

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.



\*580113444DLR001U\*

### Westchester County Recording & Endorsement Page

#### Submitter Information

Name:	Benchmark Title Agency, LLC	Phone:	914-250-2400
Address 1:	Domenica Stancato	Fax:	914-422-1550
Address 2:	222 Bloomingdale Road	Email:	dstancato@benchmarkta.com
City/State/Zip:	White Plains NY 10605	Reference for Submitter:	BRS1205222C

#### Document Details

Control Number: <b>580113444</b>	Document Type: <b>Declaration (DLR)</b>
Package ID: 2018011100239001001	Document Page Count: <b>11</b> Total Page Count: <b>13</b>

#### Parties

Additional Parties on Continuation page

##### 1st PARTY

##### 2nd PARTY

1: LUDLOW COMMONS HOUSING DEVELOPMENT FUND CC - Other	1: LUDLOW COMMONS HOUSING DEVELOPMENT FUND CO - Other
2: LUDLOW COMMONS LTD PARTNERSHIP - Other	2: LUDLOW COMMONS LTD PARTNERSHIP - Other

#### Property

Additional Properties on Continuation page

Street Address: 7 LUDLOW STREET	Tax Designation: 1-185-50
City/Town: YONKERS	Village:

#### Cross-References

Additional Cross-Refs on Continuation page

1:	2:	3:	4:
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#### Supporting Documents

#### Recording Fees

Statutory Recording Fee:	\$40.00
Page Fee:	\$60.00
Cross-Reference Fee:	\$0.00
Mortgage Affidavit Filing Fee:	\$0.00
RP-5217 Filing Fee:	\$0.00
TP-584 Filing Fee:	\$0.00
<b>Total Recording Fees Paid:</b>	<b>\$100.00</b>

#### Mortgage Taxes

Document Date:	
Mortgage Amount:	
Basic:	\$0.00
Westchester:	\$0.00
Additional:	\$0.00
MTA:	\$0.00
Special:	\$0.00
Yonkers:	\$0.00
<b>Total Mortgage Tax:</b>	<b>\$0.00</b>

#### Transfer Taxes

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

Dwelling Type:	Exempt: <input type="checkbox"/>
Serial #:	

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 01/12/2018 at 02:24 PM  
 Control Number: **580113444**  
 Witness my hand and official seal

Timothy C. Idoni  
Westchester County Clerk

#### Record and Return To

Pick-up at County Clerk's office

**BENCHMARK TITLE AGENCY LLC**  
**222 BLOOMINGDALE RD**  
**SUITE 102**  
**WHITE PLAINS, NY 10605**

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**1st PARTY Addendum**

**2nd PARTY Addendum**

WESTHAB INC

Other

WESTHAB INC

Other

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
*CERTIFICATE OF COMPLETION*

Name	Address
Ludlow Commons Housing Development Fund Corporation	8 Bashford St, Yonkers, NY 10701
Ludlow Commons Limited Partnership	8 Bashford St, Yonkers, NY 10701
Westhab, Inc.	8 Bashford Street, Yonkers, NY 10701

**BROWNFIELD CLEANUP AGREEMENT:**

Application Approval: 7/9/13 Agreement Execution: 9/19/13 Agreement Index No.: C360079-07-13

Application Approval Amendment: 12/4/15 Agreement Execution Amendment: 12/4/15

**SITE INFORMATION:**

Site No.: C360079 Site Name: Ludlow Commons  
Site Owner: Ludlow Commons Housing Development Fund Corporation  
Ludlow Commons Limited Partnership  
Street Address: 7 Ludlow Street  
Municipality: Yonkers County: Westchester DEC Region: 3  
Site Size: 0.640 Acres  
Tax Map Identification Number(s): 1-185-50  
Percentage of site located in an EnZone: 100%

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

**CERTIFICATE ISSUANCE**

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

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

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

**Allowable Uses under the BCP:** Restricted-Residential, Commercial, and Industrial  
**Cleanup Track:** Track 4: Restricted use with site-specific soil cleanup objectives

**Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %  
Tangible Property Credit Component Rate is 20 %.

**Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %  
Tangible Property Credit Component Rate is 18 %.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Westchester County as 572013129.

#### LIABILITY LIMITATION

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

#### CERTIFICATE TRANSFERABILITY

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

#### CERTIFICATE MODIFICATION/REVOCATION

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

(1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;

(2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;

(3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;

(4) there is good cause for such modification or revocation;

(5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;

(6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

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

Basil Seggos  
Commissioner  
New York State Department of Environmental Conservation

By:  Date: 12/28/17

Michael J. Ryan, P.E., Assistant Director  
Division of Environmental Remediation

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

Ludlow Commons, Site ID No. C360079  
7 Ludlow Street, Yonkers, NY 10705  
Yonkers, Westchester County, Tax Map Identification Number 1-185-50

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Westhab, Inc., Ludlow Commons Housing Development Fund Corporation, and Ludlow Commons Limited Partnership for a parcel approximately 0.64 acres located at 7 Ludlow Street in Yonkers, Westchester County.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

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

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

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

**PLEASE TAKE NOTICE**, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Westchester County as Control Number 572013129.

