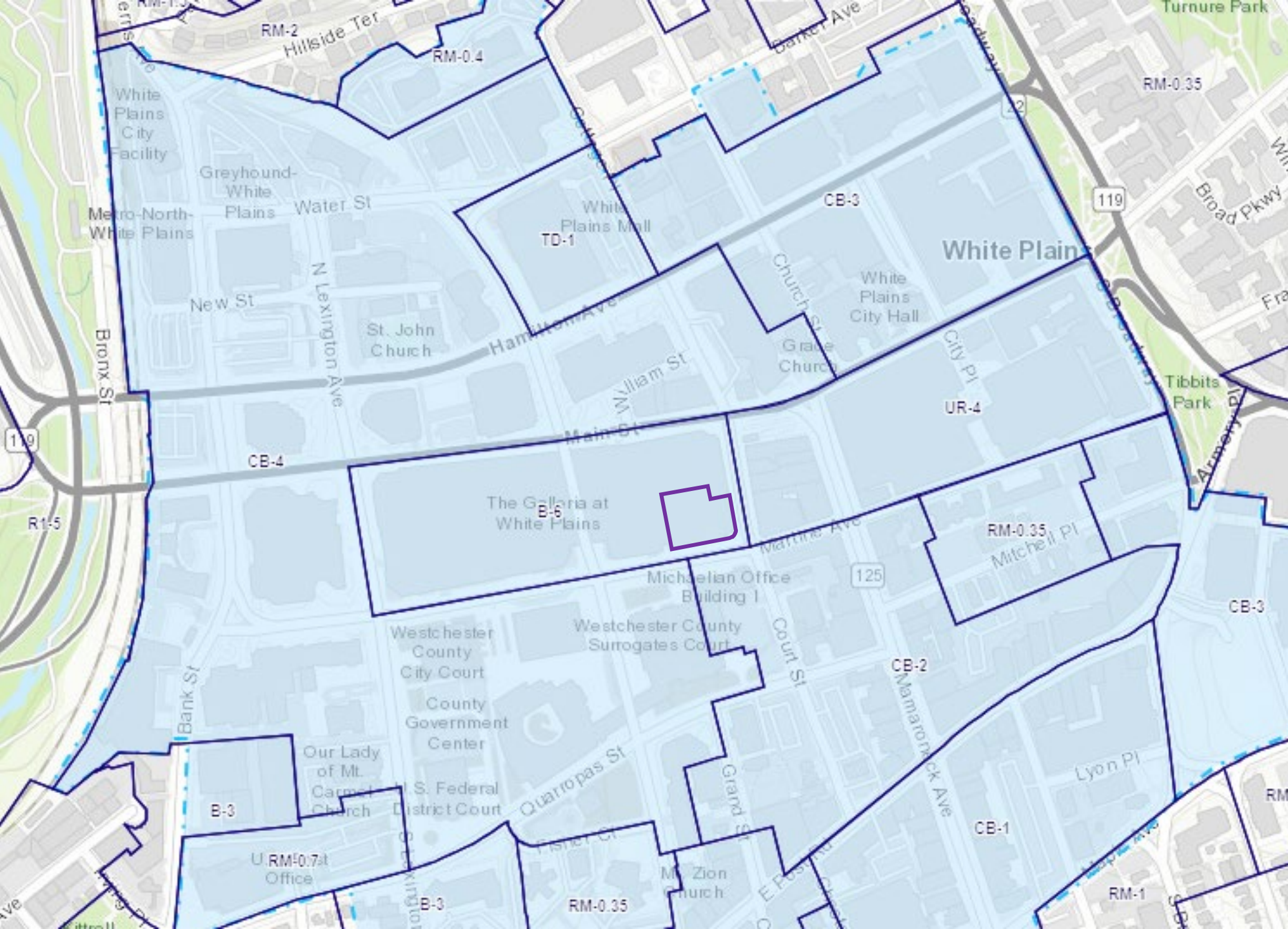


Federal Wetlands Map

Site Name: 50 Court Street
Site Address: 50 Court Street,
White Plains, NY 10601

BCP Site Boundary

Exhibit F:
Zoning Map



Map Source: City of White Plains Unofficial Zoning Map
Date Created: October 7, 2024

Zoning Designation for BCP Site:
B-6 (Enclosed Mall)

Per the Zoning Ordinance of the City of White Plains:

"The B-6 District is designated for super-regional enclosed shopping malls, with accompanying parking and other facilities commonly found accessory to such 'uses.'"

Zoning Map
Site Name: 50 Court Street
Site Address: 50 Court Street, White Plains, NY 10601

 BCP Site Boundary

Current Zoning District Information: B-6 (Enclosed Mall)

USE	TYPE
Commercial indoor "recreation facilities"	PP
"Health Clubs"	SP
Theaters	PP
Accessory "dish antennas" as regulated by Sections 4.4.24 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Nursery schools" or "day care centers"	PP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobile parts or accessories involving installation at point of sale	PP
"Retail laundries" or "retail dry cleaners"	PP

Source: Zoning Ordinance of the City of White Plains

Zoning Table Key

KEY:
PP = Permitted Principal "Use";
PA = Permitted "Accessory Use";
SP = Special Permit "Use";
(R-A), etc. = Prior District designation;
* = When in the Central Parking Area

Zoning Map

Site Name: 50 Court Street
Site Address: 50 Court Street,
White Plains, NY 10601

Current Zoning District Information Continued: B-6 (Enclosed Mall)

Source: Zoning Ordinance of
the City of White Plains

Zoning Table Key

KEY:

PP = Permitted Principal "Use";
PA = Permitted "Accessory Use";
SP = Special Permit "Use";
(R-A), etc. = Prior District designation;
* = When in the Central Parking Area

Zoning Map

Site Name: 50 Court Street
Site Address: 50 Court Street,
White Plains, NY 10601

USE	TYPE
Banks	PP
"Consumer financial service establishments"	PP
Business or trade schools	PP
Libraries, museums or art galleries	PP
Newsstands	PA
"Restaurants" or "cafeterias"	PP
"Fast food eating establishments"	PP
"Restaurants" or "cafeterias" for employees	PA
"Cafes"	PP
"Accessory electronic games"	PA
"Motor vehicle repair shops"	SP*
Medical laboratories	PP
"Public utility buildings or structures"	SP
"Parking lots" or "parking garages"	PA
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

PROPOSED Zoning District Information: TD-2* (Transit Development-2)

USE	TYPE
“Multi-family dwellings”	PP
The keeping of “household pets”	PA
Non-profit “recreational facilities”	PA
Commercial indoor “recreation facilities”	PP
“Health clubs”	SP
Health maintenance, rehabilitation and fitness centers not operated as “Health Clubs”	SP
Theaters	PP
Membership clubs	SP
Accessory “swimming pools” as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory “dish antennas” as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
“Emergency shelters”	SP*
“Uses” of the City of White Plains	PP
“Uses” of other governments, subject to the requirements of Section 5.6	PP
“Public schools”	PP
“Private secondary or elementary schools”	SP
“Nursery schools” or “day care centers”	SP
“Nursery schools” or “day care centers” in conjunction with a permitted church or other place of worship, “membership club,” or “public school” or “private secondary or elementary school”	PA
Independent, unaffiliated “nursery schools” or “day care centers” located within a permitted church or other place of worship, “membership club,” or “public school” or “private secondary or elementary school”	SP
“Universities,” “colleges” or seminaries	PP
“Assisted living facility”	PP
Libraries, museums, or art galleries not operated for profit	PP
Business or professional offices	PP
Business or Professional Offices of “Professional Persons”	PP
Offices for group education, training or counseling in “buildings” containing no residential “uses”	PP
Offices for group education, training or counseling in "buildings" containing no residential "uses"	PP
Office in residence of a "professional person" as regulated by Sec. 5.4.2	PA

**The TD-2 District does not exist at this moment as a type of Zoning District. The TD-2 District is currently being proposed to be added as a Zoning District within the City of White Plains.*

Source: November 2023
Zoning Amendment Petition,
Exhibit F

Zoning Table Key

KEY
PP = Permitted Principal “Use”
PA = Permitted “Accessory Use”
SP = Special Permit “Use”
* = When in the Central Parking Area

Zoning Map

Site Name: 50 Court Street
Site Address: 50 Court Street,
White Plains, NY 10601

PROPOSED Zoning District Information Continued: TD-2* (Transit Development-2)

USE	TYPE
Business, administrative or headquarters offices for “philanthropic institutions”	PP
Office space for physicians and dentists within the lowest “story” of a “multi-family dwelling”	SP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including “real estate offices,” but not including sales of automobile parts or accessories involving installation at point of sale	PP
“Craft Food Market Hall”	PP
“Retail laundries” or “retail dry cleaners”	PP
Banks	PP
“Consumer financial services establishments”	PP
Business or trade schools	PP
Libraries, museums or art galleries	PP
“Hotels”	PP
“Extended Stay Hotels”	PP
Newsstands	PA
Radio stations	PP
“Customary home occupations” as regulated by Section 5.4.2	PA
“Restaurants” or “cafeterias”	PP
Outdoor dining	SP
“Fast food eating establishments”	SP
“Restaurants” or “cafeterias” for employees	PA
“Accessory Cabarets”	SP
“Primary Cabarets”	PP
“Cafés”	PP
“Bars”	PP
“Accessory electronic games”	PA
Medical laboratories	SP
“Public utility buildings or structures”	SP
“Private garages,” carports or open parking for private passenger vehicles	PA
“Parking lots” or “parking garages”	PA
Commercial “Parking lots” for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
“Parking lots” or “parking garages” of the City of White Plains or its Parking Department	PP
Stacked attendant parking	SP*

Source: November 2023
Zoning Amendment Petition,
Exhibit F

Zoning Table Key

KEY

PP = Permitted Principal “Use”

PA = Permitted “Accessory Use”

SP = Special Permit “Use”

* = When in the Central Parking Area

Zoning Map

Site Name: 50 Court Street

Site Address: 50 Court Street,
White Plains, NY 10601

**The TD-2 District does not exist at this moment as a type of Zoning District. The TD-2 District is currently being proposed to be added as a Zoning District within the City of White Plains.*

Exhibit G:
Spider Map

Analyte	NYSDEC USCOS	NYSDEC RRSOS
Acetone	0.05	100
1,2,4-Trimethylbenzene	3.6	52
Xylenes	0.26	100
Benzo(a)anthracene	1	1
Benzo(a)pyrene	1	1
Benzo(b)fluoranthene	1	1
Benzo(k)fluoranthene	0.8	3.9
Chromium	30	
Chrysene	1	3.9
Dibenzo(a,h)anthracene	0.33	0.33
Indeno(1,2,3-cd)pyrene	0.5	0.5
cis-Chlordane	0.094	0.91
4,4'-DDD	0.0033	13
4,4'-DDE	0.0033	8.9
4,4'-DDT	0.0033	7.9
Dieldrin	0.005	0.2
Cadmium	2.5	4.3
Copper	50	270
Nickel	30	310
Lead	63	400
Mercury	0.18	0.81
Zinc	109	10000

