

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

DEC 14 2015

Ms. Lisa Mrijaji
Executive Director
Yonkers Parking Authority
8 Buena Vista Avenue
City of Yonkers, New York 10701
lisa.mrijaji@yonkersny.gov

Re: Certificate of Completion
Site Name: 310 Saw Mill River Road
Site No. B00179
SAC No.: C302295
City of Yonkers, Westchester County

Dear Ms. Mrijaji:

Congratulations on having satisfactorily completed the Remediation phase of the environmental restoration project that the Yonkers Parking Authority undertook with State Assistance funds provided pursuant to the 1996 Clean Water/Clean Air Bond Act. The New York State Department of Environmental Conservation (DEC) has determined, based upon our inspection of the above-referenced site and upon our review of the documents you have submitted, that you completed the project in accordance with the terms and conditions of the above-referenced State Assistance Contract(s) (SACs).

As a result, DEC is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above referenced site. Enclosed please find an original, signed COC. The Yonkers Parking Authority is hereby entitled to the benefit of the liability limitation provisions described in the New York State Environmental Conservation Law (ECL) 56-0509.

Please be advised that the significant benefits described in ECL 56-0509 are contingent upon the Yonkers Parking Authority fulfilling all continuing obligations set forth in ECL Article 56, Title 5, accompanying regulations, and the above-referenced SACs, including but not limited to, the obligations involving reimbursement to the State if the municipality receives payments or other consideration with respect to the project; disposition of proceeds upon the sale, transfer, or lease of the property; ensuring that DEC has access to the property; and providing complete notice of any proposed change of use, as defined in ECL 56-0511.

Please note that in addition to the requirements discussed above, you are required to perform the following tasks:

- Record a notice of the COC 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, and provide the Department with proof of filing within 30 days of receipt. A standard notice form is attached to this letter. Please return the proof of recording to:

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

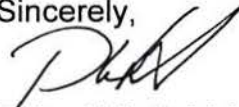
- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC; and
- Implement the DEC-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to DEC 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 DEC in April 2017.

DEC will prepare and distribute to the Site Contact List a fact sheet describing the institutional and engineering controls that are required at the site.

The final payment under the SAC will be made after the execution of all necessary amendments, and the issuance of the COC.

If you have any questions, please do not hesitate to contact Mr. David Crosby, the DEC project manager for this site, at 518-402-9662.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures

ec: John de Angeli YPA john.deangeli@YonkersNY.gov
G. Noemi Castillo, HDR Noemi.Castillo@hdrinc.com
Krista Anders, DOH
Wendy Kuehner, DOH
Michael Ryan, DEC
David Crosby, DEC
George Heitzman, DEC
Dolores Tuohy, DEC
Andrew Guglielmi, DEC
Edward Moore, DEC

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Yonkers Parking Authority

Address

8 Buena Vista Avenue, Yonkers, NY 10701

SITE INFORMATION

Site No.: B00179 **Site Name:** 310 Saw Mill River Road

State Assistance Contract No.: C302295

Site Owner: Yonkers Parking Authority

Street Address: 310 Saw Mill River Road

Municipality: Yonkers **County:** Westchester **DEC Region:** 3

Site Size: 0.395 Acres

Tax Map Identification Number(s): Sec 2, Block 2359, Lot 11 & 13

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 56, Title 5 of the New York State Environmental Conservation Law ("ECL") and 6NYCRR 375.

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 State Assistance Contract, 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 approved 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 ERP: Restricted-Residential, Commercial, and Industrial

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 with recording identifier 533453510.

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 56-0509. 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 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 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 56-0509(1) and 6NYCRR Part 375.


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 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Municipality or the Municipality's successors or assigns have failed to comply with the terms and conditions of the State Assistance Contract;
- (2) either the Municipality or the Municipality's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (3) either the Municipality or the Municipality's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the approved remedial work plan were reached;
- (4) the terms and conditions of the environmental easement, if applicable, have been intentionally violated;
- (5) the environmental easement as implemented, if applicable, is not protective or enforceable;
- or
- (6) there is good cause for such modification or revocation.

