NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

December 21, 2023

Lighthouse Pleasantville LLC Attn: David Mann c/o Lighthouse Living 5 Waller Avenue Suite 301 White Plains, NY 10601 david@lighthouseliving.com

Re: Certificate of Completion 52 Depew Street

Pleasantville, Westchester County

C360178

Dear David Mann:

Congratulations on having satisfactorily completed the remedial program at the 52 Depew Street site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

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

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

Justin Starr, P.G. New York State Department of Environmental Conservation



Division of Environmental Remediation 625 Broadway Albany, NY 12233

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

If you have any questions, please do not hesitate to contact Justin Starr, the Department's project manager, at 518-402-9797.

Sincerely,

Andrew Guglielmi
Andrew Guglielmi
Division Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

H. Mauch – Mintzer Mauch PLLC, helen@mintzermauch.com

W. Canavan – HESNY, wcanavan@hesny.com

C. Vooris – NYSDOH, christine.vooris@health.ny.gov

M. Doroski – NYSDOH, melissa.doroski@health.ny.gov

K. Kulow – NYSDOH, kristin.kulow@health.ny.gov

Matt Gokey, matthew.gokey@tax.ny.gov

Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

J. Starr - NYSDEC

A. Omorogbe – NYSDEC

S. Devette - NYSDEC

D. Pollock - NYSDEC

M. Murphy. NYSDEC

K. Lewandowski, NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP) CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name Address

Lighthouse Pleasantville LLC c/o Lighthouse Living, 5 Waller Ave., Suite 301, White Plains, NY

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 7/5/18 **Agreement Execution:** 10/23/18

Agreement Index No.:C360178-08-21

Application Amendment Approval: 4/23/20 Agreement Amendment Execution: 4/23/20

Application Amendment Approval: 12/20/22 **Agreement Amendment Execution:** 12/20/22

SITE INFORMATION:

Site No.: C360178 Site Name: 52 Depew Street

Site Owner: Lighthouse Pleasantville LLC

Street Address: 52 Depew Street

Municipality: Pleasantville County: Westchester DEC Region: 3

Site Size: 0.826 Acres

Tax Map Identification Number(s): 106.05-2-2 Percentage of site located in an EnZone: 0 - 49 %

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

CERTIFICATE ISSUANCE

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

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

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

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

Tax Credit Provisions:

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

Tangible Property Credit is 10%. Comprised of 10% Base.

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

The Remedial Program includes use restrictions or reliance on the long-term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Westchester County as Control Number 630763116.

LIABILITY LIMITATION

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

CERTIFICATE TRANSFERABILITY

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

CERTIFICATE MODIFICATION/REVOCATION

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

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

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

Basil Seggos Commissioner

New York State Department of Environmental Conservation

By: Andrew Guglielmi Date: 12/21/2023

Andrew O. Guglielmi, Director Division of Environmental Remediation

Exhibit A Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

DESCRIPTION OF A ENVIRONMENT EASEMENT LOCATED IN THE VILLAGE OF PLEASANTVILLE, TOWN OF MOUNT PLEASANT, COUNTY OF WESTCHESTER, STATE OF NEW YORK.

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

Beginning at a point on the northwesterly boundary line of Depew Street, said point being distant 100.15 feet as measured in a northeasterly direction along the northwesterly boundary line of Depew Street from its intersection with the easterly boundary line of Grant Street, said point being the POINT OF BEGINNING;

RUNNING THENCE northwesterly along the division line between property now or formerly The County of Westchester, North 46 degrees 48 minutes 40 seconds West, a distance of 41.22 feet:

thence Northwesterly, a distance of 5.00 feet along a curve to the right having a radius of 30.00 feet and a central angle of 9 degrees 32 minutes 57 seconds to a point on the easterly side of property now or formerly East Hudson parkway Authority (Acquisition Parcel as per County Clerk Map No. 25424);

thence along said division line the following courses and distances:

- 1. North 42 degrees 35 minutes 39 seconds East, a distance of 119.67 feet;
- 2. North 65 degrees 17 minutes 27 seconds East, a distance of 42.30 feet;
- 3. North 57 degrees 38 minutes 10 seconds West, a distance of 0.38 feet;
- 4. North 49 degrees 00 minutes 10 seconds East, a distance of 8.38 feet;
- 5. North 25 degrees 20 minutes 50 seconds East, a distance of 22.95 feet;
- 6. North 16 degrees 58 minutes 50 seconds East, a distance of 66.60 feet;
- 7. North 23 degrees 59 minutes 30 seconds East, a distance of 16.24 feet;
- 8. Northeasterly, a distance of 9.35 feet along a curve to the right having a radius of 16.79 feet and a central angle of 31 degrees 54 minutes 40 seconds;
- 9. North 55 degrees 54 minutes 10 seconds East, a distance of 42.73 feet;
- 10. North 52 degrees 06 minutes 0 seconds East, a distance of 34.27 feet;