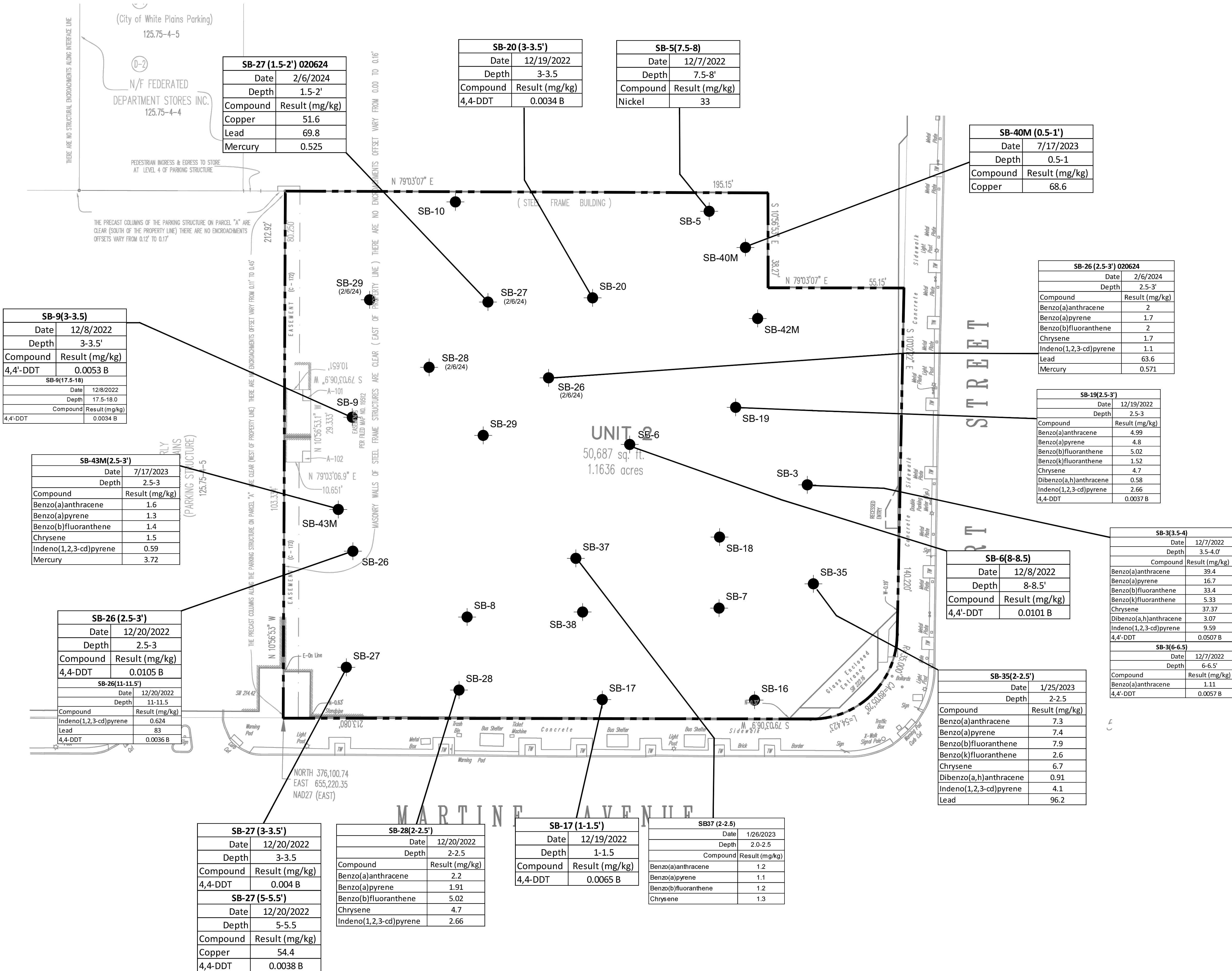
NOTES:
1. Results are measured in mg/kg.
2. Results are compared to NYSDEC USCOS and NYSDEC RRSOS.
= concentration exceeds USCO
= concentration exceeds RRSO

ABBREVIATIONS:
NYSDEC = New York State Department of Environmental Conservation.
USCO = NYSDEC Unrestricted Use Soil Cleanup Objectives (6 NYCRR 375-6.12/06).
RSO = NYSDEC Restricted Use Soil Cleanup Objectives w/CP-51 (1/10) (6 NYCRR 375-6.12/06).
mg/kg = Milligrams per kilogram.
Sample Depth is reported in feet below ground surface.
B qualifier indicates elevated detection limit due to dilution.

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

REFERENCE:
1. BASE MAP IS TAKEN FROM "SHEET 2 OF 2 CONDOMINIUM MAP" PREPARED BY LINE & GRADE SURVEYORS, D.P.C., DATED OCT. 6, 2023, REV. JAN. 10, 2024.

NYS Education Law
Unauthorized alteration or addition to this plan is a violation of section 7209 (2) of the New York State Education Law. Copies of this map not bearing the seal of the engineer shall not be valid.
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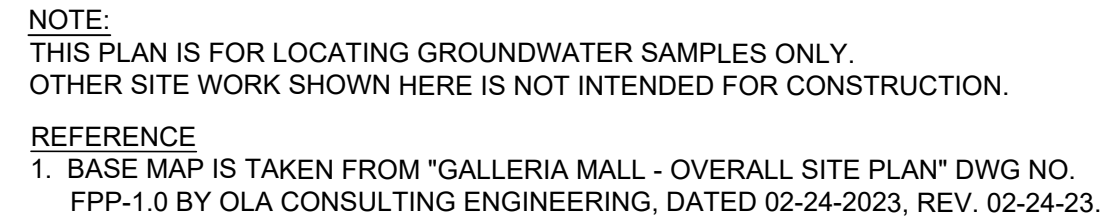
LEGEND:
SB-1 ● SOIL BORING NUMBER AND APPROX. LOCATION

Scale 1"=20'
0 10 20 40 60 80

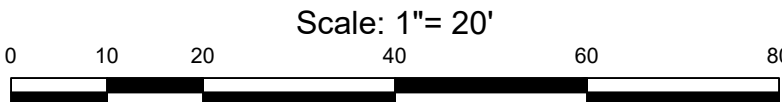
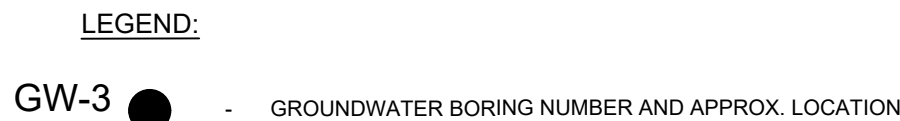
SES CONSULTING ENGINEERS
GEOTECHNICAL | ENVIRONMENTAL | SITE CIVIL
989 ROUTE 46E, 3RD FLOOR, PARSIPPANY, NJ 07054 PH: 873.808.9050

50 COURT STREET
FIFTH FLOOR
WESTCHESTER COUNTY, NEW YORK
SOIL SAMPLE LOCATION PLAN
(UNIT 2)

FIG-3.1



\\ACAD\12859\CAD\GEOTECH\LOCATION PLANS\UNIT BREAK AWAYS\UNIT 2\PHASE 2\12859.DWG.GW LOCATION PLAN (FIG 3.2) UNIT 2\DWG 01/15/25 10:33:55AM, dan.ward LAYOUT:FIG-3.2 GW SAMP (UNIT 2)



SAMPLE ID:	GW-4
COLLECTION DATE:	3/30/2023
ANALYTES	Conc Qc
PFAS (org)	
Perfluorooctanesulfonic Acid (PFOS)	10.9
Perfluorooctanoic Acid (PFOA)	31.8
SVCOs by SIM (µg/L)	
Benzo(a)anthracene	0.07 J
Benzo(a)pyrene	0.05 J
Benzo(b)fluoranthene	0.05 J
Benzo(k)fluoranthene	0.05 J
Chrysene	0.05 J
Indeno(1,2,3-cd)pyrene	0.03 J
Metals (µg/L)	
Arsenic, Total	37.94
Barium, Total	10690
Beryllium, Total	12.83
Cadmium, Total	7.35
Chromium, Total	1295
Copper, Total	1818
Iron, Total	399000
Lead, Total	632.8
Magnesium, Total	854000
Manganese, Total	25420
Mercury, Total	1.17
Nickel, Total	896.6
Selenium, Total	81.4 J
Sodium, Total	1E106
Thallium, Total	7.23

[illegible]

VOCs (µg/m ³)	IAC-A	IAC-B	IAC-E	IAC-F	SSC-A	SSC-B	SSC-C	SSC-D
1,1,1-Trichloroethane		3				100		
1,1-Dichloroethane								
1,1-Dichloroethylene	0.2			6				
1,2,4-Trimethylbenzene			2				60	
1,3,5-Trimethylbenzene							60	
1,4-Dioxane								
2,2,4-Trimethylpentane			2					
4-Ethyltoluene								
Acetone (2-Propanone)								
Benzene		2					60	
Carbon disulfide								
Carbon tetrachloride	0.2				8			
Chloroform								
Chloromethane								
Cylohexane		2					60	
Dichlorodifluoromethane								
Ethanol								
Ethyl Acetate								
Ethylbenzene		2						
Heptane			6				200	
Heptene			6				200	
Isopropyl Alcohol								
m,p-Xylene			6				200	
Methyl ethyl ketone								
Methyl isobutyl Ketone								
Methylene chloride		3					100	
o-Xylene			2				60	
Propylene								
Tertiary Butyl Alcohol								
Tetrachloroethylene						100		
Toluene				10				300
Trichloroethylene	0.2				6			
Trichlorofluoromethane								
Xylenes (total)								

Notes:

- SSC- New York DOH Matrix A Sub-daily Vapor Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2008, and updated February 2014
- SSC-E New York DOH Matrix B Sub-daily Vapor Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2008, and updated February 2014
- SSC-D New York DOH Matrix D Sub-daily Vapor Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2008, and updated February 2014
- SSC-F New York DOH Matrix F Sub-daily Vapor Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2008, and updated February 2014
- SSC-P New York DOH Matrix P Sub-daily Vapor Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2008, and updated February 2014
- IACA- New York DOH Matrix A Indoor Air Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2008, and updated February 2014
- IAC-I New York DOH Matrix I Indoor Air Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2008, and updated February 2014
- IAC-D New York DOH Matrix A Indoor Air Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2008, and updated February 2014
- IAC-E New York DOH Matrix A Indoor Air Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2008, and updated February 2014
- IAC-F New York DOH Matrix A Indoor Air Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2008, and updated February 2014
- IAC-G New York DOH Matrix A Indoor Air Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2008, and updated February 2014
- IAC-H New York DOH Matrix A Indoor Air Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2008, and updated February 2014

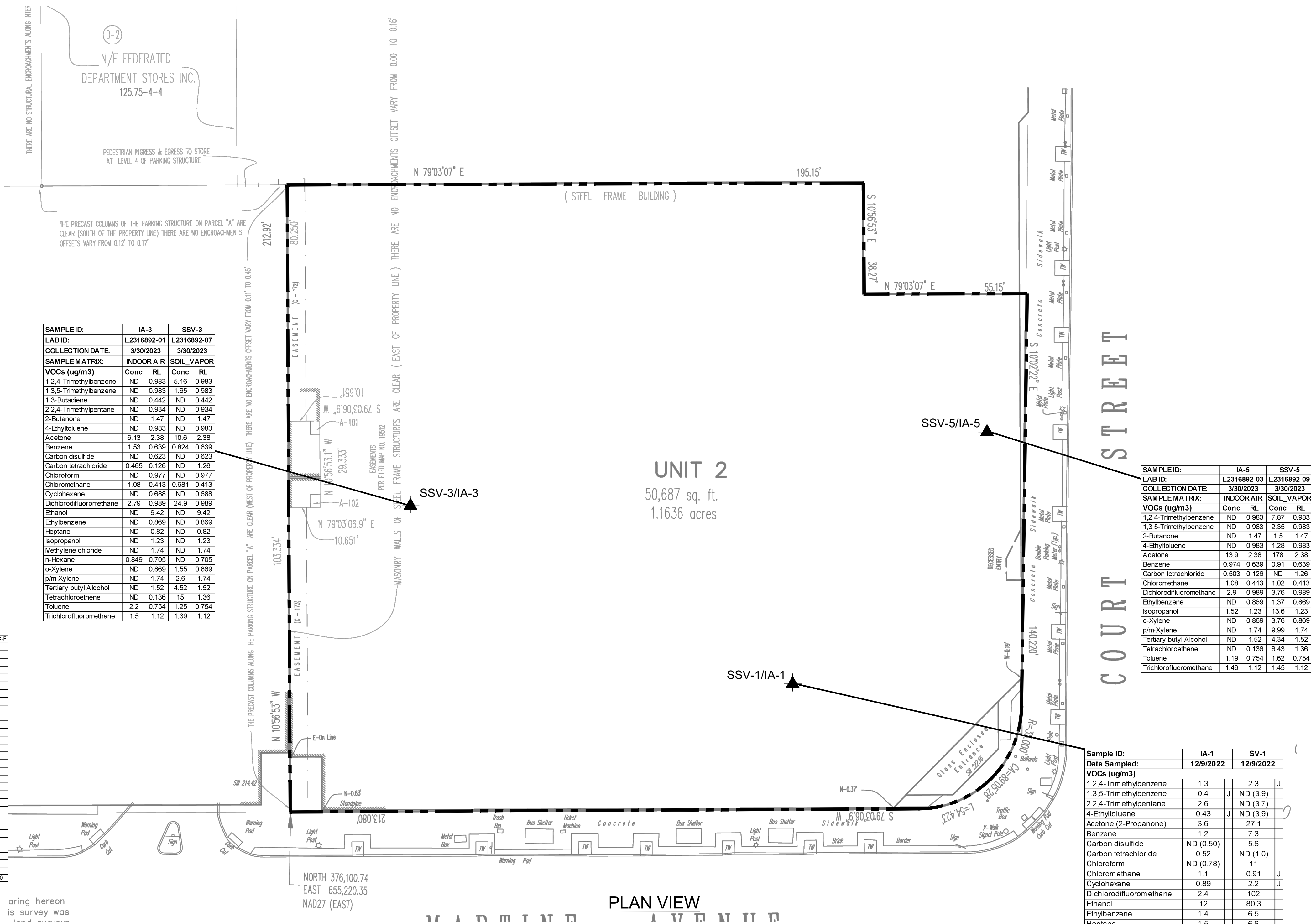
Evidence of a WSCSS NYDOH Matrix

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

REFERENCE
1. BASE MAP IS TAKEN FROM "GALLERIA MALL - OVERALL SITE PLAN" DWG NO. FPP-1.0 BY OLA CONSULTING ENGINEERING, DATED 02-24-2023, REV. 02-24-23

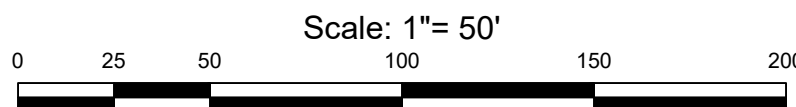
NYS Education Law
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LEGEND:

A-1  - SOIL VAPOR/INDOOR AIR NUMBER AND APPROX. LOCATION



dwg by: AW
chk by: CM
scale: AS NOTED
date: 05/29/2024

SES | CONSULTING
ENGINEERS

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

50 COURT STREET
WHITE PLAINS, NY
WESTCHESTER COUNTY, NEW YORK

SOIL VAPOR CONCENTRATION PLAN
(UNIT 2)

job no. 12859
drawing no. _____

FIG-3.3

Exhibit H:

NYDOS Corporate Entity Information
(Martine Avenue Partners LLC)

An official website of New York State.

