

**Former Teutonia Hall  
55 Buena Vista Avenue  
YONKERS, WESTCHESTER, NEW YORK**

---

**Periodic Review Report**

**NYSDEC BCP Site Number: C360085**

**Prepared for:**  
Yonkers BV AMS, LLC

**Prepared by:**

D&K Consulting Engineers, P.C.  
27 Center Street  
Brandon, Vermont 05733  
802-465-8395

HydroEnvironmental Solutions, Inc.  
Two Center Street, P.O. Box 929  
Croton Falls, New York 10519  
914-276-2560

---

**MAY 2025**

**CERTIFICATION STATEMENT**

I Jonathan B. Ashley certify that I am currently a NYS registered professional engineer as defined in 6 NYCRR Part 375 and that this Periodic Review Report was prepared in accordance with all applicable statutes and regulations and in substantial conformance with the DER Technical Guidance for Site Investigation and Remediation (DER-10).



P.E. 05-21-2025 DATE

**Former Teutonia Hall  
Westchester County  
Yonkers, New York  
PERIODIC REVIEW REPORT**

**Table of Contents**

I.	EXECUTIVE SUMMARY .....	4
II.	SITE OVERVIEW .....	45
A.	Site Location and Description.....	45
B.	Remedial Program History .....	5
III.	EVALUATE REMEDY PERFORMANCE, EFFECTIVENESS, AND PROTECTIVENESS .....	5
IV.	INSTITUTIONAL CONTROL/ENGINEERING CONTROL PLAN COMPLIANCE REPORT .....	6
A.	Institutional Control Requirements and Compliance .....	6
B.	Engineering Control Requirements.....	78
C.	Institutional and Engineering Control Certification.....	78
V.	MONITORING PLAN COMPLIANCE REPORT .....	8
VI.	OPERATION & MAINTENANCE PLAN COMPLIANCE REPORT .....	89
A.	Conclusions .....	89
B.	Recommendations .....	9

## **List of Tables**

---

Table 1 – Summary of Remaining Soil Exceeding Track 2 Restricted Residential SCOs

Table 2 – Summary of Post-Remediation Soil Vapor Sampling

## **List of Figures**

---

Figure 1 – Site Location Map

Figure 2 – Site Plan Showing central/western Track 2 area and eastern Track 2 Areas

Figure 3 – Site Plan Showing Sampling Locations

Figure 4 – Remaining Soil Above Restricted Residential SCOs

Figure 5 – Remaining Soil Vapor Detections

## **List of Appendices**

---

Appendix A – Environmental Easement

Appendix B – Photographs of Site and Silt Fencing

Appendix C – NYSDEC Institutional and Engineering Controls Certification Form

Appendix D – BCA Amendment – BCP Site Boundary Reduction, Submitted October 2021

## I. EXECUTIVE SUMMARY

This document, the Periodic Review Report (PRR), is required as an element of the remedial program at 55 Buena Vista Avenue in Yonkers, New York, (**Figure 1**) under the New York State (NYS) Brownfield Cleanup Program (BCP) administered by the New York State Department of Environmental Conservation (NYSDEC). The PRR documents the implementation of and compliance with Site specific requirements set forth in the Site Management Plan (SMP).

Based on the initial investigation work, surface soil, subsurface soil, and soil vapor contamination was detected at the Site above applicable NYSDEC standards. The remedy largely consisted of the excavation of contaminated soils encountered from 0 - 21 feet below grade surface (bgs) in the central and western portion of Site, up to the boundary of the eastern Track 2 Restricted Residential area where a 1.5:1 slope was formed from Buena Vista Avenue to the bottom of the central/western area of the Site in order to not cause subsidence of the adjacent sidewalk and street.

The central/western area soil quality results indicate that all end-point samples achieved Track 2 cleanup levels. The eastern area soil quality results indicate that SVOCs exceeded Track 2 cleanup levels and remain on-site. Silt fencing and hay bales were placed at the boundary between the central/western and eastern cleanup areas to prevent potential migration of contaminated soil from the slope in the eastern area to the central/western area by erosion. The silt fence was replaced in January of 2023. Hay bales were not replaced at this time, as the old hay bales installed in 2022 are still intact.

All Institutional Controls and Engineering Controls for the Site are being adhered to and remain valid. Under current Site conditions (undeveloped), no active monitoring and sampling or operation and maintenance of any mechanical systems is required. To remain in compliance with the Site Management Plan, all inspections, monitoring, maintenance, reporting, and IC/EC Controls must continue to be followed. A PRR shall be submitted annually to the NYSDEC, or at another frequency as may be required by the Department.

## II. SITE OVERVIEW

### A. Site Location and Description

Teutonia Buena Vista, LLC and Buena Vista 53, LLC entered into a Brownfield Cleanup Agreement (BCA) with the NYSDEC to remediate a 0.788-acre property located at 55 Buena Vista Avenue in Yonkers, Westchester County, New York (**Figure 1**). A figure showing the Site location and boundaries of the 0.788-acre Site is provided in **Figure 2**. The boundaries of the Site are more fully described in the metes and bounds Site description that is part of the Environmental Easement included in **Appendix A**. Yonkers BV AMS, LLC assumed ownership and control of this site on October 29, 2018, at which time the certificate of completion was transferred to this entity.

The Site is bounded to the west by the Metro North/Amtrak active railroad line, to the north by a recently constructed commercial and residential hi-rise building, to the east by Buena Vista Avenue, and to the south by a preschool (**Figure 2**). The Site presently consists of a vacant lot. The Site was rezoned as an overlay downtown district (D-MX) which allows for high-rise residential apartment buildings. It was previously zoned commercial/industrial.

Based on the Remedial Work Plan prepared by ARCADIS, dated September 2011, surface soil, subsurface soil, and soil vapor contamination was detected at the Site above applicable NYSDEC standards. Surface soil samples collected at depths ranging from 0 to 2 feet below ground surface (bgs) indicated that several polycyclic aromatic hydrocarbons (PAHs) and metals were detected at concentrations exceeding NYSDEC Unrestricted Use Soil Cleanup Objectives (UUSCOs). Subsurface soil sampling indicated that xylenes, tetrachloroethylene (PCE), PAHs, and/or metals were detected at concentrations exceeding NYSDEC Unrestricted Use SCOs at several locations. None of these constituents were detected above NYSDEC SCOs at depths below 16 feet bgs. Soil vapor samples collected from beneath former on-Site buildings detected PCE and trichloroethylene (TCE) at concentrations greater than the NYSDOH indoor air guidance criteria.

#### **B. Remedial Program History**

The remedy largely consisted of the excavation of contaminated soils encountered from 0 - 21 feet below grade surface (bgs) in the central/western Track 2 area up to the boundary of the eastern Track 2 area, where a 1.5:1 slope was formed from Buena Vista Avenue to the bottom of the central/western cleanup area of the Site in order to not cause subsidence of the adjacent sidewalk and street. A Site plan showing the soil and soil vapor point sampling locations is attached as **Figure 3**.

### **III. EVALUATE REMEDY PERFORMANCE, EFFECTIVENESS, AND PROTECTIVENESS**

The central/western Track 2 area soil quality results indicate that all end-point samples achieved compliance with the Track 2 cleanup levels (Restricted Residential Use).

The eastern Track 2 area soil quality results indicate that at sampling location SB-6 18-20 ftbg, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene and indeno(1,2,3-cd)pyrene exceeded Track 2 Restricted Residential SCOs.

During the inspection conducted by HES on February 21, 2025, the new silt fencing placed at the boundary between the central/western and eastern cleanup areas was found to be in good condition. The silt fence is placed along the upslope edge with hay bales that are installed on the downslope side of the silt fence. HES determined that the existing hay bales and the silt fence are sufficient to prevent the transport of sediment downslope. Photographs of the silt fence are included in **Appendix B**.

. **Table 1** and **Figure 4** summarize the results of all soil sampling locations after completion of the remedial action where soil contaminant concentrations exceed the SCOs for Restricted Residential (Track 2) use of the Site.

Several VOCs, including 2-butanone, acetone, chloroform, propylene and PCE, were detected in the soil vapor samples collected after the completion of Remedial Action. **Table 2** and **Figure 5** summarize the results of all soil vapor sampling concentrations detected at the Site after completion of the Remedial Action.

Groundwater was not encountered during any of the test boring and soil sampling activities conducted in 2014. During initial investigations, saturated conditions were observed in the overburden at 32 ftbgs at SB-7D, and at 44 ftbgs at a temporary groundwater well (Arcadis findings). However, no other locations displayed evidence of saturated soils. Regional groundwater is presumed to be in the underlying bedrock with a flow direction to the west towards the Hudson River.

#### **IV. INSTITUTIONAL CONTROL/ENGINEERING CONTROL PLAN COMPLIANCE REPORT**

##### **A. Institutional Control Requirements and Compliance**

A series of Institutional Controls is required by the NYSDEC approved RAWP to: (1) implement, maintain and monitor potential Engineering Control systems; (2) prevent future exposure to remaining contamination by controlling disturbances of the subsurface contamination; and, (3) limit the use and development of the Site to Restricted Residential, Commercial or Industrial uses only in the Track 2 Restricted Residential areas.

All ICs identified below apply to the central/western area with the exception of items 2, 8 and 13. All ICs, as identified below, apply to the eastern Track 2 Restricted Residential area.

1. Implement, maintain and monitor potential ECs.
2. Prevent future exposure to remaining contamination by controlling disturbances of the subsurface contamination in the eastern Track 2 Restricted Residential area.
3. All potential ECs must be operated and maintained as specified in the SMP.
4. All potential ECs must be inspected at a frequency and in a manner defined in the SMP.
5. The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Westchester County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department.
6. Groundwater and other environmental or public health monitoring must be performed as defined in the SMP.
7. Data and information pertinent to Site management must be reported at the frequency and in a manner as defined in the SMP.

8. All future activities that will disturb remaining contaminated material in the Track 2 Restricted Residential areas must be conducted in accordance with the SMP.
9. Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP.
10. Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical component of the remedy shall be performed as defined in the SMP.
11. Access to the Site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by the Environmental Easement.
12. The potential for vapor intrusion must be evaluated for any buildings developed on the entire Site with provisions for actions including monitoring or mitigation if recommended.
13. Vegetable gardens and farming on the Site are prohibited in the Track 2 Restricted Residential area.

