

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

57 Alexander Developer LLC

**Address**

777 Third Avenue, 6th Floor, New York, NY 10017

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 12/18/19    **Agreement Execution:** 1/7/20

**Agreement Index No.:** C360194-12-19

**Application Amendment Approval:** 2/10/20

**Agreement Amendment Execution:** 2/10/20

**Application Amendment Approval:** 10/19/20

**Agreement Amendment Execution:** 10/19/20

**SITE INFORMATION:**

**Site No.:** C360194    **Site Name:** 57 Alexander Street

**Site Owner:** 57 Alexander Developer LLC

**Street Address:** 47-71 Alexander Street

**Municipality:** Yonkers    **County:** Westchester

**DEC Region:** 3

**Site Size:** 3.660 Acres

**Tax Map Identification Number(s):** Portion of 2-2605-51, Portion of 2-2610-50, Portion of 2-2610-53, Portion of 2-2610-57

**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:** Restricted-Residential, Commercial, and Industrial

**Cleanup Track:** Track 4: Restricted use with site-specific soil cleanup objectives

**Tax Credit Provisions:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28%.

Tangible Property Credit is 15%. Comprised of 10% Base, 5% EnZone.

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%), if the site is located in a disadvantaged community and not located in an EnZone (5%), if the site is developed as a renewable energy facility site (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24%.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Westchester County as Control No. 633323427.

### 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 finding any of the following:

- (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;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program; or
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

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: Andrew Guglielmi Date: 12/27/2023

Andrew O. Guglielmi, Director  
Division of Environmental Remediation

**Exhibit A**  
**Site Description**

**SCHEDULE "A" PROPERTY DESCRIPTION**

**Deed Descriptions**

**Parcel A-1:**

ALL THAT CERTAIN plot, piece or parcel of land, situate, lying and being in the City of Yonkers, County of Westchester and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Alexander Street in the City of Yonkers, County of \* Westchester and State of New York, where the same is intersected by the northerly side of land now or formerly of the City of Yonkers, formerly of the Estate of Ervin Saunders;

RUNNING THENCE westerly at right angles to Alexander Street and along said land of the City of Yonkers, 684.00 feet to the westerly line of grants and pier lines as fixed by the Common Council of the City of Yonkers, April 12th, 1886;

THENCE northerly along said westerly line which forms an interior angle of 86 degrees 40 minutes 40 seconds with the last mentioned line, 96.26 feet to land conveyed by William L. Saunders and wife and Helen M.S. Holmes to Mary Eliza Saunders by deed dated December 12th, 1932;

THENCE easterly along a line which forms an interior angle of 92 degrees 56 minutes 54 seconds with the last mentioned course and which said line on the northerly side thereof forms an angle of 89 degrees 37 minutes 34 seconds with the westerly side of Alexander Street and along said land so conveyed to Mary Eliza Saunders, 678.42 feet to the westerly side of Alexander Street; and

THENCE southerly along the westerly side of Alexander Street, 91.67 feet to the point or place of BEGINNING.

Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof.

EXCEPTING THEREFROM so much of the above described premises conveyed by Deed made by Ronrob Realty Corp. to Robert Altman, dated 1/25/1992 and recorded 1/29/1992 in Liber. 10207 of Deeds, page 305, being bounded and described as follows:

ALL THAT CERTAIN plot, piece or parcel of land, being a portion of Tax Lot 57, Block 2610, Section 2 as shown on the Official City Tax Map, City of Yonkers, Westchester County, New York, said portion of Tax Lot 57 as mentioned above is more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Alexander Street, a 50.00 foot wide public street, said point being 705.92 feet northerly of the intersection of the westerly side of Alexander Street and the northerly side of Wells Avenue as measured along the westerly side of Alexander Street;

THENCE from said point of place of beginning along the dividing line between Tax Lot 57, Block 2610 and Tax Lot 51, Block 2605, making an interior angle of 90-00 degrees with the westerly side of Alexander Street, 143.00 feet to a point;

THENCE in a northerly direction through a portion of Tax Lot 57, Block 2610 on a line making an interior angle of 90-00 degrees with the previous course, 4.00 feet to a point;

THENCE in an easterly direction continuing through a portion of Tax Lot 57, Block 2610 on a line making an interior angle of 90-00 degrees with the previous course, 143.00 feet to a point on the westerly side of Alexander Street;

THENCE in a southerly direction along the westerly side of Alexander Street, 4.00 feet to a point or place of BEGINNING.

For Information Only: Said premises are known as 57 Alexander Street, Yonkers, NY and designated as Section 2 Block 2610 part of Lot 57 as shown on the Westchester County Land and Tax Map

**Parcel A-2:**

ALL THAT CERTAIN plot, piece or parcel of land, being a portion of Tax Lot 57, Block 2610, Section 2 as shown on the Official City Tax Map, City of Yonkers, Westchester County, New York, said portion of Tax Lot 57 as mentioned above is more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Alexander Street, a 50.00 foot wide public street, said point being 705.92 feet northerly of the intersection of the westerly side of Alexander Street and the northerly side of Wells Avenue as measured along the westerly side of Alexander Street;

THENCE from said point of place of beginning along the dividing line between Tax Lot 57, Block 2610 and Tax Lot 51, Block 2605, making an interior angle of 90-00 degrees with the westerly side of Alexander Street, 143.00 feet to a point;

THENCE in a northerly direction through a portion of Tax Lot 57, Block 2610 on a line making an interior angle of 90-00 degrees with the previous course, 4.00 feet to a point;

THENCE in an easterly direction continuing through a portion of Tax Lot 57, Block 2610 on a line making an interior angle of 90-00 degrees with the previous course, 143.00 feet to a point on the westerly side of Alexander Street;

THENCE in a southerly direction along the westerly side of Alexander Street, 4.00 feet to a point or place of BEGINNING.

Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof

For Information Only: Said premises are known as 57 Alexander Street, Yonkers, NY and designated as Section 2 Block 2610 Part of Lot 57 as shown on the Westchester County Land and Tax Map

**Parcel B:**

ALL THAT CERTAIN plot, piece or parcel of land, situate, lying and being at City of Yonkers, County of Westchester and State of New York, being known and designated on the Official Tax Map of the City of Yonkers, as Section 2, Block 2605, Lot 51, being more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Alexander Street, a public street 50 feet wide, distant 561.96 feet northerly as measured along said side of Alexander Street from the corner formed by the intersection of the northerly side of Wells Avenue with the said westerly side of Alexander Street, said point being the southeasterly corner of the premises herein described;

THENCE RUNNING in a general westerly direction along lands now or formerly of the Estate of Ervin Saunders on a line forming an interior angle of 85 degrees, 40 minutes, 00 seconds with said westerly side of Alexander Street, a distance of 690 feet, more or less, to the westerly line of water grants and pier line, as established by the Common Council of the City of Yonkers, April 12, 1886;

THENCE RUNNING northerly along said westerly line of water grants and along said pier line, 91.92 feet to a point and land now or formerly of Alexander Saunders;

THENCE RUNNING easterly along said last mentioned land, 684 feet to a point in the westerly line of Alexander Street, which point is distant 143.96 feet northerly as measured along said side of Alexander

Street from the point and place of beginning;

THENCE RUNNING southerly along said side of Alexander Street, 143.96 feet to the point and place of BEGINNING.

Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof.

For Information Only: Said premises are known as 47 Alexander Street, Yonkers, NY and designated as Section 2 Block 2605 Lot 51 as shown on the Westchester County Land and Tax Map

**Parcel C:**

ALL THAT CERTAIN plot, piece or parcel of land, situate, lying and being in the City of Yonkers, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point on the westerly side of Alexander Street, a public street 50 feet wide, where the same is intersected by the northerly line of land conveyed to Helen M.S. Holmes by deed bearing date December 12, 1932, recorded January 23, 1933 in Liber 3290 of Deeds, page 459;

RUNNING THENCE westerly on a line forming an interior angle of 89 degrees, 37 minutes, 34 seconds with said westerly side of Alexander Street, 678.42 feet to the westerly line of grants and pier line as fixed by the Common Council of the City of Yonkers, April 12, 1886;

RUNNING THENCE northerly along said westerly line, on a line forming an interior angle of 91 degrees 39 minutes 20 seconds with the last mentioned course 93.28 feet;

THENCE easterly along land on said date conveyed by Helen M.S. Holmes and Mary Eliza Saunders to William L. Saunders and wife and along a line which forms an interior angle of 87 degrees, 55 minutes, 32 seconds with the last mentioned course and which line on the northerly side thereof forms an angle of 89 degrees, 12 minutes, 26 seconds with the westerly side of Alexander Street, 681.12 feet to the said westerly side of Alexander Street; and

THENCE southerly along the westerly side of Alexander Street, 88.29 feet to the point or place of BEGINNING.

Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof.

For Information Only: Said premises are known as 65 Alexander Street, Yonkers, NY and designated as Section 2 Block 2610 Lot 53 as shown on the Westchester County Land and Tax Map.

**Parcel D:**

ALL THAT CERTAIN lot or parcel of land, located in the City of Yonkers, County of Westchester and State of New York, shown on the assessment map for said City as Lot 50, Block 2610, Section 2, and more particularly bounded and described as follows:

BEGINNING at a point on the west side of Alexander Street, a public street fifty (50) feet wide, where the same is intersected by the northerly side of land conveyed to Mary Eliza Saunders by deed dated December 12, 1932;

RUNNING THENCE northerly along said Alexander Street, on a line being at an interior angle of 89 degrees, 12 minutes, 26 seconds with said lands now or formerly of Saunders, 84.67 feet to land now or formerly of the Westchester Ferry Corporation;

THENCE westerly along said land of said corporation and along a line being at an interior angle of 92 degrees, 38 minutes, 00 seconds with the west side of Alexander Street, 310.00 feet to the remains of an old bulkhead;

THENCE still westerly along a line which on its southerly side makes an angle of 177 degrees, 27 minutes, 15 seconds with said last mentioned line, and still along said land of said corporation, 366.00 feet to the westerly line of grants and pier line as fixed by the Common Council of the City of Yonkers, April 12, 1886;

THENCE southerly along said westerly line along a line being at an interior angle of 93 degrees, 20 minutes, 01 second with the last mentioned line, 90.21 feet to land conveyed to Mary Eliza Saunders by William L. Saunders and wife and Helen M. S. Holmes, by deed dated December 12, 1932;

THENCE easterly along said lands conveyed to Mary Eliza Saunders and along a line which on the northerly side thereof makes an angle of 89 degrees, 12 minutes, 26 seconds with the west side of Alexander Street, 681.12 feet to the point or place of BEGINNING.

Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof,

For Information Only: Said premises are known as 71 Alexander Street, Yonkers, NY and designated as Section 2 Block 2610 Lot 50 as shown on the Westchester County Land and Tax Map.

#### **Survey Environmental Easement Description**

**ALL THAT CERTAIN PLOT**, piece or parcel of land, situate, lying and being at City of Yonkers, County of Westchester and State of New York, being known and designated on the official tax map of the City of Yonkers, as Section 2, Block 2610, part of Lots 50, 53, and 57 and Section 2, Block 2605, part of Lot 51, being bounded and described as follows:

BEGINNING at a point on the westerly side of Alexander Street, a public street 50 feet wide, distant 561.96 feet northerly as measured along said side of Alexander Street from the corner formed by the intersection of the northerly side of Wells Avenue with the said westerly side of Alexander Street, said point being the southeasterly corner of the premises herein described;

THENCE RUNNING in a general westerly direction along lands now or formerly of the estate of Ervin Saunders on a line forming an interior angle of 85 degrees 40 minutes 00 seconds with said westerly side of Alexander Street, a distance of 397.63 feet to the westerly face of the existing bulkhead;

THENCE RUNNING northerly, westerly and northerly along said westerly face of the existing bulkhead the following seven (7) courses and distances:

1. 109.26 feet, which forms an interior angle of 96 degrees 51 minutes 40 seconds with the last mentioned line;
2. 5.84 feet, which forms an interior angle of 269 degrees 00 minutes 29 seconds with the last mentioned line;
3. 83.14 feet, which forms an interior angle of 83 degrees 00 minutes 29 seconds with the last mentioned line;
4. 107.97 feet, which forms an interior angle of 178 degrees 01 minutes 17 seconds with the last mentioned line;
5. 13.27 feet, which forms an interior angle of 125 degrees 40 minutes 31 seconds with the last mentioned line;
6. 9.98 feet, which forms an interior angle of 127 degrees 26 minutes 42 seconds with the last mentioned line;

7. 75.15 feet, which forms an interior angle of 183 degrees 17 minutes 23 seconds with the last mentioned line to land now or formerly of Avalon Yonkers ATI Site LLC;

THENCE easterly along said land the following two courses and distances:

1. 81.44 feet, which forms an interior angle of 92 degrees 07 minutes 15 seconds with the last mentioned line;
2. 310.00 feet, which forms an interior angle of 177 degrees 27 minutes 15 seconds with the last mentioned line to the westerly side of Alexander Street;

THENCE along the westerly side of Alexander Street 408.59 feet, which forms an interior angle of 92 degrees 38 minutes with the last mentioned line to the point or place of BEGINNING.

Containing: 159,489 square feet or 3.66 acres.

**Exhibit B**  
**Site Survey**





**57 Alexander Street**

Environmental Easement

Block: 2610

Lot: 57

Sublot:

Section: 2

Subsection:

S\_B\_L Image: Portion of 2-2610-57  
Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

O&M Plan

Site Management Plan

Soil Management Plan

**65 Alexander Street**

Environmental Easement

Block: 2610

Lot: 53

Sublot:

Section: 2

Subsection:

S\_B\_L Image: Portion of 2-2610-53  
Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

O&M Plan

Site Management Plan

Soil Management Plan

**71 Alexander Street**

Environmental Easement

Block: 2610

Lot: 50

Sublot:

Section: 2

Subsection:

S\_B\_L Image: Portion of 2-2610-50  
Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

O&M Plan

Site Management Plan

Soil Management Plan

**Description of Engineering Control**

**57 Alexander Developer LLC**

777 THIRD AVENUE, 6TH FLOOR

**47 Alexander Street**

Environmental Easement

Block: 2605

Lot: 51

Sublot:

Section: 2

Subsection:

S\_B\_L Image: Portion of 2-2605-51

Cover System

Subsurface Barriers

Vapor Mitigation

**57 Alexander Street**

Environmental Easement

Block: 2610

Lot: 57

Sublot:

Section: 2

Subsection:

S\_B\_L Image: Portion of 2-2610-57

Cover System

Subsurface Barriers

Vapor Mitigation

**65 Alexander Street**

Environmental Easement

Block: 2610

Lot: 53

Sublot:

Section: 2

Subsection:

S\_B\_L Image: Portion of 2-2610-53

Cover System

Subsurface Barriers

Vapor Mitigation

**71 Alexander Street**

Environmental Easement

Block: 2610

Lot: 50

Sublot:

Section: 2

Subsection:

S\_B\_L Image: Portion of 2-2610-50

Cover System

Subsurface Barriers

Vapor Mitigation