[Here's how you know](#)

Department of State Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details

ENTITY NAME: MARTINE AVENUE PARTNERS LLC**DOS ID:** 6753389**FOREIGN LEGAL NAME:****FICTITIOUS NAME:****ENTITY TYPE:** DOMESTIC LIMITED LIABILITY COMPANY**DURATION DATE/LATEST DATE OF DISSOLUTION:****SECTION OF LAW:** LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW**ENTITY STATUS:** ACTIVE**DATE OF INITIAL DOS FILING:** 03/01/2023**REASON FOR STATUS:****EFFECTIVE DATE INITIAL FILING:** 03/01/2023**INACTIVE DATE:****FOREIGN FORMATION DATE:****STATEMENT STATUS:** CURRENT**COUNTY:** WESTCHESTER**NEXT STATEMENT DUE DATE:** 03/31/2025**JURISDICTION:** NEW YORK, UNITED STATES**NFP CATEGORY:**[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: LOUIS R. CAPPELLI**Address:** 5 RENAISSANCE SQ, 42ND FL, WHITE PLAINS, NY, UNITED STATES. 10601**Electronic Service of Process on the Secretary of State as agent: Permitted**

Chief Executive Officer's Name and Address

Name:**Address:**

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share



**Division of Corporations,
State Records and
Uniform Commercial Code**

New York State
Department of State
**DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE**
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001
<https://dos.ny.gov>

(This form must be printed or typed in black ink)

**ARTICLES OF ORGANIZATION
OF**

MARTINE AVENUE PARTNERS LLC

(Insert name of Limited Liability Company)

Under Section 203 of the Limited Liability Company Law

FIRST: The name of the limited liability company is:

MARTINE AVENUE PARTNERS LLC

SECOND: The county within this state in which the office of the limited liability company is to be located is: **WESTCHESTER**

THIRD: The Secretary of State is designated as agent of the limited liability company upon whom process against the limited liability company may be served.

The post office address to which the Secretary of State shall mail a copy of any process against the limited liability company served upon the Secretary of State by personal delivery is:

LOUIS R. CAPPELLI, 7 RENAISSANCE SQUARE, 4TH FLOOR

WHITE PLAINS, NY 10601

(Optional) The email address to which the Secretary of State shall email a notice of the fact that process against the limited liability company has been served electronically upon the Secretary of State is:

X

(Signature of Organizer)

LOUIS R. CAPPELLI

(Print or Type Name of Organizer)

ARTICLES OF ORGANIZATION
OF

MARTINE AVENUE PARTNERS LLC

(Insert name of Limited Liability Company)

Under Section 203 of the Limited Liability Company Law

Filer's Name and Mailing Address:

KATHERINE MACOL

Name:

CAPPELLI ORGANIZATION

Company, if Applicable:

7 RENAISSANCE SQUARE - 4TH FLOOR

Mailing Address:

WHITE PLAINS, NY 10601

City, State and Zip Code:

NOTES:

1. This form was prepared by the New York State Department of State for filing articles of organization for a domestic limited liability company. It does not contain all optional provisions under the law. You are not required to use this form. You may draft your own form or use forms available at legal stationery stores.
2. The Department of State recommends that legal documents be prepared under the guidance of an attorney.
3. The Limited Liability Company Law requires that the name end with "Limited Liability Company," "LLC" or "L.L.C." The name of the limited liability company must be uniformly stated throughout this certificate.
4. The filer may not be the limited liability company being formed.
5. The certificate must be submitted with a \$200 filing fee made payable to the Department of State. Preferred payment methods include money order, Visa or Mastercard.

(For Office Use Only)

Exhibit I:

Martine Avenue Partners LLC
Operating Agreement

OPERATING AGREEMENT

OF

MARTINE AVENUE PARTNERS LLC (A New York Limited Liability Company)

This Operating Agreement of MARTINE AVENUE PARTNERS LLC (the "Operating Agreement"), a New York limited liability company (the "Company"), is made and entered into this 1st day of DECEMBER, 2024 (the "Effective Date"), by LOUIS R. CAPPELLI, an individual over the age of eighteen (18) with an office located at c/o 5 Renaissance Square, 42nd Floor, White Plains, New York 10601, as the sole and managing member of the Company (the "Managing Member").

WITNESSETH:

WHEREAS, the Company was formed by the filing of the Articles of Organization of the Company with the Secretary of State of New York on March 1, 2024 in accordance with the Act; and

WHEREAS, the Managing Member desires to set forth the manner in which the Company and its assets shall be governed and operated.

NOW, THEREFORE, in consideration of the premises hereof, and of the mutual covenants and agreements contained in this Operating Agreement, the receipt, adequacy and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound hereby, agree as follows:

ARTICLE I DEFINITIONS

1.1 Recitals. Each of the foregoing Recitals and all other preambles and recitals set forth herein are made part of this Agreement.

1.2 Defined Terms. The following terms have the meanings hereinafter indicated whenever used in this Operating Agreement with initial capital letters:

"Act" shall mean the New York Limited Liability Company Law, and all amendments and successors thereto.

"Affiliate" shall mean, with respect to a Person, another Person that directly or indirectly controls, is controlled by or is under common control with such first Person. For purposes of this definition, "control" (including, with correlative meanings, the terms "controlling", "controlled by" and "under common control with"), as applied to any Person, means the possession, directly or indirectly, of the power to vote a majority of the securities having voting power for the election of directors of such Person or otherwise to direct or cause the direction of the management and policies of that Person, whether through ownership of voting securities, by contract or otherwise.

"Managing Member" shall mean Louis R. Cappelli, or if Louis R. Cappelli is unable or unwilling to serve as Managing Member, such other Person who may be designated as Managing Member by Louis R. Cappelli.

"Members" shall mean each of the Managing Member and each other Person admitted to the Company as Member in accordance with the terms of this Operating Agreement.

"Membership Interest" shall mean the entire ownership interest of a Member in the Company at any particular time, including, without limitation (i) the right, if any, of such Member to vote or to participate in management under this Operating Agreement; (ii) such Member's right to share in the income, gains, losses, deductions, credit, or similar items of, and to receive distributions from, the Company; (iii) the right of such Member to any and all other benefits to which a Member may be entitled as provided in this Agreement and under law; and (iv) the obligations of such Member to comply with all of the terms and provisions set forth in this Agreement and under applicable law.

"Percentage Interest" shall mean, with respect to any Member, the percentage set forth opposite its name and under the heading "Percentage Interest" in Exhibit A, as the same shall be amended by the Managing Member in good faith from time to time to reflect changes in the Percentage Interests as set forth in this Operating Agreement including changes resulting from issuances, redemptions, conversions, purchases and sales of Membership Interests in the Company pursuant to the terms of this Operating Agreement.

"Person" shall mean any individual, partnership, limited liability company, corporation, trust or other entity.

"Transfer" shall mean any, direct or indirect, sale, assignment, gift, hypothecation, pledge or other disposition, whether voluntary or by operation of law, of a Membership Interest or any portion thereof.

1.2 Generic Terms. Unless the context clearly indicates otherwise, where appropriate the singular shall include the plural and the masculine shall include the feminine or neuter, and vice versa, to the extent necessary to give the terms defined in this Article I and the terms otherwise used in this Operating Agreement their proper meanings. Article, Section, Subsection, paragraph, clause, Schedule and Exhibit references are to this Operating Agreement unless otherwise specified.

ARTICLE II **ORGANIZATIONAL MATTERS**

2.1 Formation; Continuation. The Company has been formed and shall continue to exist for the limited purposes described in this Operating Agreement and shall be governed by and operated in accordance with the Act. The Managing Member shall execute and make all filings required by the Act or other applicable law with respect to the continuation and operation of the Company after the Effective Date.

2.2 Name. The name of the Company is "MARTINE AVENUE PARTNERS LLC" and all Company business shall be conducted under that name or such other names that comply with applicable law as the Managing Member may select from time to time,

2.3 Office. The principal office of the Company is c/o Louis R. Cappelli, 5 Renaissance Square, 42nd Floor, White Plains, New York 10601. The Company may change its principal place of business or have such other offices as the Managing Member may designate from time to time,

2.4 Term. The term of the Company commenced upon the filing of the Articles of Organization and shall continue until dissolved in accordance with Article VIII of this Operating Agreement or the Act.

ARTICLE III
BUSINESS OF THE COMPANY

3.1 **Purpose.** Notwithstanding any provision hereof or of any other document governing the formation, management or operation of the Company to the contrary, the following shall govern: The nature of the business and of the purposes to be conducted and promoted by the Company is to engage in any lawful activity for which limited liability companies may be organized under the laws of the State of New York.

ARTICLE IV
MEMBERS, MEETINGS OF THE MEMBERS AND MANAGEMENT

4.1 **Members.** The Members of the Company are listed on Exhibit A attached hereto, each of which has executed this Operating Agreement as of the date hereof and is admitted to the Company as a Member.

4.2 **Additional and Substitute Members.** The Managing Member is authorized to admit additional members and/or create different classes of members.

4.3 **Management.** The management and control of the business and affairs of the Company shall be exclusively vested in the Managing Member who shall have the sole and exclusive right to manage the business of the Company. The Managing Member is authorized to execute any and all documents on behalf of the Company necessary or appropriate in connection with the business of the Company.

4.4 **Limitation of Liability: Indemnification.**

(a) No Member, or any Affiliate, agent, officer, partner, employee, member, representative, director or shareholder of any Member shall be liable, responsible or accountable in damages or otherwise to the Company or any Member for (i) any act performed in good faith within the scope of the authority conferred by this Operating Agreement, (ii) any failure or refusal to perform any acts except those required by the terms of this Operating Agreement, or (iii) any performance or omission to perform any acts in reliance in good faith on the advice of independent accountants or legal counsel for the Company.

(b) Except as otherwise expressly provided in the Act, the debts, obligations and liabilities of the Company, whether arising in contract, tort or otherwise, shall be solely the debts, obligations and liabilities of the Company, and no Member shall be obligated personally for any such debt, obligation or liability of the Company, solely by reason of being a Member of the Company.

(c) The Company shall, to the fullest extent permitted by applicable law, using solely the Company's assets, indemnify, defend and hold harmless each Member against any losses, claims, damages or liabilities to which such Member may become subject in connection with any matter arising out of or incidental to any act performed or omitted to be performed by any such Member in connection with this Operating Agreement or the Company's business or affairs; provided, however, that such act or omission (i) was taken in good faith, was reasonably believed by the applicable Member to be in the best interest of the Company and was within the scope of authority granted to such Member, (ii) was not attributable in whole or in part to such Member's breach of this Operating Agreement or a knowing violation of law, in either case which has a material adverse effect upon the value of, or causes material damage to, the Company, and (iii)

was not attributable in whole or in part to such Member's fraud, willful misconduct or gross negligence.

4.5 Expenses. Except for any costs to be borne by any third party under any agreement with the Company, the Company shall be responsible for paying, and shall pay, all direct costs and expenses related to the business of the Company.

ARTICLE V **CONTRIBUTIONS**

5.1 Capital Accounts. The initial capitalization of the Company shall be \$100.00. The Managing Member is not required to make any additional capital contributions to the Company, provided however, that additional capital contributions may be made at such time and in such amounts as the Managing Member shall determine.

ARTICLE VI **DISTRIBUTIONS AND ALLOCATIONS**

6.1 Allocations. The Company's profits and losses shall be allocated 100% to the Managing Member.

6.2 Distributions. Distributions shall be made to the Managing Member at the times and in the aggregate amounts determined by the Managing Member and in accordance with the same percentages as profits and losses are allocated.

ARTICLE VII **TRANSFER MATTERS**

7.1 Permitted Transfers. The Managing Member may Transfer in whole or in part his interest in the Company.

7.2 Admission of Additional Members. The Managing Member may cause the Company to admit one or more additional members to the Company.

ARTICLE VIII **DISSOLUTION AND LIQUIDATION**

8.1 Withdrawal of a Member; Termination of the Company. So long as it is the sole Member, the Managing Member may withdraw from the Company, provided that such withdrawal from the Company shall result in the constructive termination of the Company. If there is more than one Member, then no Members shall be permitted to withdraw from the Company or demand a return or payment of his/her capital contribution.