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

**PLEASE TAKE NOTICE**, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

Ludlow Commons, C360079, 7 Ludlow Street, Yonkers, NY 10705

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

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

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

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

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

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 3 office located at 21 South Putt Corners Road, New Paltz, NY 12561, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned have signed this Notice of Certificate

Ludlow Commons Housing Development Fund  
Corporation


By: 

Title: Secretary-Treasurer

Date: 1/2/18

STATE OF NEW YORK ) SS:  
COUNTY OF Westchester)

On the 2<sup>ND</sup> day of JANUARY, in the year 2018, before me, the undersigned, personally appeared Richard Magliola, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
Signature and Office of individual  
taking acknowledgment

LINDA TYSON  
Notary Public, State of New York  
No. 01TY8271984  
Qualified in Westchester County  
Term Expires November 13, 2020

Ludlow Commons, C360079, 7 Ludlow Street, Yonkers, NY 10705

Ludlow Commons Limited Partnership

By: [Signature]  
vice President of Ludlow Commons Business  
Title: Corporation, Its General Partner

Date: 1/2/18

STATE OF NEW YORK ) SS:  
COUNTY OF Westchester )

On the 2<sup>ND</sup> day of JANUARY, in the year 2018, before me, the undersigned, personally appeared Richard Nightingale personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature]  
Signature and Office of individual  
taking acknowledgment

Please record and return to:  
Mr. Steven A. Elson  
Westhab, Inc.  
8 Bashford St  
Yonkers, NY 10701-2743

LINDA TYSON  
Notary Public, State of New York  
No. 01TY6271984  
Qualified in Westchester County  
Term Expires November 13, 2020

**Exhibit A**

**Site Description**



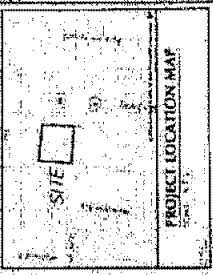
County: Westchester Site No: C360079 Brownfield Cleanup Agreement Index :  
C360079-07-13 as amended December 4, 2015

**SCHEDULE "A" PROPERTY DESCRIPTION**

BEGINNING at a point on the northerly right of way line of Ludlow Street (50' wide) where the same is intersected by the division line between lands herein described and Block 185 Lot 47, lands n/f 295 S Broadway LLC, said point being distant 90.08 feet westerly from the intersection of the northerly line of Ludlow Street (50' wide) and the westerly line of South Broadway (75' wide), and running thence:

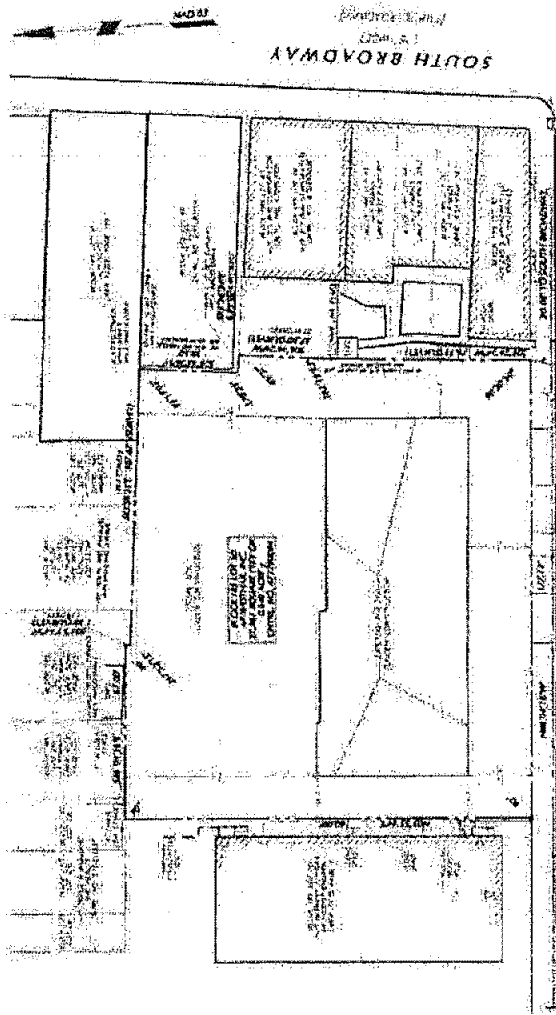
1. Along said northerly line of Ludlow Street, North 86°04'16" West, a distance of 177.12 feet to a point where said northerly line is intersected by the division line between lands herein described and Block 185 Lot 55, lands n/f Bethany African Methodist Church; thence
2. Along said division line, North 03°55'44" East, a distance of 160.00 feet to a point in the southerly line of Block 185 Lot 28, lands n/f Triple A Highland Ave Realty; thence
3. Along said Block 185 Lot 28 and then along Block 185 Lot 29, lands n/f Romano, Block 185 Lot 30, lands n/f DeMarco, South 86°04'16" East, a distance of 67.00 feet to a point; thence
4. Continuing along DeMarco, South 03°55'44" West, a distance of 1.88 feet to a point; thence
5. Continuing along DeMarco and then along Block 185 Lot 32, lands n/f United Highland Fee Trust, Block 185 Lot 33, lands n/f DaLizzo, and Block 185 Lot 41, lands n/f Soto, South 83°56'31" East, a distance of 107.82 feet to a point; thence
6. Along Soto and then along Block 185 Lot 43, lands n/f 313 BHK Corporation, South 06°46'26" West, a distance of 39.50 feet to a point; thence
7. Continuing along 313 BHK Corporation, South 83°36'34" East, a distance of 6.89 feet to a point; thence
8. Along Block 185 Lot 44, lands n/f 313 BHK Corporation, South 06°46'26" West, a distance of 37.50 feet to a point; thence
9. Along Block 185 Lots 45, 46 and 70, lands n/f Rabadi, and then along the aforementioned Block 185 Lot 47, lands n/f 295 S Broadway LLC, South 04°26'34" West, a distance of 76.91 feet to the Point and place of BEGINNING.

