



**Department of
Environmental
Conservation**

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

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

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

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

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

<input type="checkbox"/>	Amendment to modify the existing BCA (check one or more boxes below):
<input type="checkbox"/>	Add applicant(s)
<input type="checkbox"/>	Substitute applicant(s)
<input type="checkbox"/>	Remove applicant(s)
<input type="checkbox"/>	Change in name of applicant(s)
<input checked="" type="checkbox"/>	Amendment to reflect a transfer of title to all or part of the brownfield site:
	<p>a. A copy of the recorded deed must be provided. Is this attached? <input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>b. <input checked="" type="checkbox"/> Change in ownership <input type="checkbox"/> Additional owner (such as a beneficial owner)</p> <p>c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached? <input checked="" type="radio"/> Yes <input type="radio"/> No Submitted on: <u>12/17/2025</u></p>
<input type="checkbox"/>	Amendment to modify description of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit.
<input type="checkbox"/>	Other (explain in detail below)

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

The property was transferred from Two Brothers Realty, LLC to JF&R Ventures LLC and subsequently on the same date from JF&R Ventures LLC to 3200 Clinton St., LLC. A copy of the recorded deeds for both transfers are attached. A Change of Use form signed by authorized members of Two Brothers Realty, LLC, JF&R Ventures LLC and 3200 Clinton St., LLC is also attached.

Please also update the address of 3200 Clinton St., LLC to the address listed in Section 3.

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

BCP SITE NAME: 3200 Clinton Street Site	BCP SITE NUMBER: C915404
NAME OF CURRENT APPLICANT(S): 3200 Clinton St., LLC and Rosina Food Products, Inc.	
INDEX NUMBER OF AGREEMENT: C915404-04-24	DATE OF ORIGINAL AGREEMENT: 05/28/24
APPLICANT'S SIGNATORY: Don Schoenl (3200 Clinton St., LLC) and Greg Setter (Rosina Food Products, Inc.)	

SECTION II: NEW REQUESTOR INFORMATION**Not Applicable***Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.*

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

SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Complete this section only if a transfer of ownership has taken place. Attach additional pages if necessary.

Owner listed below is: <input checked="" type="radio"/> Existing Applicant <input type="radio"/> New Applicant <input type="radio"/> Non-Applicant	
OWNER'S NAME: 3200 Clinton St., LLC	CONTACT: Don Schoenl
ADDRESS: 3820 Mansell Road, Suite 200	
CITY/TOWN: Alpharetta, GA	ZIP CODE: 30022
PHONE: (833) 424-2653	EMAIL: don@agilecoldstorage.com
OPERATOR: (same)	CONTACT:
ADDRESS:	
CITY/TOWN:	ZIP CODE:
PHONE:	EMAIL:

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION**Not Applicable**

Complete this section only if adding new requestor(s). Attach additional pages if necessary.

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

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

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION (continued)		Y	N
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:			
<input checked="" type="radio"/> PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	<input type="radio"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of a hazardous waste or discharge of petroleum. NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that they have exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste. If a requestor's liability arises solely as a result of ownership, operation of or involvement with the site, they must submit a statement describing why they should be considered a volunteer – be specific as to the appropriate care taken.		
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?	N/A <input type="radio"/>	Y <input type="radio"/>	N <input type="radio"/>
14. Requestor's relationship to the property (check all that apply): <input type="checkbox"/> Prior Owner <input type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input type="checkbox"/> Other: _____			
15. If the requestor is not the current site owner, proof of site access sufficient to complete the remediation must be submitted. Proof must show that the requestor will have access to the property before being added to the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?	N/A <input type="radio"/>	Y <input type="radio"/>	N <input type="radio"/>

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES

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

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

ADDRESS:

Not Applicable

CITY/TOWN:

ZIP CODE:

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

2. Requested change (check appropriate boxes below):

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

PARCELS ADDED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE ADDED: _____

b. Reduction of property

PARCELS REMOVED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE REMOVED: _____

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

NEW PROPERTY INFORMATION:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

3. TOTAL REVISED SITE ACREAGE: _____

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

Not Applicable



SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES (continued)

Complete this section for any addition of property. Use additional copies of this section as necessary.

