



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

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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:

The following address/TBL modifications have been made for that portion of the BCP Site addressed in the BCA as 8 Cottage Place, City of Yonkers, Westchester County with City of Yonkers tax map identification number Section 2, Block 2094, Lot 1 (portion of).

- The address has been amended to 10 Willow Place, City of Yonkers, Westchester County.
- The tax map identification number has been amended to Section 2, Block 2094, Lot 3.

See attached Site Location Map, City of Yonkers Tax Map, amended Site Survey showing new Site address and tax identification number, and the approved Application to Amend the Official Roll and Tax Map of the City of Yonkers, New York

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

Section I. Existing Agreement Information

BCP SITE NAME: Cottage Place Gardens Phase 3

BCP SITE NUMBER: C360150

NAME OF CURRENT APPLICANT(S): CPG Phase III Limited Partnership

INDEX NUMBER OF EXISTING AGREEMENT: C360150-10- DATE OF EXISTING AGREEMENT:12/3/15

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)?

Yes

No

- 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? Yes 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

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: NA

ADDITIONAL PARCELS:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
10 Willow Place, Yonkers NY*	3A	2	2094	3	1.108**

Reduction of property

Approximate acreage removed: _____

PARCELS REMOVED:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

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.

* This TBL correction applies to that portion of the BCP Site addressed in the BCA as 8 Cottage Place, City of Yonkers, Westchester County with tax parcel identification number Section 2, Block 2094, Lot 1 (portion of).

** The acreage shown is consistent with the BCA Amendment dated 3/27/2018, which expanded the acreage from 1.006 acre (as identified in the original BCA) to 1.108 acre.

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: Cottage Place Gardens Phase 3	BCP SITE NUMBER: C360150
NAME OF CURRENT APPLICANT(S): CPG Phase III Limited Partnership	
INDEX NUMBER OF EXISTING AGREEMENT: C360150-10-15	
EFFECTIVE DATE OF EXISTING AGREEMENT: 12/3/2015	

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 an authorized agent (title) of CPG Phase III Limited Partnership (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. Susan McCann's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 12/3/2019 Signature: 

Print Name: Susan McCann, VP & Authorized Agent

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

<input type="checkbox"/> 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.	<input checked="" type="checkbox"/> 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.
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Effective Date of the Original Agreement:

Signature by the Department:

DATED:

DEC 13 2019

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

SUBMITTAL INFORMATION:

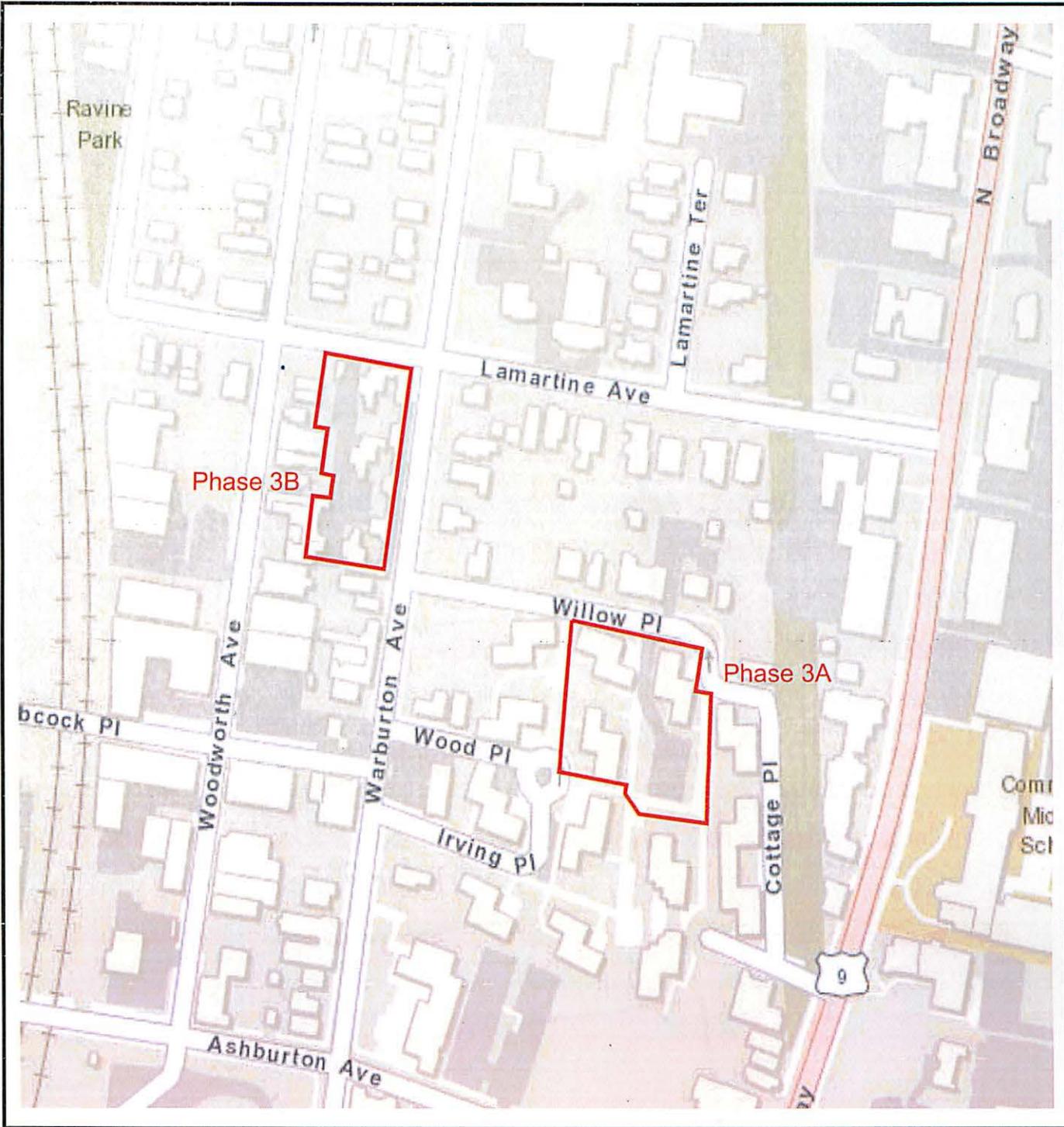
- **Two (2)** copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) must be sent to:

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: _____



MAP REFERENCE

Image from Environmental Data Resources, Inc.
 The Site boundaries are approximate and do not represent a Site survey.



