

September 8, 2025

Site Control Section  
Attn: Jenn Hathaway  
New York State Department of Environmental Conservation  
625 Broadway, 11th Floor  
Albany, NY 12233-7020

**Re: NYSDEC August 2025 Letter of Incompleteness – BCP Application**  
**New York State Department of Environmental Conservation**  
**Brownfield Cleanup Program Application**  
**Site No. C360264**  
**Project Site: 70 Fernbrook Street, Yonkers, NY**

Dear Ms. Hathaway,

J.S. Held, LLC. (J.S. Held), on behalf of the City of Yonkers, is submitting a Brownfield Cleanup Program (BCP) Application to the New York State Department of Environmental Conservation (NYSDEC) for the property located at 70 Fernbrook Street in Yonkers, New York. Please see below for a summary of updates made to the BCP Application per the August 15<sup>th</sup>, 2025, Letter of Incompleteness.

#### Section I Property Information

- *DEC Comment:* Narrative – Past Uses of Site – please *clearly identify* which historical uses could possibly sources of contamination in this summarization.
  - *J.S. Held Response:* Historical uses of the property that are possible sources are included in Appendix A, Section I, No 14. Within Sections titled “Past Use of the Site” Sources of Contamination”
- *DEC Comment:* The Environmental Assessment should describe the exceedances of "Restricted-Residential" and "Restricted-Commercial", not the "Residential SCO". Essentially, this should be a narrative of the soil and groundwater maximum concentrations that you've provided. Please revise.
  - Environmental Assessment has been updated to include explanation of exceedances of "Restricted-Residential" and "Restricted-Commercial"

#### Section II Property Description

- *DEC Comment:* Please see attached comments provided by the Project Manager.
  - *J.S. Held Response:* J.S. Held confirmed with Justin Starr of the DEC that no additional comments were provided by the Project Manager for this section.

#### Section III Ecological Concerns

- *DEC Comment:* Please see attached comments provided by the Project Manager.
  - *J.S. Held Response:* J.S. Held confirmed with Justin Starr of the DEC that no additional comments were provided by the Project Manager for this section.

#### Section IV: Land Use Factors

- *DEC Comment:* Item 3 – The current uses indicated on the form (Commercial and Vacant) do not match those indicated in the Section I - Current Zoning and Land Use narrative. It addresses the commercial use but not the vacancy. Please amend this discrepancy. If there is a vacant portion of the site, *dates of vacancy must be provided.*

- *J.S. Held Response:* Item 3 – Amended in Section I and IV.
- *DEC Comment:* Item 4 – Summary of Current Use – please include date of vacancy
  - *J.S. Held Response:* Item 4 – Dates of vacancy have been added.

#### **Section V: Current and Historical Property Owner and Operator Information**

- *DEC Comment:* Historical Operators List - please include last known contact information for the more recent operators (address/phone numbers/email address) and relationship to the applicant.
  - *J.S. Held Response:* A comprehensive list of historical property owners and operators with available /applicable contact information has been provided in Appendix D, Section V.

#### **Section VI: Property's Environmental History**

- *DEC Comment:* On the PS&S and J.S. Held figures showing soil contamination, please highlight or somehow identify those concentrations that exceed the commercial use SCO, in addition to the existing RRUSCO.
- *DEC Comment:* Please note: During the eligibility meeting, the "active" vs "passive" use issue will be discussed, and based on that discussion, restricted-residential or commercial use will be utilized to decide eligibility. Please ensure that both exceedances are clearly identified on the soil figures.
  - *J.S. Held Response:* A figure was created that shows all data collected by PS&S as well as J.S. Held. Exceedances to commercial use SCO as well as RRUSCO are shown with highlights.
- *DEC Comment:* On the soil and groundwater figures, please indicate the extent of tax parcel SBL: 1-615-1 and tax parcel SBL: 1-600-1 (p/o). The presence of contamination must be clearly identified on each parcel in order to establish eligibility.
  - *J.S. Held Response:* Figures throughout the application were updated to show the extent of the project boundary as well as the extent of tax parcel SBL: 1-615-1 and tax parcel SBL: 1-600-1 (p/o).

#### **Additional Comments**

- *DEC Comment:* Please include a cover letter reiterating Site Control comments, including Applicant responses and indicating where revisions can be found within the revised application
  - Cover letter included.
- *DEC Comment:* In the top section of Page 1 of the revised application, please select "yes" to indicate that the submittal is a revised application and include the NYSDEC site code in the subject line of this letter.
  - "Yes" has been selected on top of page 1 on the application. C360264 was added.

