

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
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www.dec.ny.gov

Eric Wolf
Teutonia Buena Vista LLC
c/o Kohl Corporate Offices
225 Route 303, Suite 201
Congers, NY 10920

SEP 25 2017

Alan Litt
Buena Vista 53, LLC
c/o Kohl Corporate Offices
225 Route 303, Suite 201
Congers, NY 10920

Re: Certificate of Completion
Former Teutonia Hall Site, Yonkers
(Westchester County), Site No. C360085

Dear Mr. Wolf and Mr. Litt:

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

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

- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to the Department's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:



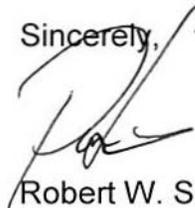
Department of
Environmental
Conservation

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

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in December 2018.

If you have any questions regarding any of these items, please contact Michael Haggerty at 518-402-9768.

Sincerely,



Robert W. Schick, P.E.
Director

Division of Environmental Remediation

Ec w/ Enc:

J. Ashley, P.E. – Dubois & King, Inc. (jashley@dubois-king.com)

L. Shaw, Esq. – Knauf Shaw LLP (lshaw@nyenvlaw.com)

M. Haggerty

D. Tuohy

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

Name

Address

Teutonia Buena Vista, LLC
Buena Vista 53, LLC

c/o Kohl Corporate Offices, 225 Route 303, Suite 201 Congers, NY 10920
c/o Kohl Corporate Offices, 225 Route 303, Suite 201 Congers, NY 10920

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 10/25/05 **Agreement Execution:** 11/21/05 **Agreement Index** A3-0529-1005

Application Approval Amendment: 4/16/07 **Agreement Execution Amendment:** 4/16/07

Application Approval Amendment: 10/7/15 **Agreement Execution Amendment:** 10/7/15

SITE INFORMATION:

Site No.: C360085 **Site Name:** Former Teutonia Hall Site

Site Owner: Teutonia Buena Vista, LLC

Street Address: 55 Buena Vista Avenue

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

Site Size: 0.788 Acres

Tax Map Identification Number(s): 1-512-11

Percentage of site located in an EnZone: 100 %

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

CERTIFICATE ISSUANCE

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

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

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

Track 2 Area: see Track 2 property description and site survey map exhibits

Allowable Uses under the BCP: Restricted-Residential, Commercial, and Industrial

Cleanup Track: Track 2: Restricted use with generic soil cleanup objectives

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

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

Tangible Property Credit Component Rate is 20 %.

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

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

Tangible Property Credit Component Rate is 18 %.

Conditional Track 1 Area: see Track 1 property description and site survey map exhibits

Allowable Uses under the BCP: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial

Cleanup Track: Conditional Track 1: Unrestricted use, provided however that the remedial goals for soil vapor intrusion are achieved within five years of the date of the Certificate. If those goals are not achieved within five years, this Certificate shall be modified to a Track 2 Residential cleanup.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 22 %.

Tangible Property Credit Component Rate is 22 %.

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

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

Tangible Property Credit Component Rate is 20 %.

The Remedial Program includes use restrictions or reliance on the long-term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Westchester County as 553233255 and 563193526.

LIABILITY LIMITATION

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

CERTIFICATE TRANSFERABILITY

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

CERTIFICATE MODIFICATION/REVOCATION

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

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

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

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

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

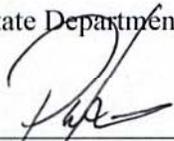
(5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;

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

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

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By:



Robert W. Schick, P.E., Director
Division of Environmental Remediation

Date: September 25, 2017

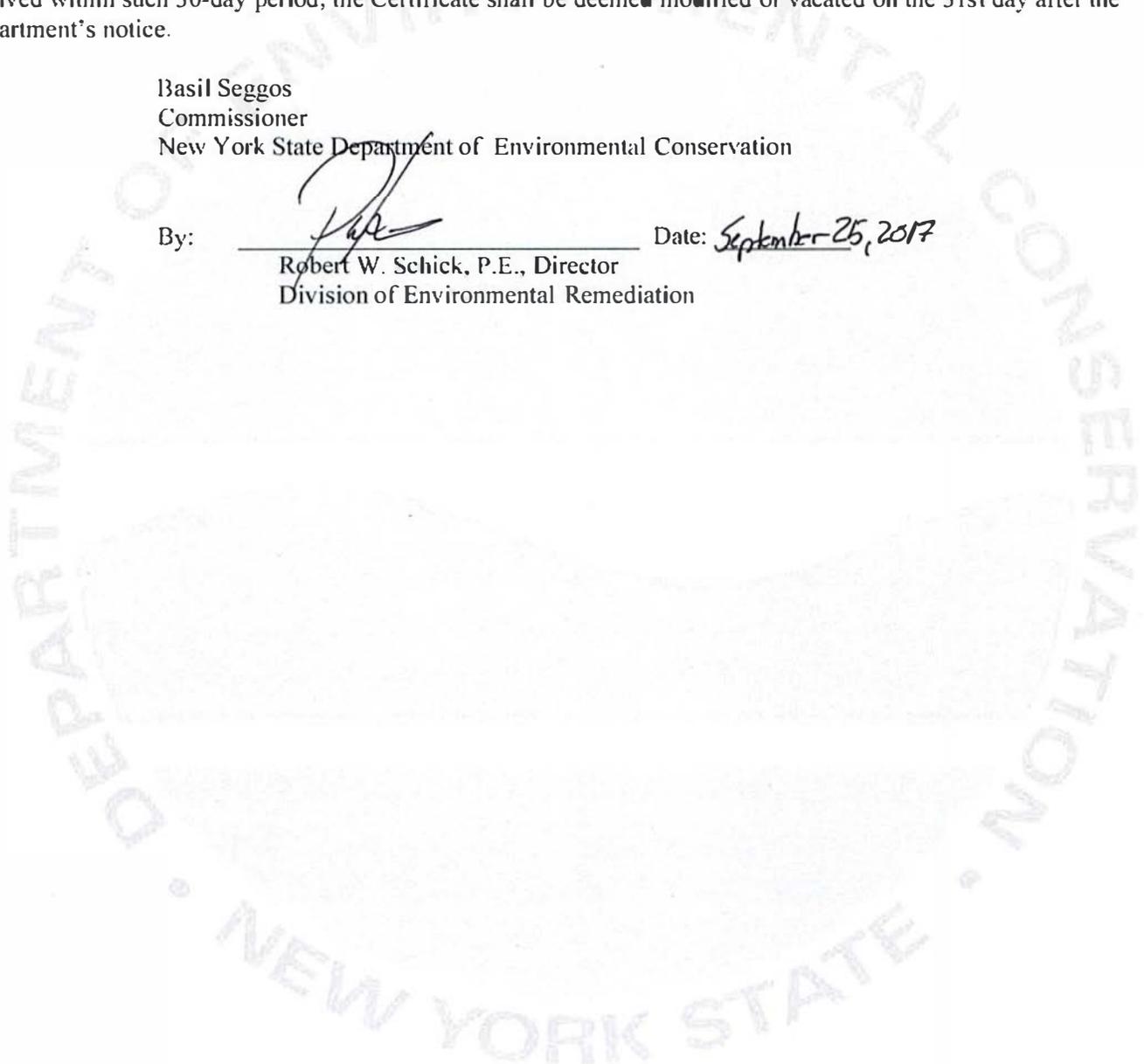


Exhibit A

Property Description

LEGAL DESCRIPTIONS

TRACK 1 LEGAL DESCRIPTION

Commencing at a point along the southerly lot line of Lot 1 in Block 512, and a distance of 33.00 feet westerly from the Point of Beginning. Point of beginning being a point along the westerly side of Buena Vista Avenue distant 266.25 feet southerly from the corner formed by the intersection of the said westerly line of Buena Vista Avenue with the southerly line of Main Street;

Running thence westerly on a bearing of North 75 Degrees 02 Minutes 28 Seconds West, a distance of 91.06 feet to a point along the easterly line of land now or formerly of New York Central and Hudson River Railroad Company, a/k/a Block 7000 Lot 1;

Running thence southerly along said easterly line of land now or formerly of New York Central and Hudson River Railroad Company, on a curve bearing to the left having a radius of 2,475.00 feet and a central angle of 6 degrees 13 Minutes and 20 seconds, for a distance of 268.78 feet to a point;

Thence easterly on a line at right angles to Buena Vista Avenue, South 80 degrees 22 minutes 28 seconds East for a distance of 99.43 feet to a point;

Thence northerly North 09 Degrees 37 Minutes 32 Seconds East, a distance of 260.04 feet to the Point or Place of Commencement.

