

### **BROWNFIELD CLEANUP PROGRAM (BCP)** APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

#### PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

| Check the appropriate box below based on the nature of the amendment modification requested:  |
|---|
| Amendment to [check one or more boxes below]  |
| ☐ Add ☐ Substitute ☐ Remove ☐ Change in Name  |
| applicant(s) to the existing Brownfield Cleanup Agreement [Complete Section I-IV below and Part II]   |
| Does this proposed amendment involve a transfer of title to all or part of the brownfield site? ☐Yes ☐No  |
| If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See http://www.dec.ny.gov/chemical/76250.html  |
| Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Sections I and V below and Part II]  |
| Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Section I and V below and Part II]   |
| Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY: Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form. |
| Other (explain in detail below)   |
| Please provide a brief parrative on the nature of the amendment:  |

#### Please provide a brief narrative on the nature of the amendment:

City of Yonkers Tax Lots 2-2635-15, 2-2635-19, and 2-2635-1 were consolidated into a single tax lot designated Tax Lot 2-2635-1. A survey of the original tax lots and BCP Site boundary as presented in the BCP Application is attached as Exhibit A and the revised tax map showing the consolidated tax lots and the updated BCP Site boundary is attached as Exhibit B. The tax lot consolidation approval documentation from the City of Yonkers is attached as Exhibit C. The BCP Site area has been revised from 1.941 acres to 1.9248 acres to conform to the area of the Environmental Easement executed September 4, 2018. The reduced acreage is associated with a portion of the building that was determined to be constructed on piles over the Hudson River and therefore not considered an upland portion of the parcel. Section II of the BCA should be amended to revise the acreage to 1.9248 acres and replace the current tax map parcels references to: "Portion of Tax Map/Parcel No.: 2-2635-1, Street Number 45 Water Grant Way, Yonkers, NY; Owner: The Plant Powerhouse LLC"

| Section I. Existing Agreement In   | formation            |   |  |  |  |
|--|----------------------|---|--|--|--|
| BCP SITE NAME: Former Glen   | wood Power Plant     | BCP SITE NUMBER: C360100                    |  |  |  |
| NAME OF CURRENT APPLICAN   | T(S): Glenwood P     | OH LLC; The Plant Powerhouse LLC            |  |  |  |
| INDEX NUMBER OF EXISTING A   | GREEMENT: C360       | 100-10- DATE OF EXISTING AGREEMENT:11/08/12 |  |  |  |
| Section II. New Requestor Inform   | mation (if no chang  | e to Current Applicant, skip to Section V)  |  |  |  |
| NAME   |                      |   |  |  |  |
| ADDRESS  |                      |   |  |  |  |
| CITY/TOWN  |                      | ZIP CODE                                    |  |  |  |
| PHONE  | FAX                  | E-MAIL                                      |  |  |  |
| <ul> <li>Is the requestor authorized to conduct business in New York State (NYS)?</li> <li>Yes No</li> <li>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation &amp; Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.</li> </ul> |                      |   |  |  |  |
| NAME OF NEW REQUESTOR'S  | REPRESENTATIVE       |   |  |  |  |
| ADDRESS  |                      |   |  |  |  |
| CITY/TOWN  |                      | ZIP CODE                                    |  |  |  |
| PHONE  | FAX                  | E-MAIL                                      |  |  |  |
| NAME OF NEW REQUESTOR'S  | CONSULTANT (if ap    | pplicable)                                  |  |  |  |
| ADDRESS  |                      |   |  |  |  |
| CITY/TOWN  |                      | ZIP CODE                                    |  |  |  |
| PHONE  | FAX                  | E-MAIL                                      |  |  |  |
| NAME OF NEW REQUESTOR'S  | ATTORNEY (if applied | cable)                                      |  |  |  |
| ADDRESS  |                      |   |  |  |  |
| CITY/TOWN  |                      | ZIP CODE                                    |  |  |  |
| PHONE  | FAX                  | E-MAIL                                      |  |  |  |
| Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached?   |                      |   |  |  |  |
| Describe Requestor's Relationship  | to Existing Applicar | nt:   |  |  |  |
|  |                      |   |  |  |  |

|   |  | wner/Operator Information (only incluation is provided, and highlight new   |                       | erator or new       |  |  |
|---|--|---|-----------------------|---------------------|--|--|
| OWNER'S NAME (if different from requestor)  |  |   |                       |                     |  |  |
| AD  | DRESS  |   |                       |                     |  |  |
| CI  | TY/TOWN  |   | ZIP COD               | E                   |  |  |
| PH  | ONE  | FAX   | E-MAIL                |                     |  |  |
| OF  | ERATOR'S NAME (if differen   | t from requestor or owner)  |                       |                     |  |  |
| AD  | DRESS  |   |                       |                     |  |  |
| CI  | TY/TOWN  |   | ZIP COD               | DE                  |  |  |
| PH  | ONE  | FAX   | E-MAIL                |                     |  |  |
| Sa  | ction IV Fligibility Information   | on for New Requestor (Please refer to   | FCL 8 27-1407 for     | more detail)        |  |  |
|   |  |   |                       | ,                   |  |  |
| ır a  | nswering "yes" to any of the fo  | ollowing questions, please provide an ex  | pianation as an attac | enment.             |  |  |
| 1.  | Are any enforcement actions  | pending against the requestor regarding   | this site?            | _Yes                |  |  |
| 2.  | Is the requestor presently sub<br>relating to contamination at th  | pject to an existing order for the investigate site?  |                       | ediation<br>Yes  No |  |  |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site?  |  |   |                       |                     |  |  |
| 4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. |  |   |                       |                     |  |  |
|   | 5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information. |   |                       |                     |  |  |
| 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?   |  |   |                       |                     |  |  |
| 7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?           |  |   |                       |                     |  |  |
|   | jurisdiction of the Department,  | alsified statements or concealed material or submitted a false statement or made ent or application submitted to the Depa | use of or made a fal  |                     |  |  |
|   | 9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?    Yes   No         |   |                       |                     |  |  |
| 10.   | ·  | tion in any remedial program under DEC<br>antially comply with an agreement or ord  | C's oversight termina |                     |  |  |
| 11.   | Are there any unregistered bu  | ılk storage tanks on-site which require re  | egistration?          | ]Yes                |  |  |