All of the aforementioned ICs for the Site are being adhered to and remain valid as noted on the NYSDEC Institutional and Engineering Controls Certification Form, which is included in **Appendix C**.

As indicated in **Appendix D**, a Change of Use was submitted to fulfill the Volunteer's obligation to notify the Department of a change of physical activities at the Site. In the Fall of 2021, the Department was notified that the Volunteer would be accessing the Site to work on shoring up the adjacent property foundation at 92 Main Street.

## **B. Engineering Control Requirements**

A vapor barrier and passive SSDS will be installed with the future building(s). Vapors above the DOH standards may still be present even after Track 2 remediation on the majority of the Site. A post construction SVI evaluation will be conducted after the building is constructed to determine the long-term need for the vapor barrier and/or SSDS to be managed as an EC. To ensure these specifications meet DEC approval, the DEC will be provided a work plan for the SVI evaluation, installation of a vapor barrier, sampling points, communication points and SSDS extraction points/piping once the building's foundation plan is finalized. If an active SSDS is required based on the SVI evaluation, a design document will be submitted for approval and the SMP will be revised to include an O&M plan and as-built details of the system.

## **C. Institutional and Engineering Control Certification**

The NYSDEC Institutional and Engineering Controls Certification Form is included in **Appendix C**.

## **V. MONITORING PLAN COMPLIANCE REPORT**

The Site remedy does not rely on any mechanical systems, such as groundwater treatment systems, or air sparge/soil vapor extraction systems to protect public health and the environment. Therefore, the monitoring and sampling of such components is not included in the SMP.

Based on the results of the post-construction soil vapor intrusion sampling, a sub-slab depressurization system (SSDS) may be required. If an SSDS is required, the SMP will be revised to include a monitoring and sampling plan. As per the approved RAWP, provisions to sample soil vapor beneath the concrete slab once constructed will be implemented. This will include installation of a sufficient number of vapor monitoring points throughout the building footprint and collecting soil vapor samples from beneath the building in accordance with NYSDOH soil vapor sampling protocols. A work plan for the proposed SVI sampling including proposed sampling locations, methods, and procedures will be submitted for NYSDEC and NYSDOH approval. The samples will be collected using Summa canisters and the samples will be sent to a New York State certified laboratory where they will be analyzed for VOCs using EPA Method TO-15. The results of the sub-slab soil vapor sampling will be used to determine if activation of the SSDS will be required.

## **VI. OPERATION & MAINTENANCE PLAN COMPLIANCE REPORT**

The Site remedy does not rely on any mechanical systems, such as groundwater treatment systems, or air sparge/soil vapor extraction systems to protect public health and the environment. Therefore, the operation and maintenance of such components is not included in the SMP.

Depending on the results of the soil vapor intrusion sampling, activation of the SSDS may be required. If an active SSDS is required, the SMP will be revised to include an operation and maintenance plan.

## **VII. CONCLUSIONS AND RECOMMENDATIONS**

### **A. Conclusions**

Under current Site conditions, no active monitoring and sampling or operation and maintenance of any mechanical systems are required. All Institutional Controls and Engineering Controls for the Site are being adhered to and remain valid.

## **B. Recommendations**

To remain in compliance with the Site Management Plan, all inspections, monitoring, maintenance, reporting, and IC/EC Controls must continue to be followed. From this point forward, a new PRR shall be submitted annually to the NYSDEC, or at another frequency as may be required by the Department.

Prior to the construction of a new building at the Site, the following must be completed to remain in compliance with the SMP:

- A vapor barrier and passive SSDS will need to be installed beneath the slab of the future building(s). A post construction SVI evaluation will be conducted after at least the first completed enclosed floor of the building is constructed to determine the need for a vapor barrier and/or SSDS to be managed long term as an EC. To ensure these specifications meet DEC approval, the DEC will be provided a work plan for the SVI evaluation, installation of vapor barrier, sampling points, communication points and SSDS extraction points/piping once the building's foundation plan is finalized.
  - Based on the results of the post-construction soil vapor intrusion sampling, an SSDS may be required. If an active SSDS is required, a design document will be submitted for approval, and the SMP will be revised to include a monitoring and sampling plan, an O&M plan, and as-built specifications. As per the approved RAWP, provisions to sample soil vapor beneath the concrete slab in the building will be implemented. This will include installation of a sufficient number of vapor monitoring points throughout the building footprint and collecting soil vapor samples from beneath the building in accordance with NYSDOH soil vapor sampling protocols. A work plan for the proposed SVI sampling including proposed sampling locations, methods, and procedures will be submitted for NYSDEC and NYSDOH approval. The samples will be collected using Summa canisters and the samples will be sent to a New York State certified laboratory where they will be analyzed for VOCs using EPA Method TO-15. The results of the sub-slab soil vapor sampling will be used to determine if activation of the SSDS will be required.
- The COC for the Site was issued in September 2017. The COC required that all ECs must be eliminated from the site within five years of the COC being issued (September 2022) in order to achieve an unrestricted Track 1 designation for the Conditional Track 1 portion of the Site, or the Conditional Track 1 Area would revert back to a Track 2 Residential remedy. Because more than five years have passed since the COC was issued, the entire Site has reverted to Track 2.

## TABLES

TABLE 1  
55 Buena Vista Avenue  
Yonkers, New York  
NYSDEC BCP Site C360085  
Summary of Remaining Soil Exceeding Track 2 Restricted Residential SCOs

Sample ID York ID Sampling Date Client Matrix	NYSDEC Part 375 Restricted Use Soil Cleanup Objectives - Restricted Residential	NYSDEC Part 375 Unrestricted Use Soil Cleanup Objectives	SB-6 18-20 14G0689-35 7/16/2014 Soil	
			Result	Q
Compound				
<b>Volatile Organics, NJDEP/TCL/Part 375 List</b>	mg/Kg	mg/Kg	mg/Kg	
<b>Dilution Factor</b>			1	
1,1,1,2-Tetrachloroethane	~	~	0.0029	U
1,1,1-Trichloroethane	100	0.68	0.0029	U
1,1,2,2-Tetrachloroethane	~	~	0.0029	U
1,1,2-Trichloro-1,2,2-trifluoroethane (Freon 113)	~	~	0.0029	U
1,1,2-Trichloroethane	~	~	0.0029	U
1,1-Dichloroethane	26	0.27	0.0029	U
1,1-Dichloroethylene	100	0.33	0.0029	U
1,2,4-Trichlorobenzene	~	~	0.0029	U
1,2,4-Trimethylbenzene	52	3.6	0.0029	U
1,2-Dibromo-3-chloropropane	~	~	0.0029	U
1,2-Dibromoethane	~	~	0.0029	U
1,2-Dichlorobenzene	100	1.1	0.0029	U
1,2-Dichloroethane	3.1	0.02	0.0029	U
1,2-Dichloropropane	~	~	0.0029	U
1,3,5-Trimethylbenzene	52	8.4	0.0029	U
1,3-Dichlorobenzene	49	2.4	0.0029	U
1,4-Dichlorobenzene	13	1.8	0.0029	U
1,4-Dioxane	13	0.1	0.057	U
2-Butanone	100	0.12	0.0029	U
2-Hexanone	~	~	0.0029	U
4-Methyl-2-pentanone	~	~	0.0029	U
Acetone	100	0.05	0.0069	JB
Acrolein	~	~	0.0029	U
Acrylonitrile	~	~	0.0029	U
Benzene	4.8	0.06	0.0029	U
Bromodichloromethane	~	~	0.0029	U
Bromoform	~	~	0.0029	U
Bromomethane	~	~	0.0029	U
Carbon disulfide	~	~	0.0029	U
Carbon tetrachloride	2.4	0.76	0.0029	U
Chlorobenzene	100	1.1	0.0029	U
Chloroethane	~	~	0.0029	U
Chloroform	49	0.37	0.0029	U
Chloromethane	~	~	0.0029	U
cis-1,2-Dichloroethylene	100	0.25	0.0029	U
cis-1,3-Dichloropropylene	~	~	0.0029	U
Dibromochloromethane	~	~	0.0029	U
Dibromomethane	~	~	0.0029	U
Dichlorodifluoromethane	~	~	0.0029	U
Ethyl Benzene	41	1	0.0029	U
Hexachlorobutadiene	~	~	0.0029	U
Isopropylbenzene	~	~	0.0029	U
Methyl acetate	~	~	0.0029	U
Methyl tert-butyl ether (MTBE)	100	0.93	0.0029	U
Methylene chloride	100	0.05	0.0029	U
n-Butylbenzene	100	12	0.0029	U
n-Propylbenzene	100	3.9	0.0029	U
o-Xylene	~	~	0.0029	U
p- & m- Xylenes	~	~	0.0057	U
p-Isopropyltoluene	~	~	0.0029	U
sec-Butylbenzene	100	11	0.0029	U
Styrene	~	~	0.0029	U
tert-Butyl alcohol (TBA)	~	~	0.0029	U
tert-Butylbenzene	100	5.9	0.0029	U
Tetrachloroethylene	19	1.3	0.0038	J
Toluene	100	0.7	0.0029	U
trans-1,2-Dichloroethylene	100	0.19	0.0029	U
trans-1,3-Dichloropropylene	~	~	0.0029	U
Trichloroethylene	21	0.47	0.0029	U
Trichlorofluoromethane	~	~	0.0029	U
Vinyl Chloride	0.9	0.02	0.0029	U
Xylenes, Total	100	0.26	0.0086	U
<b>Semi-Volatiles, NJDEP/TCL/Part 375 List</b>	mg/Kg	mg/Kg	mg/Kg	
<b>Dilution Factor</b>			5	
1,1'-Biphenyl	~	~	0.23	U
1,2,4-Trichlorobenzene	~	~	0.23	U
1,2-Dichlorobenzene	100	1.1	0.23	U
1,2-Diphenylhydrazine (as Azobenzene)	~	~	0.23	U
1,3-Dichlorobenzene	49	2.4	0.23	U
1,4-Dichlorobenzene	13	1.8	0.23	U
2,4,5-Trichlorophenol	~	~	0.23	U
2,4,6-Trichlorophenol	~	~	0.23	U
2,4-Dichlorophenol	~	~	0.46	U
2,4-Dimethylphenol	~	~	0.23	U
2,4-Dinitrophenol	~	~	0.91	U
2,4-Dinitrotoluene	~	~	0.46	U
2,6-Dinitrotoluene	~	~	0.23	U
2-Chloronaphthalene	~	~	0.23	U
2-Chlorophenol	~	~	0.24	JD

