

# **Arzay Heights LLC Brownfield Cleanup Program Application Woodworth Avenue Paint Co. Site**

**143 Woodworth Avenue  
Yonkers, New York 10701**



**Legal & Consulting Team:  
Knauf Shaw LLP & HydroEnvironmental Solutions Inc.  
February 2024**

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February 20, 2024

**VIA ELECTRONIC MAIL**

**[Alexandra.servis-oettinger@dec.ny.gov](mailto:Alexandra.servis-oettinger@dec.ny.gov)**

Site Control Section  
Attn: Alexandra Servis  
NYS Department of Environmental Conservation  
Bureau of Technical Support  
625 Broadway, 11<sup>th</sup> Floor  
Albany, New York 12233-7020

**RE: Brownfield Cleanup Program Application  
Woodworth Ave Paint Co. BCP Site No. C360248**

Dear Ms. Servis:

Enclosed please find a revised Brownfield Cleanup Program Application (“BCP”) Application in response to your Email of Incomplete Application received on January 19, 2024. Responses to your comments are also provided below:

- The site code for this BCP application has been changed to C360248.

**RESPONSE: The Site Code has been changed in the third revised application.**

- Section 1- Question 8: Considering an area of this site has been excavated in relation to the historic spill, this question should be marked “yes.”

**RESPONSE: The response has been changed to “yes” and a new narrative response and a new Exhibit showing the historic location of some of the tanks removed has been prepared in Exhibit G – Historic Tank Location Figure 2d. However, the historic documentation does not provide enough information to document the location of a former 1,000 gallon heating oil tank that was removed in January 2008. In addition, visual evidence of petroleum contamination and high vapor PID readings were still found in the vicinity of where tanks were removed.**

- Section IV.2: The table indicating what contaminants are present in each specific media should correspond with the data tables included in Section IV- Environmental Assessment. “Other VOC’s,” “Chlorinated Solvents,” etc. in each perspective medium.

**RESPONSE: These corrections have been made such that the table in application Section IV.2 matches the contaminants in the spider maps in each specific media.**

- Section IV- Environmental Assessment Data Tables: Amend the AWQS for PFAS to reflect the current guidance values found in the April 2023 Sampling, Analysis, and Assessment of Per- and Polyfluoroalkyl Substances (PFAS).

**RESPONSE: AWQS for PFAS in the data tables have been revised to reflect the current guidance values found in the April 2023 PFAS Guidance document.**



Alexandra Servis  
February 20, 2024  
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- Figure 2a: If contaminants are found in soil, and furthermore, in groundwater, then soil results must also be compared to their corresponding Protection of Groundwater SCO. Include this data in the figure and the Environmental Assessment Data Tables.

**RESPONSE: The Protection of Groundwater (POGW) SCOs have been added to the soil spider maps and table in the application. Note that if the exceedance of a compound was greater for the POGW SCO that exceedance was marked “orange” on the soil spider map and if the exceedance was higher for the RRSCO it was marked “yellow”.**

- Figure 2a: Indicate the interval at which the soil samples were taken on the spider map.

**RESPONSE: The interval at which the soil samples were taken has been added to the soil spider map and in the application table.**

- Figure 2b: Include the well screen depths on the in the data tables of the spider map.

**RESPONSE: The well screen depths have been added to the groundwater spider map and in the application table.**

- Include a figure depicting the location and extent of the area excavated for Spill No. 0703107. Also include the locations of any known current or historic UST’s onsite.

**RESPONSE: See new historic tank figure showing the locations of the former three 4,000 gallon and one 2,000 gallon historic USTs and the location of 6 former above ground tanks in Exhibit G – Historic Tank Location Figure. As noted above, the location of one of the former tanks could not be verified with the information available. The team is not aware of any remaining tanks on the BCP Site.**

Please note that Phase I ESA and Phase II ESA Prepared by HydroEnvrionmental Solutions, Inc. for Arzay Heights, LLC have been revised. The revised versions of these reports have been included with this submission of the application. Thank you.

Sincerely,

KNAUF SHAW LLP

  
LINDA R. SHAW, ESQ.

Enclosures

cc: Ryan Richard, [Ryan.Richard@dec.ny.gov](mailto:Ryan.Richard@dec.ny.gov)



**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 [DESiteControl@dec.ny.gov](mailto:DESiteControl@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, 11<sup>th</sup> Floor  
Albany, NY 12233-7020

**PROPOSED SITE NAME:** Woodworth Avenue Paint Co. 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: \_\_\_\_\_

☐

Yes

☒

No

**Is this a revised submission of an incomplete application?**

If yes, provide existing site number: C360248

☒

Yes

☐

No



BCP App Rev 15 – May 2023

**SECTION I: Property Information**

PROPOSED SITE NAME **Woodworth Avenue Paint Co. Site**

ADDRESS/LOCATION **143 Woodworth Avenue**

CITY/TOWN **Yonkers**

ZIP CODE **10701**

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

COUNTY **Westchester**

SITE SIZE (ACRES) **1.31**

LATITUDE

LONGITUDE

	°	'	"	°	'	"
40		56	32.02	73	53	56.33

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
143 Woodworth Ave	2	2102	11	0.44
151 Woodworth Ave; 161 Woodworth Ave	2	2102	5.7; 4	0.64; 0.06
10 Lamartine Ave; 14 Lamartine Ave	2	2102	39; 41	0.10 ; 0.07

	Y	N
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.	<input checked="" type="radio"/>	<input type="radio"/>
2. Is the required property map included with the application? (Application will not be processed without a map)	<input checked="" type="radio"/>	<input type="radio"/>
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) If yes, identify census tract: <u>4.03</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"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input checked="" type="radio"/>	<input type="radio"/>
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
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: _____	<input type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input 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.  <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information):  <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
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"/>
<b>Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.</b>			
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 checked="" 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 checked="" 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 checked="" type="radio"/>
<b>NOTE:</b> 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.			
<b>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.</b>			
<b>Initials of each Requestor:</b> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>			

## 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? "C" District

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 ☐

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?

☒ ☐

7. Is the proposed post-remediation use a renewable energy facility?  
See application instructions for additional information.

☐ ☒

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

☒ ☐

9. Is the proposed use consistent with applicable zoning laws/maps?  
Please provide a brief explanation. Include additional documentation if necessary.

☐ ☒

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.

☒ ☐

## 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input 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 checked="" 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:

Coal Tar like substance is present and visually impacted petroleum nuisance soils are present

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 checked="" 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 type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input type="checkbox"/> Unknown

Other: The site, at different times, was also operated by an ice company and a paint company.

**SECTION V: Requestor Information**

NAME Arzay Heights LLC Attn: Isaac Braun &amp; Menachem Weiss

ADDRESS 3611 14th Avenue, Suite 514

CITY/TOWN Brooklyn

STATE NY

ZIP CODE 11218

PHONE (718) 689-1034

EMAIL yonkers@crefacorp.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 <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a> . 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 <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? <b>Documents that are not properly certified will not be approved under the BCP.</b>	<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)

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"/> Y	<input checked="" type="radio"/> N
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:		
<b>PARTICIPANT</b> 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.	<input type="checkbox"/>	<b>VOLUNTEER</b> 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.  <b>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.</b>
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?  Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>		

**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 Isaac Braun &amp; Menachem Weiss (718-689-1034)

ADDRESS 3611 14th Avenue, Suite 514

CITY Brooklyn

STATE NY

ZIP CODE 11218

PHONE (516) 568-5259

EMAIL yonkers@crefacorp.com

REQUESTOR'S CONSULTANT (CONTACT NAME) William Canvan

COMPANY HydroEnvironmental Solutions Inc.

ADDRESS 2 Center Street

CITY Croton Falls

STATE NY

ZIP CODE 10519

PHONE (914) 276-2560

EMAIL wcanavan@hesny.com

REQUESTOR'S ATTORNEY (CONTACT NAME) Linda Shaw, Esq.

COMPANY Knauf Shaw LLP

ADDRESS 2600 Innovation Square, 100 S. Clinton Avenue

CITY Rochester

STATE NY

ZIP CODE 14604

PHONE (585) 546-8430

EMAIL lshaw@nyenvlaw.com

**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 type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input type="radio"/>

**SECTION IX: Current Property Owner and Operator Information**

CURRENT OWNER TCP Realty LLC

CONTACT NAME Luis Perez

ADDRESS 143 Woodworth Avenue

CITY Yonkers

STATE NY

ZIP CODE 10701

PHONE (914) 375-8100

EMAIL luisp@ebcusa.us

OWNERSHIP START DATE June 26, 2008

CURRENT OPERATOR European Beauty Concepts

CONTACT NAME Luis Perez

ADDRESS 143 Woodworth Ave

CITY Yonkers

STATE New York

ZIP CODE 10701

PHONE (914) 375-8100

EMAIL luisp@ebcusa.us

OPERATION START DATE See Support Document

**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.    <div style="text-align: right;">N/A <input type="radio"/></div></p>	<input type="radio"/>	<input checked="" 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 a member (title) of Arzay Heights 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: 7/13/2023

Signature:  \_\_\_\_\_

Print Name: Isaac Braun

**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 checked="" 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"/>
<p><b>From ECL 27-1405(31):</b>  “Upside down” shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p> <p><b>From 6 NYCRR 375-3.2(I) as of August 12, 2016</b> (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.</p> <p>“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.</p>		

**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**

<b>Exhibit A</b>	Site Location, Base Property and Street Map
<b>Exhibit B</b>	Survey and Tax Map
<b>Exhibit C</b>	BOA, Disadvantaged Communities, Environmental Justice and En-Zone Maps
<b>Exhibit D</b>	Flood Map
<b>Exhibit E</b>	Zoning Map
<b>Exhibit F</b>	Previous Owners and Operators
<b>Exhibit G</b>	Site Drawing Spider Maps and Historic Tank Locations Map
<b>Exhibit H</b>	DOS Entity Information
<b>Exhibit I</b>	Corporate Consent
<b>Exhibit J</b>	Deeds
<b>Exhibit K</b>	Site Access Agreement
<b>Exhibit L</b>	Repository Letter
<b>Exhibit M</b>	Site Contact List

#### **ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON ZIP DRIVE:**

- a. March 2005 Phase I Environmental Site Assessment prepared by Niche Analysis, Inc., for Alan Merovitch, Esq.
- b. March 2005 Phase II Environmental Site Assessment prepared by Niche Analysis, Inc., for Alan Merovitch, Esq.
- c. February 2023 Phase I Environmental Site Assessment prepared by HydroEnvironmental Solutions, Inc. (HES) for Arzay Heights LLC
- d. April 2023/Revised January 2024 Phase II Environmental Site Assessment prepared by HydroEnvironmental Solutions, Inc. (HES) for Arzay Heights LLC
- e. November 2023 Report of Geotechnical Investigation prepared by Whitestone for Arzay Heights LLC
- f. December 2023 Additional Subsurface Investigation Report prepared by HydroEnvironmental Solutions, Inc. (HES) for Arzay Heights, LLC.

## SECTION I – PROPERTY INFORMATION

The Site is located at the following addresses:

Parcel Address	Tax Parcel Identification No.	Acreage <sup>1</sup>
143 Woodworth Ave	2-2102-11	0.44
151 Woodworth Ave	2-2102-5.7	0.64
161 Woodworth Ave	2-2102-4	0.07
10 Lamartine Ave	2-2102-39	0.11
14 Lamartine Ave	2-2102-41	0.08

The Site is located in Yonkers, New York 10701 (“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 corresponds to the tax boundaries. The Tax Boundary Map and a Survey map are provided in Exhibit B.

### 2. Property Map

The Site Location, Base Property and Street Maps are in Exhibit A. A Survey Map and Tax Map are 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 Type B, Census Tract 4.03. The Site is not located in a designated BOA. The Site is located in a Potential Environmental Justice Area. The EPA ArcGIS map indicates that approximately 97.25% of the population surrounding this Site is a minority population. Approximately 17% of the area surrounding the Site is linguistically isolated. 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 36119000402<sup>2</sup>, which has an environmental burden higher than 95.02% of Census Tracts statewide and a population vulnerability higher than 87.61% percent of Census Tracts statewide.

### 6-7. Please refer to BCP Application Form.

8. There were tank closures and one spill closure related to the Site. It is not clear why the 2005 Niche Phase II ESA report includes 2008 documents (see pdf pages 122 through 185), such as City permits, disposal manifests, NYSDEC underground storage tank (UST) registration information and Westchester County Department of Health (WCDOH) Tank Closure Inspection

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<sup>1</sup> Acreages were determined using the Survey Map in Exhibit B and the Tax Map ID/Property Data from the City of Yonkers.

<sup>2</sup> The Census track for the En-Zone map is Census Track 4.03. However, the DAC Map references Census 4.02.

Report information and Tank Registration and removal documentation (specifically pdf page 158 and 182-185) indicating that a release from a 1,000-gallon fuel heating oil was removed. However, the exact location of this tank closure and the extent of any area remediated in relation to this heating oil tank is not clear from the documentation. Photos depicted in pdf pages 177-181 suggest the tank was removed from the western side of the Site, but the photos are barely visible. As a result, the location of this tank could not be added to Exhibit G – Historic Tank Location Figure 2d. The data provided also confirmed that historic fill contamination remained in the excavation area associated with this tank.

In addition, there are also 2007 documents starting at pdf page 186 documenting the closure and removal of three 4,000 gallon USTs and one 2,000 gallon UST in 2007 related to the NYSDEC Spill No. 07-03107 on Lot 11. A map is shown on pdf page 188 as to the location of these tanks and HES has prepared a figure showing the location of these former tanks in Exhibit G – Historic Tank Location Figure 2d. However, HES still observed visual evidence of petroleum nuisance soils on Lot 11 in the vicinity of the removal of these tanks and there were high PID readings.

There was no documentation related to the closure of the six ASTs, but the location of these ASTs is depicted in Exhibit G – Historic Tank Location Figure 2d and these ASTs have been removed from the Site.

### **9-13. Please refer to BCP Application Form.**

## **14. Property Description Narrative**

### **A. Site Location**

The Site is located at the following addresses and on the following tax lots:

<b>Parcel Address</b>	<b>Tax Parcel Identification No.</b>
143 Woodworth Ave	2-2102-11
151 Woodworth Ave	2-2102-5.7
161 Woodworth Ave	2-2102-4
10 Lamartine Ave	2-2102-39
14 Lamartine Ave	2-2102-41

The Site is located in a highly urbanized setting in the City of Yonkers, New York 10701. The surrounding area is occupied by residential, commercial, and industrial use buildings. The Site is bounded by multi-family housing and apartment buildings to the north, multi-family housing and an education center to the east, a contractor's yard (NY Ladder & Scaffold) to the south, and the Metropolitan Transit Authority (MTA) railroad corridor and MTA bus depot to the west.

### **B. Site Features**

The Site is occupied by adjoined industrial buildings, one of which is currently utilized for the current Site owner's hair care and beauty supplies business called European Beauty Concepts, located in the 151 Woodworth warehouse building. More specifically, the Site consists of one

contiguous, two-story structure that has a footprint of approximately 16,000-square feet. According to available records, the main building was originally constructed circa 1900. The current masonry and steel-framed structure is constructed on a concrete slab-on-grade with a flat rolled-rubber roof and painted masonry facade. The Site is also improved with asphalt parking, a structural retaining wall on the eastern portion of the Site and one loading dock on the northern portion of the building. The occupancy of each lot and structure on each lot is as follows:

- 143 Woodworth – vacant commercial/parking for facility below
- 151 Woodworth – warehouse occupied by European Beauty Concepts (however address used by facility is 143 Woodworth Avenue)
- 161 Woodworth – vacant commercial
- 10 Lamartine – vacant industrial/driveway
- 14 Lamartine – vacant industrial/driveway

The current owner acquired all of the lots except 161 Woodworth in June 2008 and began to occupy the 151 Woodworth building at that time through the present. The 161 Woodworth building was vacant when the current owner acquired that parcel in October 2014. The current owner is not aware when that on-Site building became vacant, but that building remains vacant.

The closest water body, the Hudson River, is located approximately 0.16 miles from the Site to the west. The Site is not located in a Flood Zone. *See* Exhibit D Flood Map. The Site is located on a steep slope, which is the reason the western side of the Site has a retaining wall.

#### C. Current Zoning and Land Use

The Site is currently located in the commercial “C” Zoning District, which is zoned for wholesale business and storage, as well as residences excluded from the first floor except in predominantly residential buildings. *See* Exhibit E, Zoning Map. As a result, the applicant is in the process of obtaining use and area variances from the City of Yonkers because the project is consistent with the City’s Master Plan, which was designed to transform this area into a transit-oriented downtown residential area. *See* Section III.2 below for a full description of the zoning variances needed by the applicant.

The current land use is that a warehouse operates at the 151 Woodworth lot as a hair and beauty care product distribution warehouse business with office, and a training/showcase. No manufacturing takes place in the warehouse space. Wine was also being stored on-Site at the time of the Site inspection for the 2023 Phase I.

The surrounding properties include multi-family housing and apartment buildings to the north, multi-family housing and an education center to the east, a contractor’s yard (NY Ladder & Scaffold) to the south, and the Metropolitan Transit Authority (MTA) railroad corridor/bus depot to the west. The closest residential area is directly adjacent to the Site, approximately 10-60 meters away depending on where the measurements are taken. The nearest Metro North rail line is directly adjacent to the west side of the Site, approximately 10 meters away at the closest point.

#### D. Past Use of the Site

The Site was historically operated as an ice company and a paint company. The Site was occupied by Terrace City Hygeia Ice Co. in the early 1900s. Proctor Paint and Varnishing Co., Inc. operated on the Site from the 1950s to the early 2000s. They used the Site for can/paint storage, paint mixing, waterless hand cleaners and fire extinguisher manufacturing. Also operating on the site from the late 1980s to 2000 was Thunderbird Constructors Inc. Since 2008 portions of the site have been used for the current owner by TCP Realty, LLC's Beauty Supply business as a warehouse and as a related parking lot, loading dock and driveway.

#### E. Site Geology and Hydrogeology

According to the Surficial Geologic Map of New York, Lower Hudson Sheet (Cadwell, 1989), the Site is underlain by glacial till with variable texture, which is relatively impermeable. The variable thickness of the till ranges from 1 to 50 meters beneath the surface. The bedrock below the Site is mapped on the Geologic Map of New York, Lower Hudson Sheet (Fisher, 1970) as Fordham Gneiss, consisting of undivided, garnet-biotite-quartz-plagioclase gneiss, amphibolite, biotite-hornblende-quartz plagioclase gneiss, quartz-feldspar granulite.

The results of the subsurface investigation indicate that the groundwater table exists beneath the Site at varying depths Site-wide due to the variability in surface gradients decreasing significantly in a westerly direction since the Site is on a large slope. As a result, groundwater was measured at depths ranging from 5.5 feet below grade (ft bg) to 14 ft bg beneath the Site. Based on the observed topography, groundwater flow, which often mimics surface contours, is likely to flow to the west toward the Hudson River. While the actual groundwater flow direction was not surveyed or confirmed during the recent April 2023 Phase II ESA, based upon the April 2020 Con Edison nearby Woodworth Avenue Works Former MGP Site Characterization Report, groundwater does flow west toward the Hudson River.

While there are no inland wetlands located on the Site, the nearest wetland system is the Hudson River, defined as estuarine and marine deepwater habitat, located approximately 810-feet to the west.

#### F. Environmental Assessment

Based on the investigations conducted to date, the primary contaminants of concern are very high levels of semi-volatile organic compounds (SVOCs), and TAL metals (including high levels of mercury, lead and arsenic) in soil, as well as visually impacted petroleum nuisance soils, SVOCs volatile organic compounds (VOCs) and PFAS in groundwater, and Petroleum VOCs in soil vapor. *See Exhibit G Site Drawing Spider Map.* Most notably, grossly contaminated soils were observed in some of the borings on Lots 11, 39 and 41.<sup>3</sup>

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<sup>3</sup> While all references to the high SVOC contamination being related to the historic Woodworth Avenue manufactured gas plant historically located south of the Site have been removed from this application, it is important to note that the 1886 Sanborn Map on page 529 in the Phase I report suggests that Westchester Gas and Lighting may have owned all of the land from Lamartine down to Ashburton, which was known as Block 55 at the time.



Photograph showing jar of wet soil collected from the water table interface at B-13

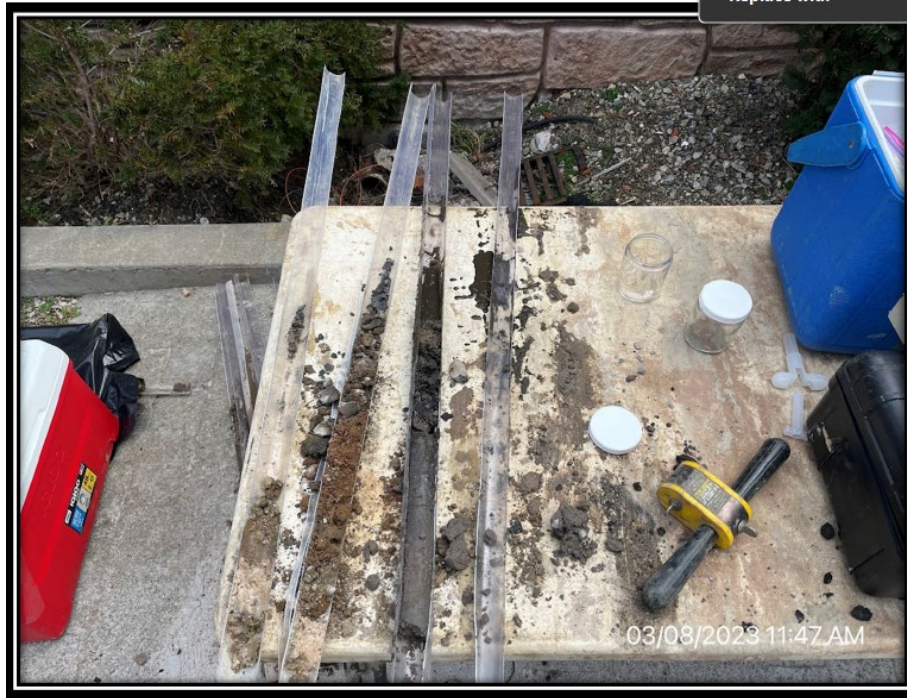
Photographs taken during subsurface investigation in October of 2023.  
HydroEnvironmental Solutions, Inc., Two Center Street, Croton Falls, New York 10519

See photo above of a substance in a soil sample that visually appeared to resemble coal tar.

A VOC photoionization detector (PID) reading of approximately 3,084 ppm was detected in B-13 on Lot 39, but for some reason the soil sample from that location did not detect VOCs in the soil. However, VOCs and SVOCs were detected in the groundwater. The grossly contaminated soil was also observed under Lot 11, which was visually more petroleum related than the grossly contaminated soil observed on Lots 39 and 41. Even though the soil data from Lot 11 did not reveal exceedances, the visual observations were that grossly contaminated soil is still present which cannot be handled as clean soil pursuant to the revised Part 360 regulations, and VOCs were present in soil vapor under the parking lot slab. In addition, there was a PID reading of 1,200 ppm on Lot 11 in B-4a in the more recent supplemental investigation and a PID reading in B-4 TW of 283.4 ppm in the April 2023 Phase II investigation.

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Babcock Street did not cut through this block at the time. Moreover, the 1898 map is unclear what the uses were on the southern portion of the Site where the high SVOCs and grossly contaminated soil was observed.



Photograph of B-4TW Soil Cores

Notably, there are also very high industrial, not only Restricted Residential exceedances of SVOCs, and industrial exceedances of arsenic (54.1 ppm) and mercury (36.8 ppm), which suggest that the soil throughout the Site may have these high levels of contamination if contaminated historic fill was used to fill the Site.

The groundwater samples collected on Lots 39 and 41 contained very high SVOCs, which are likely the result of the grossly contaminated soil present on these two lots. Lower level SVOC constituents were present on Lot 5.7 and PFAS exceeded their respective Maximum Contaminant Levels (MCLs) on Lot 11. Additionally, groundwater collected from B-4 TW contained PFAS at concentrations that exceeded their respective AWQS.

Detectable concentrations of several VOCs were observed in all three soil vapor sub slab points during the April 4, 2023, sampling event.

During a geotechnical investigation, all boring encountered existing fill that generally consisted of silty sand with variable amounts of gravel and debris beneath the surface cover and/or at the surface. The debris encountered consisted of brick, concrete, asphalt, and plastic. Borings B-1, B-2, B-2A, B-2B, and B-4 were terminated within the existing fill at depths ranging from approximately two feet below ground surface (ft bgs) to 4.3 ft bgs. In the remaining tests, the existing fill extended to depths ranging from approximately five ft bgs to 15 ft bgs. Due to the close proximity of the proposed building footprints to existing public sidewalks and adjacent structures, a temporary support of excavation (SOE) shoring system is anticipated to be necessary during construction of below grade structures associated with the proposed redevelopment.

### **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 entails the development of two residential buildings with ground floor commercial space on five contiguous lots. Specifically, the proposed development would include 672 residential rental units with 10% of the units designated for affordable housing, amenities for residents and ground-floor commercial space, a four-level garage with parking for 702 vehicles, landscaping, and other improvements.

#### Schedule – Commencement through COC

A Remedial Investigation (“RI”) Work Plan (“RIWP”) is expected to be completed on the Site thirty (30) days after the Brownfield Cleanup Agreement is signed. Based on the date of the revised submission of this application, the RIWP is expected to be submitted in the spring of 2024. The RI is expected to be completed on the Site by mid to late summer 2024. The land use approvals are expected to be granted in or around this time and the closing will take place once the land use approvals are approved. The Remedial Action Work Plan (“RAWP”) will be completed in the fall of 2024 to be submitted with the RIR. Site preparation activities, which will include above grade building demolition, are expected to commence by late fall 2024. Any required remediation may commence in early winter 2024. The Certificate of Completion is anticipated to be issued by December 31, 2025.

## **SECTION III – LAND USE FACTORS**

### **1. Current Zoning**

The Site is within a Commercial “C” Zoning District. *See Exhibit E Zoning Map.*

### **2. Allowed Uses**

The Commercial “C” zoning district allows for the following principal commercial uses: municipal uses (City of Yonkers); banks and financial uses; commercial recreation uses, indoor; commercial recreation uses, outdoor; commercial schools; eating and drinking establishments; food and beverage stores; funeral parlors or mortuaries; health clubs and gymnasiums; indoor markets; offices; pawnshops and check cashing stores; personal service establishments; restaurants; retail craft uses; telephone switching facilities; theaters and movie theaters; breweries and microbreweries; industrial parks; light industrial uses; medium industrial uses; printing plant,

photo lithography or reproduction establishments; stonecutter, monument works; warehousing, storage and wholesaling of nonhazardous and nonflammable materials.

Since this zoning district does not allow for the proposed residential use, the following approvals will be required from the City of Yonkers:

**Use Variance:** The Applicant must obtain approval for a use variance from the Yonkers Zoning Board of Appeals (“Yonkers ZBA”). The Applicant applied for a use variance on February 27, 2023. The State Environmental Quality Review Act (SEQRA) process has commenced, and the Yonkers ZBA recently issued a positive declaration for the variance application. The SEQRA and Use Variance approval process is expected to be completed in the first or second quarter of 2024.

**Area Variances:** The proposed project also requires certain area variances from the bulk requirements of the C Zoning District. Specifically, the project, as currently proposed, needs variances from the requirements for minimum rear yard setback, maximum building coverage, maximum building height, maximum floor area ratio (FAR), and number of parking spaces. The Applicant applied to the Yonkers ZBA on February 27, 2023, and as noted above the SEQRA review process has commenced. The City of Yonkers Zoning Board of Appeals, as lead agency, has made the Final Scope for the proposed 143 Woodworth Avenue available on February 7, 2024. The Final Scope is available from City of Yonkers Department of Housing and Building, 5th floor, 87 Nepperhan Avenue, Yonkers; the City of Yonkers Department of Planning and Development 3rd floor, 87 Nepperhan Avenue, Yonkers and on line at: [https://drive.google.com/drive/folders/1Fs6UG2BN4vrGEN8spjeMnaV\\_pTCtT1Vx](https://drive.google.com/drive/folders/1Fs6UG2BN4vrGEN8spjeMnaV_pTCtT1Vx).

**Site Plan:** Once the Applicant receives approval from the Yonkers ZBA for the use and area variances, the Applicant must receive Site Plan approval for the proposed project from the Yonkers Planning Board.

The City of Yonkers has prepared and made available a draft Environmental Impact Statement Scope available for the project, and a public scoping session was held on October 16, 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**

This Site is currently partially active with a commercial warehouse used for a hair and beauty supply company called European Beauty Concepts located on the 151 Woodworth Avenue lot. The remainder of the Site is vacant but some of the other lots are used for parking and access ingress and egress driveways. The building on the 161 Woodworth lot is vacant and the date when vacancy began is unknown.

### **5. Intended Use Post Remediation**

After the remediation, the Site will be used for the planned mixed use, transit-oriented, commercial and partial affordable housing residential development project described above in Section II.4.

## **6. Post Remediation Use**

Post remediation use of the Site will be used for the planned mixed use, transit-oriented, commercial and partial affordable housing residential development project described above in Section II.4.

## **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 mixed-use transit-oriented development commercial residential use. This area of Yonkers is on the other side of the Metro North railroad tracks from the Alexander Street redevelopment area, which has involved a number of brownfield remediation projects and mixed use commercial residential projects. More recently the brownfield sites east of the tracks are now starting to enter the program and get redeveloped.

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

No, the project is not currently consistent with the City of Yonkers zoning laws and map. However, as described above in Section III.2, the applicant has commenced the land use approvals process to obtain the use and area variances required for the development of the proposed mixed-use transit-oriented development commercial residential use project.

## **10. Consistent with the Master Plan?**

Yes, the project is consistent with the City of Yonkers Ravine Avenue Urban Renewal and Master Plan in Exhibit N, which seeks to revitalize the Ravine - Warburton neighborhood and build on the assets of the adjacent Alexander Street Master Plan development efforts focused effort towards economic renewal through improving the deteriorated waterfront area, and transforming it from an industrial wasteland to a residential, recreational and commercial zone. The main goal is to eliminate blighted properties, such as this former industrial Site, now only being used for warehousing, and develop new residential structures.

# **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. March 2005 Phase I Environmental Site Assessment prepared by Niche Analysis, Inc., for Alan Merovitch, Esq.

- b. March 2005 Phase II Environmental Site Assessment prepared by Niche Analysis, Inc., for Alan Merovitch, Esq.
- c. February 2023 Phase I Environmental Site Assessment prepared by HydroEnvironmental Solutions, Inc. (HES) for Arzay Heights LLC
- d. April 2023/Revised January 2024 Phase II Environmental Site Assessment prepared by HydroEnvironmental Solutions, Inc. (HES) for Arzay Heights LLC
- e. November 2023 Report of Geotechnical Investigation prepared by Whitestone for Arzay Heights LLC
- f. December 2023 Additional Subsurface Investigation Report prepared by HydroEnvironmental Solutions, Inc. (HES) for Arzay Heights, LLC.

## 2. Sampling Data

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

## 3. Environmental Assessment – Site Drawings Data Summary Tables

Soil:

Analytes > RRSCOs	Detections > RRSCOs	Detections > POGWs	Maximum Detection (mg/kg)	RRSCO (mg/kg)	POGW (mg/kg)	Depth (ft-bgs)	Sample ID	Max Detection Date
<b>SVOCs</b>								
Acenaphthene	1		162	100	98	3	B-9	3/8/2023
Benzo(a)anthracene	4	4	31.8	1	1	3	B-9	3/8/2023
Benzo(a)pyrene	5	1	30.9	1	22	3	B-9	3/8/2023
Benzo(b)fluoranthene	5	5	25	1	1.7	12	B-12	10/30/2023
Benzo(g,h,i)perylene	1		185	100	1,000	3	B-9	3/8/2023
Benzo(k)fluoranthene	3	3	24.6	3.9	1.7	3	B-9	3/8/2023
Chrysene	2	2	27.3	3.9	1	3	B-9	3/8/2023
Dibenzo(a,h)anthracene	4		72.7	0.33	1,000	3	B-9	3/8/2023
Dibenzofuran	1		142	59	210	3	B-9	3/8/2023
Fluorene	1		192	100	386	3	B-9	3/8/2023
Indeno(1,2,3-cd)pyrene	5	1	151	0.5	8.2	3	B-9	3/8/2023
Naphthalene	1		120	100	12	3	B-9	3/8/2023
<b>Metals</b>								
Arsenic	1	1	54.1	16	16	12	B-2	3/8/23
Cadmium	1	1	8.71	4	7.5	1	S-2	2/20/2005
Lead	3		985.7	400	450	1	S-1	2/20/2005
Mercury	6		36.8	0.81	0.73	16	B-3 TW	3/8/2023
Manganese	1		2,130	2,000	2,000	12	B-13	10/30/2023

### Groundwater:

Analyte > AWQS	Detections > AWQS	Max Detection (µg/L)	AWQS (µg/L)	Depth (ft bgs)	Sample ID	Max Detection Date
<b>VOCs</b>						
2-Isopropyltoluene	1	27	5	12	B-13	10/30/2023
Isopropylbenzene	1	33	5	12	B-13	10/30/2023
n-Butylbenzene	1	14	5	12	B-13	10/30/2023
n-Propylbenzene	1	70	5	12	B-13	10/30/2023
sec-Butylbenzene	1	48	5	12	B-13	10/30/2023
Tert-Butylbenzene	1	34	5	12	B-13	10/30/2023
<b>SVOCs</b>						
Napthalene	1	11	10	12	B-12	10/30/2023
Benzo(a)anthracene	4	11	0.002	12	B-13	10/30/2023
Benzo(a)pyrene	1	7	0.002	12	B-7 TW	3/8/2023
Benzo(b)fluoranthene	3	9.2	0.002	12	B-13	10/30/2023
Benzo(k)fluoranthene	3	4.25	0.002	12	B-7 TW	3/8/2023
Chrysene	4	8.10	0.002	12	B-13	10/30/2023
Indeno(1,2,3-cd) pyrene	3	6.10	0.002	12	B-13/B-12	10/30/2023
<b>PFAS*</b>						
Perfluorooctanesulfonic acid (PFOS)	3	247	2.7	12	B-13	10/30/2023
Perfluorooctanoic acid (PFOA)	3	842	6.7	12	B-13	10/30/2023

\*April 2023 Guidance AWQS for PFAS is measured in ng/L, not in µg/L.

### Soil Vapor:

Analytes	Total Detections	Max Detection (mcg/m <sup>3</sup> )	Max Boring/ Sample ID	Max Collection Date	Type
<b>VOCs</b>					
2-Butanone	2	8.0	B-3 TW	4/4/2023	SV
2-Hexanone	1	5.9	B-3 TW	4/4/2023	SV
Acetone	3	82	B-3 TW	4/4/2023	SV
Carbon Disulfide	1	1.7	B-9	4/4/2023	SV
Carbon tetrachloride	3	0.47	B-4 TW	4/4/2023	SV
Chloroform	2	3.6	B-3 TW	4/4/2023	SV
Chloromethane	2	0.37	B-4 TW	4/4/2023	SV
Dichlorodifluoromethane	3	3.2	B-4 TW	4/4/2023	SV
Methylene chloride	3	1.4	B-4/B-3 TW	4/4/2023	SV
Toluene	1	0.67	B-4 TW	4/4/2023	SV
Trichloroethylene	2	0.88	B-4 TW	4/4/2023	SV
Trichlorofluoromethane (Freon 11)	3	1.9	B-4 TW	4/4/2023	SV

#### **4. Past Land Use**

##### **1. Past Use of the Site**

The Site operated as an ice company in or about 1917 and after that from approximately 1957 to 1983 as the Proctor Paint company. These operations released contamination at the Site. Grossly contaminated soil was found during the Site investigations. A sump pit and French drain were observed in the basement of the Site, which may have served as a discharge point and a “dry sump” with a discharge pipe was found on the first floor attached to a discharge pipe with an unknown discharge point and was noted to be possibly for a product waste discharge. Water was found in the drain at the time of observation, indicating that it could have been used to discharge wastewater. The paint company operation was a Small Quantity Generator (SQG) of hazardous waste for over 30 years. A suspected heating oil underground storage tank (UST) was discovered in the front yard of the property, however, the then-owner was unaware of any heating oil USTs on the Site.

A total of six unlabeled abandoned above-ground storage tanks (ASTs) were located on-Site and suspected of storing paint-related chemicals in the past. It was unknown if these tanks were cleaned. There is also historic evidence of NYSDEC underground storage tank (UST) registration information and a Westchester County Department of Health (WCDOH) Tank Closure Inspection Report information indicating a release of fuel oil from one 1,000-gallon UST under NYSDEC Spill No. 0703107. The UST was removed on January 17, 2008, prior to the current owner’s ownership, and closure soil samples were collected and submitted for laboratory analysis. Thirty (30) truckloads transported a total of 1,081.45 tons of Non-Hazardous Waste offsite between January 15 and January 17, 2008, to Soil Safe in Logan Township, New Jersey.

Based on information from the WCDOH, under Petroleum Bulk Storage (PBS) No. 3-801456, six USTs storing petroleum were registered to the Site. The listing includes (2) 1,000-gallon, (1) 2,000-gallon and (3) 4,000-gallon USTs. Documentation, which includes a Building Permit from the City of Yonkers stamped October 29, 2007, indicates the removal of (3) 4,000-gallon and (1) 2,000-gallon USTs from the eastern portion of the Site. This was later confirmed in a letter from the City. Petroleum impacted soil was visually observed by HES on Lot 11.

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

The initial Phase I Environmental Site Assessment (ESA) Report prepared by Niche Analysis, Inc., dated March 7, 2005, concluded that the former MGP plant history and paint company operations were recognized environmental conditions. The MGP Plant it noted could cause a variety of contamination and the paint company was a SQG for 30 years. A sump in the basement and a dry sump on the first floor were also RECs because they could have been waste discharge points. Evidence of suspected asbestos-containing materials (ACM) observed inside the building.

Niche proceeded to perform a Phase II ESA completed on February 20, 2005. Five hand augured soil samples were taken and analyzed for total RCRA 8 metals, volatile organic compounds (VOCs) by EPA Method 8260 and semi-volatile organic compounds (SVOCs) by EPA Method 8270. Additionally, one groundwater sample was collected from the sump pit in the building’s

interior and transite panels were collected from the building's interior staircase walls to be analyzed ACM.

Results indicated that all five soil samples demonstrated exceedances over the NYSDEC Recommended Soil Cleanup Objectives (RSCOs) at the time which predated the 6 NYCRR Part 375-6.8(a-b) SCOs. The soil borings were located in the following places: S-1 is near the dry sump on the first floor in the north building; S-2 is on the east side of the ASTs; S-3 is on the south side of the ASTs; S-4 is in the middle of the yard 5 feet away from the building; and S-5 is in the southwest corner of the property. All soil samples were obtained one foot below ground surface, except S-1, which was collected from a dry sump on the first floor inside the north part of the building. Because it is unclear in this 2005 Phase II report the basis for the SCOs used for comparison, we have utilized the current part 375 SCOs for comparison below and in the spider maps:

- Cadmium was found in all five soil borings, with the highest concentration in S-3 with 8.71 ppm, compared to the current USCO of 2.5 ppm and RRSCO of 4.3 ppm.
- Lead was found in S-1 with a concentration of 985.7 ppm, in S-2 with a concentration of 300.7 ppm, in S-3 with a concentration of 772.8 ppm, and in S-4 with a concentration of 455.7 ppm, compared to the current USCO of 63 ppm and RRSCO of 400 ppm.
- Chromium was found in S-1 with a concentration of 67.7 ppm, compared to the current USCO of 1 ppm (hexavalent) and 30 ppm (trivalent) and RRSCO of 110 ppm (hexavalent) and 180 ppm (trivalent).
- Mercury was found in all five sample locations ranging from 0.69 ppm up to 7.31 ppm, compared to the current USCO of 0.18 ppm and RRSCO of 0.81 ppm.
- Benzo(a)anthracene in S-1 with a concentration of 0.96 ppm and in S-4 with a concentration of 0.58 ppm, compared to the USCO and RRSCO of 1.0 ppm.
- Chrysene in S-1 with a concentration of 1.14 ppm and in S-4 with a concentration of 0.59 ppm, compared to the USCO of 1.0 ppm and RRSCO of 3.9 ppm.
- Benzo(b)fluoranthene was found in S-1 with a concentration of 1.74 ppm, compared to the USCO and RRSCO of 1.0 ppm.
- Benzo(a)pyrene in S-1 with a concentration of 1.00 ppm, compared to an USCO and RRSCO of 1.00 ppm.

Subsequently, the more recent and more detailed investigation performed by HES in April 2023 revealed more significant contamination as summarized above and as documented in the Spider Maps in Exhibit G.

The Additional Subsurface Investigation performed by HES as documented in a December 2023 Report found that the soils on the Site were visually impacted by the historic storage of petroleum and possibly other paint company related operations or contaminated historic fill. HES concluded that the soil was “grossly impacted” based on visual observations and photoionization detector (PID) readings, despite laboratory findings that indicated no VOC RRUSCO exceedances. The VOCs and SVOCs present in the groundwater, in addition to the PFAS found, made clear that petroleum hydrocarbons were historically released at the Site.