ARTICLE IX **GENERAL**

9.1 Membership Interests. The Membership Interest of each Member shall constitute "securities" for purposes of Article 8 of the Uniform Commercial Code as in effect from time to time in the State of New York (the "UCC") and "investment property" for purposes of Article 9 of the UCC.

9.2 Governing Law. This Operating Agreement and rights and obligations of the parties

hereto with respect to the subject matter hereof will be interpreted and enforced in accordance with, and governed exclusively by, the laws of the State of New York, excluding the conflicts of law provisions thereof.

9.3 Successors and Assigns. This Operating Agreement will be binding upon and inure to the benefit of the parties hereto and their permitted successors, heirs, and assigns.

9.4 Headings. The headings of the Articles, Sections and paragraphs of this Operating Agreement have been inserted for convenience of reference only and do not constitute a part of this Operating Agreement.

9.5 Counterparts. This Operating Agreement may be executed in any number of counterparts and by different parties in separate counterparts, with the same effect as if all parties had signed the same documents, each of which will be considered an original, but all such counterparts together will constitute but one and the same Operating Agreement.

9.6 Amendment. This Operating Agreement may be amended only by an instrument in writing signed by all of the Members.

9.7 Construction. None of the provisions of this Operating Agreement shall be for the benefit of, or enforceable by, any creditors of the Company or other third parties.

[The remainder of this page has been intentionally left blank.]

IN WITNESS WHEREOF, this Operating Agreement has been executed as of the day and year first above written.



LOUIS R. CAPPELLI

EXHIBIT A

PERCENTAGE INTEREST

Name of Member	Membership Interest
LOUIS R. CAPPELLI	100%
Total	100%

ADDRESS

5 Renaissance Square, 42nd Floor, White Plains, NY 10601

Exhibit J:

Corporate Consent (Martine Avenue
Partners LLC)

**50 COURT STREET
WRITTEN CONSENT AND CERTIFICATION**

The undersigned, being the sole member of Martine Avenue Partners LLC, certifies as follows:

1. Martine Avenue Partners LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at 50 Court Street, White Plains (Tax Parcel No. 125.75-4-4..2) (the “BCP Site”).

2. I, Louis R. Cappelli, am the sole member of Martine Avenue Partners LLC, and am therefore authorized to execute any documents required by the New York State Department of Environmental Conservation (“DEC”) on behalf of prospective BCP Site Volunteer Martine Avenue Partners LLC for the BCP Site’s participation in the Brownfield Cleanup Program, including the BCP Application, Brownfield Cleanup Agreement (“BCA”), Change of Use Applications, BCA Amendments, and if required the consent to grant an Environmental Easement to the DEC.

IN WITNESS WHEREOF, the undersigned has executed this certification on this ____ day of December, 2024.

Louis R. Cappelli, Sole Member
Martine Avenue Partners LLC

Exhibit K:

Site Ownership Deed (Galleria City Holding
Company LLC)

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.



622273842DED0010

Westchester County Recording & Endorsement Page

Submitter Information

Name: Stewart Title Insurance Company (pick up by Ramon . Phone: 914-993-9393
Address 1: 711 Westchester Avenue, Ste 302 Fax: 914-997-1698
Address 2: Email: nymetrorecordings@stewart.com
City/State/Zip: White Plains NY 10604 Reference for Submitter: 1651451/71204770 GALLERIA MALL

Document Details

Control Number: **622273842** Document Type: **Deed (DED)**
Package ID: 2022081500336001004 Document Page Count: **28** Total Page Count: **30**

Parties

☐ Additional Parties on Continuation page

1st PARTY 2nd PARTY
1: WP GALLERIA REALTY LP - Other 1: GALLERIA CITY HOLDING CO LLC - Other
2: 2:

Property

☒ Additional Properties on Continuation page

Street Address: 100 MAIN STREET Tax Designation: 125.75-4-1
City/Town: WHITE PLAINS Village:

Cross- References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

1: RP-5217 2: TP-584 3: TP-584.1

Recording Fees

Statutory Recording Fee: \$40.00
Page Fee: \$145.00
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: **\$440.00**

Transfer Taxes

Consideration: \$0.00
Transfer Tax: \$0.00
Mansion Tax: \$0.00
Transfer Tax Number: 4529

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: 10/28/2022 at 02:53 PM
Control Number: **622273842**
Witness my hand and official seal

Timothy C. Idoni

Timothy C. Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

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

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

622273842DED0010

Westchester County Recording & Endorsement Page

Document Details

Control Number: **622273842**

Document Type: **Deed (DED)**

Package ID: 2022081500336001004

Document Page Count: 28

Total Page Count: 30

Properties Addendum

100 MAIN STREET 10601	WHITE PLAINS	125.75 4 2
100 MAIN STREET 10601	WHITE PLAINS	125.75 4 3
100 MAIN STREET 10601	WHITE PLAINS	125.75 4 4

WARRANTY DEED

WP GALLERIA REALTY LP,
a Delaware limited partnership

TO

GALLERIA CITY HOLDING COMPANY LLC,
a Delaware limited liability company

ADDRESS: The Galleria
100 Main Street
White Plains, New York

SECTION: 125.75
BLOCK: 4
LOTS: 1, 2, 3 and 4
CITY: White Plains
COUNTY: Westchester
STATE: New York

RETURN BY MAIL TO:

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

WARRANTY DEED

WP GALLERIA REALTY LP, a Delaware limited partnership, with a principal place of business at c/o Pacific Retail Capital Partners, 100 N. Pacific Coast Highway, Suite 1925, El Segundo, California 90245 ("**Grantor**"), for consideration paid, unto **GALLERIA CITY HOLDING COMPANY LLC**, a Delaware limited liability company, with a principal place of business at c/o Cappelli Organization, 7 Renaissance Square, 4th Floor, White Plains, New York 10601 ("**Grantee**"), does as of this 18th day of October, 2022, hereby give, grant, bargain, sell and confirm unto Grantee, its successors and assigns forever, that certain piece or parcel of land in the City of White Plains, County of Westchester and State of New York, described on **Exhibit A** attached hereto and made a part hereof (the "**Premises**").

TO HAVE AND TO HOLD the above granted and bargained Premises, with the appurtenances thereto, unto Grantee, its successors and assigns forever, to its and their own proper use and behoof.

Said Premises being and intended to be the same premises described in a certain Deed from White Plains Galleria Limited Partnership, a Delaware limited partnership, to WP Galleria Realty, LP, a Delaware limited partnership, dated September 15, 2016 and recorded September 19, 2016 in Control No. 562523249 (as to Tax Lots 1, 2 and 3) and Deed from Macy's Retail Holdings, Inc. to WP Galleria Realty, LP, a Delaware limited partnership, dated April 30, 2019 and recorded May 31, 2019 in Control No. 591233092 (as to Tax Lot 4).

And also, Grantor does for itself, its successors and assigns, covenant with Grantee, its successors and assigns, that at and until the ensealing of these presents, it is well seized of the Premises, as a good indefeasible estate in FEE SIMPLE; and has good right to bargain and sell the same in manner and form as is above written; and that the same is free from all encumbrances whatsoever, except as set forth on **Exhibit B** attached hereto and made a part hereof.

And furthermore, Grantor does by these presents bind itself and its successors and assigns forever to **WARRANT AND DEFEND** the above granted and bargained Premises to Grantee, its successors and assigns, against all claims and demands whatsoever, except as hereinbefore mentioned.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

SIGNATURE PAGE FOLLOWS

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

WP Galleria Realty LP,
a Delaware limited partnership,

By: Manager Realty LLC, its general partner

By: Aareal Holding Realty LP, its sole member

By: Pacific Manager GP, Inc., its general partner

By: _____

Name: Steven Plenge
Title: General Partner and Sole Member

California
STATE OF ~~NEW YORK~~ in)
COUNTY OF Los Angeles) ss.:

On the 10th day of October in the year 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared Steven Plenge, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Signature and Office of individual taking
acknowledgement



Kristin Muller

[Warranty Deed]

Exhibit A to Bargain and Sale Deed

Legal Description

(Attached)

SCHEDULE A – DESCRIPTION**PARCEL E-2**

ALL that volume of space, situate, lying and being in the City of White Plains, County of Westchester and State of New York, shown and designated as Parcel "E-2" on a certain map entitled, "Survey of Central Renewal Project Parcels Nos. 20, 21, 22 & 23, prepared for White Plains Urban Renewal Agency, situated in City of White Plains, Westchester County, New York" dated May 15, 1978, made by James W. Delano and filed in the Office of the County Clerk of Westchester County (Division of Land Records) on June 8, 1978 as Map No. 19512 which lies above the horizontal plane having an elevation of 222.08 feet above the datum level in use by the City of White Plains, which datum level is the National Geodetic Survey Standard Datum 1929, said Volume is bounded by and lien within the vertical planes which are formed by projecting vertically upward, the boundaries of all that plot or parcel described as follows:

BEGINNING at a point which is intersection of the proposed easterly right-of-way line of Grove Street with the proposed southerly right-of-way line of Main Street, which point is further identified as North 376,419.026 and East 655,455.307 in the New York State Plane Coordinate System, East Zone, and proceeding;

THENCE along the proposed southerly right-of-way line of Main Street, North 79 degrees 03 minutes 06.9 seconds East 116.583 feet to a point;

THENCE South 10 degrees 56 minutes 53.1 seconds East 149.915 feet to a point;

THENCE South 79 degrees 03 minutes 06.9 seconds West 116.583 feet to the proposed easterly right-of-way line of Grove Street;

THENCE along the proposed easterly right-of-way line of Grove Street, North 10 degrees 56 minutes 53.1 seconds West 149.916 feet to the proposed southerly right-of-way line of Main Street at the point of BEGINNING.

PARCEL F

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of White Plains, County of Westchester and State of New York, shown and designated as Parcel "F" on a certain map entitled, "Survey of Central Renewal Project Parcels Nos. 21, 21, 22 & 23, prepared for White Plains Urban Renewal Agency situate in City of White Plains, Westchester County, New York" dated May 15, 1978, made by James W. Delano and filed in the Office of the County Clerk of Westchester County (Division of Land Records) on June 8, 1978 as Map No. 19512, said parcel being more particularly bounded and described as follows:

BEGINNING at a point on the proposed southerly right-of-way line of Main Street, at the westerly end of a curve connecting the proposed southerly right-of-way line of Main Street with proposed westerly right-of-way line of Grove Street, which point of beginning is further identified as North 376,419.515 and East 655,284.539 in the New York State Plane Coordinate System, East Zone, and proceeding;

THENCE along the proposed southerly right-of-way line of Main Street, South 83 degrees 24 minutes 33 seconds West 361.643 feet to a point;

THENCE South 10 degrees 56 minutes 53.1 seconds East 283.220 feet to a point;

THENCE North 79 degrees 03 minutes 06.9 seconds East 399.298 feet to a point on the proposed westerly right-of-way line of Grove Street;

THENCE along the proposed southerly right-of-way line of Grove Street, North 15 degrees 49 minutes 53 seconds West 238.370 feet to a point of curvature;

THENCE along a curve to the left having a radius of 20.00 feet and a central angle of 80 degrees 45 minutes 33.8 seconds a distance of 28.19 feet to the proposed southerly right-of-way line of Main Street at the point of BEGINNING.

PARCELG-1

ALL that volume of space, situate, lying and being in the City of White Plains, County of Westchester and State of New York, shown and designated as "Fee Plane G-I" on a certain map entitled, "Survey of Central Renewal Project Parcels Nos. 20, 21, 22, & 23, prepared for White Plains Urban Renewal Agency, situate in City of White Plains, Westchester County, New York" dated May 15, 1978, made by James W. Delano and filed in the Office of the County Clerk of Westchester County (Division of Land Records) on June 8, 1978 as Map No. 19512 which lies above the horizontal plane having elevation 218.80 feet above the datum level in use by the City of White Plains, which datum level is the National Geodetic Survey Standard Datum 1929, said Volume is bounded by and lies within the vertical planes which are formed by projecting vertically upward the boundaries of all that plot or parcel described as follows:

BEGINNING at a point on the proposed southerly right-of-way line of Main Street, at the westerly end of a curve connecting the proposed westerly right-of-way line of Grove Street with the proposed southerly right-of-way line of Main Street, which point of beginning is further identified as North 376,419.515 and East 655,284.539 in the New York State Plane Coordinate System, East Zone, and proceeding;

THENCE along the following courses and distances: North 5 degrees 18 minutes 08.3 seconds West 5.334 feet; North 83 degrees 24 minutes 42 seconds East 167.528 feet to a northerly extension of the proposed easterly right-of-way line of Grove Street;

THENCE along said northerly extension of the proposed easterly right-of-way line of Grove Street, South 10 degrees 56 minutes 53.1 seconds East 26.318 feet to a point;

THENCE South 79 degrees 03 minutes 06.9 seconds West 147.835 feet to the proposed westerly right-of-way line of Grove Street;

THENCE along the proposed westerly right-of-way line of Grove Street, North 15 degrees 49 minutes 53 seconds West 15.561 feet to a point of curvature;

THENCE along a curve to the left having a radius of 20.00 feet and a central angle of 80 degrees 45 minutes 33.8 seconds a distance of 28.19 feet to the proposed southerly right-of-way line of Main Street at the point of BEGINNING.

