

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director

625 Broadway, 12th Floor, Albany, New York 12233-7011

P: (518) 402-9706 | F: (518) 402-9020

www.dec.ny.gov

December 29, 2021

Susan McCann, Vice President
178 Warburton Limited Partnership
8 W. 38th Street, Suite 1102
New York, NY 10018

Wilson Kimball, President and Chief Executive Officer
Municipal Housing Authority for the City of Yonkers
1511 Central Park Avenue
PO Box 35
Yonkers, NY 10710

Re: Certificate of Completion
Cottage Place Gardens Phase 5 Parcel Site
Yonkers, Westchester County
Site No. C360161

Dear Ms. McCann and Ms. Kimball:

Congratulations on having satisfactorily completed the remedial program at the Cottage Place Gardens Phase 5 Parcel Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced Site.

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

- If you are the Site owner, you must record the Notice of Certificate of Completion in the recording office for the county (or counties) where any portion of the Site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the Site, you must record the Notice within 30 days of the date that you acquire the Site. If you are a non-owner, you must work with the owner to assure the Notice is recorded within the time frame specified. A standard Notice of Certificate of Completion form is attached to this letter.

- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

Scott Deyette, Remedial Bureau C
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233

- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the Site and distribute it to the County Listserv within 10 days.

If you have any questions regarding any of these items, please contact Scott Deyette at (518) 402-9794.

Sincerely,

Susan Edwards

Susan Edwards, P.E.
Acting Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

J. Smith – TCB, Inc., JSmith@TCBInc.org
E. Ceplikas – TCB, Inc., ECeplikas@TCBInc.org
K. Moline – CT Male, k.moline@ctmale.com
C. Vooris – NYSDOH, Christine.Vooris@health.ny.gov
M. Schuck – NYSDOH, Maureen.Schuck@health.ny.gov
S. Bogardus – NYSDOH, Sara.Bogardus@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

Scott Deyette
Janet Brown
Daniel Bendell
Andrew Guglielmi
Alali Tamuno
Kelly Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

178 Warburton Limited Partnership

Address

8 W. 38th Street, Suite 1102, New York, NY 10018

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 12/8/17 **Agreement Execution:** 12/21/17

Agreement Index No.: C360161-09-17

Application Approval Amendment: 6/15/18

Agreement Execution Amendment: 6/15/18

Application Approval Amendment: 10/21/21

Agreement Execution Amendment: 10/21/21

SITE INFORMATION:

Site No.: C360161 **Site Name:** Cottage Place Gardens Phase 5 Parcel Site

Site Owner: Municipal Housing Authority for the City of Yonkers, 178 Warburton Limited Partnership,
and 178 Warburton Housing Development Fund Corporation

Street Address: 178 Warburton Avenue

Municipality: Yonkers **County:** Westchester

DEC Region: 3

Site Size: 1.401 Acres

Tax Map Identification Number(s): 2-2095-33 (portion of)

Percentage of site located in an EnZone: 100%

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

CERTIFICATE ISSUANCE

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

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

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

Allowable Uses under the BCP: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial
Cleanup Track: Track 1: Unrestricted use

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50%.

Tangible Property Credit is 20%. Comprised of 10% Base, 5% EnZone, 5% Track 1.

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the Site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), or if the Site is used primarily for manufacturing activities (5%) not to exceed a maximum 24%.

No Environmental Easement has been granted pursuant to ECL Article 71, Title 36 as there are no use restrictions and there is no reliance on the long-term employment of institutional controls.

LIABILITY LIMITATION

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

CERTIFICATE TRANSFERABILITY

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

CERTIFICATE MODIFICATION/REVOCATION

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

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation.

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

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By: Susan Edwards Date: 12/29/2021

Susan Edwards, P.E., Acting Director
Division of Environmental Remediation

Cottage Place Gardens Phase 5 Parcel, C360161, 178 Warburton Avenue, Yonkers, NY

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

Cottage Place Gardens Phase 5 Parcel, Site ID No. C360161
178 Warburton Avenue, Yonkers, NY 10701
Yonkers, Westchester County, Tax Map Identification Number 2-2095-33 (portion of)

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to 178 Warburton Limited Partnership for a portion of Tax Parcel Number 2-2095-33, approximately 1.401 acres in size, located at 178 Warburton Avenue in the City of Yonkers, Westchester County.

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

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

- ☒ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☒ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☒ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

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

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

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

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

Cottage Place Gardens Phase 5 Parcel, C360161, 178 Warburton Avenue, Yonkers, NY

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 3 office located at 21 S. Putt Corners Road, New Paltz, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C360161/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

Municipal Housing Authority for the City of Yonkers
(MHACY)

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

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

Signature and Office of individual
taking acknowledgment

Cottage Place Gardens Phase 5 Parcel, C360161, 178 Warburton Avenue, Yonkers, NY

WHEREFORE, the undersigned has signed this Notice of Certificate

178 Warburton Limited Partnership

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

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

Signature and Office of individual
taking acknowledgment

Cottage Place Gardens Phase 5 Parcel, C360161, 178 Warburton Avenue, Yonkers, NY

WHEREFORE, the undersigned has signed this Notice of Certificate

178 Warburton Limited Partnership

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

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

Signature and Office of individual
taking acknowledgment

Please record and return to:

178 Warburton Limited Partnership
8 W. 38th Street
Suite 1102
New York, NY 10018

Exhibit A

Site Description

C.T. MALE ASSOCIATES

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

**DESCRIPTION ~ BCA AMENDMENT NO. 2
COTTAGE PLACE GARDENS
PHASE 5 PARCEL SITE (C360161)
CITY OF YONKERS, COUNTY OF WESTCHESTER, STATE OF NEW YORK
AREA = 1.401± 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 Easterly of Warburton Avenue, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the Easterly street boundary of Warburton Avenue (50-foot-wide right-of-way) with the Southerly street boundary of Wood Place (35-foot-wide right-of-way) and runs thence from said point of beginning along said Southerly street boundary of Wood Place South 81 deg. 36 min. 05 sec. East 100.00 feet to a point, said point being the Easterly terminus of Wood Place; thence along said Easterly terminus of Wood Place North 08 deg. 04 min. 45 sec. East 7.43 feet to its point of intersection with the division line between Phase 5 Cottage Place Gardens lands now or formerly of the Municipal Housing Authority for the City of Yonkers Section 2 Block 2094 Lot 1 on the South and Phase 2 Cottage Place Gardens lands now or formerly of the Municipal Housing Authority for the City of Yonkers Section 2 Block 2096 Lot 33 on the North; thence South 81 deg. 36 min. 05 sec. East along the last mentioned division line 150.67 feet to a point; thence through Phase 5 Cottage Place Gardens lands now or formerly of the Municipal Housing Authority for the City of Yonkers the following two (2) courses: 1) South 08 deg. 04 min. 45 sec. West 24.81 feet to a point; and 2) South 81 deg. 55 min. 17 sec. East 100.21 feet to its point of intersection with the division line between said Phase 5 Cottage Place Gardens on the Southwest and Phase 3A Cottage

C.T. MALE ASSOCIATES

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

DESCRIPTION

AREA = 1.401± ACRES OF LAND

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Place Gardens lands now or formerly of the Municipal Housing Authority for the City of Yonkers on the Northeast; thence South 49 deg. 59 min. 36 sec. East along the last mentioned division line 39.33 feet to its point of intersection with the common division line between said Phase 5 Cottage Place Gardens on the South and said Phase 3A Cottage Place Gardens and Phase 6 Cottage Place Gardens lands now or formerly of the Municipal Housing Authority for the City of Yonkers Section 2 Block 2094 Lot 1 on the North; thence South 81 deg. 55 min. 08 sec. East along the last mentioned common division line 96.36 feet to its point of intersection with the division line between said Phase 5 Cottage Place Gardens on the West and said Phase 6 Cottage Place Gardens on the East; thence South 00 deg. 34 min. 23 sec. West along the last mentioned division line 151.28 feet to its point of intersection with the division line between said Phase 5 Cottage Place Gardens on the North and Phase 4 Cottage Place Gardens lands now or formerly of the Municipal Housing Authority for the City of Yonkers Section 2 Block 2094 Lot 1 on the South; thence North 71 deg. 00 min. 35 sec. West along the last mentioned division line 276.44 feet to a point; thence through said Phase 5 Cottage Place Gardens lands now or formerly of the Municipal Housing Authority for the City of Yonkers the following two (2) courses: 1) North 58 deg. 30 min. 15 sec. East 18.01 feet to a point; and 2) North 71 deg. 00 min. 35 sec. West 115.98 feet to its point of intersection with the Northerly street boundary of Irving Place (40-foot-wide right-of-way); thence along said Northerly street boundary of Irving Place North 71 deg. 00 min.

C.T. MALE ASSOCIATES

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

DESCRIPTION

AREA = 1.401± ACRES OF LAND

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35 sec. West 127.57 feet to its point of intersection with the above mentioned Easterly street boundary of Warburton Avenue; thence North 08 deg. 04 min. 45 sec. East along said Easterly street boundary of Warburton Avenue 84.63 feet to the point or place of beginning and containing 61,027± square feet or 1.401 acres of land, more or less.

June 21, 2017

Revised June 17, 2021

WJN/car/amb/wjn/wjn/amb

C.T. Male Project No. 16.6669

Dwg. No. 21-0375

C.T. MALE ASSOCIATES

William J. Nettleton, P.L.S.



Exhibit B

Site Survey



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/9/2021



SITE DESCRIPTION

SITE NO. C360161

SITE NAME Cottage Place Gardens Phase 5 Parcel Site

SITE ADDRESS: 178 Warburton Avenue **ZIP CODE:** 10701

CITY/TOWN: Yonkers

COUNTY: Westchester

ALLOWABLE USE: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan
Monitoring Plan
Operation and Maintenance (O&M) Plan

Periodic Review Frequency:

Periodic Review Report Submitted Date:

Description of Institutional Control

Description of Engineering Control