| THE NEW REQUESTOR MUST CERTIFY THAT IT IS I ACCORDANCE WITH ECL §27-1405 (1) BY CHECKIN   |   | _                        | _   |  | R IN  |  |
|---|---|--------------------------|---|--|---|--|
| PARTICIPANT   | VOLUN   | TEER                     |   |  |   |  |
|   |   | or other t               |   |  |   |  |
|   |   | whose liabi<br>operation |   |  |   |  |
|   |   | nt to the di             |   |  |   |  |
| result of ownership, operation of, or involvement with  |   | of petroleun             |   |  |   |  |
| the site subsequent to the disposal of contamination.   |   |                          |   |  |   |  |
|   | liability ar operation of he/she has to the hazareasonable discharge; iii) prevent resource hazardous   |                          | as a rement with appropriate found after i) so any threatman, envirto any | esult of control the site care with the facility top any tened future on the facility top and | ownership,<br>rtifies that<br>th respect<br>by taking<br>continuing<br>e release;<br>or natural<br>released |  |
|   | If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be |                          |   |  |   |  |
| Requestor's Relationship to Property (check one):   |   |                          |   |  |   |  |
|   |   |                          |   |  |   |  |
| ☐ Prior Owner ☐ Current Owner ☐ Potential /Future Purchaser ☐ Other   |   |                          |   |  |   |  |
| If requestor is not the current site owner, <b>proof of site access sufficient to complete the remediation must be submitted</b> . Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?  Yes Note: a purchase contract does not suffice as proof of access. |   |                          |   |  |   |  |
| Note: a parchase contract aces not sumed as proof   | or access   | •                        |   |  |   |  |
| Section V. Property description and description of c  | :hanges/ad  | dditions/re              | ductions (  | if applicab  | le)   |  |
| ADDRESS 45 Water Grant Way  |   |                          |   |  |   |  |
| CITY/TOWN Yonkers   |   |                          | ZIP C   | ODE 1070   | 1   |  |
| TAX BLOCK AND LOT (TBL) (in existing agreement)   |   |                          |   |  |   |  |
| Parcel Address  | Parcel No.  | Section No.              | Block No.   | Lot No.  | Acreage   |  |
| 45A Water Grant Way, Yonkers  |   | 1                        |   |  |   |  |
| 107 C Trailer Grant Tray, Termore   |   | 2                        | 2635  | 15   | 0.1636  |  |
| 45 Water Grant Way, Yonkers   |   | 2                        | 2635<br>2635  | 15<br>p/o 19   | 0.1636<br>1.7776  |  |

| Check appropriate boxes below:   |            |             |           |         |         |  |
|--|------------|-------------|-----------|---------|---------|--|
| Changes to metes and bounds description or TBL correction  |            |             |           |         |         |  |
| Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions) |            |             |           |         |         |  |
| Approximate acreage added:   |            |             |           |         |         |  |
| ADDITIONAL PARCELS:  |            |             |           |         |         |  |
| Parcel Address   | Parcel No. | Section No. | Block No. | Lot No. | Acreage |  |
| 45 Water Grant Way, Yonkers  |            | 2           | 2635      | p/o 1   | 1.9248  |  |
|  |            |             |           |         |         |  |
|  |            |             |           |         |         |  |
| ✓ Reduction of property  |            |             |           |         |         |  |
| Approximate acreage removed: 0.0162  |            |             |           |         |         |  |
| PARCELS REMOVED:   |            |             |           |         |         |  |
| Parcel Address   | Parcel No. | Section No. | Block No. | Lot No. | Acreage |  |
| 45 Water Grant Way, Yonkers  |            | 2           | 2635      | p/o 1   | 0.0162  |  |
|  |            |             |           |         |         |  |
|  |            |             |           |         |         |  |
| If requesting to modify a metes and bounds description of please attach a revised metes and bounds description, s                        |            |             |           |         |         |  |

## Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.

| Property is in Bronx, Kings, New York, Queens, or Richmond counties.  |
|---|
| Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.  |
| Please answer questions below and provide documentation necessary to support answers.   |
| <ol> <li>Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)?</li> <li>Please see <u>DEC's website</u> for more information.</li> </ol>   |
| 2. Is the property upside down as defined below?  |
| From ECL 27-1405(31):   |
| "Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.  |
| 3. Is the project an affordable housing project as defined below?   |
| From 6 NYCRR 375- 3.2(a) as of August 12, 2016:   |
| (a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.  |
| (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income. |
| (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.   |
| (3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.  |

#### PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

| Existing Agreement Information   |                          |  |  |  |
|--|--------------------------|--|--|--|
| BCP SITE NAME: Former Glenwood Power Plant                               | BCP SITE NUMBER: C360100 |  |  |  |
| NAME OF CURRENT APPLICANT(S): Glenwood POH LLC; The Plant Powerhouse LLC |                          |  |  |  |
| INDEX NUMBER OF EXISTING AGREEMENT: C360100-10-12                        |                          |  |  |  |
| EFFECTIVE DATE OF EXISTING AGREEMENT: 11/8/2012                          |                          |  |  |  |

#### Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

| Statement of Certification and Signatures: New Requestor(s) (if applicable)   |
|---|
| (Individual)  |
| I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department. |
| Date:Signature:   |
| Print Name:   |
| (Entity)  |
| I hereby affirm that I am (title  |
| Date:Signature:   |
| Print Name:   |

| Statement of Certification and Signature applicant must sign)   | es: Existing Applicant(s) (an authorized representative of each  |  |  |  |
|---|--|--|--|--|
| (Individual)  |  |  |  |  |
| I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department. |  |  |  |  |
| Date:Signature:   |  |  |  |  |
| Print Name:   |  |  |  |  |
| (Entity)  |  |  |  |  |
| Brownfield Cleanup Agreement and/or App<br>Application for an Amendment to that Agre<br>below constitutes the requisite approval fo<br>upon signature by the Department.  | (title) of The Plant Powerhouse LLC (entity) which is a party to the olication referenced in Section I above and that I am aware of this ement and/or Application. Lela Goren's signature or the amendment to the BCA Application, which will be effective |  |  |  |
| Date: June 16, 2020 Signature:  |  |  |  |  |
| Print Name: Lela Goren  |  |  |  |  |
| REMAINDER OF THIS AMENDMENT WIL   | L BE COMPLETED SOLELY BY THE DEPARTMENT  |  |  |  |
| Status of Agreement:  |  |  |  |  |
| PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.  | VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.   |  |  |  |
| Effective Date of the Original Agreement  | : 11/08/12   |  |  |  |
| Signature by the Department:  |  |  |  |  |
| DATED: 05/11/21   |  |  |  |  |

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Michael J. Ryan, P.E., Director