PARCEL G-2

ALL that volume of space, situate, lying and being in the City of White Plains, County of Westchester and State of New York, shown and designated as "Fee Plane G-2" on a certain map entitled, "Survey of Central Renewal Project Parcels Nos. 20, 21, 22, and 23, prepared for White Plains Urban Renewal Agency, situate in the City of White Plains, Westchester County, New York" dated May 15, 1978, made by James W. Delano and filed in the Office of the County Clerk of Westchester County (Division of Land Records) on June 8, 1978 as Map No. 19512 which lies above an inclined plane having elevation 218.80 feet at its northerly extremity and elevation 217.25 feet at its southerly extremity above the datum level in use by the City of White Plains, which datum level is the National Geodetic Survey Standard Datum 1929 said volume is bounded by and lies within the vertical planes which are formed by projecting vertically upward the boundaries of all that plot or parcel described as follows:

BEGINNING at a point on the proposed westerly right-of-way line of Grove Street, 85.816 feet southerly of the southerly end of a curve connecting the proposed westerly right-of-way line of Grove Street with the proposed southerly right-of-way line of Main Street, which point of beginning is further identified as North 376,322.542 and East 655,329.487 in the New York State Plane Coordinate System, East Zone, and proceeding;

THENCE in a northerly direction along the proposed westerly right-of-way line of Grove Street, North 15 degrees 49 minutes 53 seconds West 70.225 feet to a point;

THENCE across proposed Grove Street, North 79 degrees 03 minutes 06.9 seconds East 147.835 feet to the proposed easterly right-of-way line of Grove Street;

THENCE along the proposed easterly right-of-way line of Grove Street, South 10 degrees 56 minutes 53.1 seconds East 70.000 feet;

THENCE across proposed Grove Street, South 79 degrees 03 minutes 06.9 seconds West 141.854 feet to the proposed westerly right-of-way line of Grove Street at the point of BEGINNING.

PARCEL G-3

All that volume of space, situate, lying and being in the City of White Plains, County of Westchester and State of New York, shown and designated as "Fee Plane G-3" on a certain map entitled, "Survey of Central Renewal Project Parcels Nos. 20, 21, 22 & 23, prepared for White Plains Urban Renewal Agency, situate in City of White Plains Westchester County, New York" dated May 15, 1978, made by James W. Delano and filed in the Office of the County Clerk of Westchester County (Division of Land Records) on June 8, 1978 as Map No. 19512 which lies above the horizontal plane having elevation 217.25 feet above the datum level in use by the City of White Plains, which datum level is the National Geodetic Survey Standard Datum 1929, said volume is bounded by and lies within the vertical planes which are formed by projecting vertically upward the boundaries of all that plot or parcel described as follows:

BEGINNING at a point on the proposed westerly right-of-way line of Grove Street, 85.816 feet southerly of the southerly end of a curve connecting the proposed westerly right-of-way line of Grove Street with the proposed southerly right-of-way line of Main Street, which point of beginning is further identified as North 376,322.542 and East 655,329.487 in the New York State Plane Coordinated System, East Zone, and proceeding;

THENCE across proposed Grove Street, North 79 degrees 03 minutes 06.9 seconds East 141.854 feet to the proposed easterly right-of-way line of Grove Street;

THENCE along the proposed easterly right-of-way line of Grove Street, South 10 degrees 56 minutes 53.1 seconds East 32.000 feet to a point;

THENCE across proposed Grove Street, South 79 degrees 03 minutes 06.9 seconds West 139.120 feet to the proposed westerly right-of-way line of Grove Street;

THENCE along the proposed westerly right-of-way line of Grove Street, North 15 degrees 49 minutes 53 seconds West 32.117 feet to the point of BEGINNING.

PARCEL G-4

ALL that volume of space, situate, lying and being in the City of White Plains, County of Westchester and State of New York, shown and designated as "Fee Plane G-4" on a certain map entitled, "Survey of Central Renewal Project Parcels Nos. 20, 21, 22 & 23, prepared for White Plains Urban Renewal Agency, situate in City of White Plains, Westchester County, New York" dated May 15, 1978 made by James W. Delano and filed in the Office of the County Clerk of Westchester County (Division of Land Records) on June 8, 1978 as Map No. 19512 which lies above an inclined plane having elevation 217.25 feet at its northerly extremity and elevation 221.83 feet at its southerly extremity above the datum level in use by the City of White Plains, which datum level is the National Geodetic Survey Standard Datum 1929, said volume is bounded by and lies within the vertical planes which are formed by projecting vertically upward the boundaries of all that plot or parcel described as follows:

BEGINNING at a point on the proposed westerly right-of-way line of Grove Street, 117.933 feet southerly of the southerly end of a curve connecting the proposed westerly right-of-way line of Grove Street with the proposed southerly right-of-way line of Main Street, which point of beginning is further identified as North 376,291.644 and East 655,338.249 in the New York State Plane Coordinate System, East Zone, and proceeding;

THENCE across proposed Grove Street, North 79 degrees 03 minutes 06.9 seconds East 139.120 feet to the proposed easterly right-of-way line of Grove Street;

THENCE along the proposed easterly right-of-way of Grove Street, the following courses and distances:

South 10 degrees 56 minutes 53.1 seconds East 47.083 feet;

North 79 degrees 03 minutes 06.9 seconds East 2.666 feet;

South 10 degrees 56 minutes 53.1 seconds East 72.917 feet;

THENCE across proposed Grove Street, South 79 degrees 03 minutes 06.9 seconds West 131.534 feet to the proposed westerly right-of-way line of Grove Street;

THENCE along the proposed westerly right-of-way line of Grove Street, North 15 degrees 49 minutes 53 seconds West 120.437 feet to the point of BEGINNING.

PARCEH H-1

ALL that volume of space, situate, lying and being in the City of White Plains, County of Westchester and State of New York, shown and designated as Parcel "H-1" on a certain map entitled, "Survey of Central Renewal Project Parcels Nos. 20, 21, 22 & 23, prepared for White Plains Urban Renewal Agency, situate in City of White Plains, Westchester County, New York" dated May 15, 1978, made by James W. Delano and filed in the Office of the County Clerk of Westchester County, (Division of Land Records) on June 8, 1978 as Map No. 19512 which lies above the horizontal plane having elevation 219.50 feet above the datum level in use by the City of White Plains, which datum level is the National Geodetic Survey Standard Datum 1929, said volume is bounded by and lies within the vertical planes which are formed by projecting vertically upward the boundaries of all that plot or parcel described as follows:

BEGINNING at a point on the proposed southerly right-of-way line of Main Street, at the westerly end of a curve connecting the proposed westerly right-of-way line of Grove Street with the proposed southerly right-of-way line of Main Street, which point is further identified as North 376,419.515 and East 655,284.539 in the New York State Plane Coordinated System East Zone, and proceeding;

THENCE along the proposed southerly right-of-way line of Main Street, South 83 degrees 24 minutes 33 seconds West 361.643 feet to a point;

THENCE along the following courses and distances:

North 6 degrees 35 minutes 27 seconds West 5.333 feet;

North 83 degrees 24 minutes 33 seconds East 361.763 feet;

South 5 degrees 18 minutes 08.3 seconds East 5.334 feet to the proposed southerly right-of-way line of Main Street at the point of BEGINNING.

PARCEL H-2

ALL that volume of space, situate, lying and being in the City of White Plains, County of Westchester and State of New York, shown and designated as Parcel "H-2" on a certain map entitled, "Survey of Central Renewal Project Parcels Nos. 20, 21, 22 & 23, prepared for White Plains Urban Renewal Agency, situate in City of White Plains, Westchester County, New York" dated May 15, 1978, made by James W. Delano and filed in the Office of the County, Clerk of Westchester County, (Division of Land Records) on June 8, 1978 as Map No. 19512 which lies above the horizontal plane having elevation 238.00 feet above the datum level in use by the City of White Plains, which datum level is the National Geodetic Survey Standard Datum 1929, said volume is bounded by and lies within the vertical planes which are formed by projecting vertically upward the boundaries of all that plot or parcel described as follows:

BEGINNING at a point which is the northwest corner of Parcel H-1, described previously, which point is further identified as North 376,383.304 and East 654,924.674 in the New York State Plane Coordinate System, East Zone, and proceeding;

THENCE along the following courses and distances:

North 6 degrees 35 minutes 27 seconds West 6.667 feet;

North 83 degrees 24 minutes 33 seconds East 528.782 feet to a point on the northerly extension of the proposed easterly line of Grove Street;

THENCE South 10 degrees 56 minutes 53.1 seconds East 6.693 feet to a point;

THENCE South 83 degrees 24 minutes 41 seconds West 167.528 feet to the north easterly corner of Parcel-1;

THENCE along the northerly line of Parcel H-1, South 83 degrees 24 minutes 33 seconds West 361.763 feet to the point of BEGINNING.

PARCEL J

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of White Plains, County of Westchester and State of New York, shown and designated as Parcel "J" on a certain map entitled, "Survey of Central Renewal: Project Parcels Nos. 20, 21, 22 & 23, prepared for White Plains Urban Renewal Agency situate in City of White Plains, Westchester County, New York" dated May 15, 1978, made by James W. Delano and filed in the Office of the County Clerk of Westchester County (Division of Land Records) on June 8, 1978 as Map No. 19512, said parcel being more particularly bounded and described as follows:

BEGINNING at a point on the proposed southerly right-of-way line of Main Street, at the easterly end of a curve connecting the proposed easterly right-of-way line of South Lexington Avenue with the proposed southerly right-of-way line of Main Street, which point is further identified as North 376,355.559 and East 654,731.011 in the New York State Plane Coordinate System, East Zone, and proceeding;

THENCE in a westerly and southerly direction, along a curve to the left having a radius of 20.00 feet and a central angle of 93 degrees 13 minutes 46 seconds a distance of 32.543 feet to the proposed easterly right-of-way line of South Lexington Avenue;

THENCE along the proposed easterly right-of-way line of South Lexington Avenue, South 9 degrees 49 minutes 13 seconds East 278.584 feet to a point;

THENCE North 79 degrees 03 minutes 06.9 seconds East 222.001 feet to a point;

THENCE North 10 degrees 56 minutes 53.1 seconds West 283.220 feet to a point on the proposed southerly right-of-way line of Main Street;

THENCE along the proposed southerly right-of-way line of Main Street, South 83 degrees 24 minutes 33 seconds West 195.568 feet to the point of BEGINNING.

PARCEL K-1

All that volume of space, situate, lying and being in the City of White Plains, County of Westchester and State of New York, shown and designated as Parcel "K-1" on a certain map entitled, "Survey of Central Renewal Project Parcels Nos. 20, 21, 22, & 23, prepared for White Plains Urban Renewal Agency, situate in City of White Plains, Westchester County, New York" dated May 15, 1978, made by James W. Delano and filed in the Office of the County Clerk of Westchester County (Division of Land Records) on June 8, 1978 as Map No. 19512 which lies above the horizontal plane having elevation 219.50 feet above the datum level in use by the City of White Plains, which datum level is the National Geodetic Survey Standard Datum 1929, said volume is bounded by and lies within the vertical planes which are formed by projecting vertically upward the boundaries of all that plot or parcel described as follows:

BEGINNING at a point which is the intersection of the proposed easterly right-of-way line of Grove Street with the proposed southerly right-of-way line of Main Street, which point is further identified as North 376,419.026 and East 655,455.307 in the New York State Plane Coordinate System, East Zone, and proceeding;

THENCE along the proposed southerly right-of-way line of Main Street, the following courses and distances:

North 79 degrees 03 minutes 06.9 seconds East 116.583 feet;

North 10 degrees 56 minutes 53.1 seconds West 23.450 feet to a point;

THENCE South 80 degrees 03 minutes 08 seconds West 116.601 feet to a northerly extension of the proposed easterly right-of-way line of Grove Street;

THENCE along the northerly extension of the proposed easterly right-of-way line of Grove Street, South 10 degrees 56 minutes 53.1 seconds East 25.485 feet to the proposed southerly right-of-way line of Main Street at the point of BEGINNING.

