



Department of
Environmental
Conservation

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 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"

Please refer to the attached instructions for guidance on filling out this application

Section I. 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- DATE OF EXISTING AGREEMENT: 11/08/12			
Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)			
NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Is the requestor authorized to conduct business in New York State (NYS)? <input type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> 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 & 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. 			
NAME OF NEW REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)			
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? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Describe Requestor's Relationship to Existing Applicant:			

Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☐ No
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? ☐ Yes ☐ No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? ☐ Yes ☐ No
Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
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. ☐ Yes ☐ No
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. ☐ Yes ☐ No
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? ☐ Yes ☐ No
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? ☐ Yes ☐ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department? ☐ Yes ☐ No
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. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☐ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☐ No

THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ 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 disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

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 specific as to the appropriate care taken.

Requestor's Relationship to Property (check one):

☐ Prior Owner ☐ Current Owner ☐ Potential /Future Purchaser ☐ Other _____

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** 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 ☐ No

Note: a purchase contract does not suffice as proof of access.

Section V. Property description and description of changes/additions/reductions (if applicable)

ADDRESS 45 Water Grant Way

CITY/TOWN Yonkers

ZIP CODE 10701

TAX BLOCK AND LOT (TBL) (in existing agreement)

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
45A Water Grant Way, Yonkers		2	2635	15	0.1636
45 Water Grant Way, Yonkers		2	2635	p/o 19	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 or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

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.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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 _____) of (entity _____); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and 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.

_____ 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: _____

Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)

(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)

I hereby affirm that I am Managing Member (title) of The Plant Powerhouse LLC (entity) which is 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. Lela Goren's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: June 16, 2020 Signature: 

Print Name: Lela Goren

REMAINDER OF THIS AMENDMENT WILL 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

By:



Michael J. Ryan, P.E., Director
Division of Environmental Remediation

Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)

(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)

I hereby affirm that I am Managing Member (title) of Glenwood POH LLC (entity) which is 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. Lela Goren's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: June 16, 2020 Signature: 

Print Name: Lela Goren

REMAINDER OF THIS AMENDMENT WILL 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.

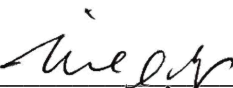
Effective Date of the Original Agreement: 11/0812

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:_____

EXHIBIT A

EXHIBIT B

EXHIBIT C



Date: 10/11/2019

<u>Block:</u>	<u>Lot:</u>	<u>Block:</u>	<u>Lot:</u>	<u>Block:</u>	<u>Lot:</u>	<u>Block:</u>	<u>Lot:</u>
2635	1						
2635	15						
2635	19						

A Request is Being Made to Amend the Official Roll and Tax Map to Read:

[illegible]

Comments: AWAITING BHB APPROVAL

Notes:

LOTS BEFORE AMENDING:	3
LOTS AFTER AMENDING:	1
FEE:	\$250.00

Page 1 of 1

The fee for application processing will be \$500.00 for the first two lots remaining after amendment, and an addition \$250.00 for each lot over two remaining after amendment. Check or money order made payable to the City of Yonkers. FOUR (4) copies of a survey, sealed by a licensed surveyor, of each proposed lot indicating square footage, dimensions, and distances from existing buildings to new lot line(s) must be submitted along with FOUR (4) sealed surveys of the property before its amendment.

This application will not become effective unless it is in full compliance with Section 932 of the Real Property Tax Law and Regulations regarding the Subdivision of Real Properties in the State of New York and the City of Yonkers. By signing this application, the owner(s) agree to pay the City and County taxes on the original lots until the Tax/Assessment roll reflects the above noted changes.

ASSESSMENT APPROVAL

Initiated by	REPRESENTATIVE OF OWNER
--------------	-------------------------

Approved ☒ Date 10/11/19

Related Liber+Page	Recording Date
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Applicant Name Tush Palmer is a return for work

Effective Tax Year 20/21

Applicant Phone Number 914-761-1308

Comments: Subject to payment
of County 2020 taxes

Man Changed

Cards Updated

Key Entered

Completion Date

Owner's Phone Number

Finance Signature

Assessment Signature

Owner's Signature

Approved ☒ Date 10/31/19

Engineer's Signature

Owner's Signature

Commissioner's Signature

Comments:

Date _____



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

As or Representing the Owner(s) of the Properties Listed Below

FILE INFORMATION
1911
10/11/2019

Block:	Lot:	Block:	Lot:	Block:	Lot:	Block:	Lot:
2635	1						
2635	15						
2635	19						

A Request is Being Made to Amend the Official Roll and Tax Map to Read:

Block	Lot	PROPERTY ADDRESS	ZONE	USE	SC	OWNER BUILDING INFORMATION
2635	1	45 WATER GRANT X - 657750 X - 771961	IP	VACANT INDUS	205,315	THE PLANT POWERHOUSE LLC 31 W 11 ST STE 8A NEW YORK, NY 10011
						RECEIVED NOV -1 2019 City of Yonkers Assessment Department A160
						RECEIVED BY OCT 31 2019 DEPARTMENT OF HOUSING & BUILDINGS YONKERS, N.Y.

Amendment Type COMBINATION

Comments: AWAITING BHB APPROVAL

Notes:

See attached signed copy - Revised final BHL

LOTS BEFORE AMENDMENT	3
LOTS AFTER AMENDMENT	1
FEES	\$250.00

The fee for application processing will be \$500.00 for the first two lots remaining after amendment, and an addition \$250.00 for each lot over two remaining after amendment. Check or money order made payable to the City of Yonkers. FOUR (4) copies of a survey, sealed by a licensed surveyor, of each proposed lot indicating square footage, dimensions, and distances from existing buildings to new lot line(s) must be submitted along with FOUR (4) sealed surveys of the property before its amendment.

This application will not become effective unless it is in full compliance with Section 932 of the Real Property Tax Law and Regulations regarding the Subdivision of Real Properties in the State of New York and the City of Yonkers. By signing this application, the owner(s) agree to pay the City and County taxes on the original lots until the Tax/Assessment roll reflects the above noted changes.

APPLICANT INFORMATION
Initiated by REPRESENTATIVE OF OWNER
Applicant Name
Applicant Phone Number
Applicant's Signature
Applicant's Signature
Owner's Phone Number
Owner's Signature
Owner's Signature
Owner's Signature
Date

FINANCE/TAX APPROVAL
Approved <input type="checkbox"/> Date
Effective Tax Year 20/21
Comments:

ASSESSMENT APPROVAL	
Related Liber+Page	Recording Date
Map Changed <input type="checkbox"/>	Cards Updated <input type="checkbox"/>
Key Entered <input checked="" type="checkbox"/>	Completion Date

HOUSING & BUILDINGS APPROVAL	
Approved <input checked="" type="checkbox"/> Date 10/31/19	Assessment Signature
Denied <input type="checkbox"/>	Engineer's Signature
REVIEWED BY	Commissioner's Signature
Comments:	
NOV 01 2019	
DEPARTMENT OF HOUSING & BUILDINGS YONKERS, N.Y.	



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 complete 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 Assessor 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



DWIGHT E. KANYUCK

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