TABLE 1  
55 Buena Vista Avenue  
Yonkers, New York  
NYSDEC BCP Site C360085  
Summary of Remaining Soil Exceeding Track 2 Restricted Residential SCOs

Sample ID York ID Sampling Date Client Matrix	NYSDEC Part 375 Restricted Use Soil Cleanup Objectives - Restricted Residential	NYSDEC Part 375 Unrestricted Use Soil Cleanup Objectives	SB-6 18-20 14G0689-35 7/16/2014 Soil	
			Result	Q
Compound				
2-Methylnaphthalene	~	~	0.28	JD
2-Methylphenol	100	0.33	0.46	U
2-Nitroaniline	~	~	0.23	U
2-Nitrophenol	~	~	0.23	U
3- & 4-Methylphenols	~	~	0.46	U
3,3'-Dichlorobenzidine	~	~	0.91	U
3-Nitroaniline	~	~	0.46	U
4,6-Dinitro-2-methylphenol	~	~	0.46	U
4-Bromophenyl phenyl ether	~	~	0.23	U
4-Chlorophenyl phenyl ether	~	~	0.23	U
4-Nitroaniline	~	~	0.46	U
4-Nitrophenol	~	~	0.46	U
Acenaphthene	100	20	0.66	JD
Acenaphthylene	100	100	0.42	JD
Acetophenone	~	~	0.23	U
Anthracene	100	100	1.88	D
Atrazine	~	~	0.23	U
Benzaldehyde	~	~	0.23	U
Benzidine	~	~	0.91	U
Benzo(a)anthracene	1	1	4	D
Benzo(a)pyrene	1	1	2.23	D
Benzo(b)fluoranthene	1	1	2.34	D
Benzo(g,h,i)perylene	100	100	0.70	JD
Benzo(k)fluoranthene	3.9	0.8	2.77	D
Benzoic acid	~	~	0.62	U
Benzyl butyl phthalate	~	~	0.23	U
Bis(2-chloroethoxy)methane	~	~	0.23	U
Bis(2-chloroethyl)ether	~	~	0.23	U
Bis(2-chloroisopropyl)ether	~	~	0.23	U
Bis(2-ethylhexyl)phthalate	~	~	0.33	JD
Caprolactam	~	~	0.23	U
Carbazole	~	~	1.08	D
Chrysene	3.9	1	3.68	D
Dibenzo(a,h)anthracene	0.33	0.33	0.23	U
Dibenzofuran	59	7	0.69	JD
Diethyl phthalate	~	~	0.23	U
Dimethyl phthalate	~	~	0.23	U
Di-n-butyl phthalate	~	~	0.23	U
Di-n-octyl phthalate	~	~	0.23	U
Fluoranthene	100	100	7.35	D
Fluorene	100	30	0.87	JD
Hexachlorobenzene	1.2	0.33	0.23	U
Hexachlorobutadiene	~	~	0.23	U
Hexachlorocyclopentadiene	~	~	0.46	U
Hexachloroethane	~	~	0.23	U
Indeno(1,2,3-cd)pyrene	0.5	0.5	0.79	JD
Isophorone	~	~	0.23	U
Naphthalene	100	12	0.70	JD
Nitrobenzene	~	~	0.23	U
N-Nitrosodimethylamine	~	~	0.46	U
N-nitroso-di-n-propylamine	~	~	0.23	U
N-Nitrosodiphenylamine	~	~	0.23	U
Pentachlorophenol	6.7	0.8	0.46	U
Phenanthrene	100	100	6.31	D
Phenol	100	0.33	0.23	U
Pyrene	100	100	7.18	D
Herbicides, NJDEP/TCL/Part 375 List	mg/Kg	mg/Kg	mg/Kg	
Dilution Factor			1	
2,4,5-T	~	~	0.022	U
2,4,5-TP (Silvex)	100	3.8	0.022	U
2,4-D	~	~	0.022	U
Pesticides, NJDEP/TCL/Part 375 List	mg/Kg	mg/Kg	mg/Kg	
Dilution Factor			5	
4,4'-DDD	13	0.0033	0.0018	U
4,4'-DDE	8.9	0.0033	0.0018	U
4,4'-DDT	7.9	0.0033	0.0018	U
Aldrin	0.097	0.005	0.0018	U
alpha-BHC	0.48	0.02	0.0018	U
alpha-Chlordane	4.2	0.094	0.0018	U
beta-BHC	0.36	0.036	0.0018	U
Chlordane, total	~	~	0.0072	U
delta-BHC	100	0.04	0.0018	U
Dieldrin	0.2	0.005	0.0018	U
Endosulfan I	24	2.4	0.0018	U
Endosulfan II	24	2.4	0.0018	U
Endosulfan sulfate	24	2.4	0.0018	U
Endrin	11	0.014	0.0018	U
Endrin aldehyde	~	~	0.0018	U
Endrin ketone	~	~	0.0018	U

TABLE 1  
55 Buena Vista Avenue  
Yonkers, New York  
NYSDEC BCP Site C360085  
Summary of Remaining Soil Exceeding Track 2 Restricted Residential SCOs

Sample ID York ID Sampling Date Client Matrix	NYSDEC Part 375 Restricted Use Soil Cleanup Objectives - Restricted Residential	NYSDEC Part 375 Unrestricted Use Soil Cleanup Objectives	SB-6 18-20 14G0689-35 7/16/2014 Soil	
Compound			Result	Q
gamma-BHC (Lindane)	1.3	0.1	0.0018	U
gamma-Chlordane	~	~	0.0018	U
Heptachlor	2.1	0.042	0.0018	U
Heptachlor epoxide	~	~	0.0018	U
Methoxychlor	~	~	0.0090	U
Toxaphene	~	~	0.091	U
Polychlorinated Biphenyls (PCB)	mg/Kg	mg/Kg	mg/Kg	
Dilution Factor			1	
Aroclor 1016	~	~	0.019	U
Aroclor 1221	~	~	0.019	U
Aroclor 1232	~	~	0.019	U
Aroclor 1242	~	~	0.019	U
Aroclor 1248	~	~	0.019	U
Aroclor 1254	~	~	0.019	U
Aroclor 1260	~	~	0.019	U
Total PCBs	1	0.1	0.019	U
Metals, RCRA	mg/Kg	mg/Kg	mg/Kg	
Dilution Factor			1	
Arsenic	16	13	2.98	
Barium	400	350	56.20	
Cadmium	4.3	2.5	0.33	U
Chromium	180	30	13.70	
Lead	400	63	128	
Selenium	180	3.9	2.27	
Silver	180	2	0.55	U
Mercury by 7473	mg/Kg	mg/Kg	mg/Kg	
Dilution Factor			1	
Mercury	0.81	0.18	0.033	U
Total Solids			%	
Dilution Factor			1	
% Solids	~	~	91.60	

NOTES:  
Any Regulatory Exceedences are color coded by Regulation  
**Q is the Qualifier Column with definitions as follows:**  
D=result is from an analysis that required a dilution  
  
J=analyte detected at or above the MDL (method detection limit) but below the RL (Reporting Limit) - data is estimated  
U=analyte not detected at or above the level indicated  
B=analyte found in the analysis batch blank  
E=result is estimated and cannot be accurately reported due to levels encountered or interferences  
NT=this indicates the analyte was not a target for this sample  
~=this indicates that no regulatory limit has been established for this analyte

TABLE 2  
55 Buena Vista Avenue  
Yonkers, New York  
NYSDEC BCP Site C360085

Summary of Post-Remediation Soil Vapor Sampling

Sample ID York ID Sampling Date Client Matrix	SV-1 16C0249-01 3/4/2016 Soil Vapor		SV-2 16C0249-02 3/4/2016 Soil Vapor		SV-3 16C0249-03 3/4/2016 Soil Vapor		SV-4 16C0249-04 3/4/2016 Soil Vapor		SV-5 16C0249-05 3/4/2016 Soil Vapor		SV-6 16C0249-06 3/4/2016 Soil Vapor		SV-7 16C0249-07 3/4/2016 Soil Vapor		SV-8 16C0249-08 3/4/2016 Soil Vapor		SV-9 16C0249-09 3/4/2016 Soil Vapor	
Compound	Result	Q	Result	Q	Result	Q	Result	Q	Result	Q	Result	Q	Result	Q	Result	Q	Result	Q
Volatile Organics, EPA TO15 Full List	ug/m3		ug/m3		ug/m3		ug/m3		ug/m3		ug/m3		ug/m3		ug/m3		ug/m3	
Dilution Factor	33.72		35.12		37.06		20.16		35		37.06		36.26		36.8		35.62	
1,1,1,2-Tetrachloroethane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,1,1-Trichloroethane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,1,2,2-Tetrachloroethane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,1,2-Trichloro-1,2,2-trifluoroethane (Freon 113)	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,1,2-Trichloroethane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,1-Dichloroethane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,1-Dichloroethylene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,2,4-Trichlorobenzene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,2,4-Trimethylbenzene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,2-Dibromoethane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,2-Dichlorobenzene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,2-Dichloroethane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,2-Dichloropropane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,2-Dichlorotetrafluoroethane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,3,5-Trimethylbenzene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,3-Butadiene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,3-Dichlorobenzene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,3-Dichloropropane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,4-Dichlorobenzene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
1,4-Dioxane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
2-Butanone	13	D	11	D	17	D	17	D	17	D	11	D	14	D	11	D	17	D
2-Hexanone	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
3-Chloropropene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
4-Methyl-2-pentanone	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Acetone	ND	D	ND	D	ND	D	2,200	D	ND	D	ND	D	ND	D	ND	D	ND	DE
Acrylonitrile	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Benzene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Benzyl chloride	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Bromodichloromethane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Bromoform	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Bromomethane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Carbon disulfide	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Carbon tetrachloride	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Chlorobenzene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Chloroethane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Chloroform	ND	U	ND	U	ND	U	ND	U	69	D	ND	U	ND	U	ND	U	ND	U
Chloromethane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
cis-1,2-Dichloroethylene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
cis-1,3-Dichloropropylene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Cyclohexane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Dibromochloromethane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Dichlorodifluoromethane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Ethyl acetate	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Ethyl Benzene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Hexachlorobutadiene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Isopropanol	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Methyl Methacrylate	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Methyl tert-butyl ether (MTBE)	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Methylene chloride	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
n-Heptane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
n-Hexane	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
o-Xylene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
p- & m- Xylenes	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U