5. Property information for parcels being added to the BCA

Not Applicable

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
CURRENT OWNER:		CONTACT NAME:		
ADDRESS:				
CITY:		STATE:		ZIP:
PHONE:		EMAIL:		
OWNERSHIP START DATE:				
CURRENT OPERATOR:		CONTACT NAME:		
PHONE:		EMAIL:		
REQUESTOR RELATIONSHIP TO NEW PROPERTY (select from below)				
<input type="checkbox"/> PREVIOUS OWNER	<input type="checkbox"/> CURRENT OWNER	<input type="checkbox"/> POTENTIAL/FUTURE PURCHASER	<input type="checkbox"/> OTHER: _____	

If the applicant is not the current owner of the property, documentation demonstrating site access (which includes the ability to place an environmental easement on the site) must be provided. If the applicant currently owns the property being added to the site, a copy of the deed must be included.

IS PROOF OF ACCESS / OWNERSHIP ATTACHED?

☐ YES ☐ NO ☐ N/A

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
CURRENT OWNER:		CONTACT NAME:		
ADDRESS:				
CITY:		STATE:		ZIP:
PHONE:		EMAIL:		
OWNERSHIP START DATE:				
CURRENT OPERATOR:		CONTACT NAME:		
PHONE:		EMAIL:		
REQUESTOR RELATIONSHIP TO NEW PROPERTY (select from below)				
<input type="checkbox"/> PREVIOUS OWNER	<input type="checkbox"/> CURRENT OWNER	<input type="checkbox"/> POTENTIAL/FUTURE PURCHASER	<input type="checkbox"/> OTHER: _____	

If the applicant is not the current owner of the property, documentation demonstrating site access (which includes the ability to place an environmental easement on the site) must be provided. If the applicant currently owns the property being added to the site, a copy of the deed must be included.

IS PROOF OF ACCESS / OWNERSHIP ATTACHED?

☐ YES ☐ NO ☐ N/A

6. Data supporting the addition of property to the site must be included. Please refer to the instructions for a list of required tables and figures.

ARE THE REQUIRED FIGURES AND TABLES ATTACHED?

Not Applicable

☐ YES ☐ NO ☐ N/A (land being added has been merged with an existing BCP lot and the applicant is not seeking to add more than an insignificant acreage of property to the BCA)

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

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

	Y	N
1. Is the site located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down as defined below? 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.	<input type="radio"/>	<input type="radio"/>
5. <u>For new tax parcels being added to the BCA through this amendment ONLY:</u> Are the parcels being added underutilized as defined below? From 6 NYCRR 375-3.2(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category for the new tax parcels can only be made at the time of amendment application): 375-3.2: (I) "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.	<input type="radio"/>	<input type="radio"/>

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

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

	Y	N
1. Is the site located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down as defined below? 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.	<input type="radio"/>	<input type="radio"/>
5. <u>For new tax parcels being added to the BCA through this amendment ONLY:</u> Are the parcels being added underutilized as defined below? From 6 NYCRR 375-3.2(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category for the new tax parcels can only be made at the time of amendment application): 375-3.2: (I) "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.	<input type="radio"/>	<input type="radio"/>

<p>6. Is the project and affordable housing project as defined below?</p> <p>From 6 NYCRR 375-3.2(a) as of August 12, 2016:</p> <p>(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.</p> <p>(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' household's annual gross income.</p> <p>(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.</p> <p>(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States Department of Housing and Urban Development, or its successor, for a family of four, as adjusted for family size.</p>	<input type="radio"/>	<input type="radio"/>
<p>7. Is the project a planned renewable energy facility site as defined below?</p> <p>From ECL 27-1405(33) as of April 9, 2022:</p> <p>"Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.</p> <p>From Public Service Law Article 4 Section 66-p as of April 23, 2021:</p> <p>(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.</p>	<input type="radio"/>	<input type="radio"/>
<p>8. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?</p> <p>From ECL 75-0111 as of April 9, 2022:</p> <p>(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.</p>	<input type="radio"/>	<input type="radio"/>

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

BCP SITE NAME: 3200 Clinton Street Site

BCP SITE NUMBER: C915404

NAME OF CURRENT APPLICANT(S): 3200 Clinton St., LLC and Rosina Food Products, Inc.

INDEX NUMBER OF AGREEMENT: C915404-04-24

DATE OF ORIGINAL AGREEMENT: 05/28/24

Declaration of Amendment:

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

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

STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR**Not Applicable**

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

(Individual)

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

Date: _____ Signature: _____

Print Name: _____

(Entity)

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

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

Date: _____ Signature: _____

Print Name: _____

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

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

(Entity)

I hereby affirm that I am Authorized Person (title) of 3200 Clinton St., LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Don Schoenl signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 12/17/2025Signature: Print Name: Don Schoenl President and CEO

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

**PARTICIPANT**

A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.

**VOLUNTEER**

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.

Effective Date of the Original Agreement: 05/28/24

Signature by the Department:

DATED: 12/22/2025NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

David HarringtonDavid Harrington, Assistant Director
Division of Environmental Remediation

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

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

(Entity)

I hereby affirm that I am Authorized Person (title) of Rosina Food Products, Inc. (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Greg Setter signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 12/17/2025Signature:  Setter, Chief Operating OfficerPrint Name: Greg Setter

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

☒ PARTICIPANT

A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.

☐ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.

Effective Date of the Original Agreement: 05/28/24

Signature by the Department:

DATED: 12/22/2025NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

David HarringtonDavid Harrington, Assistant Director
Division of Environmental Remediation

SUBMITTAL REQUIREMENTS:

- The Department accepts both hard copy and electronic submittal of the *Application to Amend Brownfield Cleanup Agreement and Amendment* form.
- Hard copy submissions must also include an electronic version of the complete application form and attachments, in final, non-fillable Portable Document Format (PDF), on an external storage device (such as a thumb drive or CD). Applications must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway, 12th Floor
 - Albany, NY 12233-7015
- NOTE: Electronic applications submitted in fillable format will be rejected.

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

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

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

COVER PAGE

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

SECTION I: CURRENT AGREEMENT INFORMATION

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

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

SECTION II: NEW REQUESTOR INFORMATION

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

Requestor Name

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

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

Requestor, Consultant and Attorney Contact Information

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

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

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

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

Required Attachments for Section II:

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

SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

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

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

Owner Name, Address, etc.

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

Operator Name, Address, etc.

Provide information for the new operator, if applicable.

NOTE: Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this form was not previously submitted, it must be included with this application. See <http://www.dec.ny.gov/chemical/76250.html> for additional information.

Required Attachments for Section III:

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

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION

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

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

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

If the requestor is not the current site owner, proof of site access sufficient to complete the remediation must be submitted. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site. A purchase contract does not suffice as proof of access.

Required Attachments for Section IV:

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

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES

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

Property Information on Existing Agreement

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

Addition of Property

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

Reduction of Property

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

Change to address, SBL or metes and bounds description

Provide the new address and tax parcel information.

Total Revised Site Acreage

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

For all sites seeking to add property to the site, provide all requested information for each additional tax parcel (full or partial). Refer to the list below for additional required attachments.

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

Required Attachments for Section V:

1. *For all additions and removal of property:*
 - a. *Site map clearly identifying the existing site boundary and proposed new site boundary*
 - b. *County tax map with the new site boundary clearly identified*
 - c. *USGS 7.5-minute quadrangle map with the site location clearly identified*
 - d. *For additions of property ONLY:*
 - i. *Data summary tables for each affected medium, highlighting exceedances of reasonably anticipated use SCOs*
 - ii. *Site drawings for each affected medium, identifying exceedances of reasonably anticipated use SCOs*
 - iii. *Proof of site access or ownership*
2. *For address changes, lot mergers, subdivisions and any other change to the property description:*
 - a. *County tax map with the site boundary and all SBL information clearly identified*
 - b. *USGS 7.5-minute quadrangle map with the site location clearly identified*
 - c. *Approved application for lot merger or apportionment, or the equivalent thereof, as proof from the municipality of the SBL change(s)*

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

Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits.

Provide responses to each question. If any question is answered in the affirmative, provide required documentation as applicable.

Required Attachments for NYC Site Supplement:

- 1. For sites located all or partially in an En-zone: provide a map with the site boundary clearly identified and the En-zone overlay showing that all or a portion of the site is located within an En-zone. This map must also indicate the census tract number in which the site is located. See [DEC's website](#) for additional information.*
- 2. For sites requesting an upside down or underutilized determination, an affidavit from the applicant and any documentation in support of this determination must be included. Note that an eligibility determination for the underutilized category can only be made at the time of initial application, so that determination can only apply to new parcels being considered for addition to the BCA.*
- 3. For affordable housing projects: provide the affordable housing regulatory agreement and any additional relevant information.*
- 4. For renewable energy site projects: for (a) planned renewable energy facilities generating/storing less than twenty-five (25) megawatts, provide a local land use approval; or, for (b) planned renewable energy facilities generating/storing twenty-five (25) megawatts or greater, provide the permit issued by the NYS Office of Renewable Energy Siting.*
- 5. For sites located within a disadvantaged community and a conforming Brownfield Opportunity Area: provide a map with the site boundary clearly identified and the disadvantaged community overlay showing that the site is located within a disadvantaged community.*