Division of Environmental Remediation

| Statement of Certification and Signature applicant must sign)  | es: Existing Applicant(s) (an authorized representative of each   |
|--|---|
| (Individual)   |   |
| Section I above and that I am aware of this  | wnfield Cleanup Agreement and/or Application referenced in a Application for an Amendment to that Agreement and/or so the requisite approval for the amendment to the BCA gnature by the Department.  |
| Date:Signature:  |   |
| Print Name:  |   |
| (Entity)   |   |
| Brownfield Cleanup Agreement and/or App<br>Application for an Amendment to that Agre<br>below constitutes the requisite approval for<br>upon signature by the Department.  | (title) of Glenwood POH LLC (entity) which is a party to the olication referenced in Section I above and that I am aware of this ement and/or Application. Lela Goren's signature the amendment to the BCA Application, which will be effective |
| Date: June 16, 2020 Signature:   |   |
| Print Name: Lela Goren   |   |
| REMAINDER OF THIS AMENDMENT WIL  | L BE COMPLETED SOLELY BY THE DEPARTMENT   |
| Status of Agreement:   |   |
| PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination. | VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.  |
| Effective Date of the Original Agreement   | : 11/0812   |
| Signature by the Department:   |   |

DATED: 05/11/21

NEW YORK STATE DEPARTMENT OF **ENVIRONMENTAL CONSERVATION** 

By: Michael J. Ryan, P.E., Director

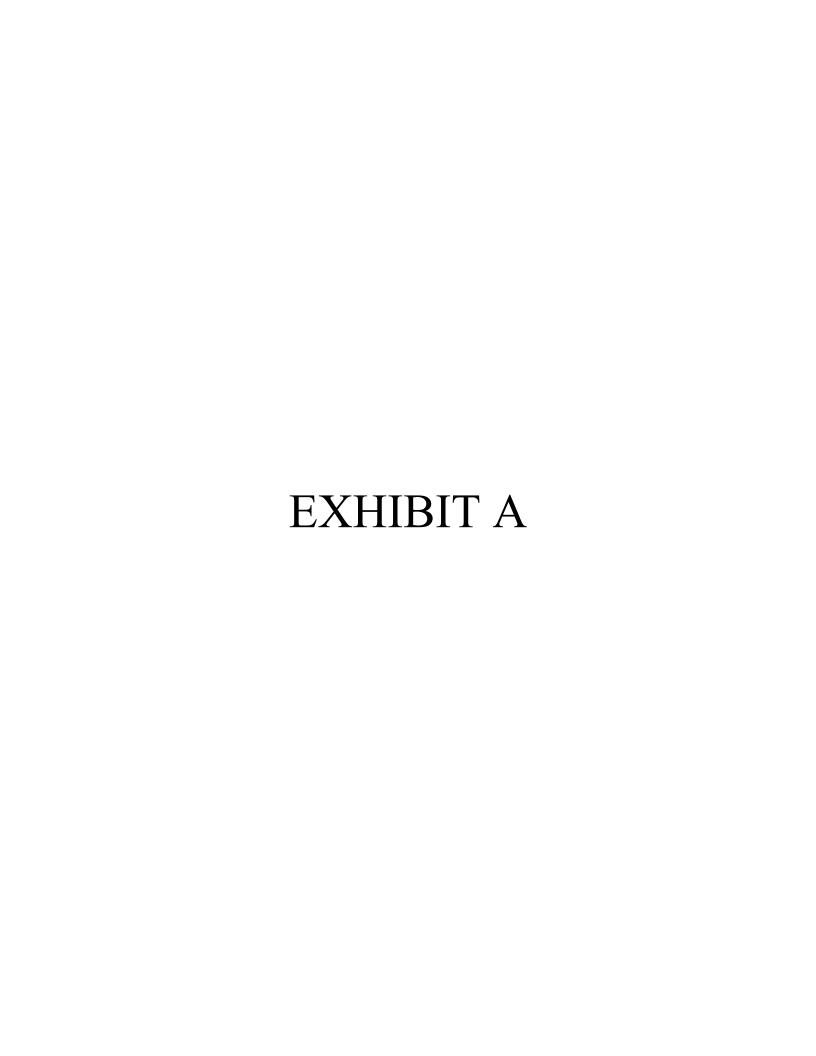
Division of Environmental Remediation

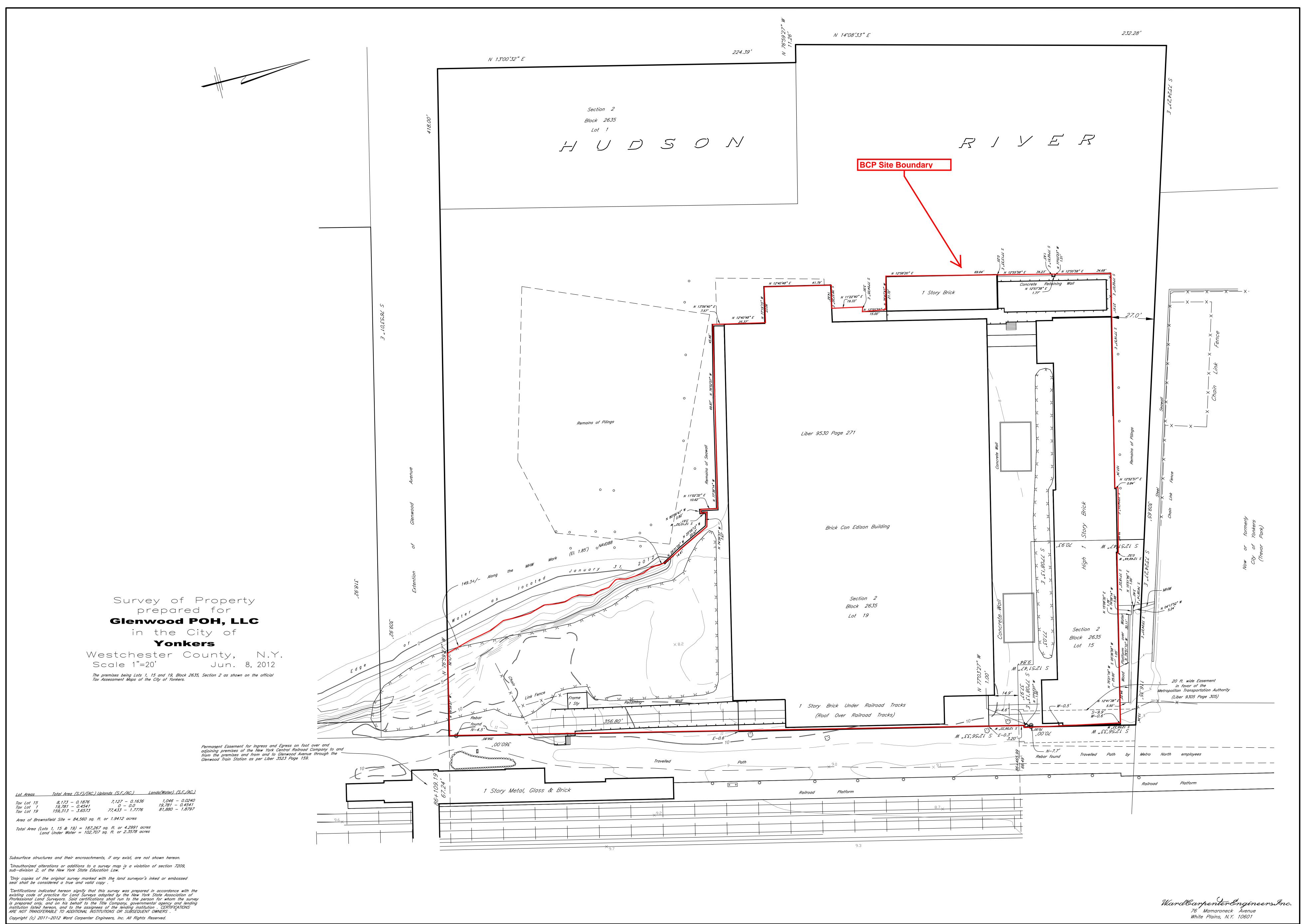
#### **SUBMITTAL INFORMATION:**

• **Two (2)** copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) must be sent to:

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

| FOR DEPARTMENT USE ONLY |               |  |
|-------------------------|---------------|--|
| BCP SITE T&A CODE:      | LEAD OFFICE:_ |  |
| PROJECT MANAGER:        |               |  |