## SECTION V – REQUESTOR INFORMATION

The Requestor is Arzay Heights LLC, a New York limited liability company, located at 3611 14<sup>th</sup> Avenue, Suite 514, Brooklyn, NY 11218. Arzay Heights LC is authorized to do business in the State of New York. *See Exhibit H, NYSDOS Entity Information.* The members are as follows:

1. Jacob Klein, CEO/Director
2. Menachem Weiss
3. Isaac Braun
4. Chesky Friedman

The Written Consent provides Isaac Braun with authority to sign all Brownfield Cleanup Program (“BCP”) documents on behalf of the Requestor Arzay Heights LLC. *See Exhibit I Corporate Consent.*

Requestor is not the owner of the Site. As more fully described below in Section VI, TCP Realty LLC is the current owner of the Site and acquired each parcel on the following dates:

Parcel Address	Tax Parcel Identification No.	Date TCP Realty LLC
143 & 151 Woodworth Ave; 10 & 14 Lamartine Ave	2-2102-5.7, 11, 39 and 41	June 26, 2008
161 Woodworth Ave	2-2102-4	October 20, 2014

*See Exhibit J Deeds.* The Requestor has received a temporary license from the Owner to access the property to perform investigation and remediation work required by the BCP. *See Exhibit K Site Access Agreement.*

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

## SECTION VI – REQUESTOR ELIGIBILITY INFORMATION

**1-10. Please refer to BCP Application Form.**

**11. Unregistered bulk storage tanks**

There are no known unregistered bulk storage tanks.

### REQUESTOR CERTIFICATION

The Requestor certifies it is a Volunteer, since it does not have nor has ever had a relationship with

the current or any of the past owners or operators of the Site that caused the contamination other than it plans to purchase a portion of the Site from the current owner. Requestor did not have any involvement with the Site at the time of disposal. The Requestor has performed all required environmental due diligence prior to acquiring the Site and has implemented due care of the Site to the extent access has been granted.

## **SECTION VII- REQUESTOR CONTACT INFORMATION**

**Please refer to the BCP Application Form.**

## **SECTION VIII – PROGRAM FEE**

**Please refer to responses on the BCP Application Form.**

## **SECTION IX- CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

The current owner of the Site is TCP Realty LLC. TCP Realty LLC acquired each parcel on the following dates:

<b>Parcel Address</b>	<b>Tax Parcel Identification No.</b>	<b>Date TCP Realty LLC</b>
143 & 151 Woodworth Ave; 10 & 14 Lamartine Ave	2-2102-5.7, 11, 39 and 41	June 26, 2008
161 Woodworth Ave	2-2102-4	October 20, 2014

See Exhibit J Deeds 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 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 to date show evidence of impact from the Site's previous commercial and industrial 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 L for the Repository Letter. See Exhibit M for the Site Contact List.*

# **EXHIBIT A**

# BASE MAP

Woodworth Avenue Paint Co. Site  
143 Woodworth Ave, 151 Woodworth Ave,  
161 Woodworth Ave, 10 Lamartine Ave and  
14 Lamartine Ave  
Yonkers, New York 10701

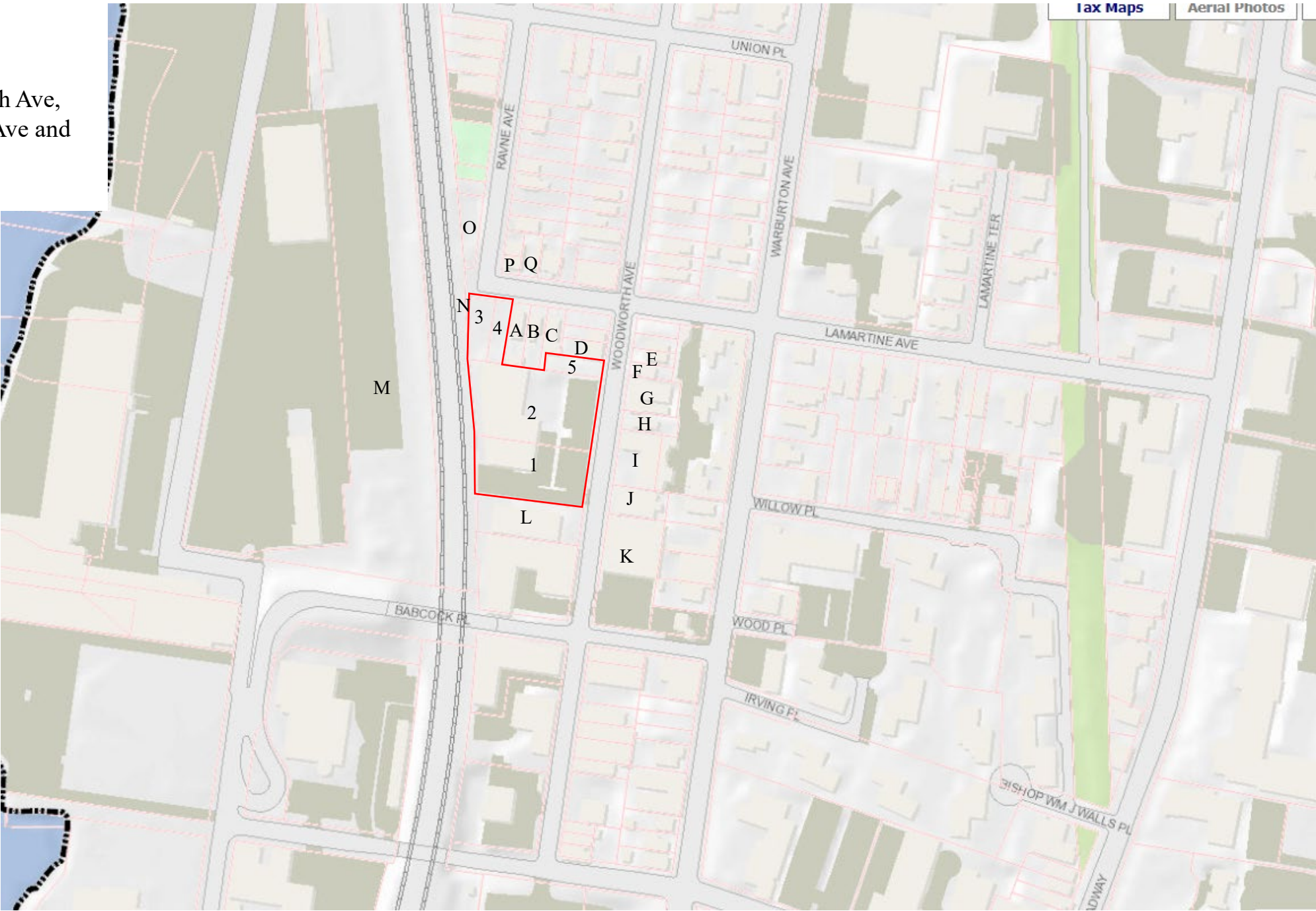
**Legend:**  
 Site Property Boundary

Corresponding page  
lists adjacent property owners by  
letter A –



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.

**June 2023**  
**Source: Westchester County GIS**  
**Scale: 1" = 100' approximately**



<b>Number</b>	<b>Property Owner(s) Name(s)</b>	<b>Property Address</b>	<b>Section-Block-Lot</b>
<b>1</b>	TCP Realty LLC	143 Woodworth Avenue	2-2102-11
<b>2</b>	TCP Realty LLC	151 Woodworth Avenue	2-2102-5.7
<b>3</b>	TCP Realty LLC	10 Lamartine Avenue	2-2102-39
<b>4</b>	TCP Realty LLC	14 Lamartine Avenue	2-2102-41
<b>5</b>	TCP Realty LLC	161 Woodworth Avenue	2-2102-4

Letter	Adjacent Property Owner(s) Name(s)	Property Address	Section-Block-Lot
A	Charles T. Blacknall	16 Lamartine Avenue	2-2102-42
B	Franklin Dilone	18 Lamartine Avenue	2-2102-43
C	MTGLQ Investors LP	20 Lamartine Avenue	2-2102-44
D	Derek Reneau	Woodworth Avenue	2-2102-3
E	Raelynn Price	162 Woodworth Avenue	2-2098-40
F	Eric Watkins	160 Woodworth Avenue	2-2098-39
G	156 Woodworth LLC	156 Woodworth Avenue	2-2098-37
H	Jeannette Garcua and Alberto Reyes	154 Woodworth Avenue	2-2098-36
I	MHACY	150 Woodworth Avenue	2-2098-34
J	Wilrox Inc.	142 Woodworth Avenue	2-2098-30
K	IPARK Woodworth North LLC	130 Woodworth Avenue	2-2098-24
L	Mt Vernon Finishings Inc.	135 Woodworth Avenue	2-2102-15
M	New York City Transit Authority	59 Babcock Place	1.2-2620-82
N	New York Central Railroad	8 Lamartine Avenue	2-2102-37
O	City of Yonkers	1 Ravine Avenue	2-2103-13.14
P	D. Chaitram	4 Ravine Avenue	2-2104-19
Q	Mental Health Association	15 Lamartine Avenue	2-2104-18

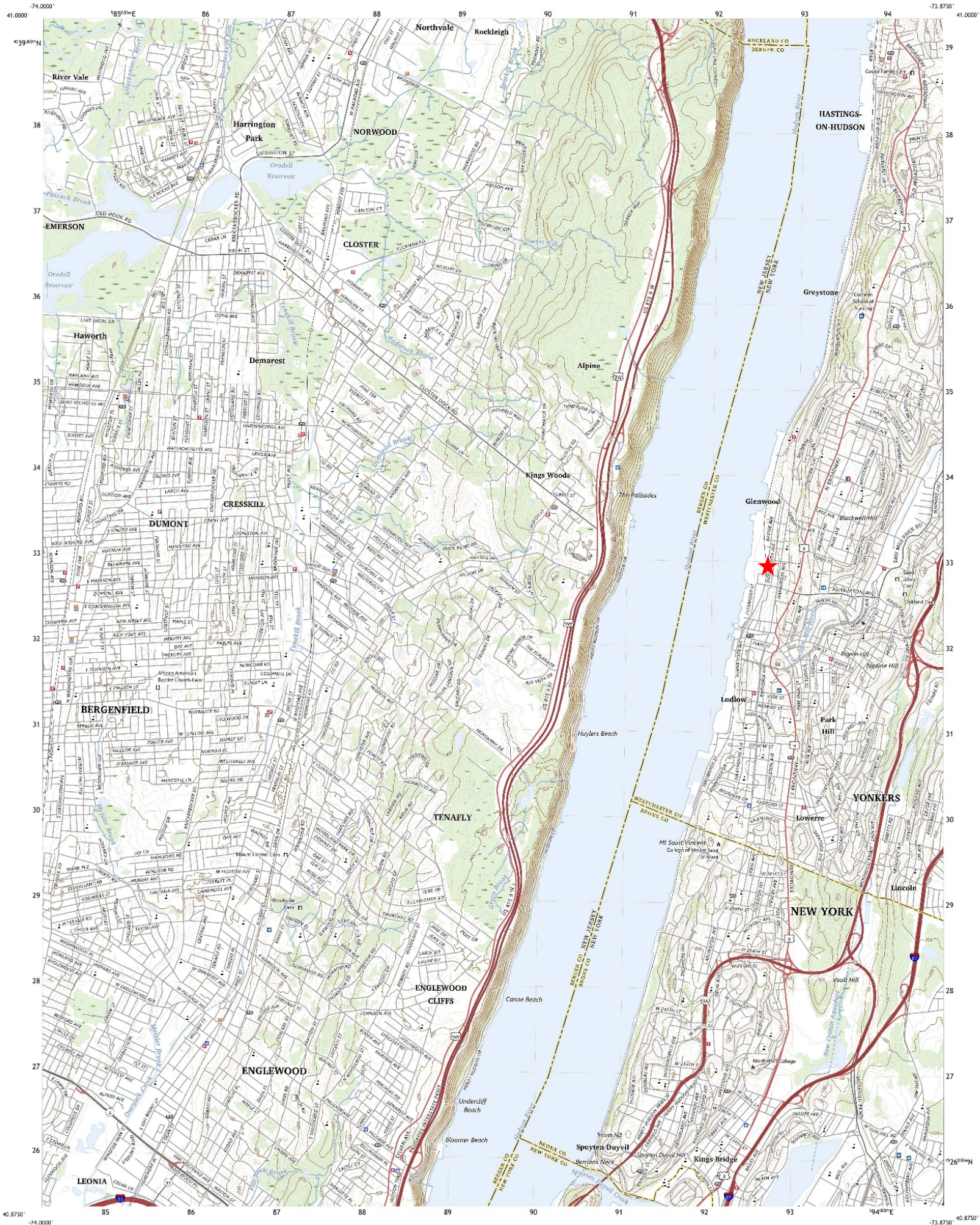
# SITE LOCATION MAP



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

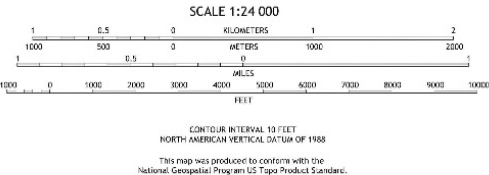
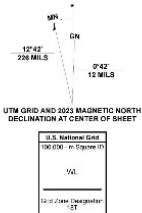


YONKERS QUADRANGLE  
NEW YORK - NEW JERSEY  
7.5-MINUTE SERIES



Produced by the United States Geological Survey  
North American Datum of 1983 (NAD83)  
World Geodetic System of 1984 (WGS84)  
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.

Imagery: NADP, July 2017 - December 2017  
Roads: U.S. Census Bureau, 2016 - 2016  
Names: National Hydrography Dataset, 2003 - 2003  
Contours: National Elevation Dataset, 2015  
Boundaries: see metadata file 2011 - 2011  
Wetlands: TWS National Wetlands Inventory 2007 - 2011

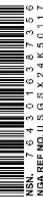


1	2	3
4	5	6
7	8	9

- 1 Park Ridge
- 2 Haverhill
- 3 White Plains
- 4 Haverhill
- 5 Mount Vernon
- 6 Weehawken
- 7 Central Park
- 8 Flushing

ROAD CLASSIFICATION	Symbol
Expressway	Thick red line
Secondary Hwy	Thin red line
Ramp	Thin red line with arrow
Local Connector	Thin black line
Local Road	Thin black line
4WD	Thin black line with cross-hatch
US Route	Circle with number
State Route	Circle with number

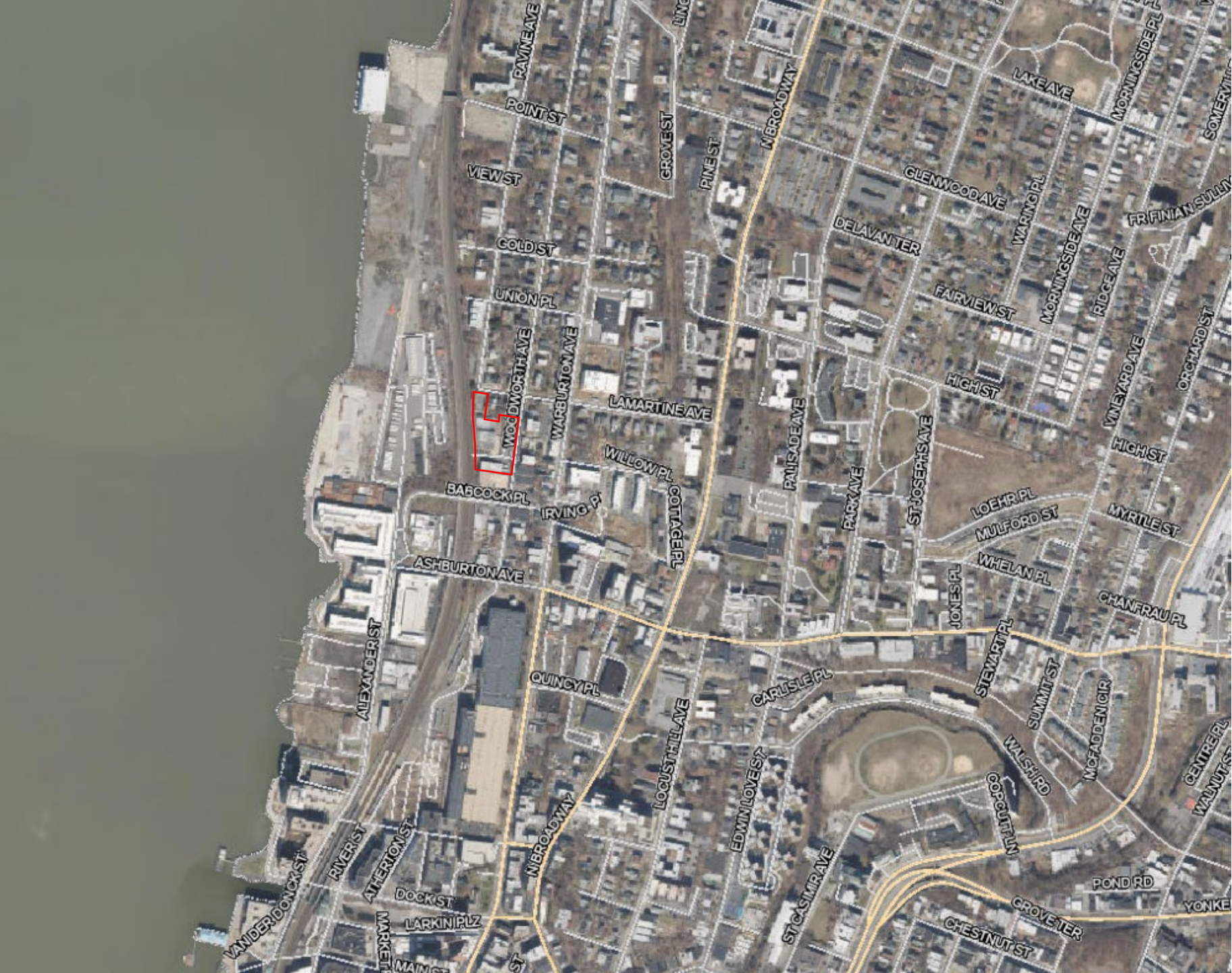
YONKERS, NY, NJ  
2023



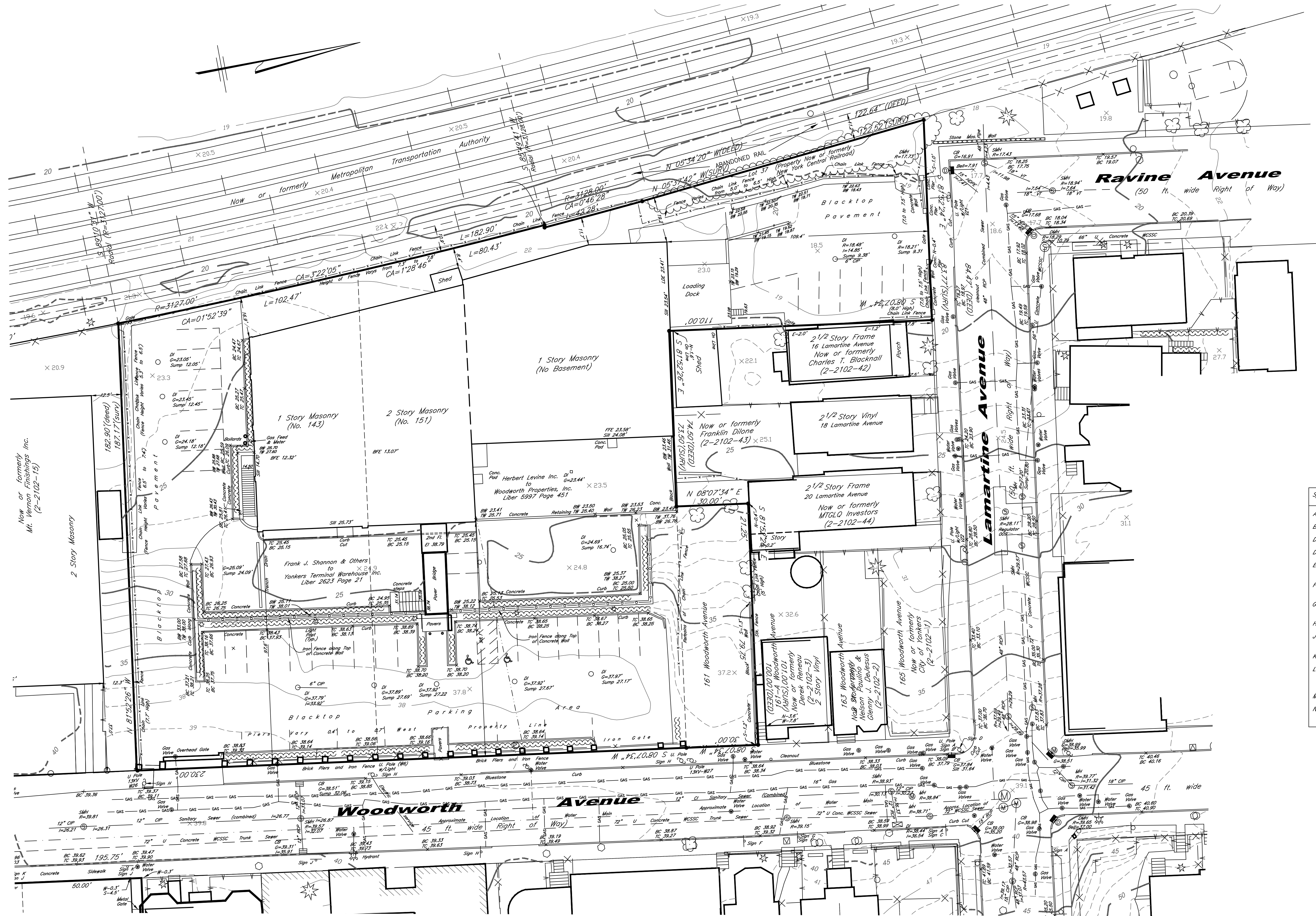
# Street Map

Woodworth Avenue Paint Co. Site  
143 Woodworth Ave, 151 Woodworth Ave,  
161 Woodworth Ave, 10 Lamartine Ave and  
14 Lamartine Ave  
Yonkers, New York 10701

Legend:  
— Site Property Boundary



# **EXHIBIT B**



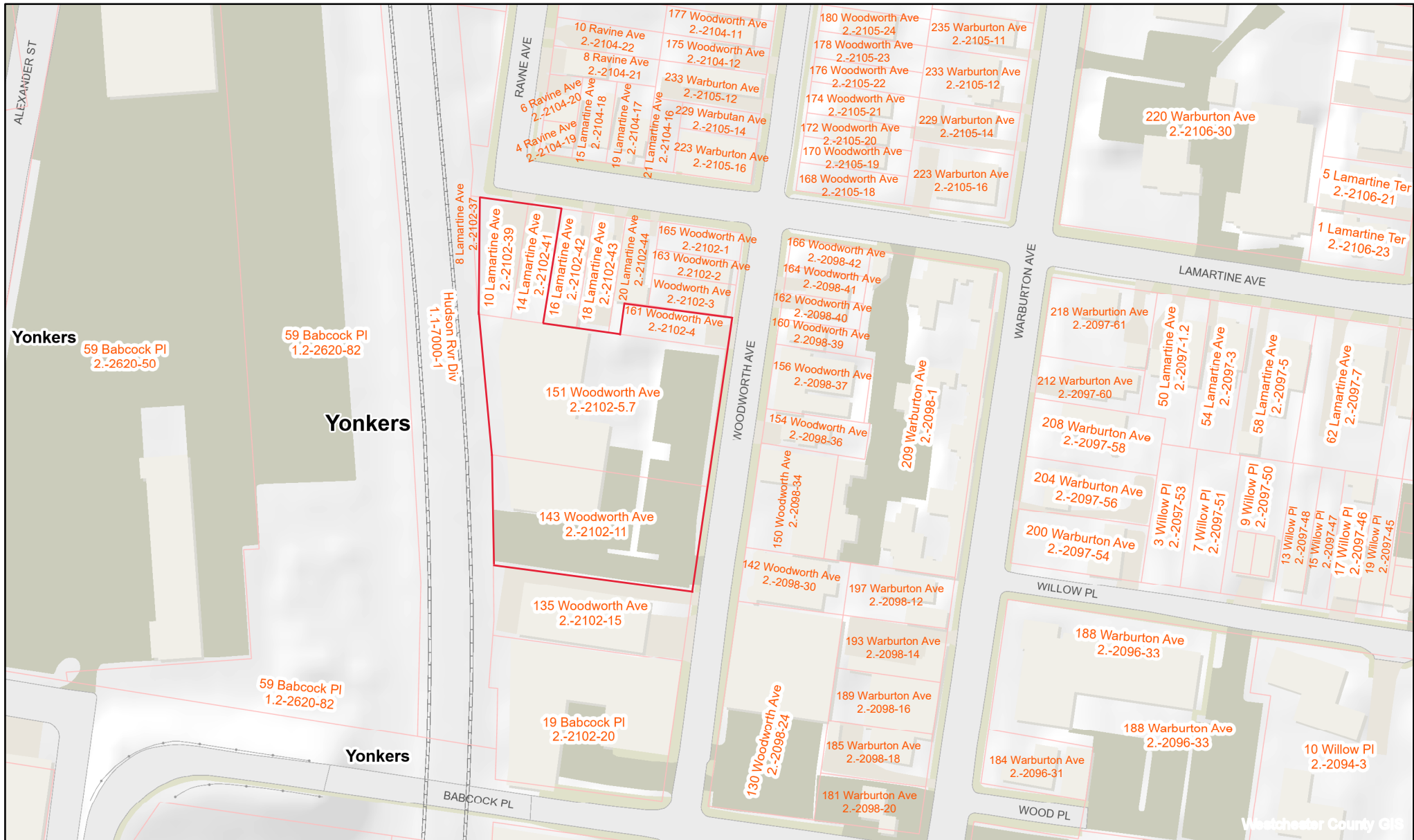
Sign Table			
Symbol	Description	Sign	Color
A	Stop Sign		White on Red
B	One Way		Black on White
D	No Left Turn		White on Red
D	Do Not Enter		Black on White
E	No Parking Thursdays (9 AM to 11 AM)		Black on White
F	Reserved Handicap Parking		Black on White
G	No Standing Here To Corner		Black on White
H	Pick Up the Dog Poop		Blue on White
J	No Parking Fridays (1 PM to 3 PM)		Black on White
K	No Parking Anytime		Black on White
L	Street Sign (Lamarine Avenue) (Nanny B. Dickerson Way)		White on Green White on Green
M	Right Turn Only		Black on White
N	No Parking Except Fridays (1 PM to 3 PM)		Red & Black on White

Spatial Reference System  
USDA/NA2011 (2011) New York (East)  
Vertical Datum: NAVD 88 (Geoid 124)  
Lot Area = 58,610 sq. ft. or 1,3455 acres  
Subsurface structures and their encroachments, if any exist, are not shown hereon.  
Unauthorized alterations or additions to a survey map is a violation of section 7209, sub-division 2, of the New York State Education Law.  
Only copies of the original survey marked with the land surveyor's inked or embossed seal shall be considered a true and valid copy.  
Certifications indicated hereon signify that this survey was prepared in accordance with the existing code of practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run to the person for whom the survey is prepared only, and on his behalf to the Title Company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.  
Copyright (c) 2023 Ward Carpenter Engineers, Inc. All Rights Reserved.

Survey of Property  
prepared for  
**Arzay Heights LLC**  
in the City of  
**Yonkers**  
Westchester County, N.Y.  
Scale 1"=20' Feb. 1, 2023  
The premises being Lots 4, 5, 7, 11, 39 and 41, Block 2102, Section 2 as shown on the official Tax Assessment Maps of the City of Yonkers.

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

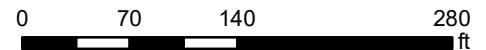
# (Yonkers)



June 26, 2023

Tax parcel data was provided by local municipality. This map is generated as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact local municipality assessor's office.

1:1,500



**Westchester County GIS**

GIS  
<http://giswww.westchestergov.com>  
 Michaelian Office Building  
 148 Martine Avenue Rm 214  
 White Plains, New York 10601

# **EXHIBIT C**

# BOA Map

Woodworth Avenue Paint Co. Site  
143 Woodworth Ave, 151 Woodworth Ave,  
161 Woodworth Ave, 10 Lamartine Ave and  
14 Lamartine Ave  
Yonkers, New York 10701

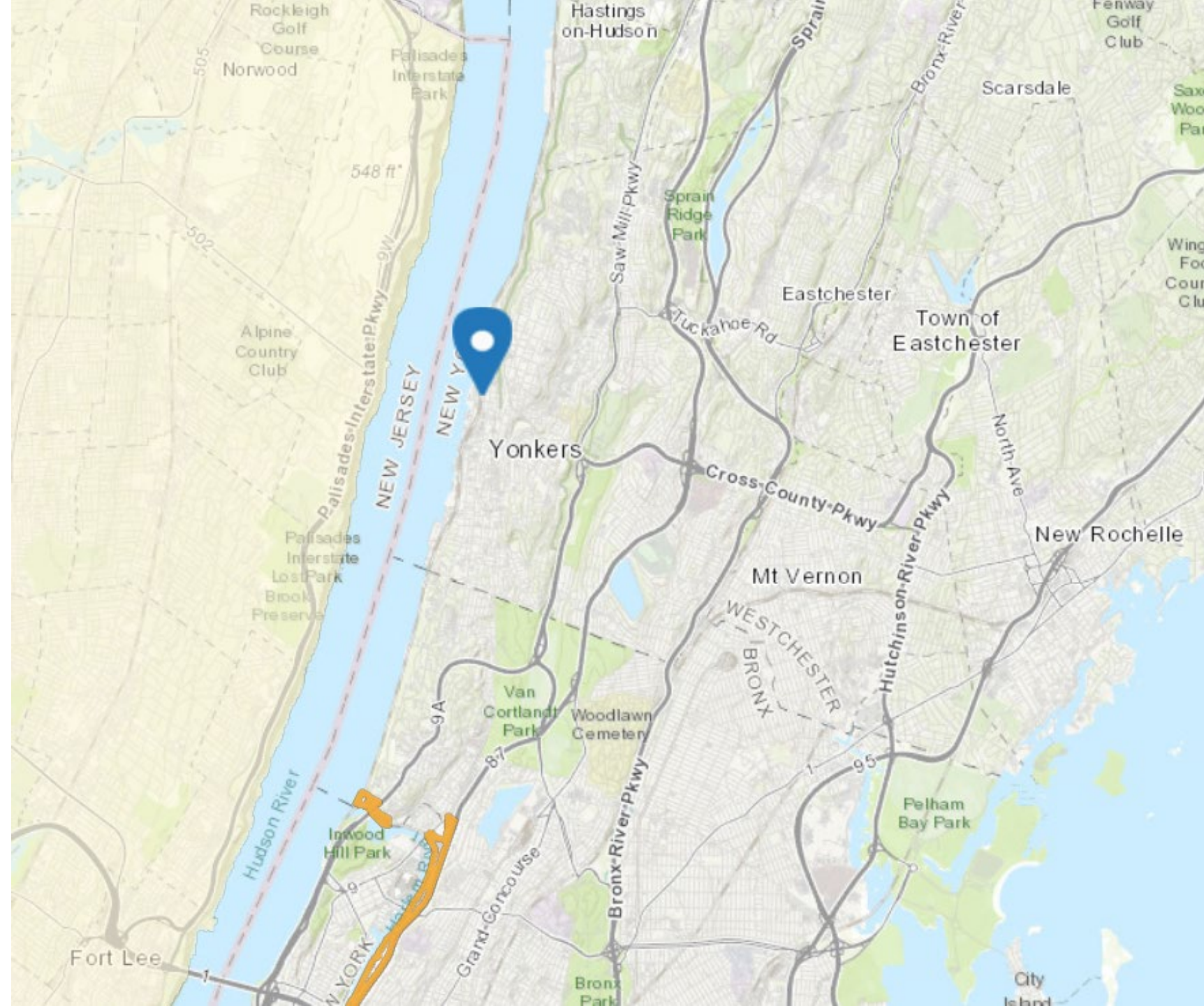
## Legend:

-  Site Location
-  BOA

June 2023

Source: NYS Geograohic Information Gateway

Scale: 1" = 100' approximately



# Disadvantage Communities Map

Woodworth Avenue Paint Co. Site  
143 Woodworth Ave, 151 Woodworth Ave,  
161 Woodworth Ave, 10 Lamartine Ave and  
14 Lamartine Ave  
Yonkers, New York 10701

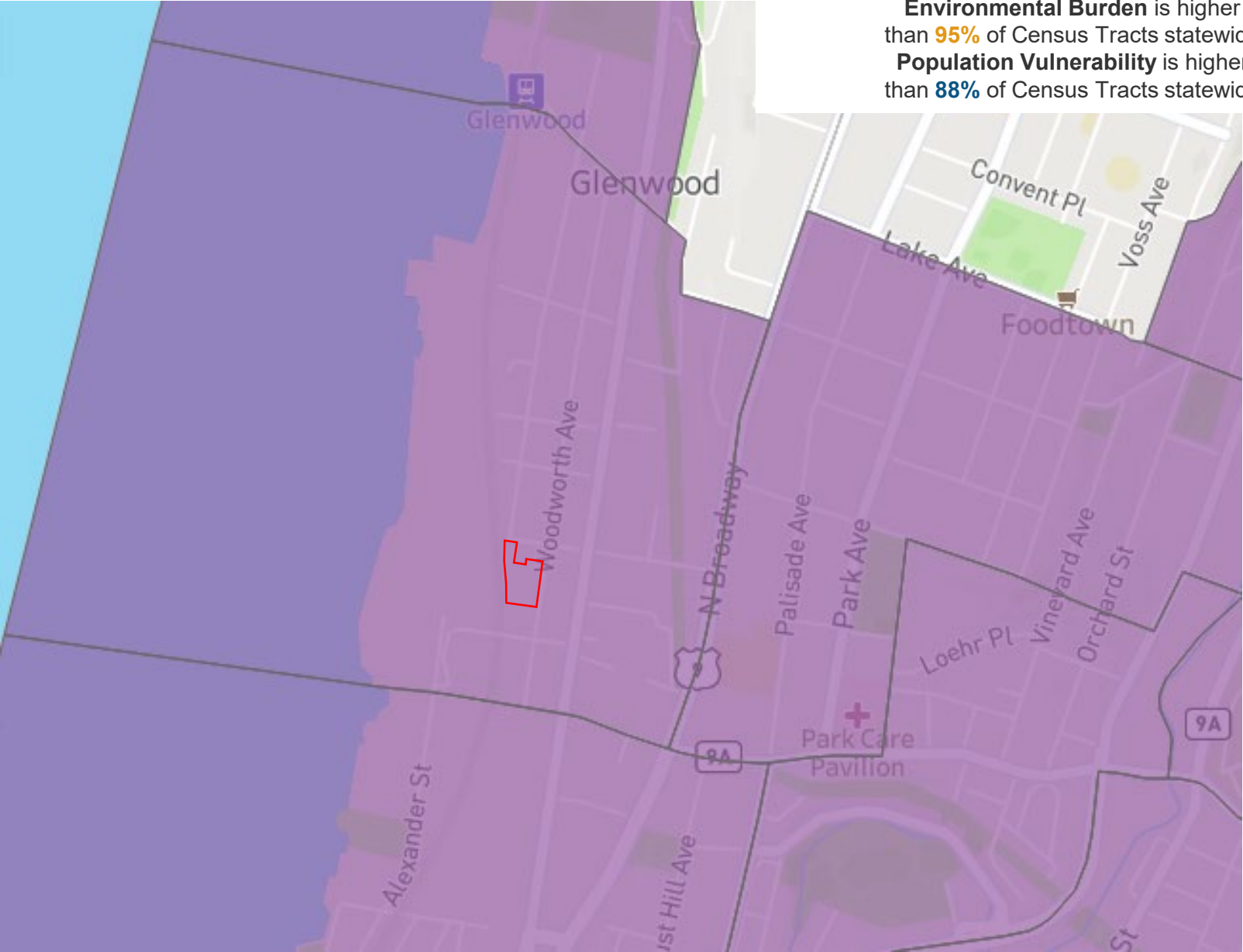
Census Tract 36119000402 is **Designated a DAC**  
This Tract covering **Yonkers city** has a population of **5,628**

**Environmental Burden** is higher  
than **95%** of Census Tracts statewide  
**Population Vulnerability** is higher  
than **88%** of Census Tracts statewide

**Legend:**

Site Property Boundary

Disadvantaged Community



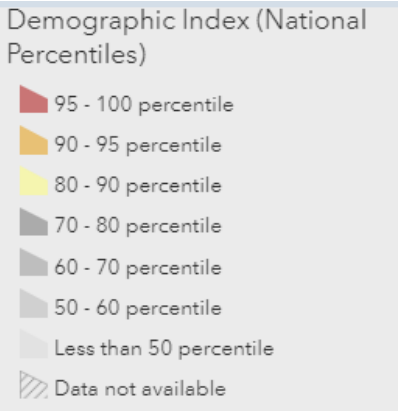
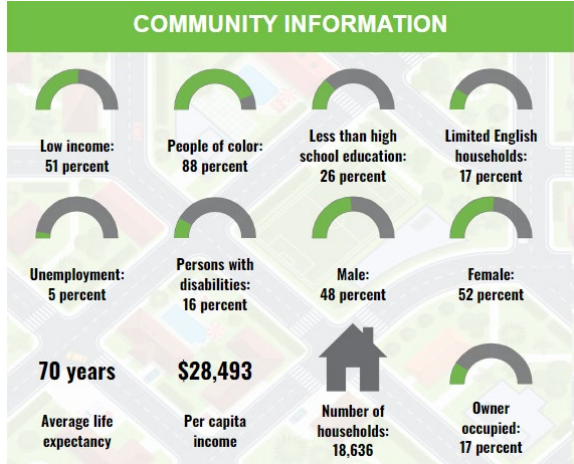
## Population Characteristics & Vulnerability

Health Impacts & Burdens	Asthma ED visits	82%
	COPD ED visits	78%
	Heart attack (MI) Hospitalization	58%
	Low Birthweight	74%
	Pct Adults Age 65+	22%
	Pct w/ Disabilities	48%
	Pct w/o Health Insurance	85%
	Premature Deaths	81%
Housing, Mobility, Communications	Energy Poverty / Cost Burden	58%
	Homes Built Before 1960	46%
	Housing Cost Burden (Rental C...	23%
	Manufactured Homes	0%
	Pct Renter-Occupied Homes	82%
	Pct w/o Internet (home or cellul...	76%
Income	Pct <100% of Federal Poverty ...	76%
	Pct <80% Area Median Income	79%
	Pct Single-Parent Households	86%
	Pct w/o Bachelor/Es Degree	64%
	Unemployment Rate	77%
Race/Ethnicity	Historical Redlining Score	67%
	Limited English Proficiency	83%
	Pct Asian	59%
	Pct Black or African American	87%
	Pct Latino/a or Hispanic	89%
	Pct Native American or Indigen...	92%

## Environmental Burden & Climate Change Risk

Land Use & Historic Discrimination	Active Landfills	0%
	Housing Vacancy Rate	82%
	Industrial/Manufacturing/Mining La...	80%
	Major Oil Storage Facilities	0%
	Municipal Waste Combustors	0%
	Power Generation Facilities	0%
	Regulated Management Plan (Ch...	83%
	Remediation Sites	99%
	Scrap Metal Processing	0%
Potential Climate Change Risk	Agricultural Land Use	0%
	Coastal Flooding and Storm Risk ...	46%
	Driving Time to Urgent/Critical Care	13%
	Extreme Heat Projections (>90? d...	79%
	Inland Flooding Risk Areas	99%
	Low Vegetative Land Cover	58%
Potential Pollution Exposure	Benzene Concentration (Modeled)	59%
	Particulate Matter (PM2.5)	61%
	Traffic: Diesel Trucks	26%
	Traffic: Number of Vehicles	42%
	Wastewater Discharge	84%

**EJ MAP**  
Woodworth Avenue Paint Co. Site  
143 Woodworth Ave, 151 Woodworth Ave,  
161 Woodworth Ave, 10 Lamartine Ave and  
14 Lamartine Ave  
Yonkers, New York 10701



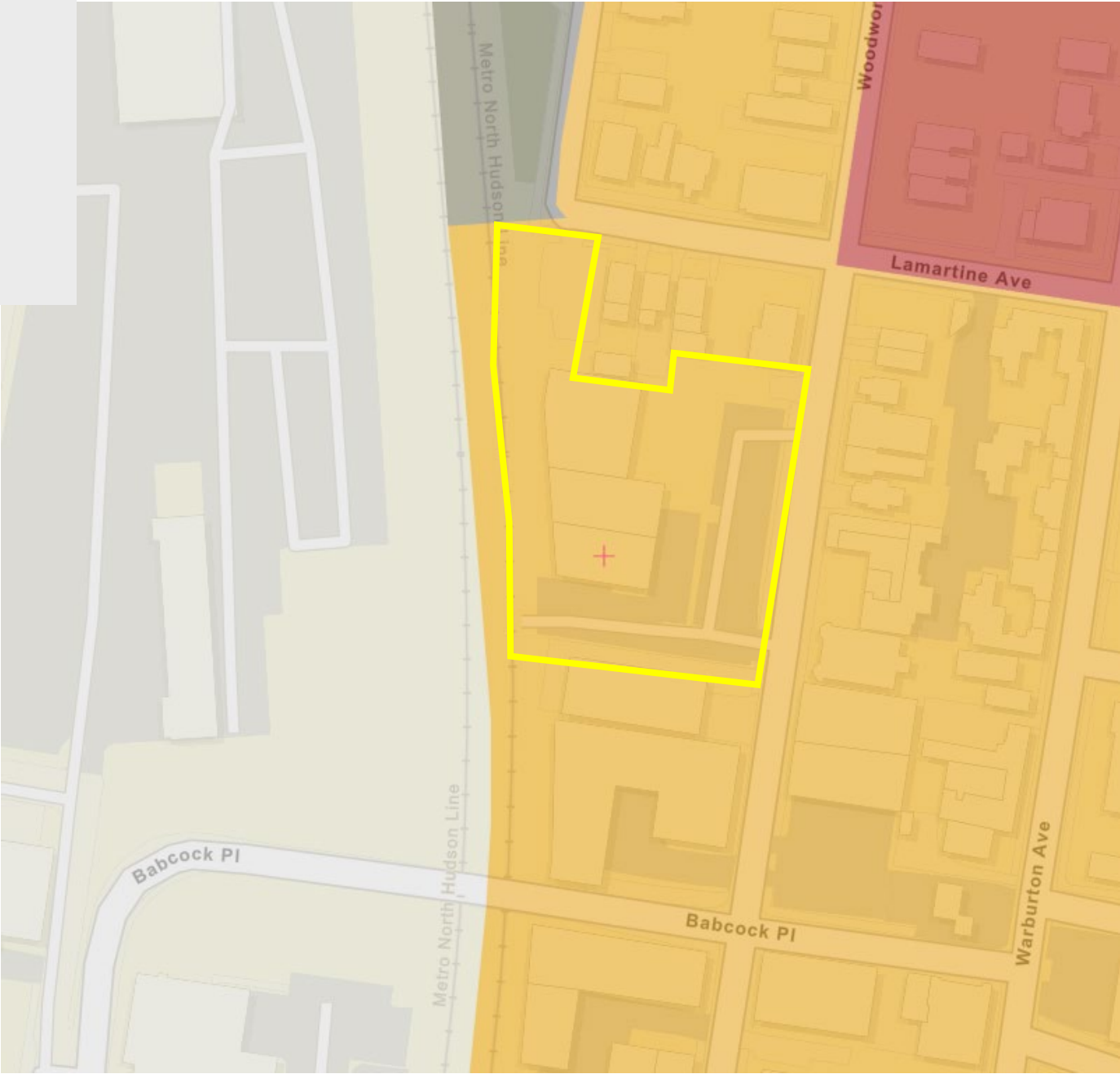
**LANGUAGES SPOKEN AT HOME**

LANGUAGE	PERCENT
English	47%
Spanish	41%
French, Haitian, or Cajun	2%
Russian, Polish, or Other Slavic	1%
Other Indo-European	2%
Other Asian and Pacific Island	1%
Arabic	1%
Other and Unspecified	3%
Total Non-English	53%