ENGINEERING
 SURVEYING
 ARCHITECTURE
 LANDSCAPE ARCHITECTURE

C.T. MALE ASSOCIATES

50 CENTURY HILL DRIVE, LATHAM, NY 12110
 PHONE (518) 786- 7400 FAX (518) 786-7299

FIGURE 1: SITE LOCATION MAP

**Phase 3A and Phase 3B Parcels
 Cottage Place Gardens**

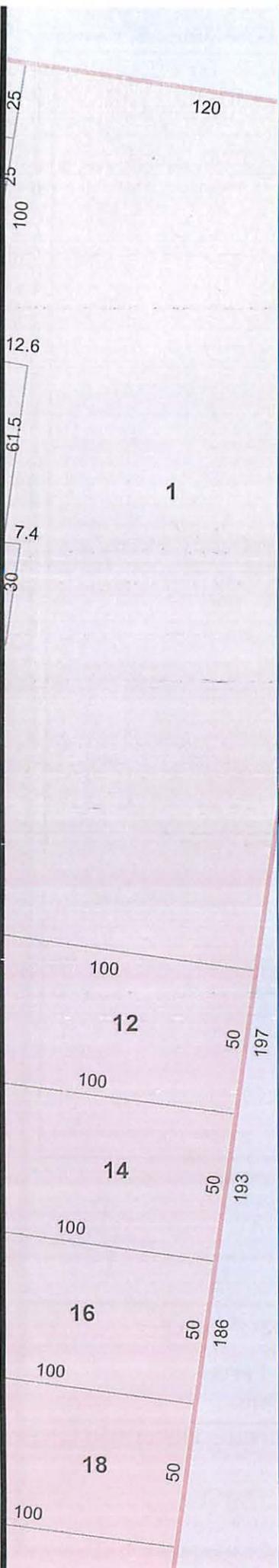
CITY OF YONKERS

WESTCHESTER COUNTY, NY

SCALE: Not to Scale

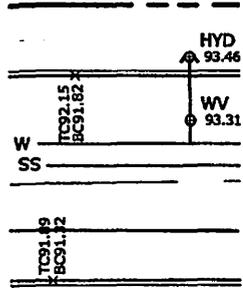
DRAFTER: Bieber

PROJECT No. 15.5268



WARBURTON AVENUE
(50' WIDE PUBLIC RIGHT OF WAY)

238.08' TO WARBURTON AVE.



P
BE
12
R

**DESCRIPTION
PHASE 3A
10 WILLOW PLACE
PORTION OF LANDS NOW OR FORMERLY OF THE
MUNICIPAL HOUSING AUTHORITY FOR THE CITY OF YONKERS
CITY OF YONKERS, COUNTY OF WESTCHESTER, STATE OF NEW YORK
AREA = 48,261± SQUARE FEET OR 1.108± ACRES OF LAND**

All that certain tract, piece or parcel of land situate in the City of Yonkers, County of Westchester, State of New York, lying South of Willow Place and East of Warburton Avenue, and being more particularly bounded and described as follows:

BEGINNING at a point on the Southerly street boundary of Willow Place as established as a 35-foot-wide right-of-way, said point being situate South 81 deg. 36 min. 05 sec. East along said Southerly street boundary of Willow Place, a distance of 238.08 feet from its point of intersection with the Easterly street boundary of Warburton Avenue as established as a 50-foot-wide right-of-way and runs thence from said point of beginning South 81 deg. 36 min. 05 sec. East along said Southerly street boundary of Willow Place 203.92 feet to its point of intersection with the Westerly street boundary of Willow Place; thence South 08 deg. 04 min. 45 sec. West along said Westerly street boundary 44.95 feet to a point; thence through the lands now or formerly of the Municipal Housing Authority

Lands
MUNICIPAL HOUSING AUTHORITY FOR THE CITY OF YONKERS

Block 209



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

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

FILE INFORMATION	
Number	Date
1859	7/18/2018



Block:	Lot:	Block:	Lot:	Block:	Lot:	Block:	Lot:
2094	1						

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

Block	Lot	PROPERTY ADDRESS	ZONE	USE	SQ. FT.	OWNER BILLING INFORMATION
2094	1	COTTAGE GARDENS	M	APARTMENT	152,963	MHACY 1511 CENTRAL PARK AVENUE YONKERS NY 10710
2094	3	10 WILLOW PLACE	M	APARTMENT	48,261	SAME <i>A105</i>

RECEIVED BY
JUL 18 2018
 DEPARTMENT OF HOUSING & BUILDINGS
 YONKERS, N.Y.
AMENDMENT TO PLAN

Amendment Type: APPORTION Comments: AWAITING BHB APPROVAL

Notes:

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

The fee for application processing will be \$250.00 for the first two lots remaining after amendment, and an addition \$200.00 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	FINANCE (TAX) APPROVAL	ASSESSMENT APPROVAL
Initiated by: REPRESENTATIVE OF OWNER	Approved: <input checked="" type="checkbox"/> Date: 7/18/2018	Related Liber+Page: Recording Date:
Applicant Name: PATRICIA A. DUFFY <i>Joseph SHV... Duffey</i>	Effective Tax Year: 2019/20	
Applicant Phone Number: <i>914-352-1111</i>	Comments: Subject to payment of 2019 County Tax	Map Changed: Cards Updated: