

**636 South Broadway Partners LLC
Brownfield Cleanup Program Application
Lincoln Mercury Dealership Site
632 South Broadway
Yonkers, New York 10705**



**Legal & Consulting Team:
Knauf Shaw LLP & SESI Consulting Engineers.
June 2024**

Table of Contents

Section

1. **Cover Letter**
2. **BCP Application**
3. **BCP Support Document**
4. **Exhibit A – Site Location Map, Base Map and Street Map**
5. **Exhibit B – Survey and Tax Map**
6. **Exhibit C – Brownfield Opportunity Area Map, Disadvantage Communities Map, Environmental Justice Map and Environmental Zone Map**
7. **Exhibit D – Flood Map**
8. **Exhibit E – Zoning Map**
9. **Exhibit F – Previous Owners and Operators List**
10. **Exhibit G – Site Drawing Spider Maps**
11. **Exhibit H – NYS Department of State Entity Information**
12. **Exhibit I – Written Consent**
13. **Exhibit J – Deeds**
14. **Exhibit K – Site Contact List**
15. **Exhibit L – Repository Letter**



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June 5, 2024

VIA ELECTRONIC MAIL
DERSiteControl@dec.ny.gov

Chief, Site Control Section
Division of Environmental Remediation
NYS Department of Environmental Conservation
625 Broadway, 11th Floor
Albany, NY 12233-7020

**RE: Brownfield Cleanup Program Application
636 South Broadway Partners LLC
Lincoln Mercury Dealership BCP Site #C360241**

To Whom It May Concern:

Below please find a link to a Brownfield Cleanup Program (“BCP”) Application and Support Documentation for Requestor, 636 South Broadway Partners LLC.

An application for this BCP Site was originally submitted in December 2023, with two revisions submitted in January 2024. A Letter of Completion was received on January 30, 2024, thereafter, the public notices were mailed and published and the application and environmental reports for the Site were placed in the document repository. The comment period for this Site ended on March 8, 2024. On February 15, 2024, our office received an email from Justin Stenerson during the public comment period that the site was not a brownfield based on the data submitted, but which entitled the applicant to submit additional data.

Additional investigation has been conducted on the Site and more exceedances have been identified. Please see the revised Spider Maps included in Exhibit G, a Data Summary Letter Report prepared by SESI and the updated Exceedance Summary Charts included in the Support Narrative. Therefore, the application for the Site is being resubmitted for the DEC’s review and consideration.

Please let me know if you have any questions. Thank you.

Sincerely,

KNAUF SHAW LLP

A handwritten signature in black ink that reads "Linda R. Shaw".

LINDA R. SHAW, ESQ.

ec: Joseph Apicella (j_apicella@macquesten.com)
Fuad Dahan (fd@sesi.org)



SUBMITTAL INSTRUCTIONS:

- 1. Compile the application package in the following manner:
a. one file in non-fillable PDF of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
b. one individual file (PDF) of each previous environmental report; and,
c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. Compress all files (PDFs) into one zipped/compressed folder.
3. Submit the application to the Site Control Section either via email or ground mail, as described below.

Please select only ONE submittal method – do NOT submit both email and ground mail.

a. VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service. (http://fts.dec.state.ny.us/fts) or another file-sharing service.
• Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
• Subject line of the email: "BCP Application NEW - *Proposed Site Name*"
• Email your submission to DERSiteControl@dec.ny.gov – do NOT copy Site Control staff.

b. VIA GROUND MAIL:

- Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
• Mail the external storage device to the following address:
Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PROPOSED SITE NAME: Lincoln Mercury Dealership Site

Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments.
If yes, provide existing site number: _____ [Radio buttons: Yes, No]

Is this a revised submission of an incomplete application?
If yes, provide existing site number: C360247 [Radio buttons: Yes, No]



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME **Lincoln Mercury Dealership Site**

ADDRESS/LOCATION **632 South Broadway**

CITY/TOWN **Yonkers** ZIP CODE **10705**

MUNICIPALITY (LIST ALL IF MORE THAN ONE) **City of Yonkers, Westchester County**

COUNTY **Westchester** SITE SIZE (ACRES) **0.38**

LATITUDE			LONGITUDE		
40	54	40 N	73	53	46 W

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage
632 South Broadway	1	29	1	0.38

<p>1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.</p>	Y	<input checked="" type="radio"/>	N	<input type="radio"/>
<p>2. Is the required property map included with the application? (Application will not be processed without a map)</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) If yes, identify census tract: <u>13.04</u> Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input checked="" type="radio"/></p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>4. Is the project located within a disadvantaged community? See application instructions for additional information.</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.</p>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<p>6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications:</p>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

SECTION I: Property Information (CONTINUED)		Y	N			
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		<input type="radio"/>	<input checked="" type="radio"/>			
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.		<input type="radio"/>	<input checked="" type="radio"/>			
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input type="radio"/>	<input checked="" type="radio"/>			
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____		<input type="radio"/>	<input checked="" type="radio"/>			
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>			
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;"><u>Easement/Right-of-Way Holder</u></td> <td style="width: 40%;"><u>Description</u></td> </tr> </table>		<u>Easement/Right-of-Way Holder</u>	<u>Description</u>	<input type="radio"/>	<input checked="" type="radio"/>	
<u>Easement/Right-of-Way Holder</u>	<u>Description</u>					
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <table border="0" style="width: 100%;"> <tr> <td style="width: 30%;"><u>Type</u></td> <td style="width: 30%;"><u>Issuing Agency</u></td> <td style="width: 40%;"><u>Description</u></td> </tr> </table>		<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>	<input type="radio"/>	<input checked="" type="radio"/>
<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>				
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?		<input checked="" type="radio"/>	<input type="radio"/>			
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.						
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		<input type="radio"/>	<input type="radio"/>			
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		<input type="radio"/>	<input type="radio"/>			
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?		<input type="radio"/>	<input type="radio"/>			
NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.						
If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.						
Initials of each Requestor: _____						

SECTION II: Project Description

1. The project will be starting at: Investigation Remediation

NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see [DER-10, Technical Guidance for Site Investigation and Remediation](#) for further guidance), then a 45-day public comment period is required.

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?

Yes No N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

RIWP RAWP IRM No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.

Is this information attached? Yes No

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? South Broadway (SB) – South Subdistrict

2. What uses are allowed by the property's current zoning (select all that apply)?

Residential Commercial Industrial

3. Current use (select all that apply):

Residential Commercial Industrial Recreational Vacant

4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant.
Is this summary included with the application?

Y	N
<input checked="" type="radio"/>	<input type="radio"/>

5. Reasonably anticipated post-remediation use (check all that apply):

Residential Commercial Industrial

If residential, does it qualify as single-family housing? N/A

6. Please provide a statement detailing the specific proposed post-remediation use.
Is this summary attached?

<input checked="" type="radio"/>	<input type="radio"/>
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7. Is the proposed post-remediation use a renewable energy facility?
See application instructions for additional information.

<input type="radio"/>	<input checked="" type="radio"/>
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8. Do current and/or recent development patterns support the proposed use?

<input checked="" type="radio"/>	<input type="radio"/>
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9. Is the proposed use consistent with applicable zoning laws/maps?
Please provide a brief explanation. Include additional documentation if necessary.

<input checked="" type="radio"/>	<input type="radio"/>
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10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?
Please provide a brief explanation. Include additional documentation if necessary.

<input checked="" type="radio"/>	<input type="radio"/>
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SECTION IV: Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**

2. **SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SVOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please describe other known contaminants and the media affected:

3. For each impacted medium above, include a site drawing indicating:
- Sample location
 - Date of sampling event
 - Key contaminants and concentration detected
 - For soil, highlight exceedances of reasonably anticipated use
 - For groundwater, highlight exceedances of 6 NYCRR part 703.5
 - For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application? YES NO

4. Indicate Past Land Uses (check all that apply):

<input type="checkbox"/> Coal Gas Manufacturing	<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Agricultural Co-Op	<input type="checkbox"/> Dry Cleaner
<input type="checkbox"/> Salvage Yard	<input type="checkbox"/> Bulk Plant	<input type="checkbox"/> Pipeline	<input checked="" type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input type="checkbox"/> Unknown

Other: Garage and commercial storage; automotive sales.

SECTION V: Requestor Information			
NAME 636 South Broadway Partners LLC			
ADDRESS c/o MacQuesten Development, LLC, 438 Fifth Avenue, Suite 100			
CITY/TOWN Pelham		STATE NY	ZIP CODE 10803
PHONE (914) 391-1195		EMAIL r_fogliano@macquesten.com; j_apicella@macquesten.com	
			Y N
1. Is the requestor authorized to conduct business in New York State (NYS)?			<input checked="" type="radio"/> <input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?			<input checked="" type="radio"/> <input type="radio"/>
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A <input type="radio"/>			<input checked="" type="radio"/> <input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.			<input checked="" type="radio"/> <input type="radio"/>

SECTION VI: Requestor Eligibility		
If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.		
		Y N
1. Are any enforcement actions pending against the requestor regarding this site?		<input type="radio"/> <input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="radio"/> <input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this 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 checked="" 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 ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?		<input type="radio"/> <input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.		<input type="radio"/> <input checked="" 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 of contaminants?		<input type="radio"/> <input checked="" type="radio"/>

SECTION VI: Requestor Eligibility (CONTINUED)

	Y	N
7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved 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 checked="" type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
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 checked="" 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 checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>

12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:

PARTICIPANT

A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, 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 hazardous waste or discharge of petroleum.

VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

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

If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.



13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?

Yes

No

N/A

SECTION VI: Requestor Eligibility (CONTINUED)

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

 Previous Owner
 Current Owner
 Potential/Future Purchaser
 Other: _____

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an environmental easement on the site.

Is this proof attached?
 Yes
 No
 N/A

Note: A purchase contract or lease agreement does not suffice as proof of site access.

SECTION VII: Requestor Contact Information

REQUESTOR'S REPRESENTATIVE Joseph Apicella

ADDRESS 636 South Broadway Partners LLC c/o MacQuesten Development, LLC, 438 Fifth Avenue, Suite 100

CITY Pelham	STATE NY	ZIP CODE 10803
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PHONE (914) 319-5102	EMAIL j_apicella@macquesten.com
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REQUESTOR'S CONSULTANT (CONTACT NAME) Fuad Dahan, P.E.

COMPANY SESI CONSULTING ENGINEERS

ADDRESS 959 Route 46E, Floor 3, Suite 300

CITY Parsippany	STATE NJ	ZIP CODE 07054
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PHONE (973) 747-9567	EMAIL fd@sesi.org
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REQUESTOR'S ATTORNEY (CONTACT NAME) Linda Shaw, Esq.

COMPANY Knauf Shaw LLP

ADDRESS 2600 Innovation Square, 100 South Clinton Avenue

CITY Rochester	STATE NY	ZIP CODE 14604
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PHONE (585) 546-8430	EMAIL lshaw@nyenvlaw.com
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SECTION VIII: Program Fee

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.

	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input checked="" type="radio"/>	<input type="radio"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.		
Is the appropriate documentation included with this application? N/A <input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER 636 South Broadway Partners LLC		
CONTACT NAME Rella Fogliano		
ADDRESS c/o MacQuesten Development, LLC, 438 Fifth Avenue, Suite 100		
CITY Pelham	STATE NY	ZIP CODE 10803
PHONE (914) 391-1195	EMAIL r_fogliano@macquesten.com	
OWNERSHIP START DATE October 31, 2022		
CURRENT OPERATOR USC Gymnastics and Baseball Training Facility		
CONTACT NAME Andy Diaz, Owner		
ADDRESS 636 South Broadway		
CITY Yonkers	STATE NY	ZIP CODE 10705
PHONE (914) 965-2619	EMAIL indoorsportsgroup@gmail.com	
OPERATION START DATE November 2018		

SECTION X: Property Eligibility Information

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>

SECTION X: Property Eligibility Information (continued)

	Y	N
<p>3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____ Date Permit Issued: _____ Permit Expiration Date: _____</p>	<input type="radio"/>	<input checked="" type="radio"/>
<p>4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents.</p> <p style="text-align: right;">N/A <input checked="" type="radio"/></p>	<input type="radio"/>	<input type="radio"/>
<p>5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____</p>	<input type="radio"/>	<input checked="" type="radio"/>
<p>6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information as an attachment.</p>	<input type="radio"/>	<input checked="" type="radio"/>

SECTION XI: Site Contact List

To be considered complete, the application must include the Brownfield Site Contact List in accordance with *DER-23: Citizen Participation Handbook for Remedial Programs*. Please attach, at a minimum, the names and mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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.

Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Sole Member (title) of 636 South Broadway Partners LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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.

Date: 9/1/2023 Signature:  _____

Print Name: Rella Fogliano _____

PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 15

Please respond to the questions below and provide additional information and/or documentation as required. <i>Please refer to the application instructions.</i>	Y	N
1. Is the property 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 NYS Tax Law 21(b)(6)?	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down or underutilized as defined below?		
Upside down	<input type="radio"/>	<input type="radio"/>
Underutilized	<input type="radio"/>	<input type="radio"/>

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.

From 6 NYCRR 375-3.2(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category can only be made at the time of application):

375-3.2:

- (I) “Underutilized” means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
 - (1) the proposed use is at least 75 percent for industrial uses; or
 - (2) at which:
 - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
 - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
 - (iii) one or more of the following conditions exists, as certified by the applicant:
 - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
 - (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or
 - (c) there are no structures.

“Substantial government assistance” shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

5. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review).

Check appropriate box below:

- Project is an Affordable Housing Project – regulatory agreement attached
- Project is planned as Affordable Housing, but agreement is not yet available*
*Selecting this option will result in a “pending” status. The regulatory agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.
- This is not an Affordable Housing Project

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’ household’s 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 homeowners 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.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

6. Is the site a planned renewable energy facility site as defined below?

Yes – planned renewable energy facility site with documentation

Pending – planned renewable energy facility awaiting documentation

*Selecting this option will result in a “pending” status. The appropriate documentation will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

From ECL 27-1405(33) as of April 9, 2022:

“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.

From Public Service Law Article 4 Section 66-p as of April 23, 2021:

(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.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

Yes - *Selecting this option will result in a “pending” status, as a BOA conformance determination has not yet been made. Proof of conformance will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

No

From ECL 75-0111 as of April 9, 2022:

(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.

BCP APPLICATION SUPPORT DOCUMENT

BCP APPLICATION SUPPORT DOCUMENT
Exhibit List

Exhibit A	Site Location and Base Property Map
Exhibit B	Survey and Tax Map
Exhibit C	BOA, Disadvantaged Communities, Environmental Justice and En-Zone Maps
Exhibit D	Flood Map
Exhibit E	Zoning Map
Exhibit F	Previous Owners and Operators
Exhibit G	Site Drawing Spider Maps
Exhibit H	DOS Entity Information
Exhibit I	Corporate Consent
Exhibit J	Deed
Exhibit K	Site Contact List
Exhibit L	Repository Letter

ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON CD:

1. September 2022 Phase I Environmental Site Assessment prepared by SESI Consulting Engineers for MacQuesten Companies & 636 South Broadway Partners LLC;
2. April 2023 Limited Phase II Environmental Site Assessment prepared by SESI Consulting Engineers for MacQuesten Development LLC & 636 South Broadway Partners LLC.
3. June 2024 Limited and Supplementary Phase II – Sampling Results Summary prepared by SESI Consulting Engineers for MacQuesten Development LLC

SECTION I – PROPERTY INFORMATION

The Site is located at the following address:

Parcel Address	Tax Parcel Identification No.	Acreage ¹
632 South Broadway	Section 1, Block 29, Lot 1	0.38

The Site is located in Yonkers, New York 10705 (“Site” or “BCP Site”). The Site Location and Base Property Map are in Exhibit A.

1. Site Boundary and Tax Parcel Information

The Site boundary does correspond to the tax boundaries. The Tax Boundary Map and a Survey map are provided in Exhibit B.

2. Property Map

The Site Location and Base Property Map are in Exhibit A. A Survey map is in Exhibit B.

3-5. BOA, Disadvantage Communities, EJ and En-Zone Designations

The Site BOA, Disadvantaged Communities, Environmental Justice, and En-Zone Maps are in Exhibit C. The Site is located in an EnZone, Census Tract 13.04. The Site is not located in a BOA. The Site is located in a Potential Environmental Justice Area. The EPA ArcGIS map indicates that approximately 76.04 of the population surrounding this Site is a minority population. However, only 12.77% of the area surrounding the Site is linguistically isolated, so the BCP documents will not need to be translated. The Site is also located in a disadvantaged community area. According to the New York State Disadvantaged Communities Map, the Site is located on Census Tract 36119001303, which has an environmental burden higher than 50 % of Census Tracts statewide and a population vulnerability higher than 93 % percent of Census Tracts statewide.

6-11. Please refer to BCP Application Form.

12. Easements and Existing Rights of Way

There are no Easements or Existing Right-of-Ways located on the Site.

13. Please refer to BCP Application Form.

14. Property Description Narrative

A. Site Location

The Site is located at the following address:

Parcel Address	Tax Parcel Identification No.
632 South Broadway	1.-29-1

¹ Acreages were determined using the Survey Map prepared by Gabriel E. Senior, P.C. dated May 25, 2022.

The Site is located in Yonkers, New York 10705. The subject property is located in an urban area, and the surrounding area is occupied by commercial and residential buildings.

B. Site Features

The Site is a rectangle-shaped approximately 0.38-acre property. The Site is improved by a one-story brick and stucco commercial building. The entirety of the Site is occupied by a single-story commercial building (15,600 sf). The north and west of the Site is concrete sidewalk.

The closest water body is the Hudson River located approximately 4,200 feet, or 0.80 miles, to the West of the Site. The Site is not in a Flood Zone. *See Exhibit D Flood Map.*

C. Current Zoning and Land Use

The Site is currently located within the South Broadway (SB) – South Subdistrict zoning district of the City of Yonkers.² *See Exhibit E Zoning Map.* Further, the Site is also on the border of the Bronx. The Site is currently utilized for commercial purposes. The Site is currently occupied by USC Gymnastics and a Baseball Training Facility.