Should you have any questions regarding this request, please do not hesitate to contact me at (201) 876-9400, or by email at [skelly@jsheld.com](mailto:skelly@jsheld.com).

Sincerely,



Seamus Kelly  
Senior Project Manager





**SUBMITTAL INSTRUCTIONS:**

1. Compile the application package in the following manner:
  - a. one file in non-fillable PDF which includes a Table of Contents, the application form, and 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. \*OPTIONAL: Compress all files (PDFs) into one zipped/compressed folder
3. Submit the application to the Site Control Section either via NYSDEC dropbox or ground mail, as described below.

**Please select only ONE submittal method – do NOT submit both via dropbox and ground mail.**

a. VIA SITE CONTROL DROPBOX:

- [Request an invitation](#) to upload files to the Site Control submittal dropbox.
- In the “Title” field, please include the following: “New BCP Application - *Proposed Site Name*”.
- After uploading files, an automated email will be sent to the submitter’s email address with a link to verify the status of the submission. Please do not send a separate email to confirm receipt.
- Application packages submitted through third-party file transfer services will not be accepted.

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, 12<sup>th</sup> Floor  
Albany, NY 12233-7020

**SITE NAME:** Fernbrook Park & Commuter Parking

**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: C360264

☒

Yes

☐

No



# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

BCP App Rev 16.1 – March 2025

## SECTION I: Property Information

PROPOSED SITE NAME **Fernbrook Park & Commuter Parking**

ADDRESS/LOCATION **70 Fernbrook Street**

CITY/TOWN **Yonkers**

ZIP CODE **10705**

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

COUNTY **Westchester**

SITE SIZE (ACRES) **3.6**

LATITUDE

LONGITUDE

40°	55'	24.8988"	-73°	54'	24.6528"
-----	-----	----------	------	-----	----------

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
70 Fernbrook Street	1	615	1	3.158
	1	600	p/o 1	0.439

	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 type="radio"/>	<input checked="" type="radio"/>
2. Is the required property map, provided in electronic format, 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: _____ Percentage of property in En-zone (check one): <input type="radio"/> 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100%	<input type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" type="radio"/>
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input checked="" type="radio"/>	<input 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> Combined Sewer Outfall / Westchester County                      Storm sewer outfall across the Site		<input checked="" type="radio"/>	<input 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> See Appendix A.		<input checked="" type="radio"/>	<input 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 type="radio"/>	<input type="radio"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		<input type="radio"/>	<input type="radio"/>
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?		<input type="radio"/>	<input type="radio"/>
<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

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

Beginning January 1, 2024, all work plans and reports submitted for the BCP shall address Green and Sustainable Remediation (GSR) and DER-31 (see [DER-31, Green Remediation](#)). Work plans, reports and design documents will need to be certified in accordance with DER-31.

5. Please provide a description of how Green and Sustainable Remediation will be evaluated and incorporated throughout the remedial phases of the project including Remedial Investigation, Remedial Design/Remedial Action, and Site Management and reporting efforts.

Is this information attached? ☒ Yes ☐ No

6. If the project is proposed to start at the remediation stage (Section 2, Item 1, above), a climate change screening or vulnerability assessment must have been completed. Is this attached?

☐ Yes ☒ No

## SECTION III: Ecological Concerns

- |   | Y                                | N                                |
|---|----------------------------------|----------------------------------|
| 1. Are there fish, wildlife, or ecological resources within a ½-mile radius of the site?  | <input checked="" type="radio"/> | <input type="radio"/>            |
| 2. Is there a potential path for contamination to potentially impact fish, wildlife or ecological resources?  | <input checked="" type="radio"/> | <input type="radio"/>            |
| 3. Is/are there a/any Contaminant(s) of Ecological Concern?   | <input checked="" type="radio"/> | <input type="radio"/>            |
| If any of the conditions above exist, a Fish and Wildlife Resources Impact Analysis (FWRIA) Part I, as outlined in DER-10 Section 3.10.1, is required. The applicant may submit the FWRIA with the application or as part of the Remedial Investigation Report. |                                  |                                  |
| 4. Is a Fish and Wildlife Resources Impact Analysis Part I included with this application?  | <input type="radio"/>            | <input checked="" type="radio"/> |