TABLE 2  
55 Buena Vista Avenue  
Yonkers, New York  
NYSDEC BCP Site C360085

Summary of Post-Remediation Soil Vapor Sampling

Sample ID York ID Sampling Date Client Matrix	SV-1 16C0249-01 3/4/2016 Soil Vapor		SV-2 16C0249-02 3/4/2016 Soil Vapor		SV-3 16C0249-03 3/4/2016 Soil Vapor		SV-4 16C0249-04 3/4/2016 Soil Vapor		SV-5 16C0249-05 3/4/2016 Soil Vapor		SV-6 16C0249-06 3/4/2016 Soil Vapor		SV-7 16C0249-07 3/4/2016 Soil Vapor		SV-8 16C0249-08 3/4/2016 Soil Vapor		SV-9 16C0249-09 3/4/2016 Soil Vapor	
Compound	Result	Q	Result	Q	Result	Q	Result	Q	Result	Q	Result	Q	Result	Q	Result	Q	Result	Q
p-Ethyltoluene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Propylene	68	D	100	D	73	D	34	D	79	D	67	D	72	D	70	D	83	D
Styrene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Tetrachloroethylene	ND	U	32	D	110	D	ND	U	32	D	150	D	ND	U	ND	U	ND	U
Tetrahydrofuran	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Toluene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
trans-1,2-Dichloroethylene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
trans-1,3-Dichloropropylene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Trichloroethylene	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Trichlorofluoromethane (Freon 11)	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Vinyl acetate	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Vinyl bromide	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U
Vinyl Chloride	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U	ND	U

NOTES:

Result Detected =

Q is the Qualifier Column with definitions as follows:

D=result is from an analysis that required a dilution

J=analyte detected at or above the MDL (method detection limit) but below the RL (Reporting Limit) - data is estimated

U=analyte not detected at or above the level indicated

B=analyte found in the analysis batch blank

E=result is estimated and cannot be accurately reported due to levels encountered or interferences

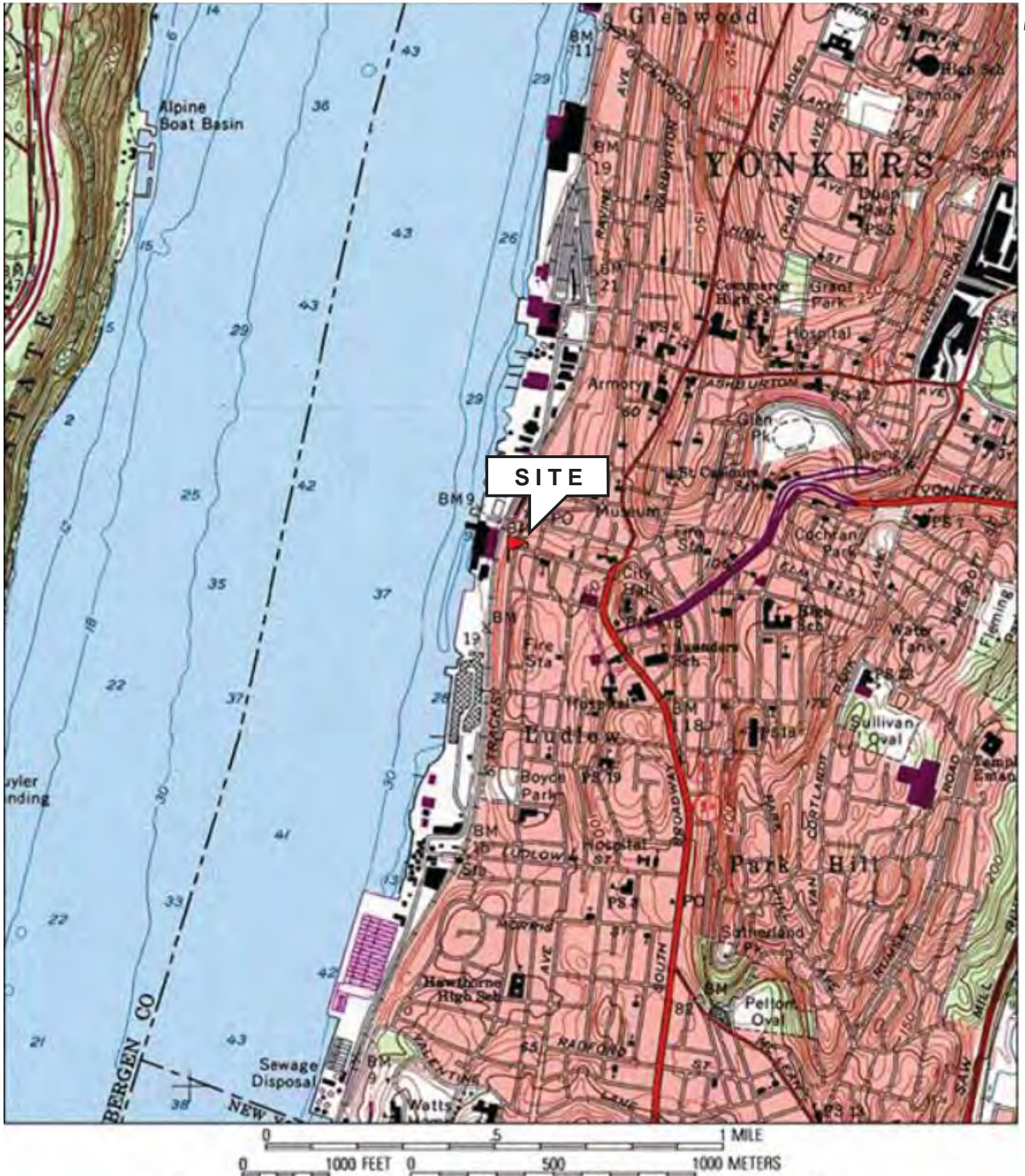
NT=this indicates the analyte was not a target for this sample

~=this indicates that no regulatory limit has been established for this analyte

## FIGURES

# FIGURE 1 SITE LOCATION MAP

55 BUENA VISTA AVENUE  
YONKERS, NEW YORK







## LEGEND

- SVS SOIL VAPOR POINT SAMPLING LOCATIONS
- LOCATIONS OF 3-550 GALLON USTs AND 1-1,000 GALLON UST (GASOLINE)
- SHALLOW SOIL SAMPLES
- APPROX. LOCATIONS OF 2-1,000 GALLON USTs AND 1-3,000 GALLON UST
- Track 2 end point samples
- Central/Western Track 2 area
- Eastern Track 2 area



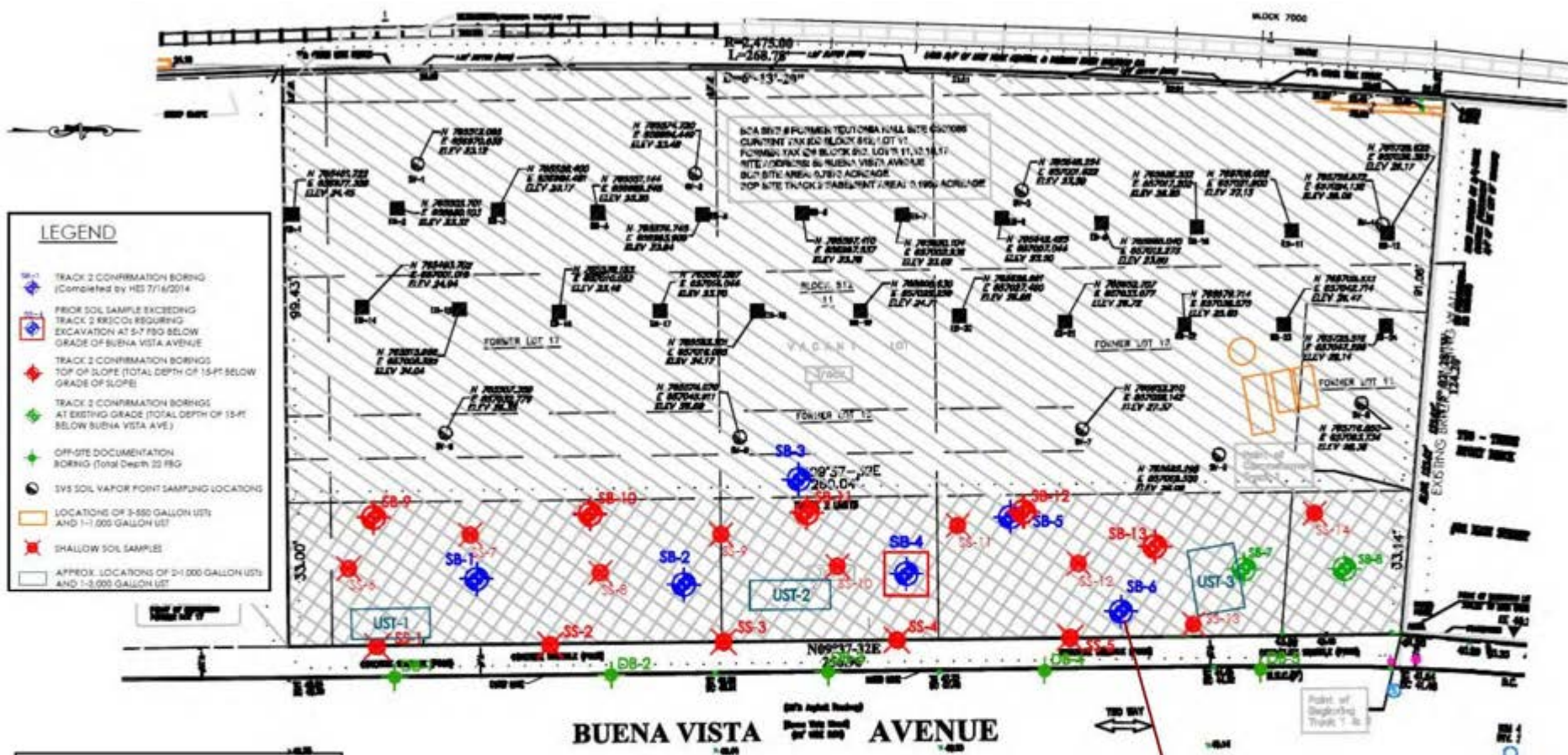
41-53 BUENA VISTA AVENUE  
YONKERS, NEW YORK