County: Westchester Site No: C360178, Order on Consent Index: C3601780-08-21, and amended by Amendment 1 on April 23, 2020 and Amendment 2 on December 20, 2022

- 11. North 47 degrees 32 minutes 50 seconds East, a distance of 36.89 feet;
- 12. North 59 degrees 14 minutes 10 seconds East, a distance of 83.98 feet to a point on the westerly side of property now or formerly Metropolitan Transportation Authority;

thence along said division line, Southerly, a distance of 35.83 feet along a non tangent curve to the left of which the radius point lies South 79 degrees 01 minute 38 seconds East a radius of 5,819.65 feet, and having a central angle of 0 degrees 21 minutes 10 seconds;

thence South 79 degrees 22 minutes 48 seconds East, a distance of 21.53 feet to a point on the westerly side of property now or formerly of the State of New York;

thence along said division line the following courses and distances:

- 1. South 0 degrees 04 minutes 52 seconds West, a distance of 117.71 feet;
- 2. South 89 degrees 20 minutes 55 seconds West, a distance of 2.00 feet;
- 3. South 01 degree 48 minutes 42 seconds West, a distance of 84.42 feet; thence North 11 degrees 58 minutes 00 seconds West, a distance of 71.18 feet; thence North 33 degrees 02 minutes 00 seconds West, a distance of 52.05 feet; thence South 40 degrees 40 minutes 10 seconds West, a distance of 51.42 feet; thence South 57 degrees 11 minutes 40 seconds West, a distance of 60.22 feet; thence South 33 degrees 07 minutes 20 seconds East, a distance of 9.75 feet; thence South 56 degrees 52 minutes 40 seconds West, a distance of 35.15 feet;

thence South 33 degrees 07 minutes 20 seconds East, a distance of 15.00 feet to a point on the north boundary line of Depew Street;

thence along said northerly side of Depew Street, North 89 degrees 19 minutes 00 second West, a distance of 31.01 feet;

thence along the northwesterly boundary of Depew Street, South 48 degrees 26 minutes 10 seconds West, a distance of 176.90 feet to the point and place of BEGINNING.

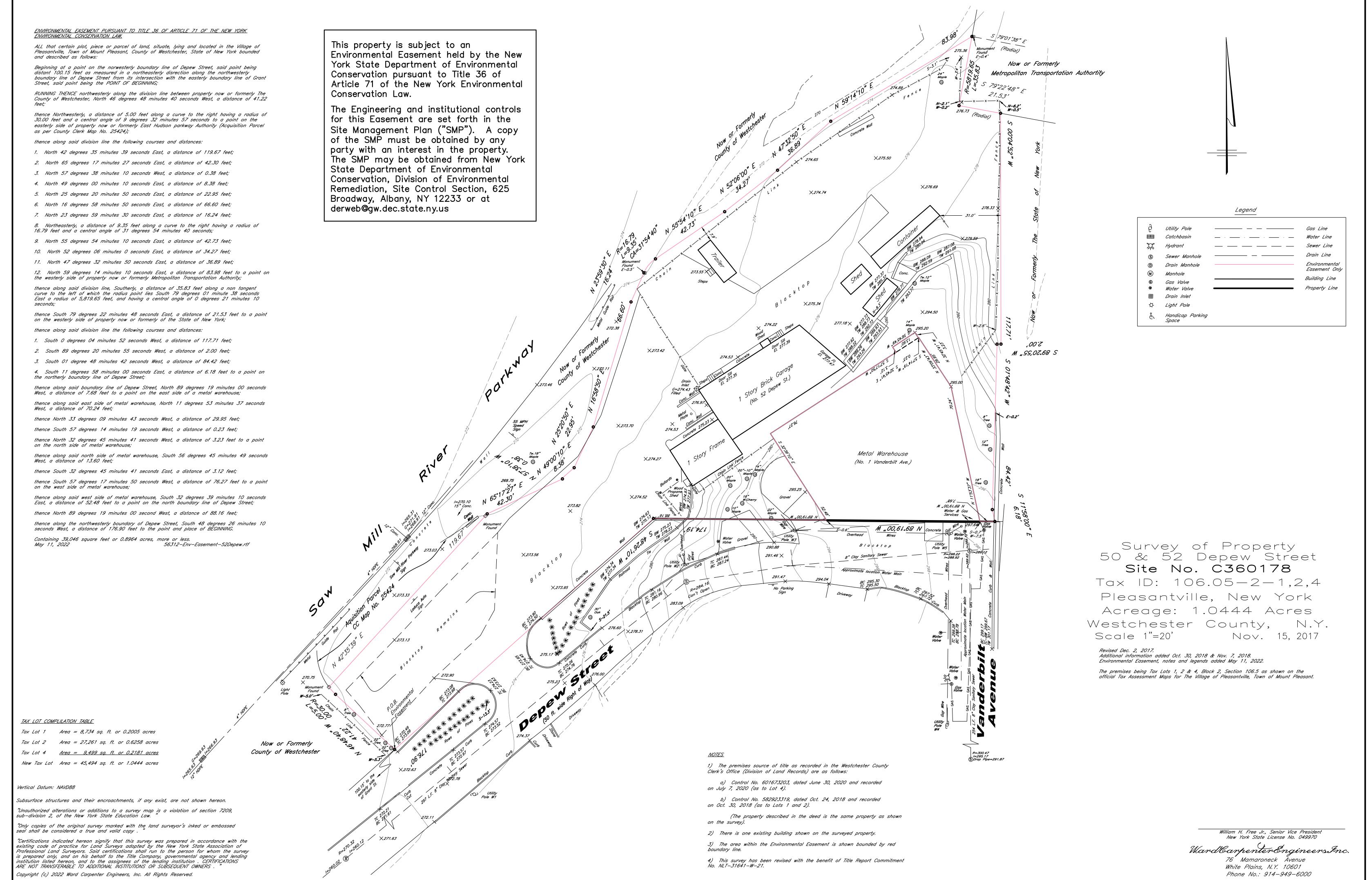
Containing 35,995 square feet or 0.8263 acres, more or less.