**Translation Not Required**

Limited English Speaking Household 17%

**Legend:**  
 Site Property Boundary

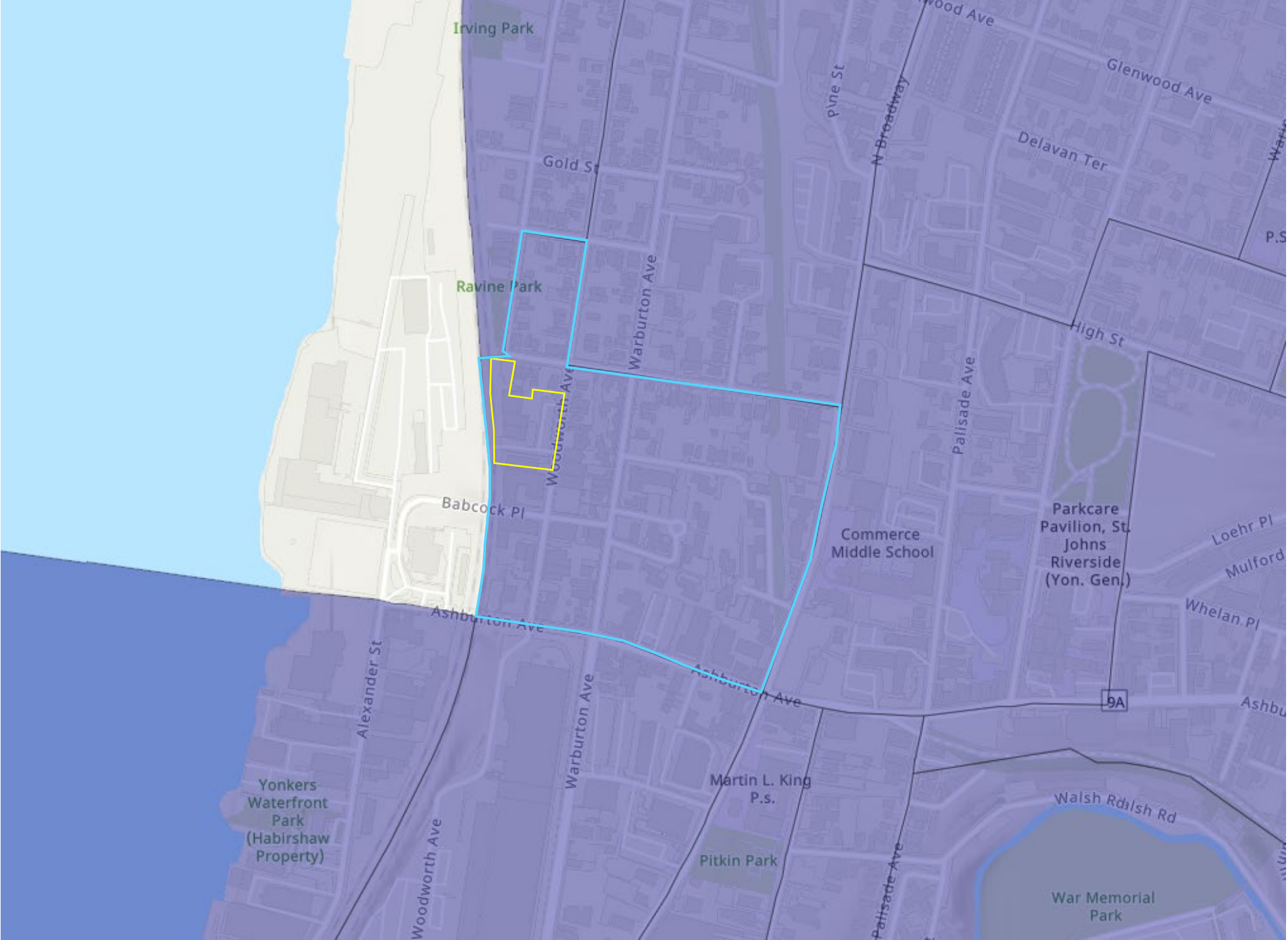


Legend:

- Site Property Boundary
- Census Block

Potential Environmental Justice Area (PEJA)  
Communities: 15000US361190004022

Census Block Group	15000US361190004022
Percentage Below Poverty Level	34.51
Total Population	1,378.00
Percentage Minority Population	97.25
PEJA	Yes

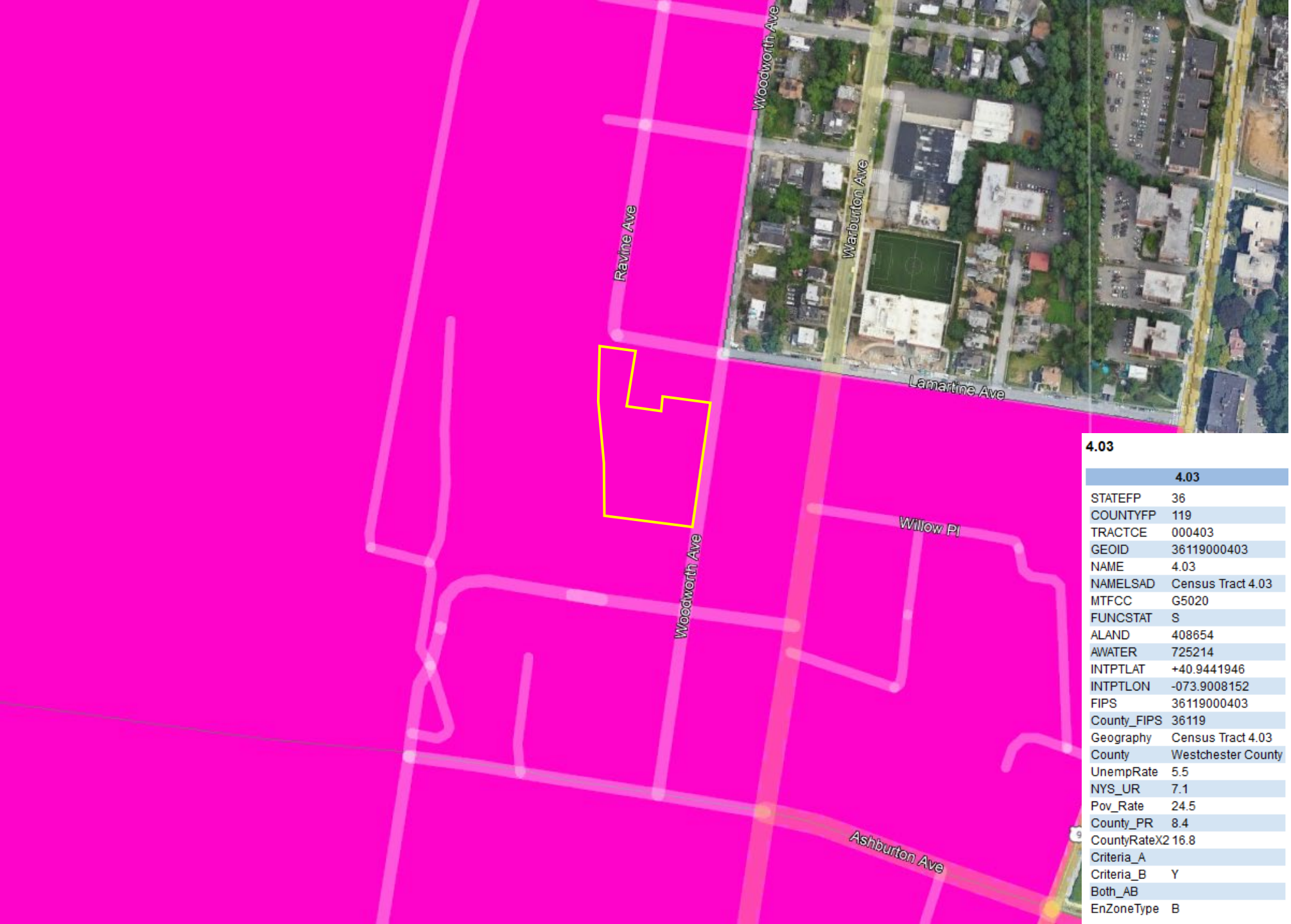


# En-Zone Map

Woodworth Avenue Paint Co. Site  
143 Woodworth Ave, 151 Woodworth  
Ave, 161 Woodworth Ave, 10 Lamartine  
Ave and 14 Lamartine Ave  
Yonkers, New York 10701

Legend:  
Site Property  
Boundary

June 2023  
Source: Google Earth  
Scale: 1” = 100’ approximately



4.03	
4.03	
STATEFP	36
COUNTYFP	119
TRACTCE	000403
GEOID	36119000403
NAME	4.03
NAMELSAD	Census Tract 4.03
MTFCC	G5020
FUNCSTAT	S
ALAND	408654
AWATER	725214
INTPTLAT	+40.9441946
INTPTLON	-073.9008152
FIPS	36119000403
County_FIPS	36119
Geography	Census Tract 4.03
County	Westchester County
UnempRate	5.5
NYS_UR	7.1
Pov_Rate	24.5
County_PR	8.4
CountyRateX2	16.8
Criteria_A	
Criteria_B	Y
Both_AB	
EnZoneType	B

# **EXHIBIT D**

# FLOOD MAP

Woodworth Avenue Paint Co. Site  
143 Woodworth Ave, 151 Woodworth Ave,  
161 Woodworth Ave, 10 Lamartine Ave and  
14 Lamartine Ave  
Yonkers, New York 10701

## Legend:

 Site Location

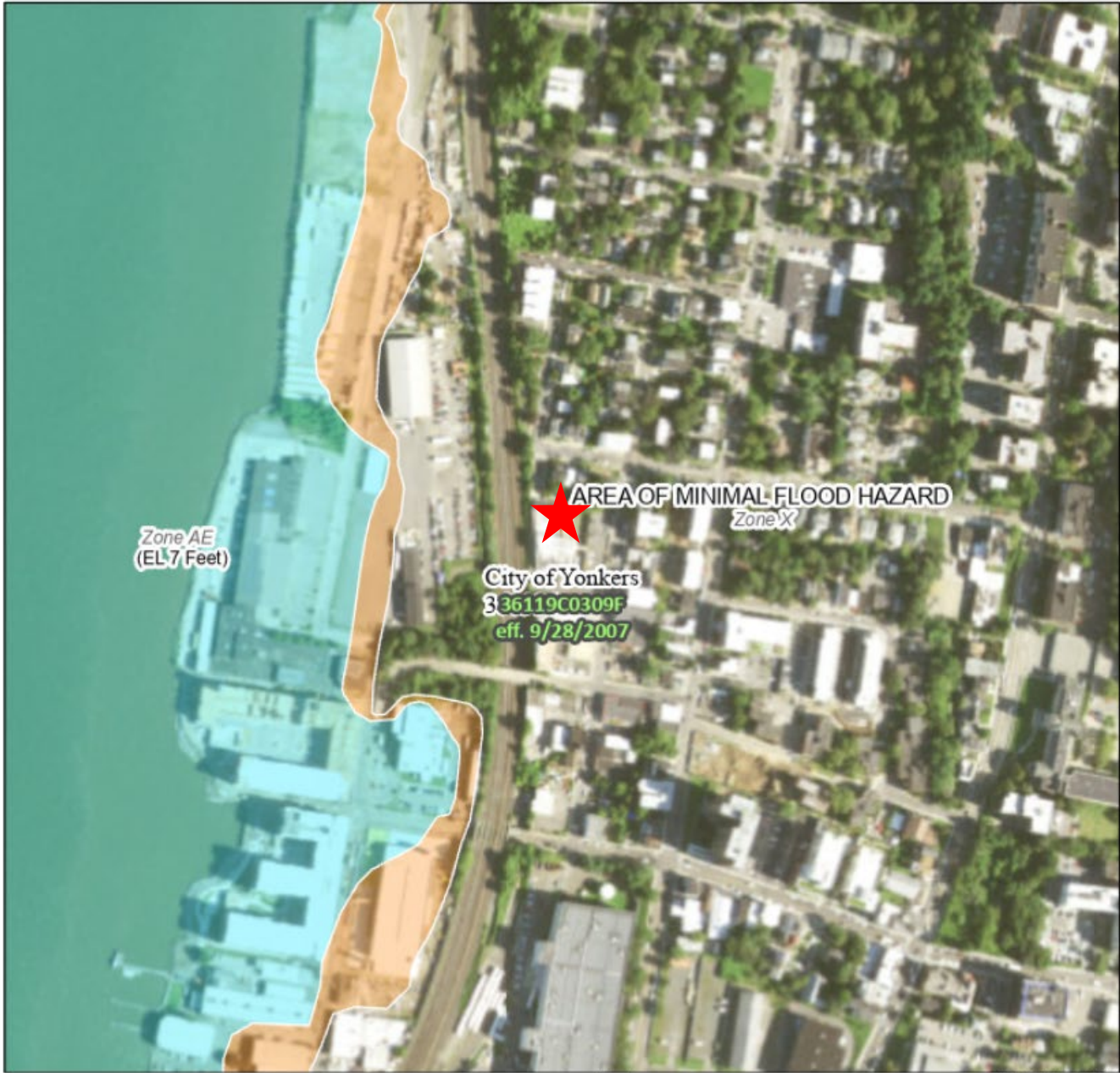
All feature locations are approximate. This map is intended as a schematic to be used in conjunction with the associated report, and it should not be relied upon as a survey for planning or other activities.

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

# National Flood Hazard Layer FIRMette






73°54'15"W 40°56'47"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000  
Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

## Legend









SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway


OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D

OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature

MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

 The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/26/2023 at 3:14 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.


This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

# **EXHIBIT E**

# ZONING MAP

Woodworth Avenue Paint Co. Site  
143 Woodworth Ave, 151 Woodworth Ave,  
161 Woodworth Ave, 10 Lamartine Ave and  
14 Lamartine Ave  
Yonkers, New York 10701

## Legend:

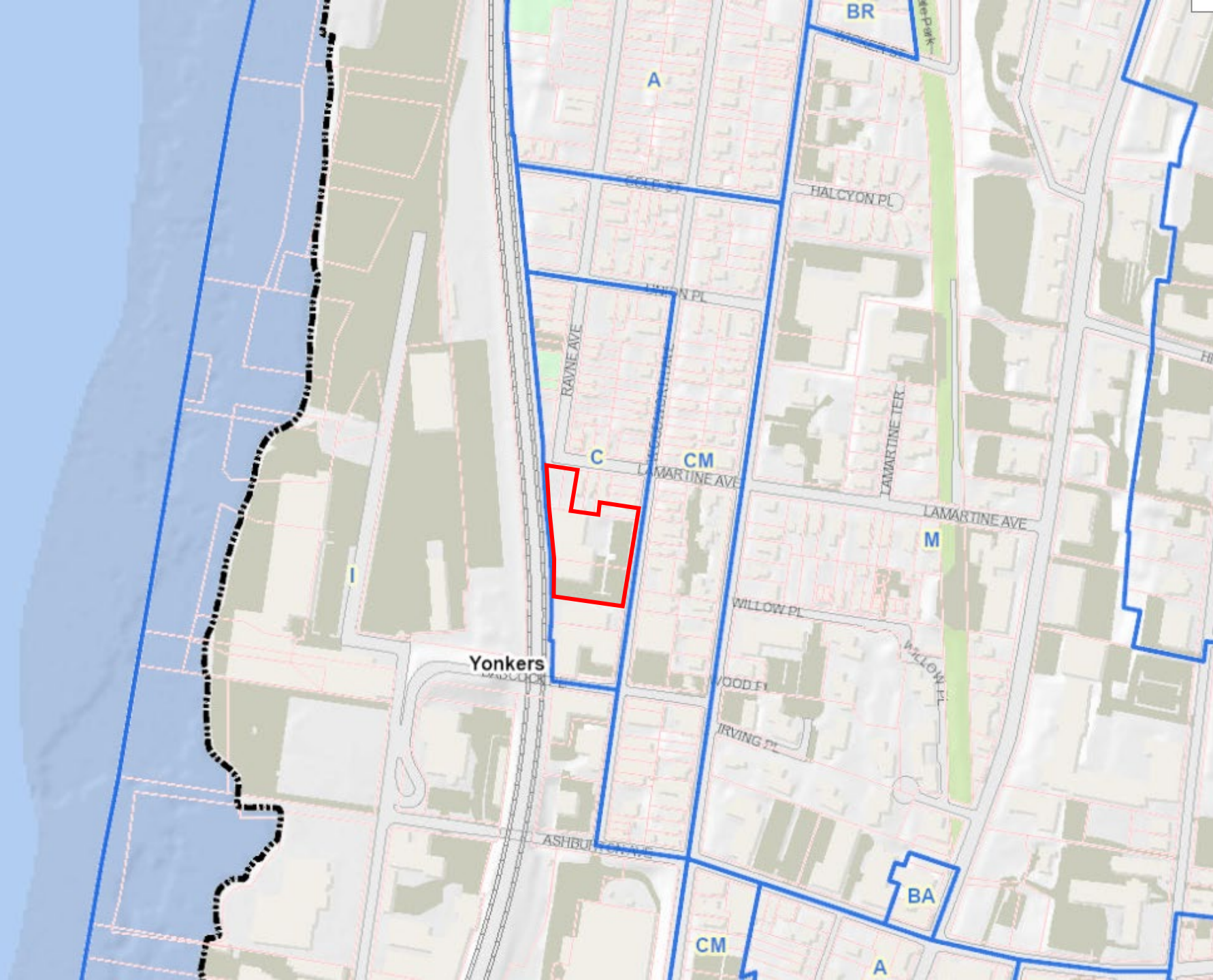
 Site property boundary  
Zoning Districts: C (Wholesale Business  
and Storage)

July 2023

Source: Westchester County GIS

ArcGIS

Scale: 1" = 100' approximately



# **EXHIBIT F**

**PREVIOUS OWNERS & OPERATORS LIST**  
**Woodworth Avenue Paint Co. Site**  
**143 Woodworth Ave, 151 Woodworth Ave, 161 Woodworth Ave, 10 Lamartine Ave and**  
**14 Lamartine Avenue**  
**Yonkers, New York 10701**

<b>Year</b>	<b>Contact Information 143 Woodworth Avenue (2-2102-11) Owners</b>	<b>Status</b>	<b>Relation to Requestor</b>
Unknown-1914	William J. Wallin Address: unknown Phone: unknown	unknown	None
1914-1917	Halsey Jackson, Trustee Address: unknown Phone: unknown	unknown	None
1917-1918	Walter M. Taussig Address: 191 Park Avenue Yonkers, NY Phone: unknown	unknown	None
1918-1920	George W. Fries and Robert W. Fries Address: 242 Pearl Street New York, NY Phone: unknown	unknown	None
1920-1922	Stearyte Company, Inc. Address: 312 East 22 <sup>nd</sup> Street New York, NY Phone: unknown	unknown	None
1922-1925	Frank J. Shannon Address: unknown Phone: unknown	unknown	None
1925-1938	Yonkers Terminal Warehouse, Inc. Address: 926 Nepperhan Ave Yonkers, NY 10703 Phone: unknown	Inactive	None
1938-1946	Theodore Boettger Address: 240 Prospect Ave Hackensack, NJ Phone: unknown	unknown	None
1946-1947	Walnut Center Realty Corp. Address: 182 Tibbets Rd. Yonkers, NY Phone: unknown	unknown	None
1947-1951	Personality Plastics, Inc. Address: 575 Lexington Ave, 19th Floor, New York, NY 10022 Phone: unknown	Inactive	None
1951-1951	Larrich Realty Corp. Address: 22 West First Street Mount Vernon, NY Phone: unknown	unknown	None
1951-1956	Riverbank Equity Corp. (merged with Quicke Products, Inc.) Address: 25 Central Park West New York, NY Phone: unknown	Inactive	None
1956-1964	Quicke Products, Inc. (became Froehlich, Leffler & Associates Ltd.) Address: 141 Woodworth Ave Yonkers, NY Phone: unknown	unknown	None
1964-1964	Joseph A. Markell Address: Carlton Court Rd. New Rochelle, NY Phone: unknown	unknown	None
1964-1965	Proctor Paint and Varnish Co., Inc. Address: 123 Main St., Suite 1037 White Plains, NY 10601 Phone: unknown	Inactive	None

**PREVIOUS OWNERS & OPERATORS LIST**  
**Woodworth Avenue MGP & Paint Co. Site**  
**143 Woodworth Ave, 151 Woodworth Ave, 161 Woodworth Ave, 10 Lamartine Ave and**  
**14 Lamartine Avenue**  
**Yonkers, New York 10701**

1965-1976	Woodworth Properties, Inc. Address: 271 Albany Post Rd. Croton on Hudson, NY	Phone: unknown	Active	None
1976-1983	Proctor Paint and Varnish Co., Inc. Address: 123 Main St., Suite 1037 White Plains, NY 10601	Phone: unknown	Inactive	None
1983-1984	Yonkers Community Development Agency Address: 87 Nepperhan Ave #315 Yonkers, NY 10701	Phone: (914) 377-6650	Active	None
1984-1985	United Overhead Door Corporation Address: 21 Saw Mill River Rd Yonkers, NY 10701	Phone: (914) 964-0038	Active	None
1985-1997	Richard Verardo and Lena Douglas Address: 271 Albany Post Rd. Croton on Hudson, NY	Phone: unknown	unknown	None
1997-2001	Woodworth Properties, LLC Address: 271 Albany Post Rd. Croton on Hudson, NY	Phone: unknown	Active	None
2001-2005	Valley Place Enterprises Ltd and Southern New York Enterprises Ltd. Address: 6 Pleasant St. New Rochelle, NY 10801	Phone: unknown	Inactive	None
2005-2007	10 Lamartine LLC Address: 5600 A Broadway Bronx, NY 10463	Phone: unknown	Active	None
2007-2008	Ramon A. Perez and Carmen I. Perez Address: 520 Hillside Ave Alpine, NJ 07620	Phone: (914) 375-8100	Active	None
6/26/2008-present	TCP Realty, LLC Address: 143 Woodworth Ave (Located at 151 Woodworth) Yonkers, NY 10701	Phone: (914) 375-8100	Active	None
<b>Operators</b>				
1886-1898	Vacant Address: N/A	Phone: N/A	N/A	N/A
1917	Terrace City Hygeia Ice Co. Address: unknown	Phone: unknown	unknown	None
1942	Shannon & Engle, Inc. (Wholesale Paper & Paper Bags) Address: unknown	Phone: unknown	unknown	None
1942	Yonkers Terminal Warehouse, Inc. Address: 926 Nepperhan Ave Yonkers, NY 10703	Phone: unknown	Inactive	None
1951-1956	Lorraine Food Products (Whol. Paints, Whol. Gro., Paper & Bags & Liquor, Shipping & Storage) Address: unknown	Phone: unknown	unknown	None
1957-2004	Proctor Paint and Varnish Co., Inc. (can/paint storage, paint mixing, waterless hand cleanser manufacturing, heat & power steam fire pails & extinguishers) Address: 123 Main St., Suite 1037	Phone: unknown	Inactive	None

**PREVIOUS OWNERS & OPERATORS LIST**  
**Woodworth Avenue MGP & Paint Co. Site**  
**143 Woodworth Ave, 151 Woodworth Ave, 161 Woodworth Ave, 10 Lamartine Ave and**  
**14 Lamartine Avenue**  
**Yonkers, New York 10701**

	White Plains, NY 10601		
1987-2000	Thunderbird Constructors Inc. Address: PO BOX 1950 Briarcliff Manor, NY 10510 – 5313 Phone: unknown	Inactive	None
2005-2008	Vacant Address: N/A Phone: N/A	N/A	None
2008-Present	Parking (Front portion of Lot)/Vacant (Back portion of Lot) TCP Realty, LLC Address: 143 Woodworth Ave (Located at 151 Woodworth) Yonkers, NY 10701 Phone: (914) 375-8100	Active	None

**PREVIOUS OWNERS & OPERATORS LIST**  
**Woodworth Avenue MGP & Paint Co. Site**  
**143 Woodworth Ave, 151 Woodworth Ave, 161 Woodworth Ave, 10 Lamartine Ave and**  
**14 Lamartine Avenue**  
**Yonkers, New York 10701**

<b>Year</b>	<b>Contact Information 151 Woodworth Avenue (2-2102-5.7) Owners</b>	<b>Status</b>	<b>Relation to Requestor</b>
Unknown-1960	143 Woodworth Ave, Inc. (principal place of business in care of Herbert Levine, Inc.) Address: 161 Sixth Ave, New York, NY Phone: unknown	unknown	None
1960-1976	Woodworth Properties, Inc. Address: 271 Albany Post Rd. Croton on Hudson, NY Phone: unknown	Active	None
1976-1983	Proctor Paint and Varnish Co., Inc. Address: 123 Main St., Suite 1037 White Plains, NY 10601 Phone: unknown	Inactive	None
1983-1984	Yonkers Community Development Agency Address: 87 Nepperhan Ave #315 Yonkers, NY 10791 Phone: (914) 377-6650	Active	None
1984-1985	United Overhead Door Corp. Address: 21 Saw Mill River Rd Yonkers, NY 10701 Phone: (914) 964-0038	Active	None
1985-1997	Richard Verardo and Lena Douglas Address: 271 Albany Post Rd. Croton on Hudson, NY Phone: unknown	unknown	None
1997-2001	Woodworth Properties, LLC Address: 271 Albany Post Rd. Croton on Hudson, NY Phone: unknown	Active	None
2001-2005	Valley Place Enterprises Ltd and Southern New York Enterprises Ltd. Address: 6 Pleasant St., New Rochelle, NY 10801 Phone: unknown	Inactive	None
2005-2007	10 Lamartine LLC Address: 5600 A Broadway Bronx, NY 10463 Phone: unknown	Active	None
2007-2008	Ramon A. Perez and Carmen I. Perez Address: 520 Hillside Ave, Alpine, NJ 07620 Phone: (914) 375-8100	Active	None
6/26/2008-present	TCP Realty LLC Address: 143 Woodworth Ave (Located at 151 Woodworth) Yonkers, NY 10701 Phone: (914) 375-8100	Active	None
<b>Operators</b>			
1886-1898	One dwelling Address: N/A Phone: N/A	N/A	None
1917	Terrace City Hygeia Ice Co. Address: unknown Phone: unknown	unknown	None
1942	Shannon & Engle, Inc. (Wholesale Paper & Paper Bags) Address: unknown Phone: unknown	unknown	None

**PREVIOUS OWNERS & OPERATORS LIST**  
**Woodworth Avenue MGP & Paint Co. Site**  
**143 Woodworth Ave, 151 Woodworth Ave, 161 Woodworth Ave, 10 Lamartine Ave and**  
**14 Lamartine Avenue**  
**Yonkers, New York 10701**

1942	Yonkers Terminal Warehouse, Inc. Address: 926 Nepperhan Ave Yonkers, NY 10703 Phone: unknown	Inactive	None
1951-1956	Lorraine Food Products (Whol. Paints, Whol. Gro., Paper & Bags & Liquor, Shipping & Storage) Address: unknown Phone: unknown	unknown	None
1957-2004	Proctor Paint and Varnish Co., Inc. (can/paint storage, paint mixing, waterless hand cleanser manufacturing, heat & power steam fire pails & extinguishers) Address: 123 Main St., Suite 1037 White Plains, NY 10601 Phone: unknown	Inactive	None
1987-2000	Thunderbird Constructors Inc. Address: PO BOX 1950 Briarcliff Manor, NY 10510 – 5313 Phone: unknown	Inactive	None
2005-2014	Vacant/parking lot Address: N/A Phone: N/A	N/A	None
June 2008-present	European Beauty Concepts, Ltd./TCP Realty, LLC Address: 143 Woodworth Ave (Located at 151 Woodworth) Yonkers, NY 10701 Phone: (914) 375-8100	Active	None

**PREVIOUS OWNERS & OPERATORS LIST**  
**Woodworth Avenue MGP & Paint Co. Site**  
**143 Woodworth Ave, 151 Woodworth Ave, 161 Woodworth Ave, 10 Lamartine Ave and**  
**14 Lamartine Avenue**  
**Yonkers, New York 10701**

<b>Year</b>	<b>Contact Information 161 Woodworth Avenue (2-2102-4) Owners</b>	<b>Status</b>	<b>Relation to Requestor</b>
N/A	Foreclosure	N/A	N/A
Unknown- 1985	City of Yonkers Comptroller Address: 40 S Broadway # 212 Yonkers, NY 10701 Phone: (914) 377-6100	Active	None
1985-2014	The City of Yonkers Address: 40 S Broadway #311 Yonkers, NY 10701 Phone: (914) 377-6270	Active	None
10/20/2014 -present	TCP Realty LLC Address: 143 Woodworth Ave (Located at 151 Woodworth) Yonkers, NY 10701 Phone: (914) 375-8100	Active	None
<b>Operators</b>			
1886	Vacant Address: N/A Phone: N/A	N/A	None
1898	One dwelling Address: N/A Phone: N/A	N/A	None
1917	One flat Address: N/A Phone: N/A	N/A	None
1942	One unknown building Address: N/A Phone: N/A	N/A	None
1951-1978	One flat Address: N/A Phone: N/A	N/A	None
1972	William Gaston and Edward Green Address: 161 Woodworth Ave Yonkers, NY 10701 Phone: unknown	unknown	None
1977	William Gaston Address: 161 Woodworth Ave Yonkers, NY 10701 Phone: unknown	unknown	None
2014- present	Vacant Address: N/A Phone: N/A	N/A	None

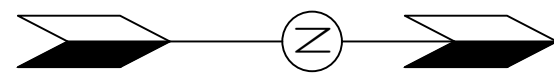
**PREVIOUS OWNERS & OPERATORS LIST**  
**Woodworth Avenue MGP & Paint Co. Site**  
**143 Woodworth Ave, 151 Woodworth Ave, 161 Woodworth Ave, 10 Lamartine Ave and**  
**14 Lamartine Avenue**  
**Yonkers, New York 10701**

<b>Year</b>	<b>Contact Information 10 Lamartine Avenue (2-2102-39) Owners</b>	<b>Status</b>	<b>Relation to Requestor</b>
Unknown-1960	143 Woodworth Ave, Inc. (principal place of business in care of Herbert Levine, Inc.) Address: 161 Sixth Ave New York, NY Phone: unknown	unknown	None
1960-1976	Woodworth Properties, Inc. Address: 271 Albany Post Rd. Croton on Hudson, NY Phone: unknown	Active	None
1976-1983	Proctor Paint and Varnish Co., Inc. Address: 123 Main St., Suite 1037 White Plains, NY 10601 Phone: unknown	Inactive	None
1983-1984	Yonkers Community Development Agency Address: 87 Nepperhan Ave #315 Yonkers, NY 10791 Phone: (914) 377-6650	Active	None
1984-1985	United Overhead Door Corporation Address: 21 Saw Mill River Rd Yonkers, NY 10701 Phone: (914) 964-0038	Active	None
1985-1997	Richard Verardo and Lena Douglas Address: 271 Albany Post Rd. Croton on Hudson, NY Phone: unknown	unknown	None
1997-2001	Woodworth Properties, LLC Address: 271 Albany Post Rd. Croton on Hudson, NY Phone: unknown	Active	None
2001-2005	Valley Place Enterprises Ltd and Southern New York Enterprises Ltd Address: 6 Pleasant St. New Rochelle, NY 10801 Phone: unknown	Inactive	None
2005-2007	10 Lamartine LLC Address: 5600 A Broadway Bronx, NY 10463 Phone: unknown	Active	None
2007-2008	Ramon A. Perez and Carmen I. Perez Address: 520 Hillside Ave Alpine, NJ 07620 Phone: (914) 375-8100	Active	None
6/26/2008-present	TCP Realty, LLC Address: 143 Woodworth Ave (Located at 151 Woodworth) Yonkers, NY 10701 Phone: (914) 375-8100	Active	None
<b>Operators</b>			
1886-2008	Vacant Address: N/A Phone: N/A	N/A	None
2008-Present	TCP Realty, LLC (Driveway) Address: 143 Woodworth Ave (Located at 151 Woodworth) Yonkers, NY 10701 Phone: (914) 375-8100	Active	None

**PREVIOUS OWNERS & OPERATORS LIST**  
**Woodworth Avenue MGP & Paint Co. Site**  
**143 Woodworth Ave, 151 Woodworth Ave, 161 Woodworth Ave, 10 Lamartine Ave and**  
**14 Lamartine Avenue**  
**Yonkers, New York 10701**

<b>Year</b>	<b>Contact Information 14 Lamartine Avenue (2-2102-41) Owners</b>	<b>Status</b>	<b>Relation to Requestor</b>
Unknown-1960	143 Woodworth Ave, Inc. (principal place of business in care of Herbert Levine, Inc.) Address: 161 Sixth Ave Phone: unknown New York, NY	unknown	None
1960-1976	Woodworth Properties, Inc. Address: 271 Albany Post Rd. Phone: unknown Croton on Hudson, NY	Active	None
1976-1983	Proctor Paint and Varnish Co., Inc. Address: 123 Main St., Suite 1037 Phone: unknown White Plains, NY 10601	Inactive	None
1983-1984	Yonkers Community Development Agency Address: 87 Nepperhan Ave #315 Phone: (914)377-6650 Yonkers, NY 10791	Active	None
1984-1985	United Overhead Door Corporation Address: 21 Saw Mill River Rd Phone: (914) 964-0038 Yonkers, NY 10701	Active	None
1985-1997	Richard Verardo and Lena Douglas Address: 271 Albany Post Rd. Phone: unknown Croton on Hudson, NY	unknown	None
1997-2001	Woodworth Properties, LLC Address: 271 Albany Post Rd. Phone: unknown Croton on Hudson, NY	Active	None
2001-2005	Valley Place Enterprises Ltd and Southern New York Enterprises Ltd Address: 6 Pleasant St. Phone: unknown New Rochelle, NY 10801	Inactive	None
2005-2007	10 Lamartine LLC Address: 5600 A Broadway Phone: unknown Bronx, NY 10463	Active	None
2007-2008	Ramon A. Perez and Carmen I. Perez Address: 520 Hillside Ave Phone: (914) 375-8100 Alpine, NJ 07620	Active	None
6/26/2008-present	TCP Realty, LLC Address: 143 Woodworth Ave Phone: (914) 375-8100 (Located at 151 Woodworth) Yonkers, NY 10701	Active	Current owner
<b>Operators</b>			
1886-1917	One dwelling Address: N/A Phone: N/A	N/A	None
1942-2004	One flat and possible garage Address: N/A Phone: N/A	N/A	None
2008-present	TCP Realty, LLC (Driveway) Address: 143 Woodworth Ave Located at 151 Woodworth Phone: (914) 375-8100 Yonkers, NY 10701	Active	None

# **EXHIBIT G**



Location	B-3 TW
Date	3/8/2023
Boring Depth (ft. bgs)	16
Sample Depth Interval (ft. bgs)	6-8
Analyte	mg/Kg
Benzo(a)anthracene	2.20
Benzo(a)pyrene	4.179
Benzo(b)fluoranthene	5.53
Benzo(k)fluoranthene	5.20
Dibenzo(a,h)anthracene	0.708
Indeno(1,2,3-cd)pyrene	3.51
Mercury	36.8

Location	S-1
Date	2/20/2005
Boring Depth (ft. bgs)	1.0
Sample Depth Interval (ft. bgs)	0-1
Analyte	mg/Kg
Benzo(a)pyrene	1.00
Benzo(b)fluoranthene	1.74
Dibenzo(a,h)anthracene	0.52
Indeno(1,2,3-cd)pyrene	1.10
Lead	985.7
Mercury	5.52

Location	B-2
Date	3/8/2023
Boring Depth (ft. bgs)	12
Sample Depth Interval (ft. bgs)	6-8
Analyte	mg/Kg
Benzo(a)anthracene	1.49
Benzo(a)pyrene	1.76
Benzo(b)fluoranthene	2.09
Indeno(1,2,3-cd)pyrene	1.36
Arsenic	54.1
Mercury	6.13

Location	B-13
Date	10/30/2023
Boring Depth (ft. bgs)	12
Sample Depth Interval (ft. bgs)	6-8
Analyte	mg/Kg
Manganese	2,130

LEGEND (SYMBOLS NOT TO SCALE):

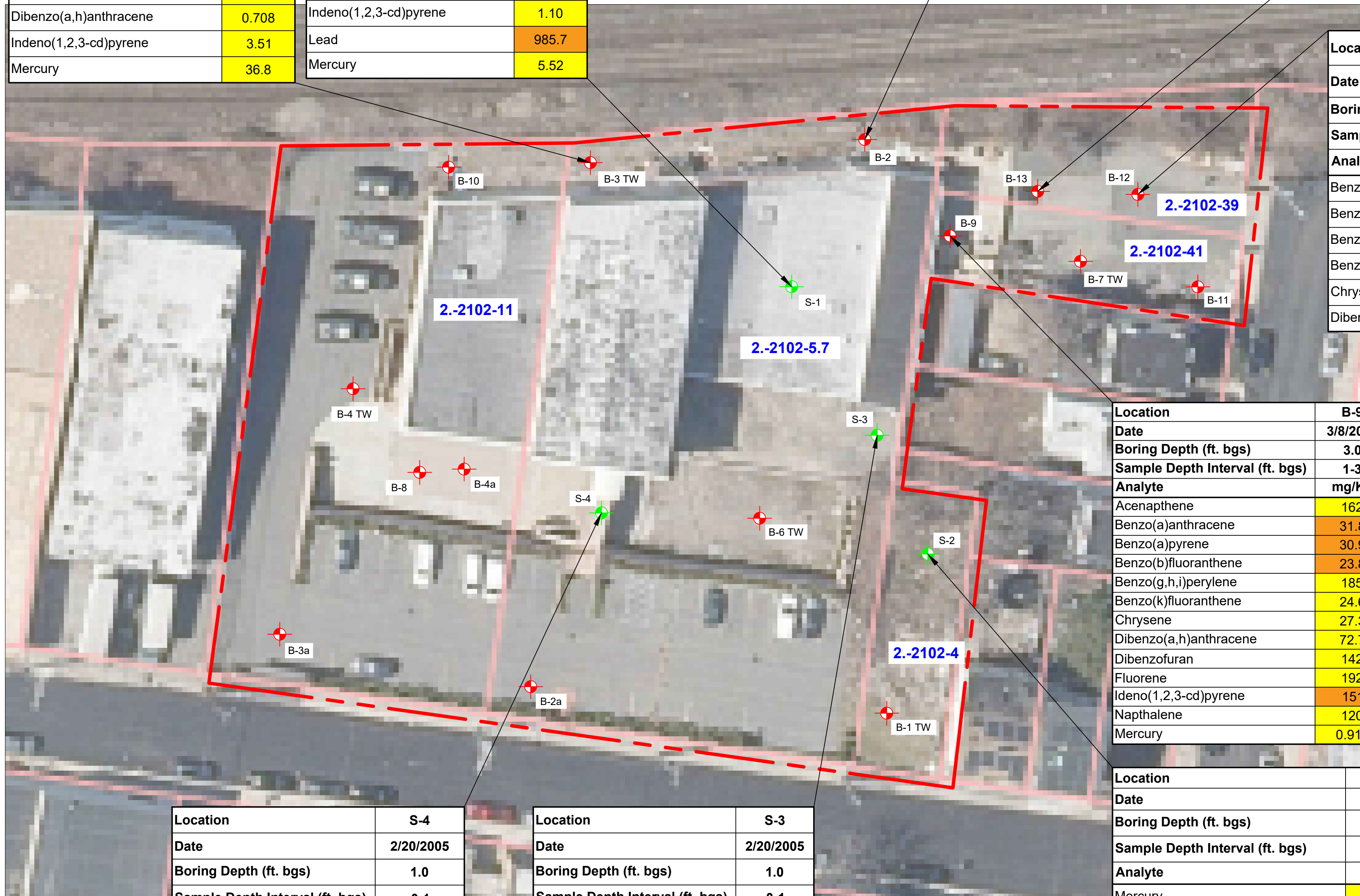
- Tax Parcel Boundary
- Niche Analysis, Inc 2005 boring location
- HES, Inc 2023 boring location

NOTES:

- LOCATIONS AND DIMENSIONS OF PHYSICAL FEATURES AND TAX PARCEL BOUNDARIES ARE APPROXIMATE.
- BASE MAP IMAGERY SOURCED FROM WESTCHESTER COUNTY GIS DATE 2023.
- THE DATA IN THE FIGURE HAVE NOT BEEN INDEPENDENTLY VALIDATED.
- mg/Kg - MILLIGRAM PER KILOGRAM
- VALUES SHOWN IN SHADED TYPE EXCEED THE LISTED NYSDEC STANDARDS.
- ft. - FEET
- bgs - BELOW GROUND SURFACE

Location	B-12
Date	10/30/2023
Boring Depth (ft. bgs)	12
Sample Depth Interval (ft. bgs)	2-4
Analyte	mg/Kg
Benzo(a)anthracene	22.0
Benzo(a)pyrene	19.0
Benzo(b)fluoranthene	25.0
Benzo(k)fluoranthene	4.6
Chrysene	19.0
Dibenzo(a,h)anthracene	2.7

NYSDEC Part 375 Restricted Use Soil Cleanup Objectives-Restricted Residential		NYSDEC Part 375 Restricted Use Soil Cleanup Objectives-Protection of Groundwater	
Analyte (semivolatiles)	mg/Kg	Analyte (semivolatiles)	mg/Kg
Acenaphthene	100	Acenaphthene	98
Benz(a)anthracene	1.0	Benz(a)anthracene	1.0
Benzo(a)pyrene	1.0	Benzo(a)pyrene	22
Benzo(b)fluoranthene	1.0	Benzo(b)fluoranthene	1.7
Benzo(g,h,i)perylene	100	Benzo(g,h,i)perylene	1000
Benzo(k)fluoranthene	3.9	Benzo(k)fluoranthene	1.7
Chrysene	3.9	Chrysene	1.0
Dibenzo(a,h)anthracene	0.33	Dibenzo(a,h)anthracene	1000
Dibenzofuran	59	Dibenzofuran	210
Fluorene	100	Fluorene	386
Indeno(1,2,3-cd)pyrene	0.5	Indeno(1,2,3-cd)pyrene	8.2
Napthalene	100	Napthalene	12
Analyte (metals)	mg/Kg	Analyte (metals)	mg/Kg
Arsenic	16	Arsenic	16
Cadmium	4	Cadmium	7.5
Lead	400	Lead	450
Manganese	2000	Manganese	2000
Mercury	0.81	Mercury	0.73



Location	S-4
Date	2/20/2005
Boring Depth (ft. bgs)	1.0
Sample Depth Interval (ft. bgs)	0-1
Analyte	mg/Kg
Indeno(1,2,3-cd)pyrene	0.50
Lead	455.7
Mercury	1.48

Location	S-3
Date	2/20/2005
Boring Depth (ft. bgs)	1.0
Sample Depth Interval (ft. bgs)	0-1
Analyte	mg/Kg
Cadmium	8.71
Lead	772.8
Mercury	4.35

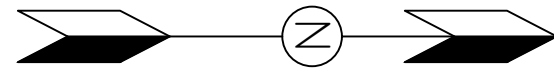
Location	B-9
Date	3/8/2023
Boring Depth (ft. bgs)	3.0
Sample Depth Interval (ft. bgs)	1-3
Analyte	mg/Kg
Acenaphthene	162
Benzo(a)anthracene	31.8
Benzo(a)pyrene	30.9
Benzo(b)fluoranthene	23.8
Benzo(g,h,i)perylene	185
Benzo(k)fluoranthene	24.6
Chrysene	27.3
Dibenzo(a,h)anthracene	72.7
Dibenzofuran	142
Fluorene	192
Ideno(1,2,3-cd)pyrene	151
Napthalene	120
Mercury	0.913

Location	S-2
Date	2/20/2005
Boring Depth (ft. bgs)	1.0
Sample Depth Interval (ft. bgs)	0-1
Analyte	mg/Kg
Mercury	7.31

SHEET SIZE: 24" BY 36"

PROJECT: NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION WOODWORTH AVENUE MGP & PAINT CO. SITE BCP #C360164 YONKERS, NEW YORK	
TITLE: <b>SUMMARY OF EXCEEDANCES IN SOIL SUBSURFACE INVESTIGATIONS 2005 AND 2023</b>	
DRAWN BY: J. PALMERTON	<b>FIGURE 2a</b>
CHECKED BY:	
APPROVED BY:	
DATE: NOVEMBER 2023	
P.O. Box 929, 2 CENTER STREET CROTON FALLS, NEW YORK 10519 PHONE: 914.276.2560 WWW.HESNY.COM	
FILE No.:	Figure 2a - Soil.dwg

\*Note that if the exceedance of a compound was greater for the POGW SCO that exceedance was marked "orange" and if the exceedance was higher for the RRSCO it was marked "yellow".