PARCEL K-2

ALL that volume of space, situate, lying and being in the City of White Plains, County of Westchester and State of New York, shown and designated as Parcel "K-2" on a certain map entitled Survey of Central Renewal Project Parcels Nos. 20, 21, 22 and 23, prepared for White Plains Urban Renewal Agency, situate in City of White Plains, Westchester County, New York" dated May 15, 1978, made by James W. Delano and filed in the Office of the County Clerk of Westchester County (Division of Land Records) on June 8, 1978 as Map No. 19512 which lies above the horizontal plane having elevation 238.00 above the datum level in use by the City of White Plains, which datum level is the National Geodetic Survey Standard Datum 1929, said volume is bounded by and lies within the vertical planes which are formed by projecting vertically upward the boundaries of all that plot or parcel described as follows:

BEGINNING at a point which is the northwesterly corner of Parcel K-1, which point is further identified as North 376,444.048 and East 655,450.467 in the New York State Plane Coordinate System, East Zone, and proceeding;

THENCE along the northerly extension of the proposed easterly right-of-way line of Grove Street, North 10 degrees 56 minutes 53.1 seconds West 6.693 feet to a point;

THENCE in an easterly direction, North 83 degrees 24 minutes 33 seconds East 114.289 feet to a point on the northerly line of Parcel K-1;

THENCE in a westerly direction along the northerly line of Parcel K-1, South 80 degrees 03 minutes 08 seconds West 113.976 feet to the proposed easterly right of-way line of Grove Street at the point of BEGINNING.

PARCEL L-1

ALL that volume of space, situate, lying and being in the City of White Plains, County of Westchester and State of New York shown and designated as "Fee Plane L-1" on a certain map entitled, "Survey of Central Renewal Project Parcels Nos. 20, 21, 22 & 23, prepared for White Plains Urban Renewal Agency, situate in City of White Plains, Westchester County, New York" dated May 15, 1978 made by James W. Delano and filed in the Office of the County Clerk of Westchester County (Division of Land Records) on June 8, 1978 as Map No. 19512 which lies between an inclined plane having elevation 197.35 feet at its extremity and elevation 199.10 feet at its westerly extremity and an upper limiting horizontal plane having elevation 263.00 feet above the datum level in use by the City of White Plains, which datum level is the National Geodetic Survey Standard Datum 1929, said volume is bounded by and lies within the vertical planes which are formed by projecting vertically upward the boundaries of all that plot or parcel described as follows:

BEGINNING at a point on the proposed southerly right-of-way line of Main Street, 195.568 feet easterly of the easterly end of a curve connecting the proposed easterly right-of-way line of South Lexington Avenue with the proposed southerly right-of-way line of Main Street, which point of beginning is further identified as North 376,378.006 and East 654,925.286 in the New York State Plane Co-ordinate System, East Zone, and proceeding;

THENCE along the following courses and distances:

North 6 degrees 35 minutes 27 seconds West 5.333 feet;

South 83 degrees 24 minutes 33 seconds West 161.375 feet;

South 6 degrees 35 minutes 27 seconds East 5.333 feet to the proposed southerly right-of-way line of Main Street;

THENCE along the proposed southerly right-of-way line of Main Street, North 83 degrees 24 minutes 33 seconds East 161.375 feet to the point of BEGINNING.

PARCEL L-2

ALL that volume of space, situate, lying and being in the City of White Plains, County of Westchester and State of New York, shown and designated as "Fee Plane L-2" on a certain map entitled, "Survey of Central Renewal Project Parcels Nos. 20, 21, 22 & 23, prepared for White Plains Urban Renewal Agency, situate in City of White Plains, Westchester County, New York" dated May 15, 1978 made by James W. Delano and filed in the Office of the County Clerk of Westchester County (Division of Land Records) on June 8, 1978 as Map No. 19512 which lies between the horizontal plane having elevation 238.00 feet and the horizontal plane having elevation 263.00 feet above the datum level in use by the City of White Plains, which datum level is the National Geodetic Survey Standard Datum 1929, said volume is bounded by and lies within the vertical planes which are formed by projecting vertically the boundaries of all that plot or parcel described as follows:

Projecting vertically the boundaries of all the plot or parcel described as follows:

BEGINNING at a point which is the northeast corner of Fee Plane L-1 described previously, which point is identified as North 376,383.304 and East 654,924.674 in the New York State Plane Coordinate System, East Zone, and proceeding thence along the following courses and distances;

North 6 degrees 35 minutes 27 seconds West 6.667 feet;

South 83 degrees 24 minutes 33 seconds West 121.375 feet;

South 6 degrees 35 minutes 27 seconds East 6.667 feet to a point on the northerly boundary line of Fee Place L-1;

THENCE along the northerly boundary of Fee Plane L-1, North 83 degrees 24 minutes 33 seconds East 121.375 feet to the point of BEGINNING.

PARCEL L-3A

ALL that volume of space, situate, lying and being in the City of White Plains, County of Westchester and State of New York, shown and designated as "Fee Plane L-3A" on a certain map entitled "Survey of Central Renewal Agency, situate in City of White Plains, Westchester County, New York" dated May 15, 1978 made by James W. Delano and in the Office of the County Clerk of Westchester County (Division of Land Records) on June 8, 1978 as Map No. 19512 which lies between the horizontal plane having elevation 263.00 feet above the datum level in use by the City of White Plains, which datum level is the National Geodetic Survey Standard Datum 1929, said volume is bounded by and lies within the vertical planes which are formed by projecting vertically the boundaries of all that plot or parcel described as follows:

BEGINNING at a point on the proposed easterly right-of-way line of South Lexington Avenue, 38.584 feet southerly of the southerly end of a curve connecting the proposed southerly right-of-way line of Main Street with the proposed easterly right-of-way line of South Lexington Avenue, which point of BEGINNING is further identified as North 376,294.261 and East 654,720.180 in the New York State Plane Coordinate System, East Zone, and proceeding thence along the following courses and distances;

South 80 degrees 10 minutes 47 seconds West 5.500 feet;

South 9 degrees 49 minutes 13 seconds East 31.625 feet;

North 80 degrees 10 minutes 47 seconds East 5.500 feet to the proposed easterly right-of-way line of South Lexington Avenue;

THENCE along the proposed easterly right-of-way line of South Lexington Avenue, North 9 degrees 49 minutes 13 seconds West 31.625 feet to the point of BEGINNING.

PARCEL L-3B

ALL that volume of space, situate, lying and being in the City of White Plains, County of Westchester and State of New York, shown and designated as "Fee Plane L-3B" on a certain map entitled, "Survey of Central Renewal Project Parcels Nos. 20, 21, 22 and 23, prepared for White Plains Urban Renewal Agency, situate in City of White Plains, Westchester County, New York" dated May 15, 1978 made by James W. Delano, filed in the Office of the County Clerk of Westchester County (Division of Land Records) on June 8, 1978 as Map No. 19512 which lies between an inclined plane having elevation 199.25 feet at its northerly extremity and elevation 199.35 feet at its southerly extremity and an upper limiting horizontal plane having elevation 263.00 feet above the datum level in use by the City of White Plains, which datum level is the National Geodetic Survey Standard Datum 1929, said volume is bounded by and lies within the vertical planes which are formed by projecting vertically the boundaries of all that plot or parcel described as follows:

BEGINNING at a point on the proposed easterly right-of-way line of South Lexington Avenue, 70.209 feet southerly of the southerly end of a curve connecting the proposed southerly right-of-way line of Main Street with the proposed easterly right-of-way line of South Lexington Avenue, which point of BEGINNING is further identified as North 376,263.100 and East 654,725.574 in the New York State Plane Coordinate System, East Zone, and proceeding thence along the following courses and distances:

South 80 degrees 10 minutes 47 seconds West 5.500 feet;

South 9 degrees 49 minutes 13 seconds East 19.000 feet;

North 80 degrees 10 minutes 47 seconds East 5.500 feet to the proposed easterly right-of-way line of South Lexington Avenue;

THENCE along the proposed easterly right-of-way line of South Lexington Avenue, North 9 degrees 49 minutes 13 seconds West 19.00 feet to the point of BEGINNING.

PARCEL L-3C

ALL that volume of space, situate, lying and being in the City of White Plains, County of Westchester and State of New York, shown and designated as "Fee Plane L-3C" on a certain map entitled, "Survey of Central Renewal Project Parcels Nos. 20, 21, 22 and 23, prepared for White Plains Urban Renewal Agency, situate in City of White Plains, Westchester County, New York" dated May 15, 1978, made by James W. Delano and filed in the Office of the County Clerk of Westchester County (Division of Land Records) on June 8, 1978 as Map No. 19512 which lies between the horizontal plane having elevation 238.00 feet and the horizontal plane having elevation 263.00 feet above the datum level in use by the City of White Plains, which datum level is the National Geodetic Survey Standard Datum 1929, said volume is bounded by and lies within the vertical planes which are formed by projecting vertically the boundaries of all that plot or parcel described as follows:

BEGINNING at a point on the proposed easterly right-of-way line of South Lexington Avenue, 89.209 feet southerly of the southerly end of a curve connecting the proposed southerly right-of-way line of Main Street with the proposed easterly right-of-way line of South Lexington Avenue, which point of BEGINNING is further identified as North 376,244.378 and East 654,728.814 in the New York State Plane Coordinate System, East Zone, and proceeding thence along the following courses and distances:

South 80 degrees 10 minutes 47 seconds West 5.500 feet;

South 9 degrees 49 minutes 13 seconds East 71.375 feet;

North 80 degrees 10 minutes 47 seconds East 5.500 feet to the proposed easterly right-of-way line of South Lexington Avenue;

THENCE along the proposed easterly right-of-way line of South Lexington Avenue, North 9 degrees 49 minutes 13 seconds West 71.375 feet to the point of BEGINNING.

PARCEL L-4

ALL that volume of space, situate, lying and being in the City of White Plains, County of Westchester and State of New York, shown and designated as "Fee Plane L-4" on a certain map entitled, "Survey of Central Renewal Project Parcels Nos. 20, 21, 22 and 23, prepared for White Plains Urban Renewal Agency, situate in City of White Plains, Westchester County, New York" dated May 15, 1978, made by James W. Delano and filed in the Office of the County Clerk of Westchester County (Division of Land Records) on June 8, 1978 as Map No. 19512 which lies between the horizontal plane having elevation 220.00 feet and the horizontal plane having elevation 263.00 feet, above the datum level in use by the City of White Plains, which datum level is the National Geodetic Survey Standard Datum 1929, said volume is bounded by and lies within the vertical planes which are formed by projecting vertically the boundaries of all that plot or parcel described as follows:

BEGINNING at a point on the proposed easterly right-of-way line of South Lexington Avenue, 182.584 feet southerly of the southerly end of a curve connecting the proposed southerly right-of-way line of Main Street with the proposed easterly right-of-way line of South Lexington Avenue, which point of BEGINNING is further identified as North 376,152.371 and East 654,744.740 in the New York State Plane Coordinate System, East Zone, and proceeding thence along the following courses and distances:

South 80 degrees 10 minutes 47 seconds West 3.500 feet;

South 9 degrees 49 minutes 13 seconds East 96.000 feet;

North 80 degrees 10 minutes 47 seconds East 3.500 feet to the proposed easterly right-of-way line of South Lexington Avenue;

THENCE along the proposed easterly right-of-way line of South Lexington Avenue, North 9° 49' 13" West 96.000 feet to the point of BEGINNING.

TOGETHER with the following valid and subsisting easements with others to all the benefits of:

1. Easements for the benefit of Sub-Parcels E-2 and F and Sub Sub-Parcels G-1, G-2, G-3 and G-4 and H-2, as shown on Filed Map, No. 19512, to construct, maintain and reconstruct columns for purposes of support, together with decorative lighting to be attached to such columns, which columns may contain various utility pipes, conduits and other lines as well as ventilation shafts, all as shown on Sheet 3 of the filed map, in the areas designated as Easement Nos. A-106 through A-111, F-124 and F-126 through F-133.