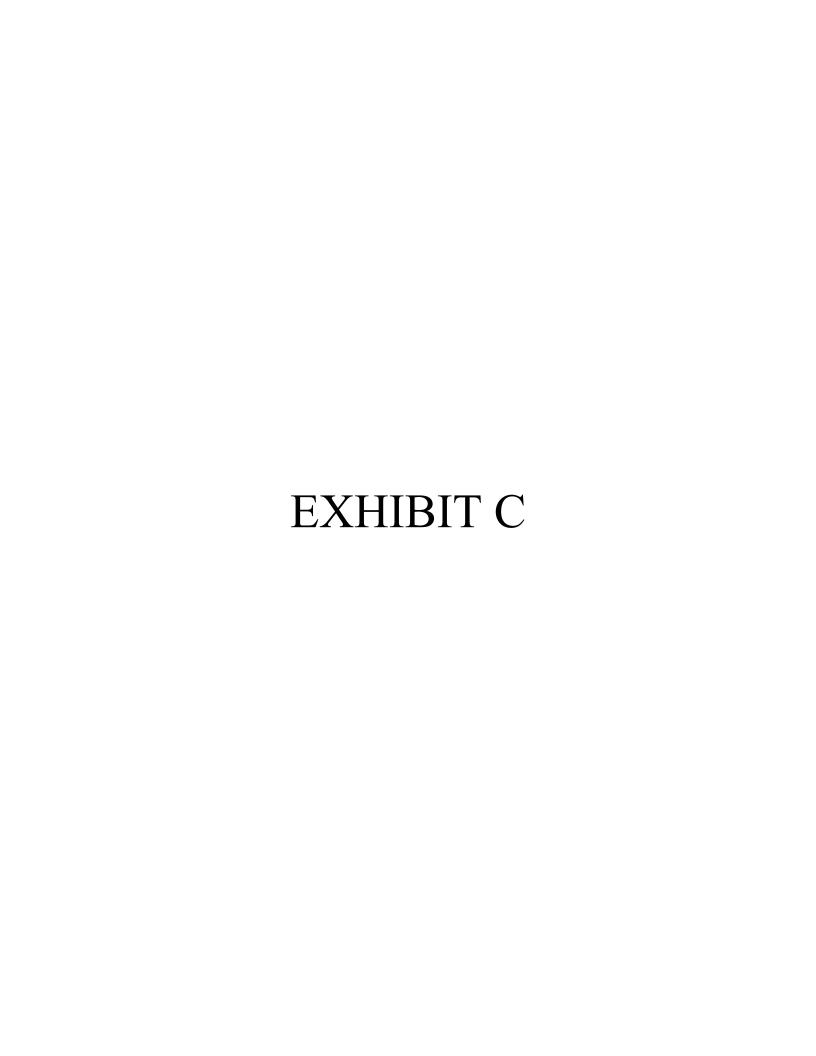




BROWNFIELD CLEANUP PROGRAM SITE # C360051 \_\_\_\_\_LEGEND FORMER GLENWOOD POWERPLÄNT SITE LEGAL DESCRIPTION FOR TAX LOT 1 (NEW) ENVIRONMENTAL EASEMENT AREA (IN RED) (Section 2, Block 2635, Lot 1) DESCRIPTION OF PROPERTY LOCATED IN THE CITY OF YONKERS, COUNTY OF WESTCHESTER, STATE OF NEW YORK. ALL that certain plot, piece or parcel of land situate, lying and located in the ---- - - - - - - - - - Gas Line City of Yonkers, County of Westchester, State of New York and designated as ALL that certain piece or parcel of land situate, lying and being located in the City of Yonkers, County of Westchester, state of New York and designated as Brownfield Site more particularly bounded and described as New Lot 1 bounded and described as follows: Beginning at a point on the division line between the property now or formerly Penn Central Corporation and property now or formerly The Plant Powerhouse Beginning at a point formed by the division line of property now or formerly Glenplace Equities, Ltd. (Section 2, Block 2635, Lot 19) and property now or formerly Metropolitan Transportation Authority (Hudson River Railroad) Drain Line LLC, said point of beginning being 67.24 feet as measured in a westerly direction and at right angles from Sta. 86+109.19, said station being on the (Section 2, Block 7000, Lot 1), said point being distant southerly 4.50 feet as measured on a course of S. 12°56'33" W. from a rebar found to the POINT OF BEGINNING; original centerline location of the Hudson River Railroad; Easement Only thence from said point of beginning along the southerly side of the Brownfield site, N. 7659'27" W., a distance of 52 +/- feet to a point at the MHW (Mean High Water) line, (El=1.85 feet, Building Line thence from said point of beginning in a southerly direction along the easterly side of the extension of Glenwood Avenue, S. 12°56'33"W., a distance of 42.94 feet to a point on the southerly side of the extension of Glenwood Avenue; thence along the MHW (Mean High Water) line as it meanders the following thirty-two (32) courses and thence in a westerly direction along the southerly side of the extension of 1. N. 15°29'16" W., a distance of 15.76 feet; Glenwood Avenue, N.77°11'03"W., a distance of 417.90 feet to a point in land ———— — Tax Lot Line 2. N. 12°06'08" W., a distance of 13.27 feet; DETAIL OF HIGH WATER MARK 3. N. 21°39'30" W., a distance of 11.07 feet; thence N.12°48'57"E., a distance of 43.89 feet; METES & BOUNDS 4. N. 03°08'41" W., a distance of 12.35 feet; SCALE 1"=10' thence N.13°00'32"E., a distance of 224.39 feet; 5. N. 07'41'51" W., a distance of 8.94 feet; thence N.76°59'27"W., a distance of 11.26 feet; 6. N. 15°59'09" W., a distance of 6.30 feet; 7. N. 10°32'03" E., a distance of 2.54 feet; thence N.14°08'33"E., a distance of 232.28 feet to the northwest corner of property now or formerly The Plant Powerhouse LLC; 8. N. 03\*15'31" E., a distance of 10.72 feet; 232.28' N 14°08'33" E thence along said northerly side of property now or formerly The Plant 9. N. 12°59'21" W., a distance of 4.57 feet; Powerhouse LLC and along the southerly side of property of the City of 10. N. 08°58'26" W., a distance of 2.75 feet; Yonkers (J.F.K. Memorial Park and Marina), S.73°24'27"E., a distance of 426.00 224.39' 11. N. 05°24'01" E., a distance of 2.57 feet; feet to a point on the division line between property now or formerly Penn N 13°00'32" E Central Corporation and property now or formerly The Plant Powerhouse LLC; 12. N. 17'10'34" E., a distance of 4.16 feet; N 12°48'57" E 43.89' thence along said division line, S.12°56'33"W., a distance of 70.00 feet; 13. N. 06°03'51" E., a distance of 3.34 feet; 14. N. 09°59'02" W., a distance of 1.58 feet; thence N.77°03'27"W., a distance of 1.00 feet; 15. N. 19°15'26" W., a distance of 2.94 feet; thence S.12°56'33"W., a distance of 360.00 feet to the point and place of 16. N. 05°53'27" W., a distance of 3.84 feet; 17. N. 08°28'57" W., a distance of 3.41 feet; Containing 205,315 square feet or 4.7134 acres, more or less. 18. N. 16°54'59" W., a distance of 0.90 feet; SUBJECT TO a 20-foot wide Utility Easement in favor of Metropolitan Transit 19. N. 37'03'03" W., a distance of 2.08 feet; Authority as recorded in Liber 9305 Page 305. 20. N. 35°20'44" W., a distance of 2.13 feet; SUBJECT TO a 1-foot wide Easement in Perpetuity for Foundations only (below 21. N. 39°07'06" W., a distance of 1.54 feet; surface of ground) recorded in Liber 7535 page 159. 22. N. 07°45'51" W., a distance of 0.83 feet; TOGETHER WITH a 15-foot wide Access Easement as per Stipulation of // U D S O M 23. N. 00°01'57" W., a distance of 1.90 feet; Settlement Index No. 1971/80 between Kenneth Capolino (K. Capolino Design & 24. N. 16°02'30" E., a distance of 2.16 feet; Renovation) and Consolidated Rail Corporation. 25. N. 14°00'00" E., a distance of 2.00 feet; 26. N. 02°13'53" W., a distance of 1.92 feet; 27. N. 03°45'01" W., a distance of 4.04 feet; 28. N. 10°39'31" W., a distance of 3.13 feet; 29. N. 17'09'47" W., a distance of 3.42 feet; 30. N. 11°51'01" W., a distance of 2.82 feet; 31. N. 09°04'40" W., a distance of 5.10 feet; 32. N. 08°07'07" W., a distance of 5.24 feet to a point on a concrete bulkhead; thence continuing along the existing concrete bulkhead the following nine (9) courses and distances: 1. N. 29°31'05" W., a distance of 14.41 feet; 2. N. 25°59'12" W., a distance of 20.47 feet; 3. N. 74°39'33" W., a distance of 7.67 feet; 4. S. 12°10'52" W., a distance of 3.61 feet; 5. N. 80°09'47" W., a distance of 2.82 feet; 6. N. 11°02'32" E., a distance of 10.62 feet; 7. N. 77°38'14" W., a distance of 69.87 feet; 8. N. 76°52'07" W., a distance of 45.46 feet; 9. N. 13"56'40" E., a distance of 7.57 feet to the southwest corner of the existing Brick Con Edison Building; 69.64' N 12'55'58" E 34.23' N 12'55'58" E 34.68' thence continuing along the existing face of Brick Con Edison Building, N. 12'40'48" E., a distance of 101.74 thence along the southerly side of an existing concrete retaining wall, N. 76°47'43" W., a distance of 5.89 feet to a point at the southeast corner of the existing 1 story brick building; Concrete Retaining Wall N 12°57'38" E ) 1 Story Brick thence along the southerly, westerly and northerly face of the existing 1 story brick building, — Portion of Building thence N. 12°58'29" E., a distance of 69.64 feet and Access Bridge on Supported by N 13°56'40" E thence S. 7714'02" E., a distance of 0.25 feet to a point on the westerly side of an existing concrete retaining Concrete Pilings Concretethence along the existing westerly face of the concrete retaining wall the following six (6) courses and distances: N 12°40'48" E 1. N. 12°55'58" E., a distance of 34.23 feet; 2. S. 77'02'51" E., a distance of 1.63 feet; 3. N. 12°57'38" E., a distance of 1.77 feet; Bridge bet. Bldgs. 