LEGEND (SYMBOLS NOT TO SCALE):

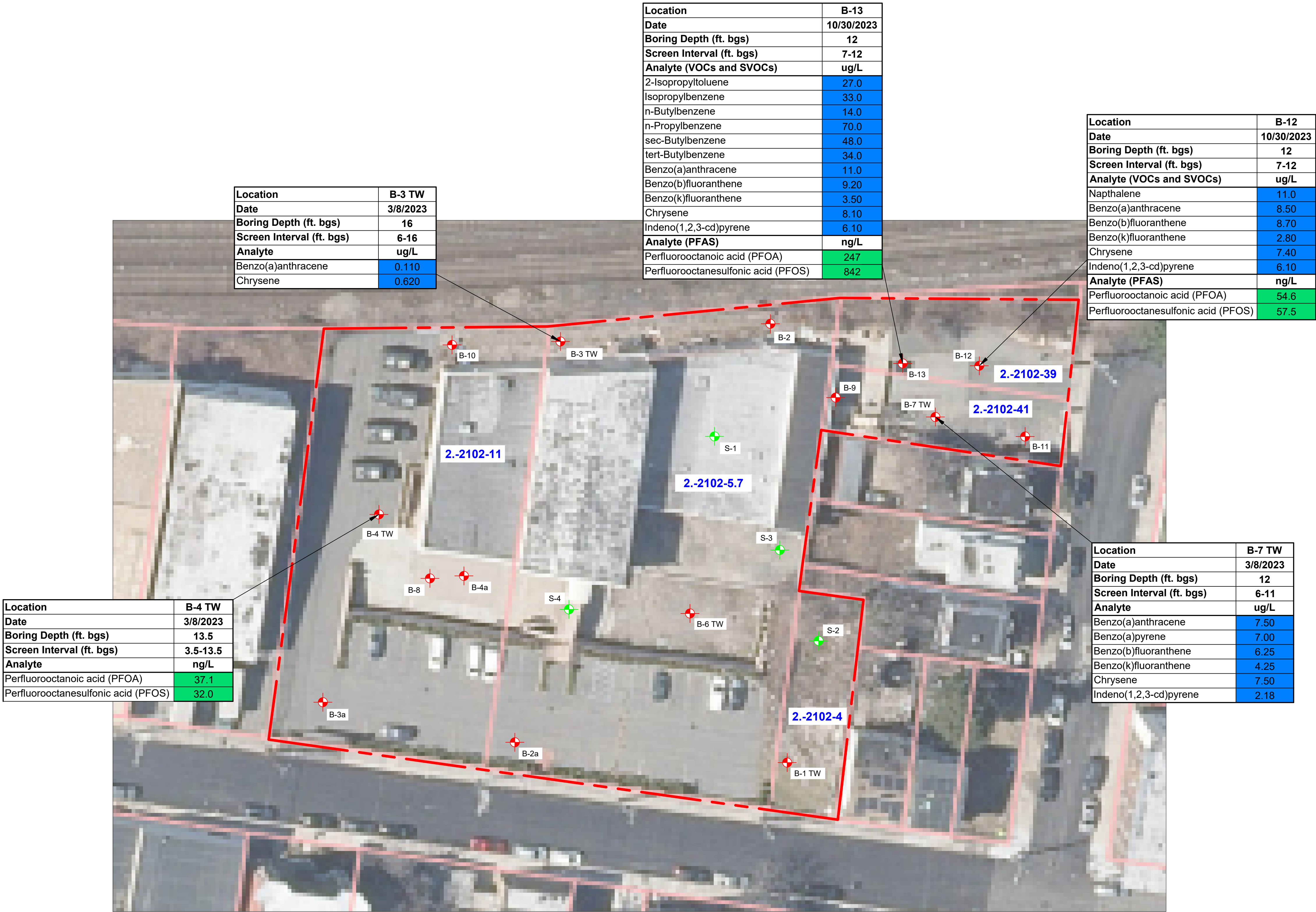
- Tax Parcel Boundary
- Niche Analysis, Inc 2005 boring location
- HES, Inc 2023 boring location

NOTES:


- LOCATIONS AND DIMENSIONS OF PHYSICAL FEATURES AND TAX PARCEL BOUNDARIES ARE APPROXIMATE.
- BASE MAP IMAGERY SOURCED FROM WESTCHESTER COUNTY GIS DATE 2023.
- THE DATA IN THE FIGURE HAVE NOT BEEN INDEPENDENTLY VALIDATED.
- ug/L - MICROGRAM PER LITER
- ng/L - NANOGRAM PER LITER
- VALUES SHOWN IN SHADED TYPE EXCEED THE LISTED NYSDEC STANDARDS.
- VOCs - VOLATILE ORGANIC COMPOUNDS
- ft. - FEET
- bgs - BELOW GROUND SURFACE

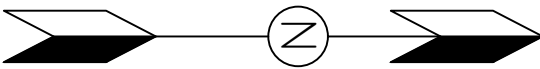
NYSDEC TOGS STANDARDS AND GUIDANCE VALUES	
Analyte (volatiles)	ug/L
2-Isopropyltoluene	5
Isopropylbenzene	5
Napthalene	10
n-Butylbenzene	5
n-Propylbenzene	5
sec-Butylbenzene	5
tert-Butylbenzene	5
Analyte (semivolatiles)	ug/L
Benzo(a)anthracene	0.002
Benzo(a)pyrene	0.002
Benzo(b)fluoranthene	0.002
Benzo(k)fluoranthene	0.002
Chrysene	0.002
Indeno(1,2,3-cd)pyrene	0.002

NYSDEC PART 375 PFAS REMEDIAL PROGRAMS	
Analyte (PFAS)	ng/L
Perfluorooctanoic acid (PFOA)	6.7
Perfluorooctanesulfonic acid (PFOS)	2.7



SHEET SIZE: 24" BY 36"

PROJECT: NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION WOODWORTH AVENUE MGP & PAINT CO. SITE BCP #C360164 YONKERS, NEW YORK	
TITLE: <b>SUMMARY OF EXCEEDANCES IN GROUNDWATER SUBSURFACE INVESTIGATION 2023</b>	
DRAWN BY: J. PALMERTON	<b>FIGURE 2b</b>
CHECKED BY:	
APPROVED BY:	
DATE: NOVEMBER 2023	
 P.O. Box 929, 2 CENTER STREET CROTON FALLS, NEW YORK 10519 PHONE: 914.276.2560 WWW.HESNY.COM	
FILE No.:	Figure 2b - Groundwater.dwg



LEGEND (SYMBOLS NOT TO SCALE):

- Tax Parcel Boundary
- Niche Analysis, Inc 2005 boring location
- HES, Inc 2023 boring location

NOTES:

1. LOCATIONS AND DIMENSIONS OF PHYSICAL FEATURES AND TAX PARCEL BOUNDARIES ARE APPROXIMATE.
2. BASE MAP IMAGERY SOURCED FROM WESTCHESTER COUNTY GIS DATE 2023.
3. THE DATA IN THE FIGURE HAVE NOT BEEN INDEPENDENTLY VALIDATED.
4. ug/m<sup>3</sup> - MICROGRAM PER CUBIC METER
5. VALUES SHOWN IN SHADED TYPE EXCEED THE LISTED NYSDOH STANDARDS.
6. VOCs - VOLATILE ORGANIC COMPOUNDS
7. ft. - FEET
8. bgs - BELOW GROUND SURFACE

NYSDOH Regulated Volatile Compounds

1,1,1-Trichloroethane
1,1-Dichloroethylene
Carbon Tetrachloride
Cis-1,2-Dichloroethylene
Methylene Chloride
Tetrachloroethylene
Trichloroethylene
Vinyl Chloride

Location	B-3 TW (VP)
Date	4/4/2023
Boring Depth (ft. bgs)	16
Analyte	ug/m <sup>3</sup>
1,1,1-Trichloroethane	ND
1,1-Dichloroethylene	ND
2-Butanone	8.00
2-Hexanone	5.90
Acetone	82.0
Carbon Tetrachloride	0.38
Chloroform	3.60
Cis-1,2-Dichloroethylene	ND
Dichlorodifluoromethane	3.00
Methylene Chloride	1.40
Tetrachloroethylene	ND
Trichloroethylene	0.24
Trichlorofluoromethane (Freon 11)	1.60
Vinyl Chloride	ND

Location	B-4 TW (VP)
Date	4/4/2023
Boring Depth (ft. bgs)	13
Analyte	ug/m <sup>3</sup>
1,1,1-Trichloroethane	ND
1,1-Dichloroethylene	ND
2-Butanone	2.30
Acetone	18.0
Carbon Tetrachloride	0.47
Chloromethane	0.37
Cis-1,2-Dichloroethylene	ND
Dichlorodifluoromethane	3.20
Methylene Chloride	1.40
Tetrachloroethylene	ND
Toluene	0.67
Trichloroethylene	0.88
Trichlorofluoromethane (Freon 11)	1.90
Vinyl Chloride	ND

Location	B-9 (VP)
Date	4/4/2023
Boring Depth (ft. bgs)	3
Analyte	ug/m <sup>3</sup>
1,1,1-Trichloroethane	ND
1,1-Dichloroethylene	ND
Acetone	3.20
Carbon disulfide	1.70
Carbon Tetrachloride	0.26
Chloroform	1.80
Chloromethane	0.34
Cis-1,2-Dichloroethylene	ND
Dichlorodifluoromethane	3.00
Methylene Chloride	1.20
Tetrachloroethylene	ND
Trichloroethylene	ND
Trichlorofluoromethane (Freon 11)	1.60
Vinyl Chloride	ND

SHEET SIZE: 24" BY 36"

PROJECT:  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WOODWORTH AVENUE MGP & PAINT CO. SITE BCP #C360164  
YONKERS, NEW YORK

TITLE:  
SOIL VAPOR SAMPLING LOCATIONS AND ANALYTICAL RESULTS:  
SUBSURFACE INVESTIGATION 2023

DRAWN BY: J. PALMERTON  
CHECKED BY:  
APPROVED BY:  
DATE: DECEMBER 2023

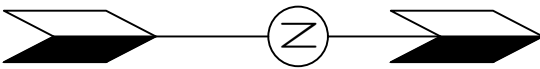
FIGURE 2c



P.O. Box 929, 2 CENTER STREET  
CROTON FALLS, NEW YORK 10519  
PHONE: 914.276.2560  
WWW.HESNY.COM

FILE No.:

Figure 2c - Soil Vapor.dwg



LEGEND (SYMBOLS NOT TO SCALE):

- Tax Parcel Boundary
- Niche Analysis, Inc 2005 boring location
- HES, Inc 2023 boring location

NOTES:

1. LOCATIONS AND DIMENSIONS OF PHYSICAL FEATURES AND TAX PARCEL BOUNDARIES ARE APPROXIMATE.
2. BASE MAP IMAGERY SOURCED FROM WESTCHESTER COUNTY GIS DATE 2023.



SHEET SIZE: 24" BY 36"

PROJECT:  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WOODWORTH AVENUE MGP & PAINT CO. SITE BCP #C360164  
YONKERS, NEW YORK

TITLE:  
**HISTORIC TANK LOCATIONS**

DRAWN BY: J. PALMERTON  
CHECKED BY:  
APPROVED BY:  
DATE: DECEMBER 2023

**FIGURE 2d**



P.O. Box 929, 2 CENTER STREET  
CROTON FALLS, NEW YORK 10519  
PHONE: 914.276.2560  
WWW.HESNY.COM

FILE No.:

Figure 2d - Historic Tanks.dwg

# **EXHIBIT H**

# Department of State

## Division of Corporations

### Entity Information

Return to Results

Return to Search

Entity Details



<b>ENTITY NAME:</b> ARZAY HEIGHTS LLC	<b>DOS ID:</b> 6690347
<b>FOREIGN LEGAL NAME:</b>	<b>FICTITIOUS NAME:</b>
<b>ENTITY TYPE:</b> DOMESTIC LIMITED LIABILITY COMPANY	<b>DURATION DATE/LATEST DATE OF DISSOLUTION:</b>
<b>SECTIONOF LAW:</b> LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW	<b>ENTITY STATUS:</b> ACTIVE
<b>DATE OF INITIAL DOS FILING:</b> 01/05/2023	<b>REASON FOR STATUS:</b>
<b>EFFECTIVE DATE INITIAL FILING:</b> 01/05/2023	<b>INACTIVE DATE:</b>
<b>FOREIGN FORMATION DATE:</b>	<b>STATEMENT STATUS:</b> CURRENT
<b>COUNTY:</b> NASSAU	<b>NEXT STATEMENT DUE DATE:</b> 01/31/2025
<b>JURISDICTION:</b> NEW YORK, UNITED STATES	<b>NFP CATEGORY:</b>

- 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:** M WEISS

**Address:** 12 BAYVIEW AVE UNIT 155, LAWRENCE, NY, UNITED STATES, 11559

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**

## WRITTEN CORPORATE CONSENT


The undersigned, being a Member of Arzay Heights LLC, does hereby certify as follows:

1. Arzay Heights LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at the following five contiguous parcels (collectively the "BCP Site"):

Parcel Address	Tax Parcel Identification No.
143 Woodworth Ave	2-2102-11
151 Woodworth Ave	2-2102-5.7
161 Woodworth Ave	2-2102-4
10 Lamartine Ave	2-2102-39
14 Lamartine Ave	2-2102-41

2. The following persons, Isacc Braun and Jacob Klein, members of Arzay Heights LLC, have been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer Arzay Heights LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 26th day of June 2023.

  
\_\_\_\_\_  
Menachem Weiss  
Member of Arzay Heights 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.



\*542903243DED003W\*

## Westchester County Recording & Endorsement Page

### Submitter Information

Name: New York Title Phone: 914 835-7100  
Address 1: PICK-UP-PAUL BARAN Fax: 914 835-7466  
Address 2: 550 Mamaroneck Avenue, Suite 401 Email: sharon@nytitle.com  
City/State/Zip: Harrison NY 10528 Reference for Submitter: NYT17074

### Document Details

Control Number: **542903243** Document Type: **Deed (DED)**  
Package ID: 2014101700122001003 Document Page Count: **4** Total Page Count: **5**

### Parties

☐ Additional Parties on Continuation page

#### 1st PARTY

#### 2nd PARTY

1: YONKERS CITY OF - Other 1: TCP REALTY LLC - Other  
2: 2:

### Property

☐ Additional Properties on Continuation page

Street Address: 161 WOODWORTH AVENUE Tax Designation: 2-2102-4  
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  
Total Recording Fees Paid: **\$320.00**

### Transfer Taxes

Consideration: \$24,500.00  
Transfer Tax: \$98.00  
Mansion Tax: \$0.00  
Transfer Tax Number: 4231

### 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**

Dwelling Type: Exempt: ☐  
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 11/05/2014 at 10:02 AM  
Control Number: **542903243**  
Witness my hand and official seal

*Timothy C. Idoni*

Timothy C. Idoni  
Westchester County Clerk

### Record and Return To

☐ Pick-up at County Clerk's office

New York Title  
PICK-UP-PAUL BARAN  
550 Mamaroneck Avenue, Suite 401  
Harrison, NY 10528  
Attn: Sharon Trivino

# QUITCLAIM DEED (INDIVIDUAL OR CORPORATION)

FORM 8004 (short version), FORM 8009 (long version)

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

*THIS INDENTURE*, made the 20<sup>th</sup> day of October, 2014

between The City of Yonkers, 40 South Broadway, Yonkers, New York 10701,

party of the first part, and

TCP Realty LLC, 143 Woodworth Ave Yonkers, New York 10701,

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Twenty-Four Thousand Dollars and No Cents (\$24,000.00), lawful money of the United States, paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Yonkers, County of Westchester, State of New York, at 161 Woodworth Ave., Yonkers, New York more particularly described in Schedule A attached hereto;

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part 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 costs of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

This Deed is given pursuant to Resolution No. 102-2014 of the City Council of the City of Yonkers.

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

IN PRESENCE OF:

Susan Gerry  
Susan Gerry Deputy Mayor

Acknowledgment by a Person Within New York State (RPL § 309-a)

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER ) ss.:  
)

On the 20<sup>th</sup> day of October in the year 2014, before me, the undersigned, personally appeared Susan Gerry, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he executed the same in his capacity(ies), and that by his signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Michael V. Curti  
Notary Public

MICHAEL V. CURTI  
Notary Public, State of New York  
No. 02CU6221862  
Qualified in Westchester County  
My Commission Expires 5/10/2018

### **SCHEDULE A (Description)**

ALL those certain lot(s), piece(s) or parcel(s) of land, situate, lying and being in the City of Yonkers, County of Westchester and State of New York, being shown and designated upon the Official Tax Map of the City of Yonkers as Section 2 Block 2102 Lot 4 bounded and described as follows:

BEGINNING at a point on the westerly boundary line of Woodworth Avenue f/k/a Jones Place and distant 80 feet southerly from the southerly line of Lamartine Avenue; and

RUNNING THENCE westerly and parallel with Lamartine Avenue, 100 feet;

RUNNING THENCE southerly at right angles with said Lamartine Avenue, 30 feet;

RUNNING THENCE easterly and parallel with said Lamartine Avenue, 100 feet to Woodworth Avenue;

RUNNING THENCE northerly along the westerly line of Woodworth Avenue, 30 feet to the point and place of BEGINNING.

**Deed**

The City of Yonkers  
To  
TCP Realty LLC

Section 2  
Block 2102  
Lot 4  
County or Town Westchester  
Street Address 161 Woodworth Ave.  
Yonkers, New York 10701

*The*  
*CITY OF YONKERS*

**Return By Mail To:**

TCP REALTY LLC  
143 WOODWORTH AVE  
YONKERS, NY 10701

**Reserve This Space For Use Of Recording Office**



\*482180374DED1\*

Control Number  
**482180374**

Instrument Type  
**DED**



**WESTCHESTER COUNTY RECORDING AND ENDORSEMENT PAGE  
(THIS PAGE FORMS PART OF THE INSTRUMENT)**

**\*\*\* DO NOT REMOVE \*\*\***

**THE FOLLOWING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:**

**TYPE OF INSTRUMENT: DED - DEED**

**FEE PAGES: 4                      TOTAL PAGES: 4**

**RECORDING FEES**

STATUTORY CHARGE	\$6.00
RECORDING CHARGE	\$12.00
RECORD MGT. FUND	\$19.00
RP 5217	\$75.00
TP-584	\$5.00
CROSS REFERENCE	\$0.00
MISCELLANEOUS	\$0.00
<b>TOTAL FEES PAID</b>	<b>\$117.00</b>

**TRANSFER TAXES**

CONSIDERATION	\$0.00
TAX PAID	\$0.00
TRANSFER TAX #	145

**MORTGAGE TAXES**

MORTGAGE DATE	
MORTGAGE AMOUNT	\$0.00
EXEMPT	
COUNTY TAX	\$0.00
YONKERS TAX	\$0.00
BASIC	\$0.00
ADDITIONAL	\$0.00
MTA	\$0.00
SPECIAL	\$0.00
<b>TOTAL PAID</b>	<b>\$0.00</b>

**SERIAL NUMBER:**

**DWELLING:**

**RECORDING DATE: 8/13/2008  
TIME: 12:07:00**

**THE PROPERTY IS SITUATED IN  
WESTCHESTER COUNTY, NEW YORK IN THE:  
CITY OF YONKERS**

WITNESS MY HAND AND OFFICIAL SEAL

**TIMOTHY C. IDONI  
WESTCHESTER COUNTY CLERK**

**Record & Return to:  
MASON & MASON, P.C.  
394 OLD COUNTRY ROAD**

**GARDEN CITY, NY 11530**

THIS INDENTURE, made the 26<sup>th</sup> day of June, Two Thousand and Eighteen

BETWEEN

Ramon A. Perez and Carmen I. Perez, having offices at 143 Woodworth Avenue, Yonkers, New York 10701

party of the first part, and

TCP Realty, LLC, doing business at 143 Woodworth Avenue, Yonkers, New York 10707

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of ten dollars paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

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

BEGINNING at a point on the West side of Woodworth Avenue, which point lies 110 feet Southerly as measured along said West side of Woodworth Avenue from the corner formed by the intersection of the West side of Woodworth Avenue with the South side of Lamartine Avenue, and;

RUNNING THENCE South 8 degrees 32 minutes 40 seconds West along the West side of Woodworth Avenue, a distance of 230 feet to further point on the said West side of Woodworth Avenue;

THENCE Westerly, and forming an interior angle of 90 degrees with the West side of Woodworth Avenue and along a course of North 81 degrees 27 minutes 20 seconds West, a distance of 182.90 feet to lands now or formerly of the New York Central and Hudson River Railroad Co.;

THENCE Northerly along said lands now or formerly of the New York Central and Hudson River Railroad Company along a curve to the left having a radius of 3127.00 feet, a distance of 183.82 feet to a point where a line drawn parallel with the Southerly side of Lamartine Avenue and 160 feet Southerly therefrom would intersect said land now or formerly of said Railroad Company;

THENCE South 81 degrees 27 minutes 20 seconds East, a distance of 1.03 feet to a point;

THENCE along a curve to the left having a radius of 3128.00 feet, a distance of 42.28 feet to a point;

THENCE North 05 degrees 34 minutes 20 seconds West along lands now or formerly of the New York Central and Hudson Railroad, a distance of 122.64 feet to the Southerly side of Lamartine Avenue;

THENCE Easterly along the Southerly side of Lamartine Avenue and forming an interior angle of 75 degrees 53 minutes with the last mentioned course and along a course of South 81 degrees 27 minutes 20 seconds East, a distance of 84.47 feet to a point on said Southerly side of Lamartine Avenue;

THENCE Southerly forming an interior angle of 90 degrees with the southerly side of Lamartine Avenue, and along a course of South 08 degrees 32 minutes 40 seconds West a distance of 110 feet to a point;

THENCE South 81 degrees 27 minutes 20 seconds East 174.50 feet to Woodworth Avenue and forming an exterior angle of 90 degrees with the last mentioned course, a distance of 174.50 feet to the Westerly side of Woodworth Avenue and the point or place of BEGINNING.

Being and intended to be the same premises conveyed to the party of the first part by deed dated June 26, 2007 recorded August 23, 2007 in Instrument #472270060 in the Office of the Clerk of the County of Westchester.

Premises being known as 143 and 151 Woodworth Avenue and 10 and 14 Lamartine Avenue, Yonkers, NY>

AX MAP  
SIGNATION

istrict:

tion: 2

ck: 2102

s): 5-7, 11, 39,

41

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part 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 the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above IN PRESENCE OF:

written.

Ramon A. Perez

Carmen I. Perez

**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE**

State of New York, County of NY ss: State of New York, County of ss:  
On the 26 day of JUNE in the year 2008 On the day of in the year  
before me, the undersigned, personally appeared before me, the undersigned, personally appeared  
Ramon Perez and Carmen Perez personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument. personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

ANTONIO DE LOS SANTOS  
(signature and office of individual taking acknowledgment)  
**NOTARY PUBLIC, State of New York**  
No. 01DE5054264  
Qualified in New York County  
Commission expires 19th April, 2010

(signature and office of individual taking acknowledgment)

**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE**

State (or District of Columbia, Territory, or Foreign Country) of ss:  
On the day of in the year before me, the undersigned, personally appeared  
personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the  
\_\_\_\_\_  
(insert the City or other political subdivision) in \_\_\_\_\_  
(and insert the State or Country or other place the acknowledgment was taken)  
\_\_\_\_\_  
(signature and office of individual taking acknowledgment)

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

Title No. 494-NYAS-2306-W

PEREZ  
TO  
TCP REALTY LLC

SECTION 2  
BLOCK 2102  
LOT 5-7, 11, 39 & 41  
COUNTY OR TOWN City of Yonkers  
STREET ADDRESS 143 & 151 Woodworth  
Avenue, Yonkers

Recorded at Request of  
First American Title Insurance Company of New York

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

**NEW YORK ABSTRACT  
SERVICES, INC.**

Mason & Mason, P.C.  
394 Old Country Road  
Garden City, NY 11530

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

# WESTCHESTER COUNTY CLERK RECORDING SHEET

110 Dr. Martin Luther King, Jr. Boulevard

White Plains, NY 10601

----- THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH DOCUMENT -----

This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this document.

To the best of the submitter's knowledge the information contained on this Recording Sheet is consistent with the information contained in the attached document.

## SUBMITTER INFORMATION:

Title Number: 494-NYAS-2306-W

Company: New York Abstract Services, Inc.

Address: 66 East Old Country Road

City Mineola

State: NY

Zip: 11501

Telephone: \_\_\_\_\_

Attention: \_\_\_\_\_

Document type: <u>DEED</u>		# of pages - _____	Mortgage Amount On page _____ of document \$ _____ OR Consideration/Conveyance Amt: \$ _____		Dwelling Type: For Mortgage Only On page _____ of document <input type="checkbox"/> 1 to 2 family <input type="checkbox"/> 1 to 6 family <input type="checkbox"/> Not 1 to 6 family
1st party name(s) (i.e. grantor/mortgagor) On page _____ of document <u>Ramon A. Perez</u> <u>Carmen I. Perez</u>		Business Entity <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Check if submitted: <input type="checkbox"/> RP-5217 - <input type="checkbox"/> \$75 <input type="checkbox"/> \$165 <input type="checkbox"/> TP-584 - Type of property conveyed [1 through 8] _____ <input type="checkbox"/> TP-584.1 <input type="checkbox"/> IT-2663		
2nd party name(s) (i.e. grantee/mortgagee) On page _____ of document <u>TCP Realty, LLC</u>		Business Entity <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	TAXES PAID: Amount Mortgage Tax \$ _____ Transfer Tax \$ _____ Mansion Tax \$ _____		Reference # Or Check # _____ _____ _____
Tax designation (Section, Block & Lot) On page _____ of document <u>Sec. 2- Bl. 2102 - Lots 5-7, 11,</u> <u>39, 41</u>		RECORDING FEES PAID: Amount \$ _____		Reference # or Check # _____	
City(ies) or Town(s) for Property Description On page _____ of document <u>Yonkers</u>		MORTGAGE TAX AFFIDAVITS SUBMITTED: <input type="checkbox"/> 252 <input type="checkbox"/> 255 <input type="checkbox"/> 280 Other: _____ <input type="checkbox"/> 253 <input type="checkbox"/> 260 <input type="checkbox"/> 339-ee _____			
Property Description -- If required, check the one contained within the document. On page _____ of document <input type="checkbox"/> Metes & bounds <input type="checkbox"/> Lot number on map filed in the Office of the County Clerk <input type="checkbox"/> Refer to deed recorded in the Office of the County Clerk		Cross Reference(s): On page _____ of document _____ _____			
		Record and Return To: <u>Mason + Mason P.C.</u> <u>394 Old Country Road</u> <u>Garden City NY 11530</u>			

# **Exhibit K**

## **BROWNFIELD SITE ACCESS AGREEMENT**

**THIS SITE ACCESS AGREEMENT** ("Agreement") is made and entered into as of April 4, 2023 ("Effective Date"), by and between the **TCP REALTY LLC**, a New York limited liability corporation, having an address at 143 Woodworth Avenue, Yonkers, New York 10701 ("TCP Realty"), and **ARZAY HEIGHTS LLC**, a New York limited liability company, having an address at 3611 14<sup>th</sup> Avenue, Suite 514, Brooklyn, New York 11218 ("Arzay Heights").

**WHEREAS**, Arzay Heights is submitting a Brownfield Cleanup Program ("BCP") Application to the New York State Department of Environmental Conservation ("NYSDEC") to voluntarily investigate and potentially remediate the following parcel: 143 Woodworth Avenue, 151 Woodworth Avenue, 161 Woodworth Avenue, 10 Lamartine Avenue, and 14 Lamartine Avenue, Yonkers, New York, designated as Section 2, Block 2102, Lots 11, 5.7, 4, 39 & 41 on the Land and Tax Map of the City of Yonkers (the "BCP Site"); and

**WHEREAS**, TCP Realty is the owner of the aforementioned BCP Site that make up the prospective BCP Site; and

**WHEREAS**, Arzay Heights is contract vendee of the aforementioned BCP Site in accordance with that certain Purchase and Sale Agreement, dated January 20, 2023, as amended by that certain First Amendment to Purchase and Sale Agreement, dated as of the date hereof (together, "PSA"); and

**WHEREAS**, Arzay Heights has requested, and TCP Realty is willing to grant, access to the BCP Site for the purpose of performing environmental investigation and potential remediation work, pursuant to applicable BCP requirements that will be required by the NYSDEC and in accordance with the PSA; and

**WHEREAS**, Section 4.5 of the PSA authorizes Arzay Heights to perform the work described herein in accordance with the terms of this Agreement.

**NOW, THEREFORE**, in consideration of One Dollar (\$1.00), and other good and valuable consideration the receipt and sufficiency of which is acknowledged by the undersigned, the parties agree as follows:

1. TCP Realty hereby grants permission to Arzay Heights, its employees, agents, professional consultants, representatives and contractors (the "Authorized Parties"), to enter on the BCP Site to perform any BCP investigation and/or remediation work required by the NYSDEC and/or New York State Department of Health (NYSDOH) ("Activities").

2. Upon completion of the Activities, the Authorized Parties shall restore the BCP Site to substantially the condition that existed prior to the commencement of such Activities, unless the BCP Site is in the BCP, in which case, the Parties further agree to allow for items such as monitoring wells to remain in place on the BCP Site.

3. TCP Realty appoints Luiz Perez as its representative for notices and/or any other authorization required under this Agreement (“TCP’s Representative”), who has an email address of [luisp@ebcusa.us](mailto:luisp@ebcusa.us) and telephone number of 201-280-7973.

4. The Authorized Parties may enter the BCP Site during normal business hours and may also make special arrangements to enter the BCP Site at other times after written authorization (via email) of TCP Realty, which authorization shall not be unreasonably withheld, and may be granted by TCP’s Representative.

5. Arzay Heights agrees to defend, indemnify and hold TCP Realty harmless for any and all claims, suits, injury, damages, losses and fees, including reasonable attorneys’ fees (collectively, “Claims”), arising out of or in connection with the Activities, however, such indemnification shall not include any Claims arising out of TCP Realty’s negligence, intentional acts or omissions, or any pre-existing conditions on the BCP Site that Arzay Heights has not exacerbated. This provision shall survive the expiration or earlier termination of this Agreement.

6. In exercising its access privileges, the Authorized Parties shall take reasonable steps not to interfere with TCP Realty’s operations on the BCP Site.

7. The Authorized Parties shall give notice to TCP Realty at least one (1) week in advance of the start of Activities on the BCP Site and the approximate duration of the proposed Activities. Such notice shall be given to TCP’s Representative by email.

8. TCP Realty ensures that it (and any of TCP Realty’s agents, employees, contractors, and/or site operators) will give the Authorized Parties access to the entire BCP Site for the purposes set forth in this Agreement.

9. Arzay Heights shall ensure that its Authorized Parties performing any of the Activities on the BCP Site maintain insurance BCP Site as set forth in Section 4.2(e) of the PSA.

10. This Agreement shall terminate upon the earlier of: (a) the Parties terminating the Agreement at any time by written agreement; (b) the completion of the aforementioned Activities and issuance from DEC of the Certificate of Completion; or (c) the conveyance of the BCP Site to Arzay Heights in accordance with the PSA and any amendments thereto.

11. TCP Realty agrees that in the unlikely circumstance that TCP Realty still own the BCP Site when the remediation is complete and the Certificate of Completion is about to be obtained, and a Track 1 remediation level is not achieved, TCP Realty agrees to impose an environmental easement on the BCP Site if required by the NYSDEC.

12. This instrument shall be construed and enforced in accordance with the laws of the State of New York and shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns. All claims, actions, proceedings and lawsuits brought in connection with, arising out of, related to or seeking enforcement of this Agreement shall be brought in the courts of the State of New York, Westchester County.


13. Nothing contained in this Agreement shall be deemed to make the Parties partners or engaged in a joint venture with one another.

14. Each Party has the full power and authority to enter into and perform this Agreement, and the person signing this Agreement on behalf of each Party has the proper authority to enter into this Agreement and bind their respective entity.

15. This Agreement may be signed in more than one counterpart, in which case each counterpart shall constitute an original of this Agreement. An executed email or facsimile copy of this Agreement shall be considered for all purposes an original.

**TCP REALTY LLC**

By:

  
Carmen Perez, Vice President

**ARZAY HEIGHTS LLC**

By:

\_\_\_\_\_  
Jacob Klein, CEO/Director

13. Nothing contained in this Agreement shall be deemed to make the Parties partners or engaged in a joint venture with one another.

14. Each Party has the full power and authority to enter into and perform this Agreement, and the person signing this Agreement on behalf of each Party has the proper authority to enter into this Agreement and bind their respective entity.

15. This Agreement may be signed in more than one counterpart, in which case each counterpart shall constitute an original of this Agreement. An executed email or facsimile copy of this Agreement shall be considered for all purposes an original.

**TCP REALTY LLC**

By: \_\_\_\_\_  
Carmen Perez, Vice President

**ARZAY HEIGHTS LLC**

By:  \_\_\_\_\_  
Jacob Klein, CEO/Director

# **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

June 21, 2023

**VIA ELECTRONIC MAIL**

[samoyaw@ypl.org](mailto:samoyaw@ypl.org)

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

**RE: Brownfield Cleanup Program Application**  
**Applicant: Arzay Heights LLC**  
**Site Address: 143, 151, 161 Woodworth Avenue, and 10, 14 Lamartine Avenue**  
**Yonkers, New York 10701**

Dear Mr. Amoyaw:

We represent Arzay Heights LLC in their anticipated Brownfield Cleanup Program application for the above-referenced site located at 143, 151, 161 Woodworth Avenue, and 10, 14 Lamartine Avenue, Yonkers, New York 10701. 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, at [rowten@nyenvlaw.com](mailto: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 Branch is willing and able to act as a public repository for documents related to the cleanup of 143, 151, 161 Woodworth Avenue, and 10, 14 Lamartine Avenue, Yonkers, New York 10701 under the NYS Brownfield Cleanup Program.

Sandy Amoyaw, Branch Administrator

6/29/23  
Date

# **Exhibit M**

# Site Contact List

Woodworth Avenue Paint Co. Site

143 Woodworth Ave, 151 Woodworth Ave, 161 Woodworth Ave, 10 Lamartine Ave and 14 Lamartine Ave, Yonkers, New York 10701

Name	Title	Address	City	State	Zip
Charles Schumer	U.S. Senator	Leo W. O'Brien Building, Room 827	Albany	NY	12207
Kristen Gillibrand	U.S. Senator	Leo W. O'Brien Building, Room 821	Albany	NY	12207
Jamaal Bowman	U.S. House of Representatives, 16th District	6 Gramatan Avenue, Suite 205	Mt. Vernon	NY	10550
Andrea Stewart-Cousins	New York State Senator, 35th District	28 Wells Avenue, Building #3, 5th Floor	Yonkers	NY	10701
George Latimer	Westchester County Executive	148 Martine Avenue	White Plains	NY	10601
Richard Hyman	Westchester County Planning Board, Chair	148 Martine Avenue	White Plains	NY	10601
Timothy C. Idoni	Westchester County Clerk	110 Dr. Martine Luther King Jr. Blvd.	White Plains	NY	10601
Mike Spano	Mayor of City of Yonkers	40 South Broadway	Yonkers	NY	10701
Louis J. Albano	Yonkers' Department of Planning and Development, Commissioner	87 Nepperhan Avenue, 3rd Floor	Yonkers	NY	10701
Vincent R. Spano	Yonkers' City Clerk	40 South Broadway, Room 102	Yonkers	NY	10701
Journal News	Media Outlet	1133 Westchester Avenue, Suite N110	White Plains	NY	10604
Thomas G. Meier	Department of Public Works/Water Bureau, Commissioner	40 South Broadway	Yonkers	NY	10701
Sandy Amoyaw	Yonkers' Public Library - Riverfront Branch	1 Larkin Center	Yonkers	NY	10701
Cindy V. Lopez	Charter School of Educational Excellence, Superintendent	260 Warburton Avenue	Yonkers	NY	10701
Melissa Rodriguez	School 9, Principal	53 Fairview Street	Yonkers	NY	10701
Michael Voron	Greenburgh Academy, Principal	108 Shonnard Place	Yonkers	NY	10703
Rev. Raphael Ezech, MSP	St. Bartholomew's School	278 Saw Mill River Road	Yonkers	NY	10703
Mark Ametrano	Enrico Fermi School, Principal	27 Poplar Street	Yonkers	NY	10701
Mrs. Viva	Small World Daycare and Preschool	600 North Broadway	Yonkers	NY	10701
Drucila Diaz	Learning Play Daycare	300 Morsemere Avenue	Yonkers	NY	10703
Elquiza M. Collado	Linden Daycare	133 Linden Street, #1	Yonkers	NY	10701
Gardenia Diaz	Gaby's Daycare	69 Spruce Street	Yonkers	NY	10701
Charles T. Blacknall	Adjacent Property Owner of 14 Lamartine Ave	16 Lamartine Ave	Yonkers	NY	10701
Franklin Dilone	Adjacent Property Owner of 14 Lamartine Ave	18 Lamartine Ave	Yonkers	NY	10701
MTGLQ Investors LP	Adjacent Property Owner of 14 Lamartine Ave	20 Lamartine Ave	Yonkers	NY	10701
Derek Reneau	Adjacent Property Owner of 161 Woodworth Ave	Woodworth Ave	Yonkers	NY	10701
Raelynn Price	Adjacent Property Owner of 161 Woodworth Ave	162 Woodworth Ave	Yonkers	NY	10701
Eric Watkins	Adjacent Property Owner of 161 Woodworth Ave	160 Woodworth Ave	Yonkers	NY	10701
156 Woodworth LLC	Adjacent Property Owner of 151 Woodworth Ave	156 Woodworth Ave	Yonkers	NY	10701
Jeannette Garcua and Alberto Reyes	Adjacent Property Owner of 151 Woodworth Ave	154 Woodworth Ave	Yonkers	NY	10701
MHACY	Adjacent Property Owner of 151 Woodworth Ave	150 Woodworth Ave	Yonkers	NY	10701
New Little Branches Day Care/Lanza Learning Center	Adjacent Property Operator of 151 Woodworth Ave	150 Woodworth Ave	Yonkers	NY	10701
Wilrox Inc.	Adjacent Property Owner of 143 Woodworth Ave	142 Woodworth Ave	Yonkers	NY	10701
IPARK Woodworth North LLC	Adjacent Property Owner of 143 Woodworth Ave	130 Woodworth Ave	Yonkers	NY	10701
Mt Vernon Fininshings Inc.	Adjacent Property Owner of 143 Woodworth Ave	135 Woodworth Ave	Yonkers	NY	10701
Collor Sublimation - Textile Sublimation	Adjacent Property Operator of 143 Woodworth Ave	135 Woodworth Ave	Yonkers	NY	10701
New York City Transit Authority	Adjacent Property Owner of 10 Lamartine Ave	59 Babcock Place	Yonkers	NY	10701
New York Central Railroad	Adjacent Property Owner of 10 Lamartine Ave	8 Lamartine Ave	Yonkers	NY	10701
City of Yonkers	Adjacent Property Owner of 10 Lamartine Ave	1 Ravine Ave	Yonkers	NY	10701
D. Chaitram	Adjacent Property Owner of 14 Lamartine Ave	4 Ravine Ave	Yonkers	NY	10701
Mental Health Association	Adjacent Property Owner of 14 Lamartine Ave	15 Lamartine Ave	Yonkers	NY	10701

# **Exhibit N**

**Ravine Master Plan  
Yonkers, New York**

Prepared for:  
The City of Yonkers, Department of Planning and Development  
Yonkers City Hall  
40 South Broadway  
Yonkers, NY 10701-3700



Prepared by:  
PPSA Planning,  
434 Sixth Avenue, 5th Floor  
New York, NY 10011  
In association with: Urbitran Associates, Inc.  
December 2010

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## 1.0 INTRODUCTION AND OVERVIEW

### 1.1 Purpose of the Master Plan

The Ravine neighborhood is a stable residential community that enjoys many assets. The City and the residents are interested in reinforcing its existing built environment and improving existing community resources.