2. Easements for the benefits of Sub-Parcel F and Sub Sub-Parcels G-1, G-2, G-3, G-4, H-1 and H-2 as shown on Filed Map, No. 19512, to construct, maintain and reconstruct a column for the purposes of support together with decorative lighting to be attached to such column, which column may contain various utility pipes, conduits and other lines as well as ventilation shafts, all as shown on Sheet 2 of the Filed Map No. 19512 in the area designated as Easement No. F-176.
3. Easement for the benefit of Sub-Parcels E-2 and F and Sub Sub-Parcels G-1, G-2, G-3, G-4 and H-2, as shown on the Filed Map No. 19512, to construct, maintain and reconstruct footings for purposes of support, all as shown on Sheet 3 of the Filed Map No. 19512 in the areas designated as Easement Nos. A-112, F-125 and F-134 respectively.
4. Easements for the benefit of Sub-Parcel F and Sub Sub-Parcels G-1, G-2, G-3, G-4, H-1 and H-2 as shown on Filed Map No. 19512, in the area designated as Easement Nos. F-135 through F-146.
5. Easements for the benefit of Sub-Parcel F and Sub Sub-Parcels G-1, G-2, G-3, G-4, H-1 and H-2 as shown on Filed Map No. 19512, to construct, maintain and reconstruct lighting fixtures, all as shown on Sheet 2 of the filed map in the areas designated as Easement Nos. F-147 through F-157 respectively.
6. Easements for the benefit of Sub-Parcel F and Sub Sub-Parcels G-1, G-2, G-3, G-4, H-1 and H-2 as shown on Filed Map No. 19512 to construct, maintain and reconstruct wall and column footings, all as shown on Sheet 1 of the filed map in the area designated as Easement No. F-168.
7. Easements for the benefit of Sub-Parcels J and F and Sub Sub-Parcels L-1, L-2, L-3A, L-3B, L-3C and L-4 as shown on filed Map No. 19512, to construct, maintain and reconstruct wall and column footings, all as shown on Sheet 6 of the filed map in the area designated as Easement Nos. J-158 and J-159 respectively.
8. Easements for the benefit of Sub-Parcels J and F and Sub Sub-Parcels L-1, L-2, L-3A, L-3B, L-3C and L-4 as shown on filed Map No. 19512, to construct, maintain and reconstruct planters, air shafts and stairs, all as shown on 5 of the filed map in the areas designated as Easement Nos. J-162 and J-165 respectively.
9. Easements for the benefits of Sub-Parcels J and Sub Sub-Parcels L-1, L-2, L-3A, L-3B, L-3C and L-4 as shown on Filed Map No. 19512, to construct, maintain and reconstruct canopies, as shown on Sheet 5 of the filed map, in the areas designated as Easement Nos. J-163 and J-166 respectively.
10. Easements for the benefit of Sub-Parcel J and Sub Sub-Parcels L-1, L-2, L-3A, L-3B, L-3C and L-4 as shown on Filed Map No. 19512 to construct, maintain and reconstruct signs, as shown on Sheet 5 of the filed map, in the areas designated as Easement Nos. J-164 and J-167 respectively.
11. Easements for the benefit of Sub-Parcel E-2 and Sub Sub-Parcels G-1, G-2, G-3, G-4, K-1, K-2 and H-2, as shown on the Filed Map, to construct, maintain and reconstruct footings for purposes of support, all as shown on Sheet 3 of the filed map in the areas designated as Easement Nos. D-120 through D-123.

12. Easements for the benefit of Sub-Parcel E-2 and Sub Sub-Parcels G-1, G-2, G-3, G-4, K-1, K-2 and H-2, as shown on the Filed Map, to construct, maintain and reconstruct columns for purposes of support, together with decorative lighting to be attached to such columns, which columns may contain various utility pipes, conduits and other lines, all as shown on Sheet 3 of the filed map in the areas designated as Easement Nos. D-113 through D-116.
13. Easements in common with for the benefit of Sub Parcel E-2 and Sub Sub-Parcels G-1, G-2, G-3, G-4, K-1, K-2 and H-2 as shown on the Filed Map, to construct, maintain and reconstruct columns for purposes of support, together with decorative lighting to be attached to such columns, which columns may contain various utility pipes, conduits and other lines, common with the owner of the property referred to on Sheet 3 of the filed map as Parcel "A" all as shown on Sheet 3 of the filed map in the areas designated as Easements Nos. A-103 and A-104 respectively.
14. Easements in common with others for the benefits of Sub-Parcels E-2 and Sub Sub-Parcels G-1, G-2, G-3, G-4, K-1 and K-2 and H-2 as shown on the Filed Map, to construct, maintain and reconstruct a footing for purposes of support in common with the owner of the property referred to on Sheet 3 of the filed map as Parcel "A", all as shown on Sheet 3 of the filed map in the area designated as Easement No. A-105.
15. Easements for the benefits of Sub-Parcel F and Sub Sub-Parcels G-1, G-2, G-3 and G-4 as shown on the Filed Map, to install, maintain and replace decorative railings adjacent to the curbs of Grove Street beneath Sub-Sub-Parcel G-1, G-2, G-3 and G-4.

TOGETHER with valid and subsisting easements in common with others contained in Letters (A) and (B) in Section 4.03, Letters (A) and (B) Section 4.04, Letters (A), (B) and (G) in Section 4.05, Letters (A), (B), (E) and (F) in Section 4.06 and all of Section 4.08 of the Operation and Reciprocal Easement Agreement recorded in Liber 7475 Cp 1, as amended.

TOGETHER with an easement granted by White Plains Urban Renewal Agency to CF White Plains Associates, dated June 24, 1981 recorded July 1, 1981 in Liber 7709 of Conveyances Page 150.

AND

Subparcel C (Fee)

ALL that certain plot, piece or parcel of land. situate, lying and being in the City of White Plains, County of Westchester and State of New York shown and designated as Parcel "C" on a certain map entitled "Survey of Central Renewal Project Parcels Nos. 20, 21, 22 & 23 prepared for White Plains (Urban Renewal Agency situate in City of White Plains, Westchester County, New York", dated May 15, 1978 made by James W. Delano and filed in the Office of the County Clerk of Westchester County (Division of Land Records) on 6/8/78 as Map No. 19512 said parcel being more particularly bounded and described as follows:

BEGINNING at a point on the proposed northerly right-of-way line of Martine Avenue which is at the westerly end of a curve connecting the proposed westerly right-of-way line of Court Street with the said proposed northerly right-of-way line of Martine Avenue, which point is further identified as North 376,141.205 and East 655,929.548 in the New York State Plane Coordinate System, East Zone, and proceeding:

THENCE in an easterly to northerly direction along a curve to the left having a radius of 35.000 feet and a central angle of 89 degrees 05 minutes 28.9 seconds a distance of 54.423 feet to the proposed westerly right-of-way line of Court Street;

THENCE, along the proposed westerly right of way line of Court Street, North 10 degrees 02 minutes 22 seconds West 311.057 feet to a point of curvature;

THENCE, along a curve to the left having a radius of 35.000 feet and a central angle of 89 degrees 54 minutes 30 seconds a distance of 54.922 feet to the proposed southerly right-of-way line of Main Street;

THENCE along the proposed southerly right-of-way line of Main Street, South 80 degrees 03 minutes 08 seconds West 235.676 feet to a point;

THENCE, the following courses and distances:

South 10 degrees 56 minutes 53.1 seconds East 172.210 feet;
North 79 degrees 03 minutes 06.9 seconds East 17.016 feet;
South 10 degrees 56 minutes 53.1 seconds East 80.250 feet;
North 79 degrees 03 minutes 06.9 seconds East 10.651 feet;
South 10 degrees 56 minutes 53.1 seconds East 29.333 feet;

South 79 degrees 03 minutes 06.9 seconds West 10.651 feet;
South 10 degrees 56 minutes 53.1 seconds East 103.334 feet to the proposed northerly right-of-way line of Martine Avenue;

THENCE, along the proposed northerly right-of-way line of Martine Avenue, North 79 degrees 03 minutes 06.9 seconds East 213.080 feet to the point of BEGINNING.

Subparcel D-2 (Fee-above-a-plane)

ALL that volume of space, situate, lying and being in the City of White Plains, County of Westchester and State of New York shown and designated as Parcel "D-2" on a certain map entitled, "Survey of Central Renewal Project Parcels Nos. 20, 21, 22 & 23, prepared for White Plains Urban Renewal Agency, situate in the City of White Plains, Westchester County, New York" dated May 15, 1978, made by James W. Delano and filed in the Office of the County Clerk of Westchester County (Division of Land Records) on 6/8/78. as Map No. 19512, which lies above the horizontal plane having elevation 222.08 feet above the datum level in use by the City of White Plains, which datum level is the National Geodetic Survey Standard Datum 1929, said volume is bounded by and lies within the vertical planes which are formed by projecting vertically upward the boundaries of all that plot or parcel described as follows:

BEGINNING at a point on the proposed Southerly right-of-way line of Main Street 235.676 feet westerly of the Westerly end of a curve connecting the proposed southerly right-of-way line of Main Street with the proposed westerly right-of-way line of Court Street, which point of BEGINNING is further identified as North 376,475.623 and East 655,630.497 in the New York State Plane Coordinate System, East Zone and proceeding:

THENCE, along the proposed Southerly right-of-way line of Main Street, South 80 degrees 03 minutes 08 seconds West 66.177 feet to a point;

THENCE, South 10 degrees 56 minutes 53.1 seconds East 173.365 feet to a point;

THENCE North 79 degrees 03 minutes 06.9 seconds East 66.167 feet to a point;

THENCE North 10 degrees 56 minutes 53.1 seconds West 172.210 feet to the proposed southerly right-of-way line of Main Street at the point of BEGINNING.

Subparcel M (Fee-above-a-plane)

ALL that volume of space situate, lying and being in the City of White Plains, County of Westchester and State of New York shown and designated as Parcel "M" on a certain Map entitled "Survey of Central Renewal Project Parcels Nos. 20, 21, 22 and 23, prepared for White Plains Urban Renewal Agency, situate in City of White Plains, Westchester County New York" dated May 15, 1978, made by James W. Delano and filed in the office of the County Clerk of Westchester County (Division of Land Records) on 6/8/78, at Map No. 19512, which lies above the horizontal plane having elevation 283.50 feet above the datum level in use by the City of White Plains which datum level is the National Geodetic Survey Standard Datum 1929, said volume is bounded by and lies within vertical planes which are formed by projecting vertically upward the boundaries of all that plot or parcel described as following:

BEGINNING at a point on the proposed westerly right-of-way line of Court Street, 76.223 feet southerly of the southerly end of a curve connecting the proposed southerly right-of-way line of Main Street with the proposed westerly right-of-way line of Court Street, which point of BEGINNING is further identified as North 376,412.908 and East 655,916.428 in the New York State Plane Coordinate System, East Zone, and proceeding;

THENCE along the proposed westerly right-of-way line of Court Street, South 10 degrees 02 minutes 22 seconds East 46.506 feet to a point;

THENCE, North 79 degrees 03 minutes 06.9 seconds East 4.938 feet to a point;

THENCE North 10 degrees 56 minutes 53.1 seconds West 46.500 feet to a point;

THENCE, South 79 degrees 03 minutes 06.9 seconds West 4.200 feet to a point on the proposed westerly right-of-way line of Court Street at the point of BEGINNING.

EXHIBIT B

PERMITTED ENCUMBRANCES

1. Declaration of Restrictions recorded in Liber 6808 Page 92, as amended by Liber 6893 Page 414, Liber 6909 Page 631, Liber 6992 Page 611, Liber 6992 Page 617, Liber 7056 Page 485, Liber 7146 Page 796, Liber 7192 Page 566, Liber 7256 Page 155, Liber 7322 Page 607, Liber 7432 Page 1, Liber 7560 Page 166, Liber 8484 Page 257, Liber 11563 Page 78 and Control No. 403110365.

With regard thereto:

- i) Certificate of Completion recorded in Liber 7709 Page 135.
 - ii) Certificate of Completion recorded in Liber 7709 Page 139.
 - iii) Certificate of Completion recorded in Liber 7709 Page 131.
2. Terms, covenants, restrictions, conditions and provisions contained in Sections 5.01 (c) and 5.03 of the Contract for Sale of Land for Private Redevelopment made by and between White Plains Urban Renewal Agency ("Agency") and CF White Plains Associates ("Redeveloper"), dated as of 6/13/1978 and recorded in Liber 7474 Page 181. (As to Tax Lots 1-3)

With regard thereto:

- i) Certificate of Completion recorded in Liber 7709 Page 135.
 - ii) Certificate of Completion recorded in Liber 7709 Page 139.
 - iii) Certificate of Completion recorded in Liber 7709 Page 131.
3. Terms, covenants, restrictions and easements contained in the Operation and Reciprocal Easement Agreement made by and among the City of White Plains ("City"), Federated Department Stores, Inc. ("FDS"), J.C. Penney Properties Inc. ("Penney") and CF White Plains Associates ("CF"), dated as of 6/13/1978 and recorded in Liber 7475 Page 1.

With regard thereto:

- i) Assignment and Assumption of Construction and Operating Agreement from J.C. Penney Properties, Inc., as assignor to CFN, Inc., as assignee, dated as of 11/30/2001 and recorded 1/1/2002 in Control No. 413580096, as further assigned by Assignment and Assumption of REA Documents (Reciprocal Easement Agreement) made by and between CFN, Inc., as assignor to White Plains Galleria, Inc., as assignee, dated as of 1/31/2003 and recorded 5/13/2003 in Control No. 431210084.
4. Terms, covenants, restrictions, conditions and easements set forth in the deed made by White Plains Urban Renewal Agency to CF White Plains Associates, dated as of 6/13/1978 and recorded in Liber 7474 Page 740, other than for those covenants set out as "FIRST" through "FIFTH" contained therein. (Affects Tax Lots 1-3)

With regard thereto:

- i) Certificate of Completion recorded in Liber 7709 Page 135.
 - ii) Certificate of Completion recorded in Liber 7709 Page 139.
 - iii) Certificate of Completion recorded in Liber 7709 Page 131.
5. Terms, covenants, restrictions, conditions and provisions contained in Sections 5.01 (c) and 5.03 of the Contract for Sale of Land for Private Redevelopment made by and between White Plains Urban Renewal Agency ("Agency") and Courtmart, Inc. ("Redeveloper"), dated as of 6/13/1978 and recorded in Liber 7474 Page 343.