N/A ☐

**SECTION IV: Land Use Factors**

1. What is the property's current municipal zoning designation? <u>Zone I</u>		
2. What uses are allowed by the property's current zoning (select all that apply)? Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/>		
3. Current use (select all that apply): Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Recreational <input type="checkbox"/> Vacant <input checked="" type="checkbox"/>		
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 <input checked="" type="radio"/>	N <input type="radio"/>
5. Reasonably anticipated post-remediation use (check all that apply): Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> If residential, does it qualify as single-family housing? N/A <input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached?	<input checked="" type="radio"/>	<input type="radio"/>
7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
8. Do current and/or recent development patterns support the proposed use?	<input checked="" type="radio"/>	<input type="radio"/>
9. Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation. Include additional documentation if necessary.	<input checked="" type="radio"/>	<input type="radio"/>
10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Please provide a brief explanation. Include additional documentation if necessary.	<input checked="" type="radio"/>	<input type="radio"/>

**SECTION V: Current and Historical Property Owner and Operator Information**

CURRENT OWNER City of Yonkers		
CONTACT NAME Susan Gerry, Deputy Mayor		
ADDRESS 40 South Broadway		
CITY Yonkers	STATE NY	ZIP CODE 10701
PHONE 914-377-6300	EMAIL Susan.Gerry@Yonkersny.gov	
OWNERSHIP START DATE 02-17-2023		
CURRENT OPERATOR All County Bus, LLC		
CONTACT NAME Donald Gregory		
ADDRESS 70 Fernbrook Street		
CITY Yonkers	STATE NY	ZIP CODE 10701
PHONE 914-920-4411	EMAIL dgregory@allcountybus.com	
OPERATION START DATE Approximately 1991-1994		

## SECTION VI: 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 (***please submit information requested in this section in electronic format ONLY***):

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

\*Please describe other known contaminants and the media affected:

3. For each impacted medium above, include a site drawing indicating:

- Sample location
- Date of sampling event
- Key contaminants and concentration detected
- For soil, highlight exceedances of reasonably anticipated use
- For groundwater, highlight exceedances of 6 NYCRR part 703.5
- For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

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

Are the required drawings included with this application?

☒ YES

☐ NO

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

<input type="checkbox"/> Coal Gas Manufacturing	<input checked="" type="checkbox"/> Manufacturing	<input type="checkbox"/> Agricultural Co-Op	<input type="checkbox"/> Dry Cleaner
<input type="checkbox"/> Salvage Yard	<input checked="" 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:



SECTION VII: Requestor Information					
NAME Susan Gerry, Deputy Mayor, City of Yonkers					
ADDRESS 40 South Broadway					
CITY/TOWN Yonkers		STATE NY	ZIP CODE 10701		
PHONE 914-377-6300		EMAIL Susan.Gerry@YonkersNY.gov			
				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 type="radio"/>	<input checked="" 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 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 VIII: Requestor Contact Information				
REQUESTOR'S REPRESENTATIVE Susan Gerry, Deputy Mayor, City of Yonkers				
ADDRESS 285 Nepperhan Ave				
CITY Yonkers		STATE NY	ZIP CODE 10701	
PHONE 914-377-6300		EMAIL Susan.Gerry@YonkersNY.gov		
REQUESTOR'S CONSULTANT (CONTACT NAME) Seamus Kelly & Leah DeEgidio				
COMPANY J.S. Held LLC				
ADDRESS 435 Valley Brook Avenue PMB 518				
CITY Lyndhurst		STATE NJ	ZIP CODE 07071	
PHONE 201-876-9400		EMAIL SKelly@jsheld.com, LDeEgidio@jsheld.com		
REQUESTOR'S ATTORNEY (CONTACT NAME) Denise J. D'Ambrosio, Esq.				
COMPANY Office of Denise J. D'Ambrosio				
ADDRESS 2 Westchester Park Drive, Suite 418				
CITY White Plains		STATE NY	ZIP CODE 10604	
PHONE 914-393-9578		EMAIL denisedambrosiolaw@gmail.com		

**SECTION IX: 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 with supporting documentation.

	Y	N
1. Is the requestor applying for a fee waiver?	<input checked="" type="radio"/>	<input type="radio"/>
2. If yes, appropriate documentation 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 X: 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"/>
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>



**SECTION X: Requestor Eligibility (continued)**

12. The requestor must certify that he/she/they is/are either a participant or volunteer in accordance with ECL 27-1405(1) by checking one of the boxes below:

**PARTICIPANT**

A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☐**VOLUNTEER**

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

☒

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

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

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

☒ Yes

☐ No

☐ N/A

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 XI: 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.	<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"/>
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: _____	<input type="radio"/>	<input checked="" type="radio"/>
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 checked="" type="radio"/></div>	<input type="radio"/>	<input type="radio"/>
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: _____	<input type="radio"/>	<input checked="" type="radio"/>
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.	<input type="radio"/>	<input checked="" type="radio"/>

## SECTION XII: 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.
- For sites located in the five counties comprising New York City, the Director of the Mayor's Office of Environmental Remediation.

