



Periodic Review Report

**Austin Avenue Landfill Brownfield Cleanup Program Site
Site #C360066
June 10, 2015 to September 27, 2016 Reporting Period**

Morris Westchester Junior Retail Associates, LLC

GHD | 1 Remington Park Drive Cazenovia New York 13035
11134282 | 100 | Report No 1 | December 21, 2016



Executive Summary

The Austin Avenue Landfill Brownfield Cleanup Program (BCP) Site (BCP Site #C360066) consists of approximately 14.1 acres of land located at 323 Sprain Road in the City of Yonkers, Westchester County, New York. This Periodic Review Report (PRR) is being submitted to the New York State Department of Environmental Conservation (NYSDEC) in accordance with the Site Management Plan (SMP) for the Site.

Site soil and groundwater were historically determined to have elevated concentrations of polychlorinated biphenyls (PCBs), metals, and semi-volatile organic compounds (SVOCs); and Site soil vapor was determined to have the potential for accumulation of volatile organic vapors through soil vapor intrusion in any future buildings constructed on-Site. The Site was remediated to restricted-residential use cleanup standards and received a Certificate of Completion (COC) from the NYSDEC on June 10, 2015.

Since the issuance of the Certificate of Completion (COC), the Site has been divided into three (3) parcels, which are currently owned by: Morris Westchester Retail Associates, LLC; Morris Westchester Junior Retail Associates, LLC; and the City of Yonkers, New York. The parcels and the COC were transferred to the new owners in June 2016 as described in Appendix C of this report. The Site Remedial Party is Austin Avenue Brownfield Redevelopment, LLC.

In accordance with the Site Management Plan (SMP), Site monitoring includes semi-annual groundwater sampling and semi-annual Site inspections. Due to an oversight by the former Site Owners, the groundwater monitoring and Site inspections were not completed during the period June 10, 2015, thru September 27, 2016. This has since been corrected, and semi-annual groundwater monitoring and Site inspections are currently being conducted on behalf of one of the Site owners, Morris Westchester Junior Retail Associates, LLC, in May and November of each year, with the first monitoring event occurring on November 17, 2016 (after this Periodic Review Report's certification period). The institutional and engineering controls certification form, as issued by the Department, has been completed and included as Appendix A.

Based on the Site inspection conducted on November 17, 2016, the institutional controls and engineering controls for the Site remain in place and effective for protecting human health and the environment. The soil cover engineering controls remain in place, and no structures have been built on-Site. The Site is currently in the monitoring stage with groundwater samples being taken from on-Site groundwater monitoring wells on a semi-annual basis. Based on the limited number of groundwater monitoring events, it is not possible to determine long-term groundwater quality trends at this time; however, in general, stable or decreasing concentrations are observed at the Site. It is noted that two (2) of the four (4) groundwater monitoring wells, located upgradient and within the landfill footprint, were damaged and could not be sampled during the most recent round of groundwater monitoring.

During the Site inspection on November 17, 2016, it was identified that illegal dumping of what appears to be a truckload of Construction and Demolition (C&D) debris including brick and blocks was dumped on the Site. The pile of C&D debris was removed from the Site on December 15, 2016, with 20 yards of concrete being recycled at Metro Green, LLC in Mount Vernon, NY and 8.96



tons of municipal solid waste being disposed of at the West Nyack Transfer Station in West Nyack, NY (Appendix D).

There is no need to revise the SMP or propose a change to the frequency of PRR submittals at this time. Groundwater will continue to be monitored on a semi-annual basis, and Site inspections will continue to be performed on a semi-annual basis, in accordance with the SMP. If buildings are constructed in the future, they will be evaluated to determine if mitigation of soil vapor intrusion is necessary. The requirements necessary to discontinue Site monitoring and Site engineering and institutional controls have not been met at this time.



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Appendix D	C&D Debris Pile Disposal Documentation



1. Introduction

1.1 Purpose

This Periodic Review Report (PRR) is being submitted on behalf of one of the Site Owners, Morris Westchester Junior Retail Associates, LLC (MWJRA), for the Austin Avenue Landfill Brownfield Cleanup Program (BCP) Site (BCP Site No. C360066) located at 323 Sprain Road, City of Yonkers, Westchester County, New York (Figure 1). The purpose of this PRR and attached documents is to document that institutional and engineering controls, as described in the New York State Department of Environmental Conservation (NYSDEC)-approved Site Management Plan (SMP) and Environmental Easement (EE), are in place in accordance with 6NYCRR Part 375-3. The following elements are included in this report:

- A complete description of all institutional and/or engineering controls employed at the Site.
- An evaluation of the plans developed for implementation of the engineering and institutional controls, regarding the continued effectiveness of any institutional and/or engineering controls required by the decision document for the Site.
- A certification prepared by a professional engineer or qualified environmental professional that the institutional controls and/or engineering controls employed at the Site during the period are:
 - Unchanged from the previous certification, unless approved by the Department, consistent with the SMP.
 - In place and effective.
 - Performing as designed, and that nothing has occurred that would (1) impair the ability of the controls to protect public health and the environment, or (2) constitute a violation or failure to comply with any operation and maintenance plan for such controls.
- The institutional and engineering controls certification form as issued by the Department has been completed and included as Appendix A.
- Data tables and figures depicting results of semi-annual groundwater monitoring activities conducted on-Site.

1.2 Certification Period

NYSDEC requested that this Periodic Review Report (PRR) cover the period between June 10, 2015, and September 27, 2016. During this period, the former Site Owner or Remedial Party inadvertently did not complete the monitoring and inspections as required in the SMP, partially due to the fact that the property was being subdivided and transferred to different owners as described in Appendix C. Since the transfer of the property at the end of June 2016, one of the parcel owners has opted to conduct the semi-annual groundwater monitoring and inspections for the BCP Site. MWJRA retained GHD Consulting Services Inc. (GHD) to prepare this PRR and to perform semi-annual groundwater monitoring and visual inspections of engineering controls on-Site.



1.3 Scope and Limitations

This report has been prepared by GHD for Morris Westchester Junior Retail Associates, LLC and may only be used and relied on by Morris Westchester Junior Retail Associates, LLC for the purpose agreed between GHD and Morris Westchester Junior Retail Associates, LLC as set out in this report.

GHD otherwise disclaims responsibility to any person other than Morris Westchester Junior Retail Associates, LLC arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this report based in part on information provided by Morris Westchester Junior Retail Associates, LLC and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

The opinions, conclusions and any recommendations in this report are based on information obtained from, and testing undertaken at or in connection with, specific sample points. Site conditions at other parts of the Site may be different from the Site conditions found at the specific sample points.

Investigations undertaken in respect of this report are constrained by the particular Site conditions, such as the location of buildings, services and vegetation. As a result, not all relevant Site features and conditions may have been identified in this report.

Site conditions (including the presence of hazardous substances and/or Site contamination) may change after the date of this Report. GHD does not accept responsibility arising from, or in connection with, any change to the Site conditions. GHD is also not responsible for updating this report if the Site conditions change without further authorization to do so by Morris Westchester Junior Retail Associates, LLC.



2. Site Overview

The Site is located in the City of Yonkers, Westchester County, New York. The Site was recently subdivided into three (3) parcels to accommodate future development and establishment of designated park land. The parcels are identified as Parcel 3-3244-1, Parcel 3-3244-4, and Parcel 3-3244-7 on the NYSDEC Institutional and Engineering Controls Certification Form. The three parcels are further described as follows:

- Parcel 3-3244-1 – Approximately 9.89 acres of land owned/operated by the City of Yonkers, New York.
- Parcel 3-3244-4 – Approximately 3.24 acres of land reportedly owned/operated by Morris Westchester Retail Associates, LLC.
- Parcel 3-3244-7 – Approximately 5.13 acres of land reportedly owned/operated by Morris Westchester Junior Retail Associates, LLC.

The property as a whole is approximately 18.26 acres and was investigated with approximately 14.1 acres being remediated to a Tack 4 Restricted Residential use, which represents the area of the BCP Site. Figure 2 depicts the location and extent of each parcel, the extents of the BCP Site, and the extents of the property. The Site is bound by Austin Avenue to the north, Home Depot's back parking lot to the south, Sprain Brook and Sprain Road to the east, and an unimproved road and similar vacant land (Lot 4 – Austin Avenue and Prior Place BCP Site, Site #C360116) to the west (Figure 2).

The Site is currently undeveloped with a minimum of a 2-foot thick soil cover system consisting of clean off-site fill placed over a geotextile demarcation layer, which was seeded to promote vegetative growth.

The Remedial Investigation (RI), which was conducted under Brownfield Cleanup Agreement (BCA Index #A3-0542-0306) and BCP Site #C360066 during 2006 and 2007, as well as previous investigations conducted by others, characterized the nature and extent of contamination at the Site. The results of the RI, as reported in the *Remedial Investigation Report* (S&W Redevelopment of North America, LLC, August 2007) determined that contaminants of concern are present in Site soil/fill and groundwater. It was determined that Site surface and subsurface soils contain metals, specifically cadmium, chromium, copper, lead, and mercury at concentrations that exceed the Residential Use Soil Cleanup Objectives (SCOs). Analytical results of Site groundwater samples identified one polychlorinated biphenyl (PCB, Aroclor 1260); one pesticide (dieldrin); and multiple metals, including arsenic, barium, beryllium, cadmium, chromium, copper, iron, lead, magnesium, manganese, mercury, nickel, sodium, and zinc at concentrations that exceed the Technical and Operational Guidance Series (TOGS) Class GA groundwater standards and guidance values. In addition, there was little to no evidence of explosive gas detected at the Site.

A Remedial Work Plan (RWP) was prepared by S&W Redevelopment of North America, LLC (November 2009). The remedial goals for the Site included:

- Eliminate or mitigate, to the extent practicable, on-Site environmental or public health exposures to on-Site metals contamination that may remain in soil or groundwater.



- Eliminate or mitigate, to the extent practicable, the potential for concentrations of soil gases (i.e., explosive gases) to enter future Site buildings, if any.

The proposed remedial approach was to remediate the Site to a Track 4 Restricted Use by implementing engineering/institutional controls at this Site, including: placing a minimum of 2 feet of clean fill, underlain by a geotextile demarcation layer, across the Site; requiring the evaluation and mitigation, if necessary, of soil vapor intrusion in any future buildings constructed on-Site; and implementing an Environmental Easement for the Site, which included Site use and groundwater use restrictions. Remedial activities were completed at the Site between October 2010 and February 2011 and included the placement of approximately 141,500 cubic yards of clean fill and an underlying demarcation layer to act as a soil cover engineering control.

The engineering controls for the Site consist of maintaining the soil cover system and evaluating the potential for vapor intrusion for any building(s) developed on-Site, with any potential impacts that are identified being monitored or mitigated. The institutional controls include a Site groundwater use restriction, a Site use restriction restricting the use to restricted residential use or higher uses (i.e., commercial or industrial uses) subject to local zoning, and evaluating the potential for soil vapor intrusion in any future buildings constructed on-Site.