4. N. 77'03'23" W., a distance of 1.51 feet; 5. N. 12°55'58" E., a distance of 34.68 feet; 6. S. 77'02'07" E., a distance of 27.61 feet to a point at the northwest corner of a existing high 1 story brick building; thence along the northerly face of the existing high 1 story brick building the following five (5) courses and distances: 1. S. 77°16'57" E., a distance of 107.34 feet; 2. N. 12'52'57" E., a distance of 0.84 feet; 3. S. 77"04"01" E., a distance of 39.96 feet; 4. S. 12°49'44" W., a distance of 0.52 feet; 5. S. 77°18'22" E., a distance of 23.77 feet to a point on the Mean High Water Line (MHW) line (EI=1.85 feet — Thence along the MHW line (EI=1.85 feet - NAVD 88), N. 23"37"53" E., a distance of 15.40 feet to the division line between property now or formerly Glenplace Equities, Ltd. (Section 2, Block 2635, Lot 15) and property now or formerly City of Yonkers (Trevor Park); Thence along said division line, S. 73°24'27" W., a distance of 81.88 feet to a point on the division line between property now or formerly Glenplace Equities, Ltd. (Section 2, Block 2635, Lot 15) and property now or formerly Metropolitan Transportation Authority (Hudson River Railroad) (Section 2, Block 7000, Lot 1); thence along said division line the following three (3) courses and distances: 1. S. 12°56'33" W., a distance of 70.00 feet; 2. N. 77°03'27" W., a distance of 1.00 feet; 3. S. 12°56'33" W., a distance of 360.00 feet to the point and place of BEGINNING. Containing 83,846 square feet or 1.9248 acres more or less. Remains of Pilings N 12°52'57" E Brick Con Edison Building Section 2 Block 2635 1 ft. wide Easement in Perpetuity for Foundations only (below surface of ground) as per Liber 7535 Page 159 | Sile 20 ft. wide Easement in favor of the Metropolitan Transportation Authority (Liber 9305 Page 305) ,c 1 Story Brick Under Railroad Tracks Iron Fence \_\_\_\_\_ between Buildings 8 15.29,33. M 45.48. Permanent Easement for Ingress and Egress on foot over and adjoining premises of the New York Central Railroad Company to and from the premises and from and to Glenwood Avenue through the Rebar found Travelled Path by Metro North employees Glenwood Train Station as per Liber 3523 Page 159. 1 Story Metal, Glass & Brick 1) The premises source of title as recorded in the Westchester County Clerk's Office (Division of Land Records) are as follows: a) Control No. 523543308 dated Dec. 20, 2012 and recorded Feb. 22, 2013 & Control No. 550723123 dated March 13, 2015 and recorded May 13, 2015. (The property described in the deed is the same property as shown 2) There are two existing buildings shown on the surveyed property. 3) Site Address: 45 Water Grant Way, Yonkers, NY This property is subject to an Environmental Easement held by the New Survey of Property York State Department of Environmental <u>Address</u> 45 Water Grant Way prepared for Conservation pursuant to Title 36 of Article 71 of the New York Environmental The Plant Powerhouse, LLC 1 Story Brick Conservation Law. Lot Areas Total Area (S.F.)/(AC.) Uplands (S.F./AC.) Lands(Water) (S.F./AC.) in the City of Glenwood GRAPHIC SCALE New Lot 1 205,315 - 4.7133 100,481 - 2.3067 104,834 - 2.4066 THE ENGINEERING AND INSTITUTIONAL **Yonkers** (Train Station) CONTROLS for the Easement are set forth Total Area (New Lot 1) = 205,315 sq. ft. or 4.7133 acres Land Under Water = 104,834 sq. ft. or 2.4066 acres Westchester County, N.Y. in more detail in the Site Management Scale 1"=20' Mar. 29, 2018 Plan ("SMP"). A copy of the SMP must ( IN FEET ) \_\_\_\_\_-1 inch = 20 ft.Subsurface structures and their encroachments, if any exist, are not shown hereon. be obtained by any party with an interest Additional information added June 26, 2018. Survey brought to date and revised area of lot Sept. 25, 2019. Revised and additional information added Sept. 4, 2020. "Unauthorized alterations or additions to a survey map is a violation of section 7209, sub-division 2, of the New York State Education Law." in the property. The SMP can be obtained from New York State Department GRAPHIC SCALE The premises being Lot 1, Block 2635, Section 2 as shown on the official Tax Assessment Maps of the City of Yonkers. "Only copies of the original survey marked with the land surveyor's inked or embossed seal shall be considered a true and valid copy ." William H. Free Jr., Senior Vice President New York State License No. 049970 of Environmental Conservation, Division of "Certifications indicated hereon signify that this survey was prepared in accordance with the existing code of practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run to the person for whom the survey is prepared only, and on his behalf to the Title Company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS." Certified to The People of the State of New York acting through their Commissioner of the Department of Environmental Conservation, The Plant Powerhouse, LLC. Environmental Remediation, Site Control Wardbarpenter Engineers Inc. Section, 625 Broadway, Albany, NY 12233 76 Mamaroneck Avenue or at derweb@dec.ny.gov White Plains, N.Y. 10601 1:250 Phone No.: 914-949-6000 Copyright (c) 2011-2020 Ward Carpenter Engineers, Inc. All Rights Reserved.