### SECTION XIII: 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 Deputy Mayor (title) of City of Yonkers (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 9/8/25 Signature: 

Print Name: Susan Gerry, Deputy Mayor

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 16.1**

**Please respond to the questions below and provide additional information and/or documentation as required. Please refer to the application instructions.**

**Y**

**N**

1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?

☐☐

2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?

☐☐

3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?

☐☐

4. Is the property upside down or underutilized as defined below?

Upside down

☐☐

Underutilized

☐☐

**From ECL 27-1405(31):**

“Upside down” shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

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

375-3.2:

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

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

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

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

**Check appropriate box below:**

- ☐ Project is an Affordable Housing Project – regulatory agreement attached
- ☐ Project is planned as Affordable Housing, but agreement is not yet available
- ☐ 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.

**APPENDIX A**  
**Section I: Property Information**

**SECTION I**  
**PROPERTY MAP & TAX**  
**MAPS**





<div>SOURCE: NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF GEOGRAPHIC INFORMATION SYSTEMS DATA</div> <div><div>0'100'200'</div><div>SCALE: 1" = 100'</div></div>	<div>LEGEND:</div> <div><div><div></div>SITE BOUNDARY</div><div><div></div>PARCEL BOUNDARIES</div></div>	<div><div><div><div></div></div><div>JS HELD</div></div></div>	FERNBROOK PARK AND COMMUTER PARKING 70 FERNBROOK STREET YONKERS, NEW YORK					
			FIGURE SITE LOCATION MAP					
5 MARINE VIEW PLAZA HOBOKEN, NJ 07030			JSH JOB # 23022270	DRAWN MM/SV	CHECKED DP	APPROVED SK	DATE 8/20/2025	



FERNBROOK PARK  
SURROUNDING TAX LOTS



Legend

Unconsolidated (Former) Tax Parcels-



Fernbrook Park Tax Parcel -

Block: 615 Lot: 1 & Block: 600, Lot: 1 (portion of)



Surrounding Property Tax Parcels -

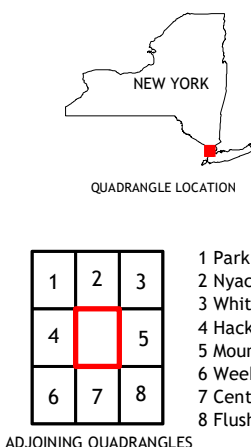
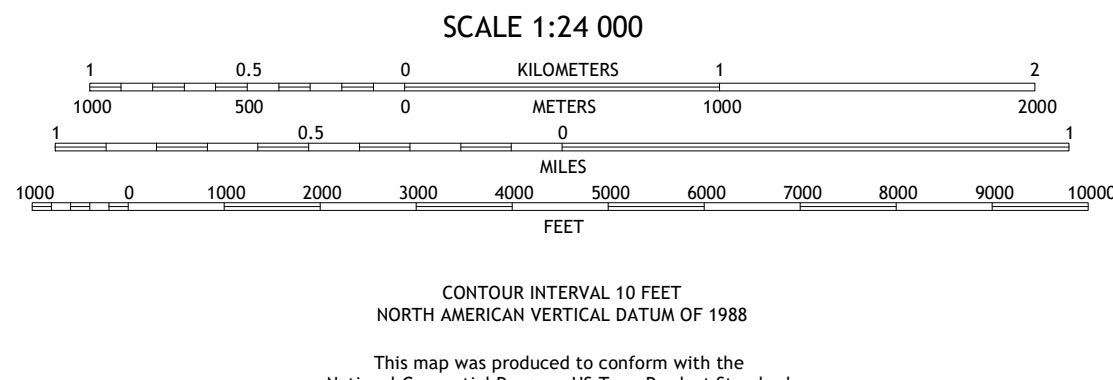
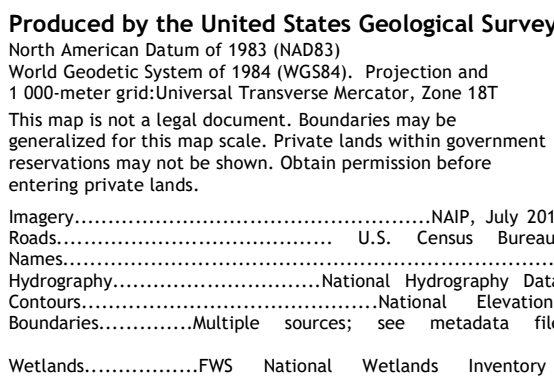