An Environmental Easement (EE) for the Site was filed with the Westchester County Clerk's Office on April 22, 2015. A Site Management Plan, which outlines Site restrictions and requirements of future maintenance and monitoring, was completed in May 2011 and Revised in April 2015. A Certificate of Completion (COC) allowing for restricted residential, commercial, and industrial use of the Site was received from the NYSDEC on June 10, 2015.

The reader of this PRR may refer to previous reports for more detail, as needed. These reports include:

- DFH Environmental Services, Inc., January 10, 1990, "Project Update Report"
- Leggette, Brashears & Graham, Inc. (LBG), April 5, 1995, "Austin Avenue Landfill Surface and Ground-Water Investigation"
- Leggette, Brashears & Graham, Inc. (LBG), May 1995, "Supplemental Investigation of Bedrock Ground-Water Quality"
- Leggette, Brashears & Graham, Inc. (LBG), November 1996, "Phase I Environmental Site Assessment"
- Leggette, Brashears & Graham, Inc. (LBG), March 4, 1997, "Soil Sampling Letter Report"
- Geraghty & Miller, Inc., June 1997, "Hydrogeologic Investigation of Selected Landfills in Westchester County, New York"
- Leggette, Brashears & Graham, Inc. (LBG), February 19, 1998, "Semi-Annual Surface and Ground-Water Monitoring Letter Report"
- Leggette, Brashears & Graham, Inc. (LBG), August 21, 1998, "Semi-Annual Surface and Ground-Water Monitoring Letter Report"



- Leggette, Brashears & Graham, Inc. (LBG), September 7, 1999, "Update to November 1996 Phase I Environmental Site Assessment"
- Leggette, Brashears & Graham, Inc. (LBG), October 8, 1999, "Semi-Annual Surface and Ground-Water Monitoring Letter Report"
- Leggette, Brashears & Graham, Inc. (LBG), October 3, 2000, "Supplemental Site Characterization Activities, Former Austin Avenue Landfill, Yonkers, New York"
- S&W Redevelopment of North America, LLC, August 2007, "Remedial Investigation Report, Austin Avenue Landfill Brownfield Site, City of Yonkers, Westchester County, NY"
- S&W Redevelopment of North America, LLC, November 2009, "Remedial Work Plan, Austin Avenue Landfill Brownfield Site, City of Yonkers, Westchester County, NY"
- S&W Redevelopment of North America, LLC, May 2011, Revised by: GHD Consulting Engineers, LLC, April 2015, "Site Management Plan, Former Austin Avenue Landfill Site, Westchester County, New York"
- S&W Redevelopment of North America, LLC, May 2011, Revised by: GHD Consulting Engineers, LLC, April 2015, "Final Engineering Report, Former Austin Avenue Landfill Site, Westchester County, New York"
- New York State Department of Environmental Conservation, June 10, 2015, "Certificate of Completion, Austin Avenue Landfill Site"
- GHD Consulting Services Inc., Lot 1 – Austin Avenue Landfill BCP Site (Site #C360066) – Semi-Annual Post-Remediation Groundwater Monitoring – Fall 2016, December 2016



3. Institutional and Engineering Controls

Based on identified soil, groundwater, and soil vapor contamination, and the Site's past and present use, institutional and engineering controls are utilized at the Site to limit exposure risks. These institutional and engineering controls are described below.

3.1 Institutional Controls

The institutional controls (ICs) for this Site are outlined in the NYSDEC-approved Site Management Plan (SMP, S&W Redevelopment of North America, LLC, May 2011; Revised by: GHD Consulting Engineers, LLC, April 2015), and adherence to these ICs is required by the Environmental Easement. The ICs for the Site include the following:

- The Site may only be used for Track 4 Restricted Residential, Commercial, or Industrial use provided that the long-term engineering and institutional controls included in the SMP are employed.
- The Site may not be used for a higher level of use, such as Unrestricted Use or Residential Use, without amendment of the Environmental Easement, and review and approval by the NYSDEC.
- All future activities on the Site that will disturb remaining contaminated material must be conducted in accordance with the SMP.
- The use of the groundwater underlying the Site is prohibited without treatment rendering it safe for the intended use and prior written approval.
- The potential for vapor intrusion must be evaluated for any building(s) developed on-Site, and any potential impacts that are identified must be monitored or mitigated.
- Vegetable gardens and farming on the Site are prohibited.
- The Site owner or Remedial Party will submit to NYSDEC a written statement that certifies, under penalty of perjury, that: (1) controls employed at the Site are unchanged from the previous certification or that any changes to the controls were approved by the NYSDEC; and (2) nothing has occurred that impairs the ability of the controls to protect public health and environment or that constitutes a violation or failure to comply with the SMP. NYSDEC retains the right to access the Site at any time in order to evaluate the continued maintenance of any and all controls. This certification shall be submitted annually, or an alternate period of time that NYSDEC may allow, and will be made by an expert that the NYSDEC finds acceptable.

3.1.1 Site Use

Although the Site Ownership has changed, as described above, the Site use has not changed since the NYSDEC issued the Certificate of Completion. The Site is currently vacant and consists of a vegetated soil cover system with associated drainage control features.



3.1.2 Groundwater

Groundwater is not being used at the Site.

Due to an oversight with the extended Certificate of Completion process and ownership transfer of the Site, semi-annual groundwater monitoring was not conducted as outlined in the NYSDEC-approved SMP during this PRR's certification period. Semi-annual groundwater monitoring and site inspections will occur as outlined in the NYSDEC-approved SMP going forward.

One (1) round of groundwater sample collection and analysis and a Site inspection were completed on November 17 and 18, 2016, outside of this PRR's certification period. Laboratory analytical results were tabulated and submitted to the NYSDEC (GHD, December 2016) and to the NYSDEC's EQulS Database. Based on laboratory analytical results of groundwater samples, it was determined that groundwater quality has remained generally consistent with some improvements since the last round of groundwater sampling conducted in 2007. Results of groundwater monitoring do not warrant revision of the monitoring schedule or analytical list at this time; however, the groundwater monitoring well network needs repairs to maintain its integrity for future monitoring events. Based on the observations during the groundwater monitoring activities, several of the groundwater monitoring wells are in disrepair and require maintenance as described in Section 5.0.

3.1.3 Excavations

No excavations have occurred on-Site during this PRR's certification period.

3.2 Engineering Controls

The engineering controls (ECs) for this Site are outlined in the NYSDEC-approved SMP (S&W Redevelopment of North America, LLC, May 2011; Revised by: GHD Consulting Engineers, LLC, April 2015), and include the following:

3.2.1 Soil Cover System

Direct contact with soil/fill at the Site is mitigated by a soil cover system in place over the entirety of the BCP Site. This soil cover system is comprised of a minimum of 2 feet of clean soil/fill underlain by a demarcation layer, which was seeded to promote vegetative growth. The location of the soil cover system is depicted in Figure 3.

The soil cover system was in place for the duration of the certification period, and no maintenance was required to amend the soil cover system. The vegetative cover on the site is well established, and no substantive erosion had occurred. There is isolated woody tree growth on several areas of the Site, in particular there was woody growth observed in the rock retaining wall on the eastern perimeter of the Site. Based on the Site inspection field observation, the current woody growth did not appear to be adversely impacting the cover system.

There was a pile of illegally discarded construction & demolition (C&D) debris observed near the central portion of the Site on top of the soil cover system during the November 2016 Site inspection. This material did not appear to negatively impact the soil cover system. The C&D debris was removed from the Site on December 15, 2016, with 20 yards of concrete being recycled at Metro



Green, LLC in Mount Vernon, NY and 8.96 tons of municipal solid waste being disposed of at the West Nyack Transfer Station in West Nyack, NY (Appendix D).

Additional information can be found in the Institutional and Engineering Controls Certification Form (Appendix A) and the Annual Inspection Form (Appendix B).

3.2.2 Soil Vapor Mitigation System

The potential for vapor intrusion must be evaluated for any building(s) developed on-Site, and any potential impacts that are identified must be monitored or mitigated.

At the time of the annual Site inspection (November 18, 2016), no buildings had been constructed on-Site; therefore, no soil vapor intrusion investigation or SSDS is required at this time.



4. Operations and Monitoring

The NYSDEC-approved SMP (S&W Redevelopment of North America, LLC, May 2011; Revised by: GHD Consulting Engineers, LLC, April 2015) requires semi-annual groundwater monitoring and reporting and semi-annual soil cover system monitoring and reporting, with monitoring and reporting requirements for the soil vapor mitigation system to be determined in the future after its installation, if applicable.

The semi-annual groundwater monitoring is intended to assess the performance of the remedy and overall reduction in contamination on-Site. Semi-annual groundwater monitoring was not completed in accordance with the NYSDEC-approved SMP during this PRR's certification period. However, one (1) round of groundwater sampling was completed on November 17, 2016, outside of this PRR's certification period. The laboratory sample results were transmitted to the NYSDEC in the Semi-Annual Post-Remediation Groundwater Monitoring letter report (GHD, December 2016) and will also be uploaded into the NYSDEC's EQulS Database. Table 1 summarizes historical laboratory analytical results of groundwater samples taken from the Site, which are compared to Class GA groundwater quality standards or guidance values from the NYSDEC Division of Water Technical and Operational Guidance Series (TOGS 1.1.1, June 1998 and subsequent addenda).

In general, since pre-remediation baseline samples were taken, concentrations of analytes detected in groundwater samples have generally decreased, with current concentrations exceeding the Class GA groundwater standards or guidance values for iron, magnesium, manganese, and sodium, which are all commonly occurring natural elements. Based on the groundwater data received to date, the qualitative exposure assessment assumptions regarding on-Site and off-Site contamination have not changed and are still valid. Semi-annual groundwater monitoring, as outlined in the NYSDEC-approved SMP, will occur as scheduled in the future, with the next round of monitoring scheduled for May 2017.

There are currently no structures located on-Site, and, as such, no soil vapor intrusion evaluation was conducted. If structures are built in the future, a soil vapor intrusion evaluation will be conducted and reviewed, and inspection of the soil vapor mitigation system will occur, as appropriate.



5. Recommendations

Based on a review of the semi-annual groundwater data, it is recommended that the ICs and ECs currently in place for the Site remain in place in order to ensure the continued effectiveness and protectiveness of the remedy. Groundwater monitoring should continue to be conducted on a semi-annual basis as identified in the SMP. The effectiveness of the remedy should continue to be evaluated through these semi-annual groundwater monitoring results. Semi-annual Site inspections should be continued to ensure that the Site use has not changed and the engineering and institutional controls are in place and functioning as intended.