SITE  
PLAN

FIGURE 3  
JUNE 2017



HydroEnvironmental  
SOLUTIONS, INC.  
One Deans Bridge Road  
(914) 278-2590  
Somers, New York 10589  
Fax: (914) 278-2664



55 BUENA VISTA AVENUE  
YONKERS, NEW YORK

REMAINING SOIL ABOVE  
RESTRICTED RESIDENTIAL  
SCOs

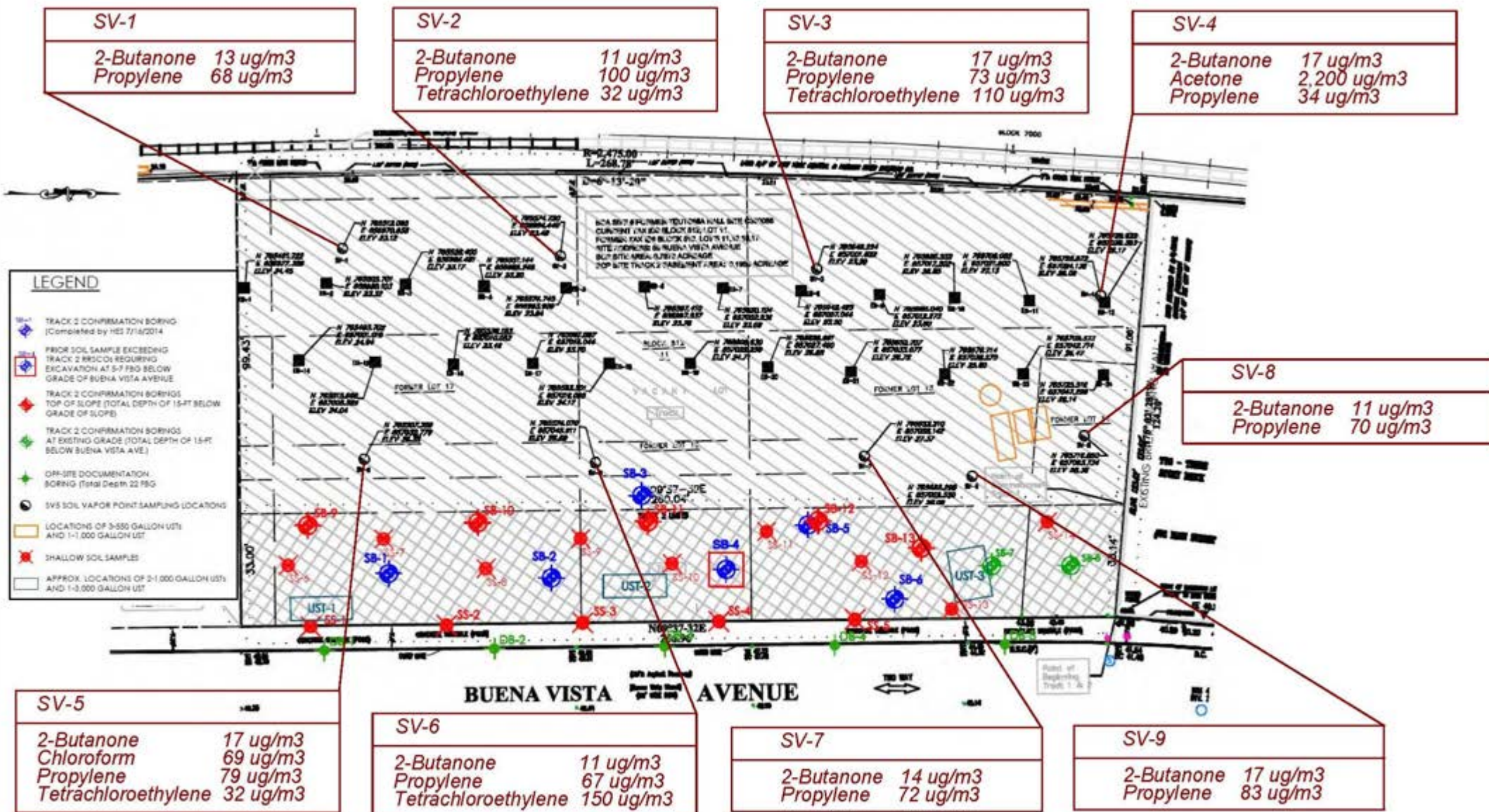
NOT TO SCALE

APRIL 2017

FIGURE 4



**HydroEnvironmental  
SOLUTIONS, INC.**  
One Deans Bridge Road  
Somers, New York 10589



55 BUENA VISTA AVENUE  
YONKERS, NEW YORK

REMAINING  
SOIL VAPOR  
DETECTIONS

NOT TO SCALE

DECEMBER 2016

FIGURE 5



**HydroEnvironmental  
SOLUTIONS, INC.**

One Deans Bridge Road  
Somers, New York 10589

## **APPENDICES**

## **APPENDIX A:**

### **Environmental Easement**

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



\*563193526EAS0034\*

## Westchester County Recording & Endorsement Page

### Submitter Information

Name: Main Street Title Agency, Inc. Phone: 201-457-3460  
Address 1: 190 Main Street Fax: 201-457-7405  
Address 2: Suite 306 Email: jcalligos@mainstitle.com  
City/State/Zip: Hackensack NJ 07601 Reference for Submitter: Teutonia

### Document Details

Control Number: **563193526** Document Type: **Easement (EAS)**  
Package ID: 2016111400262001001 Document Page Count: **10** Total Page Count: **11**

### Parties

☐ Additional Parties on Continuation page

#### 1st PARTY

#### 2nd PARTY

1: TEUTONIA BUENA VISTA LLC - Other 1: NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL C - Other  
2: - Other 2: NEW YORK STATE OF - Other

### Property

☐ Additional Properties on Continuation page

Street Address: 55 BUENA VISTA AVENUE Tax Designation: 1-512-11  
City/Town: YONKERS Village:

### Cross- References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

### Supporting Documents

1: TP-584

### Recording Fees

Statutory Recording Fee: \$40.00  
Page Fee: \$55.00  
Cross-Reference Fee: \$0.00  
Mortgage Affidavit Filing Fee: \$0.00  
RP-5217 Filing Fee: \$0.00  
TP-584 Filing Fee: \$5.00  
Total Recording Fees Paid: **\$100.00**

### Transfer Taxes

Consideration: \$0.00  
Transfer Tax: \$0.00  
Mansion Tax: \$0.00  
Transfer Tax Number: 7427

### Mortgage Taxes

Document Date:  
Mortgage Amount:  
  
Basic: \$0.00  
Westchester: \$0.00  
Additional: \$0.00  
MTA: \$0.00  
Special: \$0.00  
Yonkers: \$0.00  
Total Mortgage Tax: **\$0.00**

Dwelling Type: Exempt: ☐  
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 12/30/2016 at 10:08 AM  
Control Number: **563193526**  
Witness my hand and official seal

*Timothy C. Idoni*

Timothy C. Idoni  
Westchester County Clerk

### Record and Return To

☐ Pick-up at County Clerk's office

**MAIN STREET TITLE AGENCY, INC.**  
**190 MAIN STREET**  
**SUITE 305**  
**HACKENSACK, NJ 07601**  
**Attn: ATTN: NY POLICY DEPT. (SP1078)**

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36  
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

**THIS INDENTURE** made this 28<sup>th</sup> day of November, 2016 between Owner(s) Teutonia Buena Vista, LLC, having an office at 225 North Route 303, Suite 101, Congers, New York, County of Rockland, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

**WHEREAS**, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

**WHEREAS**, Grantor, is the owner of real property located at the address of 55 Buena Vista Avenue in the City of Yonkers, County of Westchester and State of New York, known and designated on the tax map of the County Clerk of Westchester as tax map parcel numbers: Block 512 Lot 11, being a portion of the property conveyed to Grantor by deeds dated June 12, 2009 and December 28, 2012 and recorded in the Westchester County Clerk's Office as Control #'s 492010752 and 523623640, respectively. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 0.5920 +/- acres, and is hereinafter more fully described in the Land Title Survey dated July 24, 2015 prepared by Patrick Benedict Jones, NYSLLS of New York City Land Surveyors, P.C., which will be attached to the Site Management Plan. The Controlled Property description, identified as the Conditional Track 1 portion of the Site, is set forth in and attached hereto as Schedule A; and

**WHEREAS**, the Department accepts this Environmental Easement in order to ensure the

protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: A3-0529-1005 as amended October 7, 2015, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

**Residential as described in 6 NYCRR Part 375-1.8(g)(2)(i), Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Westchester County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for raising livestock or producing animal products for human consumption, and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, New York 12233  
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

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

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:

(i) are in-place;

(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her 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

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to:      Site Number: C360085  
Office of General Counsel  
NYSDEC  
625 Broadway  
Albany New York 12233-5500

With a copy to:      Site Control Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway

Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

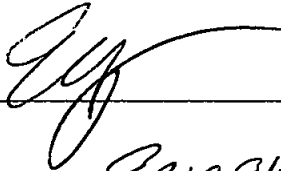
9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

**Remainder of Page Intentionally Left Blank**

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

Teutonia Buena Vista, LLC:

By: 

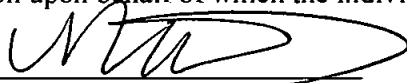
Print Name: ERIC WOLF

Title: MEMBER Date: 11-7-16

**Grantor's Acknowledgment**

STATE OF NEW YORK )  
COUNTY OF Albany ) ss:

On the 7th day of NOVEMBER in the year 20 16 before me, the undersigned, personally appeared ERIC WOLF, 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.