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 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
Acting Commissioner
New York State Department of Environmental Conservation

By:  Date: December 14, 2015
Robert W. Schick, P.E., Director
Division of Environmental Remediation



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 11/19/2015



SITE DESCRIPTION

SITE NO. **B00179**

SITE NAME **310 Saw Mill River Road**

SITE ADDRESS: 310 Saw Mill River Road **ZIP CODE:** 10701

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: 1 year

Periodic Review Report Submittal Date: 04/15/2017

Description of Institutional Control

Yonkers Parking Authority
 310 Saw Mill River Road
 Environmental Easement
 Block: 2359
 Lot: 11&13
 Sublot:
 Section: 2
 Subsection:
 S_B_L Image: Sec 2, Block 2359, Lot 11 & 13
 Building Use Restriction
 Ground Water Use Restriction
 IC/EC Plan
 Landuse Restriction
 Monitoring Plan
 Site Management Plan
 Soil Management Plan

Description of Engineering Control

Yonkers Parking Authority

310 Saw Mill River Road

Environmental Easement

Block: 2359

Lot: 11&13

Sublot:

Section: 2

Subsection:

S_B_L Image: Sec 2, Block 2359, Lot 11 & 13

Cover System

NOTICE OF CERTIFICATE OF COMPLETION
Environmental Restoration Program
Pursuant to 6 NYCRR Part 375-1.9(d)

310 Saw Mill River Road, Site ID No. B00179
310 Saw Mill River Road, City of Yonkers, New York, 10701
Yonkers Parking Authority, Westchester County
Tax Map Identification Number(s) Section 2, Block 2359, Lot 11 & 13

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to the Yonkers Parking Authority for a parcel approximately 0.395 acres located at the 310 Saw Mill River Road in the City of Yonkers, Westchester County, New York.

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 State Assistance Contract, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 56, Title 5 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):

- ✓ 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 County Recording Identifier 533453510.

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 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the

310 Saw Mill River Road, B00179, 310 Saw Mill River Road, City of Yonkers, New York 10701

Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

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 only be transferred to the Certificate holder=s successors or assigns upon transfer or sale of the Site as provided by 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, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

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

WHEREFORE, the undersigned has signed this Notice of Certificate

Yonkers Parking Authority

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20__, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name 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

Please record and return to:
Yonkers Parking Authority
8 Buena Vista Avenue
Yonkers, New York 10701

SCHEDULE "A" PROPERTY DESCRIPTION

Property Address: 310 Sawmill River Road, Yonkers, NY County of Westchester, City of Yonkers
Tax Map: Section: 2 Block 2359 Lot(s) 11 and 13

DESCRIPTION FOR ENVIRONMENTAL EASEMENT

ALL that certain plot, piece or parcel of land situate, lying and being in the City of Yonkers, County of Westchester, and State of New York, being known and designated as Parcels 1 and 2 as shown on a certain Map entitled "Yonkers Parking Authority, Acq Map, Block 2359, Lots 11 & 13", and filed in the Westchester County Clerk's Office, Division of Land Records on June 1, 2001 as Map No. 26797, and being more particularly bounded and described as follows:

BEGINNING at the intersection of the easterly line of Saw Mill River Road (66' ROW) with the southerly line of Lockwood Avenue (60' ROW);

THENCE easterly along the southerly line of Lockwood Avenue North 67 degrees 27 minutes 10 seconds East 106.91 feet;

THENCE southeasterly along the westerly property line of Block 2359 Lot 17 (N/F S.B. and S. Nemeh) South 22 degrees 32 minutes 50 seconds East 44.00 feet (44.01' per filed Map No. 26797) to southerly property line of Block 2359, Lot 17;

THENCE easterly along said southerly property line of Lot 17 South 69 degrees 34 minutes 30 seconds East 13.40 feet to the westerly property line of Block 2359, Lot 1 (N/F S.B. and S. Nemeh);

THENCE southerly along said westerly property line of Block 2359, Lot 1 and westerly property line of Block 2359, Lots 2, 3 and 4 (N/F R. Ciufetelli) South 20 degrees 25 minutes 30 seconds West 100.00 feet to southerly property line of Block 2359, Lot 4;

THENCE easterly along said property line of Block 2359, Lot 4 South 69 degrees 34 minutes 30 seconds East 6.00 feet to westerly line of Block 2359, Lot 5 (N/F R. Ciufetelli);