PART II: BROWNFIELD CLEANUP PROGRAM AMENDMENT

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

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

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



County Clerk's Recording Page

Return to:

Party 1:
TWO BROTHERS REALTY LLC

Party 2:
JF&R VENTURES LLC

Book Type: D Book: 11434 Page: 8027

Page Count: 4
Doc Type: DEED
Rec Date: 08/16/2024
Rec Time: 02:40:53 PM
Control #: 2024137785
UserID: ERECORD
Trans #: 24126760
Document Sequence Number
TT2024001131

Recording Fees:

RECORDING	\$40.00
COE CO \$1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
RP5217 CNTY \$9	\$9.00
RP5217 ST-NON RES \$241	\$241.00
TP584	\$10.00

Consideration Amount: 0.00

BASIC MT	\$0.00
SONYMA MT	\$0.00
ADDL MT/NFTA	\$0.00
SP MT/M-RAIL	\$0.00
NY STATE TT	\$0.00
ROAD FUND TT	\$0.00

Total: \$320.00

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

WARNING – THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT REQUIRED BY SECTION 319&316-a (5) OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

Michael P. Kearns
Erie County Clerk

SST
0

7405-14056E

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

THIS BARGAIN AND SALE DEED (this "Deed"), made the ^{as of} 6th day of August 2024,

BETWEEN:

TWO BROTHERS REALTY, LLC, a New York limited liability company with an address of 170 French Road, Buffalo, New York, 14224

Grantor, and

JF&R VENTURES LLC, a New York limited liability company with an address of c/o Rosina Food Products, Inc., 130 Empire Drive, West Seneca, New York, 14224,

Grantee,

WITNESSETH that the Grantor, in consideration of ONE AND 00/100 DOLLAR (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the Grantee, does hereby grant and release unto the Grantee, its heirs or successors and assigns forever,

ALL THAT TRACT OR PARCEL OF LAND, as described on Schedule "A" attached hereto and being a part hereof

Property Address: 160 Empire Drive, West Seneca, NY 14224
Tax Account Nos.: Section: 124.15 Block: 2 Lot: 4

SUBJECT TO easements, covenants and restrictions of record, if any,

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

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

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

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

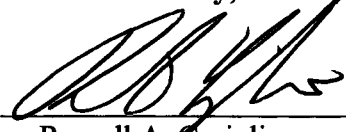
Being and intended to be the same premises as conveyed to the grantor herein recorded on 12/31/2002 in Liber 11024 page 7158

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

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

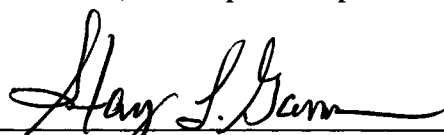
In the presence of:

Two Brothers Realty, LLC

By: 
Name: Russell A. Corigliano
Its: Authorized Signatory

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

On the 1st day of August, in the year 2024, before me, the undersigned, a Notary Public in and for said state, personally appeared **Russell A. Corigliano**, 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 this instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

STACY L. GARNER
Notary Public - State of New York
No. 01GA6063426
Qualified in Erie County
Commission Expires Aug. 27, 2025

SCHEDULE A
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF WEST SENECA, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOTS NOS. 26 AND 27 OF THE EBENEZER LANDS ACCORDING TO A MAP FILED IN ERIE COUNTY CLERK'S OFFICE UNDER COVER NO. 58, BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF THE INTERSECTION OF THE NORTHEASTERLY LINE OF CLINTON STREET (66 FEET WIDE) WITH THE MONUMENTED CENTERLINE OF THE GARDENSVILLE BRANCH OF THE PENN CENTRAL RAILROAD;

THENCE NORTHEASTERLY ALONG SAID MONUMENT CENTERLINE WHICH FORMS AN INTERIOR ANGLE OF 96 DEGREES 56' 30" WITH THE NORTHEASTERLY LINE OF CLINTON STREET, A CHORD DISTANCE OF 550.11 FEET (ARC DISTANCE BEING 550.31 FEET) TO A POINT AT THE SOUTHWEST CORNER OF EMPIRE DRIVE (60 FEET WIDE);

THENCE SOUTHEASTERLY AT AN INTERIOR ANGLE OF 88° 15' 45" AND ALONG THE SOUTHWESTERLY LINE OF EMPIRE DRIVE, A DISTANCE OF 530.16 FEET TO THE SOUTHEASTERLY LINE OF EMPIRE DRIVE;