File # E:\Excelsior Packaging\dwg\55035PowerPlant-Brownfield.dwg

Job # 49320-49421-53319-55035





# APPLICATION TO AMEND THE OFFICIAL ROLL AND TAX MAP OF THE CITY OF YONKERS, NEW YORK

| . Fry S  |                      | Manienia de la companiente della companiente del | As or R                     | epresenting the Owner(s) or    | the Properties Listed Below   |
|--|----------------------|--|-----------------------------|--------------------------------|---|
|  | Malour               | Block: <u>Lot:</u>   | Block: Lot:                 | Block: Lot:                    | Block: Lot:   |
|  | WENT CHANGE          | 2635 1   |                             |                                |   |
|  | 0/11/2019            | 2635   15<br>2635   19   | <b></b>                     |                                |   |
|  | ALENINGO ENVIANO LES | ,  | t is Being Made to Amen     | d the Official Roll and Tax N  | lap to Read:  |
|  | AN SECOLULIA MANDA   |  |                             |                                | Jirai verivizo tivravio v   |
| 3308 1   | 45 WATER GRAN        | JIP  | VACANT INDUS                |                                | OWERSHOUSE LLC  |
| //Jazing 1.  | 000                  |  |                             | 31 W 11 ST ST                  | F 8A  |
| \ <i>t</i>   | to Naco              | \  |                             | NEW YORK, N                    |   |
|  |                      |  | (A)                         |                                |   |
| ,  |                      | X ON SON   |                             |                                |   |
|  | 1                    |  | _                           |                                |   |
|  |                      |  |                             |                                |   |
| ,  | 3 ,                  | ĺ  |                             |                                | •   |
|  |                      |  |                             |                                |   |
|  |                      |  |                             |                                |   |
| 3 1  | 1 2                  | *  | ľ                           |                                |   |
| ·  |                      |  |                             |                                |   |
| <del></del>  |                      |  |                             |                                |   |
| 1 1  | 3                    | 3  | , i                         |                                |   |
|  |                      |  |                             |                                | H-A   |
|  |                      |  |                             | 1                              | 100   |
| 3 3  | )<br>                | 19   | ju<br>                      | PEC                            |   |
|  |                      |  |                             | 1 1 L.C                        | EIVED BY  |
| <del></del>  |                      |  |                             | 00                             | CT 1 1 2019   |
| 3 )  | j) 9                 | 2  | is in                       | DEPARTMENT O                   | F HOUSING & BUILDINGS   |
|  |                      |  |                             | Ye                             | ONKERS, N.Y.  |
| Amendment Type   | COMBINATION          |  | Comments: AW                | AITING BHB                     |   |
| Amonument type   |                      |  | API                         | PROVAL                         |   |
| Notes:   |                      |  |                             |                                |   |
|  |                      |  |                             |                                |   |
| <b>KOTI</b> ENE ELEFORIE   | The fee for applic   | cation processing will be  | \$500.00 for the first two  | lots remaining after amendr    | nent, and an addition \$250.00 for<br>y of Yonkers. FOUR (4) copies o                           |
| ANIENDING:   | each lot over two    | remaining after amend  | ment. Check of money of     | cating square footage, dime    | nsions, and distances from  |
| EOTS AFTER   | existing buildings   | to new lot line(s) must  | be submitted along with t   | ODIT (4) Sedica darroje et     | pp ,  |
| AMENDINGS  | 1 This application   | will not become effective  | unless it is in full compli | ance with Section 932 of the   | e Real Property Tax Law and<br>y of Yonkers. By signing this<br>ax/Assessment roll reflects the |
| Marie Commence of the Commence | application, the o   | owner(s) agree to pay the  | e City and County taxes of  | on the original lots until the | ax/Assessment roll reflects the   |
| Page 1 of 1  | 1 above noted cha    | management bresterenbergenberger 2000 mile   | AMERICAN AND A              |                                | SMENTRATEGICANAL  |
| Initiated by   | EPRESENTATIVE OF OWN | NER Approved   | Date 10 11                  | Related Liber+P                | age Recording Date  |
| Applicant Name   | Taylor Palmer For    | Effective Tax  |                             |                                |   |
| Applicant Phone  | Number 914 -7C1-     | Comments:  | uject to pay                | Map Changed                    | Cards Updated   |
| 91   | 7                    | 10,  | beauty 2026                 | torker $\square$               |   |
| 1/   | Applicant's Si       | gnature  | U                           | Key Entered                    | Completion Date   |
| <del></del>  | Applicant's Si       | gnature (  | MOININA IN A                |                                |   |
| Owner's Phone N  | lumber               | - Janes  | /                           | Signature                      | Assessment Signature  |
|  |                      |  | -7 - 2- 10                  | STEEL NOW WATER                |   |
|  | Owner's Si           | gnature Approved   | Date /0/37/19               | 7/1/                           | Engineer's Signature  |
| · ·  |                      | Denied   | J                           | 1 //                           | American Comment  |
|  | Owner's S            | Comments:  |                             |                                | Commissioner's Signature  |
|  | Owner's S            | ignature   |                             |                                | 307   |
| ,  |                      |  |                             |                                |   |
|  | 1-11-17              | Date   |                             |                                |   |



## APPLICATION TO AMEND THE OFFICIAL ROLL AND

|  | TAX  | MAP (                          | OF T  | HE (         | CITY OF  | YONK           | <b>ERS</b>        | , NE                   | W YOF                                     | RK             |
|--|--|--------------------------------|---|--------------|--|----------------|-------------------|------------------------|---|----------------|
| Yor  |  | 23                             | स्त्राह्मान्त   | भारता ।      | DEFINITED AS O   | r Representir  | ng the Owne       | r(s) of the            |   | ed Below       |
| MATILE INFORM  | ENDUGAÇA<br>MANIONA                            | . 2                            | 635 Lo  | <u>it:</u>   | Block: Lot:  |                | Block: L          | .ot:                   | Block:                                    | Lot:           |
| 1911   | 10/11/2019                                     |                                | 635 15  |              | <u> </u>   |                |                   |                        |   |                |
| Set,and a first  | <u>i — i — i — — i — — — — — — — — — — — —</u> | THE COLUMN THE PERSON          | 635 19  |              | s Being Made to Am   | end the Offic  | ial Roll and      | Tax Man to             | n Read:                                   | 1              |
| Block Lot  |  |                                |   |              | S Deing Made to Am   |                | 01                |                        |   | na venejni     |
| 2635 1   | 45 WATER                                       |                                |   |              | VACANT INDUS   | 205,315        |                   |                        | RHOUSE LLC                                |                |
| ,2302 y.   |  | 5775                           | 19  |              | ,  |                | ,                 | -                      |   |                |
|  |  | 77196                          |   |              |  |                |                   | ST STE 8A<br>RK, NY 10 |   |                |
|  |  |                                |   |              |  | -              |                   | R                      | ECEIVED                                   |                |
|  | 191  |                                |   |              | 8:   |                |                   |                        | V -1 2019                                 |                |
|  |  |                                |   |              |  |                |                   |                        | 907 - • • • • • • • • • • • • • • • • • • |                |
|  |  |                                |   |              | [  | -              |                   |                        | / of Yonkel<br>lent Depar                 |                |
| 3.   |  |                                | 3   |              |  |                | Î                 | <b>V</b>               |   | · ///CIA       |
|  |  |                                |   |              |  |                |                   | 11                     | 60  |                |
|  |  | 24,24,250                      |   |              |  | -              |                   | ECEU                   | VED B                                     | V              |
|  |  |                                |   |              |  |                | 8 8 1             |                        | AED D                                     | Ŋ              |
|  |  |                                |   |              | 7.000  |                |                   | OCT :                  | 1 2019                                    |                |
|  |  |                                |   |              |  |                | DEPARTA           | MENT OF HO             | USING & BUILD                             | INGS           |
|  |  |                                |   |              |  |                |                   | YONKEI                 | IS, N-Y                                   |                |
| · · ·  |  |                                |   |              |  | -              | <u> </u>          |                        |   |                |
| 1  | 1 1  |                                | )   |              |  |                |                   |                        |   |                |
|  |  |                                |   |              |  |                |                   |                        |   |                |
|  |  |                                |   |              |  | _              |                   |                        |   |                |
| 3 3  | , '  |                                | 3   |              | I  |                |                   |                        |   |                |
|  |  |                                |   |              | ·  |                |                   |                        |   |                |
| Amendment Type COMBINATION   |  |                                | Comments: AWAITING BHB  |              |  |                |                   | 1                      |   |                |
|  |  |                                |   | [AI          | APPROVAL   |                |                   | A                      |   |                |
| Notes:   |  |                                | thed Signed Copy - Ruised   |              |  |                |                   |                        |   | o 4            |
|  | per c  | 2000                           |   |              |  | 7              | ()                | he                     | val                                       | BY             |
| EOFSEISTONE  |  |                                |   |              | 0.00 for the first two   |                |                   |                        |   |                |
| analone) a   | a survey,                                      | sealed by a lic                | ensed sun   | veyor, of ea | t. Check or money o<br>ach proposed lot ind<br>ubmitted along with | icating squar  | e footage, d      | imensions,             | and distances                             | from           |
| Komerataria<br>Minavaniaria  | amendme  |                                | / lot line(s)   | must be s    | ubmitted along with  | roon (4) se    | aleu survey       | s or the pro           | perty before its                          | 5              |
| Control of the Contro | 0.00 Regulation                                | ns regarding th                | ne Subdivis   | ion of Rea   | ess it is in full compl<br>Il Properties in the S                  | tate of New Y  | ork and the       | City of Yo             | nkers. By sign                            | ing this       |
| Page 1 of  |  | n, the owner(s)<br>ed changes. | ) agree to p  | oay the Cit  | y and County taxes   | on the origina | al lots until ti  | ne Tax/Ass             | essment roll re                           | eflects the    |
|  | NEW PROFESSION                                 |                                |   |              | Westernow  |                |                   |                        | IN APPER ON                               |                |
| Initiated by REPRESENTATIVE OF OWNER  Applicant Name   |  |                                | Approved Date Related Liber+Page Recording Date  Effective Tax Year 20/21 |              |  |                |                   |                        |   | ate            |
| Applicant Phone Number   |  |                                | Comments:   |              |  |                |                   |                        |   |                |
|  | 1  |                                |   |              |  | М              | ap Change         | d Ca                   | rds Updated                               | .59            |
|  | Аррііс   | ant's Signature                |   |              | •  | Ke             |                   | Соі                    |   |                |
|  | Applic   | ant's Signature                |   |              |  |                | P X               | /_                     | )   | -              |
| Owner's Phone Nui  | mber   |                                | ,   |              | Finance  | Signature /    | 11                | 1                      | Assessm                                   | nent Signature |
|  |  |                                | KINE.   |              |  |                | )/// <i>4</i> /53 |                        |   |                |
|  | Owi  | ner's Signature                | Approve   | d A Di       | ate 10/31/19   | Of             | 47/               | ANY Y                  | ) 1                                       | r's Signature  |
|  |  |                                | Denied  |              | REVI   | EWED E         | 3Y                | UU                     | : _ Enginee                               | , a signature  |
|  | Owi  | ner's Signature                | Comme   | nts:         |  |                |                   |                        | Commissione                               | r's Signature  |
|  | Owi  | ner's Signature                |   |              | NOV  | U 1 2019       | 1 A W 1 1         |                        |   |                |
|  | DEPARTMENT OF HOUSING & BUILDINGS              |                                |   |              |  |                |                   |                        |   |                |