  
Notary Public - State of New York

MELISSA MARIE SLAUGHTER  
NOTARY PUBLIC, State of New York  
Registration No. 02SL6335805  
Qualified in Monroe County  
My Commission Expires January 19, 2020

**THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK**, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: \_\_\_\_\_

Robert W. Schick, Director  
Division of Environmental Remediation

**Grantee's Acknowledgment**

STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF ALBANY     )

On the 28<sup>th</sup> day of November, in the year 2016, before me, the undersigned, personally appeared Robert W. Schick, 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/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public - State of New York

**David J. Chiusano**  
Notary Public, State of New York  
No. 01CH5032146  
Qualified in Schenectady County  
Commission Expires August 22, 2018

**SCHEDULE "A" PROPERTY DESCRIPTION**

**CONDITIONAL 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.

The authorizations exempt are all investments:

- Contributions to the funders (except any gifts for the use of the fund);
- Investments in companies that have entered into a written agreement with the fund, that authorize the Committee to limit the fund's exposure to the investments of the company to a certain percentage of the fund's assets; and
- Investments in companies that have entered into a written agreement with the fund, that authorize the Committee to exempt the company from the fund's investment policy.

Charitable donations of securities to a fund may be exempt if and only if the fund:

- Has a written policy that exempts the securities from the fund's investment policy; and
- Has a majority of its trustees (not less than two) who are not the donors.

Charities may be exempt from the fund's investment policy if the fund:

- Has a written policy that exempts the charity from the fund's investment policy; and
- Has a majority of its trustees (not less than two) who are not the donors.

[illegible]

Revisions			
NO.	DATE	DESCRIPTION	BY
2.	7-2-13	ALL STRUCTURES CLEARED	DC
1.	12-2-12	NO CHANGES	SJ
			P. JONES
			APPROVED BY

[illegible]

development of an acute, severe form of hepatitis. This form of hepatitis is characterized by a rapid onset of symptoms, including fever, malaise, and jaundice, and is often fatal. The disease is caused by a virus that is transmitted through contact with infected blood or body fluids. The incubation period is typically 1 to 10 weeks. The disease is most common in children and young adults. The mortality rate is high, ranging from 10% to 100%. There is no specific treatment for the disease, and the only way to prevent it is by avoiding contact with infected blood or body fluids. The disease is often diagnosed by the presence of specific antibodies in the blood. The disease is a serious public health problem, and it is important to be aware of the symptoms and to seek medical attention if they occur.

Map of Survey of Property of the County of Winters State of New York 1		Map of Survey of Property of the County of Winters State of New York 1
ATLAS/DC Easement Title Survey		DW CAPITAL BUENA VISTA AVENUE
Project Number: 2017-76-527	Survey Date: 02-24-15 Revision Date:	DW CAPITAL BUENA VISTA AVENUE
Site Address: 35 Buena Vista Avenue 10070	Drawn: RL Approved: PJ Book: 512 Lot/Block: 11	DW CAPITAL BUENA VISTA AVENUE
Sheet No. 1 of 1	DW CAPITAL BUENA VISTA AVENUE	DW CAPITAL BUENA VISTA AVENUE

**THE ENGINEERING AND INSTITUTIONAL CONTROLS** for this Easement are set out in more detail in the Site Management Plan ("SMP"). A copy of the SMP may be obtained by any party with an interest in the property. The SMP may be obtained from the New York State Department of Environmental Conservation, State Control Section, 625 Broadway, Albany, NY 12233 or by e-mail at [denr@dec.state.ny.gov](mailto:denr@dec.state.ny.gov).

[illegible]

**Figure 2. Lateral description**

Topography of a lateral view of the underlying site of Blount Vision Analysis database 2201, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026

**Certifications**

- The Project at the State of New York is being brought into Compliance with the Department of Environmental Conservation.
- Federal Power Plant Act

**BPC Site # C360085**  
**Former Teutonia Hall Site**

New York City Land Surveys, PC  
200 Rader Road, Staten Island, NY 10305  
[www.nyculs.org/nyculs.html](http://www.nyculs.org/nyculs.html)  
Phone: 1-718-413-4122 Fax: 1-718-413-4124

ORDER BY: Perfect Records, Inc.  
New York Music Licensed Land Surveys  
Library no. 020616

Literary text (2006)

**SECRET**

**BUENA VISTA**  
(Down Main Street)  
(SW side town)

(25) 1 August 1968  
(Darius Vadas Street)  
(50' wide road)



Week 1 5

18

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



\*553233255EAS001X\*

## Westchester County Recording & Endorsement Page

### Submitter Information

Name: Main Street Title Agency, Inc. Phone: 201-457-3460  
Address 1: 190 Main Street Fax: 201-457-7405  
Address 2: Suite 306 Email: jcallirgos@mainstitle.com  
City/State/Zip: Hackensack NJ 07601 Reference for Submitter: BUENA VISTA

### Document Details

Control Number: 553233255 Document Type: Easement (EAS)  
Package ID: 2015111900108001001 Document Page Count: 9 Total Page Count: 11

### Parties

☒ Additional Parties on Continuation page

#### 1st PARTY

1: TEUTONIA BUENA VISTA LLC  
2: BUENA VISTA 53 LLC

- Other  
- Other

1: NEW YORK STATE OF  
2:

- Other

#### 2nd PARTY

### Property

☐ Additional Properties on Continuation page

Street Address: 53-55 BUENA VISTA AVENUE

Tax Designation: 1-512-11

City/Town: YONKERS

Village:

### Cross-References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

### Supporting Documents

1: TP-584

### Recording Fees

Statutory Recording Fee: \$40.00  
Page Fee: \$50.00  
Cross-Reference Fee: \$0.00  
Mortgage Affidavit Filing Fee: \$0.00  
RP-5217 Filing Fee: \$0.00  
TP-584 Filing Fee: \$5.00  
Total Recording Fees Paid: \$95.00

### Transfer Taxes

Consideration: \$0.00  
Transfer Tax: \$0.00  
Mansion Tax: \$0.00  
Transfer Tax Number: 5830

### Mortgage Taxes

Document Date:  
Mortgage Amount:  
Basic: \$0.00  
Westchester: \$0.00  
Additional: \$0.00  
MTA: \$0.00  
Special: \$0.00  
Yonkers: \$0.00  
Total Mortgage Tax: \$0.00

Dwelling Type: Exempt: ☐  
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 12/02/2015 at 09:37 AM  
Control Number: 553233255  
Witness my hand and official seal

Timothy C. Idoni  
Westchester County Clerk

### Record and Return To

☐ Pick-up at County Clerk's office

MAIN STREET TITLE AGENCY, INC.  
190 MAIN STREET

HACKENSACK, NJ 07601  
Attn: Eric Randall

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.

\*553233255EAS001X\*

## Westchester County Recording & Endorsement Page

### Document Details

Control Number: **553233255**

Document Type: **Easement (EAS)**

Package ID: 2015111900108001001

Document Page Count: 9

Total Page Count: 11

### 1st PARTY Addendum

### 2nd PARTY Addendum

WOLF ERIC E

Individual

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36  
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

**THIS INDENTURE** made this 6th day of NOVEMBER, 2015, between Owner(s) Teutonia Buena Vista, LLC, having an office at 225 North Route 303, Suite 101, Congers, New York, County of Rockland, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

**WHEREAS**, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

**WHEREAS**, Grantor, is the owner of real property located at the address of 55 Buena Vista Avenue (a/k/a 41-59 Buena Vista Avenue) in the City of Yonkers, County of Westchester and State of New York, known and designated on the tax map of the County Clerk of Westchester as tax map parcel numbers: Block 512 Lot 11, being a portion of the property conveyed to Grantor by deeds dated June 12, 2009 and December 28, 2012 and recorded in the Westchester County Clerk's Office as Control #'s 492010752 and 523623640, respectively. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 0.1958 +/- acres, and is hereinafter more fully described in the Land Title Survey dated July 24, 2015 prepared by Patrick Benedict Jones, NYSLLS of New York City Land Surveyors, PC, which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

**WHEREAS**, the Department accepts this Environmental Easement in order to ensure the

protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: A3-0529-1105 as amended October 7, 2015, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

**Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii),  
Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial  
as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Westchester County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled

Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, New York 12233  
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

**This property is subject to an Environmental Easement held**

**by the New York State Department of Environmental Conservation  
pursuant to Title 36 of Article 71 of the Environmental Conservation  
Law.**

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:

(i) are in-place;

(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her 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

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to:      Site Number: C360085  
Office of General Counsel  
NYSDEC  
625 Broadway  
Albany New York 12233-5500

With a copy to:      Site Control Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

**Remainder of Page Intentionally Left Blank**

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

Teutonia Buena Vista, LLC:

By: 

Print Name: ERIC E. WOLF

Title: AS MEMBER Date: 10.13.15

**Grantor's Acknowledgment**

STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF                 )

On the 14<sup>th</sup> day of October, in the year 2015, before me, the undersigned, personally appeared ERIC E. WOLF, 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.

~~Notary Public, State of New York~~  
~~No. 01RO6243316~~  
~~Qualified in Bronx County~~  
~~Commission Expires June 22, 2019~~  
Notary Public - State of New York 19



**THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK**, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By:

  
Robert W. Schick, Director  
Division of Environmental Remediation

**Grantee's Acknowledgment**

STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF ALBANY     )

On the 06<sup>th</sup> day of November, in the year 2015, before me, the undersigned, personally appeared Robert W. Schick, 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/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public - State of New York

**David J. Chiusano**  
**Notary Public, State of New York**  
**No. 01CH5032146**  
**Qualified in Schenectady County**  
**Commission Expires August 22, 2018**

**SCHEDULE "A" PROPERTY DESCRIPTION**

**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.



**Combined Real Estate  
Transfer Tax Return,  
Credit Line Mortgage Certificate, and  
Certification of Exemption from the  
Payment of Estimated Personal Income Tax**

Recording office time stamp

PREP

See Form TP-584-I, Instructions for Form TP-584, before completing this form. Print or type.