Parcel contains a two dimensional area of 25,789.7 square feet or 0.5920 Acres.

TRACK 2 LEGAL DESCRIPTION

All that certain plot, piece or parcel of land, situate, lying and being in the City of Yonkers, County of Westchester and State of New York, being more particularly bounded and described as follows:

Beginning at a point along the westerly side of Buena Vista Avenue distant 266.25 feet southerly from the corner formed by the intersection of the said westerly line of Buena Vista Avenue with the southerly line of Main Street;

Running thence westerly North 75 Degrees 2 Minutes 28 Seconds West, a distance of 33.14 feet to a point;

Thence southerly South 09 Degrees 37 Minutes 32 Seconds West a distance of 260.04 feet to a point;

Thence easterly on a line at right angles to Buena Vista Avenue, South 80 Degrees 22 Minutes 28 Seconds East for a distance of 33.00 feet to a point along the westerly side of Buena Vista Avenue;

Thence northerly along said westerly line of Buena Vista Avenue North 09 Degrees 37 Minutes 32 Seconds East, a distance of 256.96 feet to the Point or Place of Beginning.

Said property being a portion of Block 512, Lot 11 (formerly Lots 11, 13, 15 and 17).

Parcel contains a two dimensional area of 8,530.3 square feet or 0.1958 acres.

Exhibit B

Site Survey

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

Former Teutonia Hall Site, Site ID No. C360085
Site Address: 55 Buena Vista Avenue, Yonkers NY 10701
Yonkers, Westchester County, Tax Map Identification Number: 1-512-11

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Teutonia Buena Vista, LLC and Buena Vista 53, LLC for a parcel approximately 0.788 acres located at the 55 Buena Vista Avenue in the City of Yonkers, Westchester County.

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

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

For the portion of the Controlled Property consisting of 0.5920 acres as described in Exhibits A and B of the Certificate, Unrestricted use, as set forth in 6 NYCRR 375-1.8(g)(1)i, provided however that the remedial goals for soil vapor intrusion are achieved within five years of the date of the Certificate. If those goals are not achieved within five years, this Certificate shall be modified to a Track 2 Residential cleanup and Residential Use as described in 6 NYCRR Part 375-1.8(g)(2)(i), Restricted Residential Use as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial Use as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial Use as described in 6 NYCRR Part 375-1.8(g)(2)(iv) shall apply,

For the portion of the Controlled Property consisting of 0.1958 acres as described in Exhibits A and B of the Certificate, Restricted Residential Use as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial Use as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial Use as described in 6 NYCRR Part 375-1.8(g)(2)(iv) shall apply but not Unrestricted or Residential Uses.

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

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long-term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Westchester County as 553233255 and 563193526.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations

Former Teutonia Hall Site, Site No. C360085, 55 Buena Vista Avenue, Yonkers 10701

on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

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

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

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

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

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

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

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

WHEREFORE, the undersigned has signed this Notice of Certificate

Teutonia Buena Vista, LLC

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20___, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

Please record and return to:
Eric Wolf
Teutonia Buena Vista, LLC
c/o Kohl Corporate Offices
225 Route 303, Suite 201
Congers, NY 10920



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 9/25/2017



SITE DESCRIPTION

SITE NO. C360085

SITE NAME Former Teutonia Hall Site

SITE ADDRESS: 55 Buena Vista Avenue ZIP CODE: 10701

CITY/TOWN: Yonkers

COUNTY: Westchester

ALLOWABLE USE: Conditional Track 1 Area: Unrestricted, Residential, Restricted-Residential, Commercial, Industrial; Track 2 Area: Restricted-Residential, Commercial, Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 12/30/2018

Description of Institutional Control

Teutonia Buena Vista LLC
 225 Route 303, Suite 201
55 Buena Vista Avenue
 Environmental Easement
 Block: 512
 Lot: 11
 Sublot:
 Section: 1
 Subsection:

- S_B_L Image: 1-512-11
- Ground Water Use Restriction
- IC/EC Plan
- Landuse Restriction
- Monitoring Plan
- Site Management Plan
- Soil Management Plan

Description of Engineering Control

