



Department of
Environmental
Conservation

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

Please refer to the attached instructions for guidance on completing this application.

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment seeks to add or subtract more than an insignificant acreage of property to the BCA, applicants are encouraged to consult with the DEC project team prior to submitting this application.

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

1. Check the appropriate box(es) below based on the nature of the amendment modification(s) requested:

<input type="checkbox"/>	Amendment to modify the existing BCA (check one or more boxes below):
<input type="checkbox"/>	Add applicant(s)
<input type="checkbox"/>	Substitute applicant(s)
<input type="checkbox"/>	Remove applicant(s)
<input type="checkbox"/>	Change in name of applicant(s)
<input type="checkbox"/>	Amendment to reflect a transfer of title to all or part of the brownfield site:
	<p>a. A copy of the recorded deed must be provided. Is this attached? Yes <input type="radio"/> No <input type="radio"/></p> <p>b. <input type="checkbox"/> Change in ownership <input type="checkbox"/> Additional owner (such as a beneficial owner)</p> <p>c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached? Yes <input type="radio"/> No <input type="radio"/> Submitted on: _____</p>
<input type="checkbox"/>	Amendment to modify description of the property(ies) listed in the existing BCA
<input checked="" type="checkbox"/>	Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit.
<input type="checkbox"/>	Other (explain in detail below)

2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment:

A portion of the BCP Site is being removed from the BCP Site Boundary. A 0.0047 acre portion of 305 Warburton Avenue (2-2116-32) and a 0.0046 acre portion of 248 Woodworth Avenue (2-2116-16) are being removed from the BCP Site because of the inability to remediate soil in this thin sliver of land without causing a negative impact to the structural foundation of the adjacent residential property known as 244 Woodworth Avenue (2-2116-14). The BCP Site is being reduced by 0.0093 acres. Attached as Exhibit A, please find a survey depicting the portions of lot 16 and lot 32 being removed from the BCP Site. Attached as Exhibit B, please find a survey showing the revised BCP Site. Please note that the survey gives a more accurate acreage of the lots/BCP Site. Therefore, the acreage of the Site prior to the reduction was 1.1682 and the revised/reduced acreage of the Site is 1.159. A revised Tax Map of the Site has been included as Exhibit C.

SECTION I: CURRENT AGREEMENT INFORMATION*This section must be completed in full. Attach additional pages as necessary.*

BCP SITE NAME: Warburton Dry Cleaners Site	BCP SITE CODE: C360227
NAME OF CURRENT APPLICANT(S): Warburton Avenue Apartments, LLC	
INDEX NUMBER OF AGREEMENT: C360227-10-22	DATE OF ORIGINAL AGREEMENT: 11/04/2022

SECTION II: NEW REQUESTOR INFORMATION*Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.*

NAME:				
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
REQUESTOR CONTACT:				
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
REQUESTOR'S CONSULTANT:		CONTACT:		
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
REQUESTOR'S ATTORNEY:		CONTACT:		
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
			Y	N
1. Is the requestor authorized to conduct business in New York State?			<input type="radio"/>	<input type="radio"/>
2. If the requestor is a corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State (NYSDOS) to conduct business in NYS, the requestor's name must appear exactly as given above in the NYSDOS Corporation & Business Entity Database. A print-out of entity information from the NYSDOS database must be submitted with this application. Is this print-out attached?			<input type="radio"/>	<input type="radio"/>
3. Requestor must submit proof that the party signing this application and amendment has the authority to bind the requestor. This would be documentation showing the authority to bind the requestor in the form of corporate organizational papers, a Corporate Resolution or an Operating Agreement or Resolution for an LLC. Is this proof attached?			<input type="radio"/>	<input type="radio"/>
4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached?			N/A <input type="radio"/>	<input type="radio"/>
5. Describe the new requestor's relationship to all existing applicants:				

SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Complete this section only if a transfer of ownership has taken place. Attach additional pages if necessary.

Owner listed below is: <input type="checkbox"/> Existing Applicant <input type="checkbox"/> New Applicant <input type="checkbox"/> Non-Applicant	
OWNER'S NAME:	CONTACT:
ADDRESS:	
CITY/TOWN:	ZIP CODE:
PHONE:	EMAIL:
OPERATOR:	CONTACT:
ADDRESS:	
CITY/TOWN:	ZIP CODE:
PHONE:	EMAIL:

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION

Complete this section only if adding new requestor(s). Attach additional pages if necessary.

If answering "yes" to any of the following questions, please provide additional information as an attachment. Please refer to ECL § 27-1407 for details.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?	<input type="radio"/>	<input type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for the site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input type="radio"/>
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 or regulation of the state or federal government? If so, provide additional information as an attachment.	<input type="radio"/>	<input type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as site name, address, DEC site number, reason for denial, and any other relevant information.	<input type="radio"/>	<input type="radio"/>
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 or contaminants?	<input type="radio"/>	<input type="radio"/>
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?	<input type="radio"/>	<input type="radio"/>
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?	<input type="radio"/>	<input type="radio"/>

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION (continued)		Y	N
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?		<input type="radio"/>	<input type="radio"/>
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?		<input type="radio"/>	<input type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?		<input type="radio"/>	<input type="radio"/>
12. 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:			
<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 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 disposal of a 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 they have 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's liability arises solely as a result of ownership, operation of or involvement with the site, they must submit a statement describing why they should be considered a volunteer – be specific as to the appropriate care taken.		
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		N/A <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>
14. Requestor's relationship to the property (check all that apply): <input type="checkbox"/> Prior Owner <input type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input type="checkbox"/> Other: _____			
15. If the 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 being added to the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?		N/A <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES

Complete this section only if property is being added to or removed from the site, a lot merger or other change to site SBL(s) has occurred, or if modifying the site address for any reason.

1. Property information on current agreement (as modified by any previous amendments, if applicable):

ADDRESS: 305-321 Warburton Avenue, 32 Point Street and 247-262A Woodworth Avenue

CITY/TOWN Yonkers, New York

ZIP CODE: 10701

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE: 1.166

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

Please See Next Page

2. Requested change (check appropriate boxes below):

☐

a. Addition of property (may require additional citizen participation depending on the nature of the expansion – see instructions)

PARCELS ADDED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE ADDED: _____

☒

b. Reduction of property

PARCELS REMOVED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

Portion of 305 Warburton Avenue

2

2116

p/o 32

0.0047

Portion of 248 Warburton Avenue

2

2116

p/o 16

0.0046

TOTAL ACREAGE TO BE REMOVED: 0.0093

☐

c. Change to SBL (e.g., lot merge, subdivision, address change)

NEW PROPERTY INFORMATION:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

3. TOTAL REVISED SITE ACREAGE: 1.159

4. For all changes requested in this section, documentation must be provided. Required attachments are listed in the application instructions. Is the required documentation attached?

Y

☒

N

☐

Property Information on Current Agreement

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
305 Warburton Avenue	2	2116	32	0.13
309 Warburton Avenue	2	2116	28	0.18
317 Warburton Avenue	2	2116	27	0.07
319 Warburton Avenue	2	2116	26	0.07
321 Warburton Avenue	2	2116	24	0.08
32 Point Street	2	2116	22	0.06
262-A Woodworth Avenue	2	2116	21	0.07
254 Woodworth Avenue	2	2116	18	0.05
250 Woodworth Avenue	2	2116	17	0.05
248 Woodworth Avenue	2	2116	16	0.05
255 Woodworth Avenue	2	2115	34	0.07
253 Woodworth Avenue	2	2115	35	0.05
247 Woodworth Avenue	2	2115	36	0.05
249 Woodworth Avenue	2	2115	37	0.06
247 Woodworth Avenue	2	2115	38	0.06

Total Acreage from current Agreement: 1.166 Acres

New/Updated Property Information

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
Portion of 305 Warburton Avenue	2	2116	p/o 32	0.1445
309 Warburton Avenue	2	2116	28	0.1820
317 Warburton Avenue	2	2116	27	0.0687
319 Warburton Avenue	2	2116	26	0.0753
321 Warburton Avenue	2	2116	24	0.0922
32 Point Street	2	2116	22	0.0561
262-A Woodworth Avenue	2	2116	21	0.0665
254 Woodworth Avenue	2	2116	18	0.0580
250 Woodworth Avenue	2	2116	17	0.0636
Portion of 248 Woodworth Avenue	2	2116	p/o 16	0.0581
255 Woodworth Avenue	2	2115	34	0.0754
253 Woodworth Avenue	2	2115	35	0.0489
247 Woodworth Avenue	2	2115	36	0.0492
249 Woodworth Avenue	2	2115	37	0.0570
247 Woodworth Avenue	2	2115	38	0.0633

Total Revised Site Acreage: 1.159 Acres

**APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT SUPPLEMENT
QUESTIONS FOR SITE SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY**

Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits. Provide supporting documentation as required. Refer to the application instructions for additional information.

	Y	N
1. Is the site located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
3. 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="radio"/>	<input type="radio"/>
4. Is the property upside down as defined below?	<input type="radio"/>	<input type="radio"/>
<p>From ECL 27-1405(31):</p> <p>"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.</p>		
5. Is the project and affordable housing project as defined below?	<input type="radio"/>	<input type="radio"/>
<p>From 6 NYCRR 375-3.2(a) as of August 12, 2016:</p> <p>(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.</p> <p>(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' household's annual gross income.</p> <p>(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 homeowners at a defined maximum percentage of the area median income.</p> <p>(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.</p>		

APPLICATION SUPPLEMENT FOR NYC SITES (continued)	Y	N
<p>6. Is the project a planned renewable energy facility site as defined below?</p> <p>From ECL 27-1405(33) as of April 9, 2022:</p> <p>"Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.</p> <p>From Public Service Law Article 4 Section 66-p as of April 23, 2021:</p> <p>(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.</p>	<input type="radio"/>	<input type="radio"/>
<p>7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?</p> <p>From ECL 75-0111 as of April 9, 2022:</p> <p>(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.</p>	<input type="radio"/>	<input type="radio"/>

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT**EXISTING AGREEMENT INFORMATION**

BCP SITE NAME: Warburton Dry Cleaners Site

BCP SITE CODE: C360227

NAME OF CURRENT APPLICANT(S): Warburton Avenue Apartments, LLC

INDEX NUMBER OF AGREEMENT: C360227-10-22

DATE OF ORIGINAL AGREEMENT 11/04/2022

Declaration of Amendment:

By the requestor(s) and/or applicant(s) signature(s) 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 obligations held under the Agreement or those same laws.

STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR

Complete the appropriate section (individual or entity) below only if this Amendment adds a new requestor. Attach additional pages as needed.

(Individual)

I hereby affirm that the 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 complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.

(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 a Member (title) of Warburton Avenue Apartments, 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. Sam Leone's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 4/24/2024 Signature: Print Name: Sam Leone

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

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: 11/04/2022

Signature by the Department:

DATED: 7/25/24NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

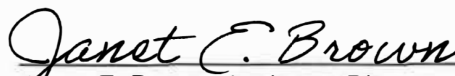

 Janet E. Brown, Assistant Director
 Division of Environmental Remediation

EXHIBIT A

Legend		
	Utility Pole	
	Catchbasin	
	Hydrant	
	Sewer Manhole	
	Drain Manhole	
	Manhole	
	Gas Valve	
	Water Valve	
	Drain Inlet	
	Light Pole	
	Handicap Parking Space	
	Gas Line	
	Water Line	
	Sewer Line	
	Drain Line	
	Revised BCP Site	
	Building Line	
	Former BCP Site Boundary	
	Point of Beginning	
	Area Removed From BCP Site	

NOTES

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. 592903585, dated Oct. 25, 2019 and recorded on Nov. 1, 2019 (Parcel 1).

b) Liber 10033 Page 332 dated May 13, 1991 and recorded May 20, 1991 and Control No. 442170020 dated June 18, 2004 and recorded Oct. 6, 2004 (Parcels 2,3,5,6,8-12) and (Parcel 8-12).

c) Control No. 621473474 dated May 13, 2022 and recorded June 14, 2022 (Parcel 4).

d) Liber 7742 Page 361 dated Dec. 4, 1981 and recorded Dec. 17, 1981 (Parcel 2).

e) Control No. 403110097 dated Jan. 3, 2000 and recorded Dec. 1, 2000 (Parcels 13 & 14).

f) Control No. 621303299 dated June 16, 2022 and recorded July 11, 2022 (Parcel 15).

(The property described in the deed is the same property as shown on the survey).

2) There is three existing buildings shown on the surveyed property.

3) The area within the Revised BCP Site is shown with hatching.

4) This survey has been revised with the benefit of Title Report Commitment No. B1981157-E.



Survey of Property
305-321 Warburton Avenue
32 Point St. & 247-262A Woodworth Avenue
Warburton Dry Cleaners
BCP Site No. C360227
Tax ID: 2-2115-34-38
Tax ID: 2-2116-16-18, 21, 22
& Tax ID: 2-2116-24-28 & 32
Yonkers, New York
Acreage: 1.1589
Westchester County, N.Y.
Scale 1"=20' Mar. 21, 2024

Description of Block 2115 added April 8, 2024 and revised April 10, 2024.
Lot areas for lots 16 and 32, Block 2116 revised April 16, 2024.
Individual lot areas in Block 2115 added April 16, 2024.

The premises being Lots 34 through 38, Block 2115, Section 2 and Lots 16 through 18, 21, 22, 24 through 28 and 32, Block 2116, Section 2 as shown on the official Tax Assessment Map of the City of Yonkers.

LEGAL DESCRIPTION OF AREA BEING REMOVED FROM BCP SITE

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

BEGINNING at a point formed by the northerly side of property now or formerly Adriana Globkowski and the easterly side of Woodworth Avenue, said point being distant 244.49 feet as measured along the easterly side of Woodworth Avenue from the southerly side of Point Street the following courses and distances:

South 09 degrees 50 minutes 10 seconds West, a distance of 181.68 feet to a point;
South 08 degrees 09 minutes 55 seconds West, a distance of 62.81 feet to point of beginning;

thence from said point of beginning along the easterly side of Woodworth Avenue, North 8 degrees 09 minutes 55 seconds East, a distance of 2.00 feet;

thence over and across property now or formerly Yonkers Industrial Development Agency, South 81 degrees 55 minutes 16 seconds East, a distance of 101.99 feet;

thence over and across property now or formerly 13 Stewart Place LLC, South 8 degrees 09 minutes 55 seconds West, a distance of 23.98 feet;

thence South 81 degrees 50 minutes 08 seconds East, a distance of 50.00 feet;

thence South 8 degrees 09 minutes 52 seconds West, a distance of 3.00 feet to a point on the northerly side of property now or formerly Mary Gaines;

thence along said property of Mary Gaines, North 81 degrees 50 minutes 08 seconds West, a distance of 32.00 feet to the easterly side of property now or formerly Adriana Globkowski;

thence along said property now or formerly Adriana Globkowski, North 8 degrees 09 minutes 55 seconds East, a distance of 24.88 feet;

thence North 81 degrees 55 minutes 16 seconds West, a distance of 99.99 feet to the easterly side of Woodworth Avenue, the point and place of BEGINNING;

Containing 404 square feet or 0.0093 acres, more or less.

March 21, 2024

57579-BCP-Removal.rtf

LEGAL DESCRIPTION OF REVISED BCP SITE - UPPER PARCEL

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

BEGINNING at a point on the westerly side of Woodworth Avenue where the same is intersected by the division line between lands now or formerly of Adelaida Ortiz on the north and lands now or formerly of the City of Yonkers on the south, which point is distant 149.24 feet South from the corner formed by the intersection of the southerly side of Point Street and the westerly side of Woodworth Avenue;

THENCE along the westerly side of Woodworth Avenue, the following two (2) courses and distances:

1. South 09 degrees 50 minutes 10 seconds West, 32.44 feet; and
2. South 08 degrees 09 minutes 55 seconds West, 23.34 feet to lands now or formerly of Julio Gonzalez;

THENCE along said land North 81 degrees 50 minutes 05 seconds West, 100.49 feet to lands now or formerly of Pointe and Ravine LLC;

THENCE along said lands North 08 degrees 09 minutes 55 seconds East, 48.83 feet to lands now or formerly of Nicholas Justin Realty, Inc.;

THENCE along said lands, South 81 degrees 50 minutes 05 seconds East, 10.05 feet;

THENCE continuing along said lands of Justin Realty, Inc. and continuing along lands now or formerly of Hang Wang, North 08 degrees 09 minutes 55 seconds East, 37.36 feet and North 73 degrees 44 minutes 47 seconds West, 9.02 feet to lands now or formerly of Jennifer A. Parry;

THENCE along said lands, North 09 degrees 50 minute 55 seconds East, 33.47 feet to lands now or formerly of Adelaida Ortiz;

THENCE along the same, South 73 degrees 09 minutes 55 seconds East, 100.40 feet to the point or place of BEGINNING;

Containing 12,800 sq. ft. or 0.2938 acres

LEGAL DESCRIPTION OF REVISED BCP SITE - LOWER PARCEL

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

BEGINNING at a point formed by the southerly side of Point Street and the westerly side of Warburton Avenue, the point of BEGINNING;

thence from said point of beginning along the westerly side of Warburton Avenue, South 08 degrees 05 minutes 15 seconds West, a distance of 239.46 feet to the northerly side of property now or formerly Mary Gaines;

thence along said division line along the southerly side of revised BCP Site, North 81 degrees 50 minutes 08 seconds West, a distance of 48.82 feet to a point;

thence over and across property now or formerly 13 Stewart Place LLC the following three (3) courses and distances:

1. North 8 degrees 09 minutes 52 seconds East, a distance of 3.00 feet;
2. North 81 degrees 50 minutes 08 seconds West, a distance of 30.00 feet;
3. North 08 degrees 09 minutes 55 seconds East, a distance of 23.98 feet;

thence continuing along the southerly side of Revised BCP Site over and across property now or formerly 13 Stewart Place LLC and property now or formerly Yonkers Industrial Development Agency, North 81 degrees 55 minutes 16 seconds West, a distance of 101.99 feet to a point on the easterly side of Woodworth Avenue;

thence along the same, the following two (2) courses and distances:

1. North 08 degrees 09 minutes 55 seconds East, a distance of 60.81 feet;
2. North 09 degrees 50 minutes 11 seconds East, a distance of 25.22 feet to land now or formerly 308 E. 151st St. Realty Corp.;

thence along said lands, the following three (3) courses and distances:

1. South 73 degrees 04 minutes 37 seconds East, a distance of 100.68 feet;
2. North 08 degrees 43 minutes 41 seconds East, a distance of 102.06 feet;
3. North 73 degrees 16 minutes 30 seconds West, a distance of 26.64 feet to the easterly side of Woodworth Avenue;

thence along the same, North 9 degrees 50 minutes 10 seconds East, a distance of 55.00 feet to the southerly side of Point Street;

thence along the same, South 73 degrees 09 minutes 55 seconds East, a distance of 137.45 feet to the point or place of BEGINNING;

Containing 37,682 square feet or 0.8651 acres, more or less.

March 21, 2024

57579-Rev-BCP2Site.rtf

TOTAL ACREAGE OF BCP SITE: 50,482 sq. ft. or 1.1589 acres

Subsurface structures and their encroachments, if any exist, are not shown hereon.

Unauthorized alterations or additions to a survey map is a violation of section 7209, sub-division 2, of the New York State Education Law.

Only copies of the original survey marked with the land surveyor's linked or embossed seal shall be considered a true and valid copy.

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.

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Ward Carpenter Engineers, Inc.
76 Mamoroneck Avenue
White Plains, N.Y. 10601

EXHIBIT B

Legend		
	Utility Pole	Gas Line
	Catchbasin	Water Line
	Hydrant	Sewer Line
	Sewer Manhole	Drain Line
	Drain Manhole	Revised BCP Site
	Manhole	Building Line
	Gas Valve	Former BCP Site Boundary
	Water Valve	P.O.B.
	Drain Inlet	
	Light Pole	
	Handicap Parking Space	

NOTES

- The premises source of title as recorded in the Westchester County Clerk's Office (Division of Land Records) are as follows:
a) Control No. 582903585, dated Oct. 25, 2019 and recorded on Nov. 1, 2019 (Parcel 1).
b) Liber 10033 Page 332 dated May 13, 1991 and recorded May 20, 1991 and Control No. 442170250 dated June 18, 2004 and recorded Oct. 6, 2004 (Parcels 2,3,5,6,8-12) and (Parcel 8-12).
c) Control No. 621473474 dated May 13, 2022 and recorded June 14, 2022 (Parcel 4).
d) Liber 7742 Page 361 dated Dec. 4, 1981 and recorded Dec. 17, 1981 (Parcel 7).
e) Control No. 403110097 dated Jan. 3, 2000 and recorded Dec. 1, 2000 (Parcels 13 & 14).
f) Control No. 621303299 dated June 16, 2022 and recorded July 11, 2022 (Parcel 15).

(The property described in the deed is the same property as shown on the survey).

- There is three existing buildings shown on the surveyed property.
- The area within the Revised BCP Site is shown with hatching.
- This survey has been revised with the benefit of Title Report Commitment No. 87481157-E.



Survey of Property
305-321 Warburton Avenue
32 Point St. & 247-262A Woodward Avenue
Warburton Dry Cleaners
BCP Site No. C360227
Tax ID: 2-2115-34-38
Tax ID: 2-2116-16-18, 21, 22
& Tax ID: 2-2116-24-28 & 32
Yonkers, New York

Acreage: 1.1589
Westchester County, N.Y.
Scale 1"=20' Mar. 21, 2024

Description of Block 2115 added April 8, 2024 and revised April 10, 2024.

The premises being Lots 34 through 38, Block 2115, Section 2 and Lots 16 through 18, 21, 22, 24 through 28 and 32, Block 2116, Section 2 as shown on the official Tax Assessment Map of the City of Yonkers.

LEGAL DESCRIPTION OF REVISED BCP SITE - UPPER PARCEL

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

BEGINNING at a point on the westerly side of Woodward Avenue where the same is intersected by the division line between lands now or formerly of Adelaida Ortiz on the north and lands now or formerly of the City of Yonkers on the south, which point is distant 149.24 feet South from the corner formed by the intersection of the southerly side of Point Street and the westerly side of Woodward Avenue;

THENCE along the westerly side of Woodward Avenue, the following two (2) courses and distances;

- South 08 degrees 50 minutes 10 seconds West, 32.44 feet; and
- South 08 degrees 09 minutes 55 seconds West, 23.34 feet to lands now or formerly of Julio Gonzalez;

THENCE along said land North 81 degrees 50 minutes 05 seconds West, 100.49 feet to lands now or formerly of Pointe and Rovine LLC;

THENCE along said lands North 08 degrees 09 minutes 55 East, 48.83 feet to lands now or formerly of Nicholas Justin Realty, Inc.;

THENCE along said lands, South 81 degrees 50 minutes 05 seconds East, 10.05 feet;

THENCE continuing along said lands of Justin Realty Inc., and continuing along lands now or formerly of Hang Wang, North 08 degrees 09 minutes 55 seconds East, 57.58 feet and North 73 degrees 44 minutes 47 seconds West, 9.02 feet to lands now or formerly of Jennifer A. Perry;

THENCE along said lands, North 08 degrees 50 minute s05 seconds East, 33.47 feet to lands now or formerly of Adelaida Ortiz;

THENCE along the same, South 73 degrees 09 minutes 55 seconds East, 100.40 feet to the point or place of BEGINNING.

Containing 12,800 sq. ft. or 0.2938 acres

LEGAL DESCRIPTION OF REVISED BCP SITE - LOWER PARCEL

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

BEGINNING at a point formed by the southerly side of Point Street and the westerly side of Warburton Avenue, the point of BEGINNING;

thence from said point of beginning along the westerly side of Warburton Avenue, South 08 degrees 08 minutes 15 seconds West, a distance of 238.48 feet to the northerly side of property now or formerly Mary Gaines;

thence along said division line along the southerly side of revised BCP Site, North 81 degrees 50 minutes 08 seconds West, a distance of 48.82 feet to a point;

thence over and across property now or formerly 13 Stewart Place LLC the following three (3) courses and distances:

- North 8 degrees 09 minutes 52 seconds East, a distance of 3.00 feet;
- North 81 degrees 50 minutes 08 seconds West, a distance of 50.00 feet;
- North 08 degrees 09 minutes 55 seconds East, a distance of 23.98 feet;

thence continuing along the southerly side of Revised BCP Site over and across property now or formerly 13 Stewart Place LLC and property now or formerly Yonkers Industrial Development Agency, North 81 degrees 50 minutes 16 seconds West, a distance of 101.99 feet to a point on the easterly side of Woodward Avenue;

thence along the same, the following two (2) courses and distances:

- North 08 degrees 09 minutes 55 seconds East, a distance of 60.81 feet;
- North 09 degrees 30 minutes 11 seconds East, a distance of 25.22 feet to land now or formerly 308 E. 151st St. Realty Corp.;

thence along said lands, the following three (3) courses and distances:

- South 73 degrees 04 minutes 37 seconds East, a distance of 100.68 feet;
- North 08 degrees 43 minutes 41 seconds East, a distance of 102.08 feet;
- North 73 degrees 16 minutes 30 seconds West, a distance of 98.64 feet to the easterly side of Woodward Avenue;

thence along the same, North 9 degrees 50 minutes 10 seconds East, a distance of 55.00 feet to the southerly side of Point Street;

thence along the same, South 73 degrees 09 minutes 55 seconds East, a distance of 197.45 feet to the point or place of BEGINNING.

Containing 37,682 square feet or 0.8651 acres, more or less.

March 21, 2024

57579-Rev-BCPSite.rtf

TOTAL ACREAGE OF BCP SITE: 50,482 sq. ft. or 1.1589 acres

Subsurface structures and their encroachments, if any exist, are not shown hereon.

Unauthorized alterations or additions to a survey map is a violation of section 7209, sub-division 2, of the New York State Education Law.

Only copies of the original survey marked with the land surveyor's inked or embossed seal shall be considered a true and valid copy.

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.

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Ward Carpenter Engineers, Inc.
76 Momaroneck Avenue
White Plains, N.Y. 10601

EXHIBIT C

EXHIBIT D

WRITTEN CONSENT

The undersigned, being a Senior Vice President of Conifer Realty, LLC, the Sole Member of Warburton Avenue Apartments, LLC, does hereby certify as follows:

1. Warburton Avenue Apartments, LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at the following addresses:

Address	Tax Identification No.
305 Warburton Ave	2-2116-32
309 Warburton Ave	2-2116-28
317 Warburton Ave	2-2116-27
319 Warburton Ave	2-2116-26
321 Warburton Ave	2-2116-24
32 Point St	2-2116-22
262-A Woodworth Ave	2-2116-21
254 Woodworth Ave	2-2116-18
250 Woodworth Ave	2-2116-17
248 Woodworth Ave	2-2116-16
255 Woodworth Ave	2-2115-34
253 Woodworth Ave	2-2115-35
247 Woodworth Ave	2-2115-36
249 Woodworth Ave	2-2115-37
247 Woodworth Ave	2-2115-38

Collectively the parcels are known as the "BCP Site" or the "Site."

2. Sam Leone, as an officer of Conifer Realty, LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer Warburton Avenue Apartments, LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 30th day of March, 2022.



Lisa M. Kaseman
Senior Vice President