**Schedule A — Information relating to conveyance**

<b>Grantor/Transferor</b> <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input checked="" type="checkbox"/> Other	Name (if individual: last, first, middle initial) ( <input checked="" type="checkbox"/> check if more than one grantor) <b>TEUTONIA BUENA VISTA LLC</b>			Social security number
	Mailing address <b>225 NORTH ROUTE 33 SUITE 101</b>			Social security number
	City <b>CONGERS</b>	State <b>NY</b>	ZIP code <b>10920</b>	Federal EIN <b>20-8175624</b>
	Single member's name if grantor is a single member LLC (see instructions)			Single member EIN or SSN
<b>Grantee/Transferee</b> <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input checked="" type="checkbox"/> Other	Name (if individual: last, first, middle initial) ( <input type="checkbox"/> check if more than one grantee) <b>THE PEOPLE OF THE STATE OF NEW YORK THROUGH THE NYSDEC</b>			Social security number
	Mailing address <b>625 BROADWAY, 14TH FLOOR</b>			Social security number
	City <b>ALBANY</b>	State <b>NY</b>	ZIP code <b>12233</b>	Federal EIN <b>14-6013200</b>
	Single member's name if grantee is a single member LLC (see instructions)			Single member EIN or SSN

## Location and description of property conveyed

Tax map designation – Section, block & lot (include dots and dashes)	SWIS code (six digits)	Street address	City, town, or village	County
<b>1-512-11</b>	<b>551800</b>	<b>53-55 BUENA VISTA AVENUE</b>	<b>YONKERS</b>	<b>Westchester</b>

## Type of property conveyed (check applicable box)

1 <input type="checkbox"/> One- to three-family house	5 <input type="checkbox"/> Commercial/Industrial	Date of conveyance <table border="1"> <tr> <td>11</td> <td>6</td> <td>2015</td> </tr> <tr> <td align="center">month</td> <td align="center">day</td> <td align="center">year</td> </tr> </table>	11	6	2015	month	day	year	Percentage of real property conveyed which is residential real property <u>0</u> % (see instructions)
11	6		2015						
month	day		year						
2 <input type="checkbox"/> Residential cooperative	6 <input type="checkbox"/> Apartment building								
3 <input type="checkbox"/> Residential condominium	7 <input type="checkbox"/> Office building								
4 <input type="checkbox"/> Vacant land	8 <input checked="" type="checkbox"/> Other <b>EASEMENT</b>								

## Condition of conveyance (check all that apply)

a. <input type="checkbox"/> Conveyance of fee interest	f. <input type="checkbox"/> Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584.1, Schedule F)	i. <input type="checkbox"/> Option assignment or surrender
b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____ %)	g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G)	m. <input type="checkbox"/> Leasehold assignment or surrender
c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____ %)	h. <input type="checkbox"/> Conveyance of cooperative apartment(s)	n. <input type="checkbox"/> Leasehold grant
d. <input type="checkbox"/> Conveyance to cooperative housing corporation	i. <input type="checkbox"/> Syndication	o. <input type="checkbox"/> Conveyance of an easement
e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E)	j. <input type="checkbox"/> Conveyance of air rights or development rights	p. <input checked="" type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part III)
	k. <input type="checkbox"/> Contract assignment	q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state
		r. <input type="checkbox"/> Conveyance pursuant to divorce or separation
		s. <input checked="" type="checkbox"/> Other (describe) <b>Env. Easement</b>

For recording officer's use	Amount received	Date received	Transaction number
	Schedule B., Part I \$		
	Schedule B., Part II \$		

5532323255-003

**Schedule B – Real estate transfer tax return** (Tax Law, Article 31)**Part I – Computation of tax due**

1	Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III) ..... <input checked="" type="checkbox"/> <b>Exemption claimed</b>	1.	0.00
2	Continuing lien deduction (see instructions if property is taken subject to mortgage or lien) .....	2.	0.00
3	Taxable consideration (subtract line 2 from line 1) .....	3.	0.00
4	Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3 .....	4.	0.00
5	Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G) .....	5.	0.00
6	Total tax due* (subtract line 5 from line 4) .....	6.	0.00

**Part II – Computation of additional tax due on the conveyance of residential real property for \$1 million or more**

1	Enter amount of consideration for conveyance (from Part I, line 1) .....	1.	
2	Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...	2.	
3	Total additional transfer tax due* (multiply line 2 by 1% (.01)) .....	3.	

**Part III – Explanation of exemption claimed on Part I, line 1** (check any boxes that apply)

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) ..... a ☒
- b. Conveyance is to secure a debt or other obligation..... b ☐
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c ☐
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts ..... d ☐
- e. Conveyance is given in connection with a tax sale..... e ☐
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F..... f ☐
- g. Conveyance consists of deed of partition..... g ☐
- h. Conveyance is given pursuant to the federal Bankruptcy Act ..... h ☐
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property ..... i ☐
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j ☐
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, section 1401(e) (attach documents supporting such claim) ..... k ☐

\*The total tax (from Part I, line 6 and Part II, line 3 above) is due within 15 days from the date conveyance. Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in New York City, make check(s) payable to the **NYC Department of Finance**. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

**Schedule C — Credit Line Mortgage Certificate (Tax Law, Article 11)****Complete the following only if the interest being transferred is a fee simple interest.**

I ( ) certify that: (check the appropriate box)

1. ☐ The real property being sold or transferred is not subject to an outstanding credit line mortgage.
2. ☐ The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
- ☐ The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
- ☐ The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
- ☐ The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
- ☐ The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.
- Please note:** for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.
- ☐ Other (attach detailed explanation).
3. ☐ The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
- ☐ A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
- ☐ A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
4. ☐ The real property being transferred is subject to an outstanding credit line mortgage recorded in \_\_\_\_\_ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is \_\_\_\_\_. No exemption from tax is claimed and the tax of \_\_\_\_\_ is being paid herewith. (Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City but not in Richmond County, make check payable to the **NYC Department of Finance**.)

**Signature (both the grantor(s) and grantee(s) must sign)**

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

TEUTONIA BUENA VISTA, LLC

34 Eric Wolf  
 Grantor signature  
 ERIC WOLF, as treasurer

6-1-15  
 Title

Andrew Guglielmi  
 Grantee signature  
 Andrew Guglielmi  
 NYSDOC

ESG  
 Title

Grantor signature

Title

Grantee signature

Title

**Index:** Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you checked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place or, if the recording is in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, to the **NYC Department of Finance**? If no recording is required, send your check(s), made payable to the **Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

**Schedule D - Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, section 663)**

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part II, and check the second box under *Exemptions for nonresident transferor(s)/seller(s)* and sign at bottom.

**Part I - New York State residents**

If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (or an attachment to Form TP-584), you must sign the certification below. If one or more transferors/sellers of the real property or cooperative unit is a resident of New York State, **each** resident transferor/seller must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

**Certification of resident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, section 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

**Note:** A resident of New York State may still be required to pay estimated tax under Tax Law, section 685(c), but not as a condition of recording a deed.

**Part II - Nonresidents of New York State**

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, section 663(c), check the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, section 663. **Each** nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on page 1 of Form TP-584-I.

**Exemption for nonresident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, section 663 due to one of the following exemptions:

- ☐ The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from .      Date      to      Date      (see instructions).
- ☐ The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- ☐ The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

TP584 Addendum (Parent Document Control Number 553233255)

Additional Parties				
Party	Last Name	First Name, MI	SSN/EIN	Address
Grantor	BUENA VISTA 53 LLC		20-8175624	C/O KOHLS PARTNERS 405 CEDAR LANE, TEANECK, NJ 07666

## **APPENDIX B:**

### **Photographs of Site and Silt Fencing**

## Appendix B – Photo Log

Buena Vista  
55 Buena Vista Avenue  
Yonkers, New York



Photograph of silt fencing along Central/ Western and eastern Track 2 boundary (looking north)



Photograph of silt fencing along Central/ Western and Eastern Track 2 boundary (looking south)

Photographs taken during the site inspection on February 21, 2025  
HydroEnvironmental Solutions, Inc.  
Two Center Street, P.O. Box 929  
Croton Falls, New York 10519

## **APPENDIX C:**

### **NYSDEC 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 No.	C360085	Site Details	Box 1
<b>Site Name</b> Former Teutonia Hall Site			
Site Address: 55 Buena Vista Avenue		Zip Code: 10701	
City/Town: Yonkers			
County: Westchester			
Site Acreage: 0.788			
Reporting Period: January 25, 2024 to January 25, 2025			
			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?		<input type="checkbox"/> <input checked="" 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"/>
<b>If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.</b>			
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?		<input checked="" type="checkbox"/> <input type="checkbox"/>
7.	Are all ICs 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

2/24/2025

\_\_\_\_\_  
Date

**Box 2A**

YES NO

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

☐☒

**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. C360085****Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**1-512-11**

Teutonia Buena Vista LLC

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

Two separate easements were placed on the site as part of the remedial program. One for the Track 2 Restricted-Residential portion of the site (recorded 12/2/15, recording number 553233255) and one for the Conditional Track 1 portion of the site (recorded 12/30/16, recording number 563193526).

**Institutional Controls Description:**

- require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allow the use and development of the controlled property for restricted residential, commercial or industrial uses in the Track 2 Restricted Residential area and for residential, restricted residential, commercial and industrial uses in the Conditional Track 1 area as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or the Westchester County DOH; and;
- require compliance with the Department approved Site Management Plan.

**Box 4****Description of Engineering Controls**

None Required

Not Applicable/No EC's

**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 Engineering Control 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. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The 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.