During the past several years, the City of Yonkers has experienced a broad-based economic and development renewal through the investment of significant resources from both the public and private sectors. The city's southwest quadrant, the oldest part of the city, has seen the completion of major new residential, commercial, and public development and the creation of new businesses and thousands of new jobs. One project initiated by the Yonkers Community Development Agency (YCDA), near the Warburton - Ravine Avenue Urban Renewal Area (URA), is the Alexander Street high-rise waterfront development along the Hudson River directly to the west of the Metro-North rail tracks. Additionally, a few low-scale affordable-housing developments within the study area are under construction.

The Master Plan seeks to build upon Ravine's assets and leverage recent and proposed development activities occurring in adjacent neighborhoods in order to revitalize the Ravine neighborhood. The Master Plan (Plan) intent is to strengthen and revitalize the neighborhood for its existing residents and to attract new investment in the neighborhood by creating new affordable homeownership opportunities. More specifically, the Plan seeks to improve the physical image of the area and encourage public and private investment consistent with the sustainability goals and aspirations of the Ravine Community.

The City has identified five primary objectives for the Warburton - Ravine neighborhood:

1. Eliminate blighted properties, rehabilitate existing residential properties and develop new residential structures with the primary focus on owner-occupied housing;
2. Improve neighborhood safety and enhance pedestrian and vehicular traffic flow;
3. Add, enhance and/or enlarge existing City parks, create a gateway entrance to the State-owned Old Croton Aqueduct trail and improve and expand the Nepperhan Community Center;
4. Create a stronger commercial retail corridor along Warburton Avenue and provide much needed local neighborhood retail services; and

5. Strengthen existing community based organizations and provide economic opportunities to the residents of Ravine Avenue neighborhood.

The City's actions to realize these objectives are through a policy document, so that public capital investment, urban renewal actions, and zoning changes are based on clearly stated, integrated long-range goals and policies. These are based on a planning process that involves local residents, property owners, and elected officials.

The Warburton - Ravine Avenue Master Plan presents recommendations, which aim at improving the physical environment of the study area, so that the area becomes a more functional, and attractive neighborhood for its residents. The Plan begins with an inventory and analysis of the area's major physical and demographic characteristics. From this foundation, the Plan then puts forward five development objectives focusing on: ameliorating blighted conditions and creating new housing opportunities; improving streetscapes; fostering commercial and economic development; creating destinations using existing open spaces; and working with existing community organizations to achieve the results. The Plan closes with suggestions for implementation measures: these include zoning changes, urban renewal actions, design guidelines, and the review of potential environmental impacts.

### **1.2 Study Background**

In 2005, the City of Yonkers began the planning process for the Ravine Avenue area. First, the City determined the Master Plan study area boundaries, based on the expected boundaries of the Urban Renewal Area. Later that year, the City hired a consulting planning team, headed by Urbitran Associates with the support of Phillips Preiss Shapiro and Associates, Inc. (PPSA). The team prepared the Warburton - Ravine Avenue Master Plan, and followed with an Urban Renewal Plan, zoning recommendations, and mandatory environmental impact review. The planning process involved regular involvement of City staff from the Community Development Agency and elected officials representing the study area. Each major document in this planning process – the Master Plan (including its related retail and parking plans), the Urban Renewal Plan, the Environmental Impact Statement (EIS), and zoning changes – are all subject to public review and comment. The public planning process is described in more detail below.

### **1.3 Public Planning Process**

In order to better understand the Ravine neighborhood, Phillips Preiss Shapiro Associates and Urbitran made site visits to the area and met with the City of Yonkers' Department of Planning and Development staff. To prepare for the community outreach meetings, the consultant team researched, analyzed, and documented the built character condi-

tions, as well as the neighborhood's demographics. The first Advisory Committee meeting took place in September 2006 at the Nepperhan Community Center (The Committee is comprised of residents, business owners and local organization representatives, as well as developers.) The team presented existing conditions to the Committee and the 30 participants broke into small groups in order to discuss further issues and opportunities in the Ravine neighborhood. Based on this feedback, the consultant team conducted additional analyses and urban design research and started to generate preliminary recommendations. The next outreach meeting was a public workshop that took place in December 2006. The workshop provided an opportunity to gather more information about the assets and challenges in the neighborhood and get feedback on initial "guiding principles" generated by the consultant team. It was clear that residents and other stakeholders were interested in economic development opportunities, as well as mixed-income housing and improvements to the public realm.

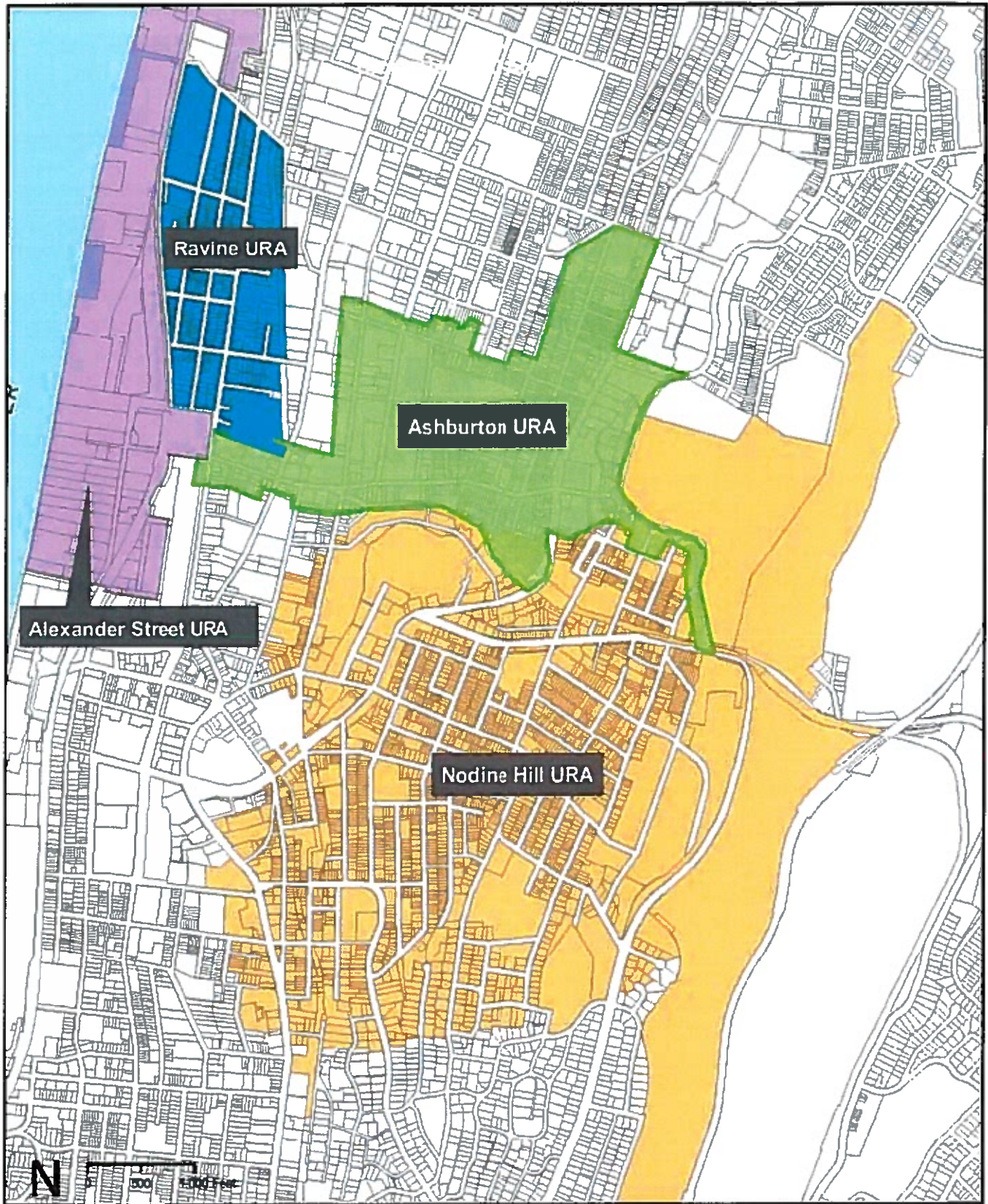
## **2.0 LOCAL AND NEIGHBORHOOD CONTEXT**

### **2.1 Regional and Local Context**

The Warburton - Ravine Avenue Master Plan study area is bounded on the south by Babcock Street. The northern end of the Master Plan study area is Glenwood Avenue; Glenwood Avenue provides access to the Metro-North Glenwood Station. The edge of the slope down to the Metro-North tracks marks the western edge of the study area. Lastly, to the east, the study area boundary generally follows the Croton Aqueduct route.

The street directly south of Babcock Street is Ashburton Avenue, a major east-west Yonkers roadway, which links the Saw Mill River Parkway and Yonkers Avenue on the east, to the City's waterfront on the west. In addition to Ashburton Avenue, Lamartine Avenue is the other west-east road, connecting the Ravine neighborhood to North Broadway (State Route 9). These two avenues carry significant daily car and truck traffic from the city's west side to the east and toward major highways leading out of Yonkers (*See Figure 1, Neighborhood Context*) The project area also contains the major north-south route of Warburton Avenue, as well as the north-south side streets of Ravine Avenue and Woodworth Avenue (*Figure 2, Study Area*). The substantial through traffic to regional destinations overlaps with local circulation by residents, employees, and visitors in the neighborhood. On the north end of the neighborhood, the Ravine Avenue study area is bordered by Glenwood Avenue, which provides transit access to the Metro-North Glenwood train station.

Two new urban renewal areas (URAs) adjoin the Ravine Avenue study area (also shown on Figure 1): the Ashburton Avenue URA to the east



Source: City of Yorkers GIS Data

Figure 1. Neighborhood Context



Source: City of Yonkers GIS Data

Figure 2. Study Area

0 500 1,000 Feet

and the Alexander Street URA to the west. Actions and development activities in these two areas will affect future conditions in the Ravine Avenue study area.

The Ashburton Avenue URA stretches along Ashburton Avenue with the Municipal Housing Authority's (MHACY) Mulford Gardens housing development site forming the core of the urban renewal area. The three primary goals of the Ashburton Avenue URA are to:

1. Improve Ashburton Avenue so that it is a better housing and commercial street for local residents and a better connection between the Saw Mill Parkway, the City's industrial zone located in the Nepperhan Valley, and the Yonkers waterfront;
2. Revitalize existing housing stock, with minimal demolition and disruption and with maximum new residential and retail construction, through infill construction and rehabilitation; and
3. Provide parks, open space, infrastructure, and community facilities to support a revitalized neighborhood.

The successful pursuit of these goals will strengthen Ashburton Avenue as a strong retail corridor and a major roadway linking the eastern half of Yonkers to the City's new waterfront. Its greatest relevance to the Warburton - Ravine Avenue study area is its intersection with Warburton Avenue, thus linking two major access corridors, which in turn become enhanced gateways into the center of the city.

The City has also initiated a major redevelopment effort along its waterfront from Wells Avenue north to JFK Marina Park. The Alexander Street study area, which shares the long western boundary of the Ravine Avenue Master Plan study area, will most directly affect the future of the Ravine Avenue area. The Alexander Street waterfront development is the subject of a Master Plan and an Urban Renewal Area Plan.

The Alexander Street URA is generally bounded by the Hudson River to the west, One Wells Avenue to the south, the Metro-North Railroad right-of-way to the east, and the northern end of Trevor Park and JFK Marina Park to the north. In addition, two small blocks, located between Ashburton Avenue and Babcock Place, immediately east of the railroad tracks are also included as part of the Alexander Street URA. These two blocks, at the southern boundary of the Warburton - Ravine Avenue Urban Renewal area, and at the western boundary of the Ashburton Avenue Urban Renewal area, play a key role in tying together all three URA plans, as well as, playing a transition role between redevelopment activities along the waterfront, Ashburton Avenue and along Warburton Avenue (the Ravine neighborhood's main retail street). The Alexander Street URA comprises 85 tax parcels and approximately 153 acres. Certain parcels include land lying under the Hudson River.

Therefore, there are approximately 112 acres of land and approximately 41 acres of water in the URA. The URA extends approximately 1.3 miles from north to south and land within it ranges in width from approximately one-tenth to two-tenths of a mile.

The existing land use is predominantly commercial, industrial, equipment storage, or surface parking lots as well as several public open spaces located in the redevelopment area. Most of the property in the Alexander Street redevelopment area is privately owned. The proposed redevelopment Plan would allow for a broad array of uses in order to activate the waterfront area. In addition to significant, residential, and commercial opportunities, the Alexander Street redevelopment proposal also calls for transportation infrastructure improvements and new public open space, as well as well public access to the Hudson River waterfront.

The current Alexander Street redevelopment plan promotes a transit-oriented development that would include a mixed-use residential development consisting of approximately 3,750 residential units and approximately 423,000 square feet of commercial space. Included would be with 10 large public open spaces of over 17.5 acres and a public esplanade along the waterfront. There would be several multi-story residential buildings, some buildings with ground floor retail and/or second floor office space. The commercial space will provide neighborhood shopping opportunities for residents. The maximum height of these new structures would be approximately 30 stories, with the higher density buildings closest to the two train stations that are located at both ends of the redevelopment area. Design guidelines would determine setbacks and protect view sheds from the adjacent Ravine Avenue neighborhood. It is expected that the redevelopment plan build out would be in multiple phases by several entities over a 20-year period, with construction beginning in 2012.

In developing the Alexander Street Master Plan, the City established approximately five development and community objectives that directed and informed the planning process. These goals stem from the City's intent to revitalize its Hudson River waterfront and downtown districts. While the proximity of the two areas indicates that any action in one area would affect the other, the goals that are most relevant to the Ravine Avenue study area are:

1. Provide public access to the Hudson River along the entire 1.3-mile waterfront;
2. Improve and enhance existing City parks and amenities, including Trevor Park and JFK Marina Park;
3. Improve linkages between the Alexander Street Master Plan Area and surrounding neighborhoods;

4. Improve vehicular access and circulation within the Alexander Street Master Plan Area and between it and the surrounding neighborhoods; and
5. Maintain and improve public views of the Hudson River consistent with a level of development necessary to support infrastructure and other public amenities.

The Master Plan for the Warburton - Ravine Avenue area will work in concert with these goals to ensure an integrated effort on either side of the boundary dividing the two URAs.

## **2.2 The Neighborhood**

The study area encompasses land east of the Metro-North train tracks to the border created by Grove Street and the rear of property lots fronting on the west side of North Broadway(*Figure 3, Ravine Neighborhood*). It is bounded on the north by Glenwood Avenue and on the south by Babcock Place and the MHACY's Cottage Gardens development site. Warburton Avenue, the spine of the Ravine Avenue study area, is occupied by a variety of buildings, including aging multi-story buildings with ground-floor retail and several walk-up apartments, in addition to single-family homes and civic uses.

The study area contains approximately 19 blocks. The topography is a defining feature of the area, as it descends from 250 feet in the eastern portion along Warburton Avenue to 50 feet along Ravine Avenue on the west. The side streets feature largely low-rise residential uses, interspersed with Ravine Avenue Park and Irving Park and with a few large apartment complexes and a commercial/industrial district at the southern end. Our Lady of the Rosary Church is also located in the study area at the intersection of Lamartine and Warburton Avenues.

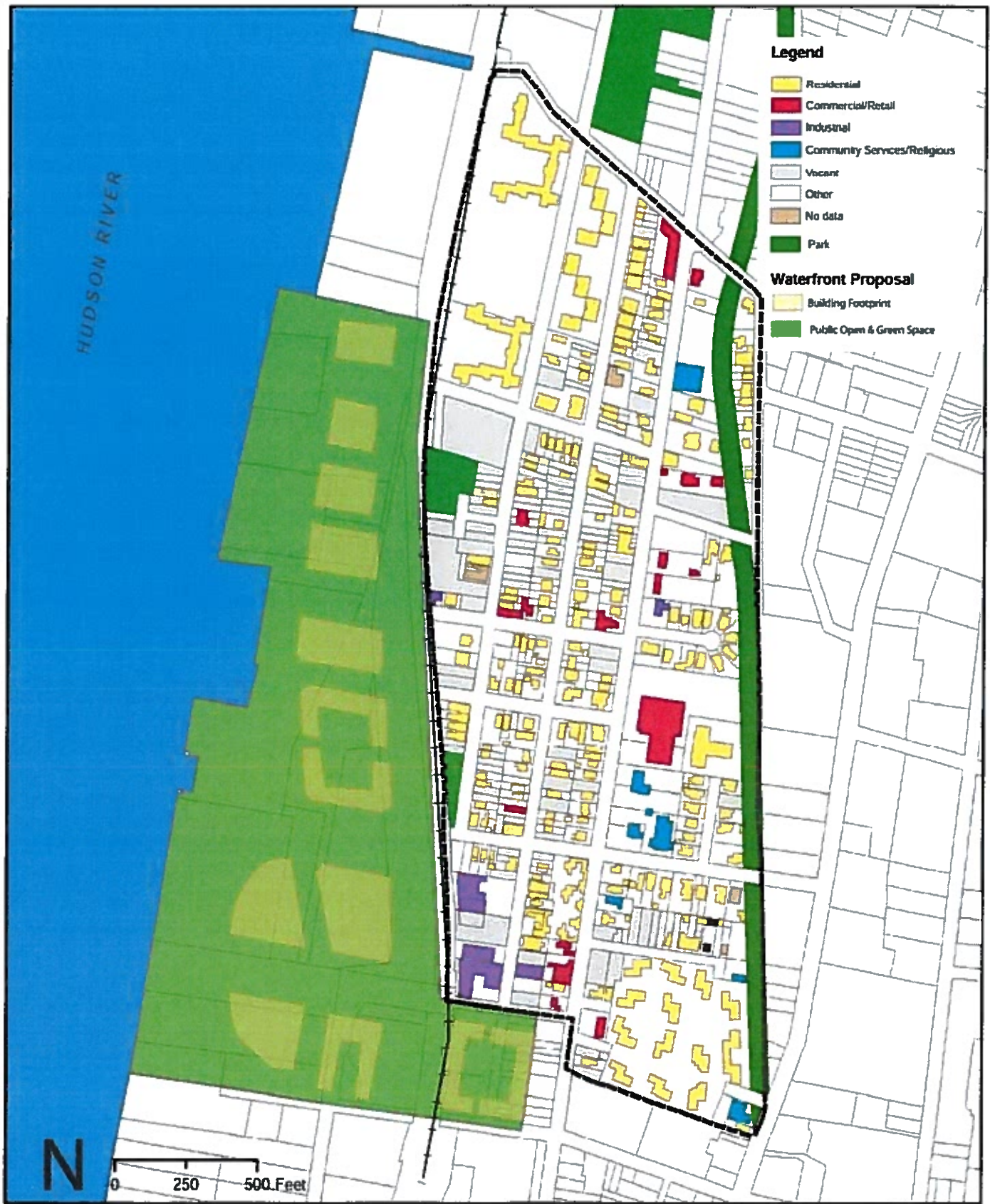


Figure 3. Warburton - Ravine Neighborhood

Source: City of Yonkers GIS Data

### 3.0 EXISTING CONDITIONS

#### 3.1 Land and Building Uses

The study area contains a broad mix of building types and uses, including residential, commercial, industrial, institutional, open space and public parking areas. Multiple vacant lots exist in the area and recommendations for the use of these lots are discussed within this Master Plan. The housing stock condition ranges from distressed homes to those that are well-maintained and modernized. These major land use categories are summarized below, and are illustrated in *Figure 4, Land Use*.

##### *Residences*

Residential buildings are the dominant use and exist throughout the study area. Building types range from one-, two-, and three- family residential buildings to mid-rise apartment buildings (See *Figure 5, Building Typologies*).

A comprehensive analysis of the area within the Warburton-Ravine neighborhood, containing a majority of residential uses, shows the status and future needs of these specific blocks. The area studied includes the lots fronting Ravine Avenue and Woodworth Avenue, bounded by Point Street to the north and Lamartine Avenue to the south. The average frontage of the lots within this primarily residential neighborhood is between 25 and 50 feet, with depths of approximately 100 feet. Nearly all structures are two or three stories in height, and there is a mix of single- and two-family residences. Few of the buildings are mixed-use, although some have a grocery store or other neighborhood commercial use with apartment housing above. There are a few multi-family units within the area, but they are generally confined to three-story buildings and, therefore, do not stand out against the character of the neighborhood. Notable within this neighborhood is the extensive number of vacant lots and abandoned buildings. The status of the structures is reflective of the general neighborhood condition, and many buildings are in need of rehabilitation or demolition. Some vacant lots along Ravine Avenue and Woodworth Avenue contain debris and abandoned vehicles, while others are gated, maintained, or overgrown with shrubs. A survey of Yonkers Department of Housing and Building records for properties within the Ravine neighborhood provided information on trends in ownership and code violations. Of the 198 parcels researched within the study area, 147 parcels are not occupied by the property owner. As of September 2008, 63 of the total parcels (32%) have outstanding violations registered with the Department of Buildings.

Concentrations of residential use occur in the following areas:

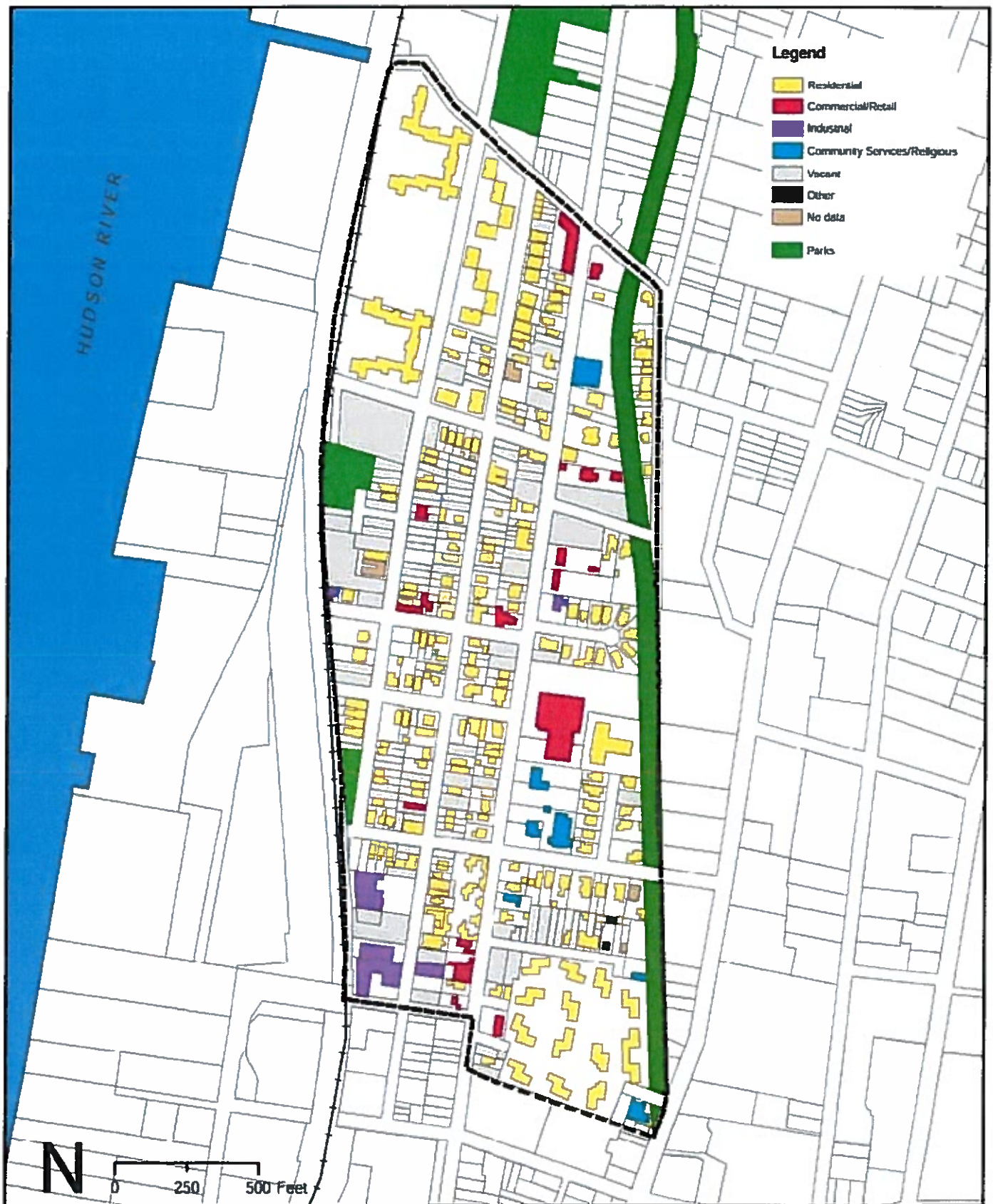


Figure 4. Land Use Categories

Source: City of Yonkers GIS Data

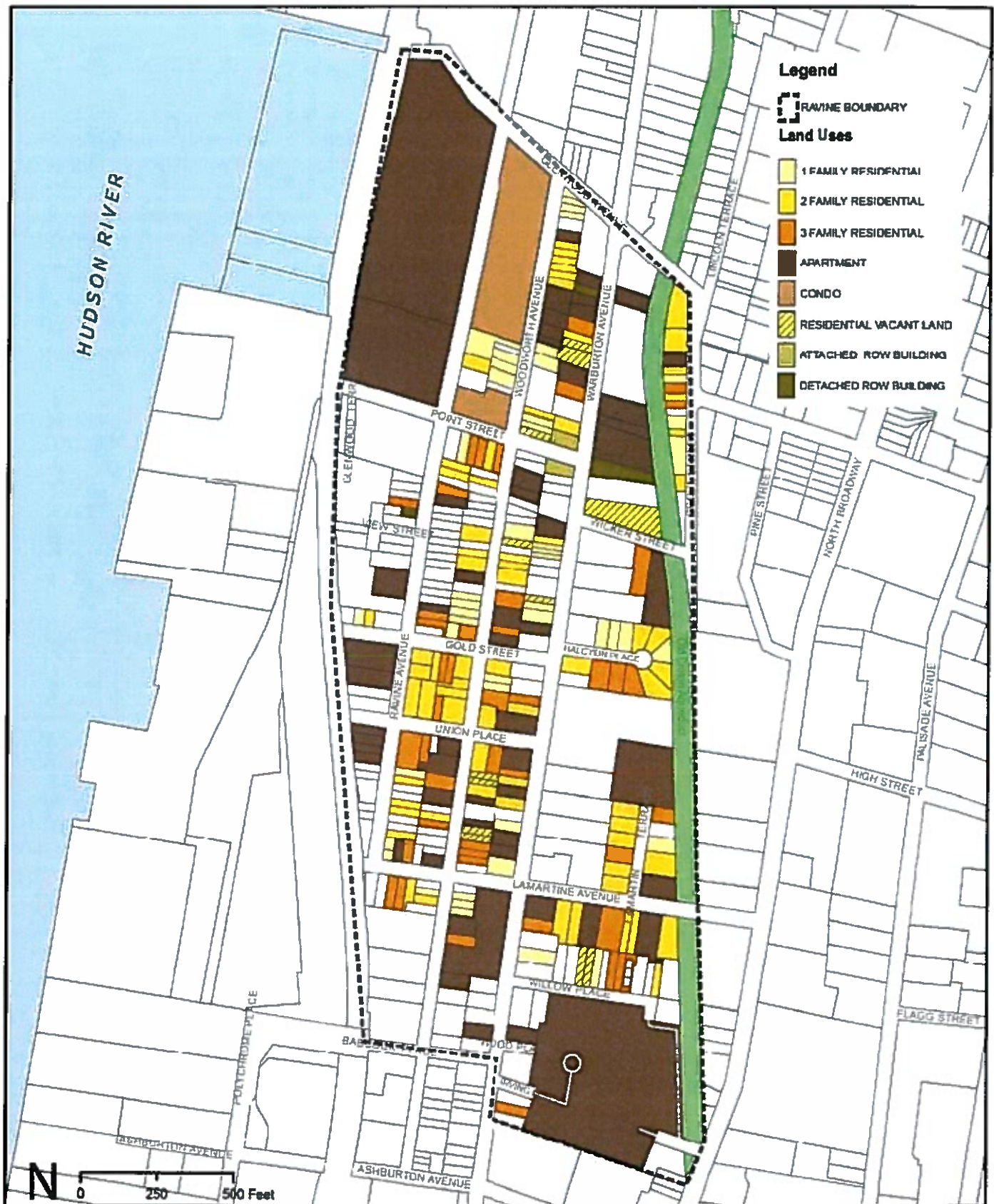


Figure 5. Building Typologies

Source: City of Yonkers GIS Data

- Glenwood Garden Apartments - Located adjacent to the Glenwood Metro-North station, the garden apartments provide convenient access for commuters. The current development includes eight, interconnected, six-story buildings.
- Ravine Place - Located between Ravine Avenue and Woodworth Avenue at the north end of the study area, the eight condominium buildings are three-to four-story apartment buildings.
- Halcyon Place - Located off Warburton Avenue, this locally landmarked historic housing district in the middle of the study area is composed of 11 two-family residential buildings.
- Residential Center - Along Woodworth Avenue and Ravine Avenue between Lamartine Avenue and Point Street are the majority of the Ravine Avenue study area's single-family homes. Most of the housing consists of two- or three-story single-family units, but there are also two- and three-family homes.

#### *Institutions*

The study area includes four civic and institutional buildings: the Neperhan Community Center, a public school, American Legion Post 1017, and Our Lady of the Rosary Church. These are located along the "spine" of Warburton Avenue in the study area.

In addition to Our Lady of the Rosary, several other prominent churches exist in the Ashburton area. These include St. Joseph's Church, the Community Baptist Church, the Messiah Baptist Church, the Russian Orthodox Church, and Slovak Evangelical Church on Ashburton Avenue east of the study area, and St. Mary's Church located on High Street. In addition, Mt. Hebron Apostolic Temple is located on Vineyard Avenue on the east side of Mulford Gardens.

#### *Commercial Uses*

Retail, office and auto-related uses, such as gas stations, are concentrated along Warburton Avenue (See Figure 6, *Non-Residential Uses*) The majority of retail uses – Laundromats, deli, local grocery, etc. – are located along the entire Warburton Avenue corridor. Neighborhood establishments include the CleanCity Laundromat, Rappaport Cleaners, F & D Grocery, and many auto-repair shops. This commercial area, however, lacks retail continuity due to the vacant storefronts, residential lots, surface parking areas, and vacant lots. The neighborhood is in need of local, convenience retail.

#### *Industrial Uses*

The industrial district within the Ravine Avenue neighborhood is located in the southeastern corner of the study area, west of Warburton and South of Lamartine. Some of the industrial uses include Greyston Bakery, NY Ladder and Scaffold Corp., Max Braun & Son Wholesale

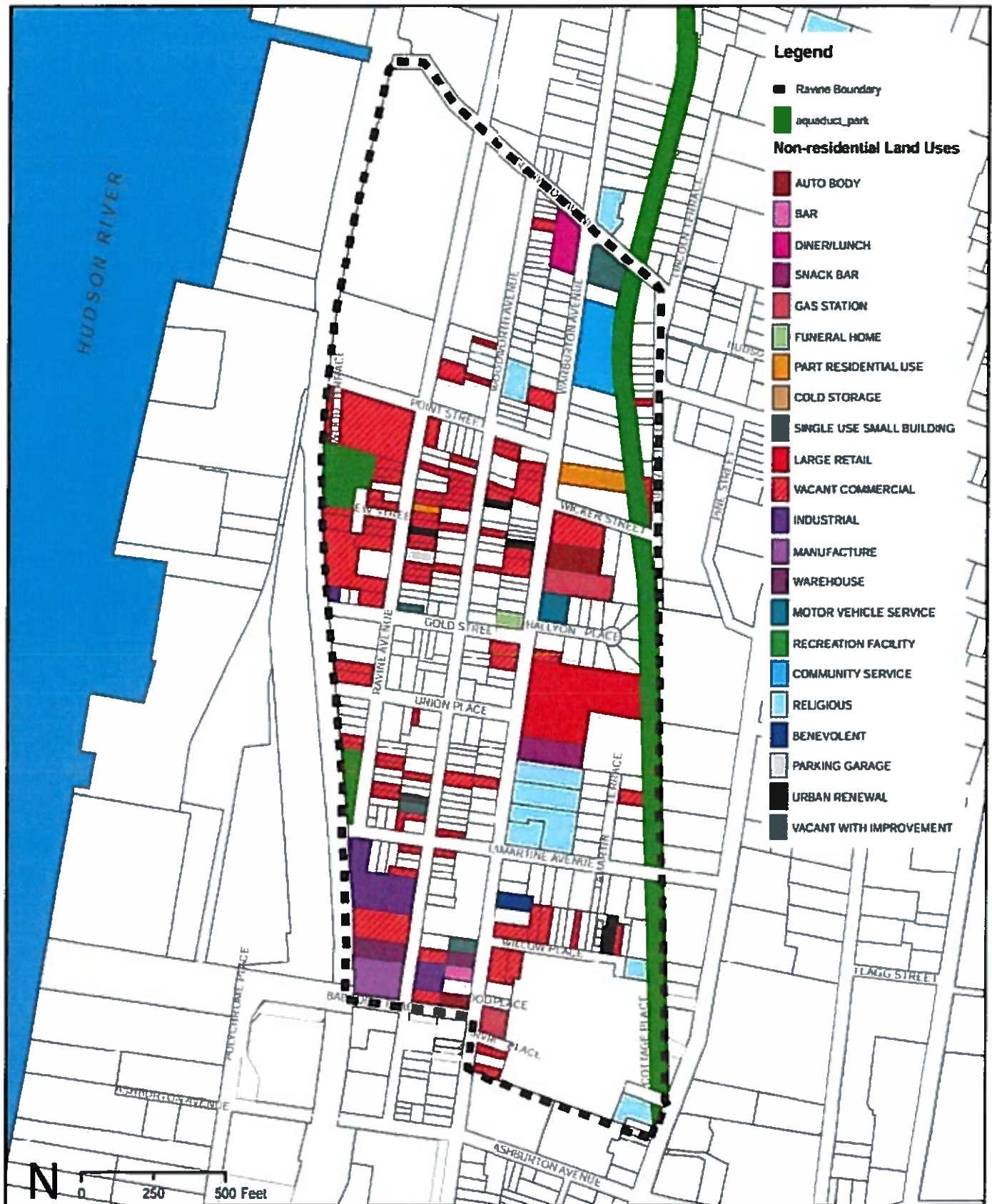


Figure 6. Non-residential Land Uses

Source: City of Yonkers GIS Data

Meat, and a Marfam Industries/ Proctor Paint Company building. These uses are interspersed with private driveways and lots, as well as vacant lots and lots with abandoned buildings.

#### *Park and Recreation Space*

The major park and open space areas in and adjacent to the study area are:

- Irving Park, located at the south end of Glenwood Terrace, and at the western end of View Street, is open space with views of the Hudson River;
- Ravine Avenue Park, located on Ravine Avenue, and Union Place, covers 0.2 Acres and features benches, basketball courts, and a playground; and
- Trevor Park, located north of the site at the end of Ravine Avenue, has two baseball diamonds, tennis courts, basketball court, and open green space.

#### *Parking*

The Yonkers Parking Authority parking lot located at the southwest corner of the intersection of Point Street and Ravine Avenue is the only surface lot in the residential portion of the Ravine Avenue study area. The lot is leased from a private owner and is a potential future development site. Vacant lots are also used for parking, such as at the southeast intersection of Point Street and Woodworth Avenue. On-street parking is permitted throughout the residential neighborhood on designated sides of the street and off-street parking spots are reserved for the residents of the apartment complexes directly on site. Warburton Avenue permits parking on both sides of the street

### **3.2 Zoning**

#### **Warburton - Ravine Avenue Study Area**

The study area contains a broad mix of zoning districts, both residential and non-residential (*See Figure 7, Existing Zoning*). These zoning districts comprise three residential districts and four non-residential districts as listed below:

- |           |                                       |
|-----------|---------------------------------------|
| <b>A</b>  | - Apartment houses; high density      |
| <b>B</b>  | - Local Business and apartment houses |
| <b>M</b>  | - Apartment houses; medium density    |
| <b>BR</b> | - Restricted business; no residences  |
| <b>C</b>  | - Wholesale business and storage      |
| <b>CM</b> | - Commercial; light manufacturing     |
| <b>I</b>  | - Industrial                          |

The residential districts account for a significant portion of the study area and include the A, B, and M districts. The A districts, which occu-

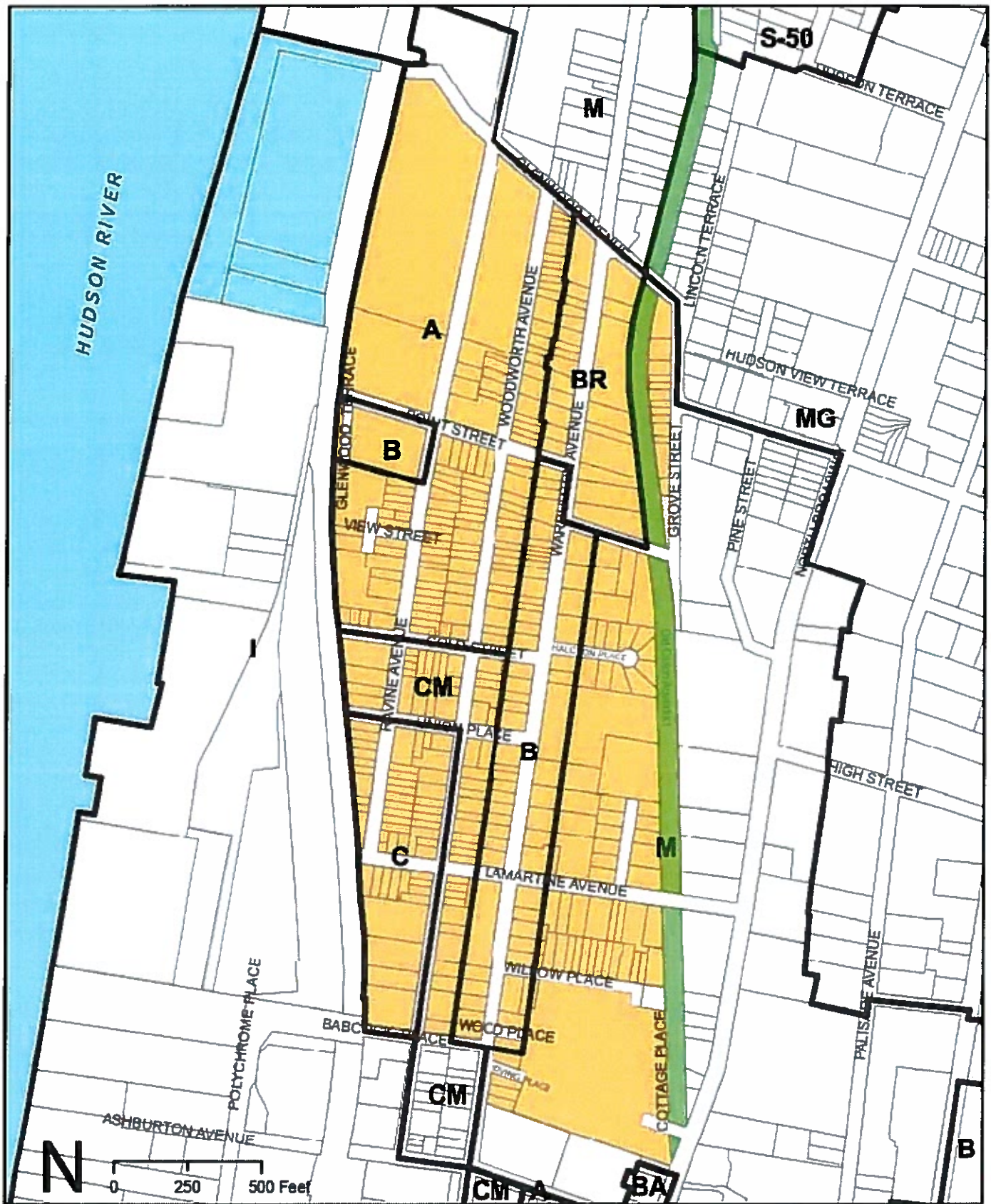


Figure 7. Current Zoning

Source: City of Yonkers GIS Data

py the largest portion of the study area, are located in the northwest section of the study area. Within the northern-most portion of the A district, there is a large lot zoned as a B district. Both the Ravine Place (condominiums) and Glenwood Garden Apartments are within the A district. The M district is located east of Warburton Avenue, south of Wicker Street, in the southeastern portion of the study area. Additionally, in the northeastern portion of the area, the lots bordering on the west side of Grove Street have an M designation. In general, the existing zoning reinforces the neighborhood character of the Ravine Avenue study area and allows for residential uses. However, several of the existing residential zoning districts allow densities that are inappropriate for the existing building scale. A rezoning that brings the zoning into conformance with the existing housing scale is appropriate in order to preserve the predominantly two- and three-story character of the Ravine neighborhood. The zoning on a portion of Warburton Avenue currently does not allow for residential use. Warburton Avenue should become an active, mixed-use corridor and, therefore, a rezoning should allow a range of neighborhood commercial and residential uses.