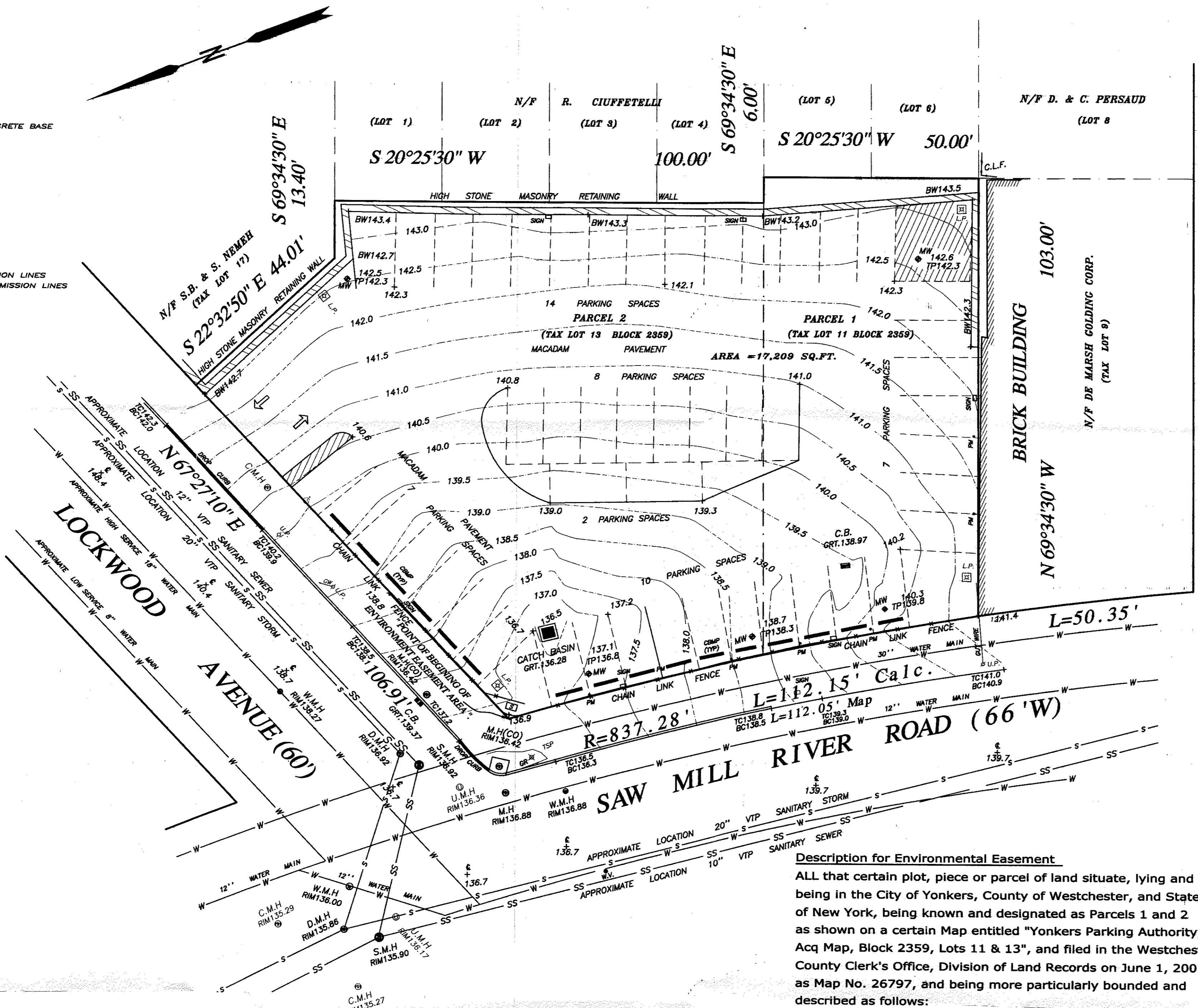
THENCE southerly along said westerly property line of Block 2359, Lots 5 and 6 (N/F Ciufetelli) South 20 degrees 25 minutes 30 seconds West 50.00 feet to the northerly property line of Block 2359, Lot 9 (N/F DeMarsh Holding Corp.);

THENCE westerly along said northerly property line of Block 2359, Lot 9 North 69 degrees 34 minutes 30 seconds West 103.00 feet to easterly line of Saw Mill River Road (66' ROW);

THENCE northerly along the easterly line of Saw Mill River Road along a curve bearing to the left, having a radius of 837.28 feet, an internal angle of 07 degrees 40 minutes 04 seconds, and an arc length of 112.05 feet to the point of BEGINNING.

LEGEND

- C.M.H. CON ED MANHOLE
- D.M.H. DRAINAGE MANHOLE
- S.M.H. SEWER MANHOLE
- M.H.(CO) MANHOLE CLEAN OUT
- U.M.H. UTILITY MANHOLE
- W.M.H. WATER MANHOLE
- C.B. CATCH BASIN
- U.P. UTILITY POLE
- TSP TRAFFIC SIGNAL POLE
- L.P. LIGHT POLE ON CONCRETE BASE
- G.V. GAS VALVE
- W.V. WATER VALVE
- P.M. PARKING METER
- B.C. BOTTOM CURB
- T.C. TOP CURB
- B.W. BOTTOM WALL
- T.W. TOP WALL
- S.S. SANITARY SEWER
- S. STORM (DRAINAGE)
- W. WATER MAIN
- G.R.T. GRATE
- G.W. GUY WIRE
- I.N.V. INVERT
- O.E. OVERHEAD TRANSMISSION LINES
- U.E. UNDERGROUND TRANSMISSION LINES
- M.W. MONITORING WELL
- C.B.M.P. CONCRETE BUMPER
- G.R. GUARD RAIL
- S.I. SIGN



This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law.