With regard thereto:

- i) Certificate of Completion recorded in Liber 7709 Page 126.
- f) Terms, covenants, restrictions, conditions and easements set forth in deed made by White Plains Urban Renewal Agency to Courtmart, Inc., grantee of a limited estate and Federated Department Stores, Inc., grantee of a vested remainder, dated as of 6/13/1978 and record in Liber 7475 Page 171 other than for those covenants set out as "FIRST" through "FIFTH" contained therein. (Affects Tax Lot 4)

With regard thereto:

- i) Certificate of Completion recorded in Liber 7709 Page 126.
6. Easements as set forth in Easement Agreement made by and between White Plains Urban Renewal Agency ("Grantor") to CF White Plains Associates ("Grantee"), dated as of 6/25/1981 and recorded 7/1/1981 in Liber 7709 Page 150.
7. Easements as shown on Filed Map No. 19512 and 20630.
8. Terms, covenants, conditions, provisions and agreements as set forth in an unrecorded Lease dated 7/1/2013 made by and between White Plains Galleria Limited Partnership, as lessor and H & M Hennes & Mauritz L.P., as lessee, as recited in Non-Disturbance and Attornment Agreement made by and among Trimont Real Estate Advisors, Inc. ("Mortgagee"), H & M Hennes & Mauritz L.P. ("Tenant") and White Plains Galleria Limited Partnership ("Landlord"), dated as of 7/1/2013 and recorded 12/24/2013 in Control No. 532323518.

Exhibit L:

Previous Owners and Operators

**50 COURT STREET
PREVIOUS OWNERS & OPERATORS LIST
50 Court Street, White Plains**

Year	Contact Information		Status	Relation to Requestor
	Owners			
____-1978	White Plains Urban Renewal Agency Address: 225 Main Street White Plains, NY 10601	Phone: Unknown	Active	None
1978-1981	Courtmart, Inc. Address: 430 Park Ave New York, NY 10022	Phone: Unknown	Inactive	None
1978-1989	Federated Department Stores, Inc. Address: 80 State Street Albany, NY 12207	Phone: Unknown	Inactive	None
1989-____	A&S Galleria Real Estate, Inc. (c/o Federated Department Stores, Inc.) Address: 1633 Broadway New York, NY, 10019	Phone: Unknown	Inactive	None
____-2019	Macy’s Retail Holdings, Inc. Address: 600 Mamaroneck Ave, Suite 400 Harrison, NY 10528	Phone: Unknown	Inactive	None
2019-2022	WP Galleria Realty LP Address: 2029 Century Park E, Suite 1550 Los Angeles, CA 90067	Phone: Unknown	Inactive	None
2022-Present	Galleria City Holding Company LLC Address: 100 North Pacific Coast Highway Suite 1925 El Segundo, CA 90245	Phone: (310) 321-5980	Active	Current Owners
Operators				
1885-1950	Westchester County Courthouse Address: 166 Main Street White Plains, NY	Phone: Unknown	Inactive	None
1980-2023	Galleria Mall Address: 100 Main Street White Plains, NY 10601	Phone: (914) 682-0111	Inactive	None
1980-1996	Abraham & Straus / Stern’s, (part of the Galleria Mall) Address: 100 Main Street White Plains, NY 10601	Phone: Unknown	Inactive	None
1996-2023	Macy’s Department Store (part of the Galleria Mall) Address: 100 Main Street White Plains, NY 10601	Phone: (888) 257-6757	Inactive	None
2023-present	Vacant (currently used on occasion for homeland security and police training)			

Exhibit M:

Site Access Agreement
(Galleria City Holding Company LLC)

50 COURT STREET
ACCESS AND CONSENT AGREEMENT BY PROPERTY OWNER

ACCESS AND CONSENT AGREEMENT (Agreement) made as of this 23 day of December 2024, by and between *Galleria City Holding Company LLC* (Grantor) having an address at 100 North Pacific Coast Highway, El Segundo, California 90245 and *Martine Avenue Partners LLC* (Grantee) having an address at c/o The Cappelli Organization, 5 Renaissance Square, 42nd Floor, White Plains, New York 10601,

WHEREAS, Grantor owns the real property located at 50 Main Street, White Plains, New York (Section 125.75, Block 4, Lot 4..2) (formerly a portion of 100 Main Street, White Plains, New York) together with the building and improvements thereon ("Grantor's Property"); and

WHEREAS, Grantor authorizes the Grantee to apply to and participate in the New York State Department of Environmental Conservation (NYSDEC) Brownfields Cleanup Program (BCP) for the Grantor's Property, and to access Grantor's Property to perform all obligations under the NYSDEC BCP including but not limited to demolition, investigation, remedial work and granting of an Environmental Easement to NYSDEC on the Grantor's Property, if required, for the purpose of obtaining a Certificate of Completion ("Remedial Program") under the BCP;

NOW, THEREFORE, the undersigned in consideration of the foregoing and for good and valuable consideration, the receipt of which is hereby acknowledged, Grantor and Grantee agree as follows:

1. Grantor grants access and a temporary license for Grantor's Property for the purpose of the entry thereon by Grantee, its agents, successors or assigns, including all vehicles, equipment and materials required by Grantee to perform the Remedial Program, including the demolition of the building; and

2. Grantor authorizes the Grantee, its successors or assignees, to grant an Environmental Easement to the NYSDEC, subject to the terms required by the NYSDEC BCP, for the issuance of a Certificate of Completion for the Grantor's Property, including the execution of all other and related documents required to record the Environmental Easement.

IN WITNESS WHEREOF, this Agreement has been executed by Grantor and Grantee and is effective as of the date set forth above.

Grantor: Galleria City Holding Company LLC

By: 
Name: Steven M. Plenge
Title: Authorized Signatory

Grantee: Martine Avenue Partners LLC


By: 
Name: Louis Cappelli
Title: Sole Member

Exhibit N:

Site Contact List

Site Contact List

50 COURT STREET SITE					
50 Court Street, White Plains, New York 10601					
Name	Title	Address	City	State	Zip
Hon. Charles Schumer	U.S. Senator	11A Clinton Avenue, Room 827	Albany	NY	12207
Kristen Gillibrand	U.S. Senator	11A Clinton Avenue, Room 821	Albany	NY	12207
Kisha Santiago	NYS DOS - Office of Planning, Development and Community, Deputy	One Commerce Plaza, 99 Washington Ave, Suite 1010	Albany	NY	12231
Michael Lawler	U.S. House of Representatives, 17th District	60 McAlpine Avenue	Mahopac	NY	10541
Andrea Stewart-Cousins	New York State Senator, 35th District	188 State Street, Room 907	Albany	NY	12247
Chris Burdick	NYS Assembly Member, 93rd District	S. Bedford Road	Mt. Kisco	NY	10549
George Latimer	Westchester County Executive	148 Martine Avenue	White Plains	NY	10601
Richard Hyman	Westchester County Planning Board, Chair	148 Martine Avenue	White Plains	NY	10601
Thomas M. Roach	White Plains, Mayor	255 Main Street	White Plains	NY	10601
John J. Ioris	White Plains Planning Board, Chair	255 Main Street	White Plains	NY	10601
Damon Amadio, P.E.	White Plains Building Department, Commissioner	70 Church Street	White Plains	NY	10601
The Journal News	Media Outlet	2 Westchester Park Drive, Suite B	Harrison	NY	10604
Stephanie Mignone	White Plains Dept of Public Works, Bureau of Water & Wastewater	255 Main Street	White Plains	NY	10601
Brian Kenney	White Plains Public Library, Library Director	100 Martine Avenue	White Plains	NY	10601
Myra Castillo	White Plains Elementary School, Principal	295 Church Street	White Plains	NY	10603
Leroy Dixon	White Plains Middle School, Eastview Campus, Principal	350 Main Street	White Plains	NY	10601
Ryan Monk	Fusion Academy Westchester, Head of School	1 N Broadway, Suite 120	White Plains	NY	10601
Paul Bratcher	Rochambeau Alternative High School, Director	228 Fisher Avenue	White Plains	NY	10606
Paul M. Pizzutello	Reach Academy, Principal	45 Gainsborg Avenue E	West Harrison	NY	10604
Anatolia Torres	Sunny Day Care	52 West Prospect Avenue	White Plains	NY	10607
Adagui G. Marchena	Mini City Daycare, LLC	66 Concord Avenue	White Plains	NY	10606
Stephanie Aromando	Children's Corner Learning Center, Director	120 Bloomingdale Road	White Plains	NY	10604
Candy and Consuelo Camacho	My Sister's Daycare, Owners	3 Ridgeview Avenue	White Plains	NY	10606
Lia Darocha	Lia's Day Care	236 S Lexington Avenue	White Plains	NY	10606
Ms. Imani	Kiddie Academy of White Plains, Director	222 Bloomingdale Road, Suite 108	White Plains	NY	10605
City of White Plains	Adjacent Property Owner of 100 Main Street and 200-202 Main Street	255 Main Street	White Plains	NY	10601
County of Westchester	Adjacent Property Owner of 110-111 Dr. Martin L. King Boulevard, 148 Martine Avenue, and 83 Court Street	148 Martine Avenue	White Plains	NY	10601
76 Mamaroneck Avenue, LLC	Adjacent Property Owner of 64-86 Mamaroneck Avenue	237 Mamaroneck Avenue (SRG2 Partners)	White Plains	NY	10605
Silverman Realty Group	Adjacent Property Owner of 48-62 Mamaroneck Avenue, 44 Mamaroneck Avenue, 31-37 Court Street, and 26-32 Mamaroneck Avenue	237 Mamaroneck Avenue (Leon Silverman)	White Plains	NY	10605
Minskoff Grant Realty	Adjacent Property Owner of 167-183 Martine Avenue and 25-29 Court Street	55 Church Street, Suite 207 (Francis Grant)	White Plains	NY	10601

20 Mamaroneck LLC	Adjacent Property Owner of 20 Mamaroneck	100 Summit Lake Dr. Ste 120 (Susan Morris)	Valhalla	NY	10595
Rraci Realty (Dions Court Plaza, LLC)	Adjacent Property Owner of 19 Court Street	399 Knollwood Rd., Ste 210 (Stephen DePalma)	White Plains	NY	10603
Roy Properties LLC	Adjacent Property Owner of 200-202 Main Street	19 Court Street, Suite 400	New York	NY	10601
199 Main Street Realty Corp.	Adjacent Property Owner of 199 Main Street	199 Main Street (Anthony Longhitano)	White Plains	NY	10601
Nisi 189 LLC	Adjacent Property Owner of 189 Main Street	103 North Salem Road (Hajden Ricci)	Cross River	NY	10518
K.A.T. Meat Corp	Adjacent Property Owner of 185-187 Main Street	1967 Turnbull Ave. Ste 6	Bronx	NY	10423
Wyassup-Laurel Glen Corp	Adjacent Property Owner of 175 Main Street	866 Lexington Ave.2d Fl (Stephen Staino)	New York	NY	10065
Edwin McMahon Singer (Misra Group LLC)	Adjacent Property Owner of 171-173 Main Street	174 5 th Avenue, Ste 305	New York	NY	10010
A&F Williams Street LLC	Adjacent Property Owner of 165 Main Street	199 Main Street	White Plains	NY	10601
Power Authority of State of New York	Adjacent Property Owner of 123 Main Street	123 Main Street (Lori Alessio)	White Plains	NY	10601
Galleria City Holding Company LLC	Adjacent Property Owner of 100 and 180 Main Street	100 N. Pacific Coast Highway, Ste. 1925	White Plains	NY	10601

Exhibit O:

Repository Consent for Site Documents

Law Office of
Denise J. D'Ambrosio, Esq.
Attorney at Law

October 4, 2024

By Email
kdegyansky@whiteplainslibrary.org

Kathleen Degyansky
Assistant Library Director
White Plains Public Library ("WPPL")
100 Martine Avenue
White Plains, New York 10601

Re: BCP Application
50 Court Street Site
White Plains, New York 10601

Dear Ms. Degyansky:

Martine Avenue Partners LLC is submitting a New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Application for 50 Court Street Site ("Site") located at 50 Court Street in White Plains currently designated as Section 125 75, Block 4, Lot 4..2. It is a requirement of the NYSDEC BCP that the BCP application include a letter certifying local library consent to serving as public repository for all documents pertaining to the remedial program for the BCP Site. The documents maintained in the repository should be made available to the public upon request.

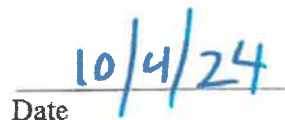
The documents will be provided to WPPL in electronic format unless you indicate hard copy is preferred. Please call or email if you have any questions; otherwise please sign below indicating that the WPPL consents to act as the public repository for this BCP project. Thank you.

Sincerely,


Denise J. D'Ambrosio

WPPL public repository consent.


Kathleen Degyansky


Date