Maintenance of the soil cover system should be conducted, including the following:

- Periodic mowing should be performed at least annually to maintain the soil cover system.
- Woody vegetative growth should be cut and removed on a periodic basis. In particular, the current woody growth that has become established in the rock retaining wall on the eastern perimeter should be removed to maintain the integrity of the retaining wall.
- Periodic mowing should also occur around the groundwater monitoring well locations to provide free and easy access during future sampling events and maintain the integrity of the monitoring points.

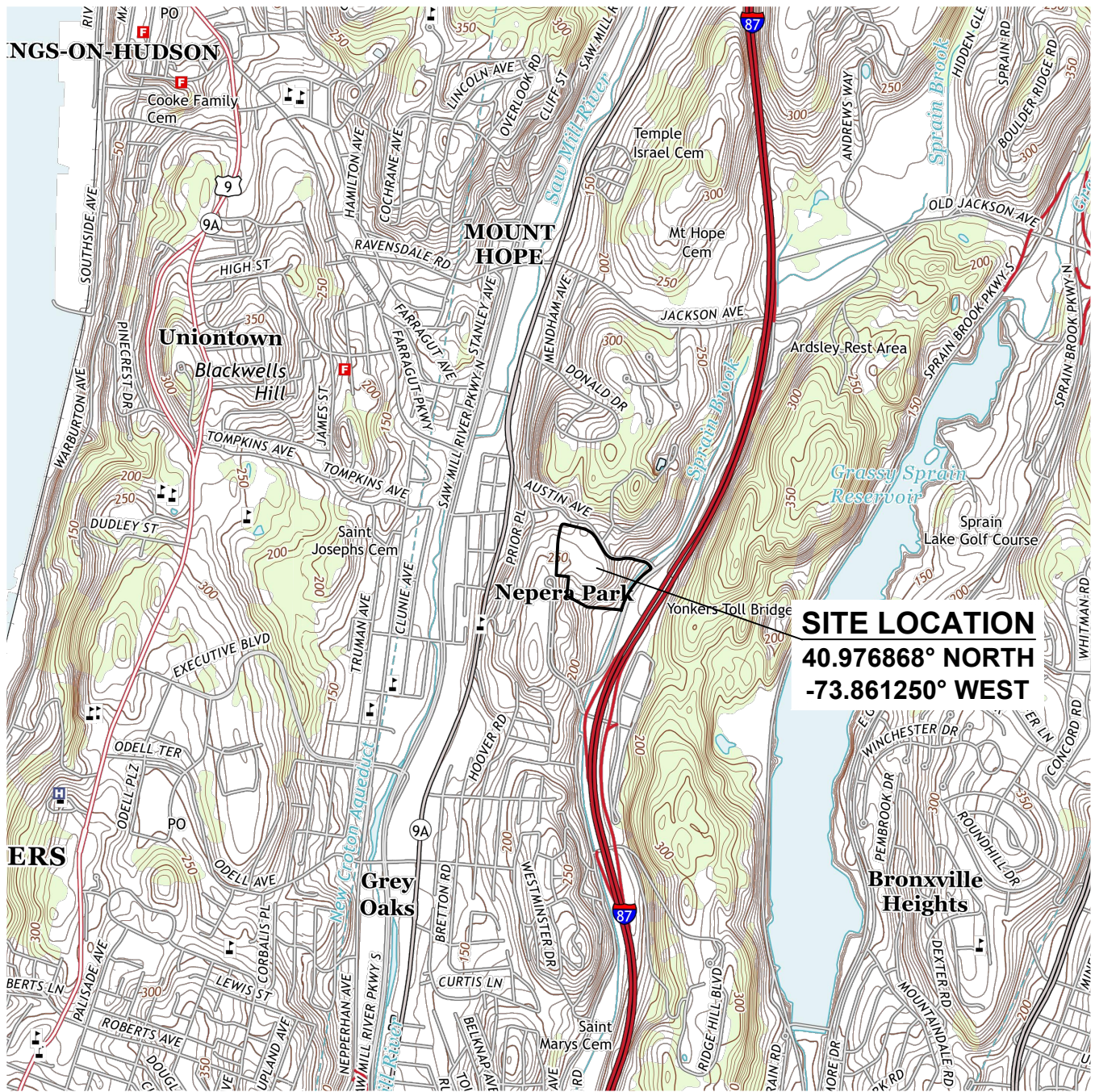
Maintenance should be performed on the Site groundwater monitoring well network, including:

- **Upgradient Groundwater Monitoring Well SWR-MW01:** The surface casing and concrete pad of this monitoring well were found to be heaved out of the ground and leaning. Upon closer inspection of the monitoring well, it appeared that the polyvinyl chloride (PVC) casing may also be compromised below ground surface. Further evaluation of the condition of the well should be made, and the well should be decommissioned and reinstalled or repaired, as necessary.
- **Groundwater Monitoring Well Maintenance:** It appears that several groundwater monitoring wells have been damaged, including SWR-MW-02, SWR-MW03, and SWR-MW05. The surface casings at each of these monitoring well locations were almost flush with the ground surface, the locking covers were damaged or missing, and the concrete pads no longer appeared intact. The steel casings should be extended, and new locking covers and concrete pads should be installed. The interior PVC casings should also be extended to facilitate future sample collection, and new keyed-alike padlocks should be placed on all groundwater monitoring wells.
- **Redevelopment of Groundwater Monitoring Well SWR-MW03:** During the November 2016 sampling event, it was determined that SWR-MW03 appeared to have a significant amount of suspended solids, which prevented purging with the low-flow sampling pump due to clogging of the pump's intake screen. An attempt should be made to redevelop SWR-MW03 to remove suspended solids and flush the well screen in an effort to improve groundwater sample quality and communication between the well and the surrounding aquifer.
- **Survey of Groundwater Monitoring Well Network:** Following repairs made to the groundwater monitoring well network locations, a survey of the location and elevation of each of the groundwater monitoring wells should be performed by a NYS-licensed land surveyor in



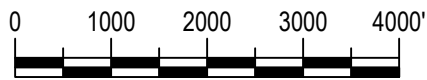
order to update the Site figure and the NYSDEC's EQUIS Database. The horizontal accuracy should be to the nearest 0.1 feet, and the vertical accuracy should be to the nearest 0.01 feet. The survey should include measurements for the location and elevation of the top of cover, top of PVC casing, and ground surface at each monitoring location.

Figures

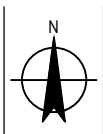


CONTOUR INTERVAL: 10 FEET

MAP TAKEN FROM: USGS 7.5 MINUTE SERIES
 TOPOGRAPHIC QUADRANGLES:
 MOUNT VERNON, NY (2013) &
 YONKERS, NY-NJ (2013)
 (U.S. GEOLOGICAL SURVEY WEBSITE)



SCALE 1"=2000' AT ORIGINAL SIZE



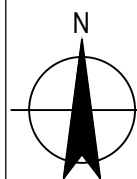
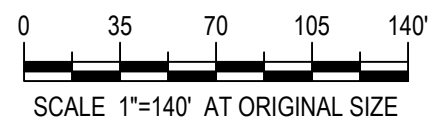
Morris Westchester Junior Retail Associates, LLC
 Lot 1 - Austin Avenue Landfill BCP Site
 Periodic Review Report
 Site Location Map

Job Number 11134282
 Revision A
 Date 12.05.2016

Figure 1



- LEGEND:**
- - - Property Boundary (Approximate)
 - New Subdivided Tax Parcels (Approximate)
 - Extent of Lot 1 Geotextile Demarcation Layer (Approximate)
 - Groundwater Monitoring Well Location and ID (Approximate)



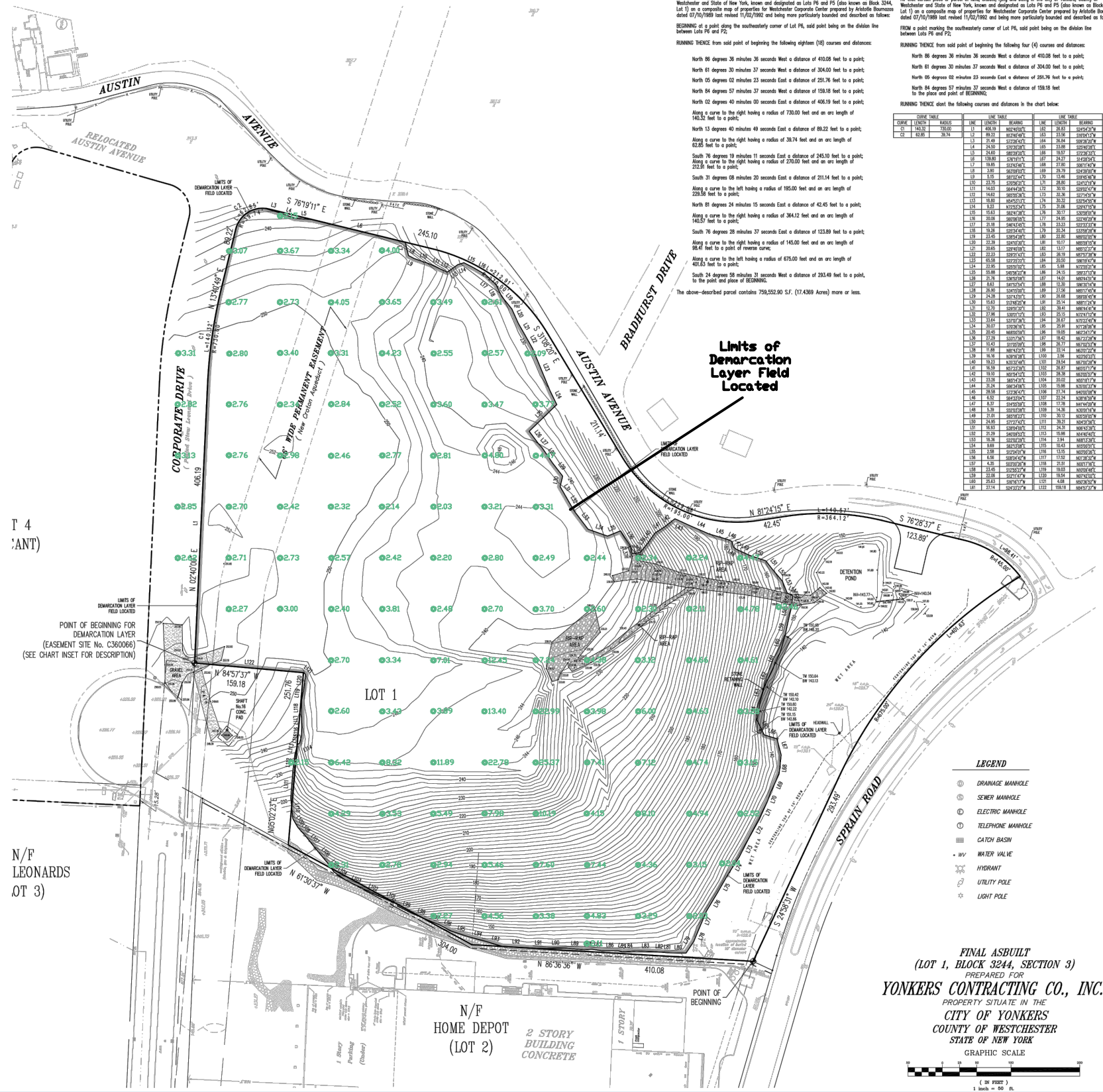
- NOTES:**
1. AERIAL PHOTOGRAPHS ARE 6-INCH RESOLUTION AERIAL PHOTOGRAPHS DATED 2013 AND TAKEN FROM THE NYSGIS CLEARINGHOUSE WEBSITE.
 2. LOT 1 BASE MAP FROM A FIELD SURVEY CONDUCTED BY CONTRACTORS LINE AND GRADE SOUTH, LLC, MAY 11, 2011.
 3. LOT 4 BASE MAP FROM A FIELD SURVEY CONDUCTED BY JOHN MEYER CONSULTING, P.C. JUNE 30, 2011.
 4. NEW TAX PARCEL SUBDIVISION AREAS TAKEN FROM EXHIBIT MAP OF FORMER TAX LOT 1 COMPLETED BY JMC, JULY 2016.