THE ENGINEERING AND INSTITUTIONAL CONTROLS for the Easement are set forth in more detail in Site Management Plan ("SMP"). A copy of the SMP must be obtained by any party with an interest in the property. The SMP may be obtained from the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, N.Y. 12233 or at derweb@gw.dec.state.ny.us.

THE ENGINEERING / INSTITUTIONAL CONTROLS

Soil Cover System and/or Engineered Cap - Procedures for operating and monitoring the soil cover and or engineered cap are included in the Site Management Plan (SMP) included in the Site Management Plan (SMP).

Site Management Plan - Continued compliance with the approved SMP.

Groundwater Monitoring Wells and Soil Vapor Probes - Groundwater monitoring wells and soil vapor probes, must be protected and replaced as necessary to ensure the devices function in a manner specified in the SMP.

Vegetable Gardens and Farming - including cattle and dairy farming on the property are prohibited.

Groundwater Use - The use of Groundwater underlying the property is prohibited without rendering it safe for the intended purpose.

Land Use - The use and development of the site is limited to Restricted Residential use which includes Commercial and Industrial uses only as described in 6 NYCRR Part 375-1.8 (g) (2) (ii), (iii) and (iv).

ENVIRONMENTAL EASEMENT AREA ACCESS

THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN HEREON THROUGH ANY EXISTING STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT.

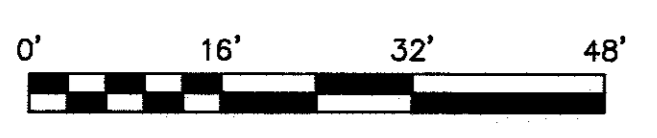
PARCELS OF REAL PROPERTY KNOWN AS SECTION 2 BLOCK 2359 LOTS 11 & 13 ON THE OFFICIAL TAX MAP OF THE CITY OF YONKERS CONDEMNATION PROCEEDINGS SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK - INDEX No. 02329-01 IN THE MATTER OF THE PROCEEDINGS PURSUANT TO THE NEW YORK EMINENT DOMAIN PROCEDURE LAW BY YONKERS PARKING AUTHORITY PETITIONER-CONDEMNOR - AGAINST - REX REALTY OF CONNECTICUT, INC. OWNER ORDER AND JUDGMENT FILED AND ENTERED AT WESTCHESTER COUNTY CLERK ON APRIL 20, 2001

Description for Environmental Easement
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CERTIFIED TO:
YONKERS PARKING AUTHORITY
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CITY OF YONKERS
BENCHMARK TITLE AGENCY, LLC
" THIS SURVEY HAS BEEN REVISED WITH THE BENEFIT OF TITLE REPORT COMMITMENT No. BTA69419, DATED 03/01/2012" PREPARED BY BENCHMARK TITLE AGENCY, LLC.
REVISED: OCTOBER 02, 2012

ARISTOTLE BOURNAZOS, P.C. N.Y.S. LIC.#46553



NO.	DATE	REVISION	BY
	09/14/12	REVISED	
	08/23/12	REVISED	
	03/23/04	SURVEY - TOPOGRAPHY - MONITORING WELLS	

SURVEY
PROJECT: 004-123
SCALE: 1" = 16'
SURVEYED: 02/27/04
DRAWN: 04/23/04
CHECKED BY: W.S.
DRAWING NO.

ARISTOTLE BOURNAZOS, P.C.
Land Surveyors-Planners
20 Cedar Street, New Rochelle, N.Y. 10801
Phone: (914) 633-0100 Fax: (914) 633-1762

NOTES:
Contour Interval 0.5'
Unauthorized alteration or additions to this survey map are a violation of section 7209 sub-section 2, of the New York State Education Law. No guarantee is implied by this map as to the existence or non-existence of any easements of record that would affect subject property, unless surveyor has been furnished a complete copy of the title report.
Dimensions shown from structures to property lines are not intended to be used for construction of fences, structures or other improvements. Underground utilities as shown hereon are located from field and municipal data available at this time and should be verified by the contractor at the time of construction.