The restricted business (BR) district borders both sides of Warburton Avenue between Glenwood Avenue at the north to Point Street and Wicker Street on the west and east sides, respectively. Further down the Warburton Avenue commercial corridor, the district south of Gold Street on the west side of Warburton is designated as CM zoning. Adjacent to the CM district is a wholesale and storage district designated as C zoning and is located south of Union Place and west of Woodworth Avenue (bounded to the south by Babcock Place). Finally, the I-designated industrial district, encompassing Proctor Paint Company and other vacant buildings, is located in the southeastern corner of the study area, south of Babcock Place and west of Woodworth Avenue.

### 3.3 Building Conditions

A field survey provided information on existing building conditions within the study area. The survey was limited to exterior conditions of individual structures, classified as follows:

- Good: Generally well maintained buildings
- Fair: Buildings where minor repairs are required and where maintenance work has been delayed
- Fair to Poor: Major renovation is needed

The physical condition and appearance of buildings and outdoor spaces varies widely within the study area, but generalizations were made as to the condition of blocks. While the high-density residences are in good condition, the majority of the Ravine Avenue neighborhood's residential core is in fair to poor condition, with scattered vacant sites,

dilapidated or boarded-up structures and abandoned yards and open space areas that contribute to a generally poor image of the neighborhood. Other negative features include poorly maintained sidewalks with broken pavement, missing curbs, and discarded trash.

Generally, the area's housing stock is old, distressed and in need of improvement. Many buildings need exterior rehabilitation work, while the deteriorated appearance of other buildings suggests the need for more extensive interior renovation. Many exterior areas, particularly front yards, are in need of improvement. Further, vacant buildings and some occupied buildings need to be demolished and replaced with new housing for safety purposes.

The two areas with housing stock in good condition include the apartment complexes in the northwest corner of the study area and the multi-family dwellings along the eastern edge of the study area. The apartment complexes of Glenwood Garden Apartments and Ravine Place are all in good condition, as well as buildings in the Historic District of Halcyon Place. Additionally, Waterview Apartments located at the end of Lamartine Terrace are in good condition, but several structures along Lamartine Avenue are dilapidated.

Along Warburton Avenue, the building stock, in general, was assessed to be in fair condition, with some structures in good condition (i.e., florist shop at the corner of Gold Street and Warburton Avenue) while others remain vacant or run-down. The Charter School for Educational Excellence on Warburton Avenue, which was recently renovated, is another example of a building in good condition within this area. In the southeast corner of the study area, industrial buildings are considered to be in fair condition, though the residential buildings are vacant or in very poor condition. The streetscape in this commercial/industrial area is deteriorated, similar to the state of the streetscape along Warburton Avenue.

The area with the most buildings in fair to poor condition includes the entire area north of Lamartine Avenue and east of Warburton; except for the aforementioned apartment complexes. This area is relatively dense residential development, mainly one- to three-story single-family homes. Vacant lots and units are interspersed with occupied residences, particularly along Woodworth and Ravine Avenues, between Point Street and Gold Street, where 35 of the lots are vacant (See *Figure 8, Vacant Lots*).

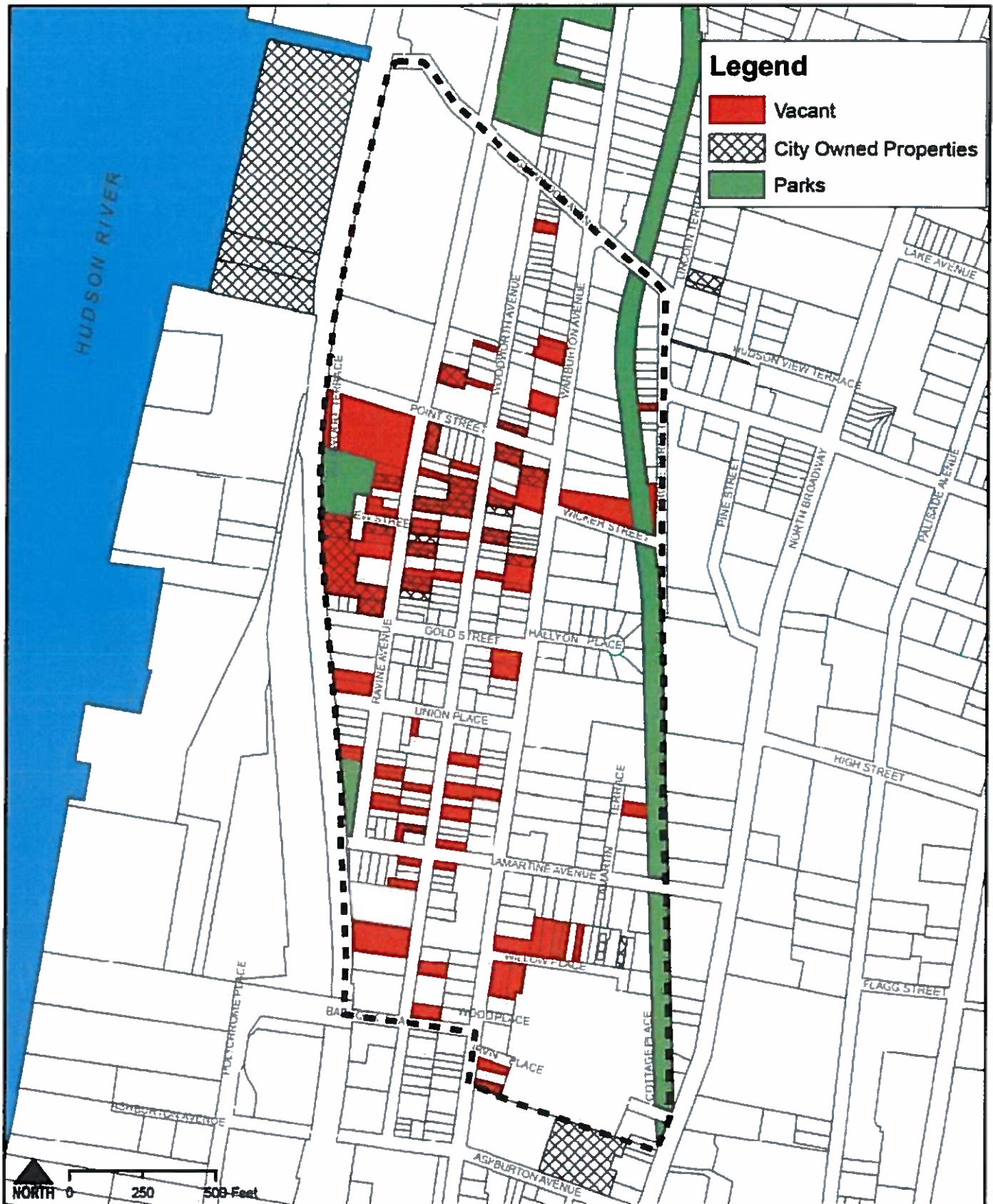


Figure 8. Vacant Lots

### 3.4 Ownership

Figure 9 shows the holdings of the major landowners in the study area. These owners include government entities such as the City of Yonkers and the State of New York, as well as large community institutions, private individuals, and corporations. Of the 114 acres contained within the project area, 61 acres (53 percent) are taxable and the remaining 53 acres (47 percent) are wholly exempt from property taxes. Tax-exempt properties include most of the property owned by the City and the State, as well as all religious institutions.

#### *Publicly Owned Land*

The City of Yonkers controls several sites within the study area mostly located on Ravine Avenue. The State of New York owns 10 acres within the proposed URA. This is largely the Old Croton Aqueduct State Park.

#### *Privately Owned Tax Exempt Lands*

Community stakeholders are religious institutions and other not-for-profit institutions that serve the community. These include the Nepperhan Community Center (a privately-owned facility on public property), which is on the east side of Warburton Avenue north of Wicker Street, as well as the Warburton-Avenue Baptist Church on Warburton Avenue.

### 3.5 Traffic, Circulation, and Parking

Within Yonkers, access to state and interstate highways create excellent opportunities for access outside of the community; however, the Ravine community is relatively less well connected than other communities in the City. Relatively few east-west roads traverse the City. Among them is Ashburton Avenue, which connects the Saw Mill Parkway/Yonkers Avenue interchange to the Hudson River Waterfront (see *Figure 10 and Figure 11, Circulation*).

Warburton Avenue, considered the commercial spine of the study area, provides access to the City's downtown business district just south of the study area and north to the Village of Hastings. As a commercial spine for neighborhood shopping, Warburton Avenue is a comfortable walking distance (about ¼ mile) for residents of the Ravine and other nearby neighborhoods (see *Figure 11*). Its importance to the City's overall traffic circulation will grow as the downtown and the riverfront is developed with more housing, shopping, dining, entertainment, and offices.

Development of the waterfront is particularly a concern to the Ravine Avenue neighborhood, as its one-way street network and narrow roads may be constrained by additional traffic leading to the riverfront along Babcock Place and Glenwood Avenue. Further, this Master Plan re-

commends a modest increase in overall population and the development of new neighborhood retail along Warburton Avenue potentially adding to the current automobile circulation issues in the neighborhood. New parking solutions, such as on-site parking in new developments, where feasible, will help address existing and future parking issues for Ravine residents.

The Westchester County Bee-Line bus service runs the #1 route along Warburton Avenue through the study area, connecting to the Yonkers Station and with continuing service to the 242<sup>nd</sup> Street and Broadway Subway Station.

At the north end of the Warburton - Ravine Avenue neighborhood is the Glenwood Station of Metro-North, accessible from Glenwood Avenue while the Yonkers Station, which is also an Amtrak stop, is about a quarter-mile south of the study area. Both stations are on Metro-North's Hudson Line and train rides from the two stations to midtown Manhattan are approximately 30-minutes.

### 3.6 Population<sup>1</sup>

#### *General Characteristics*

The total population of the study area is 3,425. This population represents 1.7 percent of the total population (196,086) of the City of Yonkers. The area's population can be divided into three broad age groups: the under-18-years age group, the 18 to under 65 age group and the 65 and older age group. Nearly a third (30.7 percent) of the area's population is younger than 18. Over half is between the ages of 18 and 65 (63.3 percent) and the remainder of the population (6 percent) is 65 and older. The area's population is heavily weighted towards the children and young adult age groups. In fact, the population less than 10 years of age accounts for more than 17 percent of the area's population. By contrast, Yonkers total population is much older, with only 24.3 percent of the total population below the age of 18 and 15 percent of the population above the age of 65.

According to the 2000 US Census of Population, there are 1,352 households living in the area. The average household size for the area is 2.52, slightly lower than the average household size for Yonkers as a whole (2.61).

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<sup>1</sup> The demographic analysis is based on data provided by the US Census 2000 Summary File 1 100-Percent Data. The boundaries of the study area are matched (as closely as possible) to those of census blocks, the smallest census geography. The data related to national origin contained in this section is an analysis of data provided by the Census 2000 Summary File 3 (SF 3) Sample Data. This portion of the Census data is only available at the block group level therefore the area analyzed for place of national origin is broader than the Ravine study area.

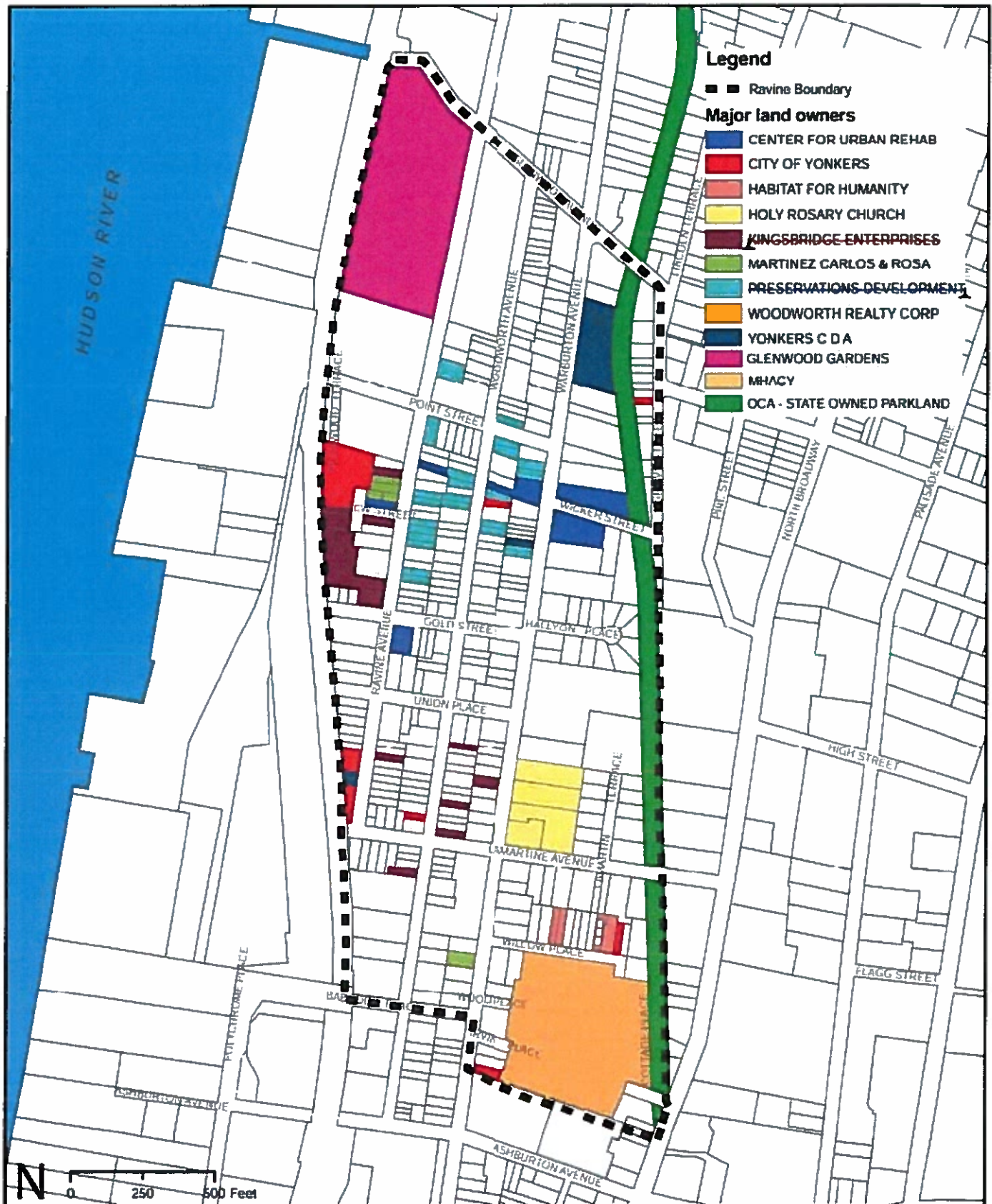


Figure 9. Major Land Owners

Source: City of Yonkers GIS Data

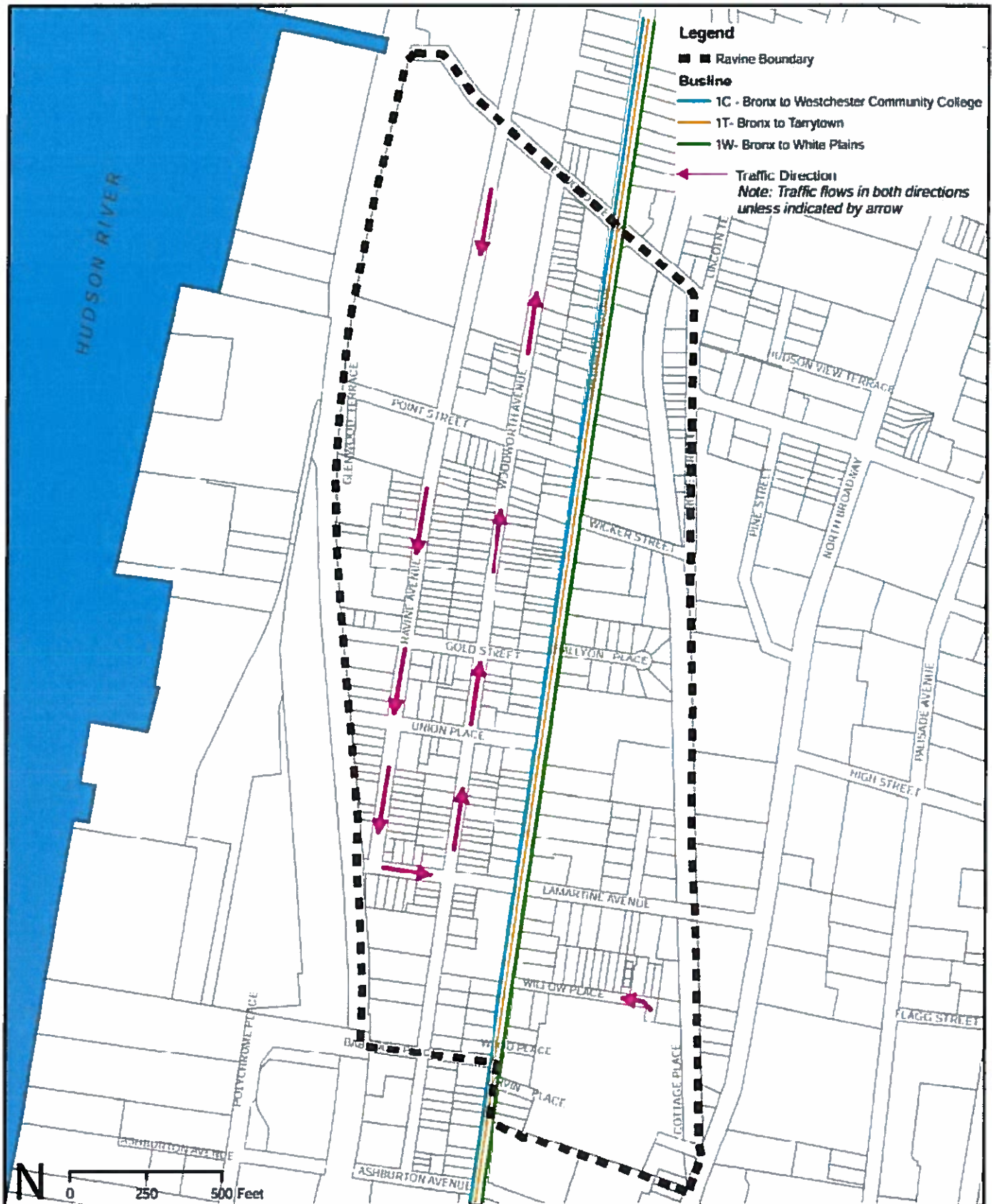
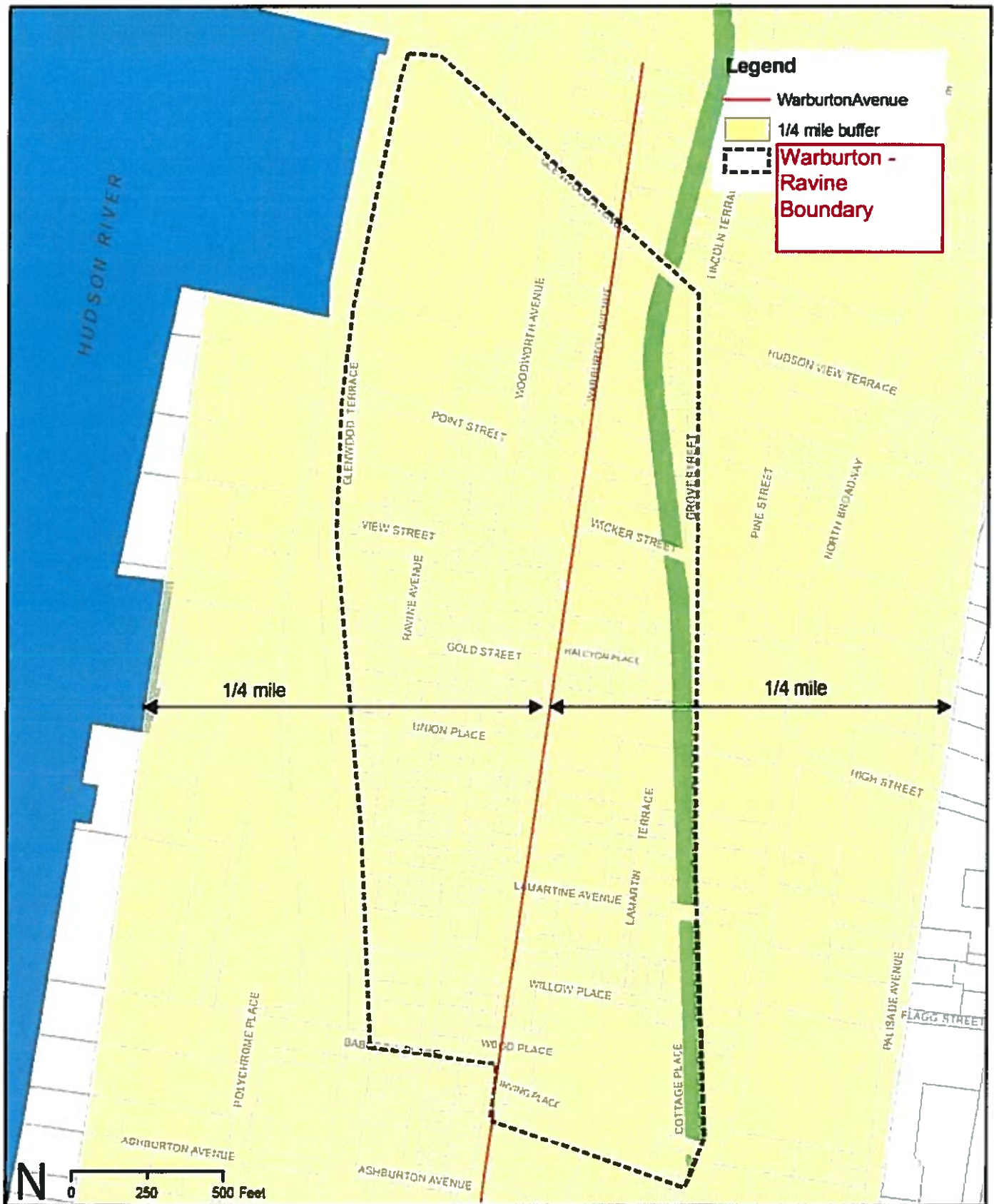


Figure 10. Circulation

Source: City of Yonkers GIS Data



Source: City of Yonkers GIS Data

Figure 11. Pedestrian - 1/4 Mile from Warburton Avenue

Of the area's 3,425 residents, 461 (13.5 percent) are white, 2,246 (65.6 percent) are of African decent and 50 (1.5 percent) are of Asian descent. The remaining 668 residents either describe themselves as being of another race or of multiple races. The area's racial mix differs from that of Yonkers as a whole. Whereas the majority of study area residents are of African decent, the majority of Yonkers residents (60.2 percent) are European decent with only 16.6 percent of the residents being of African decent for the city as a whole. In fact, while the study area accounts for only 1.7 percent of Yonkers' total population, it accounts for seven percent of the African decent population of the City of Yonkers. The study area also has a slightly lower percentage of Hispanic and Latino decent residents (24.0 percent) than the city as a whole (25.9 percent).

#### *Housing Tenure*

According to the 2000 US Census of Population, there are 1,356 occupied housing units located within the census blocks highlighted in *Section 3.7 Population*. Of these 1,356 occupied housing units, nearly 21 percent (282) are owner-occupied and the remaining 79 percent are renter-occupied. The proportion of renter-occupied units in this area is significantly higher than the City of Yonkers as a whole (at 54.4 percent); this discrepancy is indicative of a relatively low residential ownership rate within the area. Census data indicates that the owner-occupancy rate in the area is less than a quarter of the rate for Yonkers as a whole.

### **3.7 Socioeconomic Conditions<sup>2</sup>**

#### *Income and Poverty Levels*

The median household income for the area is \$26,369 per year, substantially lower than the median income for the City of Yonkers as a whole (\$44,663). Of the area's 887 families for whom poverty<sup>3</sup> status was assessed by the Census Bureau, 206 (23.4 percent) were determined to have an income in 2000 below the poverty level. The proportion of households in poverty in the area is significantly more than that of Yonkers as a whole (15.5 percent).

#### *Levels of Educational Attainment*

Nearly 30 percent of the study area's population over the age of 25 does not have a high school diploma. This compares with 23.3 percent

<sup>2</sup> The demographic analysis is an analysis of data provided by the Census 2000 Summary File 3 (SF3) Sample Data. These Census data from the Summary File 3 are only available at the Block Group level; therefore, the area analyzed for socioeconomic indicators, such as income and poverty, is broader than the study area.

<sup>3</sup> Following the Office of Management and Budget's (OMB's) Directive 14, the Census Bureau uses a set of money income thresholds that vary by family size and composition to detect who is poor. If the total income for a family or unrelated individual falls below the relevant poverty threshold, then the family or unrelated individual is classified as being "below the poverty level."

for the City of Yonkers as a whole. Of those residents having completed their high school diploma, 339 (37 percent) went on to complete a bachelor or associate's degree and 85 (9.3 percent) completed a Master's degree, though none completed a doctoral degree. In the City of Yonkers, 42 percent of high school graduates went on to complete bachelor's or associate's degrees, another 20 percent completed Master's degrees, and 1.7 percent completed a doctoral degree.

#### *Workers and Employment*

There are 1,195 workers residing within the area. Of these workers, only about 16 percent travel less than 15 minutes to work, nearly one-third of workers travel between 15 and 29 minutes to work, and 37.4 percent of workers travel between half an hour and an hour to work. About 15 percent of the workers residing in the area travel more than an hour to work.

Of the area's 1,244 employed civilian population, about 31 percent work in the sales and office field, 24 percent work in the service sector, and roughly eight percent work in the fields of manufacturing, arts and entertainment, and professional services.

## **4.0 DEVELOPMENT PLAN**

### **4.1 Planning Objectives**

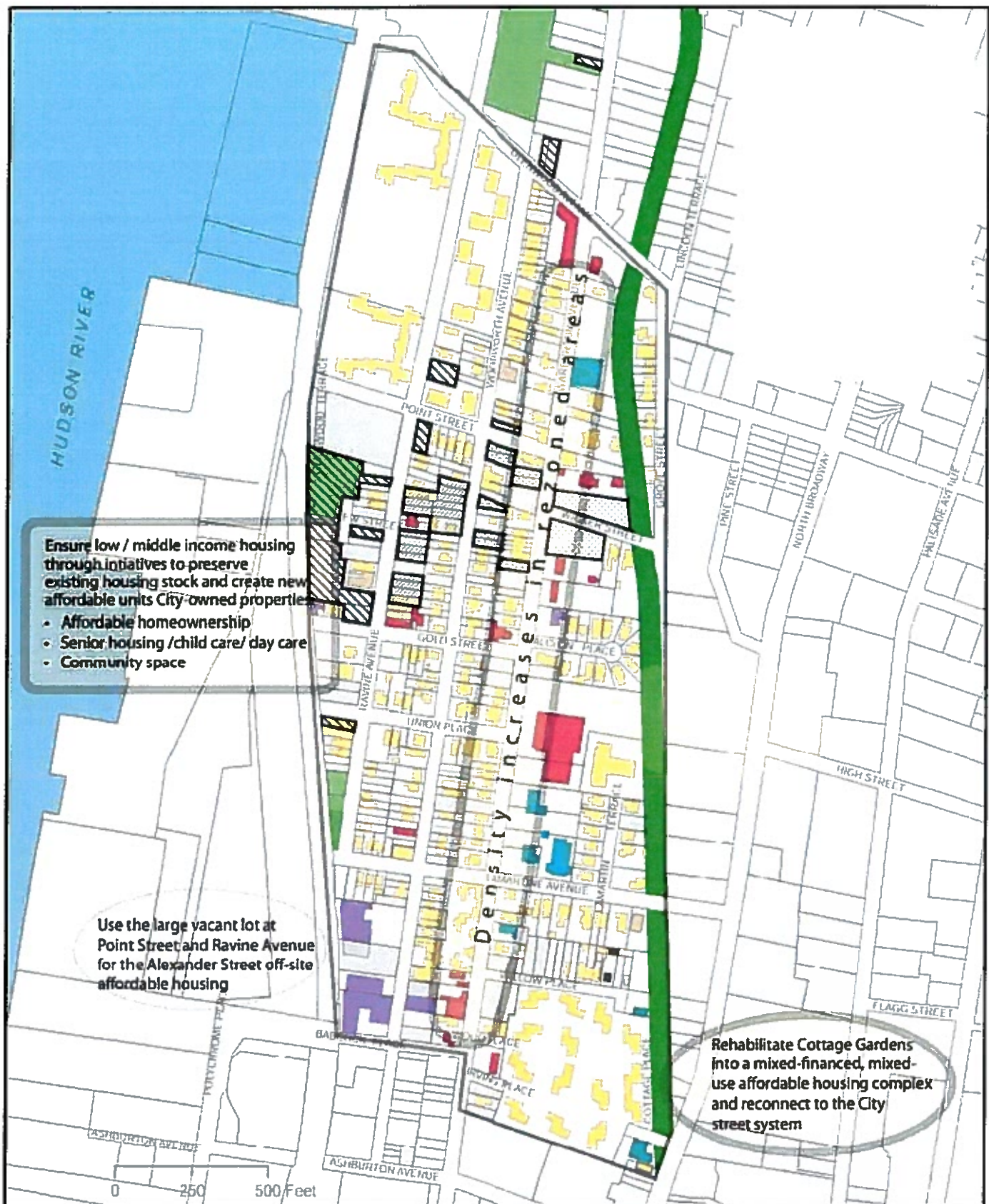
The primary objective of the Master Plan is to create a safe, vibrant, and sustainable traditional neighborhood for the betterment of existing residents. The City is interested in advancing objectives that reinforce and build upon the Ravine neighborhood's existing assets and supporting an actionable Plan. Within the planning objective of rehabilitating the neighborhood *for the neighborhood*, there are several critical objectives:

1. Eliminate blighted properties, rehabilitate existing residential properties and develop new affordable housing with the primary focus on owner-occupied housing;
2. Improve neighborhood safety and enhance pedestrian and vehicular traffic flow;
3. Add, enhance and/or enlarge existing City parks, create a gateway entrance to the State-owned Old Croton Aqueduct trail and improve and enlarge the existing Nepperhan Community Center;
4. Create a stronger commercial retail corridor along Warburton Avenue and provide much needed local neighborhood retail services; and
5. Strengthen existing community based organizations and provide economic opportunities to the residents of Ravine Avenue neighborhood.

The remainder of this Master Plan presents an implementation strategy with recommended actions that will contribute to attaining the Planning Objectives

**4.2 OBJECTIVE ONE: Eliminate blighted properties, rehabilitate existing residential properties, and develop new affordable housing with the primary focus on owner-occupied housing.**

- A. Reinforce the residential scale of the neighborhood through zoning regulation changes.** The Ravine Avenue study area zoning designations needs to be changed to preserve the existing neighborhood scale, to encourage a pedestrian friendly neighborhood and to preserve the public views from public spaces of the Hudson River and the Palisades, which are a defining quality of the neighborhood. For example, any new construction in the area west of Warburton Avenue should not impede views from public areas.
- B. Rezone Warburton Avenue and the southern portion of Woodworth Avenue between LaMartine and Babcock Place to allow for residential uses.** Currently only a portion of Warburton Avenue and Woodworth Avenue is zoned for residential use. Rezoning would permit future development activities for residential housing and infill housing, or for mid-rise apartment buildings with upper floor residential units and ground floor commercial use.
- C. Eliminate blighted properties and redevelop sites.** Several properties in the Master Plan are a blighting influence within the neighborhood. To the extent feasible, these properties should be rehabilitated in partnership with the owner; however, if the properties are not rehabilitated, then the city may use its right to take all or part of the property, via eminent domain, and make all necessary improvements for the betterment of the community as a whole.
- D. Provide funding to rehabilitate one to three family residential properties owned by low-income households.** Refocus the City's existing neighborhood rehabilitation program to concentrate its funding on neighborhoods with approved Master Plans and Urban Renewal Plans. Provide homeowners with loans and grants to correct building code deficiencies, make energy saving improvements, renovate exteriors, and enhance front yard landscaping.
- E. Develop vacant city-owned properties as two family, owner occupied housing.** The City will work in partnership with local developers and community based organizations that have proven records of accomplishment in the development of infill housing using governmental funding to create ownership housing for households earning up to 120 percent of the County's area median



### I. Objective:

Generate a community-based revitalization plan that ensures a broad array of housing options

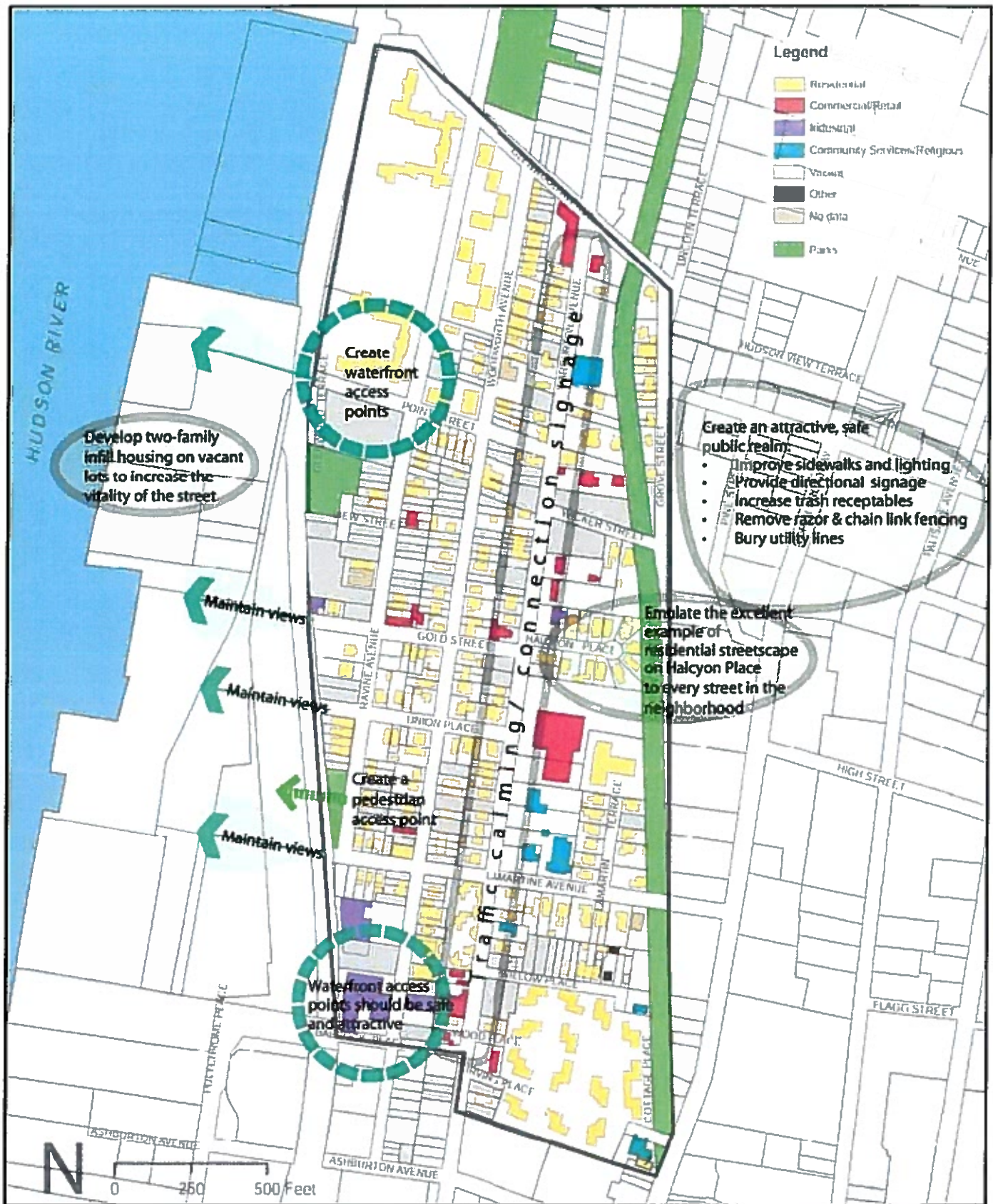
Source: City of Yonkers GIS Data

income and rental housing for households earning up to 60 percent of the County's area median income.

- F. Purchase vacant foreclosed residential property using HUD's Neighborhood Stabilization Program funding and rehabilitate, or demolish and build new housing.** Identify and purchase vacant foreclosed properties that are banked-owned. Rehabilitate these properties, or demolish and build new structures to create additional affordable housing opportunities.
- G. Identify specific vacant and blighted parcels throughout the study area that may be made available as sites for affordable housing.**
- H. Work with the City's municipal housing authority to redevelop the existing Cottage Gardens housing complex located at the southern end of the neighborhood.** Cottage Gardens is one of the Municipal Housing Authority's oldest development sites and is a mix of senior and family housing within 14, three-story buildings. It is recommended that the housing authority apply for funding to upgrade the existing buildings and consider the development of an intergenerational and/or assisted living housing development to address this growing population.
- I. Increase enforcement of building inspection and code violations.** Use both funding and enhanced code inspection to encourage the rehabilitation of "fair to poor" conditions structures. Seek to lessen the financial impact of penalties and fines by creating rehabilitation programs tailored to the needs of the community including information, access to expert assistance and funding opportunities.

#### **4.3 OBJECTIVE TWO: Improve neighborhood safety and enhance pedestrian and vehicular traffic flow.**

- A. Create a safe public realm through streetscape improvements.** In order to create a safe and attractive public realm, the city should implement a streetscape improvement plan:
  - 1) Provide uniform and increased lighting throughout the study area with special attention provided to neighborhood parks and the Warburton Avenue retail shopping area;
  - 2) Provide new sidewalks throughout the study area;
  - 3) Provide directional signage to area amenities (i.e., to neighborhood parks, waterfront, Old Croton Aqueduct trail system, neighborhood retail);
  - 4) Provide increased trash removal;



## II. Objective:

**Increase the vitality and safety of the street**

Source: City of Yonkers GIS Data

- 5) Remove all razor edge fencing;
- 6) Bury existing utility lines; and
- 7) Remove all chain link fencing at the northern end of Woodworth and provide appropriate park fencing and gating.

The goal is to offer leadership in private rehabilitation efforts through the city taking care of its public real estate. Recommended actions include new curbs, planter strips, street trees, pedestrian-scale lights, and new and easily seen pedestrian crosswalks potentially using textured asphalt. Also, use existing natural features of the neighborhood as references for streetscape improvements.

- B. Require utility and streetscape improvements as part of development activities.** Development of new residential and commercial structures must include new water, sewer and storm-water drainage systems, sidewalks, street lighting, underground utilities and street pavement as part of the scope of work. Streetscape improvements plans should be made available by the City in conjunction with the private redevelopment of each block in the Ravine neighborhood.
- C. Include in the city's Capital Improvement Plan budget funding to upgrade the neighborhood's infrastructure.** Improved sidewalks and repaired roadways will strengthen the neighborhood, improve its image and support the neighborhood's ongoing growth.
- D. Create a new gateway image for the Ravine neighborhood.** As a major arterial and gateway to Yonkers' downtown, Warburton Avenue needs a streetscape plan that will enhance its unique Victorian neighborhood and provide a cohesive sense of community. Encourage artists to contribute to streetscape improvement initiatives by, for example, designing unique trash receptacles, sidewalk art or street banners.
- E. Improve traffic circulation along Warburton Avenue.** Warburton Avenue is the neighborhood's primary roadway and its commercial corridor. It features several traffic lights, one-lane travel in each direction and on-street parking on both sides of the roadway. Traffic typically backs up when drivers make left hand turns, when buses are waiting and when drivers double park. Because the street has existing structures on both sides it is not practical to widen the street, however the following recommendations are made to improve traffic along this corridor.

- 1). Restrict school buses from idling on Warburton Avenue;

2). Reduce on-street parking. Provide public side and rear parking lots for access to neighborhood retail establishments. If necessary, utilize key city-owned parcels to provide the off-street parking;

3). Implement traffic calming techniques. Reduce on-street parking and provide textured pedestrian walkways at all key intersections, especially near the Charter School;

4). Provide parking for new residential infill development where feasible.

5). To the extent possible, provide left-hand turning lanes at all major intersections to improve traffic flow.

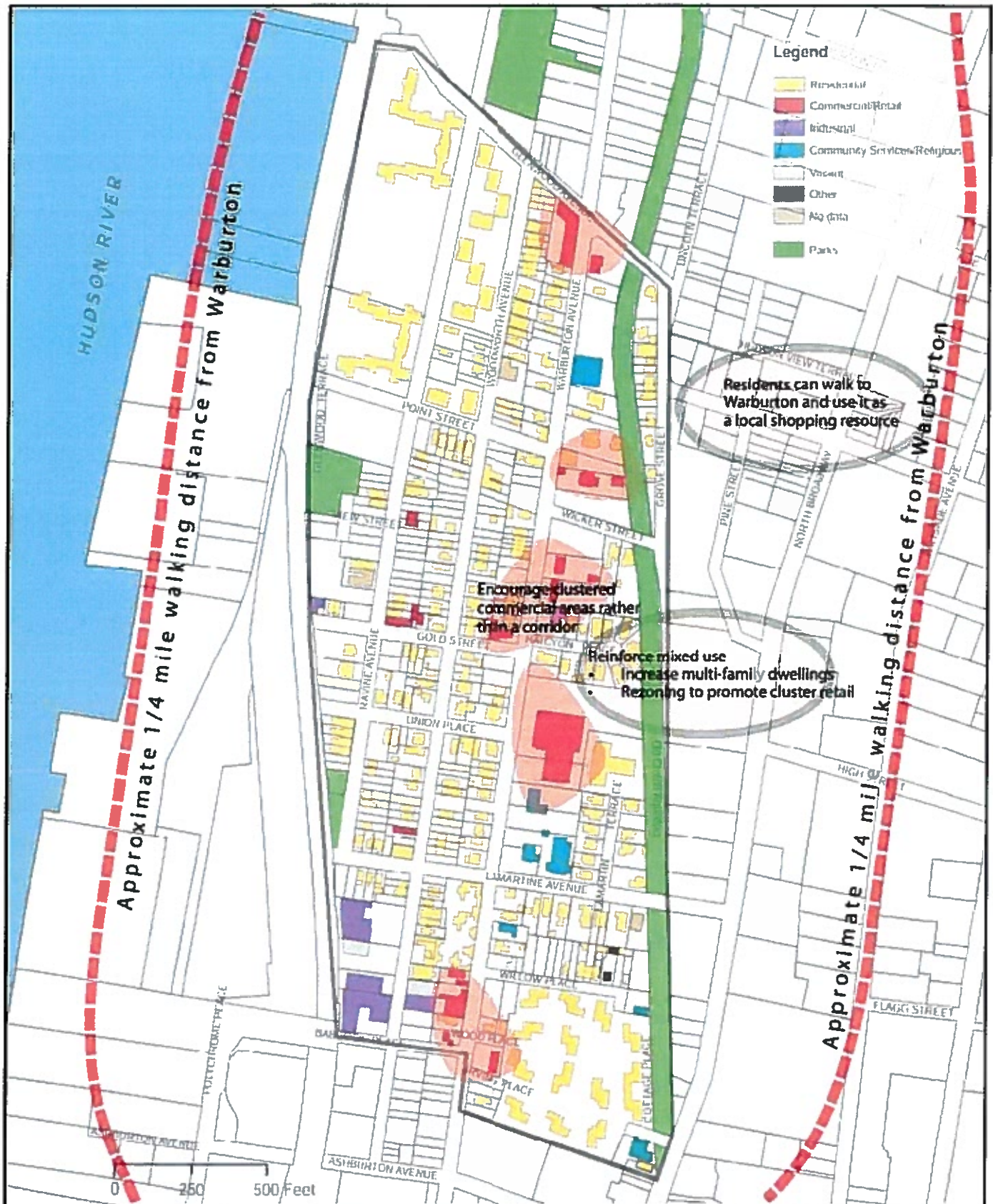
**F. Provide pedestrian access from Ravine Park via a pedestrian bridge over the Metro-North rail lines to Alexander Street.** A historical pedestrian bridge right-of-way may exist from Ravine Avenue to Alexander Street. The feasibility of a pedestrian bridge linking the Ravine neighborhood to the waterfront from this central location should be explored, and if viable, funding should be sought to construct the connection.

**G. Improve vehicular traffic flow within the Cottage Gardens Development site and connect the public housing development back into the grid street pattern of the city.** Cottage Gardens is a typical public housing complex with most internal vehicular circulation not connected to existing streets. It is recommended that the City work with the housing authority to reconnect the complex back into the City street system, thus eliminating dead ends.

**4.4 OBJECTIVE THREE: Add, enhance and/or enlarge existing City parks, create a gateway entrance to the State-owned Old Croton Aqueduct trail and improve and enlarge the existing Nepperhan Community Center.**

**A. Set aside city Capital Improvement Project funds for Irving Park improvements.** Irving Park is an underutilized green space that should be reprogrammed into the major park for the Ravine Avenue community (i.e., add facilities to the park in consultation with the community and that can be accommodated in the area).

**B. Consider relocating Irving Park to the large vacant parking lot adjacent to the parkland and which borders Point Street and Ravine Avenue.** Irving Park is currently located behind Ravine Avenue along the Metro-North rail lines and is only accessible via two narrow side streets: View Street and Glenwood Terrace. By



**III. Objective:**  
 Increase commercial and economic  
 development for Ravine residents

Source: City of Yonkers GIS Data

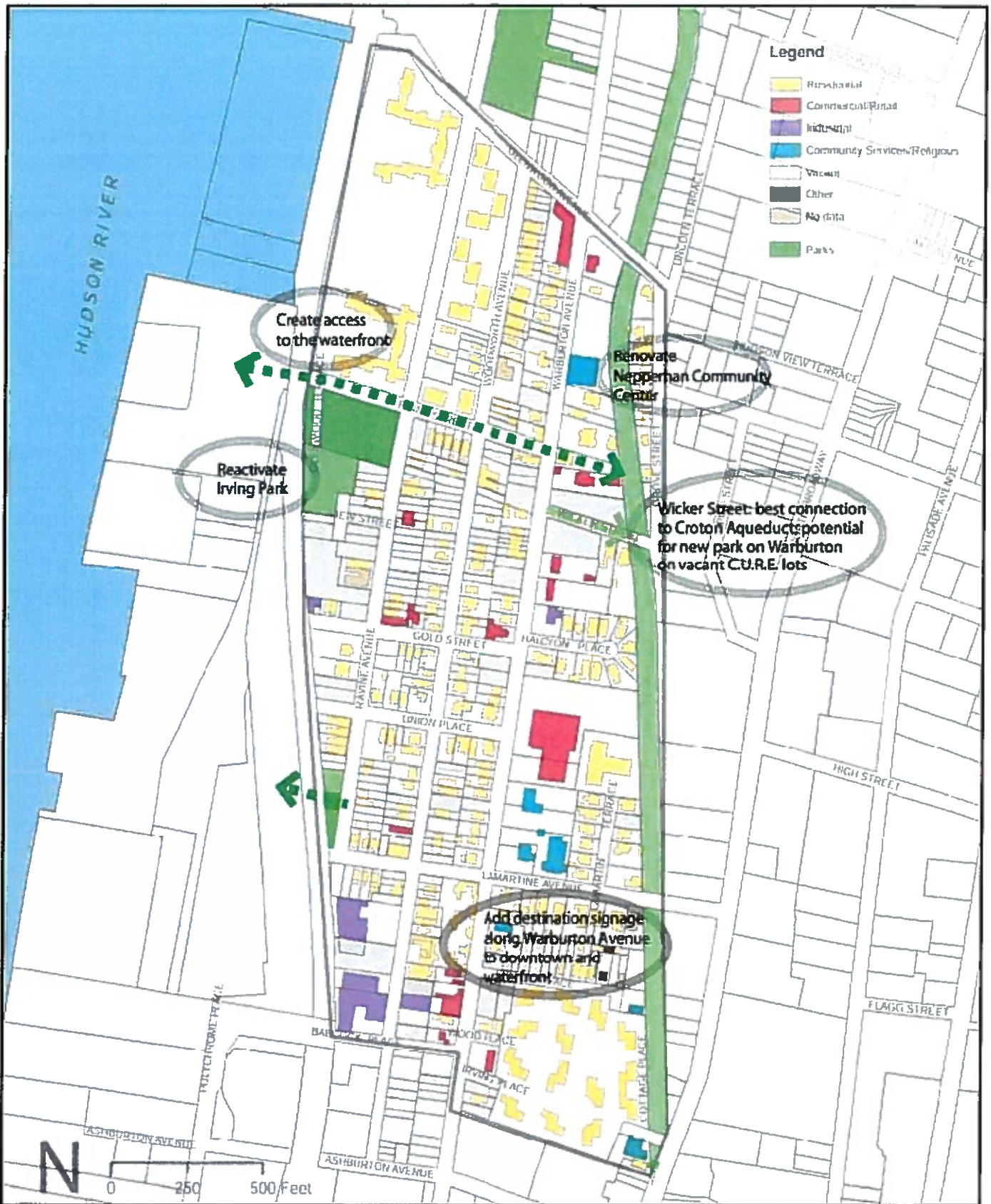
land swapping with the large vacant parking lot to the north of the Park, Irving Park would be directly accessible from both Ravine Avenue and Point Street and could be programmed as a major green space for the entire community. The then vacant parkland could be reprogrammed into affordable housing, which would fit contextually with existing structures along the block.

- C. Create a gateway park from Warburton Avenue to the state-owned Old Croton Aqueduct.** The Old Croton Aqueduct State Park Trailway runs through the Ravine Avenue neighborhood and is an important natural resource for the community as well as an attraction for visitors to the neighborhood. Consideration should be given to create a greenway/park connection from Warburton Avenue to the Aqueduct with a gateway and signage to encourage residents and visitors to utilize the pathway for walking, biking and cross-country skiing.
- D. Expand and renovate the Nepperhan Community Center.** By renovating the community center, the Ravine neighborhood can eliminate the need for an additional, new center.
- E. Use city-owned development to provide meeting space.** Another sustainable measure for the Ravine neighborhood is to provide smaller community meeting space as a condition of purchase of city-owned property, particularly the property along Ravine Avenue.
- F. Designate interim uses for vacant lots.** Start a public reclamation of lots as part of a local Clean & Green program, which is part of the national Keep America Beautiful program.
- G. Create public/private partnership to maintain public open space.** Explore a partnership with a to-be-formed Ravine neighborhood association and Groundworks, which would work collaboratively to maintain open spaces.

**4.5 OBJECTIVE FOUR: Create a stronger commercial retail corridor along Warburton Avenue and provide much needed local neighborhood retail services.**

With the goal of increasing commercial and economic development opportunities for Ravine residents, four strategies emerge as guidelines for improving the Warburton Avenue corridor:

- A. Establish a neighborhood commercial center on Warburton Avenue.** Warburton Avenue should have a neighborhood commercial center rather than several corner store-type establishments to sustain retail.



Source: City of Yonkers GIS Data

#### IV. Objective:

### Reinforce community amenities

- B. Encourage walking to the Warburton Avenue retail center.** As all residences are located within a quarter mile of Warburton Avenue, the Ravine residents could walk to the neighborhood retail center and use it as a local shopping resource. Zoning techniques similar to those uses in the downtown zoning district could be used to reduce commercial parking requirements.
  - C. Encourage mixed-use development on Warburton Avenue.** Increase multi-family dwellings. Support existing and new retail through the rezoning of parts of the study area to promote cluster retail and limit it to a few corner stores without requiring parking. One such commercial cluster should be located south of Wicker on the east side, where there are existing auto uses, and could serve neighborhood residents going to the aqueduct or to the waterfront.
  - D. Encourage new, higher density mixed-use buildings along Warburton Avenue south of Lamartine Avenue.** The southern section of Warburton Avenue begins to connect the Ravine neighborhood with the downtown area and with the Ashburton Avenue corridor. This section of Warburton should be permitted to have greater density and building height (i.e., up to six stories in height) as part of the physical transition from a small-scale residential neighborhood to that of the entry into an urban downtown.
- 4.6 OBJECTIVE FIVE: Strengthen existing community based organizations and provide economic opportunities to the residents of Ravine Avenue neighborhood.**
- A. Engage local community based organizations in neighborhood improvement initiatives.** The Warburton - Ravine Avenue area has active community based organizations (CBOs) and these CBOs should be engaged by the City's Planning and Development Department to help in the implementation of the Master Plan goals.
  - B. Create a residential neighborhood association.** A neighborhood association would act as "eyes on the street", would help to maintain public park improvements and give local responsibility to the residents of the neighborhood. A neighborhood group could act as the program sponsor for local cultural events, as well as, a sponsor for a farmer's market.
  - C. Leverage commercial opportunities for Ravine residents.** New mixed-used development along Warburton Avenue will provide small-scale neighborhood retail service opportunities for Ravine residents. New residential development within the community will also provide construction and construction-related employment op-

portunities that the City should encourage private developers to offer first preference to local residents.

- D. Take advantage of the area's location in the Empire Zone and Empowerment Zone.** A large portion of the Ravine Avenue study area is located in the City's Empire Zone and Empowerment Zone making low interest business loans and tax incentives available to qualified new businesses.
- E. Capitalize on the City's Industrial Development Agency's (IDA's) loan and tax incentive programs.** Economic development can be further advanced by capitalizing on the city's IDA loan and tax incentive programs to potential new neighborhood businesses.
- G. Strengthen existing community based organizations (CBOs).** Provide grant writing assistance to local CBOs to help them access private foundation and public grants and training, which will strengthen local leadership.

## **5.0 IMPLEMENTATION**

### **5.1 Introduction**

The Warburton - Ravine Master Plan will serve as an important tool for the City in making planning decisions regarding the Ravine area.

The Master Plan can only be successful in revitalizing the Warburton - Ravine neighborhood if it is implemented effectively. A successful implementation requires that all levels of government, community groups, the private sector, and residents work together in a coordinated fashion to apply the policies in this Master Plan.

This final chapter of the Warburton - Ravine Master Plan serves to take the goals and recommendations described in the preceding section and organize them in such a way to provide a structure for implementation. Defining the pathways to implementation also requires that implementation mechanisms be clearly identified. The recommendations included in this Master Plan may be effectuated through adopted regulations, such as zoning ordinances, through capital improvement programs, and through city initiatives. However, cooperation among agencies, elected officials, developers and the public will be necessary to coordinate efforts in a fashion necessary to take these recommendations from vision to reality. Many can be implemented through small refinements of existing regulations, while others may require the establishment of new regulations, programs, or processes. Legislative actions and movements by the Yonkers City Council may also be required. As a result, some recommendations can be realized immediately, while others may take several years. The potential effects of these recommendations will be studied within the framework of a formalized

environmental review procedure, which will be coordinated as part of the Plan's adoption.

## **5.2 Actions Under Existing Authority**

Many recommendations included in this Plan are achievable within the City of Yonkers' existing regulatory framework. These actions do not require new regulatory mechanisms to implement, and as such should be seen as near-term strategies to provide a timely response to the community's needs. Furthermore, these actions will lay the groundwork for additional, more complex actions to come. Following are but a few examples of near-term actions.

Certain community-based revitalization plans discussed in **Section 4.0, Development Plans**, may be accomplished with minimal effort and inter-agency coordination. The identification of priority rehabilitation sites and the issuance of development RFPs is a function of the Department of Planning and Development.

Streetscape efforts such as tree planting and the consideration of embellished signage and way-finding to connect Warburton/Ravine with proximate resources such as the Old Croton Aqueduct and the Hudson River Museum would be coordinated by the Department of Planning and Development and the Parks Department. Furthermore, the Department of Planning and Development may commission studies to recommend additional traffic calming measures.

Promoting a partnership between local neighborhood groups and business community members could result in a local entrepreneurship program that would return benefits to the community. A Community Benefits Agreement might also be a reason to create a neighborhood association to monitor its provisions. Local leadership should be designated to present the Plan to city agencies and local non-profits to encourage formation of community partnerships such as cultural groups. In order to liaise with the City of Yonkers, the Mayor's Office could appoint a staff person to be the designated Community Benefits Agreement coordinator, focusing specific attention on the Ravine Avenue neighborhood. These strategies will promote both strong local leadership within the Warburton-Ravine and reliable partnerships with city and regional organizations.

## **5.3 New Regulatory Mechanisms**

### **5.3.1 Urban Renewal Area Designation**

This Master Plan seeks to build upon Warburton-Ravine Avenue's assets and leverage recent and proposed development in order to revitalize the existing residential neighborhood. Towards this end, implementation of this Plan is critical and can be achieved through approval by Yonkers

City Council and administered by the Department of Planning and Development. Prior to approval, a public hearing is needed whereby public engagement will occur and would precede a city council vote.

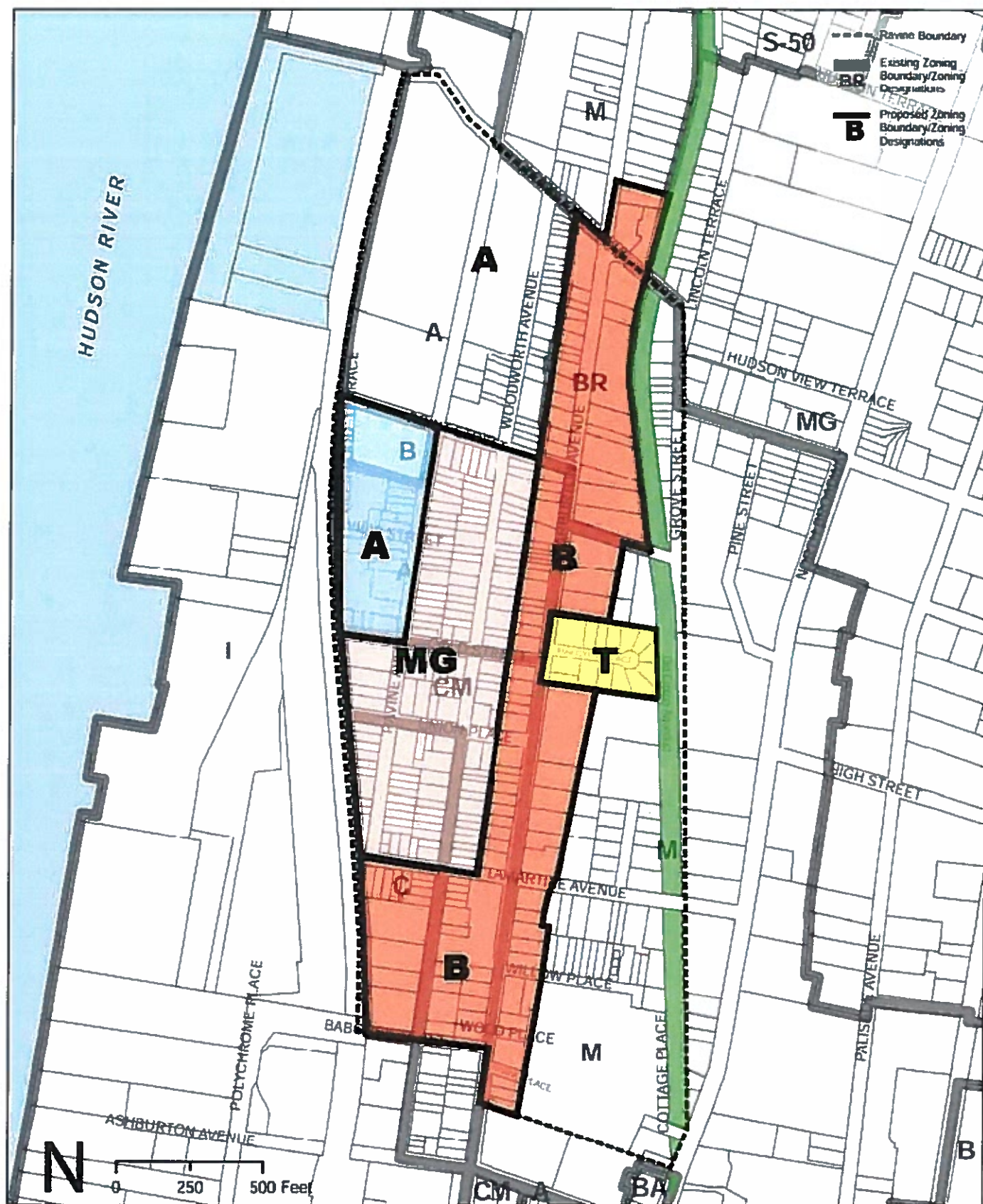
The Warburton-Ravine Avenue Master Plan will enable Yonkers to apply for funding unique to renewal actions, leading to its implementation as discussed above. Some of these actions are aimed at identifying and removing deteriorated conditions, relocating affected households and businesses, encouraging private investment, redeveloping cleared sites, and creating new opportunities for residents. These actions are known collectively as urban renewal, and are controlled by New York State law, under Article 15, Urban Renewal. State law lays out requirements that any municipality must meet for a legally acceptable urban renewal plan.

### **5.3.2 Zoning Changes**

In a broad sense, zoning encourages the orderly development of a city and serves to implement many of the recommended development plans found in the preceding section. The City's Zoning Ordinance should be updated with the recommendations contained within the various chapters of this Master Plan. All zoning and land use changes should be made within the context of existing land uses, future land uses, and planned infrastructure.

In an effort to create a comprehensive vision for the Warburton-Ravine neighborhood with an adaptive, meaningful plan, changes are recommended to most of the zones present in the Ravine Avenue study area in order to create three distinct, new areas for future development (see *Figure 12*):

1. The first area concentrates on the need for future mixed-use development along the area's commercial corridor, Warburton Avenue. The proposed zoning for all lots along Warburton Avenue is B - mixed-use neighborhood business and apartment house district. By changing to the B zone, some lots would see an increase in the potential allowable height and density while other areas zoned differently would see a decrease in potentials. However, it is critical to understand that the existing zoning in many areas is neither appropriate to the community nor reflected in the actual development on the land.
2. Secondly, the zoning recommendations focus on creating a cohesive neighborhood scale in the residential area including Glenwood Terrace, Gold Street, Warburton Street and Point Street. In order to create a contextual residential development, the western portion of the study area is proposed to be rezoned. The northwestern corner of the study area will become an A



### Figure 12. Proposed Zoning

Source: City of Yonkers GIS Data

Philipps Preiss Shapiro Associates, Inc. 2009

zone, while a portion of the area bounded by Point Street, Larmartine Avenue, Glenwood Terrace, and just west of Warburton Avenue will be rezoned from A, CM, and C zones to a MG zone.

3. The third sub-area with zoning recommendations includes Larmartine Avenue, the southern block of Woodworth Avenue, and Glenwood Terrace. It is currently zoned C - wholesale business and storage district and CM - commercial zoning district, which excludes residential use. In order to plan for future development, encouraging mixed-use, high lot coverage for a compact, livable urban environment, the proposed change in zoning designation is to the B - mixed-use neighborhood business and apartment house zoning district, the same recommendation as Warburton Avenue.

In addition to these three areas for future development, the Halcyon Place neighborhood is proposed to be rezoned from an M zone to a T zone, to protect the historic character of the block.

Overall, the proposed zoning changes serve to preserve the existing built character while allowing for appropriate development opportunities that will appropriately contribute to the neighborhood. The objective of the rezoning is to encourage mixed-use development in strategic areas without compromising the established character of the residential neighborhood.

The zoning changes are identified as actions for the short term because there is no direct expenditure needed for implementation and because the sooner zoning changes are implemented, the sooner the guidelines imbedded in the new regulations will take hold.

Any rezoning actions implemented will be done in coordination with the city's Department of Planning and Development, City Council, Planning Board and neighborhood residents.

### **5.3.3 Environmental Review**

In accordance with the State Environmental Quality Review Act (SEQR) and the National Environmental Policy Act (NEPA), the Warburton - Ravine Avenue Master Plan and Urban Renewal Area Plan will undergo a formalized environmental review process. Environmental review is required for federal or state projects or legislative actions that may significantly affect the environment. An Environmental Assessment Form with Supplemental Studies (EAF) will be prepared by the City of Yonkers, Community Development Agency. The EAF document is a decision-making tool that will describe the positive and negative effects of the Master Plan and Urban Renewal Plan.

#### **5.4 Capital Improvements Programming**

Capital expenditures are an integral part of the Master Plan. It is in the City's financial interest to invest in the physical maintenance and enhancement of the Warburton-Ravine area. Through the City Council's authorization, an amount of capital investment spread out over time will move the City toward its goal of revitalizing the Warburton-Ravine area.

The City may seek funding through a variety of mechanisms. Coordination with state agencies and Westchester County is recommended for joint planning and sharing the cost of projects. For example, New York State Department of Transportation (NYSDOT) receives funds from the federal government and directly from the state budget that are allocated for roadway construction and maintenance across New York. Yonkers should determine which roads within Ravine might be eligible for such funds. Actions may also be taken for the city to increase its revenue stream. When housing units within the Urban Renewal Area are improved, their valuations increase, which thereby increases their value. This increase in taxable value may be reinvested in localized infrastructure, site cleanup, or other recommendations included in this report. Impact fees, or fees charged to new development based on its relative impact on the infrastructure system, may also be considered as a revenue source to fund this Plan, though care should be taken to ensure such fees do not inhibit development through the increased cost of development.

#### **5.5 Summary of Priorities and Agency Responsibilities**

The implementation of this plan is the culmination of recommendations and policies discussed throughout this Master Plan. As the City of Yonkers continues in its planning efforts, the priorities discussed in this Plan should be considered. Especially important should be the near-term recommendations discussed above, as these are capable of being achieved with relative ease and minimal inter-agency coordination. The Yonkers Department of Planning and Development should be viewed as the lead agency in this Master Planning effort, though involvement and coordination with other agencies, officials, residents and interested parties should be of the utmost concern in the realization of the improvements discussed in this Plan.

The various elements of this Plan are based on realistic goals, objectives and recommendations for Yonkers that resulted from a comprehensive process involving elected and appointed officials, citizens and Yonkers staff. This Master Plan, once adopted, becomes official policy of the city. To be fully effective, the Plan should be used as a road map and reviewed on a regular basis to determine policy and to guide a sensible approach to revitalizing the Warburton - Ravine Avenue neighborhood.

Warburton - Ravine Avenue Urban Renewal Area Plan  
Yonkers, New York



Prepared for:  
Yonkers Community Development Agency and  
The City of Yonkers Department of Planning and Development  
Yonkers City Hall  
40 South Broadway  
Yonkers, NY 10701-3700

December 2010

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## Exhibits:

1. Urban Renewal Boundary Map
2. List of Properties Considered for Acquisition
3. Map of Properties Considered for Acquisition

## I. INTRODUCTION

### A. Vision

The vision of the Urban Renewal Plan of Warburton - Ravine Avenue and the surrounding neighborhood is to revitalize and rehabilitate the community utilizing its best assets. The revitalization is centered on having a high quality decent housing stock, serving a range of incomes and household types and built to be compatible with the established residential patterns and designs. Along Warburton Avenue, there is an opportunity to improve and advance commercial uses. Warburton Avenue should be improved to better serve local residents and businesses, creating a visually attractive street that encourages local residents and through motorists to stop, walk, and shop. Revitalization of the primary commercial corridor will in turn benefit the greater Warburton - Ravine Avenue community. Additionally, job creation and an increase in public-private partnerships are economic goals and objectives of the overall urban renewal effort.

### B. Statement of Public Purpose

The City of Yonkers ("City") has designated the Warburton - Ravine Avenue Urban Renewal Area as an urban renewal area pursuant to §504 of Article 15 ("Urban Renewal Law") of the General Municipal Law. The Warburton - Ravine Avenue Urban Renewal Area Plan for the City of Yonkers recommends actions that will improve the physical environment of the study area, so that the area becomes a more functional and attractive neighborhood for its residents. By its actions, the City will remove blighted conditions, encourage private investment, redevelop cleared sites, create new opportunities for residents, and, if necessary, relocate affected households and businesses. These types of actions are controlled by New York State urban renewal law, under Articles 15 and 15-A of the General Municipal Law. The State urban renewal law lays out requirements that municipalities must meet for a legally acceptable urban renewal plan. Such a plan will allow Yonkers to apply for funding unique to urban renewal actions and enable the City to implement the Warburton - Ravine Avenue Master Plan in Yonkers, New York, dated December 2010, prepared for the City's Department of Planning and Development (the "Master Plan", "MP").

As with the Master Plan, the Urban Renewal Plan and its recommendations are guided by goals and objectives that conform to the Master Plan and to the City's overall adopted Comprehensive Plan – *Connections*. The Urban Renewal Plan also conforms to the State urban renewal law by containing certain minimum necessary components: a description of the urban renewal area, urban renewal plan, a proposed land use plan, specific project proposals, proposed methods of urban renewal, proposed amendments to City regulations, and an implementation program.

### C. Public Planning Process

In order to better understand the designated Warburton - Ravine Avenue Urban Renewal Area and surrounding neighborhood, Phillips Preiss Shapiro Associates and Urbitran Associates made site visits to the area and met with the City's Planning and Development Department staff. To prepare for the community outreach meetings, the consultant team researched, analyzed and documented the built character conditions, as well as the neighborhood's demographics. The first Advisory Committee meeting was held in September 2006 at the Nepperhan Community Center (The Advisory Committee is comprised of residents, representatives from local businesses and organizations, and developers).

The team presented existing conditions to the Advisory Committee and the thirty participants were asked to break in to small groups in order to further discuss issues and opportunities in the designated Warburton - Ravine Avenue Urban Renewal Area. Based on this feedback, the consultant team performed additional analysis and urban design research in order to generate preliminary recommendations. The next outreach meeting was a public workshop which took place in December, 2006. The workshop provided an opportunity to gather more information about the assets and challenges in the neighborhood and receive feedback on initial "guiding principles" generated by the consultant team. It was clear that residents and other stakeholders were interested in economic development opportunities, as well as mixed-income housing and improvements to the public realm.

## II. DESCRIPTION OF THE URBAN RENEWAL AREA

### A. Boundaries

The Urban Renewal Area ("URA") is bordered on the south by Babcock Place. The northern end of the URA is bordered by Glenwood Avenue and provides transit access to the Metro-North Glenwood Station. The western edge of the URA is defined by the Metro-North railroad tracks and, to the east, the area is bounded by the State's Old Croton Aqueduct Trailway system (See Exhibit 1: Warburton - Ravine Boundary Map).

### B. General Conditions

The area is characterized predominantly by residential buildings, at both low and medium densities; varying from street to street in the neighborhood. Warburton Avenue has a number of commercial establishments with both active and vacant industrial buildings located in the southern portion of the area.

In addition to Ashburton Avenue, Lamartine Avenue is the other east-west roadway connecting the Ravine Avenue neighborhood to State Route 9 (North Broadway). As a result, these two avenues experience significant daily car and truck traffic from the city's west side traveling eastward to the major highways leading out of Yonkers' downtown. The project area contains three north-south roadways: Ravine Avenue, Woodworth Avenue and Warburton Avenue. There is substantial through traffic along Warburton

Avenue to local destinations and this traffic overlaps with local circulation by residents, employees, and visitors in the neighborhood.

The City has initiated a major redevelopment plan in the area known as the Ashburton Avenue Urban Renewal Area, directly to the east of the Warburton - Ravine Avenue Urban Renewal Area. In addition, just west of the Warburton - Ravine Avenue URA, at the waterfront, another major project known as the Alexander Street Urban Renewal Area, is under development.

### C. Summary of Blight Findings

Many physical indicators of blight can be found in the Warburton - Ravine Avenue URA. The applicable data demonstrates the existence of blight and meets the specific factors under consideration.

Many of the lots in the designated Urban Renewal Area and surrounding neighborhood are vacant or have a number of dilapidated structures on them. Some of the buildings have illegal ground-floor uses and reported illegal occupancy. In addition, several buildings and lots are in transition; either recently purchased for proposed development or the current owners are in the process of liquidating their properties. The apartment buildings in the northern portion of the URA, along Ravine Avenue, have some issues of concern, such as illegal activities and physical condition problems. Sections of Warburton Avenue also contain buildings that are in need of repair and have illegal residential uses on the upper floors. In addition, several Warburton Avenue properties are currently vacant.

## III. URBAN RENEWAL GOALS AND OBJECTIVES

### A. Statement of Plan Objectives

The Urban Renewal Plan has been designed to achieve the development goals outlined in the Warburton - Ravine Plan. Specifically, the Objectives of the Urban Renewal Plan are:

1. Redevelop the Area in a comprehensive manner, eliminating substandard and deteriorating residential, commercial and industrial properties;
2. Work with the Municipal Housing of the City of Yonkers (MHACY) to redevelop Cottage Place Gardens into a mixed-income residential neighborhood, eliminating dead end streets and integrating the isolated block back into the urban fabric of the greater community;
3. Create neighborhood design guidelines for the area, which will conform to characteristics of topography, terrain, location, and site configuration in the design of new structures, circulation systems, and the spatial environment created by the placement of buildings, streets, and roadways, and other forms of urban open space. Neighborhood design guidelines should promote a high standard of

design and construction for buildings, commercial signage, street furniture, landscaping and open space;

4. Improve the appearance of streets, side walks, curbs, and the function of water, storm and sanitary systems; relocate all utility lines underground unless the YCDA determines otherwise;
5. Develop vacant lots for residential use, including a mix of low- and moderate-income and market-rate housing;
6. Remove impediments to land assemblage and orderly development;
7. Rehabilitate residential areas with obvious signs of deterioration, but which are suitable for retention as part of the community's housing supply;
8. Assist homeowners in rehabbing their homes by providing low interest loans/or grants;
9. Improve neighborhood safety and enhance pedestrian and vehicle traffic circulation;
10. Create a safe public realm through streetscape improvements;
11. Purchase vacant foreclosed residential property using HUD's Neighborhood Stabilization Program funding (or the current funding mechanism) and rehab or build new housing;
12. Implement traffic calming measures along Warburton Avenue to reduce vehicle speeding through visual cues and other treatments without unduly affecting vehicular throughput. Introducing on-street parking where none exists today is one way of accomplishing this, while also serving the area's residents and businesses with additional parking;
13. Create a stronger retail commercial corridor and provide local neighborhood retail services;
14. Develop an improved thoroughfare system and adequate community facilities, including parks, in order to properly serve existing and proposed residential and commercial areas;
15. Encourage continuing, comprehensive community service programs within the neighborhood and between other Yonkers groups and agencies to serve area residents;
16. Rehabilitate and Expand the existing Nepperhan Community Center;
17. Develop adequate off-street parking to serve the needs of both residential and non-residential areas;
18. Increase the vitality and safety of the street;
19. Reinforce local and regional amenities and create a network of destinations;
20. Enhanced wayfinding and destination signage in the URA to help pedestrians to navigate the area, including finding the City's Downtown and Waterfront, the State's Old Croton Aqueduct Trailway, the Philipse Manor Hall Historic Site and other points of interest; and
21. Establish waterfront access via Point Street and a pedestrian bridge near the Ravine Avenue Park utilizing an existing easement over the existing railroad line.

#### IV. STATEMENT OF PROPOSED LAND USE

##### *Proposed Plan and Projects*

##### A. Strategy Plan for Urban Renewal Plan Action Area

The plan divides the URA into three distinct action areas, each with its own redevelopment strategy. The action areas and their strategies are detailed on the following pages. One of the measures required to effect the various redevelopment actions will be a change in zoning. The zoning recommendations, detailed in the Master Plan include changing the 'BR', 'M' and 'C' zoning districts along both sides of Warburton Avenue (Action Area 2) to a 'B' zoning district to permit neighborhood business and apartment house development. The recommendations also propose changing the zoning in a portion of the area south of Point Street to Lamartine, west of Warburton Avenue properties (part of Action Area 1A) to a 'MG' District, which permits low-density apartment houses. Halcyon Place to 'T' which allows two family homes and preserves the existing home ownership in the area. Lastly the southwestern most portion of the neighborhood, south of Lamartine Avenue and west of Warburton Avenue properties (Action Area 3), currently designated as 'C' and 'CM' districts is recommended to be changed to a 'B' district.

##### Action Areas 1A and 1B

The first action area is split into areas A and B: the two sub-areas have very similar built character (low-scale residential), but are divided by Warburton Avenue, a wide street with commercial uses. While Action Area 1A is located along the western edge of the URA, Action Area 1B is comprised of all lots east of the rear property lines of lots fronting along Warburton (See Action Areas map).

These areas are characterized by residential uses, ranging from single-family historical homes on Halcyon Place to the high-density apartment complexes located closest to the Glenwood Train Station.

The two areas with housing stock in good condition include the apartment complexes in the northwest corner of the study area and the multi-family dwellings along the eastern edge of the study area (areas 1A and 1B, respectively). The apartment complexes of Glenwood Garden Apartments and Ravine Place are all in fair condition, as are the buildings in the designated Historic District of Halcyon place. Additionally, water view apartments located at the end of Lamartine Terrace are in good condition, but select structures along Lamartine Avenue are dilapidated. Area 1B also contains a municipal housing authority development site, known as Cottage Gardens. Built in 1948, Cottage Gardens consists of 256 units in 13 mid-rise buildings situated on 5.29 acres of land bounded by Willow Place to the North, Cottage Gardens to the East, Irving Place to the South and Warburton Avenue to the West. The development is well maintained, but is functionally obsolete and in need of significant revitalization. The City of Yonkers is working with the Yonkers Municipal Housing to rehabilitate Cottage Gardens.

The two action areas also contain some park facilities. In Action Area 1A there exist two parks: Irving Park, located at the south end of Glenwood Terrace, and at the western end of View Street, is open space with views of the Hudson River; and Ravine Avenue Park, located on Ravine Avenue, and Union Place, covers 0.2 Acres and features benches, basketball courts, and a playground. Action Area 1B is bordered on the north by the State-owned Old Croton Aqueduct Trailway. The aqueduct is not well maintained by the State and is currently not visible from the main thoroughfare, Warburton Avenue. No off-street parking for visitors to the Aqueduct trail exists and there are no other parks or green spaces in this area.

The following are key elements of the Strategy Plan for Action Areas 1A and 1B:

- Improve streetscape elements, such as providing new pavement, sidewalks, and curbs, and increase street lighting to improve neighborhood safety;
- Make major improvements to Irving Park and create a greenway connection from the park east to the Old Croton Aqueduct Trailway;
- Redevelop the large parking lot located at the corner of Point Street and Ravine Avenue into affordable housing;
- Explore creating a pedestrian bridge across the railroad tracks just north of Ravine Avenue Park to provide additional access from this community to the waterfront;
- Demolish buildings that are vacant or in poor condition and replace with new affordable residential housing;
- Work with MHACY to redevelop Cottage Place Gardens into a mixed income residential community with varying residential building types, including the redesign of the infrastructure to include on site parking, through streets and public open spaces;
- Redevelop the existing vacant lots into two family, owner-occupied infill housing that conforms to the existing neighborhood architectural fabric; and
- Rehabilitate existing residential structures.

#### Action Area 2

Area 2 is defined by the buildings located on either side of Warburton Avenue, the principal commercial corridor within the URA. In addition to residential structures, interspersed in Area 2 are retail, institutional and auto-related uses. The majority of retail uses – e.g. Laundromats, a deli, a local grocery, etc. – are located on corners along the entire Warburton Avenue corridor. Neighborhood establishments include the CleanCity Laundromat, Rappaport Cleaners, F & D Grocery, as well as a charter school and the Nepperhan Community Center. This commercial area, however, lacks retail continuity due to vacant storefronts, vacant lots, underutilized surface parking areas and vacant buildings.

Along Warburton Avenue, building stock is generally in fair condition, with some structures in good condition (e.g. Florist shop at the corner of Gold St and Warburton); however, others remain vacant or run-down. The Charter School for Educational Excellence on Warburton Avenue is an example of a building in good condition, as it was recently renovated, but it is adjacent to an auto repair shop in need of rehabilitation. The

southeast corner of this study area has an affordable housing complex built in the 1970's locally known as the "chicken coops". The complex's design does not fit contextual with the surrounding late 19th century architecture and is in very poor condition.

Warburton Avenue provides access south to downtown Yonkers, as well as north to the Town of Hastings. Its importance to the city's overall traffic circulation is only expected to grow as the downtown and the riverfront are developed with more housing, shopping, dining, entertainment and office complexes.

The following are key elements of the Strategy Plan for Action Area 2:

- Improve streetscape elements, such as, installing new pavement, sidewalks and curbs, providing benches, street signage and waste receptacles and providing new decorative street lighting.
- Create a central retail hub where various neighborhood retail services can be supported by local foot traffic and off-street parking can be provided to service through traffic.
- Demolish the 1970's "chicken coops" complex and redevelop the site with new mix-income, mixed-used buildings that conform to the contextual nature of the street.
- Identify and create a gateway park and off-street parking for visitors wanting to access the Old Croton Aqueduct Trailway.
- Rehabilitate existing 19th century residential buildings.
- Create more economic opportunities for residents via jobs and business ownership.
- Expand and renovate the existing Nepperhan Community Center.
- Develop vacant lots into additional affordable housing for the local population.
- Increase community pride by creating community gardens, unified lampposts, destination signage, etc.

### Action Area 3

The third action area is located in the southwest portion of the URA. This area is primarily an industrial district located west of Warburton and south of Lamartine Avenues. Some of the industrial uses include the old Greyston Bakery building (now vacant and for sale), the New York Ladder and Scaffold Corporation, the Max Braun & Son Wholesale Meat Company, and a Marfam Industries/ Pollack Paint Company building. These uses are interspersed with private driveways and parking lots, as well as, some vacant lots and abandoned buildings.

In order to plan for future development, encouraging mixed-use, high lot coverage will create a compact, livable, urban environment where commercial uses can serve the neighboring residents.

The following are key elements of the Strategy Plan for Action Area 3:

- Improve streetscape elements such as installing new sidewalks and curbs and increasing the street lighting to improve neighborhood safety;

- Change the current 'C' and 'CM' zoning to "B" zoning, which will allow mixed-use neighborhood business and apartment house uses;
- Create more economic opportunities for residents via jobs and business ownership;
- Develop vacant lots into additional affordable housing for the local population; and,
- Increase community pride by creating community gardens, unified lampposts, destination signage, etc.

## V. PROPOSED METHODS OF URBAN RENEWAL AND OTHER URBAN NECESSARY RENEWAL PROVISIONS

### A. Land Acquisition, Relocation, Demolition and Removal of Structures, and Rehabilitation of Structures

The Master Plan and Urban Renewal Plan's guiding principles are based on revitalization and rehabilitation actions rather than significant demolition. (See Blight Study).

However, in order to meet Action Areas Strategy Plan Objectives specific properties may be acquired (see Exhibits 2 and 3).

All real properties to be acquired are shown in Exhibit 2 as "Redevelopment (List of Properties to be Acquired)." All improvements on properties to be acquired will be demolished and removed to permit the proper redevelopment for the uses proposed above. All properties will adhere to the Warburton - Ravine Master Plan and the Downtown Urban Design Guidelines established for this area.

All properties identified on Exhibit 3 will be acquired and cleared, unless future investigation indicates that they are not needed to achieve specific project objectives.

Property information and final engineering design to be obtained during the execution stage may indicate the need for minor revisions in the taking lines.

### B. Public, Semi-Public and Community Facilities Plan

The URA has many existing community resources which need to be improved. The one small passive park and the community center are currently too small to meet the needs of the current neighborhood population; the Master Plan advances recommendations related to increased park programming and the expansion and renovation of the Nepperhan Community Center.

### C. Urban Renewal Techniques

There are a number of urban renewal techniques that will be used to carry out the Urban Renewal Plan and Master Plan as outlined below.

**Acquisition**

Structures that will be considered for acquisition and demolition are those that have deteriorated to a point warranting clearance, or that contain blighting influences that can only be eliminated by the removal of the structure, or where the lot is needed for the development of necessary public infrastructure (including roads and parking), utilities, or facilities. All land and structures shall be acquired in accordance with the Uniform Relocation Assistance and Real Property Policies Act or any other applicable law, depending upon funding requirements.

**Relocation**

The YCDA shall assist in the relocation of persons, households, and businesses residing in or doing business in buildings that will be demolished within the URA as part of the Urban Renewal Plan.

**Demolition**

The YCDA shall cause the demolition of structures so designated in this Urban Renewal Plan. All structures shall be suitably secured by their owners for that period of time during which they are vacant. All demolitions shall be administered in accord with an approved demolition permit issued by the City. All lots affected by demolition shall be cleared, secured, and made ready for new construction.

**Rehabilitation**

The YCDA shall implement a rehabilitation program to carry out the rehabilitation of structures so designated in this Urban Renewal Plan. Rehabilitated properties shall conform to the Warburton - Ravine Master Plan and the Neighborhood Design Guidelines and to all other relevant provisions of the Yonkers Zoning Code and Building Code of the City applicable to existing buildings.

Rehabilitation shall be done for the following purposes:

- To relocate businesses and households that had to move from buildings slated for demolition into buildings that needed rehabilitation due to their condition;
- To rehabilitate structures that are in fair to poor condition and thus are contributing to the blighting impact of the community.
- To complete the redevelopment of a block or street with multiple vacant lots that are redeveloped into new infill housing.

For other structures in the URA, the City shall undertake a rehabilitation plan and program. This shall include housing and building code enforcement, municipal incentives, financing assistance, design and merchandising assistance for businesses, a one to four unit owner-occupied residential rehabilitation program, a façade and yard improvement program, and assistance in dealing with other problems, where feasible.

**Redevelopment**

Redevelopment of the URA shall take place to affect the Master Plan goals and the objectives associated with the various goals. Redevelopment is intended to bring about

good-quality new development, resulting in substantial long-term values to the community and complementing the existing uses within the URA.

The redevelopment requirements shall apply to all land made available for redevelopment within the URA, and shall take place in accordance with the following conditions:

#### Basic Standards

The basic standards and controls for the redevelopment of real property shall be the provisions of this Urban Renewal Plan, the City of Yonkers Building Code, Environmental Protection Code, Electrical Code, Fire Prevention Code, and the Zoning Ordinance in effect. In all cases the more restrictive code shall govern, except that amendment of the Zoning Ordinance may be sought in accord with this Urban Renewal Plan.

#### Site Plan and Design Review

Site plans shall reflect the goals and objectives listed in the Master Plan, the Urban Renewal Plan, the Neighborhood Design Guidelines (to be developed), and any amended city regulations, as adopted. The redeveloper must submit plans for review and approval by the staff of the YCDA and the Planning Department. The specific proposals for site development shall be evaluated by the YCDA and Planning Board for the manner in which they achieve plan objectives.

#### Electric, Telephone, and Other Utility Facilities

All electric, telephone, and other utility facilities shall be installed underground.

#### Improvement of Traffic, Parking, and Circulation

The Master Plan and Urban Renewal Plan provide for the provision of improved on-street parking and off-street parking, and street and sidewalk reconstruction and improvements. Further, overall circulation in the urban renewal area will be improved.

#### Code Enforcement

All applicable codes will be enforced as a tool to upgrade properties that have not deteriorated to a point that requires demolition or extensive rehabilitation, yet which show deficiencies that detract from the neighborhood following renewal and redevelopment.

#### Other Necessary Provisions

Article 15 of the State urban renewal law, requires that an urban renewal plan contain certain provisions that ensure the applicable state and local law requirements are met. Therefore, this Urban Renewal Plan states that the following may be necessary:

**Duration of Controls** - Land use restrictions, controls and standards contained within this Urban Renewal Plan, and any modification thereof for this URA, shall run with the land and shall be binding on all parties and all persons claiming under them for a period of forty years from the plan's effective date. Actions provided for in this plan shall be completed within that time.

**Amending the Plan** - The provisions of this Urban Renewal Plan may be modified or amended or added to at any time by the City Council of the City of Yonkers, provided that the owners or lessees of land sold or leased by the YCDA and who are directly affected by such changes, amendments or additions shall concur with such changes, amendments, or additions made subsequent to the sale or lease of land in the URA by the YCDA.

**Preserving the Integrity of the Plan** - In order to preserve the integrity of this Urban Renewal Plan, the Commissioner of Housing and Buildings of the City of Yonkers shall notify the YCDA upon receipt of any application for a permit for building construction or alteration or for a certificate of occupancy for a structure or use within the URA boundaries for at least 3 years after the Plan acceptance. The Commissioner of Housing and Buildings shall not issue a building construction or alteration permit or a certificate of occupancy for a structure or use within this URA without having first obtained the consent of the Yonkers Community Development Agency, unless the construction, alteration, or use is necessary for the immediate protection of the public health or safety. The YCDA shall consent to the issuance of certificates and permits upon a determination that the proposed construction, alteration, or use is not inconsistent with this Urban Renewal Plan or amendments thereto.

**Redeveloper Obligations** - Any land acquired by the YCDA will be disposed of subject to an agreement or agreements between the YCDA and the redeveloper. The redeveloper will be required by the contractual agreements to observe the controls and development objectives as contained in the Master Plan, the Urban Renewal Plan and the Neighborhood Design Guidelines. The redeveloper will further be required to submit a redevelopment plan and schedule satisfactory to the YCDA. The agreement with the redeveloper will include, but not be limited to, requirements for adherence to all applicable local, state, and federal laws. The following provisions or provisions of similar intent will be included in the agreement: (1) the purchase and/or lease of the land by the redeveloper is for the purpose of redevelopment in accordance with the Master Plan, the Urban Renewal Plan and the Neighborhood Design Guidelines and not for speculation, and (2) the building of improvements will be commenced and completed within a reasonable time.

## VI. BLIGHT STUDY

### A. Definition of Blight

The New York State General Municipal Urban Renewal Law Article 15 Section 502.4 defines a substandard or unsanitary area as "interchangeable with a slum, blighted, or deteriorated or deteriorating area, or an area which has a blighting influence on the surrounding area, whether residential, non-residential, commercial, industrial, vacant, or land in highways, railway and subway tracks, bridge and tunnel approaches and entrances, or other similar facilities, over which air rights and easements or other rights of user necessary for the use and development of such air rights, to be developed as air

rights sites for the elimination of the blighting influence, or any combination thereof and may include land, buildings or improvements, or air rights and concomitant easements or other rights of user necessary for the use and development of such air rights, not in themselves substandard or unsanitary, the inclusion of which is deemed necessary for the effective undertaking of one or more urban renewal programs.”

A substandard or insanitary area is not necessarily a slum. Moreover, an area may be substandard or unsanitary; so as to justify clearance and redevelopment under the State urban renewal law, although not every single parcel or building in the area is in such condition. An area may be substandard and insanitary although it is only two square blocks in size and may have one or more of the following characteristics:

- Obsolete and dilapidated buildings and structures
- Defective construction, outmoded design, physical deterioration
- Inadequate maintenance and obsolete system of utilities
- Buildings vacated, abandoned, or not utilized in whole or substantial part
- Hazardous or detrimental industrial uses
- Poorly or improperly designed street patterns and intersections
- Traffic congestion hazardous to the public safety
- Lack of suitable off street parking, and inadequate access to area
- Inadequate loading and unloading facilities
- Impractical street widths, sizes and shapes
- Blocks and lots of irregular form, shape, or insufficient size, width or depth
- Unsuitable topography, subsoil or other physical conditions all of which hamper or impede proper and economic development of the area community or municipality

The presence of blighted areas constitute a serious growing menace, is injurious to public safety, contributes to increases in crime, juvenile delinquency and disease, and contributes to a negative influence on adjacent properties impairing economic soundness and stability.

#### B. Methodology

Given the definition of blight defined by the State urban renewal law and the characteristics described above, this Urban Renewal Plan demonstrates how and where such conditions exist within the URA. To accomplish this, primary and secondary data sources were used to quantify and to describe existing conditions for evaluating the presence and frequency of factors associated with blighted conditions. The primary method of evaluation involved conducting extensive field surveys to gather data on the area's existing physical conditions and land uses. Physical and economic blight factors were observed during the field surveys. Secondary data sources included the City's property records, Yonkers Police Department crime statistics, and interviews with area residents, religious and other community leaders, business owners. The consultant team and City staff held public meetings to discuss the physical conditions of the area.

Photographs of blighted parcels were taken for visual documentation of the extent of the decline and deterioration.

Areas within the URA that were identified as blighted were analyzed individually and collectively. The findings were consolidated into four categories encapsulating the twelve aforementioned factors associated with blighted areas. The four categories are:

- Land uses (building and lot conditions; incompatible mix of uses);
- Infrastructure (streets, sidewalks, public outdoor stairways; utilities and stormwater management);
- Parks and open areas; and
- Other indicators (population and demographic changes; depreciated and/or deteriorating property values, building violations; crime statistics).

### C. Findings

Identification of blight within the URA is presented below.

#### Land Uses

Blight factors regarding land use are: obsolete and dilapidated buildings and structures; defective construction; outmoded design; physical deterioration; buildings vacated abandoned, or not utilized in whole or substantial part; growing or total lack of proper utilization; and land uses that are incompatible with primarily residential areas.

#### Building and Lot Conditions, and Incompatible Mix of Uses

Existing building conditions were assessed based on field surveys carried out within the study area and researching recent building code violations for the properties within the redevelopment area. The field survey was limited to a review of the exterior conditions of individual structures, which were classified as follows:

Good:	Generally well maintained buildings
Fair:	Buildings where minor repairs are required and where maintenance work has been delayed
Poor:	Major renovation is needed
Very Poor:	Uninhabitable; needs to be demolished

The photos illustrate a sample of the results of this survey. The physical condition and appearance of buildings and outdoor spaces vary widely within the URA. Scattered vacant sites, dilapidated or boarded-up structures, and abandoned yards and lots contribute to a generally poor quality image for sections of the neighborhood. These negative features include poorly maintained sidewalks with broken pavement and missing curbs, and discarded trash.

Many buildings on Ravine Avenue have a number of dilapidated structures and vacant lots and some of the buildings have illegal ground floor uses and reported illegal

occupancy. In addition, several buildings and lots are in transition; either have recently been purchased for proposed development or the current owners are in the process of liquidating their properties (e.g. 82 and 84 Ravine Avenue). The apartment buildings in the northern portion of the URA, along Ravine Avenue, have multiple issues, such as illegal activities and significant physical structural problems (roof leaks, plumbing defects, rodents and roaches). This portion of the URA, along Ravine Avenue, will be the most affected by the construction activity associated with the proposed waterfront development.

Sections of Warburton Avenue also contain buildings that are in need of repair and have illegal residential uses on the upper floors. Several Warburton Avenue properties are under single ownership and are currently vacant.

The City of Yonkers' Department of Housing and Buildings is responsible for recording building code violations for parcels under its jurisdiction. A survey of the blocks along the Ravine Avenue and Babcock Place was used to research trends in building code violation types over the past five years. The survey focused on these two areas because the exterior conditions survey indicated that many of the Ravine Avenue buildings were in "poor" condition and that this area may require the most building demolition and/or relocation of tenants to accommodate the re-development of the industrial district into a mixed-use commercial and apartment use area. Building code violation data provided complementary information about the interior conditions of the buildings.

#### Exteriors

The most common violations pertaining to the exterior of the sampled properties include graffiti on the exteriors of the structures, overgrown weeds, debris and garbage strewn on lots, rodent harborage, illegally erected gates, vacant buildings in need of being secured and boarded up, electrical boxes protruding from the building, and buckling retaining walls.

#### Interiors

Building code violations range from illegal uses of spaces, fire code violations, and the compromised structural integrity of several properties. Based on interviews with City code enforcement representatives, specific buildings are in need of significant roof repair or exterior renovations (e.g. front entrance needed to be stabilized), have a rodent problem, and/or have dilapidated front, rear or side yards. In addition, several buildings are located in zoning districts that do not permit residential uses and are illegally converted into multi-family buildings.

There are many physical conditions of blight that can be found in the Ravine Avenue URA. The applicable data demonstrates the existence of blight and meets the specific factors under consideration.

#### Infrastructure

The existence of inadequate, deteriorating, inefficient streets, sidewalks, public stairs and parks characterize a blighted area. Inadequate streets are defined by those that lack the

capacity to carry the vehicular traffic, or provide adequate access to the area. Inadequate open space refers to a lack of sufficient parks and recreation areas.

#### Streets and Sidewalks

The streets throughout the study area are lined with sidewalks in poor to very poor condition (see photos). The streetscape (lighting, waste receptacles and benches) are inconsistent if not non-existent. In addition, the age of the Ravine Avenue neighborhood indicates that there may be water and sanitary system deterioration beneath the roadways. The City of Yonkers storm and sanitary systems are combined.

#### Parks and Open Areas

The major City-owned open public space in the area is Irving Park. Irving Park is not maintained and is overgrown with brush and litter. Its access is limited, as it does not front any major street in the URA. The major State-owned open space resource is the Old Croton Aqueduct Trailway. While well-maintained in wealthier communities to the north of Yonkers, the Trailway in Yonkers is in derelict condition and has a poorly maintained footpath and virtually no signage or off-street parking for visitors to easily access the trail.

#### Social and Economic Indicators

Demographic statistics for the URA and surrounding neighborhood indicate notable differences from the larger Yonkers area in the make-up of the population. The demographic analysis was based on Census 2000 Summary File 3 (SF 3) Sample Data. (As described in Section 3.7 Population of the neighborhoods described in the Master Plan). The Census data from the Summary File 3 are only available at the Group Block level; therefore, the area analyzed for socioeconomic indicators, such as income and poverty, is broader than the study area.

#### Income and Poverty Levels

The median household income for the area is \$26,369 per year, substantially lower than the median income for the City of Yonkers as a whole (\$44,663). Of the area's 887 families for whom poverty<sup>1</sup> status was assessed by the Census Bureau, 206 (23.4 percent) were determined to have an income in 2000 below the poverty level. The proportion of households in poverty in the area is significantly more than that of Yonkers as a whole (15.5 percent).

#### Levels of Educational Attainment

Nearly 30 percent of the broader area's population over the age of 25 does not have a high school diploma. This compares with 23.3 percent for the City of Yonkers as a whole. Of those residents having completed their high school diploma, 339 (37 percent) went on to complete a bachelor's or associate's degree and 85 (9.3 percent) completed a

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<sup>1</sup> Following the Office of Management and Budget's (OMB's) Directive 14, the Census Bureau uses a set of money income thresholds that vary by family size and composition to detect who is poor. If the total income for a family or unrelated individual falls below the relevant poverty threshold, then the family or unrelated individual is classified as being "below the poverty level."

master's degree, though none completed a doctoral degree. In the City of Yonkers, 42 percent of high school graduates went on to complete bachelor's or associate's degrees, another 20 percent completed master's degrees, and 1.7 percent completed a doctoral degree.

#### Workers and Employment

There are 1,195 workers residing within the area. Of these workers, only about 16 percent travel less than 15 minutes to work, nearly one-third of workers travel between 15 and 29 minutes to work, and 37.4 percent of workers travel between half an hour and an hour to work. About 15 percent of the workers residing in the area travel more than an hour to work.

Of the area's 1,244-employed civilian population, about 31 percent work in the sales and office field, 24 percent work in the service sector, and roughly eight percent work in the fields of manufacturing, arts and entertainment, and professional services.

#### Crime Statistics

Public safety in the URA is provided by the Fourth Precinct in Yonkers. The URA accounted for approximately 30 percent of the crime in this precinct (1,173 crimes) in 2006. Most crimes involved a type of larceny. Crime rates have steadily declined over the past four years both in the Ravine area and the City as a whole.

4th Precinct (2006)

Murder	2
Rape	11
Robbery	134
Assault	167
Burglary	170
Larceny	602
Stolen Auto	87
<b>TOTAL</b>	<b>1173</b>

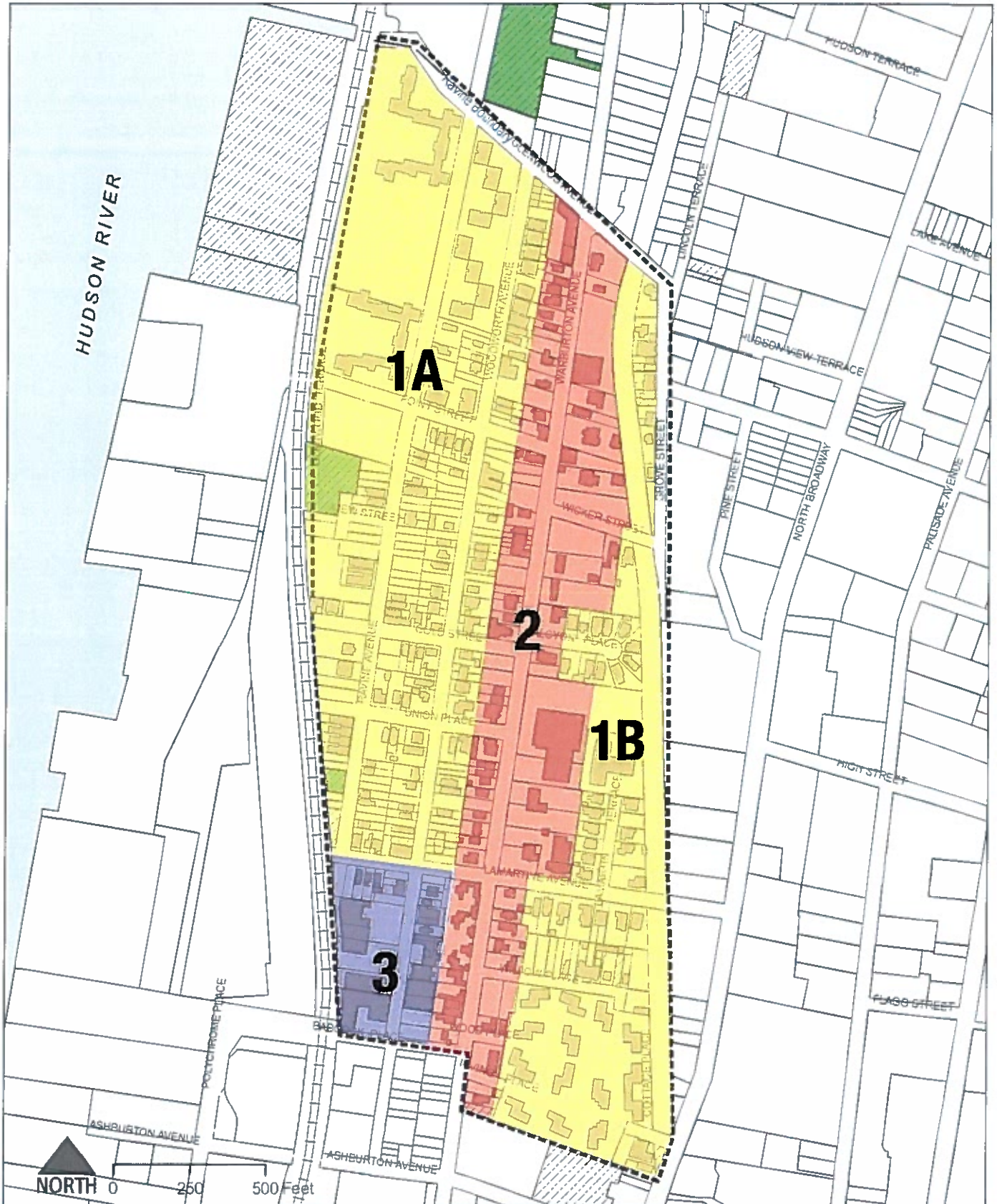
#### D. Summary

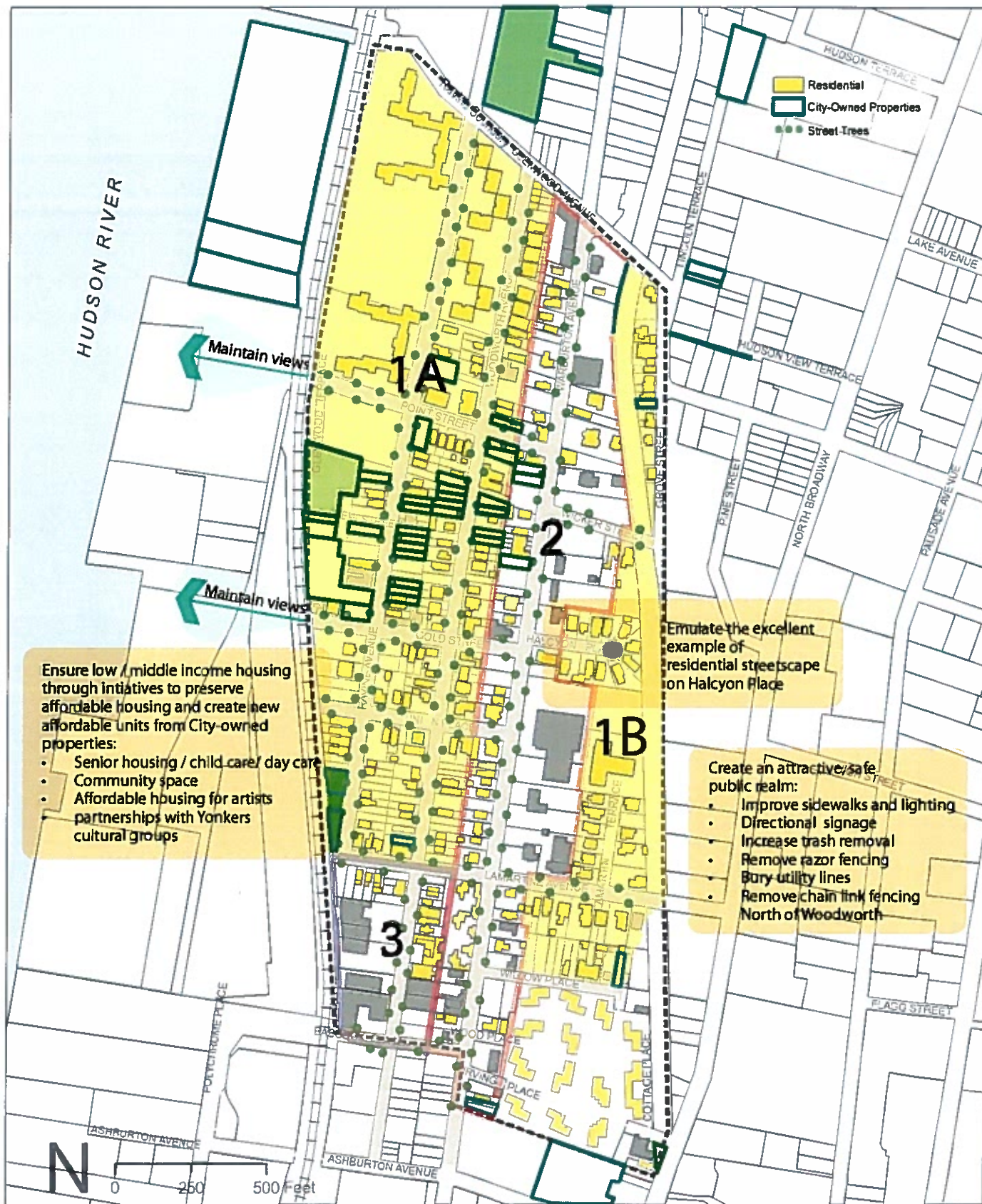
The conditions of decline and deterioration described in this Blight Study constitute substandard and unsanitary conditions. By conducting field surveys, and researching property records, census data, and crime statistics, substandard and unsanitary conditions were found in the existing land uses, infrastructure, and other blight indicators such as socio-economic trends, a certain quantity and quality of building code violations, and crime. The benefits of remedying the blight conditions existing within the Ravine URA will benefit its inhabitants, property owners and the surrounding Yonkers community.

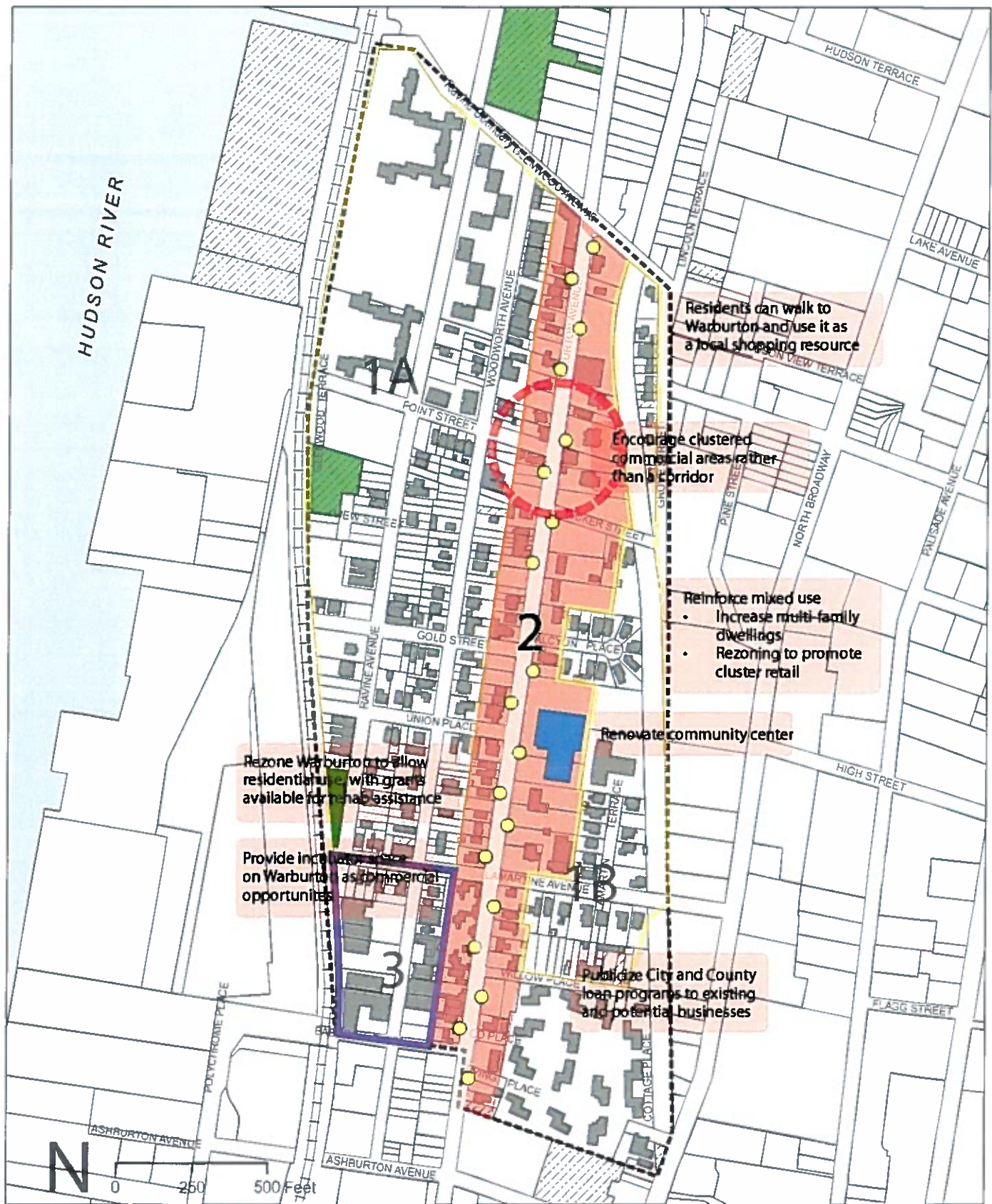
#### VII. CONCLUSION

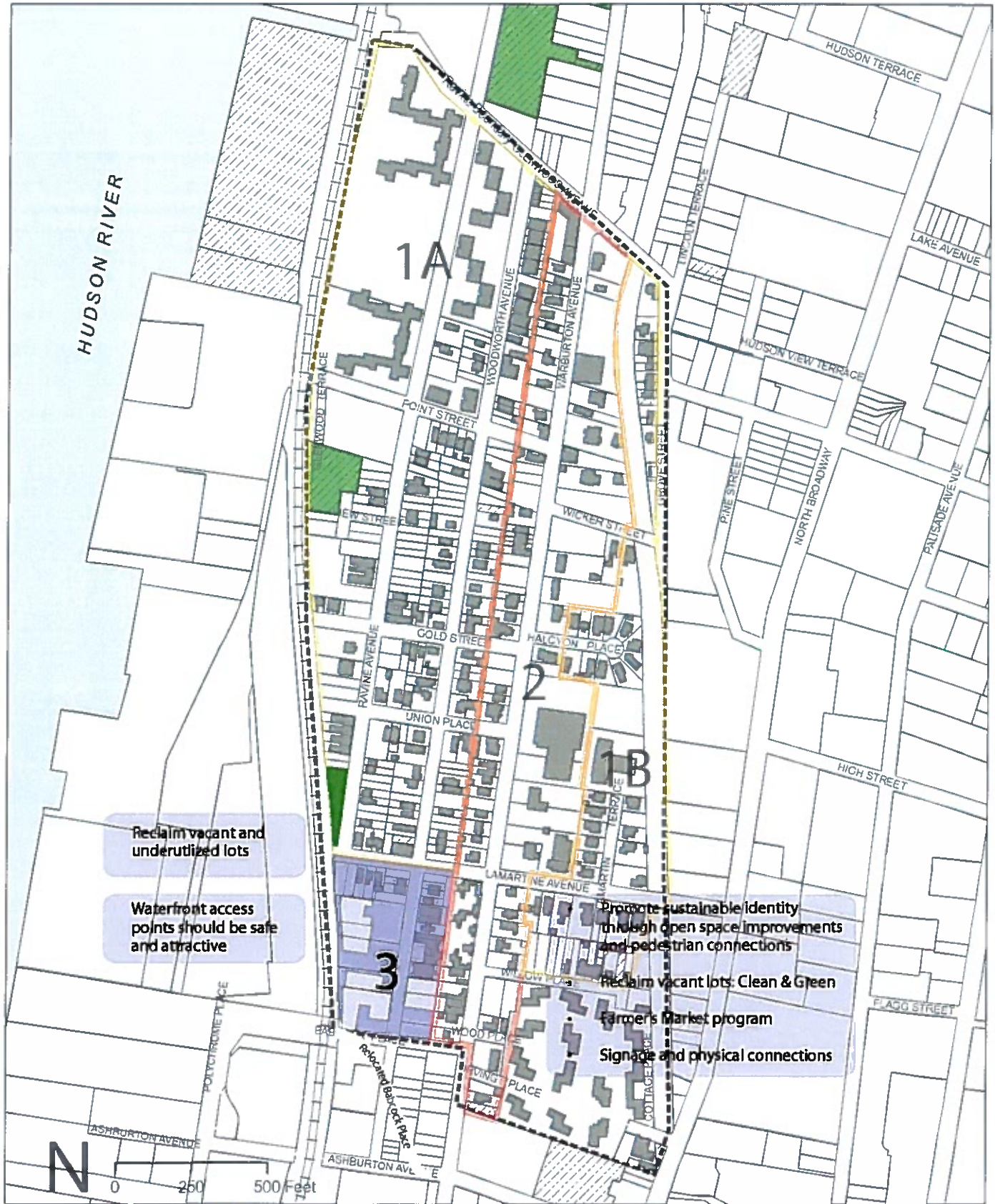
The Urban Renewal Plan and its recommendations are guided by goals and objectives that conform to the Master Plan and to the City's overall adopted Comprehensive Plan - *Connections 2000*. The Urban Renewal Plan sets out specific proposals and proposed methods of urban renewal to rehabilitate the URA's residential structures, improve local infrastructure, and neighborhood resources. In summary, the Master Plan and Urban Renewal Plan define an implementation strategy focused on revitalizing the Warburton - Ravine Avenue URA and thereby also improving conditions in the adjacent neighborhoods.

Action Areas









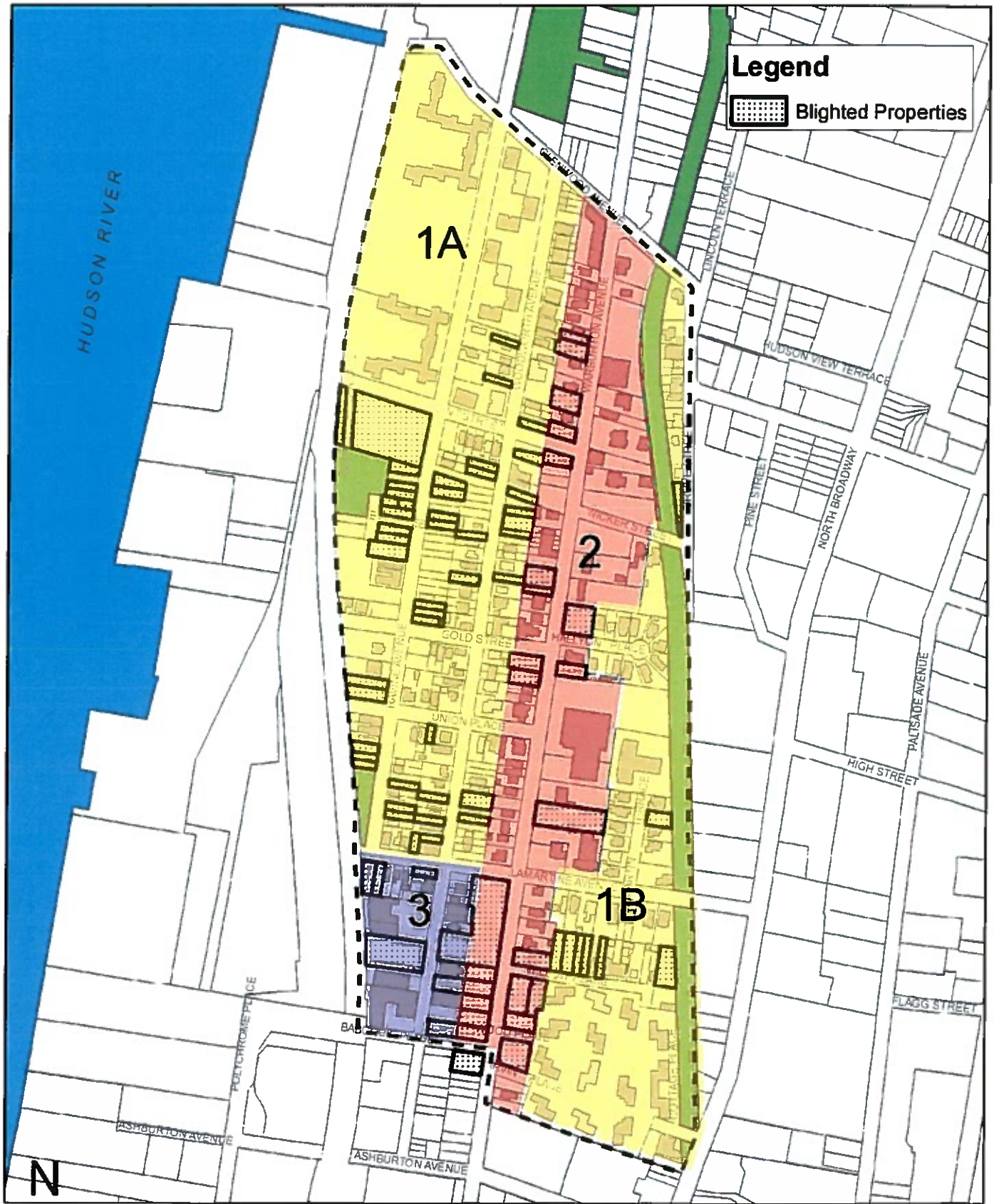
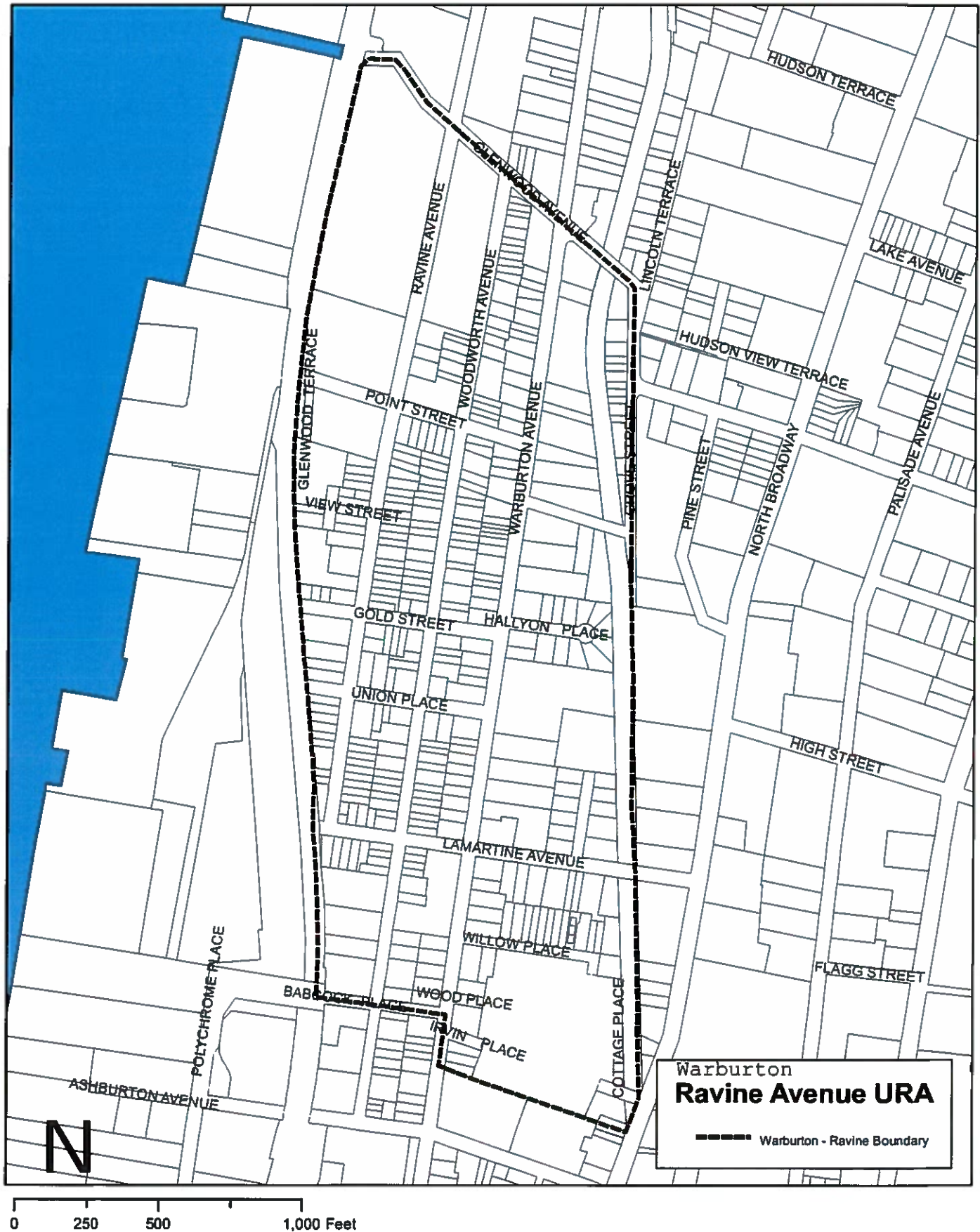


Exhibit 1. Urban Renewal Boundary Map **502**



## EXHIBIT 2

## Lots Considered for Possible Acquisition

Block	Lot		Block	Lot		Block	Lot
2094	58		2103	6		2114	60
2094	56		2103	7		2114	43
2095	33		2104	34		2115	32
2096	33		2104	26		2115	33
2096	38		2104	9		2115	15
2096	31		2104	23		2115	41
2097	53		2104	22		2115	47
2097	51		2104	12		2115	3
2097	50		2104	16		2115	2
2097	49		2105	25		2115	1
2097	47		2105	23		2115	19
2097	54		2106	56		2116	24
2098	1		2106	36		2116	14
2098	28		2106	9		2116	40
2098	14		2110	26		2116	7
2098	16		2111	1		2116	43
2098	18		2111	3		2117	17
2098	22		2113	7		2117	18
2098	20		2113	8		2117	24
2099	1		2114	17		2117	28
2102	39		2114	20		2118	23
2102	41		2114	36		2118	29
2102	1		2114	38		2152	27
2102	11		2114	39			
2103	4		2114	40			