September 7, 2020

#### VIA ELECTRONIC MAIL

Kelly A. Lewandowski, P.E.
Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany New York 12233-7020
kelly.lewandowski@dec.ny.gov

Re: Former Glenwood Power Plant, BCP Site No. C360100
Revised BCA Amendment Application
BCA C360100-10-12
Response to Notice of Incomplete Application ("NOIA")

Dear Ms. Lewandowski:

This correspondence is in response to your Notice of Incomplete Application, sent via email on July 24, 2020. Enclosed is the compete revised BCA amendment application. Thank you for the 15 day extension to respond. Please see below the response to each comment in the NOIA:

- 1. Comment: Section V Property description tables should be consistent with the narrative on page 1 and indicate in the both sets of tables where appropriate, next to the parcels a "portion of" or p/o. E.g., the existing agreement table, the parcels at 45 Water Grant Way is a portion of tax lot 2-2635-19. The consolidated tax lot is now a portion of 2-2635-1.
  - Response: Section V of the BCA amendment application has been updated to reflect that the BCP Site included a "portion-of" the former Lot 19 and a "portion-of" the new Lot 1.
- 2. Comment: In Exhibit B [now Exhibit C]-the application to amend the official roll and tax map of the city of Yonkers dated-received October 11, 2019, the Block No. listed is Block No. 3308, however in the application dated-received October 31, 2019 the Block # is 2635 consistent with the amendment narrative. Please explain the discrepancy.

Response: With regard to Exhibit B (now Exhibit C in the revised Application), which consists of the application to amend the official roll and tax map of the city of Yonkers (the "Tax Map Amendment Application"), we have been advised by the Assesor for the City of Yonkers that the submittal stamped "received" on October 11, 2019 was the original Tax Map Amendment Application and that the reference to "Block 3308" was a typo. The submittal stamped "received" on October 31, 2019 represents the revised, and corrected,

Tax Map Amendment Application as noted on the version received October 11, 2019 and as referenced in the "Notes" of the version received October 31, 2019.

3. Comment: Please explain in the narrative box on page 1 the site reduction, albeit small, difference in the BCA site acreage. The acreage on the original BCA application is 1.776 not 1.7612 as noted in the current BCA Amendment application.

Response: The acreage for the entire BCP Site should have been stated as revised from a total of 1.941 acres in the original BCA application to a revised total of 1.9248 acres to be consistent with the acreage of the Environmental Easement, executed September 4, 2018, for the Site. Comparing the boundary of the original BCP Site (see Exhibit A to the Amendment Application) to the boundary of the Environmental Easement and amended BCP Site (see Exhibit B to the Amendment Application), the reduced BCP Site area is associated with a portion of the building that was determined to be constructed on piles over the Hudson River and therefore not considered an upland portion of the parcel. The narrative and Section V of the Amendment Application have been updated accordingly.

4. Comment: Please add an explanation in the narrative box why the site address 45A is no longer required/valid-was subsumed in the new address 45 Water Grant.

Response: We have been advised by the City of Yonkers Assessor that the address of 45 Water Grant has been assigned to the consolidated tax parcel because the the City of Yonkers no longer uses letters for addresses (i.e., "45A") so that the location of an emergency is clear to emergency responders.

5. Comment: The BCP site boundary should be clearly indicated on the final consolidated tax map on page 16 In Exhibit B. One cannot determine the BCP site from looking at this map. As an example, see last attached pdf taken from the original BCP application which clearly depicts the BCP site. Please revise the map in Exhibit B of the current amendment to outline the BCP site in this manner.

Response: The consolidated tax map in Exhibit B has been updated to include the revised BCP Site boundary as well as the metes and bounds of the revised BCP Site Boundary and metes and bounds of the consolidated tax lot. The revised BCP Site boundary and metes and bounds description is identical to that of the Environmental Easement area.

Thank you.

Sincerely,

KNAUF SHAW LLP

2008 Elen

DWIGHT E. KANYUCK

cc: The Plant Powerhouse LLC
Glenwood POH LLC
Michael Squire, NYSDEC (via email)
Mr. Alali Tamuno, Esq., NYSDEC (via email)