

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
BROWNFIELD CLEANUP PROGRAM  
ECL §27-140 1 *et. seq.*

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In the Matter of a Remedial Program for

**BROWNFIELD SITE  
CLEANUP AGREEMENT**  
**Index No.: C360070-12-10**  
**Amendment No.: 1 (West Parcel)**

Former General Motors North Tarrytown  
DEC Site No.: C360070  
Located at: 199 BEEKMAN AVENUE  
Westchester County  
SLEEPY HOLLOW, NY 10591

Hereinafter referred to as "Site"

by:

General Motors LLC  
30200 Mound Road, Warren, MI 48090-9010

Hereinafter referred to as "Applicant"

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**WHEREAS**, the Department of Environmental Conservation (the "Department") is authorized to administer the Brownfield Cleanup Program set forth in Article 27, Title 14 of the Environmental Conservation Law ("ECL"); and

**WHEREAS**, the original redevelopment plans for the Former General Motors North Tarrytown Site anticipated that the Site would be redeveloped as two parcels thus the Department and General Motors Corporation, as a Participant, entered into companion Brownfield Cleanup Agreements for the Site, East Parcel (Index # A3-0513-0305) and West Parcel (Index # A3-0514-0305), each executed with an effective date of May 12, 2005; and

**WHEREAS**, after the General Motors Corporation bankruptcy, the Department and General Motors LLC, as a Participant, entered into Brownfield Cleanup Agreements (Index No.: C36070-12-10, for the West Parcel and Index No.: C36070-12-10, for the East Parcel) each dated December 31, 2010 (the "BCAs"); and

**WHEREAS**, the Applicant, in order to facilitate redevelopment of the Site, submitted an application to amend the BCAs to (i) divide the site into two separate sites and (ii) exclude lands under water from the site; which application was received by the Department on April 2, 2013; and

**WHEREAS**, the BCAs incorrectly identified the tax map numbers for the East Parcel and the West Parcel as being from the Village of Sleepy Hollow Tax Map instead of the Town of Mount Pleasant Tax Map; and

**WHEREAS**, the Town of Mount Pleasant has updated its Tax Map and the numbers reflected in the BCAs are no longer accurate; and

**WHEREAS**, the Department is willing to grant the Applicant's April 2, 2013 request, and desires to ensure that the correct the tax map information is referenced in the BCA.

**NOW, THEREFORE**, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO AMEND THE BCA FOR THE WEST PARCEL AS FOLLOWS:

I. Former General Motors North Tarrytown West Parcel

A. The real property described in the Brownfield Cleanup Agreement (the "BCA" or "Agreement") as the "West Parcel" and designated as Village of Sleepy Hollow as Tax Section 15, Block 1, Lot 1 and Section 16, Block 2, Lot 27, is now identified as Town of Mount Pleasant Tax Map Parcel ID 115.10-1-1, excluding lands under water<sup>1</sup> and Tax Map Parcel ID 115.15-1-1 ("Former General Motors North Tarrytown West Parcel Site" or the "West Parcel Site"), and further defined by the metes and bounds description attached hereto as Exhibit "A".

B. The West Parcel Site retains DEC Site Number C360070.

II. This Amendment is made in accordance with and subject to all of the BCA West Parcel (Index No.: C36070-12-10) and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

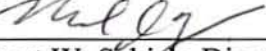
III. The West Parcel Site is part of the parcel that was covered by the original BCA West Parcel (Index # A3-0514-0305) which was executed with an effective date of May 12, 2005. The effective date of the BCA for the West Parcel, Index No.: C36070-12-10, as amended by this Amendment is also May 12, 2005.

DATED:

AUG 20 2013

JOSEPH J. MARTENS  
COMMISSIONER  
NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By:

  
Robert W. Schick, Director  
Division of Environmental Remediation

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<sup>1</sup> The term "lands under water" is defined as lands below the mean high water level.

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement, waives Applicant=s right to a hearing herein as provided by law, and agrees to be bound by this Agreement.

**General Motors LLC**

By: William J. McFarland

Title: Director, Remediation

Date: 8-1-13

STATE OF NEW YORK     )  
                                      ) s.s.:  
COUNTY OF                 )

On the 01 day of August, in the year 2013, before me, the undersigned, personally appeared William J McFarland, 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.