Morris Westchester Junior Retail Associates, LLC
 Lot 1 - Austin Avenue Landfill BCP Site
 Periodic Review Report
 Site Layout

Job Number | 11134282
 Revision | A
 Date | 12.05.2016

Figure 2



SUBJECT PARCEL DESCRIPTION
(Section 3 Block 3244 Lot 1)

All that certain piece or parcel of land, situate, being and being in the City of Yonkers, County of Westchester and State of New York, known and designated as Lots P6 and P5 (also known as Block 3244, Lot 1) on a composite map of preparation for Westchester Corporate Center prepared by Arditelle Engineers dated 07/10/2009 last revised 11/02/2012 and being more particularly bounded and described as follows:

BEGINNING at a point along the southeastern corner of Lot P6, said point being on the division line between Lots P6 and P5;

RUNNING THENCE from said point of beginning the following eight (8) courses and distances:

North 86 degrees 30 minutes 36 seconds West a distance of 410.05 feet to a point;
 North 61 degrees 30 minutes 23 seconds West a distance of 304.00 feet to a point;
 North 05 degrees 02 minutes 23 seconds East a distance of 231.76 feet to a point;
 North 84 degrees 57 minutes 27 seconds West a distance of 438.19 feet to a point;
 North 02 degrees 40 minutes 00 seconds East a distance of 438.19 feet to a point;
 Along a curve to the right having a radius of 730.00 feet and an arc length of 143.32 feet to a point;
 North 13 degrees 40 minutes 49 seconds East a distance of 88.22 feet to a point;
 Along a curve to the right having a radius of 38.74 feet and an arc length of 62.85 feet to a point;
 South 76 degrees 10 minutes 11 seconds East a distance of 245.10 feet to a point;
 Along a curve to the right having a radius of 270.00 feet and an arc length of 212.31 feet to a point;
 South 31 degrees 05 minutes 20 seconds East a distance of 211.14 feet to a point;
 Along a curve to the left having a radius of 195.00 feet and an arc length of 223.36 feet to a point;
 North 81 degrees 24 minutes 15 seconds East a distance of 42.45 feet to a point;
 Along a curve to the right having a radius of 364.12 feet and an arc length of 143.37 feet to a point;
 South 76 degrees 20 minutes 37 seconds East a distance of 123.89 feet to a point;
 Along a curve to the right having a radius of 148.00 feet and an arc length of 96.41 feet to a point of reverse curve;
 Along a curve to the left having a radius of 675.00 feet and an arc length of 403.52 feet to a point;
 South 24 degrees 58 minutes 31 seconds West a distance of 283.49 feet to a point, to the point and place of BEGINNING.

The above-described parcel contains 759,552.90 SF. (17.4389 Acres) more or less.

ENVIRONMENTAL BASEMENT DESCRIPTION & CHART
DEMARCATION LAYER (EASEMENT SITE No. C360066)
AREA = 416,072.35 SF. (14,207 ACRES)

All that certain piece or parcel of land, situate, being and being in the City of Yonkers, County of Westchester and State of New York, known and designated as Lots P6 and P5 (also known as Block 3244, Lot 1) on a composite map of preparation for Westchester Corporate Center prepared by Arditelle Engineers dated 07/10/2009 last revised 11/02/2012 and being more particularly bounded and described as follows:

FROM a point marking the southeastern corner of Lot P6, said point being on the division line between Lots P6 and P5;

RUNNING THENCE from said point of beginning the following four (4) courses and distances:

North 86 degrees 30 minutes 36 seconds West a distance of 410.05 feet to a point;
 North 61 degrees 30 minutes 23 seconds West a distance of 304.00 feet to a point;
 North 05 degrees 02 minutes 23 seconds East a distance of 231.76 feet to a point;
 North 84 degrees 57 minutes 27 seconds West a distance of 438.19 feet to a point;

RUNNING THENCE about the following courses and distances in the chart below:

CURVE TABLE	LINE TABLE	LINE TABLE	LINE TABLE	LINE TABLE	
START	LENGTH	RADIUS	START	BEARING	
C1	146.32	730.00	L1	438.19	N02°40'00"E
C2	62.85	38.74	L2	88.22	N13°40'49"E
			L3	212.31	S76°10'11"E
			L4	245.10	S76°10'11"E
			L5	211.14	S31°05'20"E
			L6	223.36	N81°24'15"E
			L7	143.37	S76°20'37"E
			L8	96.41	S76°20'37"E
			L9	403.52	S24°58'31"W
			L10	283.49	N84°57'27"W
			L11	438.19	N02°40'00"E
			L12	410.05	N86°30'36"W
			L13	304.00	N61°30'23"W
			L14	231.76	N05°02'23"E
			L15	438.19	N84°57'27"W
			L16	438.19	N02°40'00"E
			L17	143.32	S73°00'00"E
			L18	62.85	S38°74'00"E
			L19	245.10	S76°10'11"E
			L20	211.14	S31°05'20"E
			L21	223.36	N81°24'15"E
			L22	143.37	S76°20'37"E
			L23	96.41	S76°20'37"E
			L24	403.52	S24°58'31"W
			L25	283.49	N84°57'27"W
			L26	438.19	N02°40'00"E
			L27	410.05	N86°30'36"W
			L28	304.00	N61°30'23"W
			L29	231.76	N05°02'23"E
			L30	438.19	N84°57'27"W
			L31	438.19	N02°40'00"E
			L32	143.32	S73°00'00"E
			L33	62.85	S38°74'00"E
			L34	245.10	S76°10'11"E
			L35	211.14	S31°05'20"E
			L36	223.36	N81°24'15"E
			L37	143.37	S76°20'37"E
			L38	96.41	S76°20'37"E
			L39	403.52	S24°58'31"W
			L40	283.49	N84°57'27"W
			L41	438.19	N02°40'00"E
			L42	410.05	N86°30'36"W
			L43	304.00	N61°30'23"W
			L44	231.76	N05°02'23"E
			L45	438.19	N84°57'27"W
			L46	438.19	N02°40'00"E
			L47	143.32	S73°00'00"E
			L48	62.85	S38°74'00"E
			L49	245.10	S76°10'11"E
			L50	211.14	S31°05'20"E
			L51	223.36	N81°24'15"E
			L52	143.37	S76°20'37"E
			L53	96.41	S76°20'37"E
			L54	403.52	S24°58'31"W
			L55	283.49	N84°57'27"W
			L56	438.19	N02°40'00"E
			L57	410.05	N86°30'36"W
			L58	304.00	N61°30'23"W
			L59	231.76	N05°02'23"E
			L60	438.19	N84°57'27"W
			L61	438.19	N02°40'00"E
			L62	143.32	S73°00'00"E
			L63	62.85	S38°74'00"E
			L64	245.10	S76°10'11"E
			L65	211.14	S31°05'20"E
			L66	223.36	N81°24'15"E
			L67	143.37	S76°20'37"E
			L68	96.41	S76°20'37"E
			L69	403.52	S24°58'31"W
			L70	283.49	N84°57'27"W
			L71	438.19	N02°40'00"E
			L72	410.05	N86°30'36"W
			L73	304.00	N61°30'23"W
			L74	231.76	N05°02'23"E
			L75	438.19	N84°57'27"W
			L76	438.19	N02°40'00"E
			L77	143.32	S73°00'00"E
			L78	62.85	S38°74'00"E
			L79	245.10	S76°10'11"E
			L80	211.14	S31°05'20"E
			L81	223.36	N81°24'15"E
			L82	143.37	S76°20'37"E
			L83	96.41	S76°20'37"E
			L84	403.52	S24°58'31"W
			L85	283.49	N84°57'27"W
			L86	438.19	N02°40'00"E
			L87	410.05	N86°30'36"W
			L88	304.00	N61°30'23"W
			L89	231.76	N05°02'23"E
			L90	438.19	N84°57'27"W
			L91	438.19	N02°40'00"E
			L92	143.32	S73°00'00"E
			L93	62.85	S38°74'00"E
			L94	245.10	S76°10'11"E
			L95	211.14	S31°05'20"E
			L96	223.36	N81°24'15"E
			L97	143.37	S76°20'37"E
			L98	96.41	S76°20'37"E
			L99	403.52	S24°58'31"W
			L100	283.49	N84°57'27"W

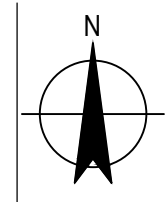
Legend:
● 2.20 Soil Cover Thickness in Feet

Notes:
1. Minimum of 2-feet of clean fill placed over entire site to the limits of demarcation layer.
2. Survey provided by Contractors Line & Grade South LLC (May, 2011).

LEGEND

- ⊕ DRAINAGE MANHOLE
- ⊕ SEWER MANHOLE
- ⊕ ELECTRIC MANHOLE
- ⊕ TELEPHONE MANHOLE
- ⊕ CATCH BASIN
- WATER VALVE
- ⊕ HYDRANT
- ⊕ UTILITY POLE
- ⊕ LIGHT POLE

FINAL ASBUILT
(LOT 1, BLOCK 3244, SECTION 3)
YONKERS CONTRACTING CO., INC.
PROPERTY SITUATE IN THE
CITY OF YONKERS
COUNTY OF WESTCHESTER
STATE OF NEW YORK
GRAPHIC SCALE



Morris Westchester Junior Retail Associates, LLC Job Number 11134282
 Lot 1 - Austin Avenue Landfill BCP Site Revision A
 Periodic Review Report Date 12.06.2016
Soil Cover Areas
Figure 3

Tables



Table 1 (Page 2 of 3): Summary of Groundwater Laboratory Analytical Results, Lot 1 - Austin Avenue Landfill, Yonkers, NY, BCP Site No. C360066.