The surrounding properties in Yonkers to the West of the Site are located in SB District, and properties located to the East are in the “A - Apts High Dens,” apartment houses, high-density. The surrounding properties in the Bronx to the south are zoned as “PARK” and southwest are “R6”, Residence 6. The subject property is bound: to the north by Caryl Avenue, home to five-story building and one-story retail buildings; to the west by South Broadway, with a used car dealer and a five-story building beyond; to the south by New York Van Cortlandt Park; and to the east by a seven-story brick apartment building, the closest residential area. The nearest rail line is approximately 0.80 miles away to the west.

D. Past Use of the Site

See Section IV.4 for full description of past land uses. The Site was used for auto sales and services from approximately 1978 to 2004. From 2004 to the present, the Site has been used for commercial gymnastics and a baseball training facility. The historical owners and uses associated with the Site are further described below and in Exhibit F, the Previous Owners and Operators List.

E. Site Geology and Hydrogeology

According to the USDA National Cooperative Soil Survey (NCSS) map for the area, the soils at the Site are characterized as Uf (Urban land);UhC (Urban land Charlton complex, 8 to 15 percent slopes), UhD (Urban Land—Charlton complex, 15 to 25 percent slopes); CHRD (Chatfield Hollis rock outcrop complex, 15 to 35 percent slopes); GbA (Greenbelt loam, 0 to 3 percent slopes); UGC (Urban land—Greenbelt complex, 8 to 15 percent slopes); and UtB (Urban land, till substratum, 3 to 8 percent slopes). The depth of the groundwater at the Site unknown. Groundwater flow direction is expected to be in the southwest direction.

² Westchester County GIS indicates that the Site is in BR - restricted business, residences excluded. However, the parcel ID info says it is in a SB and so does the Suitability Report. Therefore, please note that the Westchester County GIS is incorrect.

F. Environmental Assessment

Based on the investigations conducted to date, the primary contaminants of concern are metals in soil, metals and VOCs in groundwater, and VOCs in soil vapor. *See Exhibit G Site Drawing Spider Maps.*

The soil laboratory analytical results indicate a metal was detected above method detection limits (MDLs) in soil from borings B-1 and B-2, which are slightly offsite. Iron exceeded its 6 NYCRR § 375-6.8(b) Residential Restricted Use Soil Cleanup Objective (RRUSCO) at both B-1 and B-2, which was also slightly offsite because the building covers the entire Site.

The groundwater collected from the temporary monitoring well at B-3 contained multiple VOCs above NYSDEC Ambient Water Quality Standards (AWQS) in accordance with the Technical and Operational Guidance Series (TOGS). Although a temporary monitoring well was installed at B-1, no constituents from this groundwater sample exceeded their respective AWQS.

Samples taken from the soil vapor onsite detected an array of VOCs. These VOCs were dichlorodifluoromethane, chloromethane, 1,3-Butadiene, ethyl alcohol, trichlorofluoromethane, iso-propyl alcohol, carbon disulfide, 2-butanone, ethyl acetate, chloroform, tetrahydrofuran, n-hexane, 1, 1, 1-trichloroethane, benzene, cyclohexane, xylene (total), trichloroethane, 2,2,4-trimethylpentane, heptane, toluene, tetrachloroethene, ethylbenzene, p/m-xylene, styrene, o-xylene, 4-ethyltoluene, 1,3,5-trimethylbenzene, and 1,2,4-trimethylbenzene. Most notably, tetrachloroethene or PCE, is present in both groundwater and soil vapor.

15-17. Regarding Questions 15-17 on the BCP Application:

There are no responses to question 15-17 on the BCP Application Form since this Site is not located in New York City.

SECTION II – PROJECT DESCRIPTION

1-3. Please refer to BCP Application Form.

4. Short Project Description

The planned redevelopment of the Site will feature a 16-story mixed-use 100% affordable housing building containing ground floor commercial retail space and 160 multifamily residential apartment units above, with 144 off-street parking spaces. 43% of the housing units will be targeted to families earning up to 50% of the Area Median Income (AMI), 37% of the units will be targeted to families earning up to 60% of the AMI, and 20% of the units will be targeted to families earning up to 80% of the AMI. The building will offer amenities such as a fitness center and a laundry facility.

Schedule – Commencement through COC

A Remedial Investigation (“RI”) Work Plan (“RIWP”) is expected to be completed on the Site by Spring 2024 to early Summer 2024. The Remedial Investigation is expected to be completed on the Site by mid-Summer 2024. The Remedial Investigation Report (“RIR”) and Remedial Action Work Plan (“RAWP”) will be submitted to DEC at the same time by late summer /early fall 2024 with the goal of obtaining a Decision Document by late fall 2024 so that any required remediation

may commence in late winter 2024. The Certificate of Completion is anticipated to be issued in 2025. All land use approvals have already been obtained as described below.

SECTION III – LAND USE FACTORS

1. Current Zoning

The Site is within the SB District. *See* Exhibit E Zoning Map.

2. Allowed Uses

The SB zoning district allows for the following Principal Uses:

- Permitted uses: Municipal uses (City of Yonkers); Apartment houses (permitted in the Core, North and South subdistrict areas; Live/work units; Banks and financial uses; Commercial schools; Department stores; Eating and drinking establishments; Fast-food restaurants; Food and beverage stores; Funeral parlors or mortuaries; Health clubs and gymnasiums; Indoor markets; Medical establishments; Offices; Pawnshops and check-cashing stores; Personal service establishments; Restaurants; Retail establishments; Retail craft uses; Telephone switching facilities; Theaters and movie theaters.
- Permitted uses (with supplemental requirements): Automobile rental establishments; Automobile sales establishments; Offices of philanthropic institutions; Audio, radio, video and television stations and studios; Banquet and catering facilities; Cabarets and nightclubs; Day-care centers; Dry-cleaning establishments; Hotels; Senior citizens apartment houses (permitted in Core, North and South subdistrict areas).
- Uses permitted subject to special use requirements: Private not-for-profit recreational uses; Supermarket.

The following approvals have been received from the City of Yonkers for the project:

Area Variance: The proposed project is within the Apartment building permitted use but requires certain area variances from the bulk requirements of the SB zoning district. Specifically, the project requires, as proposed, variances from the maximum floor area ratio, the maximum height, minimum rear yard, maximum lot coverage, minimum ground floor transparency, and minimum number of parking spaces. The Yonkers Zoning Board of Appeals (ZBA) granted the area variances request on February 21, 23.

Site Plan: The Yonkers Planning Board approved the project's proposed site plan on June 14, 2023.

Other outside agency approvals may be required, including from the New York Metropolitan Transportation Authority (MTA) and the Westchester County Department of Health.

3-4. Current Use

The Site is currently utilized for commercial purposes. The Site is occupied by USC Gymnastics and Baseball Training Facility.

5. Intended Use Post Remediation

After the remediation, the Site will be used for mixed-use ground floor commercial and an affordable housing apartment building residential purpose.

6. Post Remediation Use

Post remediation use of the Site entails the demolition of the existing building and the redevelopment of the Site with a 16-story mixed-use building containing 4,460±-square feet of ground floor commercial retail space and 160 multifamily residential apartment units above. The proposed building would total approximately 239,945 gross square feet. The proposed residential component will be 100% affordable and consist of a total of 160 dwelling units, including 8 studios (526± sf each), 75 one-bedrooms (667± sf each), 57 two-bedrooms (877± sf each), and 20 three-bedroom (1,000± sf each) units. Access to parking within the building would be at-grade from South Broadway, where internal ramps will lead to two lower parking levels and three upper parking levels. The Proposed Action will provide a total of 144 assigned parking spaces.

7. Renewable Energy Facility

The proposed post-remediation use is not a renewable energy facility.

8. Do current historical and/or recent development patterns support the proposed use?

Yes, current, historical and/or recent development patterns support the proposed use.

9. Is the proposed use consistent with applicable zoning laws/maps?

Yes, the project is consistent with the City of Yonkers zoning laws and map. The Site was zoned for multifamily residential use under the South Broadway zoning district. Further, the South Broadway Zoning Analysis specifically notes the Subject Property as being in Sub Area 3 that is flagged for being suitable for 8 to 10-story mixed-use buildings.

A variance was obtained from the City of Yonkers Zoning Board of Appeals for the increased building height and parking.

10. Consistent with the Master Plan?

Yes, the project is consistent with the “Westchester 2025” Plan, which intends to support the development and preservation of permanently affordable housing.

SECTION IV – PROPERTY’S ENVIRONMENTAL HISTORY

1. List of Environmental Reports

The following is the list of environmental reports for the Site separately attached:

- a) September 2022 Phase I Environmental Site Assessment prepared by SESI Consulting Engineers for MacQuesten Companies and 636 South Broadway Partners LLC;
- b) April 2023 Limited Phase II Environmental Site Assessment prepared by SESI Consulting Engineers for MacQuesten Development LLC and 636 South Broadway Partners LLC.
- c) June 2024 Limited and Supplementary Phase II – Sampling Results Summary prepared by SESI Consulting Engineers for MacQuesten Development LLC

2. Sampling Data

See Exhibit G Spider Maps which include sampling data summaries, and Section IV.3.

3. Environmental Assessment

Soil:

Analytes > RRSCOs	Detections > RRSCOs	Maximum Detection (mg/kg)	RRSCO (mg/kg)	Depth (ft-bgs)	Sample ID	Max Detection Date
Metals						
Barium	1	590	400	1.5-2	ESB202	5/2/2024
Chromium	3	1540	110	2.5-3	ESB204	5/2/2024
Iron	2	41,100	2000	0.5-4.0	B-2	01/17/23
Lead	2	20,100	400	2.5-3	ESB204	5/2/2024

Groundwater:

Analyte > AWQS	Detections > AWQS	Max Detection (µg/L)	AWQS (µg/L)	Sample ID	Max Detection Date
SVOCs					
Benzo(a)anthracene	1	0.81	0.002	TWP203	5/2/2024
Bis (2-Ethylhexyl) phthalate	1	47	5	TWP201	5/2/2024
Chrysene	1	1.9	0.002	TWP203	5/2/2024
VOCs					
Chloroform	1	14.8	7	MW-1	01/17/23
Tetrachloroethene	1	28	5	MW-1	01/17/23
Metals					
Barium	2	2410	1000	TWP203	5/2/2024
Cadmium	1	23.8	5	TWP203	5/2/2024
Chromium	4	892	50	TWP203	5/2/2024
Copper	3	790	200	TWP203	5/2/2024

Iron	4	132000	300	TWP202	5/2/2024
Lead	3	27000	25	TWP203	5/2/2024
Manganese	4	34900	300	TWP203	5/2/2024
Nickel	2	461	100	TWP203	5/2/2024
Sodium	4	146,000	20,000	MW-1	01/17/23

Soil Vapor:

Analytes	Total Detections	Max Detection ($\mu\text{g}/\text{m}^3$)	NYSDOH Soil Vapor Matrices	Sample ID	Max Collection Date
VOCs					
1,1,1 – Trichloroethane	3	105	100	ESV 203	5/2/2024
1,2,4-Trimethylbenzene	4	16	60	ESV 202 ESV 203	5/2/2024
1,3,5-Trimethylbenzene	4	4.6	60	ESV 202	5/2/2024
1,3-Butadiene	4	42.3	-	ESV 201	5/2/2024
2,2,4-Trimethylpentane	4	34	60	ESV 202	5/2/2024
2-Butanone	1	3.72	-	ESV-1	02/17/23
4-Ethyltoluene	4	4.9	-	ESV 202	5/2/2024
Acetone	4	399	-	ESV-1	02/17/23
Benzene	4	18	60	ESV 202	5/2/2024
Carbon Disulfide	4	59.5	-	ESV 202	5/2/2024
Chloroform	4	20	-	ESV 202	5/2/2024
Chloromethane	3	9.35	-	ESV-1	02/17/23
Cyclohexane	4	13	60	ESV 202	5/2/2024
Dichlorodifluoromethane	3	6.6	-	ESV 201	5/2/2024
Ethanol	3	42.8	-	ESV 202	5/2/2024
Ethyl Acetate	4	116	-	ESV 201	5/2/2024
Ethyl Alcohol	1	108	-	ESV-1	02/17/23
Ethylbenzene	4	16	60	ESV 202	5/2/2024
Heptane	4	26	-	ESV 202	5/2/2024
Hexane	3	56.4	200	ESV 202	5/2/2024
Iso-Propyl Alcohol	3	19.2	-	ESV-1	02/17/23
m,p-Xylene	3	63.4	200	ESV 202	5/2/2024
Methyl Ethyl Ketone	3	5.9	-	ESV 202	5/2/2024
Methyl Isobutyl Ketone	3	14	-	ESV 202	5/2/2024
Methylene Chloride	3	27	-	ESV 202	5/2/2024
n-Hexane	1	27.2	-	ESV-1	02/17/23
o-Xylene	4	21	60	ESV 202	5/2/2024
p/m-Xylene	1	23.2	-	ESV-1	02/17/23
Propylene	3	364	-	ESV 201	5/2/2024
Styrene	1	1.06	-	ESV-1	02/17/23
Tertiary Butyl Alcohol	3	12	-	ESV 201	5/2/2024
Tetrachloroethylene	4	337	100	ESV-1	02/17/23

Tetrahydrofuran	1	3.36	-	ESV-1	02/17/23
Toluene	4	72.7	300	ESV 202	5/2/2024
Trichloroethane	1	3.46	300	ESV-1	02/17/23
Trichlorofluoromethane	1	1.2	-	ESV-1	02/17/23
Xylene (total)	4	84.4	-	ESV 202	5/2/2024

4. Past Land Use

1. Past Use of the Site

Prior to 1917, the Site was first developed with two (2) residential dwellings, and the current structure on the Site was built by 1942. The building was then used as a garage and commercial stores between 1942 and 1971. The Site operated as an automotive sales and service center between approximately 1978 and 2004. Automotive servicing likely involved use of petroleum and chlorinated solvent products that appear to have impacted subsurface conditions at the Site.

2. Past Investigations Related to Uses and Environmental Conditions that Led to the Submission of this Application.

SESI Consulting Engineers (SESI), at the request of the Requestor and its parent company Macquesten Companies, completed a Phase I Environmental Site Assessment (ESA) for the Site in September 2022 before the Requestor acquired the Site. The Phase I identified one Recognized Environmental Concern (REC): historic automotive operations. This REC was identified because automotive servicing involves the use of petroleum and solvent products that can impact subsurface conditions when they are mishandled. Further, the Phase I identified three Business Environmental Risks (BERs). First, based on the age of the facility, SESI stated that asbestos containing materials are likely present on the site. Second, similarly based on the Site's age, SESI stated that lead based paint is likely present on the Site. Third, SESI recommended conducting a survey of universal waste on-Site and that the universal waste be properly disposed of prior to redevelopment.

SESI then conducted a Limited Phase II ESA on behalf of the Requestor and Macquesten. The Limited Phase II ESA was conducted to investigate Recognized Environmental Concerns (RECs) identified during the September 2022 Phase I ESA. This Limited Phase II ESA verified the existence of contamination associated with the historic automotive operation REC on Site and slightly offsite which is summarized in the section above.

SECTION V – REQUESTOR INFORMATION

The Requestor is 636 South Broadway Partners LLC, a New York limited liability company, located at 438 Fifth Avenue, Suite 100, Pelham, NY 10803. Requestor 636 South Broadway Partners LLC is authorized to do business in the State of New York. *See* Exhibit H, NYSDOS Entity Information. The sole member is Rella Fogliano.

The Written Consent provides Rella Fogliano with authority to sign all Brownfield Cleanup Program (“BCP”) documents on behalf of the Requestor 636 South Broadway Partners LLC. *See* Exhibit I Corporate Consent.

As further described below in Section IV, the Site is located at 632 South Broadway, Yonkers, NY 10705, tax parcel identification no. 1-29-1 (“Site” or “BCP Site”).

Requestor is the owner of the Site as of October 22, 2022. As more fully described below in Section VI, 636 South Broadway Partners LLC is the current owner of the Site. *See Exhibit J Deed.*

The Requestor has no prior relationship with any current or past owners or operators of the Site. *See Exhibit F, Previous Owners and Operators List.* The Requestor did not cause the contamination of the Site, which predates the Requestor’s involvement at the Site.

SECTION VI – REQUESTOR ELIGIBILITY INFORMATION

1-11. Please refer to BCP Application Form.

REQUESTOR CERTIFICATION

The Requestor certifies it is a Volunteer, since it does not have nor has ever had a relationship with any of the past owners or operators of the Site that caused the contamination other than it purchased the Site from previous owners after it performed environmental due diligence. Requestor did not have involvement with the Site at the time of disposal. The Requestor has performed due care of the Site since its acquisition one year ago while it received land use approvals for the project and prepare this BCP application for the Site’s additional investigation and remediation.

SECTION VII- REQUESTOR CONTACT INFORMATION

Please refer to the BCP Application Form.

SECTION VIII – PROGRAM FEE

The Applicant has certified to the Department that it will develop the Brownfield Site with the dedication of 100 percent of the residential rental or home ownership units in an affordable housing project to tenants or homeowners at a defined maximum percentage of area median income based on the occupants’ household’s annual income. The Department has granted a waiver of the program fee based upon this certification. If the Applicant fails to provide documentation that the development is dedicated to a 100 percent affordable housing project prior to the issuance of a Certificate of Completion, the Department may terminate this agreement in accordance with the provisions of 6 NYCRR 375-3.5 (c)(3). Documentation equivalent to that required to obtain a determination that the site is eligible for tangible property tax credits or other documentation deemed appropriate by the Department is sufficient.

SECTION IX- CURRENT PROPERTY OWNER/OPERATOR INFORMATION

The Requestor 636 South Broadway Partners LLC, a New York limited liability company, located at 438 Fifth Avenue, Suite 100, Pelham, NY 10803 is the owner of the Site. *See* Exhibit J Deed for additional information.

The Previous Owner and Operator list is attached in Exhibit F. This Exhibit includes both current and previous property owners and operators by name, last known address, telephone number, and the Requestor's relationship to each owner and operator (all of which are "None"). Exhibit F also includes the prior operators' use of the Site.

SECTION X - PROPERTY ELIGIBILITY INFORMATION

Please refer to the responses to the Questions 1-6 on the BCP Application Form, which confirms the site is not ineligible for the BCP.

In addition to the responses on the application form, which clarify the Site is an eligible brownfield site pursuant to ECL § 27-1405, the following information further demonstrates this Site's eligibility for the BCP.

The Site meets the definition of an eligible "brownfield site" in Environmental Conservation Law § 27-1405(2) as "any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations." Environmental investigation results show evidence of impact from the Site's previous commercial automotive repair uses, which can be linked to and caused Site contamination above the applicable cleanup standards. See Environmental Reports separately attached and the Spider Maps in Exhibit G, providing the data demonstrating exceedances of the cleanup standards for this Site. As a result, the Site meets the definition of a brownfield site pursuant to Environmental Conservation Law §27-1405(2).

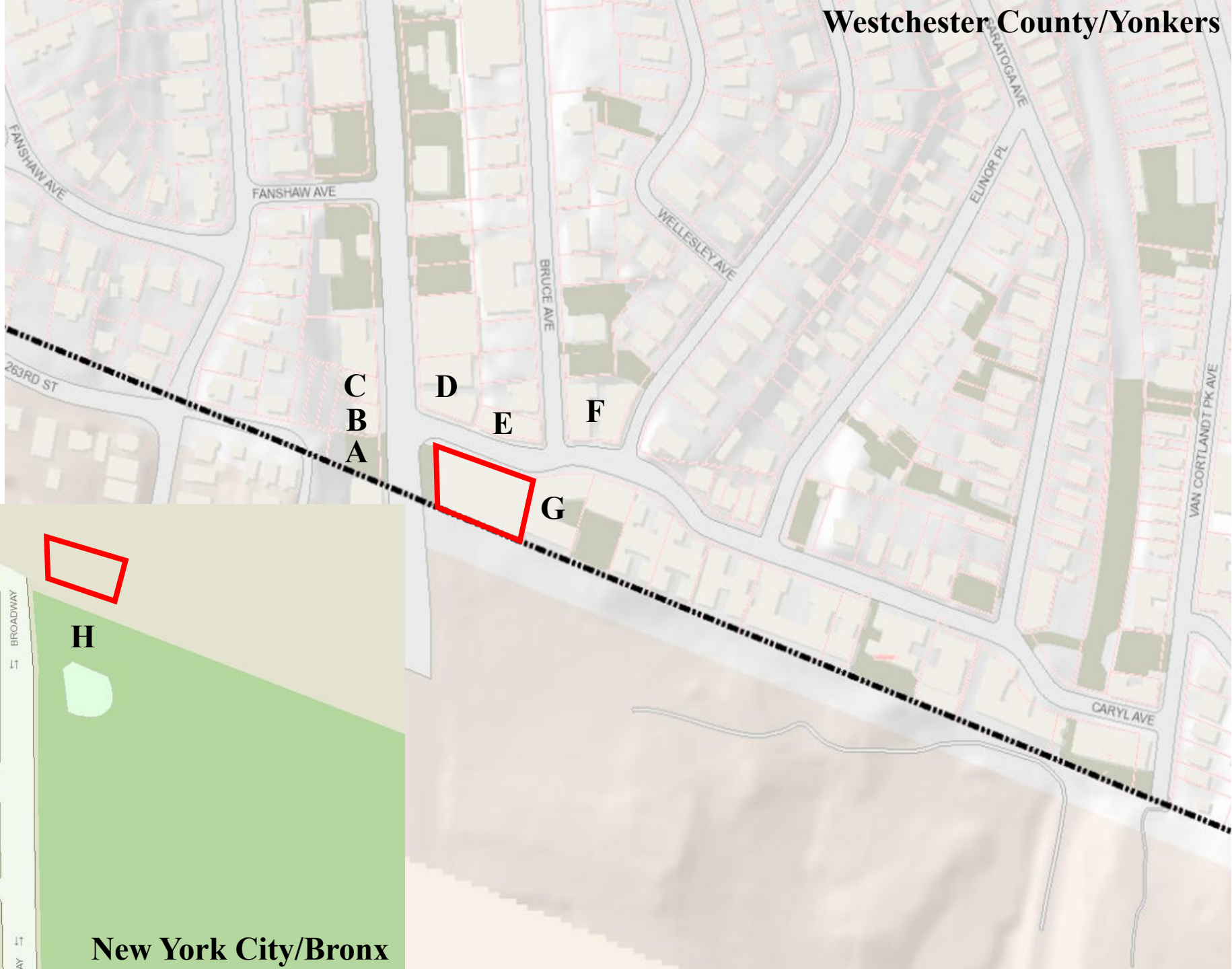
SECTION XI - CONTACT LIST INFORMATION

See Exhibit K for the Site Contact List. *See* Exhibit L for the Repository Letter.

EXHIBIT A

BASE MAP

Lincoln Mercury Dealership Site
632-36 South Broadway
Yonkers, NY 10705



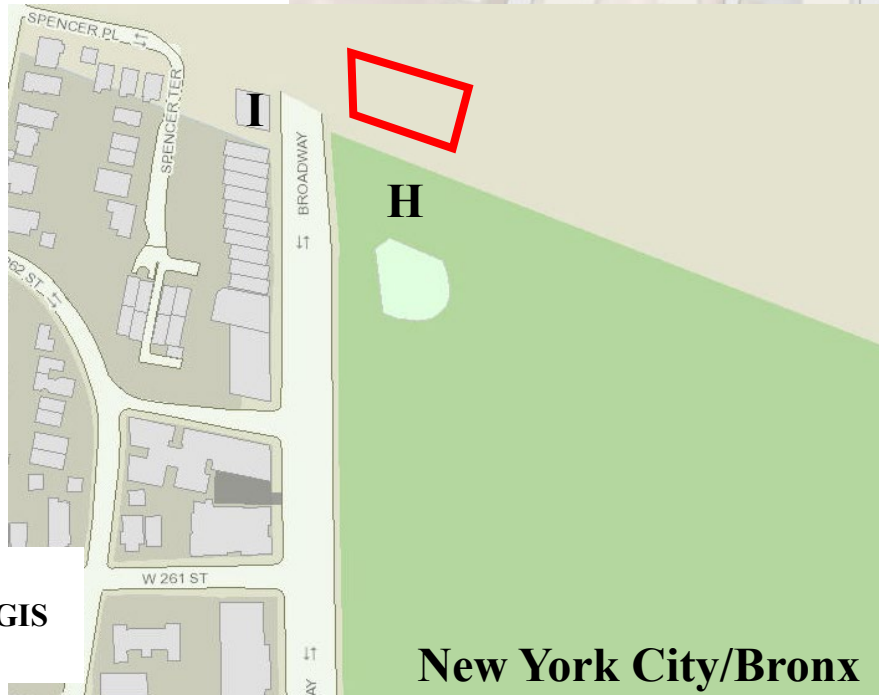
Legend:

 Site Property Boundary

Corresponding page
lists adjacent property owners by
letter A – I



All feature locations are approximate. This map is intended as a schematic to be used in conjunction with associated Application and Support Information, and should not be relied upon as a survey for planning and other activities.



New York City/Bronx

July 2023

Source: Westchester and NYC GIS

Scale: 1" = 100' approximately

Number	Property Owner(s) Name(s)	Property Address	Section-Block-Lot
1	636 South Broadway Partners LLC	632 S Broadway, Yonkers NY, 10705	1-29-1

Letter	Adjacent Property Owner(s) Name(s)	Property Address	Section-Block-Lot
A	Robert Landucci	629 S Broadway, Yonkers, NY 10705	1-28-18.20
B	Anjan Broadway Inc.	625 S Broadway, Yonkers, NY 10705	1-28-16
C	Anthony Polidoro	621 S Broadway, Yonkers, NY 10705	1-28-14.15
D	Emas Properties Inc.	622 S Broadway, Yonkers, NY 10705	1-30-50
E	Are of Irmamim Realty LLC	3 Caryl Ave, Yonkers, NY 10705	1-30-44.47
F	15-21 Caryl LLC	15 Caryl Ave, Yonkers, NY 10705	1-33-50
G	Caryl & Broadway Inc.	14 Caryl Ave, Yonkers, NY 10705	1-29-8
H	NYC Parks and Recreation	Van Cortlandt Park, 6200 Broadway, Bronx, NY 10471	Bronx-5900-150
I	R. Landucci	6697 Broadway, Bronx, NY 10471	Bronx-5888-1542

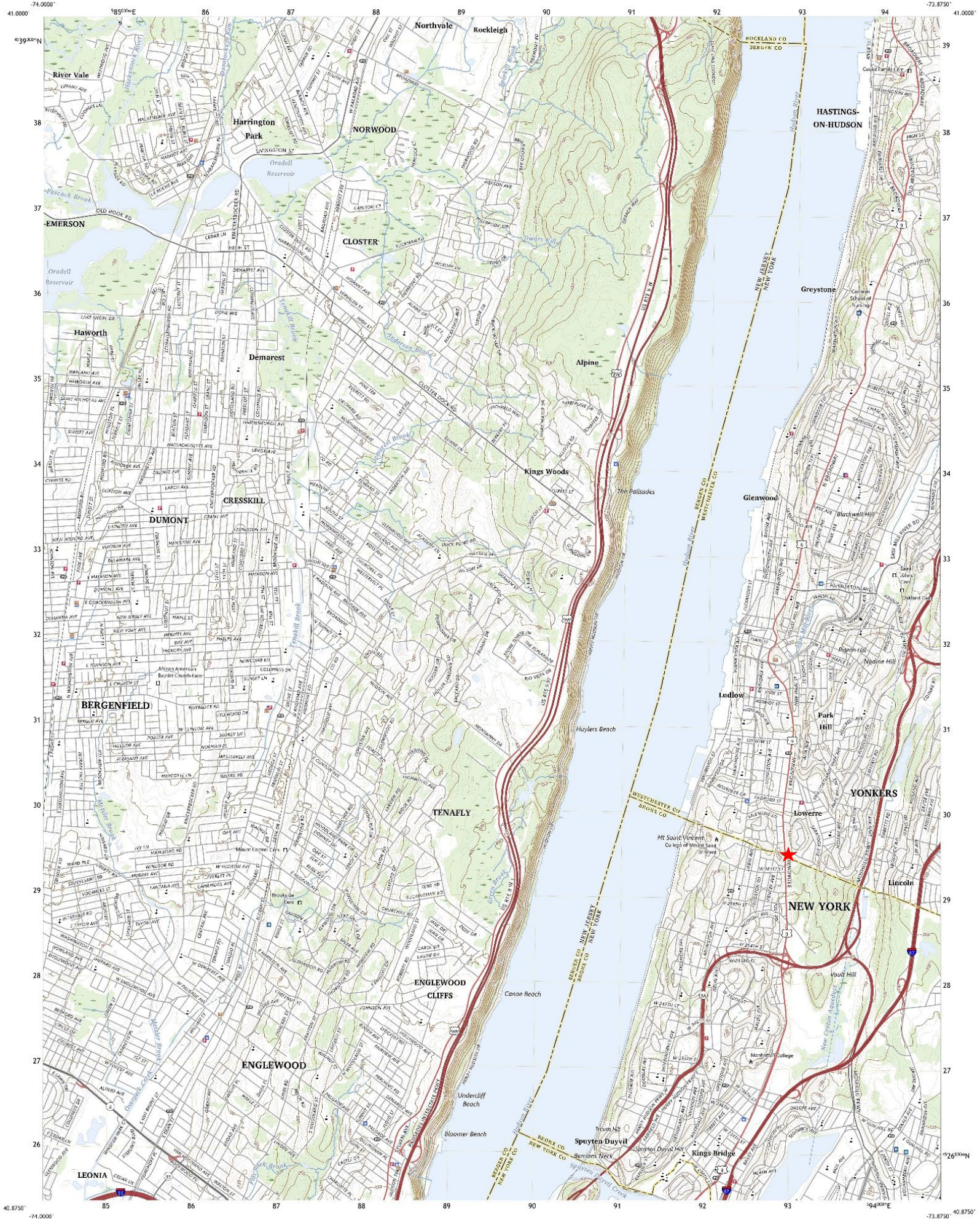
SITE LOCATION MAP



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



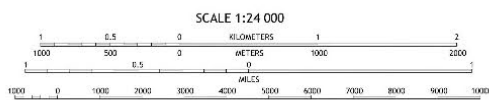
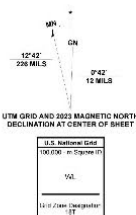
YONKERS QUADRANGLE
NEW YORK - NEW JERSEY
7.5-MINUTE SERIES



Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1:100,000-meter grid. Universal Transverse Mercator, Zone 18T.
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Boundary.....NAD83, July 2017 - December 2017
Roads.....U.S. Census Bureau, 2016 - 2016
Name.....CNS, 1979 - 2023
Hydrography.....National Hydrography Dataset, 2002 - 2002
Contours.....National Elevation Dataset, 2013
Boundaries.....Multiple sources; see metadata file 2021 - 2022
Wetlands.....FWS National Wetlands Inventory 2007 - 2011



1	2	3
4	5	6
7	8	9

- 1 Park Ridge
- 2 Rock
- 3 White Plains
- 4 Hockanock
- 5 South Vermon
- 6 Westchester
- 7 Central Park
- 8 Flushing



YONKERS, NY, NJ
2023

Street Map

Lincoln Mercury Dealership Site
632-36 South Broadway
Yonkers, NY 10705



Legend:

 Site Property Boundary

EXHIBIT B

Tax Map



BCP Site Boundary

LEGEND	
COUNTY LINE	
CITY LINE	
BLOCK LINE	
SEWER DISTRICT LINE	SEWER DISTRICT 1 SEWER DISTRICT 2
EASEMENT LINE	EASEMENT
PROPERTY LINE	
MATCH LINE	
TAX MAP BLOCK NO.	41
TAX MAP LOT NO.	32
ACREAGE	13.6A
DIMENSION	2.6
STREAM	
LEGAL ADDRESS	52

CITY OF YONKERS
Assessment Department

FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND APPLIES ONLY TO THE
UNSHADDED PORTION OF THE MAP

REVISION TABLE			
DATE	CHANGES	DATE	CHANGES
8/11/2015	Merged parcel 6233029		
8/28/2016	Apportionment of Lot 38, Block 30		

SPECIAL DISTRICTS					
TYPE	SYMBOL	NAME	TYPE	SYMBOL	NAME
CC-001		City Charge Unit Fee	SB-005		South Broadway BID
CC-002		City Charge RSG U			
CC-003		ETPA Housing Unit Fee			
CC-004		Safety Inspection Fee			
CC-002		SO Yonkers Sewer			
CW-001		Solid Waste District			
SB-001		South Broadway BID			
SB-002		South Broadway BID			

LEGEND	
	County Line
	City Line
	Block Line
	Sewer District Line
	Easement Line
	Property Line
	Match Line

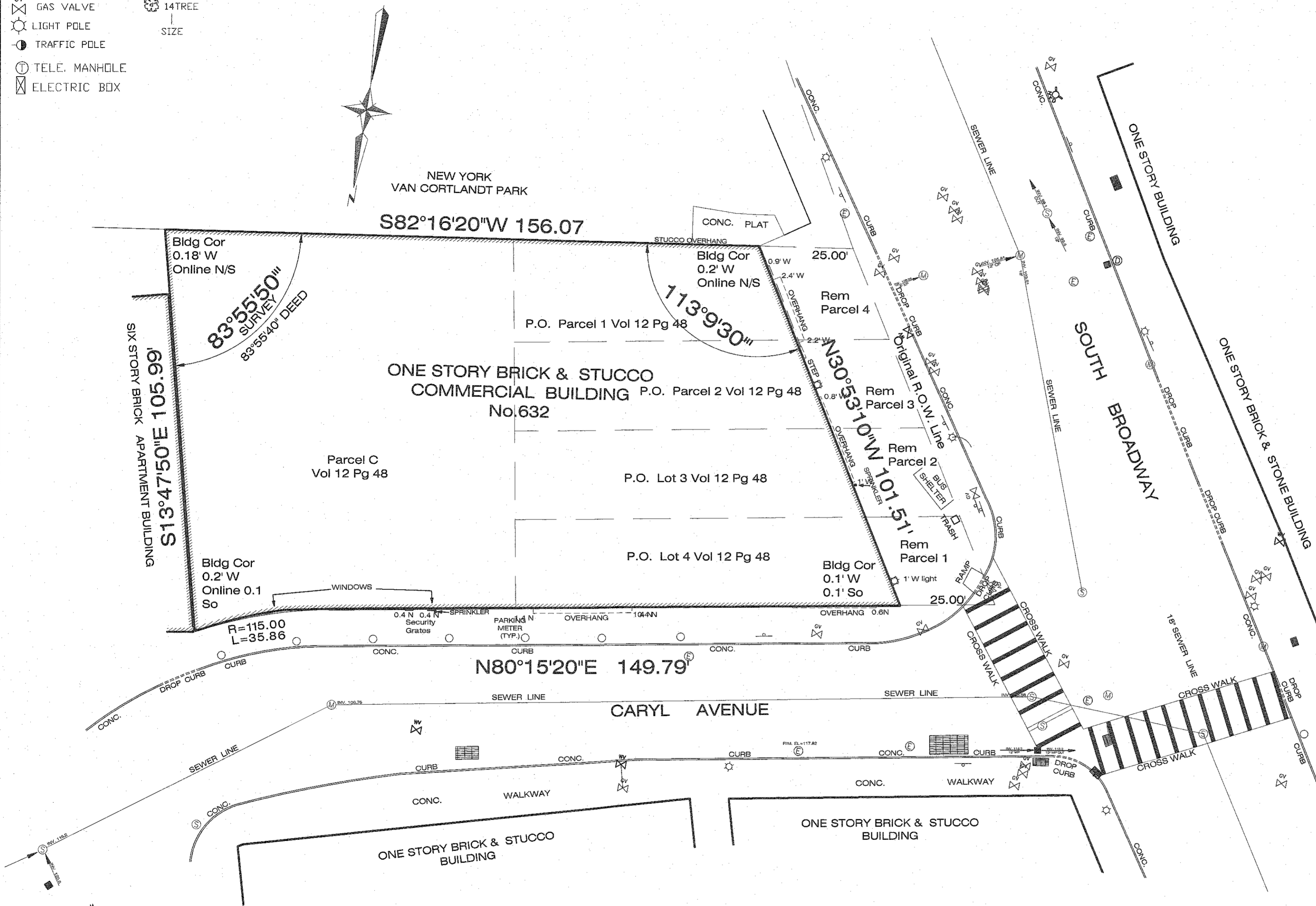
357	358	359
368	369	370
	378	379

Tax Map 369 of 399

Assessment Section 1

Title 161.44

- LEGEND**
- ☉ SEWER MANHOLE
 - ☉ WATER MANHOLE
 - ☉ ELECTRIC MANHOLE
 - ☉ DRAIN MANHOLE
 - ☉ MANHOLE
 - ☉ MONITORING WELL
 - ☉ VALVE
 - ☉ 14 TREE
 - SIZE
 - ☐ CATCH BASIN
 - ☐ DRAIN INLET
 - ☐ UTILITY POLE
 - ☐ SIGN POST
 - ☐ HYDRANT
 - ☐ WATER VALVE
 - ☐ GAS VALVE
 - ☐ LIGHT POLE
 - ☐ TRAFFIC POLE
 - ☐ TELE. MANHOLE
 - ☐ ELECTRIC BOX



Possession NOT indicated

This is to certify that this map and the survey on which it is based were made in accordance with the "Minimum Standard" Detail Requirements for New York State Association of Land Surveyors. This Survey is a representation of the property as surveyed on May 23, 2022 the date that the field work was performed. Subsequent revision dates do not constitute an updated survey.

Eliot Senor, L.S. New York State Lic. No. 049822

Copies of the survey map not bearing the land surveyor's original blue signature and embossed seal shall not be considered to be a true and valid copy. Copyright Gabriel E. Senor, P.C., 2022. ALL RIGHTS RESERVED.

A Title report lists easements and restrictions if the report was not provided these easements and or restrictions may not be shown. A copy of the title report was not provided. A copy of the deed was provided. Survey may be subject to easements not shown.

Surface elevations and underground appurtenances, if any, whether or not shown are not guaranteed. Fences or possession lines generally do not follow a straight line. The survey shows straight lines between located points. Any dimensions shown are to the surveyed point only. Labeled dimensions cannot be used for any other point along the line.

Unauthorized alteration or additions to the survey map is a violation of Section 7209 sub-section 2 of the New York State Education Law

Certified to:

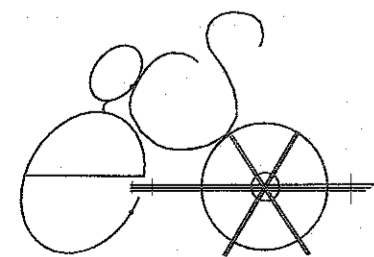
**SURVEY OF
TAX LOT 1
BLOCK 29
No. 632 S. BROADWAY
LOCATED IN THE
CITY OF YONKERS
WESTCHESTER COUNTY, NEW YORK.**

Also known as Parcel C and portions of Parcels 1, 2, 3 & 4 as shown on map of Property belonging to Hugh Stevenson and Julius H Caryl.

Said "Map" is filed in the Westchester County Clerks office, Division of Land Records, on Nov 29, 1892 as R.O. Vol 12 Pg 48.

GABRIEL E. SENOR, P.C.

CONSULTING ENGINEER & LAND SURVEYORS
90 NORTH CENTRAL AVE., HARTSDALE, NEW YORK, 10530
(914) 422-0070 FAX 422-3009



GABRIEL E. SENOR, P.C.
Engineer & Surveyor

90 NORTH CENTRAL AVE., HARTSDALE, NEW YORK 10530
(914) 422-0070

SCALE: 1" = 20'

DATE: MAY 25, 2022



DRAWN BY: MCN. CHECKED BY: ES.

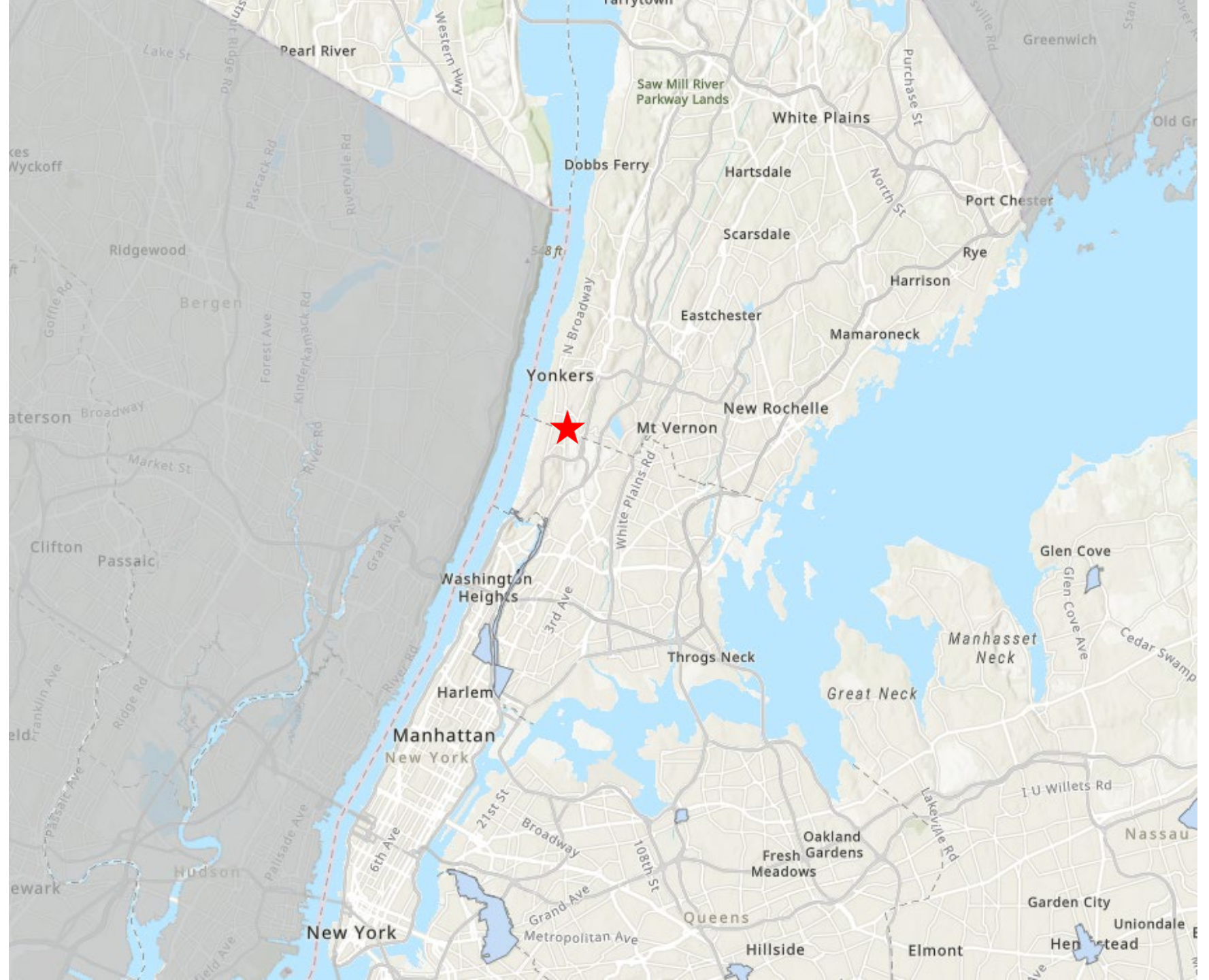
EXHIBIT C

BOA Map

Lincoln Mercury Dealership Site
632-36 South Broadway
Yonkers, NY 10705

Legend:

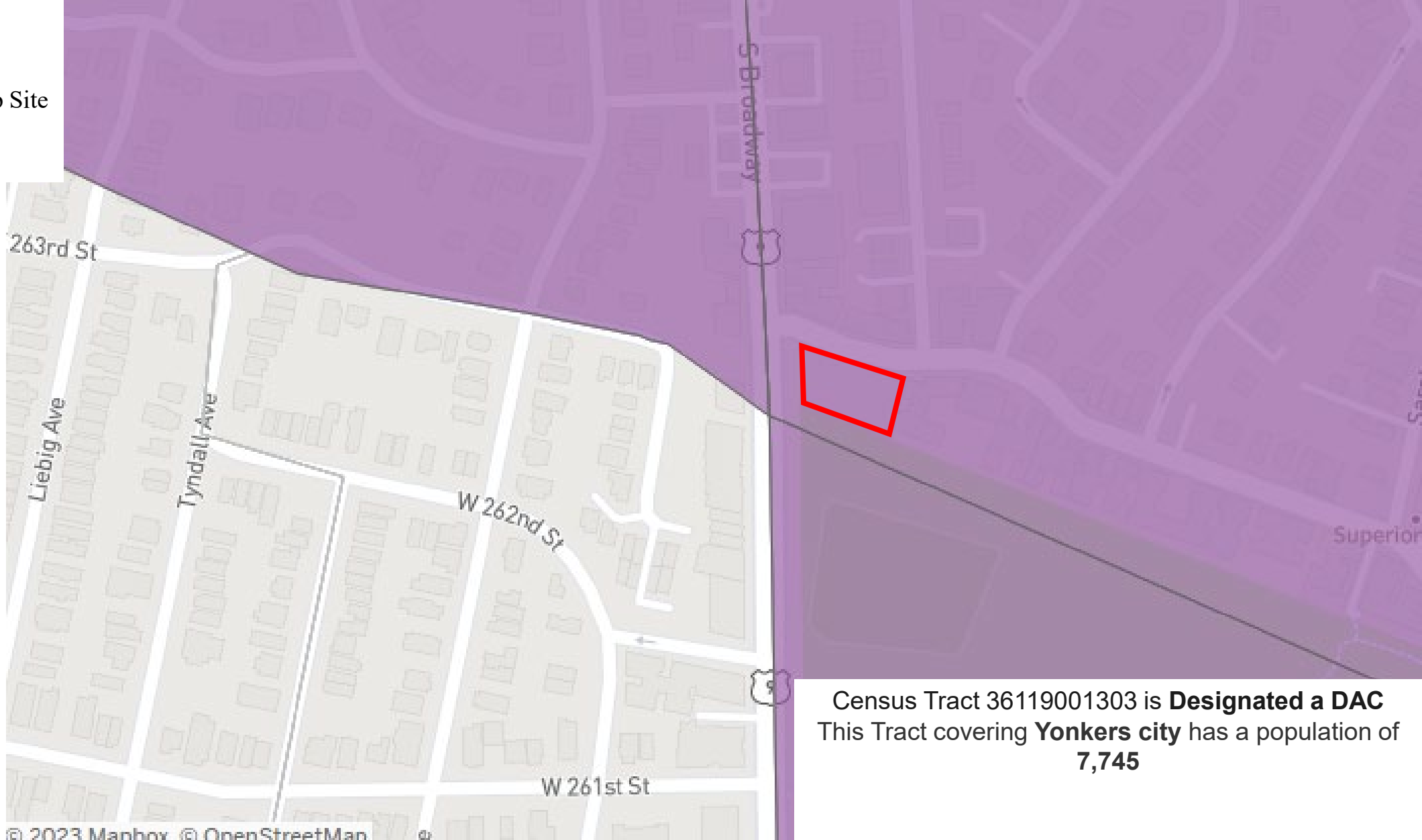
-  Site Location
-  BOA



July 2023
Source: NYS Geographic Information Gateway
Scale: 1" = 100' approximately

Disadvantaged Communities Map

Lincoln Mercury Dealership Site
632-36 South Broadway
Yonkers, NY 10705



Census Tract 36119001303 is **Designated a DAC**
This Tract covering **Yonkers city** has a population of
7,745

Legend:

 Site Property Boundary

 Disadvantaged Community

Environmental Burden is higher than **50%** of Census Tracts statewide
Population Vulnerability is higher than **93%** of Census Tracts statewide

Population Characteristics & Vulnerability ...

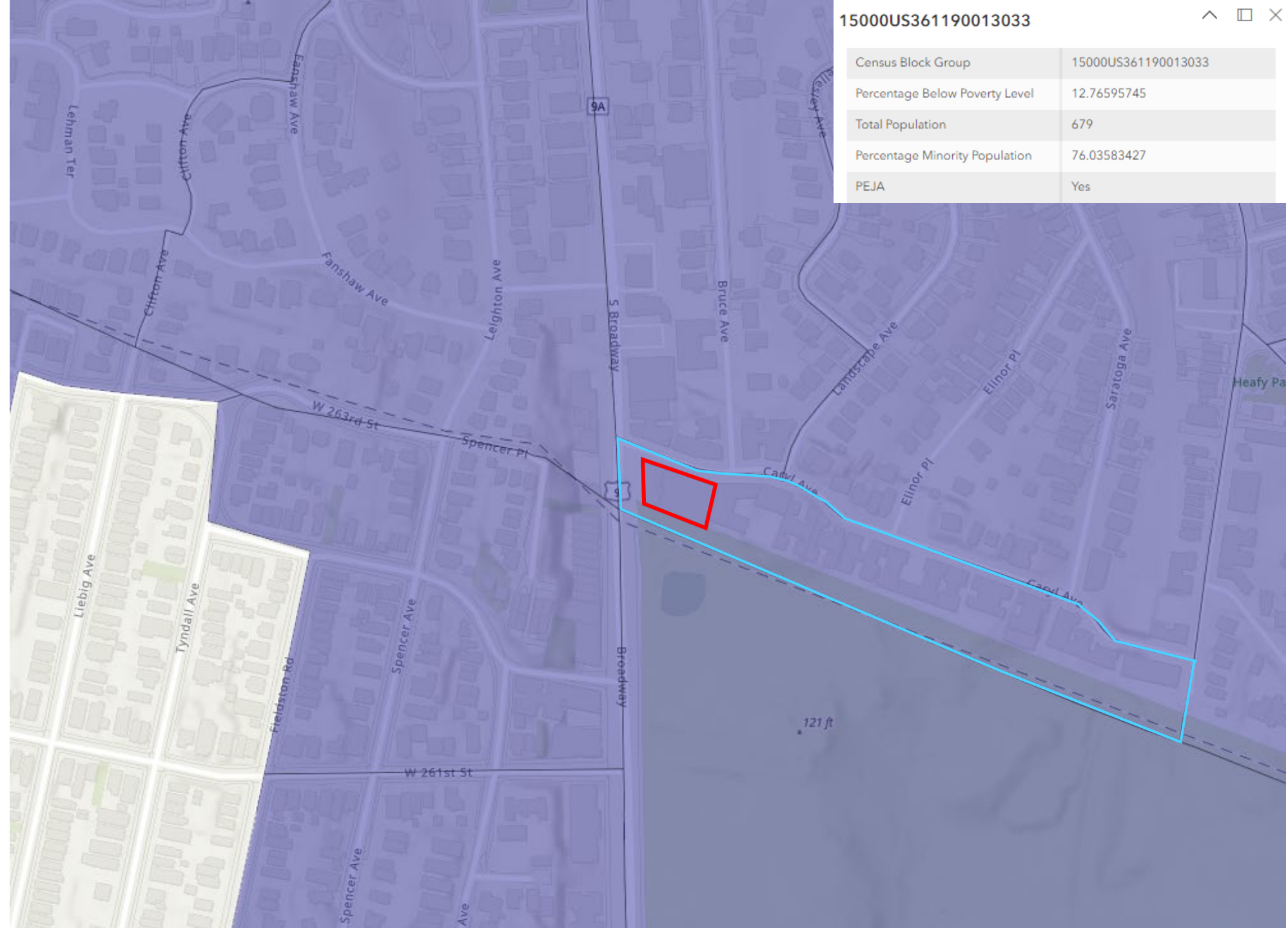
Health Impacts & Burdens	Asthma ED visits	84%
	COPD ED visits	80%
	Heart attack (MI) Hospitalization	70%
	Low Birthweight	87%
	Pct Adults Age 65+	9%
	Pct w/ Disabilities	61%
	Pct w/o Health Insurance	67%
	Premature Deaths	35%
Housing, Mobility, Communications	Energy Poverty / Cost Burden	83%
	Homes Built Before 1960	75%
	Housing Cost Burden (Rental C..	72%
	Manufactured Homes	0%
	Pct Renter-Occupied Homes	89%
	Pct w/o Internet (home or cellul..	43%
Income	Pct <100% of Federal Poverty ..	81%
	Pct <80% Area Median Income	96%
	Pct Single-Parent Households	93%
	Pct w/o Bachelor/Es Degree	85%
	Unemployment Rate	78%
Race/Ethnicity	Historical Redlining Score	34%
	Limited English Proficiency	86%
	Pct Asian	78%
	Pct Black or African American	79%
	Pct Latino/a or Hispanic	94%
	Pct Native American or Indigen..	94%

Environmental Burden & Climate Change Risk ...

Land Use & Historic Discrimination	Active Landfills	0%
	Housing Vacancy Rate	66%
	Industrial/Manufacturing/Mining La..	0%
	Major Oil Storage Facilities	0%
	Municipal Waste Combustors	0%
	Power Generation Facilities	0%
	Regulated Management Plan (Ch..	85%
	Remediation Sites	0%
	Scrap Metal Processing	0%
	Potential Climate Change Risk	Agricultural Land Use
Coastal Flooding and Storm Risk ..		0%
Driving Time to Urgent/Critical Care		10%
Extreme Heat Projections (>90? d..		79%
Inland Flooding Risk Areas		0%
Low Vegetative Land Cover		61%
Potential Pollution Exposure		Benzene Concentration (Modeled)
	Particulate Matter (PM2.5)	66%
	Traffic: Diesel Trucks	44%
	Traffic: Number of Vehicles	52%
	Wastewater Discharge	81%

EJ MAP

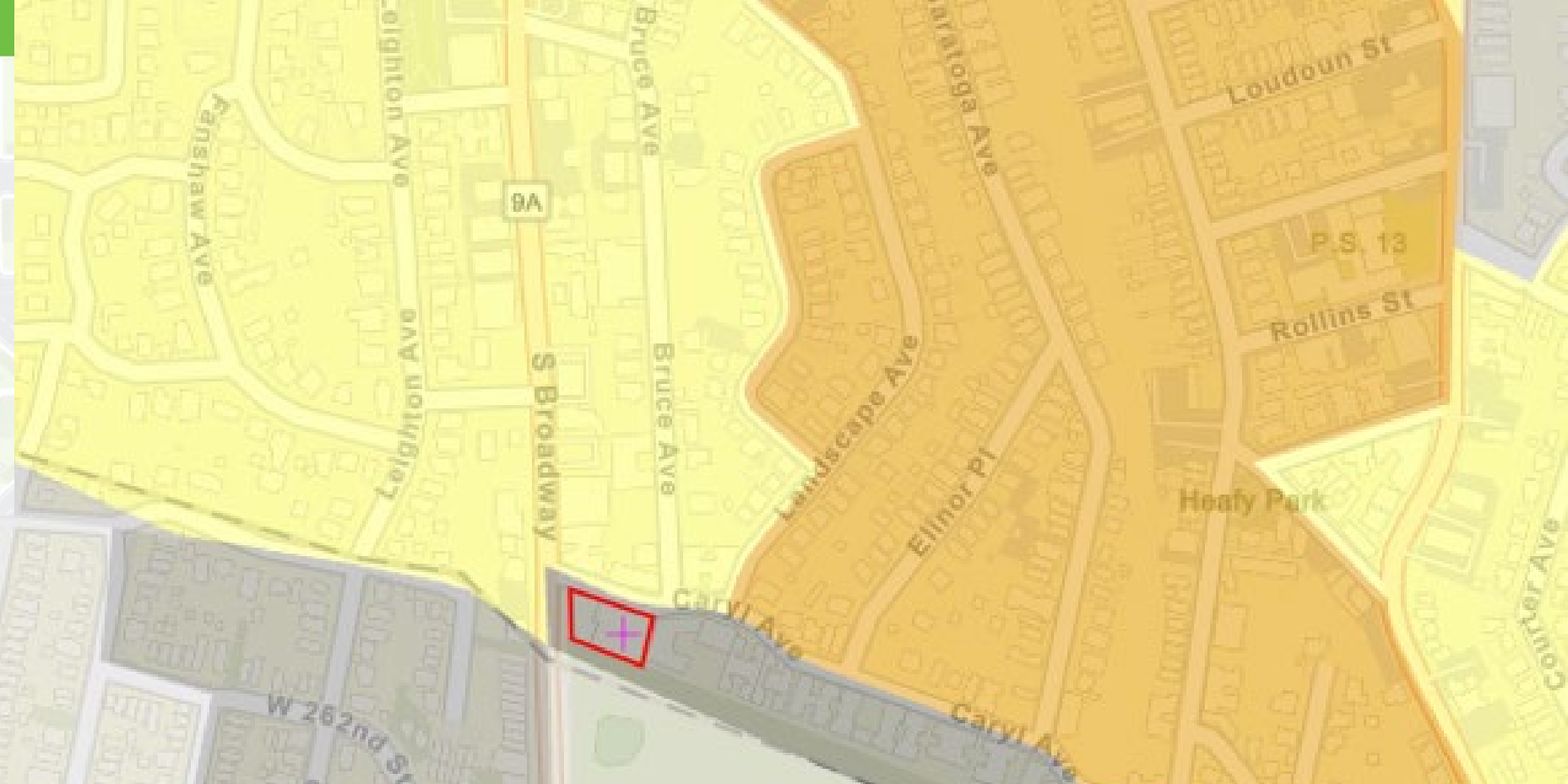
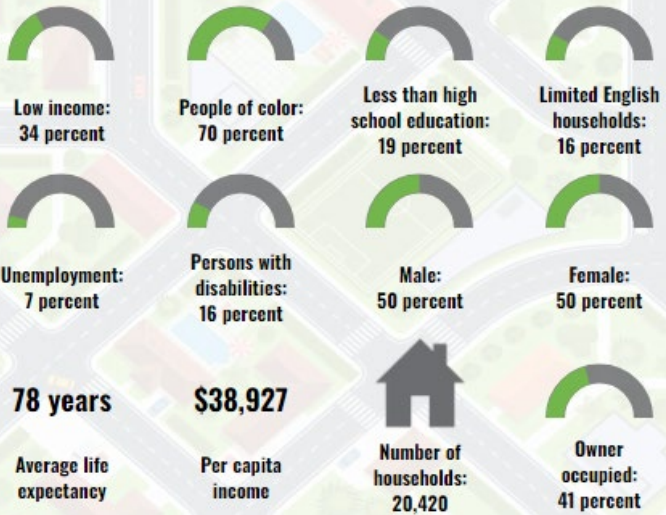
Lincoln Mercury Dealership Site
632-36 South Broadway
Yonkers, NY 10705



15000US361190013033	
Census Block Group	15000US361190013033
Percentage Below Poverty Level	12.76595745
Total Population	679
Percentage Minority Population	76.03583427
PEJA	Yes

- Legend:**
- Site Property Boundary
 - Census Tract Boundary

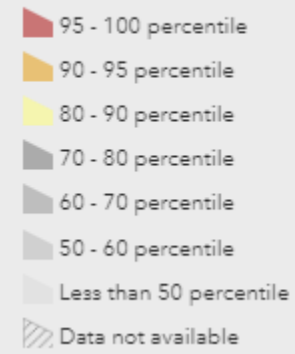
COMMUNITY INFORMATION



LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
English	44%
Spanish	43%
French, Haitian, or Cajun	1%
Russian, Polish, or Other Slavic	2%
Other Indo-European	4%
Tagalog (including Filipino)	1%
Other Asian and Pacific Island	2%
Arabic	1%
Other and Unspecified	2%
Total Non-English	56%

Demographic Index (National Percentiles)



En-Zone Map

Lincoln Mercury Dealership Site
632-36 South Broadway
Yonkers, NY 10705

Legend:

 Site Property Boundary

July 2023

Source: Google Earth

Scale: 1" = 100' approximately

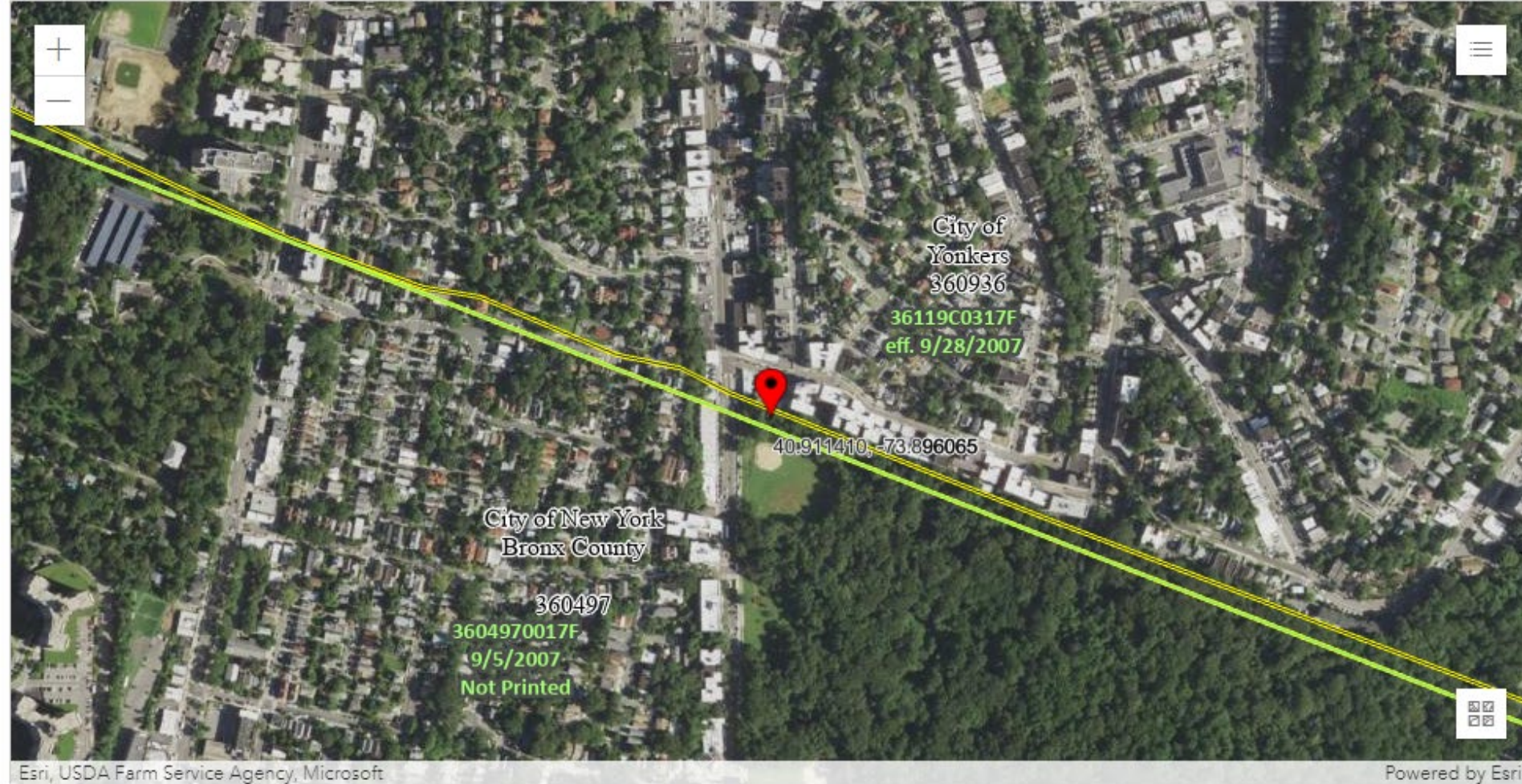


13.04	
STATEFP	36
COUNTYFP	119
TRACTCE	001304
GEOID	36119001304
NAME	13.04
NAMELSAD	Census Tract 13.04
MTFCC	G5020
FUNCSTAT	S
ALAND	173217
AWATER	0
INTPTLAT	+40.9128612
INTPTLON	-073.8933427
FIPS	36119001304
County_FIPS	36119
Geography	Census Tract 13.04
County	Westchester County
UnempRate	10.1
NYS_UR	7.1
Pov_Rate	18.6
County_PR	8.4
CountyRateX2	16.8
Criteria_A	
Criteria_B	Y
Both_AB	
EnZoneType	B

EXHIBIT D

FLOOD MAP

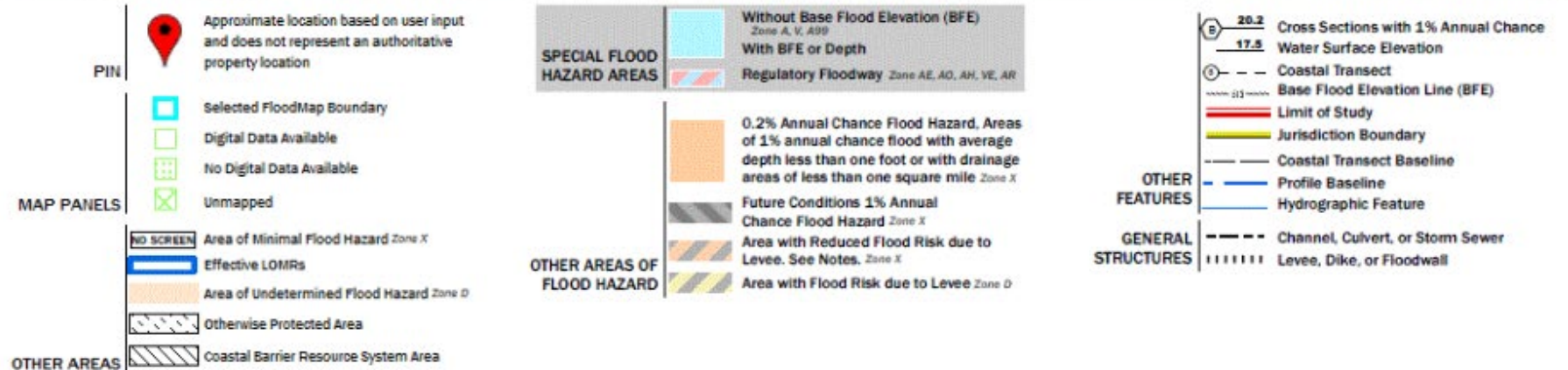
Lincoln Mercury Dealership Site
 632-36 South Broadway
 Yonkers, NY 10705



Legend:

 Site Location

All feature locations are approximate. This map is intended as a schematic to be used in conjunction with the associated report, and it should not be relied upon as a survey for planning or other activities.



July 2023
 Source: FEMA Flood Map
 Scale: 1" = 100" approximately

EXHIBIT E



Mayor Mike Spano

CITY OF YONKERS

Louis J. Albano
Commissioner

Lee J. Ellman, AICP
Deputy Commissioner

Zachary J. Nersinger
Planning Director

DEPARTMENT OF PLANNING AND DEVELOPMENT
PLANNING BUREAU
87 Nepperhan Avenue
Suite 320
Yonkers, NY 10701
Tel. 914.377.6555
Fax 914.377.6552
planninginfo@yonkersny.gov

Date: June 16, 2023

To: Sam Borelli, Commissioner
City of Yonkers Department of Housing and Buildings
87 Nepperhan Ave, 5th Floor, Yonkers, NY 10701

Re: Planning Board Site Plan Approval Resolution with Conditions

The following matter was referred to the Yonkers Planning Board pursuant to DHB Application No.: B0031218.

A REQUEST TO APPROVE A SITE PLAN APPLICATION FOR A 16-STORY, 160-UNIT ALL AFFORDABLE APARTMENT BUILDING WITH ASSOCIATED SITE IMPROVEMENTS LOCATED AT BLOCK: 29, LOT 1 ON THE PROPERTY KNOWN AS 632 AKA 636 SOUTH BROADWAY, ZONED SOUTH BROADWAY ("SB") – SOUTH SUBDISTRICT, PURSUANT TO ARTICLE IX OF THE YONKERS ZONING ORDINANCE.

The site plan application presented to the Planning Board at its meeting of **June 14, 2023** was approved with twelve (12) conditions in the attached resolution.

A copy of the text from the resolution in its entirety will be included on the final site plan drawings. A copy of the approved signed site plans will be provided to the DHB for its records.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Kozicky".

Roman Kozicky, Planning Board Chairman

Attachment: Planning Board Approval Resolution 06/14/2023

cc: V. Spano, City Clerk
Applicant
File

**CITY OF YONKERS
PLANNING BOARD RESOLUTION**

RESOLUTION TO APPROVE A SITE PLAN APPLICATION FOR A 16-STORY, 160-UNIT ALL AFFORDABLE APARTMENT BUILDING WITH ASSOCIATED SITE IMPROVEMENTS LOCATED AT BLOCK: 29, LOT 1 ON THE PROPERTY KNOWN AS 632 AKA 636 SOUTH BROADWAY, ZONED SOUTH BROADWAY (“SB”) – SOUTH SUBDISTRICT, PURSUANT TO ARTICLE IX OF THE YONKERS ZONING ORDINANCE.

Findings:

1. The proposed application is for 16-story, 160-unit affordable housing apartment building to be known as “The Parker” (the “proposed project”). All 160 dwelling units are proposed to be maintained as affordable housing units for the life of the project as represented by the Applicant, Macquesten Development, LLC.
2. On February 21, 2023, the Zoning Board of Appeals (the “ZBA”), as Lead Agency for the environmental review of an Type I Action with Coordinated Review adopted a Negative Declaration of Environmental Non-Significance for the proposed project and granted the following area variances for Case #5802.
 - a. Exceeding maximum permitted floor area ratio, per Section 43-47. C. (3) (f). Required 10.0, proposed 11.8.
 - b. Exceeding maximum permitted building height, per Section 43-47. C. (3) (g). Required 120 feet, proposed 166.5 feet.
 - c. Insufficient rear yard setback, per Section 43-47. C. (3) (c). Required 25 feet, proposed zero (0) feet.
 - d. Exceeding maximum permitted lot coverage, per Section 43-47. C. (3) (j). Required 90%, proposed 99.8%.
 - e. Reduction in minimum ground floor transparency, per Section 43-47. C. (5). Required 70%, proposed 56%.
 - f. Insufficient off-street parking, per Section 43-128, and Table 43-4. Required 243 spaces, proposed 144 spaces.
3. During the course of the ZBA’s environmental review process of the proposed project the Applicant submitted a Traffic Impact Study and a supplemental parking analysis for the ZBA’s review and consideration. While the traffic study demonstrated the proposed project is anticipated to have little to no impact on the existing traffic conditions of the surrounding area, the ZBA expressed its concerns for the proposed number of off-street parking spaces totaling only 144 spaces for the 160-unit building, as this posed a potential impact to the surrounding area.

The Applicant’s supplemental parking analysis examined parking utilization of tenants at multiple existing affordable housing apartment sites within the city of Yonkers. The ZBA required the data collection of these local sites to better evaluate parking demand of tenants in all-affordable buildings with multiple tiers of Area Median Income (AMI) levels, similar to the proposed project. The results of the parking utilization study and its analysis of affordable housing sites in Yonkers demonstrated the proposed 144 parking spaces for a 160-unit building could accommodate the anticipated demands of the tenants and their guests with minimal impact to the available street parking in the surrounding area.

The parking analysis also stated the proposed project could provide as little as 114 parking spaces based on the calculated parking ratio from the local sites that were studied. The Traffic Engineering Department and the ZBA reviewed this supplemental parking analysis and concluded the Applicant's proposed 144 off-street parking spaces was an acceptable amount to support the anticipated parking demand for the 160-unit all-affordable housing apartment building.

4. The Planning Board has reviewed the Applicant's latest site plans and architectural drawings submitted respectively on May 24, 2023 and April 25, 2023. The Planning Board expressed several concerns for layout of the separated parking levels within the building accessed from either Caryl Avenue – with full turning movements – or South Broadway – with a restricted right turn in and right turn out only driveway. The Board also considered the architectural design elements of the building given the proximity of Van Cortlandt Park located immediately to the south of the project site. After multiple revisions to the site plan, architectural plans and building materials, the Planning Board has no additional comments at this time.
5. Regarding the Board's comments on the parking layout, the Applicant shall be responsible for developing an enforceable parking management plan with assigned parking spaces to ensure that all tenants have clear instructions on where to park their vehicles and which driveway entrance they will be restricted too.
6. The Planning Board has reviewed the applicant's Maintenance and Protection of Traffic (MPT) Plan. The revised MPT Plan submitted on May 24, 2023, illustrated the Applicant's intention to work with the Engineering Department to implement the necessary protection measures for vehicular and pedestrian circulation during the construction process of the proposed project.

The application as presented to the Planning Board at its meeting of June 14, 2023 is approved with the following conditions:

1. The Applicant shall comply with all conditions of the Zoning Board Appeals resolution for Case #5802 dated February 21, 2023.
2. Regarding the requirement for an enforceable parking management plan for the proposed 144 parking spaces servicing a 160-unit affordable housing building and to ensure the spaces are used by building tenants, the Applicant's management company shall require tenants to provide status of vehicle ownership at the time of application and shall include a clause in the tenant lease agreements that all tenants must notify the management of any change to their car ownership status. In the event a tenant does not own a car the developer may assign that unit's space to others in the building who have expressed interest in occupying an additional parking space. All parking spaces shall be monitored on a month-to-month basis. Parking spaces shall be made available to tenants that obtain vehicles so as to prevent any adverse impacts to the current street parking demands of the surrounding neighborhood area.
3. The Applicant's trash collection shall be coordinated for times occurring after the peak AM (morning) traffic hours. All trash containers shall be transported by the building maintenance staff to the identified collection area on the day of collection and all containers shall be returned to the interior refuse room on the same day. No containers shall be stored outside overnight.
4. The Applicant shall activate a pest prevention program immediately and maintain the program during demolition and construction phases. Results of all pest prevention programs shall be submitted to the Planning Bureau, the Department of Housing and Buildings, and the Department of Engineering prior to the commencement of site work.

5. The proposed building will increase the sanitary flow to the Westchester County Treatment plant. The Engineering Department recommends a ratio of 3:1 for inflow/infiltration (“I and I”) mitigation. The Applicant shall provide all measures that will achieve the inflow/infiltration mitigation to the sanitary sewer treatment plant or submit the total daily water demand in gallons per day for the project to determine the “I and I” remediation fee. The Applicant response letter dated March 27, 2023 states the proposed project anticipates an average sanitary flow of 16 gallons per minute and a peak flow of 47 gallons per minute. The final approved “I and I” fee amount shall be provided to the Engineering Department during permit review.
6. The Applicant shall submit a final MPT Plan to the Engineering Department for review and approval prior to the commencement of site work.
7. The Applicant shall comply with all requirements of the New York City Parks Department for the required tree removal and subsequent replanting plans within the limits of disturbance shown on the site plans.
8. The Applicant shall comply with all requirements of the Westchester County Department of Transportation and the City Traffic Engineer for the proposed relocation of the existing bus stop at the southeast corner of the intersection at South Broadway and Caryl Avenue.
9. The Applicant shall comply with all requirements of the Yonkers Parking Authority for the temporary closure of any metered street parking spaces during construction.
10. Any modifications to the approved site plans and building designs shall be submitted to the Planning Board for a site plan amendment.
11. A copy of the text from this Planning Board resolution and the Zoning Board of Appeals resolution in their entirety shall be included on the approved site plans.
12. The applicant shall submit three (3) printed sets and electronic PDFs of the site plans to the Planning Bureau for endorsement and circulation within two weeks of the Board’s approval.

The Planning Board renders its decision based upon facts and findings available to it, specifically:

1. Report by the Fire Department, dated June 8, 2023.
2. Report by the Department of Engineering, dated March 3, 2023.
3. Report by the Project Review Committee, dated June 8, 2023.
4. General knowledge of the area.

Date: June 14, 2023

Motion by: M. Forsberg

Seconded by: J. Larkin

By a vote of: 5 – 1 (1 absent)

Roll Call Vote	Aye	Nay
M. Forsberg	Aye	
Y. Tovar	Aye	
J. Larkin	Aye	
R. Pfaffenbach Nova	Aye	
A. Landi		Nay
J. Wallace - absent		
R. Kozicky	Aye	



Mayor Mike Spano

CITY OF YONKERS

Sam Borrelli
Commissioner
March 17, 2023

DEPARTMENT OF HOUSING AND BUILDINGS
87 Nepperhan Avenue, 5th Floor
Yonkers, NY 10701
Building Tel. 914.377.6500
Fax 914.377.6521

Diana B. Kolev, Esq.
DelBello Donnellan Weingarten
Wise & Wiederkehr, LLP
1 North Lexington Avenue
White Plains, NY 10601

Re: Area Variance #5802
632 aka 636 South Broadway
Block: 29 Lot: 1
Zone: SBS

To Whom It May Concern:

Please be advised that at a meeting of the Zoning Board of Appeals held on February 21, 2023, your application for Area Variance, to build a 16-story affordable housing apartment building with 160 residential units and 144 off-street parking spaces, having:

- *Exceeding maximum permitted floor area ratio, Section 43-47. C. (3)(f). (required 10.0, proposed 11.8);*
- *Exceeding maximum permitted height, Section 43-47. C. (3)(g). (required 120 ft., proposed 166.5 ft.);*
- *Insufficient rear yard, Section 43-47. C. (3)(c). (required 25 ft. proposed zero ft.)*
- *Exceeding Maximum permitted lot coverage, Section 43-47. C. (3). (j) (required 90%, proposed 99.8%)*
- *Reduction in minimum ground floor transparency, Section 43-47. C.(5) (required 70%, proposed 56%)*
- *Insufficient parking, Section 43-128, Table 43-4 (required 243 spaces, proposed 144)*

has been approved subject to the attached Special Conditions.

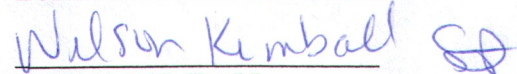
Prior to the issuance of any permits you will be required to serve written notice of all Zoning Board of Appeals Special Conditions by registered or certified mail on all the known property owners within a radius of 200 feet of the area of land affected by the Grant, as specified in G.O. 43-157.

Proof of service of a copy of the said notice and conditions set forth by the Zoning Board of Appeals is to be filed with the Clerk of the Zoning Board of Appeals within ten days after receipt of this letter.

Certificates of Occupancy will be issued only after all conditions are complied with.

Very truly yours,

ZONING BOARD OF APPEALS


WILSON KIMBALL
CHAIRPERSON

cc: ZBA File
Plan File
Assessors File
Planning Dept.
Denise Egiziaco (Mayor's Office)
Engineering/Traffic Engineering

SPECIAL CONDITIONS:
AREA VARIANCE #5802
632 aka 636 SOUTH BROADWAY
BLOCK: 29 LOT: 1
ZONE: SBS


February 21, 2023

1. All fire, health, environmental, safety, building and zoning codes shall be adhered to at all times.
2. Any taxes or fines, if owed, shall be paid within 60 days from today's date.
3. The 144 parking spaces will be reserved exclusively for the building's tenants.
4. The Applicant will pay, if necessary, to relocate the fire hydrant on South Broadway where the commuter bus stop would be relocated.
5. This approval shall be immediately rescinded should the owner violate any of these conditions.
6. All expenses associated with these conditions shall be the responsibility of the owner.
(NOTHING BELOW THIS LINE)

ZONING MAP

Lincoln Mercury Dealership Site
632-36 South Broadway
Yonkers, NY 10705

Legend:

 Site property boundary
Zoning District: SB

July 2023

Source: City of Yonkers eCode Part V, Ch. 43, Map E

Scale: 1" = 100' approximately



Zoning District: SB

The purpose of the South Broadway Zoning District (SBD) is to recognize, preserve and develop the special character of the South Broadway shopping area. South Broadway developed as one of the premier shopping streets in Yonkers and Southern Westchester County and remains one of the important shopping areas in the City. It is a vibrant example of the traditional urban shopping street with wide sidewalks, street trees, a pedestrian and shopper-friendly physical environment complete with fine architecture and a beneficial and sustainable mix of retail, commercial and residential uses. The South Broadway Zoning District recognizes the advantages that this form of development brings to the City of Yonkers and seeks to enhance and preserve the business, residential and physical environment of the area while removing regulatory impediments to the continued growth of the area.

Permitted uses:

- (a) Municipal uses (City of Yonkers).
- (b) Apartment houses (permitted in the Core, North and South subdistrict areas).
- (c) Live/work units.
- (d) Banks and financial uses.
- (e) Commercial schools.
- (f) Department stores.
- (g) Eating and drinking establishments.
- (h) Fast-food restaurants.
- (i) Food and beverage stores.
- (j) Funeral parlors or mortuaries.
- (k) Health clubs and gymnasiums.
- (l) Indoor markets.
- (m) Medical establishments.
- (n) Offices.
- (o) Pawnshops and check-cashing stores.
- (p) Personal service establishments.
- (q) Restaurants.
- (r) Retail establishments.
- (s) Retail craft uses.
- (t) Telephone switching facilities.
- (u) Theaters and movie theaters.

Permitted uses (with supplemental requirements):

- (a) Automobile rental establishments.
- (b) Automobile sales establishments.
- (c) Offices of philanthropic institutions.
- (d) Audio, radio, video and television stations and studios.
- (e) Banquet and catering facilities.
- (f) Cabarets and nightclubs.
- (g) Day-care centers.
- (h) Dry-cleaning establishments.
- (i) Hotels.
- (j) Senior citizens apartment houses (permitted in Core, North and South subdistrict areas).

Uses permitted subject to special use requirements:

- (a) Private not-for-profit recreational uses.
- (b) Supermarket.

EXHIBIT F

PREVIOUS OWNERS & OPERATORS LIST
Lincoln Mercury Dealership Site
632 South Broadway, Yonkers, NY 10705, 1-29-1

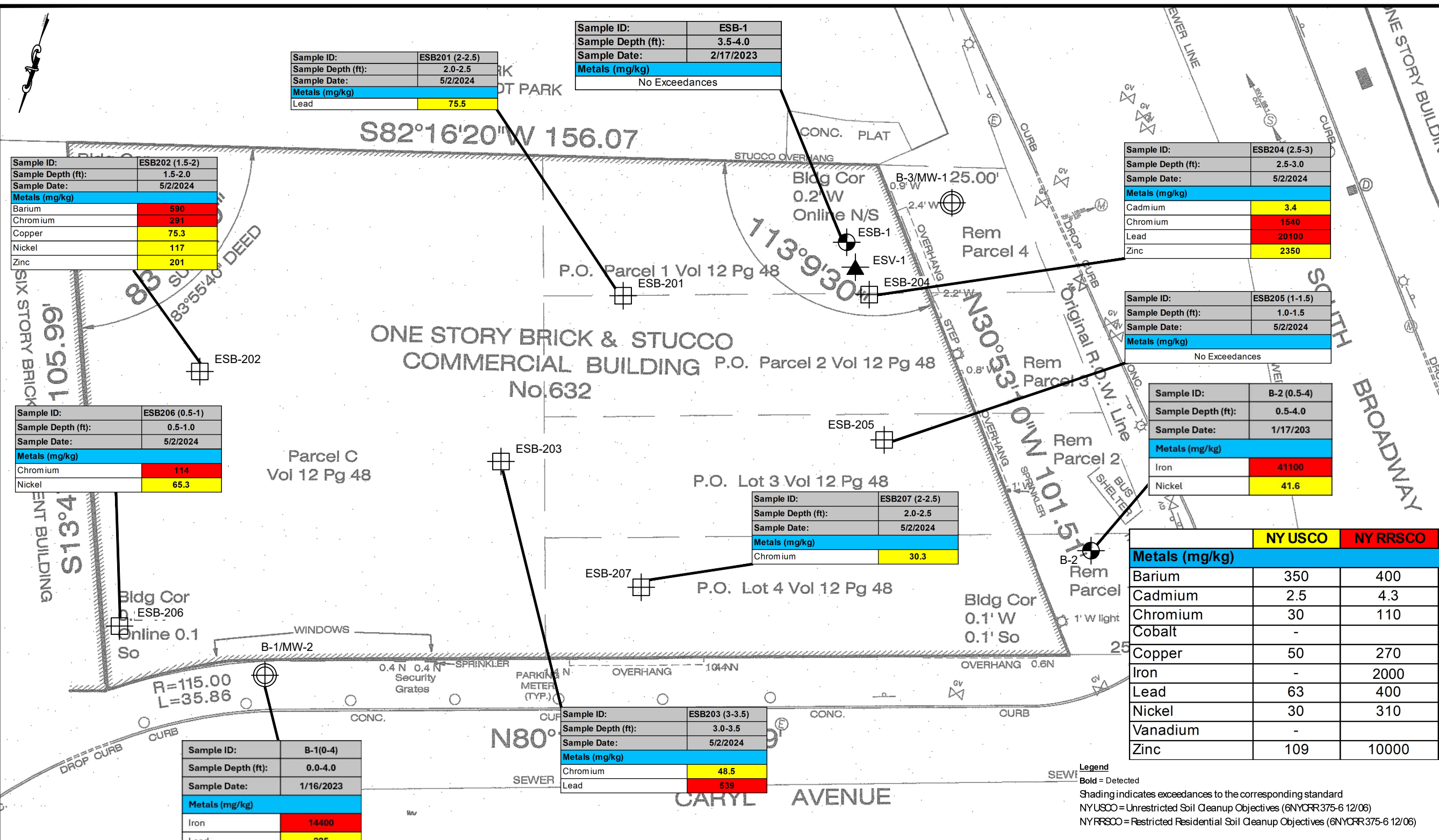
Year	Contact Information Owners2004- 632 South Broadway (1-29-1)	Status	Relation to Requestor
1924- unknown	Robert B. Bruce Address: unknown Phone: unknown	unknown	None
Unknown- 12/5/1928	Arthur E. Muth and Lillian F. Muth Address: unknown Phone: unknown	unknown	None
12/5/1928- 12/7/1928	Fanley Realty Corp. Address: 2508 Bathgate Ave Bronx, NY 10458 Phone: unknown	unknown	None
12/7/1928- 3/14/1930	C. L. & G. Realty Corp. 2508 Bathgate Ave Bronx, NY 10458 Phone: unknown	unknown	None
3/14/1930- 9/22/1936	Benward Realty Corporation, et al. (defendants) Clarence Alexander (referee) Foreclosure of mortgage. Address: 927 Broadway New York, NY 10010 Phone: unknown	unknown	None
9/22/1936- 11/15/1943	Emigrant Industrial Savings Bank Address: 51 Chambers Street New York, NY 10007 Phone: unknown	unknown	None
11/15/1943- 1/21/1946	Nicholas DiCostanzo Address: 36 Crawford Street Yonkers, NY 10705 Phone: unknown	unknown	None
1/21/1946	636 South Broadway Corporation, Inc. Address: unknown Phone: unknown	unknown	None
7/25/1951	DiCostanzo Holding Corporation Address: unknown Phone: unknown	unknown	None
7/25/1951- 5/19/1998	Nicholas DiCostanzo and Angela DiCostanzo Address: 1111 Midland Ave Bronxville, NY 10708 Phone: unknown	unknown	None
5/19/1998- 3/23/2001	H & H Holding Corp. Address: unknown Phone: unknown	unknown	None
3/23/2001- 6/4/2003	1841 Park Avenue Realty Corp. Address: 234 East 121 st Street New York, NY 10035 Phone: unknown	Active	None
6/4/2003- 1/25/2021	South Broadway Realty Corp. Address: c/o Aristidis Zaharopoulos 58-77 57 th Street 1458 Maspeth, NY 11378 Phone: 347-881-	Inactive	None
1/25/2021- 10/31/2022	632 South Broadway LLC Address: 23 Mandy Lane Mahopac, NY 10541 Phone: unknown	Active	None
10/31/2022- present	636 South Broadway Partners LLC c/o MacQuesten Development, LLC Address: 438 5 th Ave Suite 100 7227 Pelham, NY 10803 Phone: 914-667-	Active	Current Owner and Requestor

PREVIOUS OWNERS & OPERATORS LIST
Lincoln Mercury Dealership Site
632 South Broadway, Yonkers, NY 10705, 1-29-1

Operators			
1896-1914	Vacant		N/A None
1917	Two (2) residential dwellings on eastern portion of property.		N/A None
8/9/1922	Anthony Ciancuilli Address: unknown	Phone: unknown	unknown None
5/1/1924- 5/19/1928	James F. Norris Address: unknown	Phone: unknown	unknown None
2/1/1931- 1/31/1941	Gust Phillips and Steve F. Phillips (deli/convenience store) Address: 2078 Ropes Ave Bronx, NY 10475	Phone: unknown	unknown None
1942-1951	Garage		N/A None
1951-1971	Western portion of site structure is subdivided into several store sections.		N/A None
1972-2004	Lincoln Mercury Division of Ford Motor Co. and Park Lincoln Mercury Inc. Address: 16800 Executive Plaza Drive 4140 Dearborn, MI 48126	Phone: 800-521-	Inactive None
2010	Gothic Cabinet Craft Inc. Address: 58-77 57 th Street 1458 Maspeth, NY 11378	Phone: 347-881-	Active None
2014-2017	East Coast Furniture Corp. and Gothic Cabinet Craft Inc. Address: 58-77 57 th Street 1458 Maspeth, NY 11378	Phone: 347-881-	Active None
Unknown- present	USC Gymnastics and Baseball Training Facility Address: 636 S Broadway 2619 Yonkers, NY 10705	Phone: 914-965-	Active None

EXHIBIT G

N:\ACAD\12453A - YONKERS, NY (MACQUESTEN - PHASE II)\CAD\PHASE II\12453A_BORING LOCATION WITH ANALYSIS.DWG 05/14/24 01:05:22PM, alan.ward, LAYOUT: FIG 2 SOIL



Sample ID:	ESB201 (2-2.5)
Sample Depth (ft):	2.0-2.5
Sample Date:	5/2/2024
Metals (mg/kg)	
Lead	75.5

Sample ID:	ESB-1
Sample Depth (ft):	3.5-4.0
Sample Date:	2/17/2023
Metals (mg/kg)	
No Exceedances	

Sample ID:	ESB202 (1.5-2)
Sample Depth (ft):	1.5-2.0
Sample Date:	5/2/2024
Metals (mg/kg)	
Barium	590
Chromium	291
Copper	75.3
Nickel	117
Zinc	201

Sample ID:	ESB206 (0.5-1)
Sample Depth (ft):	0.5-1.0
Sample Date:	5/2/2024
Metals (mg/kg)	
Chromium	114
Nickel	65.3

Sample ID:	B-1(0-4)
Sample Depth (ft):	0.0-4.0
Sample Date:	1/16/2023
Metals (mg/kg)	
Iron	14400
Lead	325

Sample ID:	ESB207 (2-2.5)
Sample Depth (ft):	2.0-2.5
Sample Date:	5/2/2024
Metals (mg/kg)	
Chromium	30.3

Sample ID:	ESB203 (3-3.5)
Sample Depth (ft):	3.0-3.5
Sample Date:	5/2/2024
Metals (mg/kg)	
Chromium	48.5
Lead	539

Sample ID:	ESB204 (2.5-3)
Sample Depth (ft):	2.5-3.0
Sample Date:	5/2/2024
Metals (mg/kg)	
Cadmium	3.4
Chromium	1540
Lead	20100
Zinc	2350

Sample ID:	ESB205 (1-1.5)
Sample Depth (ft):	1.0-1.5
Sample Date:	5/2/2024
Metals (mg/kg)	
No Exceedances	

Sample ID:	B-2 (0.5-4)
Sample Depth (ft):	0.5-4.0
Sample Date:	1/17/2023
Metals (mg/kg)	
Iron	41100
Nickel	41.6

	NY USCO	NY RRSCO
Metals (mg/kg)		
Barium	350	400
Cadmium	2.5	4.3
Chromium	30	110
Cobalt	-	-
Copper	50	270
Iron	-	2000
Lead	63	400
Nickel	30	310
Vanadium	-	-
Zinc	109	10000

NOTE:
THIS PLAN IS FOR LOCATING SITE FEATURES ONLY.
OTHER SITE WORK SHOWN HERE IS NOT INTENDED FOR CONSTRUCTION.

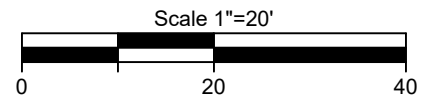
REFERENCE
1. EXISTING CONDITIONS & BOUNDARY ARE TAKEN FROM "SURVEY OF TAX LOT 1 BLOCK 29" PREPARED BY GABRIEL E. SENOR, P.C. DATED MAY 25, 2022.

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LEGEND

- SOIL BORING LOCATION (SESI 2023)
- SOIL BORING / MONITORING WELL LOCATION (SESI 2023)
- SOIL VAPOR POINT LOCATION (SESI 2023)
- SOIL BORING LOCATION (SESI 2024)

Legend
Bold = Detected
Shading indicates exceedances to the corresponding standard
NYUSCO = Unrestricted Soil Cleanup Objectives (6NYCRR375-6 12/06)
NYRRSCO = Restricted Residential Soil Cleanup Objectives (6NYCRR375-6 12/06)



dwg by: Aw
chk by: CM
scale: AS NOTED
date: 05/13/2024

SESI CONSULTING ENGINEERS
GEOTECHNICAL | ENVIRONMENTAL | SITE CIVIL
959 route 46e, 3rd floor, parsippany, nj 07054 ph: 973.808.9050

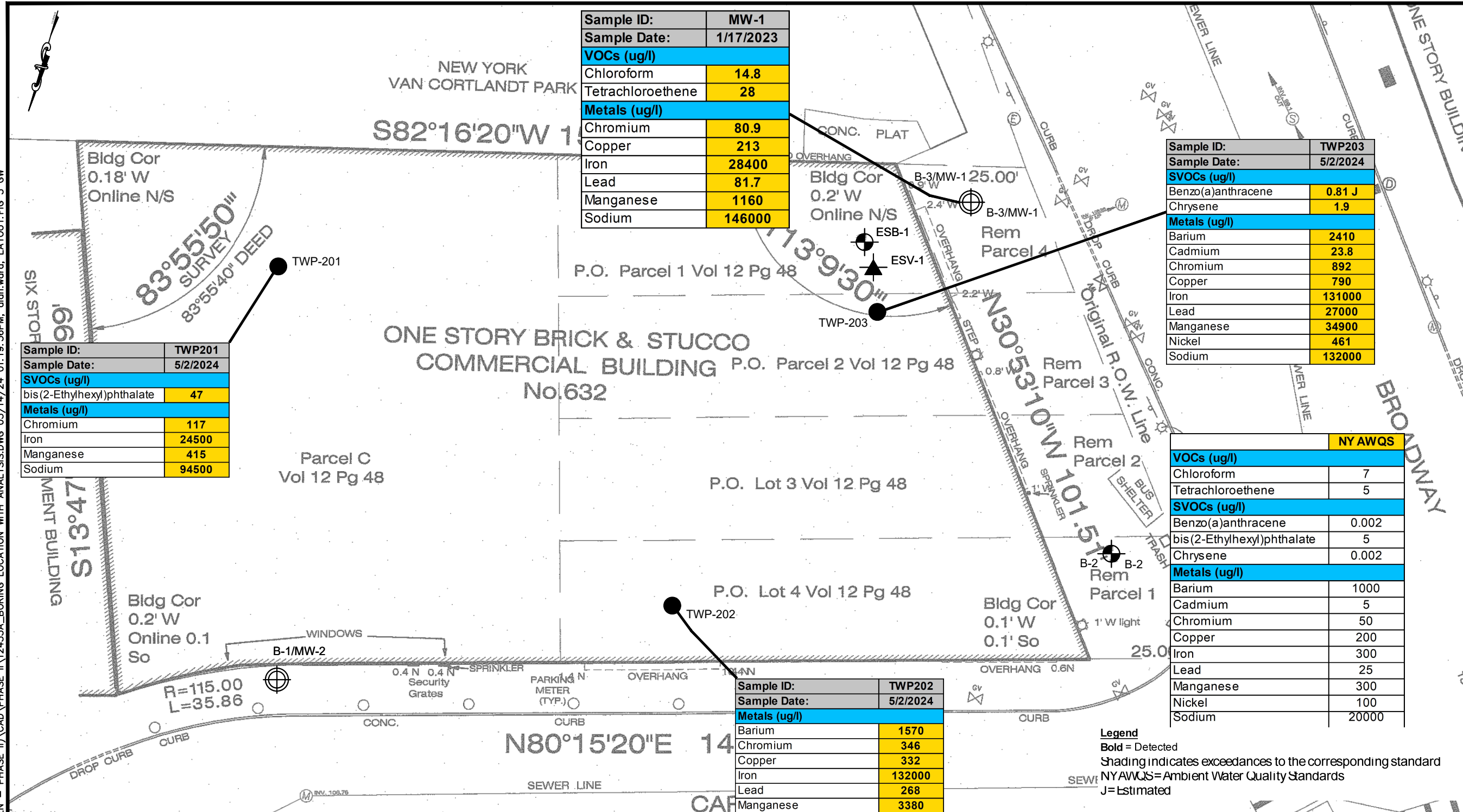
project:
632 SOUTH BROADWAY
YONKERS, NEW YORK

title:
SOIL SAMPLE LOCATION MAP
WITH ANALYSES ABOVE STANDARDS

job no: 12453A
drawing no:

FIG 2

N:\ACAD\12453A - YONKERS, NY (MACQUESTEN - PHASE II)\CAD\PHASE II\12453A_BORING LOCATION WITH ANALYSIS.DWG 05/14/24 01:19:36PM, alan.ward, LAYOUT: FIG 3 GW



Sample ID:	MW-1
Sample Date:	1/17/2023
VOCs (ug/l)	
Chloroform	14.8
Tetrachloroethene	28
Metals (ug/l)	
Chromium	80.9
Copper	213
Iron	28400
Lead	81.7
Manganese	1160
Sodium	146000

Sample ID:	TWP203
Sample Date:	5/2/2024
SVOCs (ug/l)	
Benzo(a)anthracene	0.81 J
Chrysene	1.9
Metals (ug/l)	
Barium	2410
Cadmium	23.8
Chromium	892
Copper	790
Iron	131000
Lead	27000
Manganese	34900
Nickel	461
Sodium	132000

Sample ID:	TWP201
Sample Date:	5/2/2024
SVOCs (ug/l)	
bis(2-Ethylhexyl)phthalate	47
Metals (ug/l)	
Chromium	117
Iron	24500
Manganese	415
Sodium	94500

NY AWQS	
VOCs (ug/l)	
Chloroform	7
Tetrachloroethene	5
SVOCs (ug/l)	
Benzo(a)anthracene	0.002
bis(2-Ethylhexyl)phthalate	5
Chrysene	0.002
Metals (ug/l)	
Barium	1000
Cadmium	5
Chromium	50
Copper	200
Iron	300
Lead	25
Manganese	300
Nickel	100
Sodium	20000

Sample ID:	TWP202
Sample Date:	5/2/2024
Metals (ug/l)	
Barium	1570
Chromium	346
Copper	332
Iron	132000
Lead	268
Manganese	3380
Nickel	429
Sodium	124000

Legend
Bold = Detected
 Shading indicates exceedances to the corresponding standard
 NYAWQS = Ambient Water Quality Standards
 J = Estimated

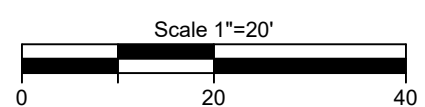
NOTE:
 THIS PLAN IS FOR LOCATING SITE FEATURES ONLY.
 OTHER SITE WORK SHOWN HERE IS NOT INTENDED FOR CONSTRUCTION.

REFERENCE
 1. EXISTING CONDITIONS & BOUNDARY ARE TAKEN FROM "SURVEY OF TAX LOT 1 BLOCK 29" PREPARED BY GABRIEL E. SENOR, P.C. DATED MAY 25, 2022.

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- LEGEND**
- SOIL BORING LOCATION (SESI 2023)
 - SOIL BORING / MONITORING WELL LOCATION (SESI 2023)
 - SOIL VAPOR POINT LOCATION (SESI 2023)

GROUNDWATER SAMPLE LOCATIONS (SESI 2024)



dwg by: AW
 chk by: CM
 scale: AS NOTED
 date: 05/13/2023

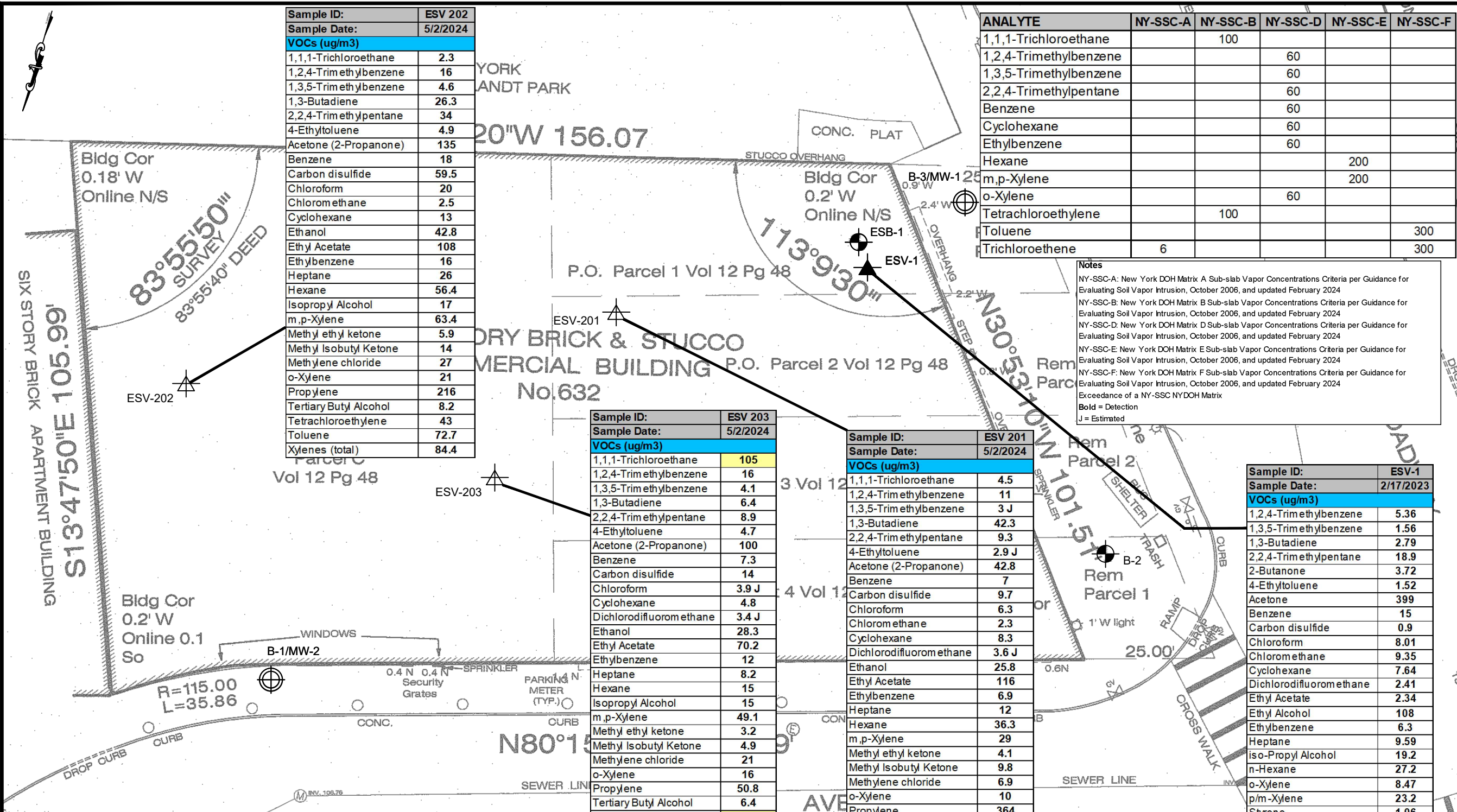
SESI CONSULTING ENGINEERS
 GEOTECHNICAL | ENVIRONMENTAL | SITE CIVIL
 959 route 46e, 3rd floor, Parsippany, nj 07054 ph: 973.808.9050

project: 632 SOUTH BROADWAY YONKERS, NEW YORK
 title: GROUNDWATER SAMPLE LOCATION MAP WITH ANALYSES ABOVE STANDARDS

job no: 12453A
 drawing no:

FIG 3

N:\ACAD\12453A - YONKERS, NY (MACQUESTEN - PHASE II)\CAD\PHASE II\12453A_BORING LOCATION WITH ANALYSIS.DWG 05/15/24 11:32:35AM, pinnacle, LAYOUT.FIG 4 VAPOR

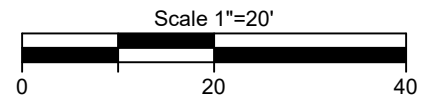


NOTE:
 THIS PLAN IS FOR LOCATING SITE FEATURES ONLY.
 OTHER SITE WORK SHOWN HERE IS NOT INTENDED FOR CONSTRUCTION.

REFERENCE
 1. EXISTING CONDITIONS & BOUNDARY ARE TAKEN FROM "SURVEY OF TAX LOT 1 BLOCK 29" PREPARED BY GABRIEL E. SENOR, P.C. DATED MAY 25, 2022.

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- LEGEND**
- SOIL BORING LOCATION (SESI 2023)
 - SOIL BORING / MONITORING WELL LOCATION (SESI 2023)
 - SOIL VAPOR POINT LOCATION (SESI 2023)
 - SOIL BORING LOCATION (SESI 2024)
 - SOIL VAPOR POINT LOCATION (SESI 2024)



dwg by: AW
 chk by: CM
 scale: AS NOTED
 date: 05/13/2024

SESI CONSULTING ENGINEERS
 GEOTECHNICAL | ENVIRONMENTAL | SITE CIVIL
 959 route 46e, 3rd floor, Parsippany, NJ 07054 ph: 973.808.9050

project:
 632 SOUTH BROADWAY
 YONKERS, NEW YORK

title:
 SOIL VAPOR SAMPLE LOCATION MAP
 WITH ANALYSES ABOVE STANDARDS

job no: 12453A
 drawing no:

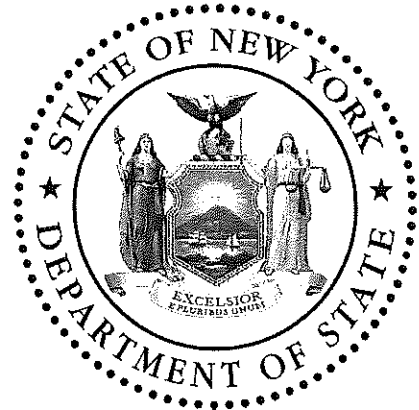
FIG 4

EXHIBIT H

**NEW YORK STATE DEPARTMENT OF STATE
DIVISION OF CORPORATIONS, STATE RECORDS AND UNIFORM COMMERCIAL CODE
FILING RECEIPT**

ENTITY NAME : 636 SOUTH BROADWAY PARTNERS LLC
DOCUMENT TYPE : ARTICLES OF ORGANIZATION
ENTITY TYPE : DOMESTIC LIMITED LIABILITY COMPANY

DOS ID : 6433815
FILE DATE : 03/18/2022
FILE NUMBER : 220318000915
TRANSACTION NUMBER : 202203180000956-725365
EXISTENCE DATE : 03/18/2022
DURATION/DISSOLUTION : PERPETUAL
COUNTY : WESTCHESTER



SERVICE OF PROCESS ADDRESS : C/O MACQUESTEN DEVELOPMENT, LLC
438 FIFTH AVENUE, SUITE 100
PELHAM, NY, 10803, USA

FILER : GEOFFREY J. CANNON, ESQ.
CANNON HEYMAN & WEISS, LLP, 54 STATE STREET, 5TH
FLOOR
ALBANY, NY, 12207, USA

SERVICE COMPANY : CANNON HEYMAN & WEISS, LLP
SERVICE COMPANY ACCOUNT : HN

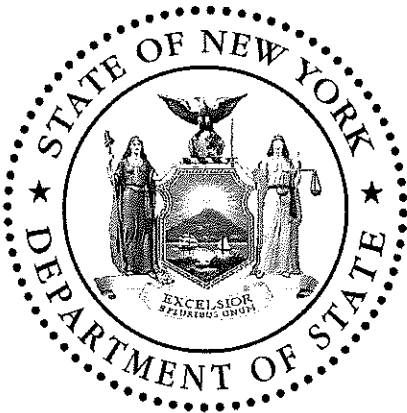
You may verify this document online at : <http://ecorp.dos.ny.gov>
AUTHENTICATION NUMBER : 100001245520

TOTAL FEES:	\$210.00	TOTAL PAYMENTS RECEIVED:	\$210.00
FILING FEE:	\$200.00	CASH:	\$0.00
CERTIFICATE OF STATUS:	\$0.00	CHECK/MONEY ORDER:	\$0.00
CERTIFIED COPY:	\$10.00	CREDIT CARD:	\$0.00
COPY REQUEST:	\$0.00	DRAWDOWN ACCOUNT:	\$210.00
EXPEDITED HANDLING:	\$0.00	REFUND DUE:	\$0.00

**STATE OF NEW YORK
DEPARTMENT OF STATE**

I hereby certify that the annexed copy for 636 SOUTH BROADWAY PARTNERS LLC, File Number 220318000915 has been compared with the original document in the custody of the Secretary of State and that the same is true copy of said original.

WITNESS my hand and official seal of the Department of State, at the City of Albany, on March 18, 2022.



Brendan C. Hughes

Brendan C. Hughes
Executive Deputy Secretary of State

**ARTICLES OF ORGANIZATION
OF
636 SOUTH BROADWAY PARTNERS LLC
Under Section 203 of the Limited Liability Company Law**

THE UNDERSIGNED, being a natural person of at least eighteen (18) years of age, and acting as the organizer of the limited liability company hereby being formed under Section 203 of the Limited Liability Company Law of the State of New York certifies that:

- FIRST: The Name of the limited liability company is: **636 SOUTH BROADWAY PARTNERS LLC**
- SECOND: To engage in any lawful act or activity within the purposes for which limited liability companies may be organized pursuant to Limited Liability Company Law provided that the limited liability company is not formed to engage in any act or activity requiring the consent or approval of any state official, department, board, agency, or other body without such consent or approval first being obtained.
- THIRD: The county, within this state, in which the office of the limited liability company is to be located is **WESTCHESTER**
- FOURTH: The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The address within or without this state to which the Secretary of State shall mail a copy of any process against the limited liability company served upon him or her is:
**C/O MACQUESTEN DEVELOPMENT, LLC
438 FIFTH AVENUE
SUITE 100
PELHAM, NY 10803**

I certify that I have read the above statements, I am authorized to sign these Articles of Organization, that the above statements are true and correct to the best of my knowledge and belief and that my signature typed below constitutes my signature.

ALAN M. JEZIERSKI (Signature)

ALAN M. JEZIERSKI, ORGANIZER

Filed by:

Filed with the NYS Department of State on 03/18/2022
Filing Number: 220318000915 DOS ID: 6433815

GEOFFREY J. CANNON, ESQ.
CANNON HEYMAN & WEISS, LLP
54 STATE STREET, 5TH FLOOR
ALBANY, NY 12207

Filed with the NYS Department of State on 03/18/2022
Filing Number: 220318000915 DOS ID: 6433815

Department of State

Division of Corporations

Entity Information

[Return to Results](#)
[Return to Search](#)

Entity Details ^

ENTITY NAME: 636 SOUTH BROADWAY PARTNERS LLC

DOS ID: 6433815

FOREIGN LEGAL NAME:

FICTITIOUS NAME:

ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY

DURATION DATE/LATEST DATE OF DISSOLUTION:

SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW

ENTITY STATUS: ACTIVE

DATE OF INITIAL DOS FILING: 03/18/2022

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING: 03/18/2022

INACTIVE DATE:

FOREIGN FORMATION DATE:

STATEMENT STATUS: CURRENT

COUNTY: WESTCHESTER

NEXT STATEMENT DUE DATE: 03/31/2024

JURISDICTION: NEW YORK, UNITED STATES

NFP CATEGORY:

[ENTITY DISPLAY](#)
[NAME HISTORY](#)
[FILING HISTORY](#)
[MERGER HISTORY](#)
[ASSUMED NAME HISTORY](#)

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: C/O MACQUESTEN DEVELOPMENT, LLC

Address: 438 FIFTH AVENUE, SUITE 100, PELHAM, NY, UNITED STATES, 10803

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value

Number Of Shares

Value Per Share

Exhibit I

SOLE MEMBER WRITTEN CONSENT

The undersigned, being the Sole Member of 636 South Broadway Partners LLC, does hereby certify as follows:

1. 636 South Broadway Partners LLC Parker Owners LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at 632 South Broadway, Yonkers, New York (Tax Block 29 Lot 1) (the "BCP Site").

2. The following person, Rella Fogliano, is the sole member of 636 South Broadway Partners LLC and is therefore authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer 636 South Broadway Partners LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 1st day of September 2023.



Rella Fogliano
Sole Member of 636 South Broadway Partners LLC

Exhibit J

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



623003297DED001W

Westchester County Recording & Endorsement Page

Submitter Information

Name: Stewart Title Insurance Company (pick up by Ramon . Phone: 914-993-9393
 Address 1: 711 Westchester Avenue, Ste 302 Fax: 914-997-1698
 Address 2: Email: nymetrorecordings@stewart.com
 City/State/Zip: White Plains NY 10604 Reference for Submitter: 1610879/71200451 636 SBP LLC

Document Details

Control Number: **623003297** Document Type: **Deed (DED)**
 Package ID: 2022102700136001001 Document Page Count: **4** Total Page Count: **5**

Parties

Additional Parties on Continuation page

1st PARTY

2nd PARTY

1: 632 SOUTH BROADWAY LLC - Other 1: 636 SOUTH BROADWAY PARTNERS LLC - Other
 2: 2:

Property

Additional Properties on Continuation page

Street Address: 632 SOUTH BROADWAY Tax Designation: 1-29-1
 City/Town: YONKERS Village:

Cross-References

Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

1: RP-5217 2: TP-584

Recording Fees

Statutory Recording Fee: \$40.00
 Page Fee: \$25.00
 Cross-Reference Fee: \$0.00
 Mortgage Affidavit Filing Fee: \$0.00
 RP-5217 Filing Fee: \$250.00
 TP-584 Filing Fee: \$5.00
 RPL 291 Notice Fee: \$0.00
 Total Recording Fees Paid: **\$320.00**

Mortgage Taxes

Document Date:
 Mortgage Amount:
 Basic: \$0.00
 Westchester: \$0.00
 Additional: \$0.00
 MTA: \$0.00
 Special: \$0.00
 Yonkers: \$0.00
 Total Mortgage Tax: **\$0.00**

Transfer Taxes

Consideration: \$4,900,000.00
 Transfer Tax: \$19,600.00
 Mansion Tax: \$0.00
 Transfer Tax Number: 4805

Dwelling Type: Exempt:
 Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 11/04/2022 at 08:56 AM
 Control Number: **623003297**
 Witness my hand and official seal

Timothy C. Idoni
 Westchester County Clerk

Record and Return To

Pick-up at County Clerk's office

Stewart Title
 711 Westchester Ave
 Suite 302
 White Plains, NY 10604
 Attn: NYMETRO RECORDING DEPARTMENT

**BARGAIN AND SALE DEED WITH
COVENANT AGAINST GRANTOR'S ACTS**

THIS INDENTURE, made as of the 31st day of October 2022 from **632 SOUTH BROADWAY, LLC**, a New York limited liability company, having an address at 1590 Troy Avenue, Brooklyn, New York 11234 ("**Grantor**") to **636 SOUTH BROADWAY PARTNERS LLC**, a New York limited liability company, having an address at 438 Fifth Avenue, Suite 100 Pelham, New York 10803 ("**Grantee**").

WITNESSETH, that Grantor, in consideration of the sum of **TEN (\$10.00) DOLLARS** and other good and valuable consideration paid by Grantee, does hereby grant and release unto Grantee, the heirs or successors and assigns of Grantee forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the County of Westchester, City of Yonkers and State of New York, known as 632 South Broadway, Yonkers, New York, and more particularly bounded and described in Schedule A annexed hereto and made a part hereof (the "**Premises**").

TOGETHER with all right, title and interest, if any, of Grantor in and to any streets and roads abutting the Premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of Grantor in and to the Premises;

TO HAVE AND TO HOLD the Premises herein granted, or mentioned and intended so to be, with such right, title and interest, if any, in said streets and roads, and such appurtenances, unto Grantee, the heirs or successors and assigns of Grantee forever.

AND Grantor covenants that Grantor has not done or suffered anything whereby the Premises have been encumbered in any way whatever.

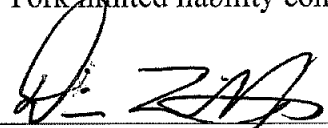
AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of improvement and will apply the same first to the payment of the cost of improvement before using any part of the total of the same for any other purpose.

AND the Premises being and intended to be the same premises conveyed by deed dated as of January 29, 2021 from South Broadway Realty Corp. to Grantor and recorded February 5, 2021 in Control No. 610213608 (the "**Preceding Deed**").

AND Grantor is the grantee named in the Preceding Deed.

IN WITNESS WHEREOF, Grantor has duly executed this deed the day and year first above written.

632 SOUTH BROADWAY, LLC,
a New York limited liability company

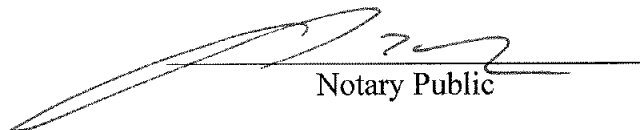
By: 
Name: Dino Tomassetti, Jr.
Title: Manager

STATE OF NEW YORK)

) ss.

COUNTY OF KINGS)

On this 31st day of October, in the year 2022, before me, the undersigned, personally appeared Dino Tomassetti, Jr., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.


Notary Public

CHRISTOPHER M. RÉAD
NOTARY PUBLIC-STATE OF NEW YORK
No. 02RE6134361
Qualified in Nassau County
My Commission Expires September 26, 2025

Schedule A
(Description of Land)

ALL that certain lot, 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 formed by the intersection of the easterly line of South Broadway as widened and now laid out and the southerly line of Caryl Avenue;

RUNNING THENCE easterly along the southerly line of Caryl Avenue a distance of one hundred forty-nine and seventy-nine one hundredths feet (149.79') to a point of curve (deed) (North 80 degrees 15 minutes 20 seconds East, 149.79 feet, as measured);

THENCE easterly still along the southerly side of Caryl Avenue on a curve to the left having a radius of one hundred fifteen feet (115') a distance of thirty-five and eighty-six one-hundredths feet (35.86') to land now or formerly of the Park View Chateau Inc.;

THENCE southerly and along the westerly line of said last mentioned land a distance of one hundred five and ninety-nine one-hundredths feet (105.99')(deed) (South 13 degrees 47 minutes 50 seconds East, 105.99 feet, as measured) to a point in the northerly line of property of the City of New York known as Van Cortlandt Park which point is distance one hundred fifty-six and seven one-hundredths feet (156.07') easterly as measured along the northerly line of the property of the City of New York, known as Van Cortlandt Park, from the intersection of the aforesaid property line and the easterly side of South Broadway as widened and now laid out;

THENCE westerly along the northerly line of lands of the City of New York known, as Van Cortlandt Park, and forming an interior angle with the last mentioned course of 83 degrees 55 minutes 40 seconds a distance of one-hundred fifty-six and seven one-hundredths feet (156.07') (deed) (South 82 degrees 16 minutes 20 seconds West, 156.07 feet, as measured) to the easterly line of South Broadway as widened and now laid out;

RUNNING THENCE northerly along the same and forming an interior angle with the last mentioned court of 113 degrees 09 minutes and 30 seconds a distance of one hundred one and fifty-one one-hundredths feet (101.51')(deed) (North 30 degrees 53 minutes 10 seconds West, 101.51 feet, as measured) to the point or place of **BEGINNING**.

**BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS**

**632 SOUTH BROADWAY, LLC
"Grantor"**

TO

**636 SOUTH BROADWAY PARTNERS LLC
"Grantee"**

CITY: Yonkers

COUNTY: Westchester

SECTION: 1

BLOCK: 29

LOT: 1

STREET ADDRESS: 632-633 South Broadway, Yonkers, New York

RETURN BY MAIL TO:

**Cannon Heyman & Weiss, LLP
54 State Street, 5th Floor
Albany, NY 12207
Attention: Daniel M. Chauvin, Esq.**

Exhibit K

Site Contact List

Lincoln Mercury Dealership Site
632 South Broadway, Yonkers, New York 10705

Name	Title	Address	City	State	Zip
Charles Schumer	U.S. Senator	Leo O'Brien Bldg, 11A Clinton Ave, Rm 827	Albany	NY	12207
Kirsten Gillibrand	U.S. Senator	Leo O'Brien Bldg, 11A Clinton Ave, Rm 821	Albany	NY	12207
Andrea Stewart-Cousins	U.S. House of Representatives, 35th District	188 State Street, Room 907	Albany	NY	12247
Jamall Bowman	New York State Senator, 16th District	222 Mamaronek Avenue, Suite 312	White Plains	NY	10605
George Latimer	Westchester County Executive	148 Martine Avenue	White Plains	NY	10601
Richard Hyman	Westchester County Planning Board	148 Martine Avenue	White Plains	NY	10601
Mike Spano	Mayor of the City of Yonkers	40 South Broadway	Yonkers	NY	10701
Louis J. Albano	Yonkers Department of Planning, Commissioner	40 South Broadway	Yonkers	NY	10701
Vincent E. Spano	City of Yonkers, City Clerk	40 South Broadway	Yonkers	NY	10701
Thomas Meier	Yonkers Department of Public Works, Commissioner	40 South Broadway	Yonkers	NY	10701
The Journal News	Media Outlet	1133 Westchester Avenue, Suite N110	White Plains	NY	10604
Sandy Amoyaw	Yonkers Public Library - Riverfront - Document Repository	1 Larkin Center	Yonkers	NY	10701
Leslie Powell-Grant	School 21, Principal	100 Lee Avenue	Yonkers	NY	10705
Dr. Robert Vicuna	Las Hermanas Mirabal Community School, Public School 13	195 McLean Avenue	Yonkers	NY	10705
Lourdes Cruz	Montessor School 27	132 Valentine Lane	Yonkers	NY	10705
Marwan Sayegh	The Nathaniel Hawthorne School	350 Hawthorne Avenue	Yonkers	NY	10705
Elda Perez-Mejia	Eugenio Maria De Hostos MicroSociety School	75 Morris Street	Yonkers	NY	10705
Sheila Alagia	St. Peter's School	204 Hawthorne Avenue	Yonkers	NY	10705
Magdaline Delany	Cesar E. Chavez School	20 Cedar Place	Yonkers	NY	10705
Anne Kirrane	PS 081 Robert J. Christen School	5550 Riverdale Avenue	Bronx	NY	10471
To Whom It May Concern	Tiny Feet Group Family Daycare	6629 Broadway	Bronx	NY	10471
To Whom It May Concern	Amy's Sweet Angels Daycare	195 Saratoga Avenue	Yonkers	NY	10705
Maria S. Peralta Perez	Wonderful Little Angels Group	302 McLean Avenue	Yonkers	NY	10705
Mercedes A. De La Rosa	Loli's Day Care	59 Lee Avenue	Yonkers	NY	10705
To Whom It May Concern	Exceptional Family Daycare WeeCare	444 Park Hill Avenue	Yonkers	NY	10705
Delvi A. Abreu Cruz	New Beginnings Group Day Care	112 McLean Avenue	Yonkers	NY	10705
Yanercy Cruz	Mamaena Daycare Inc.	12 Randolph Street	Yonkers	NY	10705
Anabell Gutierrez	Ana's Group Daycare	260 Valentine Lane, Sutie 4A	Yonkers	NY	10705
Angela Bayer-Persico	Little Angels Child Development	83 Alta Avenue	Yonkers	NY	10705
USC Gymnastics and Baseball Training Facility	Operator of Site	636 S Broadway	Yonkers	NY	10705
Robert Landucci	Adjacent Property Owner of 629 S. Broadway	5900 Arlinton Avenue	Bronx	NY	10471
Anjan Broadway Inc.	Adjacent Property Owner of 625 S. Broadway	46 Normandy Road	Yonkers	NY	10701
Anthony Polidoro	Adjacent Property Owner of 621 S. Broadway	100 Chester Drive	Yonkers	NY	10710
Emas Properties Inc.	Adjacent Property Owner of 622 S. Broadway	17 Oakland Avenue	Harrison	NY	10528
Are of Irmamim Realty LLC	Adjacent Property Owner of 3 Caryl Avenue	224 Falmouth Road	Scarsdale	NY	10583
15-21 Caryl LLC	Adjacent Property Owner of 15 Caryl Avenue	PO Box 116	Eastchester	NY	10709
Caryl & Broadway Inc.	Adjacent Property Owner of 14 Caryl Avenue	PO Box 116	Eastchester	NY	10709
NYC Parks and Recreation	Adjacent Property Owner/Operator of Van Cortlandt Park	The Arsenal, Central Park, 830 Fifth Avenue	New York	NY	10065
R. Landucci	Adjacent Property Owner of 6697 Broadway	5900 Arlinton Avenue	Bronx	NY	10471

Spanglish Bar & Restaurant	Adjacent Property Operator of 6697 Broadway	6697 Broadway	Bronx	NY	10471
Ariel Grocery	Adjacent Property Operator of 622 S Broadway	628 S. Broadway	Yonkers	NY	10705
The Bronx Combat Club	Adjacent Property Operator of 622 S Broadway	636 Broadway	Yonkers	NY	10705
Barril Wines & Liquors	Adjacent Property Operator of 3 Caryl Ave	7 Caryl Avenue	Yonkers	NY	10705
El Pastor Barbershop and Beauty Salon	Adjacent Property Operator of 3 Caryl Ave	3 Caryl Avenue	Yonkers	NY	10705
Franchesca	Adjacent Property Operator of 15 Caryl Ave	15 Caryl Avenue	Yonkers	NY	10705

Exhibit L



2600 Innovation Square
100 South Clinton Avenue
Rochester, New York 14604
nyenvlaw.com

LINDA R. SHAW
ATTORNEY AT LAW

T 585.546.8430
C 585.414.3122
lshaw@nyenvlaw.com

September 7, 2023

VIA ELECTRONIC MAIL
samoyaw@ypl.org

Sandy Amoyaw, Branch Administrator
Yonkers Public Library – Riverfront
1 Larking Center
Yonkers, New York 10701

**RE: Brownfield Cleanup Program Application
Lincoln Mercury Dealership Site
632 South Broadway, Yonkers, New York 10705**

Dear Mr. Amoyaw:

We represent 636 South Broadway Partners LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 632 South Broadway, Yonkers, New York 10705. Your branch is currently the repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

Please sign below and return the executed letter to my Paralegal, Rebecca Owten, as an attachment to an email at rowten@nyenvlaw.com if you are able to certify that your library would be willing and able to act as the temporary public repository for this Brownfield Cleanup Program project.

Sincerely,

KNAUF SHAW LLP

LINDA R. SHAW, ESQ.

Yes, the Yonkers Public Library – Riverfront is willing and able to act as a public repository for documents related to the cleanup of 632 South Broadway, Yonkers, New York 10705 under the Brownfield Cleanup Program.

Sandy Amoyaw, Branch Administrator

12/7/23
Date