Alicia Malmgren  
Signature and Office of individual  
taking acknowledgment

ALLICIA MALMGREN  
Notary Public, State of Michigan  
County of Macomb  
My Commission Expires 04-03-2015  
Acting in the County of Macomb

## Exhibit "A"

### Part of Sec 115.10 Block 1 Lot 1 (lands under water excluded)

Beginning at a point being the intersection of the northwesterly right of way line of Beekman Avenue with the westerly line of Metro North Railroad Hudson Division, and from said beginning point running thence

Running the following courses along said Beekman Avenue:

1. South 66°16'16" West a distance of 446.25 feet to a point, thence
2. South 57°14'09" West a distance of 50.11 feet to a point, thence
3. South 31°27'03" West a distance of 75.00 feet to a point, thence
4. South 15°31'03" West a distance of 72.00 feet to a point, thence
5. South 12°42'03" West a distance of 66.00 feet to a point, thence
6. South 25°32'57" East a distance of 40.78 feet to a point, thence
7. North 76°11'17" West a distance of 42.65 feet to a point, thence

8. Along the northerly line of land of Ichabod's Landings, LLC, South 81°31'03" West a distance of 450.67 feet to a point on the existing mean high water line on the Hudson River, thence

Running the following courses along said mean high water line:

9. North 15°55'38" West a distance of 15.85 feet to a point, thence
10. North 74°22'39" West a distance of 15.89 feet to a point, thence
11. North 67°37'09" West a distance of 11.75 feet to a point, thence
12. North 56°07'32" West a distance of 24.70 feet to a point, thence
13. North 61°04'34" West a distance of 60.56 feet to a point, thence
14. North 59°46'47" West a distance of 31.08 feet to a point, thence
15. North 64°18'58" West a distance of 24.09 feet to a point, thence
16. North 60°44'24" West a distance of 44.64 feet to a point, thence
17. North 55°59'58" West a distance of 26.22 feet to a point, thence
18. North 61°06'07" West a distance of 40.07 feet to a point, thence
19. North 57°27'12" West a distance of 37.22 feet to a point, thence
20. North 59°51'38" West a distance of 53.21 feet to a point, thence
21. North 60°17'53" West a distance of 94.29 feet to a point, thence
22. North 59°14'40" West a distance of 21.54 feet to a point, thence
23. North 61°35'12" West a distance of 51.84 feet to a point, thence
24. North 60°21'50" West a distance of 75.03 feet to a point, thence
25. North 59°03'40" West a distance of 78.20 feet to a point, thence
26. North 61°23'15" West a distance of 33.63 feet to a point, thence
27. North 60°53'50" West a distance of 27.19 feet to a point, thence
28. North 56°11'12" West a distance of 22.66 feet to a point, thence



29. North 60°01'09" West a distance of 38.42 feet to a point, thence
30. North 60°12'45" West a distance of 44.24 feet to a point, thence
31. North 64°16'43" West a distance of 18.80 feet to a point, thence
32. North 59°12'57" West a distance of 28.33 feet to a point, thence
33. North 58°21'12" West a distance of 50.44 feet to a point, thence
34. North 61°51'01" West a distance of 4.98 feet to a point, thence
35. North 48°29'40" West a distance of 4.20 feet to a point, thence
36. North 19°05'44" West a distance of 11.03 feet to a point, thence
37. North 04°21'03" West a distance of 8.24 feet to a point, thence
38. North 03°41'31" East a distance of 29.91 feet to a point, thence
39. North 10°38'11" East a distance of 11.51 feet to a point, thence
40. North 01°14'27" East a distance of 36.46 feet to a point, thence
41. North 04°53'02" East a distance of 11.58 feet to a point, thence
42. North 15°45'35" East a distance of 8.77 feet to a point, thence
43. North 03°19'25" East a distance of 22.47 feet to a point, thence
44. North 03°59'46" East a distance of 26.28 feet to a point, thence
45. North 03°55'26" West a distance of 6.85 feet to a point, thence
46. North 06°39'45" East a distance of 20.93 feet to a point, thence
47. North 05°27'30" East a distance of 32.08 feet to a point, thence
48. North 09°15'05" East a distance of 27.32 feet to a point, thence
49. North 04°20'44" East a distance of 43.78 feet to a point, thence
50. North 12°18'59" East a distance of 9.53 feet to a point, thence
51. North 03°50'09" East a distance of 20.16 feet to a point, thence
52. North 10°19'25" East a distance of 8.07 feet to a point, thence
53. North 00°24'19" East a distance of 10.49 feet to a point, thence
54. North 15°25'08" East a distance of 7.21 feet to a point, thence
55. North 08°24'33" West a distance of 5.19 feet to a point, thence
56. North 01°22'31" East a distance of 32.21 feet to a point, thence
57. North 12°33'50" East a distance of 8.05 feet to a point, thence
58. North 06°51'41" West a distance of 4.96 feet to a point, thence
59. North 55°30'30" West a distance of 2.51 feet to a point, thence
60. North 27°38'14" West a distance of 13.22 feet to a point, thence
61. North 21°13'43" West a distance of 8.92 feet to a point, thence
62. North 42°11'37" East a distance of 10.79 feet to a point, thence
63. North 29°31'09" East a distance of 10.40 feet to a point, thence
64. North 03°42'26" East a distance of 66.76 feet to a point, thence
65. North 07°26'28" East a distance of 32.70 feet to a point, thence
66. North 05°39'59" East a distance of 37.42 feet to a point, thence
67. North 04°09'18" East a distance of 18.42 feet to a point, thence
68. North 01°13'47" East a distance of 42.50 feet to a point, thence
69. North 03°45'49" East a distance of 29.79 feet to a point, thence
70. North 04°08'06" East a distance of 77.49 feet to a point, thence
71. North 04°48'03" East a distance of 17.20 feet to a point, thence

72. North 02°59'47" East a distance of 31.48 feet to a point, thence
73. North 04°47'31" East a distance of 66.68 feet to a point, thence
74. North 04°54'32" East a distance of 72.51 feet to a point, thence
75. North 07°52'27" East a distance of 15.20 feet to a point, thence
76. North 08°38'55" East a distance of 26.14 feet to a point, thence
77. North 12°49'47" East a distance of 6.32 feet to a point, thence
78. North 24°30'19" East a distance of 7.75 feet to a point, thence
79. North 40°15'46" East a distance of 7.65 feet to a point, thence
80. North 61°13'09" East a distance of 7.67 feet to a point, thence
81. North 82°16'46" East a distance of 7.33 feet to a point, thence
82. North 89°10'56" East a distance of 49.93 feet to a point, thence
83. South 89°51'04" East a distance of 64.82 feet to a point, thence
84. North 87°37'45" East a distance of 85.40 feet to a point, thence
85. North 81°08'06" East a distance of 13.97 feet to a point, thence
86. North 68°57'37" East a distance of 12.86 feet to a point, thence

Running the following courses along lands of the County of Westchester:

87. North 89°42'03" East a distance of 57.48 feet to a point, thence
88. North 36°43'33" West a distance of 24.12 feet to a point, thence
89. North 21°48'11" East a distance of 730.79 feet to a point, thence
90. South 68°11'49" East a distance of 84.40 feet to a point, thence
91. North 30°59'26" East a distance of 765.62 feet to a point, thence

Running the following courses along the above referenced Metro North Railroad Hudson Division:

92. South 08°48'03" East a distance of 622.25 feet to a point, thence
93. South 33°23'31" East a distance of 173.77 feet to a point, thence
94. South 14°39'31" East a distance of 215.17 feet to a point, thence
95. Along the arc of a non-tangent curve to the left having a radius of 8133.45 feet, turning a central angle of 07°19'23", for an arc length of 1039.56 feet, the chord of which bears South 17°52'51" East for a distance of 1038.85 feet to a point, thence
96. South 32°19'18" East a distance of 102.27 feet to a point, thence
97. South 20°37'50" East a distance of 299.70 feet to the point and place of beginning.

Containing 2,831,110 square feet or 64.9933 acres of land.

Sec. 115.15 Block 1 Lot 1

Beginning at a point being the intersection of the southeasterly line of Beekman Avenue with the southwesterly line of Hudson Street, and from said beginning point running thence

1. Along said Hudson Street, South 41°19'14" East a distance of 219.07 feet to a point, thence

2. Running along the northwesterly line of lands of the Village of Sleepy Hollow, South  $51^{\circ}37'16''$  West a distance of 97.16 feet to a point, thence

Running the following courses along the northwesterly line of lands of Louise Bracchitta:

3. North  $56^{\circ}16'34''$  West a distance of 2.10 feet to a point, thence
4. South  $61^{\circ}15'56''$  West a distance of 89.00 feet to a point, thence
5. South  $23^{\circ}34'16''$  West a distance of 83.58 feet to a point, thence

Running the following courses along the northeasterly line of River Street:

6. North  $65^{\circ}11'45''$  West a distance of 135.00 feet to a point, thence
7. North  $50^{\circ}56'24''$  West a distance of 38.83 feet to a point, thence
8. North  $31^{\circ}11'24''$  West a distance of 30.81 feet to a point, thence
9. North  $17^{\circ}14'24''$  West a distance of 26.95 feet to a point, thence
10. North  $04^{\circ}31'24''$  West a distance of 25.32 feet to a point, thence

Running the following courses along the southeasterly line of Beekman Avenue:

11. North  $06^{\circ}51'36''$  East a distance of 25.02 feet to a point, thence
12. North  $20^{\circ}12'36''$  East a distance of 25.96 feet to a point, thence
13. North  $26^{\circ}21'36''$  East a distance of 26.92 feet to a point, thence
14. North  $38^{\circ}46'36''$  East a distance of 30.23 feet to a point, thence
15. North  $54^{\circ}59'56''$  East a distance of 39.33 feet to a point, thence
16. North  $66^{\circ}16'16''$  East a distance of 162.00 feet to the point and place of beginning.

Containing 73,122 square feet or 1.6787 acres of land.

Total West Parcel Site Area:

2,904,232 square feet or 66.6720 Ac.