Analyte (ug/L)	Class GA Standards	SWRMW-1				SWRMW-2				SWRMW-3				SWRMW-4				SWRMW-5				DUPLICATE 11/17/2016 Total												
		3/14/2007		6/5/2007		3/14/2007		6/5/2007		3/14/2007		6/5/2007		3/14/2007		6/6/2007		11/17/2016																
		Total	Total	Dissolved	Total	Total	Total	Dissolved	Total	Total	Total	Dissolved	Total	Total	Total	Dissolved	Total	Total	Dissolved	Total														
Metals by EPA Methods																						(SWR-MW4)												
Aluminum		437,000	870	J	130	J	NS	154,000	740	J	500	U	206,000	2,400	J	500	U	NS	101,000	5,000	J	U	7,430	211,000	950	J	U	1,220	7,160					
Antimony	3	U	U	U	U	NS	U	U	U	U	NS	U	U	U	U	NS	U	U	U	U	U	U	U	U	U	U	U	U						
Arsenic	25	21	J	U	U	NS	44	J	U	U	NS	90	U	U	U	NS	U	U	U	U	U	U	U	U	U	U	0.2	J						
Barium	1,000	5,900	J	500	480	NS	2,200	J	100	120	NS	1,800	48	28	NS	1,000	90	44	153.7	1,700	77	71	118.5	150.4										
Beryllium	3	9.7	J	U	U	NS	6.2	J	U	U	NS	5.5	J	U	U	NS	3.3	J	U	0.2	J	5.6	J	U	U	U	0.2	J						
Cadmium	5	29	J	U	U	NS	11	J	U	U	NS	10	J	U	U	NS	4.8	J	U	0.1	J	8.9	J	U	U	U	0.1	J						
Calcium		298,000	302,000	312,000	NS	40,400	25,500	38,800	55,300	17,900	18,400	NS	99,100	77,400	79,900	154,000	63,100	51,300	53,600	108,000	148,000													
Chromium	50	950	J	2.9	J	1.5	J	NS	460	J	2.1	J	U	620	J	6.5	J	10	U	NS	280	J	13	U	21.2	740	J	3.2	J	U	5.2	20.1		
Cobalt		290	U	U	U	NS	130	J	2	J	U	190	J	4.1	J	2.5	J	NS	120	J	11	U	10.4	210	J	2.1	J	U	1.9	9.9				
Copper	200	990	J	3.2	J	U	NS	790	J	4.5	J	U	460	J	6.6	J	U	NS	460	J	28	3	J	40.2	860	J	4.5	J	U	6.5	39.5			
Iron	300	877,000	J	87,600	J	83,800	NS	320,000	J	2,300	J	570	NS	353,000	J	4,100	NS	188,000	J	8,700	57	J	14,400	337,000	J	1,400	U	1,880	13,400					
Lead	25	820	J	U	U	NS	2,400	J	16	U	U	460	J	6.9	J	U	NS	62	J	4.4	J	U	4.5	64	J	U	U	0.5	J					
Magnesium	35000 (G)	258,000	J	112,000	J	114,000	NS	52,500	J	9,500	J	14,300	NS	107,000	J	7,000	J	6,100	NS	81,000	J	36,400	34,800	49,900	138,000	J	24,700	J	24,900	40,700	48,700			
Manganese	300	10,900	J	4,900	J	5,000	NS	7,000	J	320	J	340	NS	3,500	J	170	J	400	NS	2,400	J	350	19	352.6	5,800	J	180	U	39	341.8				
Mercury	0.7	0.6	J	U	U	U	NS	0.81	J	U	U	U	0.24	J	U	U	U	NS	U	U	U	U	U	U	U	U	U	U	U					
Nickel	100	590	J	2.9	J	2.8	J	NS	290	J	1.7	J	U	560	J	7	J	U	NS	250	J	14	3.2	J	24.4	540	J	3.4	J	U	4.4	24.7		
Potassium		403,000	153,000	152,000	NS	29,100	7,200	9,000	78,700	4,500	4,100	NS	51,300	19,000	19,200	13,000	88,000	18,100	18,000	30,200	12,700													
Selenium	10	U	U	U	U	NS	U	U	U	U	NS	U	U	U	U	NS	U	U	U	U	U	U	U	U	U	U	U	U						
Silver	50	U	U	U	U	NS	3.9	J	U	U	NS	U	U	U	U	NS	U	U	U	U	U	U	U	U	U	U	U	U						
Sodium	20,000	153,000	J	148,000	J	148,000	NS	22,900	J	14,800	J	16,300	NS	24,600	J	8,800	J	8,500	NS	59,400	J	41,100	J	45,700	74,200	J	63,400	J	53,000	J	54,000	J	62,800	73,300
Thallium	0.5	U	U	U	U	NS	U	U	U	U	NS	U	U	U	U	NS	U	U	U	U	U	U	U	U	U	U	U	U						
Vanadium		1,200	J	2.8	J	0.94	J	NS	420	J	1.6	J	U	500	J	5.3	J	U	NS	280	J	13	U	22.2	520	J	1.7	J	U	3	J			
Zinc	2,000	2,500	J	U	U	NS	2,700	J	22	J	U	990	J	11	J	U	NS	360	J	19	J	U	50	490	J	U	U	6	J					

*Class GA Groundwater standards taken from Technical and Operational Guidance Series (TOGS) 1.1.1 Class GA ambient water quality standards or guidance values, New York State Department of Environmental Conservation, June 1998 and subsequent addenda

(G) Signifies a NYSDEC guidance value where a standard has not been established.

U - The compound was not detected above the laboratory detection limit.

J - Indicates an estimated value detected between the laboratory detection limit and laboratory reporting limit.

(-) - Indicates analyte was not analyzed for

ND - Non-Detect

NS - Not Sampled during monitoring round

Bold Thick Outlined Cell indicates an exceedance of applicable NYSDEC Class GA Standard or Guidance Value

All concentrations reported in micrograms per liter (ug/L) - parts per billion (ppb)



Table 1 (Page 3 of 3): Summary of Groundwater Laboratory Analytical Results. Lot 1 - Austin Avenue Landfill, Yonkers, NY. BCP Site No. C360066.

Analyte (ug/L)	Class GA Standards	SWRMW-1			SWRMW-2		SWRMW-3			SWRMW-4			SWRMW-5			DUPLICATE
		3/14/2007	6/5/2007	11/17/2016	3/14/2007	6/5/2007	3/14/2007	6/5/2007	11/17/2016	3/14/2007	6/6/2007	11/17/2016	3/14/2007	6/6/2007	11/17/2016	11/17/2016
PCBs by EPA Method 8082A															(SWR-MW04)	
Aroclor 1016		U	U		U	U	U	U	U	U	U	U	U	U	U	
Aroclor 1221		U	U		U	U	U	U	U	U	U	U	U	U	U	
Aroclor 1232		U	U		U	U	U	U	U	U	U	U	U	U	U	
Aroclor 1242		U	U		U	U	U	U	U	U	U	U	U	U	U	
Aroclor 1248		U	U		U	U	U	U	U	U	U	U	U	U	U	
Aroclor 1254		U	U		U	U	U	U	U	U	U	U	U	U	U	
Aroclor 1260		0.76	U		U	U	U	U	U	U	U	U	U	U	U	
Aroclor 1262		-	-		-	-	-	-	-	-	-	-	-	-	U	
Aroclor 1268		-	-		-	-	-	-	-	-	-	-	-	-	U	
Total PCBs	0.09	0.76	ND	NS	ND	ND	ND	ND	NS	ND	ND	ND	ND	ND	ND	

*Class GA Groundwater standards taken from Technical and Operational Guidance Series (TOGS) 1.1.1 Class GA ambient water quality standards or guidance values, New York State Department of Environmental Conservation, June 1998 and subsequent addenda

(G) Signifies a NYSDEC guidance value where a standard has not been established.

U - The compound was not detected above the laboratory detection limit.

J - Indicates an estimated value detected between the laboratory detection limit and laboratory reporting limit.

(-) - Indicates analyte was not analyzed for

ND - Non-Detect

NS - Not Sampled during monitoring round

Bold Thick Outlined Cell indicates an exceedance of applicable NYSDEC Class GA Standard or Guidance Value

All concentrations reported in micrograms per liter (ug/L) - parts per billion (ppb)

Appendices

Appendix A

Institutional and Engineering Controls Certification Form



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



	Site Details	Box 1
Site No. C360066		
Site Name Austin Avenue Landfill		
Site Address: 323 Sprain Road Zip Code: 10710		
City/Town: Yonkers		
County: Westchester		
Site Acreage: 14.1		
Reporting Period: June 10, 2015 to September 27, 2016		
		YES NO
1. Is the information above correct?		<input checked="" type="checkbox"/> <input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.		
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period? Please See Appendix D		<input checked="" type="checkbox"/> <input type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?		<input type="checkbox"/> <input checked="" type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?		<input type="checkbox"/> <input checked="" type="checkbox"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.		
5. Is the site currently undergoing development?		<input type="checkbox"/> <input checked="" type="checkbox"/>
		Box 2
		YES NO
6. Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial		<input checked="" type="checkbox"/> <input type="checkbox"/>
7. Are all ICs/ECs in place and functioning as designed?		<input checked="" type="checkbox"/> <input type="checkbox"/>
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.		
A Corrective Measures Work Plan must be submitted along with this form to address these issues.		
_____ Signature of Owner, Remedial Party or Designated Representative		_____ Date

Box 2A

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

YES NO

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C360066

Box 3

Description of Institutional Controls

Parcel

3-3244-1

Owner

The City of Yonkers

Institutional Control

Soil Management Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
IC/EC Plan
Ground Water Use Restriction
O&M Plan

Controls at the site include:

1. Construction and maintenance of a soil cover system consisting of a minimum of 24 inches of imported clean soil fill that meets the criteria for Track 4 Restricted Residential in order to prevent human exposure to contaminated soil/fill remaining at the Site;
2. End use restrictions at the Site limited to Restricted Residential uses, unless there is an expressed written waiver from an appropriate New York State Department;
3. Execution and recording of an Environmental Easement to restrict land use and prevent future exposure to contamination remaining at the Site;
4. Groundwater use restrictions at the Site, unless it is treated prior to use, and written consent is granted by the NYSDEC/NYSDOH;
5. Development and implementation of a Site Management Plan for long term management of remaining contamination as required by the Environmental Easement, which includes plans for: (1) Institutional and Engineering Controls, (2) monitoring, (3) operation and maintenance and (4) reporting; and
6. Periodic certification of the institutional and engineering controls listed above.