Encompassing an area of 27,861 square feet or 0.640 acre, more or less.



**NOTES**

1. This plan was prepared for the purpose of showing the location of the proposed project on the site.
2. The site is located at the intersection of Ludlow Street and South Broadway.
3. The proposed project is a two-story building with a total area of approximately 10,000 square feet.
4. The site is currently vacant and has been previously used for industrial purposes.
5. The proposed project is consistent with the zoning regulations for the area.
6. The site is located in an area of moderate traffic volume.
7. The proposed project is expected to generate a moderate amount of traffic.
8. The site is located in an area with good access to public transportation.
9. The proposed project is expected to provide a convenient location for public transportation.
10. The site is located in an area with good access to parking facilities.
11. The proposed project is expected to provide a convenient location for parking facilities.



**ENVIRONMENTAL ASSESSMENT DESCRIPTION**

This assessment was conducted to determine the potential impacts of the proposed project on the environment. The project is located in an area of moderate traffic volume and is expected to generate a moderate amount of traffic. The site is located in an area with good access to public transportation and parking facilities. The proposed project is consistent with the zoning regulations for the area and is expected to provide a convenient location for public transportation and parking facilities.

The proposed project is a two-story building with a total area of approximately 10,000 square feet. The site is currently vacant and has been previously used for industrial purposes. The proposed project is consistent with the zoning regulations for the area and is expected to provide a convenient location for public transportation and parking facilities.

**LEGEND**

Symbol	Description
—	Proposed Building Footprint
- - -	Proposed Parking Area
...	Proposed Landscaping
...	Proposed Utility Lines
...	Proposed Access Driveway
...	Proposed Easement
...	Proposed Right-of-Way
...	Proposed Street
...	Proposed Alley
...	Proposed Lot Line
...	Proposed Property Line
...	Proposed Survey
...	Proposed Elevation
...	Proposed Area
...	Proposed Zone
...	Proposed District
...	Proposed City
...	Proposed State
...	Proposed Country

**LANGAN**

7-17 LUDLOW STREET

ENVIRONMENTAL ASSESSMENT PLAN

VE-101

**Exhibit B**

**Site Survey**



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Site Management Form

12/21/2017



SITE DESCRIPTION

SITE NO. C360079

SITE NAME Ludlow Commons

SITE ADDRESS: 7 Ludlow Street ZIP CODE: 10705

CITY/TOWN: Yonkers

COUNTY: Westchester

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan

Monitoring Plan

Operation and Maintenance (O&M) Plan:

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/29/2019

Description of Institutional Control

Ludlow Commons Hsg Development Fund Corp

8 Bashford Street

7 Ludlow Street

Environmental Easement

Block: 185

Lot: 50

Sublot:

Section: 1

Subsection:

S\_B\_L Image: 1-185-50

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

**Description of Engineering Control**

**Ludlow Commons Hsg Development Fund Corp**

**8 Bashford Street**

**7 Ludlow Street**

**Environmental Easement**

**Block: 185**

**Lot: 50**

**Sublot:**

**Section: 1**

**Subsection:**

**S\_B\_L Image: 1-185-50**

**Cover System**

**Vapor Mitigation**