THENCE NORTHEASTERLY AT AN INTERIOR ANGLE OF 268° 30' AND ALONG THE SOUTHEAST UNE OF SAID EMPIRE DRIVE, A DISTANCE OF 62.85 FEET TO A POINT;

THENCE SOUTHEASTERLY AT RIGHT ANGLES, 250.97 FEET TO A POINT;

THENCE SOUTHWESTERLY AT AN INTERIOR ANGLE OF 83° 22' 30" 343.77 FEET TO A POINT;

THENCE NORTHWESTERLY AT AN INTERIOR ANGLE OF 92° 55' 15", A DISTANCE OF 305.9 FEET TO A POINT;

THENCE SOUTHWESTERLY AT AN EXTERIOR ANGLE OF 90° 00', 329.85 FEET TO A POINT ON THE NORTHEASTERLY LINE OF CLINTON STREET;

THENCE NORTHWESTERLY AT RIGHT ANGLES AND ALONG SAID NORTHEASTERLY LINE OF CLINTON STREET, 384.48 FEET TO THE POINT OR PLACE OF BEGINNING.

BEING part of the same premises conveyed to Grantors by Bargain and Sale Deed dated December 18, 2002 and recorded on December 31, 2002 in the Erie County Clerk's Office in Liber 11024 of Deeds at page 7158.

FOR COUNTY USE ONLY

C1. SWIS Code

08/16/2024

C2. Date Deed Recorded

11/18/2027

C3. Book

C4. Page

New York State Department of
Taxation and Finance

Office of Real Property Tax Services

RP- 5217-PDF

Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property
Location

160

Empire Drive

* STREET NUMBER

* STREET NAME

West Seneca

14224

* CITY OR TOWN

VILLAGE

* ZIP CODE

2. Buyer
Name

JF&R Ventures LLC

* LAST NAME/COMPANY

FIRST NAME

LAST NAME/COMPANY

FIRST NAME

3. Tax
Billing
AddressIndicate where future Tax Bills are to be sent
if other than buyer address(at bottom of form)

LAST NAME/COMPANY

FIRST NAME

STREET NUMBER AND NAME

CITY OR TOWN

STATE

ZIP CODE

4. Indicate the number of Assessment
Roll parcels transferred on the deed

1

of Parcels

OR

☐

Part of a Parcel

(Only if Part of a Parcel) Check as they apply:

4A. Planning Board with Subdivision Authority Exists

☐

4B. Subdivision Approval was Required for Transfer

☐

4C. Parcel Approved for Subdivision with Map Provided

☐5. Deed
Property
Size

* FRONT FEET

X

* DEPTH

OR

7.42

* ACRES

6. Seller
Name

Two Brothers Realty, LLC

* LAST NAME/COMPANY

FIRST NAME

LAST NAME/COMPANY

FIRST NAME

*7. Select the description which most accurately describes the
use of the property at the time of sale:

F. Commercial

Check the boxes below as they apply:

8. Ownership Type is Condominium

☐

9. New Construction on a Vacant Land

☐

10A. Property Located within an Agricultural District

☐10B. Buyer received a disclosure notice indicating that the property is in an
Agricultural District☐

SALE INFORMATION

11. Sale Contract Date

* 12. Date of Sale/Transfer

8/6/24

*13. Full Sale Price

1.00

(Full Sale Price is the total amount paid for the property including personal property.
This payment may be in the form of cash, other property or goods, or the assumption of
mortgages or other obligations.) Please round to the nearest whole dollar amount.14. Indicate the value of personal
property included in the sale

0.00

15. Check one or more of these conditions as applicable to transfer:

☒

A. Sale Between Relatives or Former Relatives

B. Sale between Related Companies or Partners in Business.

C. One of the Buyers is also a Seller

D. Buyer or Seller is Government Agency or Lending Institution

E. Deed Type not Warranty or Bargain and Sale (Specify Below)

F. Sale of Fractional or Less than Fee Interest (Specify Below)

G. Significant Change in Property Between Taxable Status and Sale Dates

H. Sale of Business is Included in Sale Price

I. Other Unusual Factors Affecting Sale Price (Specify Below)

J. None

Comment(s) on Condition:

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(Y) 24

*17. Total Assessed Value

117,500

*18. Property Class

438

*19. School District Name

West Seneca

*20. Tax Map Identifier(s)/Roll Identifier(s) (if more than four, attach sheet with additional identifier(s))

124.15-2-4

CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful
false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE

SELLER SIGNATURE

DATE

BUYER SIGNATURE

BUYER SIGNATURE

DATE

BUYER CONTACT INFORMATION

(Enter information for the buyer. Note: if buyer is LLC, society, association, corporation, joint stock company, estate or
entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible
party who can answer questions regarding the transfer must be entered. Type or print clearly.)

Corigliano

JF&R Ventures LLC

* LAST NAME

Frank

FIRST NAME

716

* AREA CODE

856-5500

* TELEPHONE NUMBER (Ex: 0000000)

130

* STREET NUMBER

Empire Drive

* STREET NAME

West Seneca

* CITY OR TOWN

NY

* STATE

14224

* ZIP CODE

BUYER'S ATTORNEY

Cominsky

LAST NAME

Roger

FIRST NAME

(716)

AREA CODE

856-5500

TELEPHONE NUMBER (Ex: 0000000)



County Clerk's Recording Page

Return to:

Party 1:
JF&R VENTURES LLC

Party 2:
3200 CLINTON ST LLC

Book Type: D Book: 11434 Page: 8034

Page Count: 5

Doc Type: DEED

Rec Date: 08/16/2024

Rec Time: 02:40:53 PM

Control #: 2024137787

UserID: ERECORD

Trans #: 24126760

Document Sequence Number
TT2024001133

Recording Fees:

RECORDING	\$45.00
COE CO \$1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
RP5217 CNTY \$9	\$9.00
RP5217 ST-NON RES \$241	\$241.00
TP584	\$10.00

Consideration Amount: 500000.00

BASIC MT	\$0.00
SONYMA MT	\$0.00
ADDL MT/NFTA	\$0.00
SP MT/M-RAIL	\$0.00
NY STATE TT	\$2,000.00
ROAD FUND TT	\$2,500.00

Total: \$4,825.00

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

WARNING – THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT REQUIRED BY SECTION 319&316-a (5) OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

Michael P. Kearns
Erie County Clerk

SST
2,000.00

D-7405-14056E.

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

THIS BARGAIN AND SALE DEED (this "Deed"), made the 6th day of August 2024,

Between **JF&R VENTURES LLC**, a New York limited liability company with an address of c/o Rosina Food Products, Inc., 130 Empire Drive, West Seneca, New York, 14224,

Grantor,

and **3200 CLINTON ST., LLC**, a Delaware limited liability company with an address of c/o Agile Cold Buffalo, LLC, 3820 Mansell Road, Suite 200, Alpharetta, Georgia 30022,

Grantee,

WITNESSETH that the Grantor, in consideration of ONE AND 00/100 DOLLAR (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the Grantee, does hereby grant and release unto the Grantee, its heirs or successors and assigns forever,

ALL THAT TRACT OR PARCEL OF LAND, SITUATED IN A PORTION OF LOTS 26 AND 27 OF THE EBENEZER LANDS, IN THE TOWN OF WEST SENECA, COUNTY OF ERIE AND STATE OF NEW YORK AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: SEE ATTACHED SCHEDULE A, ATTACHED HERETO AND MADE A PART HEREOF.

5
124.15
B
2
L
4
+
P/O 10.2

Property Address:	160 Empire Drive, West Seneca, NY 14224 (Parcel I) and 3100 Clinton Street, West Seneca, NY 14224 (Parcel II)
Tax Account Nos.:	Section: 124.15 Block: 2 Lot: 4 (Parcel I) Section: 124.15 Block: 2 Lot: part of 10.2 (Parcel II)
Tax Mailing Address:	c/o Agile Cold Buffalo, LLC 3820 Mansell Road, Suite 200 Alpharetta, Georgia 30022

AS TO PARCEL I, BEING AND INTENDING to describe the premises conveyed to Grantor by Bargain & Sale Deed dated August 6th, 2024, and ^{to be} recorded in the Erie County Clerk's Office ~~on August __, 2024 in Liber _____ of Deeds, page _____.~~ *simultaneously herewith.* ②

AS TO PARCEL II, BEING AND INTENDING to describe a portion of the premises conveyed to Grantor by Bargain & Sale Deed dated August 6th, 2024, and recorded in the Erie County Clerk's Office ~~on August __, 2024 in Liber _____ of Deeds, page _____.~~ *simultaneously herewith.* ③

SUBJECT to all covenants, easements and restrictions of record affecting said premises, if any.

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

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

said premises.

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

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

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

[signature page follows]

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

JF&R VENTURES LLC, a New York limited liability company

By: 

Name: Frank J. Corigliano

Its: Member + Manager

STATE OF NEW YORK)
COUNTY OF Erie) SS:

On the 18th day of August, in the year 2024, before me, the undersigned, personally appeared Frank J. Corigliano, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

STACY L. GARNER
Notary Public - State of New York
No. 01GA6063426
Qualified in Erie County
Commission Expires Aug. 27, 2025

SCHEDULE A

LEGAL DESCRIPTION

ALL that tract or parcel of land situate in the Town of West Seneca, County of Erie and State of New York, being part of Lots Nos. 26 and 27 of the Ebenezer Lands according to a map filed in Erie County Clerk's Office under Cover No. 58, being bounded and described as follows:

BEGINNING at the point of the intersection of the northeasterly line of Clinton Street at a distance of 48.54 feet Westerly of the former centerline of the Gardenville Branch of the Penn Central Railroad;

RUNNING THENCE Northeasterly through the lands conveyed to 3100 Clinton LLC by deed recorded in the Erie County Clerk' Office at 11358 at Page 6355, forming an interior angle of 91 degrees 52 minutes 55 seconds with the Northeasterly line of Clinton Street, being 66 feet wide, a distance of 546.37 feet to the Southwesterly line of Empire Drive, being 60 feet wide;

THENCE Southeasterly at an interior angle of 93 degrees 19 minutes 20 seconds along the Southeasterly line of Empire Drive, a distance of 530.10 feet to the Southeasterly line of Empire Drive;

THENCE Northeasterly at an interior angle of 269 degrees 40 minutes 53 seconds and along the Southeast line of Empire Drive, a distance of 63.14 feet to a point;

THENCE Southeasterly at an interior angle of 90 degrees 02 minutes 47 seconds 250.97 feet to a point;

THENCE Southwesterly at an interior angle of 83 degrees 22 minutes 30 seconds, 343.77 feet to a point;

THENCE Northwesterly at an interior angle of 92 degrees 55 minutes 15 seconds, a distance of 305.90 feet to a point;

THENCE Southwesterly at an exterior angle of 90 degrees 00 minutes 00 seconds, 329.77 feet to a point on the Northeasterly line of Clinton Street;

THENCE Northwesterly at right angles and along said Northeasterly line of Clinton Street, 433.00 feet to the point or place of BEGINNING.

TOGETHER WITH all the right, title and interest of the party of the first part, of in and to the land lying in the street in front of and adjoining said premises.

FOR COUNTY USE ONLY

C1. SWS Code

C2. Date Deed Recorded

Month / Day / Year

C3. Book

C4. Page

New York State Department of
Taxation and Finance

Office of Real Property Tax Services

RP- 5217-PDF

Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property
Location

3100/160

* STREET NUMBER

Clinton Street/Empire Dr.

* STREET NAME

West Seneca

* CITY OR TOWN

14224

* ZIP CODE

2. Buyer
Name

3200 Clinton St., LLC

* LAST NAME/COMPANY

FIRST NAME

LAST NAME/COMPANY

FIRST NAME

3. Tax
Billing
AddressIndicate where future Tax Bills are to be sent
if other than buyer address(at bottom of form)

LAST NAME/COMPANY

FIRST NAME

STREET NUMBER AND NAME

CITY OR TOWN

STATE

ZIP CODE

4. Indicate the number of Assessment
Roll parcels transferred on the deed

2

of Parcels

OR

☒ Part of a Parcel

(Only if Part of a Parcel) Check as they apply:

4A. Planning Board with Subdivision Authority Exists

☐

4B. Subdivision Approval was Required for Transfer

☐

4C. Parcel Approved for Subdivision with Map Provided

☐5. Deed
Property
Size

* FRONT FEET

X

* DEPTH

OR

7.79

* ACRES

6. Seller
Name

JF&R VENTURES LLC

* LAST NAME/COMPANY

FIRST NAME

LAST NAME/COMPANY

FIRST NAME

*7. Select the description which most accurately describes the
use of the property at the time of sale:

F. Commercial

Check the boxes below as they apply:

8. Ownership Type is Condominium

☐

9. New Construction on a Vacant Land

☐

10A. Property Located within an Agricultural District

☐10B. Buyer received a disclosure notice indicating that the property is in an
Agricultural District☐

SALE INFORMATION

11. Sale Contract Date

* 12. Date of Sale/Transfer

8/6/24

*13. Full Sale Price

500,000.00

(Full Sale Price is the total amount paid for the property including personal property.
This payment may be in the form of cash, other property or goods, or the assumption of
mortgages or other obligations.) Please round to the nearest whole dollar amount.