3-3244-4

Morris Westchester Retail Assoc, LLC

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
O&M Plan
IC/EC Plan

Controls at the site include:

1. Construction and maintenance of a soil cover system consisting of a minimum of 24 inches of imported clean soil fill that meets the criteria for Track 4 Restricted Residential in order to prevent human exposure to contaminated soil/fill remaining at the Site;
2. End use restrictions at the Site limited to Restricted Residential uses, unless there is an expressed written waiver from an appropriate New York State Department;
3. Execution and recording of an Environmental Easement to restrict land use and prevent future exposure to contamination remaining at the Site;
4. Groundwater use restrictions at the Site, unless it is treated prior to use, and written consent is granted by the NYSDEC/NYSDOH;
5. Development and implementation of a Site Management Plan for long term management of remaining contamination as required by the Environmental Easement, which includes plans for: (1) Institutional and Engineering Controls, (2) monitoring, (3) operation and maintenance and (4) reporting; and
6. Periodic certification of the institutional and engineering controls listed above.

3-3244-7

Morris Westchester Jr Retail Assoc, LLC

Ground Water Use Restriction
Soil Management Plan
Monitoring Plan
Landuse Restriction
Site Management Plan
O&M Plan
IC/EC Plan

Controls at the site include:

1. Construction and maintenance of a soil cover system consisting of a minimum of 24 inches of imported clean soil fill that meets the criteria for Track 4 Restricted Residential in order to prevent human exposure to contaminated soil/fill remaining at the Site;
2. End use restrictions at the Site limited to Restricted Residential uses, unless there is an expressed written waiver from an appropriate New York State Department;
3. Execution and recording of an Environmental Easement to restrict land use and prevent future exposure to contamination remaining at the Site;
4. Groundwater use restrictions at the Site, unless it is treated prior to use, and written consent is granted by the NYSDEC/NYSDOH;
5. Development and implementation of a Site Management Plan for long term management of remaining contamination as required by the Environmental Easement, which includes plans for: (1) Institutional and Engineering Controls, (2) monitoring, (3) operation and maintenance and (4) reporting; and
6. Periodic certification of the institutional and engineering controls listed above.

Description of Engineering Controls

Box 4

<u>Parcel</u>	<u>Engineering Control</u>
3-3244-1	Cover System
3-3244-4	Cover System
3-3244-7	Cover System

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

The semi-annual monitoring and inspections were not completed per the SMP during this PRR period. Measures have been taken by one of the current Site owners to complete the required monitoring and inspections for the Site.

YES NO

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.


Signature of Owner, Remedial Party or Designated Representative

12/20/16
Date

Keith E. Morris
Vice President

Morris Weschester Junior
Retail Associates, LLC

**IC CERTIFICATIONS
SITE NO. C360066**

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I _____ at _____,
print name print business address

am certifying as _____ (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

Date

IC/EC CERTIFICATIONS

Box 7

Professional Engineer Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I _____ at _____,
print name print business address

am certifying as a Professional Engineer for the _____
(Owner or Remedial Party)

Signature of Professional Engineer, for the Owner or
Remedial Party, Rendering Certification

Stamp
(Required for PE)

Date

Appendix B

Site Inspection Form

SITE INSPECTION FORM

Inspections to be conducted at least semi-annually

SITE: Former Austin Avenue Site (LOT 1)
BCP # C3-60-066

DATE/TIME: 11-18-16 6:30 pm
WEATHER: Sunny, 60°

INSPECTORS NAME: Dauidan Valetti

COMPANY NAME: GTD Consulting Services Inc.

GENERAL SITE CONDITIONS:

Site Access Control Gate @ Stew Leonard's drive not locked, Gate Austin Ave locked.
Change in Use None
Unauthorized Activities Pile C/D debris on site

ENGINEERING CONTROLS

SOIL COVER

Soil Cover Condition In place and functioning as intended
Vegetative Cover Vegetation across site in state of fall/winter conditions
Breach of the Soil Cover None observed
Woody Growth Some small trees growing, mostly locust
Surface Settling None observed
Burrowing Animals None observed
Sediment/Erosion Controls Down chute and basin functioning as intended
Surface Erosion None observed
Off-site Sediment Transport None observed

SOIL VAPOR MITIGATION

System In Place No Buildings on site
System Operating
Component Conditions
Damaged Equipment

ENVIRONMENTAL MONITORING

GROUNDWATER MONITORING WELLS

Condition of Monitoring Wells MW-01 Bent may need to be replaced.
Well Caps In Place All MW stickups and covers need to be assessed and replaced except for MW-04.
Locks In Place and Secure

Identify Groundwater Samples Taken:

Identify Photos Taken: General Site photos across site

OTHER COMMENTS:

Gate at Stew Leonard Dr. should be locked.
During routine maintenance should remove woody growth
Arrange for C/D debris pile to be removed for proper off-site disposal
Monitoring well covers should be replaced and locks installed

INSPECTOR SIGNATURE:



□ □ □ e □ di □ □

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July 8, 2016

Via Federal Express

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

RE: NYSDEC 60-Day Advance Notification of Site Change of Use, Transfer or
Certificate of Completion, and/or Ownership – July 7, 2016 Submission
Lot 1 – Austin Avenue Landfill Site
NYSDEC Site ID No. C360066

Dear Sir/Madam:

Yesterday, we sent in a 60-Day Advance Notification for Lot 1. We noticed an error in Exhibit A – Legal Description. Enclosed please find two (2) revised Exhibit A (Portion of Current Tax Lot 4 Located on Former Tax Lot 1), which we noticed was missing some additional language referencing map locations. I have also provided you with a map which depicts how the former Tax Lot 1 was divided into three (3) separate lots.

Should you have any questions on the enclosed or wish to discuss this further, please do not hesitate to contact me at kmorris@morriscompanies.com or at (201) 804-8700.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'KEM', written over a light blue horizontal line.

Keith E. Morris
Vice President and General Counsel

KEM:lam
Enclosures

cc: Lorene L. Boudreau, Esq.
Damian Vanetti



July 7, 2016

Via Federal Express

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

RE: Lot 1 – Austin Avenue Landfill Site
NYSDEC Site ID No. C360066

Dear Sir/Madam:

Enclosed please find two (2) original executed NYSDEC 60-Day Advance Notification of Site Change of Use, Transfer or Certificate of Completion, and/or Ownership with accompanying exhibits.

Should you have any questions on the enclosed or wish to discuss this further, please do not hesitate to contact me at kmorris@morriscompanies.com or at (201) 804-8700.

Very truly yours,



Keith E. Morris
Vice President and General Counsel

KEM:lam

Enclosures

cc: Lorene L. Boudreau, Esq.
Damian Vanetti



**60-Day Advance Notification of Site Change of Use, Transfer of
Certificate of Completion, and/or Ownership**
Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

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

I. Site Name: Lot 1 - Austin Avenue Landfill Site **DEC Site ID No.** C360066

II. Contact Information of Person Submitting Notification:

Name: Keith Morris
Address1: 350 Veterans Boulevard
Address2: Rutherford, New Jersey 07070
Phone: 201-804-8700 E-mail: kmorris@morriscompanies.com

III. Type of Change and Date: Indicate the Type of Change(s) (check all that apply):

- Change in Ownership or Change in Remedial Party(ies)
 Transfer of Certificate of Completion (CoC)
 Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy):

IV. Description: Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

~~Ownership of the property described on Exhibit A hereto will transfer from the Westchester County Industrial Development Authority to Morris Westchester Retail Associates, LLC by deed. Ownership of the property described on Exhibit B hereto will transfer from the Westchester County Industrial Development Authority to Morris Westchester Junior Retail Associates, LLC by deed. Ownership of the property described on Exhibit C hereto will transfer to the City of Yonkers by deed.~~

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name: Kerry Plunkett, Vice Chair 6/29/16
(Signature) (Date)
KERRY J. PLUNKETT
(Print Name)

Address1: Michaelian Office Building, Room 903, 148 Martine Ave.
Address2: White Plains, New York 10601
Phone: 914-995-2943 E-mail: wmm1@westchestergov.com

VI. **Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

Prospective Owner Prospective Remedial Party Prospective Owner Representative

Name: _____
Address1: _____
Address2: _____
Phone: _____ E-mail: _____

Certifying Party Name: (see attached)
Address1: _____
Address2: _____
Phone: _____ E-mail: _____

VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name:

Kevin Plunkett, Vice Chair 6/29/16
(Signature) (Date)
Kevin J. Plunkett
(Print Name)

Address1: Michaelian Office Building, Room 903, 148 Martine Ave.

Address2: White Plains, New York 10601

Phone: 914-995-2943

E-mail: wmm1@westchestergov.com

Continuation Sheet

Prospective Owner/Holder Prospective Remedial Party Prospective Owner Representative
Name: Morris Westchester Junior Retail Associates, LLC
Address1: 350 Veterans Boulevard
Address2: Rutherford, New Jersey 07070
Phone: 201-804-8700 E-mail: kmorris@morriscompanies.com

Prospective Owner/Holder Prospective Remedial Party Prospective Owner Representative
Name: The City of Yonkers
Address1: 40 S. Broadway
Address2: Yonkers, New York 10701
Phone: _____ E-mail: _____

Prospective Owner/Holder Prospective Remedial Party Prospective Owner Representative
Name: Morris Westchester Retail Associates, LLC
Address1: 350 Veterans Boulevard
Address2: Rutherford, New Jersey 07070
Phone: 201-804-8700 E-mail: kmorris@morriscompanies.com

Prospective Owner/Holder Prospective Remedial Party Prospective Owner Representative
Name: _____
Address1: _____
Address2: _____
Phone: _____ E-mail: _____

Prospective Owner/Holder Prospective Remedial Party Prospective Owner Representative
Name: _____
Address1: _____
Address2: _____
Phone: _____ E-mail: _____

Prospective Owner/Holder Prospective Remedial Party Prospective Owner Representative
Name: _____
Address1: _____
Address2: _____
Phone: _____ E-mail: _____



Instructions for Completing the 60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion (CoC), and/or Ownership Form

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

Section I	Description
Site Name	Official DEC site name. (see http://www.dec.ny.gov/cfm/externalapps/derexternal/index.cfm?pageid=3)
DEC Site ID No.	DEC site identification number.

Section II	Contact Information of Person Submitting Notification
Name	Name of person submitting notification of site change of use, transfer of certificate of completion and/or ownership form.
Address1	Street address or P.O. box number of the person submitting notification.
Address2	City, state and zip code of the person submitting notification.
Phone	Phone number of the person submitting notification.
E-mail	E-mail address of the person submitting notification.

Section III	Type of Change and Date
Check Boxes	Check the appropriate box(s) for the type(s) of change about which you are notifying the Department. Check all that apply.
Proposed Date of Change	Date on which the change in ownership or remedial party, transfer of CoC, or other change is expected to occur.

Section IV	Description
Description	For each change checked in Section III, describe the proposed change. Provide all applicable maps, drawings, and/or parcel information. If "Other" is checked in Section III, explain how the change may affect the site's proposed, ongoing, or completed remedial program at the site. Please attach additional sheets, if needed.