Sept. 17, 2022 REVISED.doc

56312-Env-Easement-52Depew-

Exhibit B

Site Survey



Job # 53156-56312 LDD 53156\dwg\56312-Brownfield.dwg

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

52 Depew Street. Site ID No. C360178 52 Depew Street, Pleasantville, NY 10570 Pleasantville, Westchester County, Tax Map Identification Number: 106.5-2-2

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 Lighthouse Pleasantville LLC for a parcel approximately 0.826 acres located at 52 Depew Street in the Village of Pleasantville, 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.
\boxtimes	Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
\boxtimes	Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
\boxtimes	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, 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 630763116.

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.

52 Depew Street, C360178 52 Depew Street, Pleasantville, NY 10570

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 S Putt Corners Rd, New Paltz, NY 12561, by contacting the Regional Environmental Remediation Engineer, or at https://www.dec.ny.gov/data/DecDocs/C360178/

WHEREFORE, the undersigned has signed this Notice of Certificate

	David Mann Lighthouse Pleasantville LLC
	By:
	Title:
	Date:
personally appeared, postatisfactory evidence to be the individual(s) acknowledged to me that he/she/they execu	, in the year 20, before me, the undersigned, ersonally known to me or proved to me on the basis of whose name is (are) subscribed to the within instrument and ted the same in his/her/their capacity(ies), and that by the individual(s), or the person upon behalf of which the t.
	Please record and return to:
Signature and Office of individual	David Mann
taking acknowledgment	c/o Lighthouse Living
	5 Waller Ave., Suite 301
	White Plains, NY 10601

Feb. 2022



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION Site Management Form

12/13/2023

SITE DESCRIPTION

SITE NO. C360178

SITE NAME 52 Depew Street

SITE ADDRESS: 52 Depew Street ZIP CODE: 10570

CITY/TOWN: Pleasantville

COUNTY: Westchester

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:		NC
IC/EC Certification Plan	•	
Monitoring Plan	•	
Operation and Maintenance (O&M) Plan		•

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2025

Description of Institutional Control

Lighthouse Pleasantville LLC

c/o Lighthouse Living, 5 Waller Ave., Suite 301
52 Depew Street
Environmental Easement
Block: 2
Lot: 2
Sublot:
Section: 106

Subsection: 05 S_B_L Image: 106.05-2-2

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan Soil Management Plan

Description of Engineering Control

Lighthouse Pleasantville LLC

```
c/o Lighthouse Living, 5 Waller Ave., Suite 301

52 Depew Street
    Environmental Easement
    Block: 2
    Lot: 2
    Sublot:
    Section: 106
    Subsection: 05
    S_B_L Image: 106.05-2-2
    Cover System
    Monitoring Wells
```