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

2/24/2025

\_\_\_\_\_  
Date

**IC CERTIFICATIONS  
SITE NO. C360085**

**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 Michael Mitnick at 1 Bridge Plaza North, Suite 840, Fort Lee, NJ 07024,  
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

2/24/2025  
Date

## **APPENDIX D:**

**BCA Amendment – BCP Site Boundary Reduction, Submitted October 2021**

**Enclosure 3**  
**Periodic Review Report (PRR) General Guidance**

- I. Executive Summary: (1/2-page or less)
  - A. Provide a brief summary of site, nature and extent of contamination, and remedial history.
  - B. Effectiveness of the Remedial Program - Provide overall conclusions regarding;
    - 1. progress made during the reporting period toward meeting the remedial objectives for the site
    - 2. the ultimate ability of the remedial program to achieve the remedial objectives for the site.
  - C. Compliance
    - 1. Identify any areas of non-compliance regarding the major elements of the Site Management Plan (SMP, i.e., the Institutional/Engineering Control (IC/EC) Plan, the Monitoring Plan, and the Operation & Maintenance (O&M) Plan).
    - 2. Propose steps to be taken and a schedule to correct any areas of non-compliance.
  - D. Recommendations
    - 1. recommend whether any changes to the SMP are needed
    - 2. recommend any changes to the frequency for submittal of PRRs (increase, decrease)
    - 3. recommend whether the requirements for discontinuing site management have been met.
- II. Site Overview (one page or less)
  - A. Describe the site location, boundaries (figure), significant features, surrounding area, and the nature and extent of contamination prior to site remediation.
  - B. Describe the chronology of the main features of the remedial program for the site, the components of the selected remedy, cleanup goals, site closure criteria, and any significant changes to the selected remedy that have been made since remedy selection.
- III. Evaluate Remedy Performance, Effectiveness, and Protectiveness  
Using tables, graphs, charts and bulleted text to the extent practicable, describe the effectiveness of the remedy in achieving the remedial goals for the site. Base findings, recommendations, and conclusions on objective data. Evaluations and should be presented simply and concisely.
- IV. IC/EC Plan Compliance Report (if applicable)
  - A. IC/EC Requirements and Compliance
    - 1. Describe each control, its objective, and how performance of the control is evaluated.
    - 2. Summarize the status of each goal (whether it is fully in place and its effectiveness).
    - 3. Corrective Measures: describe steps proposed to address any deficiencies in ICECs.
    - 4. Conclusions and recommendations for changes.
  - B. IC/EC Certification
    - 1. The certification must be complete (even if there are IC/EC deficiencies), and certified by the appropriate party as set forth in a Department-approved certification form(s).
- V. Monitoring Plan Compliance Report (if applicable)
  - A. Components of the Monitoring Plan (tabular presentations preferred) - Describe the requirements of the monitoring plan by media (i.e., soil, groundwater, sediment, etc.) and by any remedial technologies being used at the site.
  - B. Summary of Monitoring Completed During Reporting Period - Describe the monitoring tasks actually completed during this PRR reporting period. Tables and/or figures should be used to show all data.
  - C. Comparisons with Remedial Objectives - Compare the results of all monitoring with the remedial objectives for the site. Include trend analyses where possible.
  - D. Monitoring Deficiencies - Describe any ways in which monitoring did not fully comply with the monitoring plan.
  - E. Conclusions and Recommendations for Changes - Provide overall conclusions regarding the monitoring completed and the resulting evaluations regarding remedial effectiveness.
- VI. Operation & Maintenance (O&M) Plan Compliance Report (if applicable)
  - A. Components of O&M Plan - Describe the requirements of the O&M plan including required activities, frequencies, recordkeeping, etc.
  - B. Summary of O&M Completed During Reporting Period - Describe the O&M tasks actually completed during this PRR reporting period.
  - C. Evaluation of Remedial Systems - Based upon the results of the O&M activities completed, evaluated

the ability of each component of the remedy subject to O&M requirements to perform as designed/expected.

- D. O&M Deficiencies - Identify any deficiencies in complying with the O&M plan during this PRR reporting period.
- E. Conclusions and Recommendations for Improvements - Provide an overall conclusion regarding O&M for the site and identify any suggested improvements requiring changes in the O&M Plan.

#### VII. Overall PRR Conclusions and Recommendations

- A. Compliance with SMP - For each component of the SMP (i.e., IC/EC, monitoring, O&M), summarize;
  - 1. whether all requirements of each plan were met during the reporting period
  - 2. any requirements not met
  - 3. proposed plans and a schedule for coming into full compliance.
- B. Performance and Effectiveness of the Remedy - Based upon your evaluation of the components of the SMP, form conclusions about the performance of each component and the ability of the remedy to achieve the remedial objectives for the site.
- C. Future PRR Submittals
  - 1. Recommend, with supporting justification, whether the frequency of the submittal of PRRs should be changed (either increased or decreased).
  - 2. If the requirements for site closure have been achieved, contact the Departments Project Manager for the site to determine what, if any, additional documentation is needed to support a decision to discontinue site management.

#### VIII. Additional Guidance

Additional guidance regarding the preparation and submittal of an acceptable PRR can be obtained from the Departments Project Manager for the site.



October 18, 2021

**VIA ELECTRONIC MAIL AND  
FEDERAL EXPRESS**

Kelly A. Lewandowski, P.E.  
Chief Site Control Section  
New York State Division of Environmental Conservation  
Site Control Section  
625 Broadway, 11th Floor  
Albany, NY 12233

**RE: Former Teutonia Hall Site  
55 Buena Vista Avenue, Yonkers, New York  
BCP Site #C360085  
BCA Amendment – BCP Site Boundary Reduction**

Dear Ms. Lewandowski:

The attached Change of Use is being submitted to fulfill Volunteer Yonkers BV AMS LLC's ongoing Site Management Plan obligations to notify the Department if there will be a change of physical activities on this BCP Site. The Volunteer for this BCP Site will be accessing the Site for equipment and other materials that will be used to shore up the adjacent property foundation located at 92 Main Street before construction on the BCP Site can commence in order to first enhance and protect the foundation of the adjacent building. The change of use notice puts the Department on notice that the BCP Volunteer / Site owner will be performing this work from within the BCP Site boundary starting on approximately October 25, 2021. The work is expected to take several months through approximately the end of calendar year 2021. A map showing the location where this work will be occurring for the next several months is attached in Exhibit A. This work will not affect any of the completed remediation efforts at the Site.

Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,

**KNAUF SHAW LLP**

LINDA R. SHAW

Encl.

**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:** Former Teutonia Hall Site **DEC Site ID No.** C360085

**II. Contact Information of Person Submitting Notification:**

Name: Linda Shaw, Esq., Knauf Shaw LLP  
Address1: 1400 Crossroads Building, 2 State Street  
Address2: Rochester, New York 14614  
Phone: (585) 546 - 8430 E-mail: lshaw@nyenvlaw.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)

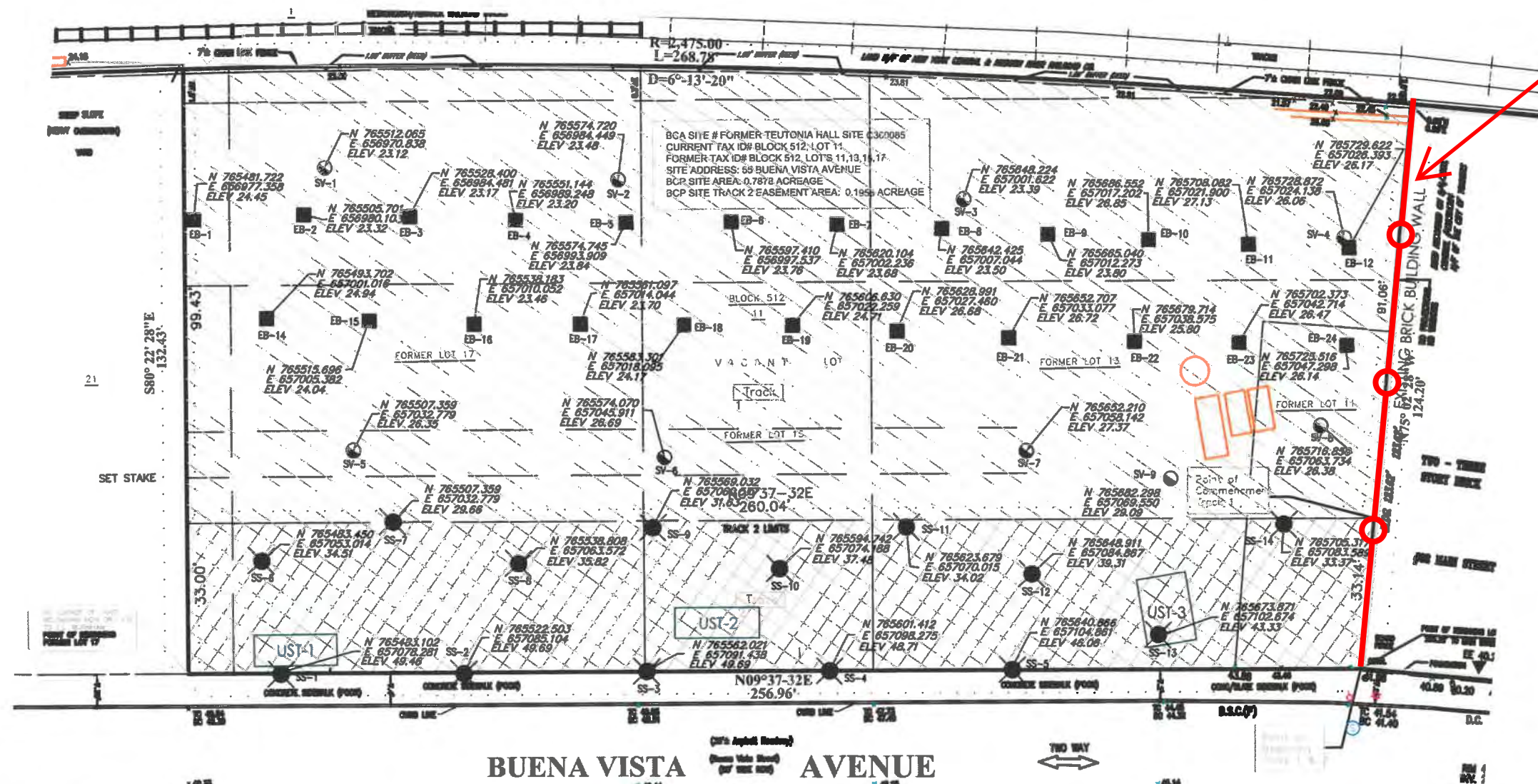
Proposed Date of Change (mm/dd/yyyy): 10/25/2021**IV. Description:** Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

The Volunteer for this BCP Site will be accessing the Site for equipment and other materials that will be used to shore up the adjacent property foundation located at 92 Main Street before construction on the BCP Site can commence in order to first enhance and protect the foundation of the adjacent building. The change of use notice puts the Department on notice that the BCP Volunteer / Site owner will be performing this work from within the BCP Site boundary. cont'd below

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).

See Exhibit A for the map showing the location where this work will be occurring for the next several months. This work will not affect any of the completed remediation efforts at the Site.

92 MAIN  
FACADE  
REQUIRING  
REPAIR



41-53 BUENA VISTA AVENUE  
YONKERS, NEW YORK

SITE  
PLAN

FIGURE 3  
JUNE 2017



**HydroEnvironmental  
SOLUTIONS, INC.**  
One Deane Bridge Road  
(914) 276-2560  
Somers, New York 10589  
Fax: (914) 276-2664