Section V Certification Statement

This section must be filled out if the change of use results in a change of ownership or responsibility for the proposed, ongoing, or completed remedial program for the site. When completed, it provides DEC with a certification that the prospective purchaser has been provided a copy of any order, agreement, or State assistance contract as well as a copy of all approved remedial work plans and reports.

Name The owner of the site property or their designated representative must sign and date the certification statement. Print owner or designated representative's name on the line provided below the signature.

Address1 Owner or designated representative's street address or P.O. Box number.

Address2 Owner or designated representative's city, state and zip code.

Phone Owner or designated representative's phone number.

E-Mail Owner or designated representative's E-mail.

Section VI Contact Information for New Owner, Remedial Party, and CoC Holder (if a CoC was issued)

Fill out this section only if the site is to be sold or there will be a new remedial party. Check the appropriate box to indicate whether the information being provided is for a Prospective Owner, CoC Holder (if site was ever issued a COC), Prospective Remedial Party, or Prospective Owner Representative. Identify the prospective owner or party and include contact information. A Continuation Sheet is provided at the end of this form for additional owner/party information.

Name Name of Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.

Address1 Street address or P.O. Box number for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.

Address2 City, state and zip code for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.

Phone Phone number for the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.

E-Mail E-mail address of the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.

If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/EC), indicate who will be the certifying party(ies). Attach additional sheets, if needed.

Certifying Party Name	Name of Certifying Party.
Address1	Certifying Party's street address or P.O. Box number.
Address2	Certifying Party's city, state and zip code.
Phone	Certifying Party's Phone number.
E-Mail	Certifying Party's E-mail address.

Section VII Agreement to Notify DEC After Property Transfer/Sale

This section must be filled out for all property transfers of all or part of the site. If the site also has a CoC, then the CoC shall be transferred using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>

Filling out and signing this section of the form indicates you will comply with the post transfer notifications within the required timeframes specified on the form. If a CoC has been issued for the site, the DEC will allow 30 days for the post transfer notification so that the "Notice of CoC Transfer Form" and proof of it's filing can be included. Normally the required post transfer notification must be submitted within 15 day (per 375-1.11(d)(3)(ii)) when no CoC is involved.

Name	Current property owner must sign and date the form on the designated lines. Print owner's name on the line provided.
Address1	Current owner's street address.
Address2	Current owner's city, state and zip code.

ATTACHMENT TO SECTION VI

The Site is subject to an Environmental Easement and to a Site Management Plan. The Site (former Section 3, Block 3244 Lot 1) has been subdivided into three parcels, with each parcel being conveyed to a new, separate owner. The new parcels are now identified on the City of Yonkers tax map Section 3, Block 3244, Lots 1, 4 and 7. The three new owners of the three parcels are as follows:

New Lot 1 - The City of Yonkers, New York

New Lot 4 - Morris Westchester Retail Associates, LLC

New Lot 7 - Morris Westchester Junior Retail Associates, LLC.

At the Department's approval, The City of Yonkers, New York will be the certifying party with respect to the parcel owned by The City of Yonkers, New York, and described on Exhibit C; and Morris Westchester Retail Associates, LLC will be the certifying party for the parcel owned by Morris Westchester Retail Associates, LLC and for the parcel owned by Morris Westchester Junior Retail Associates, LLC, described on Exhibits A and B respectively.



Site Planning	Environmental Studies
Civil Engineering	Entitlements
Landscape Architecture	Construction Services
Land Surveying	3D Visualization
Transportation Engineering	Laser Scanning

JMC Project 9129
Austin Avenue Redevelopment
City of Yonkers
Westchester County, New York
July 8, 2016

EXHIBIT A

Portion of Current Tax Lot 4 Located on Former Tax Lot 1

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 and being more particularly described as follows:

BEGINNING at a point along the southerly line of the relocated Austin Avenue at the easterly end of a curve having a radius of 40.00 feet and connecting the said southerly line of the relocated Austin Avenue with the easterly line of Stew Leonard Drive (formerly Corporate Drive) as shown on a map titled "City of Yonkers Department of Engineering Laying Out and Opening of Corporate Drive" prepared by Aristotle Bournazos P.C. and filed on October 3, 1989 in the Westchester County Clerk's Office as Map No. 23901;

Thence along the said southerly line of the relocated Austin Avenue, South 76 degrees 19 minutes 11 seconds East, 244.29 feet to a point;

Thence through former Tax Lot 1, South 15 degrees 41 minutes 04 seconds West, 547.51 feet and North 84 degrees 57 minutes 37 seconds West, 194.02 feet to the east aforesaid easterly line of Stew Leonard Drive as shown on said Map No. 23901;

Thence along said easterly line of Stew Leonard Drive as shown on said Map No. 23901 the following three courses and distances:

- 1) North 02 degrees 40 minutes 00 seconds East, 313.42 feet;
- 2) Northerly along the arc of a curve to the right having a radius of 730.00 feet, a central angle of 11 degrees 00 minutes 49 seconds and an arc length of 140.32 feet;
- 3) North 13 degrees 40 minutes 49 seconds East, 89.22 feet to the northerly end of the aforesaid curve having a radius of 40.00 feet and connecting the southerly line of relocated Austin Avenue with the easterly line of Stew Leonard Drive (formerly Corporate Drive);

Thence northeasterly along the arc of a curve to the right having a radius of 40.00 feet, a central angle of 90 degrees 00 minutes 00 seconds and an arc length of 62.83 feet to the Point of Beginning.

The above described parcel of land contains 140,940 square feet of land more or less or 3.23554 acres of land more or less.

F:\2015\15209\Legal Descriptions\Legal Description Portion of Tax Lot 4 located on Former Tax Lot 1 2016 07 07.doc



Site Planning
Civil Engineering
Landscape Architecture
Land Surveying
Transportation Engineering

Environmental Studies
Entitlements
Construction Services
3D Visualization
Laser Scanning

JMC Project 15209
Austin Avenue Redevelopment
City of Yonkers
Westchester County, New York
June 23, 2016

EXHIBIT B

Junior Retail Lot

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 and being more particularly described as follows:

BEGINNING at a point along the easterly line of Stew Leonard Drive (formerly Corporate Drive), said point being the northwesterly corner of the lands of the City of New York as shown on a map titled "Map of Lands & Easement to be conveyed between the City of New York & Westchester County Industrial Development Agency" prepared by Aristotle Bournazos P.C. and filed on September 5, 1991 in the Westchester County Clerk's Office as Map No. 24504;

Thence along said easterly line of Stew Leonard Drive (formerly Corporate Drive), North 02 degrees 40 minutes 00 seconds East, 44.04 feet;

Thence South 84 degrees 57 minutes 37 seconds East, 194.02 feet and North 15 degrees 41 minutes 04 seconds East, 606.46 feet to the southerly line of Austin Avenue as shown as shown on a map titled "City of Yonkers Department of Engineering Laying Out and Opening of Corporate Drive" prepared by Aristotle Bournazos P.C. and filed on October 3, 1989 in the Westchester County Clerk's Office as Map No. 23901;

Thence along said southerly line of Austin Avenue, South 72 degrees 32 minutes 57 seconds East, 15.90 feet and South 56 degrees 48 minutes 55 seconds East, 9.56 feet;

Thence the following twelve courses and distances to the easterly line of the aforesaid lands of the City of New York;

- 1) South 15 degrees 41 minutes 04 seconds West, 86.61 feet;
- 2) South 74 degrees 18 minutes 56 seconds East, 88.24 feet;
- 3) Southeasterly along the arc of a curve to the right having a radius of 42.00 feet, a central angle of 45 degrees 00 minutes 00 seconds, an arc length of 32.99 feet;
- 4) South 29 degrees 18 minutes 56 seconds East, 50.81 feet;
- 5) Southerly along the arc of a curve to the right having a radius of 25.00 feet, a central

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- angle of 40 degrees 50 minutes 07 seconds, an arc length of 17.82 feet;
- 6) South 11 degrees 31 minutes 11 seconds West, 31.09 feet;
 - 7) Southerly along the arc of a curve to the left having a radius of 85.32 feet, a central angle of 40 degrees 50 minutes 07 seconds, an arc length of 60.81 feet;
 - 8) South 29 degrees 18 minutes 56 seconds East, 218.67 feet;
 - 9) South 15 degrees 41 minutes 04 seconds West, 372.45 feet;
 - 10) North 84 degrees 57 minutes 37 seconds West, 125.02 feet;
 - 11) North 66 degrees 31 minutes 31 seconds West, 230.85 feet;
 - 12) North 84 degrees 57 minutes 37 seconds West, 18.88 feet to the easterly line of the aforesaid lands of the City of New York;

Thence along lands of said New York City, North 05 degrees 02 minutes 23 seconds East, 108.00 feet and North 84 degrees 57 minutes 37 seconds West, 161.22 feet to the Point of Beginning.

The above described parcel of land contains 223,597 square feet of land more or less or 5.13308 acres of land more or less.



Site Planning
Civil Engineering
Landscape Architecture
Land Surveying
Transportation Engineering

Environmental Studies
Entitlements
Construction Services
3D Visualization
Laser Scanning

JMC Project 15209
Austin Avenue Redevelopment
City of Yonkers
Westchester County, New York
June 23, 2016

EXHIBIT C

New Park Lot

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 and being more particularly described as follows:

BEGINNING at a point along the westerly line of Relocated Sprain Road at the southerly end of a curve having a radius of 23.00 feet and connecting the said westerly line of Relocated Sprain Road with the southerly line Relocated Austin Avenue as shown on a map titled "City of Yonkers Department of Engineering Laying Out and Opening of Corporate Drive" prepared by Aristotle Bournazos P.C. and filed on April 12, 1989 in the Westchester County Clerk's Office as Map No. 23658;

Thence along the said westerly line of relocated Sprain Road, southwesterly along the arc of a curve to the left having a radius of 907.16 feet, a central angle of 39 degrees 44 minutes 21 seconds and an arc length of 629.19 feet and being subtended by a chord bearing South 35 degrees 59 minutes 22 seconds West, 616.65 feet and South 16 degrees 07 minutes 12 seconds West, 22.63 feet to the southeasterly corner of the herein described parcel;

Thence along the southerly lines of the herein described parcel the following three courses and distances:

- 1) North 64 degrees 53 minutes 07 seconds West, 30.92 feet;
- 2) North 86 degrees 36 minutes 36 seconds West, 410.08 feet;
- 3) North 61 degrees 30 minutes 37 seconds West, 304.00 feet to the southwesterly corner of lands of the City of New York;

Thence along said lands, North 05 degrees 02 minutes 23 seconds East, 192.45 feet;

Thence the following twelve courses and distances to the southerly line of Austin Avenue as shown on a map titled "County of Westchester Survey of Lands to be conveyed by the City of Yonkers to the County of Westchester" prepared by Aristotle Bournazos P.C. and filed on April 29, 1983 in the Westchester County Clerk's Office as Map No. 21197:

- 1) South 84 degrees 57 minutes 37 seconds East, 18.88 feet;

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- 2) South 66 degrees 31 minutes 31 seconds East, 230.85 feet;
- 3) South 84 degrees 57 minutes 37 seconds East, 125.02 feet;
- 4) North 15 degrees 41 minutes 04 seconds East, 372.45 feet;
- 5) North 29 degrees 18 minutes 56 seconds West, 218.67 feet;
- 6) Northerly along the arc of a curve to the right having a radius of 85.32 feet, a central angle of 40 degrees 50 minutes 07 seconds, an arc length of 60.81 feet;
- 7) North 11 degrees 31 minutes 11 seconds East, 31.09 feet;
- 8) Northerly along the arc of a curve to the left having a radius of 25.00 feet, a central angle of 40 degrees 50 minutes 07 seconds, an arc length of 17.82 feet;
- 9) North 29 degrees 18 minutes 56 seconds West, 50.81 feet;
- 10) Northwesterly along the arc of a curve to the left having a radius of 42.00 feet, a central angle of 45 degrees 00 minutes 00 seconds, an arc length of 32.99 feet;
- 11) North 74 degrees 18 minutes 56 seconds West, 88.24 feet;
- 12) North 15 degrees 41 minutes 04 seconds East, 86.61 feet to the southerly line of Austin Avenue as shown on a map titled "County of Westchester Survey of Lands to be conveyed by the City of Yonkers to the County of Westchester" prepared by Aristotle Bournazos P.C. and filed on April 29, 1983 in the Westchester County Clerk's Office as Map No. 21197;

Thence along said southerly line of Austin Avenue the following twenty courses and distances:

- 1) South 56 degrees 48 minutes 55 seconds East, 1.76 feet;
- 2) South 49 degrees 57 minutes 47 seconds East, 16.10 feet;
- 3) South 40 degrees 59 minutes 07 seconds East, 27.27 feet;
- 4) South 37 degrees 57 minutes 47 seconds East, 50.20 feet;
- 5) South 40 degrees 37 minutes 17 seconds East, 100.91 feet;
- 6) South 35 degrees 06 minutes 57 seconds East, 27.35 feet;
- 7) South 37 degrees 03 minutes 17 seconds East, 50.50 feet;
- 8) South 30 degrees 52 minutes 47 seconds East, 175.10 feet;
- 9) South 36 degrees 06 minutes 47 seconds East, 32.42 feet;
- 10) South 47 degrees 54 minutes 47 seconds East, 64.00 feet;
- 11) North 85 degrees 53 minutes 14 seconds East, 129.91 feet;
- 12) North 77 degrees 38 minutes 34 seconds East, 25.06 feet;
- 13) North 65 degrees 41 minutes 34 seconds East, 26.03 feet;
- 14) North 89 degrees 30 minutes 14 seconds East, 25.23 feet;
- 15) South 71 degrees 31 minutes 56 seconds East, 54.72 feet;
- 16) South 77 degrees 50 minutes 06 seconds East, 150.09 feet;
- 17) South 76 degrees 02 minutes 26 seconds East, 74.45 feet;
- 18) South 57 degrees 47 minutes 06 seconds East, 33.00 feet;
- 19) South 70 degrees 04 minutes 46 seconds East, 27.91 feet;
- 20) South 26 degrees 39 minutes 54 seconds East, 1.65 feet to the westerly line of Sprain Road as shown on said Map No. 21197;

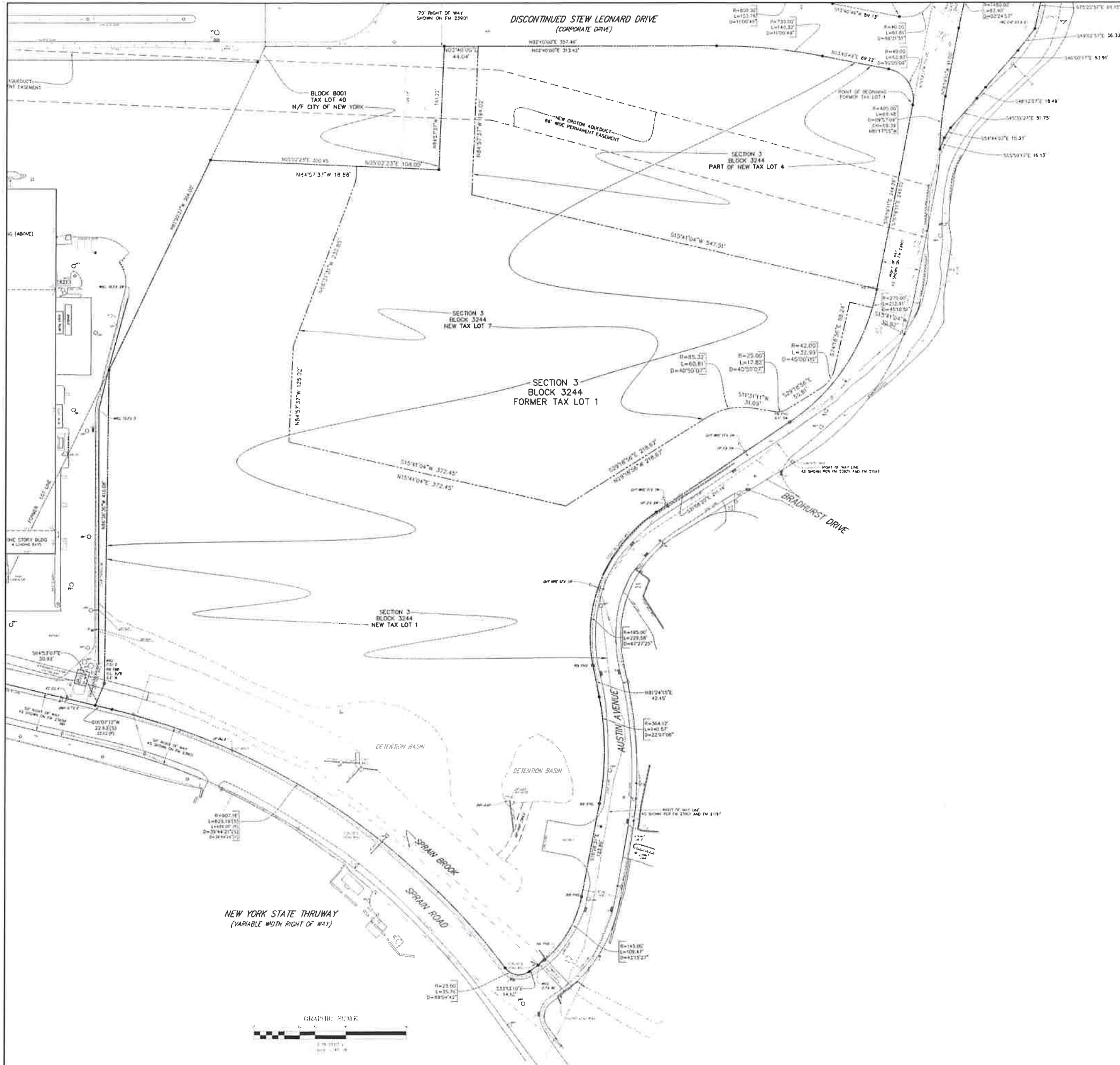
Thence along said westerly line of Sprain Road, South 62 degrees 28 minutes 59 seconds West, 8.36 feet and southwesterly along the arc of a curve to the left having a radius of 675.00 feet, a central angle of 03 degrees 24 minutes 57 seconds and an arc length of 40.24 feet to the

southerly line Relocated Austin Avenue as shown on a map titled "City of Yonkers Department of Engineering Laying Out and Opening of Corporate Drive" prepared by Aristotle Bournazos P.C. and filed on April 12, 1989 in the Westchester County Clerk's Office as Map No. 23658;

Thence along the said southerly line of the Relocated Austin Avenue, southeasterly along the arc of a curve to the right having a radius of 145.00 feet, a central angle of 04 degrees 22 minutes 57 seconds, an arc length of 11.09 feet and being subtended by a chord bearing South 35 degrees 24 minutes 38 seconds East, 11.09 feet and South 33 degrees 13 minutes 10 seconds East, 14.12 feet to the southeasterly end of a curve having a radius of 23.00 feet and connecting the said southerly line of the relocated Austin Avenue with the westerly line of relocated Sprain Road as shown on a map titled "City of Yonkers Department of Engineering Laying Out and Opening of Corporate Drive" prepared by Aristotle Bournazos P.C. and filed on April 12, 1989 in the Westchester County Clerk's Office as Map No. 23658;

Thence southwesterly along said arc of a curve to the right having a radius of 23.00 feet, a central angle of 89 degrees 04 minutes 42 seconds and an arc length of 35.76 feet to the Point of Beginning.

The above described parcel of land contains 430,659 square feet of land more or less or 9.88657 acres of land more or less.



DATE	
SCALE	
PROJECT	

THE MORRIS COMPANIES
355 VEBERAS BOULEVARD
ROSELAND, NY 07068

JMC Planning, Engineering, Landscaping
100 West 10th Street, Suite 200
New York, NY 10011
Tel: 212-691-1000
www.jmcplanning.com



EXHIBIT MAP OF FORMER TAX LOT 1

AUSTIN AVENUE MIXED USE DEVELOPMENT
CITY OF FORTUNE, WESTCHESTER COUNTY, STATE OF NEW YORK



EX-LOT 1

□ □ □ e □ di □ D
□ □ D Debris □ i □ e Dis □ □ s □ □
D □ □ □ □ e □ □ □ □ i □ □

Metro Green, LLC
100A Oak Street
Mount Vernon, NY 10550

12/13/2016

SALE

Total:

Recyle

American Express xxxxxxxxxxx1001
Exp. Date: xx / xx
Name: Michael Harnist

20 yarder - Con

Auth. Code: 262452
Trans. ID: PK0072071465

QuickBooks Trans. No: 8572
Merchant No.: 5247710023474026

Thank you for your business

WEST NYACK TRANSFER STATION
183 WESTERN HIGHWAY
WEST NYACK, NY 10994

Ticket: 193332
Date: 12/15/2016
Time: 11:48:38 - 12:01:42
Scale

Truck: 22868MJ
Customer: 101050662/Value Carting Corp.

Gross: 52880 lb In Scale 1
Tare: 34960 lb Out Scale 1
Net: 17920 lb

Truck Type: ROLL OFF

Garbage

Comment:

Origin	Materials & Services	Quantity	Unit
WESTCHEST/Westchester County	SW000/MUNICIPAL SOLID WASTE	8.96	Ton
WESTCHEST/Westchester County	FUELSUR/FUEL SURCHARGE		

Driver: *[Signature]*

Deputy Weighmaster: *[Signature]*
JANET HALECKY





20
YD

M A G E N T A

914 - 969 - 6494

718 - 881 - 1500



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