15. Check one or more of these conditions as applicable to transfer:

- ☐ A. Sale Between Relatives or Former Relatives
☒ B. Sale between Related Companies or Partners in Business.
☐ C. One of the Buyers is also a Seller
☐ D. Buyer or Seller is Government Agency or Lending Institution
☐ E. Deed Type not Warranty or Bargain and Sale (Specify Below)
☐ F. Sale of Fractional or Less than Fee Interest (Specify Below)
☐ G. Significant Change in Property Between Taxable Status and Sale Dates
☐ H. Sale of Business is Included in Sale Price
☐ I. Other Unusual Factors Affecting Sale Price (Specify Below)
☐ J. None

Comment(s) on Condition:

14. Indicate the value of personal
property included in the sale

0.00

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(YY) 24

*17. Total Assessed Value

10,446,300

*18. Property Class 710

*19. School District Name

West Seneca

*20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional Identifier(s))

Part of 124.15-2-10.2

124.15-2-4

CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful
false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE

SELLER SIGNATURE

DATE

BUYER SIGNATURE

BUYER SIGNATURE

DATE

BUYER CONTACT INFORMATION

(Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or
entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible party
who can answer questions regarding the transfer must be entered. Type or print clearly.)Seller
3200 CLINTON ST., LLC

* LAST NAME

FIRST NAME

716

856-5500

* AREA CODE

* TELEPHONE NUMBER (Ex 9999999)

130

Empire Drive

* STREET NUMBER

* STREET NAME

West Seneca

* CITY OR TOWN

NY

* STATE

14224

* ZIP CODE

BUYER'S ATTORNEY

Cominsky

LAST NAME

Roger

FIRST NAME

(716)

856-5500

AREA CODE

TELEPHONE NUMBER (Ex 9999999)

146800

INSTRUCTIONS(RP-5217-PDF-INS): www.orps.state.ny.us

FOR COUNTY USE ONLY

08/16/2024

C1. SWIS Code 11434

8034

C2. Date Deed Recorded

Month / Day / Year

C3. Book

C4. Page



New York State Department of
Taxation and Finance

Office of Real Property Tax Services

RP- 5217-PDF

Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property Location 3100/160

Clinton Street/Empire Dr.

* STREET NUMBER

* STREET NAME

West Seneca

14224

* CITY OR TOWN

VILLAGE

* ZIP CODE

2. Buyer Name 3200 Clinton St., LLC

* LAST NAME/COMPANY

FIRST NAME

LAST NAME/COMPANY

FIRST NAME

3. Tax Billing Address Indicate where future Tax Bills are to be sent if other than buyer address(at bottom of form)

LAST NAME/COMPANY

FIRST NAME

STREET NUMBER AND NAME

CITY OR TOWN

STATE

ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed 2 # of Parcels

OR

☒ Part of a Parcel

(Only if Part of a Parcel) Check as they apply:

4A. Planning Board with Subdivision Authority Exists

☐

5. Deed Property Size

* FRONT FEET

X

* DEPTH

OR

7.79

* ACRES

4B. Subdivision Approval was Required for Transfer

☐

4C. Parcel Approved for Subdivision with Map Provided

☐

6. Seller Name

* LAST NAME/COMPANY

FIRST NAME

LAST NAME/COMPANY

FIRST NAME

*7. Select the description which most accurately describes the use of the property at the time of sale:

F. Commercial

Check the boxes below as they apply:

8. Ownership Type is Condominium

☐

9. New Construction on a Vacant Land

☐

10A. Property Located within an Agricultural District

☐

10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

☐

SALE INFORMATION

11. Sale Contract Date

* 12. Date of Sale/Transfer

8/6/24

*13. Full Sale Price

500,000.00

(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

14. Indicate the value of personal property included in the sale

0.00

15. Check one or more of these conditions as applicable to transfer:

- ☐ A. Sale Between Relatives or Former Relatives
☒ B. Sale between Related Companies or Partners in Business.
☐ C. One of the Buyers is also a Seller
☐ D. Buyer or Seller is Government Agency or Lending Institution
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☐ J. None

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SELLER SIGNATURE

DATE

3200 Clinton St., LLC

BUYER SIGNATURE

BUYER SIGNATURE

, CFO

8/5/24

DATE

3200 CLINTON ST., LLC

* LAST NAME

FIRST NAME

716

* AREA CODE

856-5500

* TELEPHONE NUMBER (Ex 9999999)

130

* STREET NUMBER

Empire Drive

* STREET NAME

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