**Fernbrook Park & Commuter Parking  
Yonkers, Westchester County, NY**



Surrounding Property Tax Map

J.S. Held LLC  
Hoboken, New Jersey








### ROAD CLASSIFICATION

Expressway		Local Connector	
Secondary Hwy		Local Road	
Ramp		4WD	

 Interstate Route	 US Route	 State Route
--	--	---

YONKERS, NY, NJ  
2023

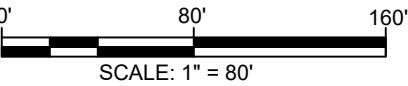







**SECTION I, No. 4 DISAVANTAGED  
COMMUNITY MAP**



SOURCE:  
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF GEOGRAPHIC INFORMATION SYSTEMS DATA



**LEGEND:**

-  SITE BOUNDARY
-  PARCEL BOUNDARIES
-  DISADVANTAGED COMMUNITY



5 MARINE VIEW PLAZA  
HOBOKEN, NJ 07030

FERNBROOK PARK AND COMMUTER PARKING  
70 FERNBROOK STREET  
YONKERS, NEW YORK

FIGURE  
DISADVANTAGED COMMUNITY MAP

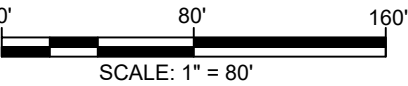
JSH JOB #	DRAWN	CHECKED	APPROVED	DATE
23022270	MM/SV	DP	SK	8/7/2025

**SECTION I, No. 9**  
**MAP DEPICTING LANDS UNDER WATER**






© 2025 Microsoft Corporation © 2025 Maxar ©CNES (2025) Distribution Airbus DS

SOURCE:  
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF GEOGRAPHIC INFORMATION SYSTEMS DATA



**LEGEND:**

-  SITE BOUNDARY
-  PARCEL BOUNDARIES
-  UNDERWATER PROPERTY LOCATION



5 MARINE VIEW PLAZA  
HOBOKEN, NJ 07030

FERNBROOK PARK AND COMMUTER PARKING  
70 FERNBROOK STREET  
YONKERS, NEW YORK

FIGURE  
UNDERWATER PROPERTY LOCATION MAP

JSH JOB #  
23022270

DRAWN  
MM/SV

CHECKED  
DP

APPROVED  
SK

DATE  
8/7/2025

## **SECTION I, No. 13 LIST OF PERMITS**

### **Excavation and Fill Navigable Waters Permit & Docks, Moorings, or Platforms Permit**

Issuing Agency: NYSDEC

Description: Required for the construction of 356-ft pier/gangway/floating dock for emergency services.

### **401 Water Quality Certification**

Issuing Agency: NYSDEC

Description: Relates to Section 404 Nationwide Permit 42 described below.

### **Tidal Wetlands and Adjacent Area Permit**

Issuing Agency: NYSDEC

Description: The entire Project Site is located within the Tidal Wetland and/or Tidal Wetland Adjacent Area (TWAA). The Project meets the Standards for Issuance of Permits for Tidal Wetlands and Tidal Wetlands Adjacent Area found in 6 NYCRR Section 6 61.9. Specifically, the proposed activities:

- would not have an undue adverse impact on the present value of the affected tidal wetland. The proposed activities would increase the value of the affected tidal wetland by removing old structures, asphalt pavement and debris from the site, stabilizing the shoreline and significantly improving resiliency while providing an aesthetically pleasing destination park that would promote open space recreational and educational activities on site.
- would significantly improve public health, safety and welfare. The Project would remove old structures, asphalt pavement and debris from the site, would stabilize the shoreline and significantly improve resiliency and reduce storm surge levels at the site are reasonable for the recreational needs of the neighborhood including the enjoyment of the Hudson River waterfront with a pavilion for educational experiences and water dependent activities. In addition, the proposed dock and boat launch are key to the City of Yonkers emergency services and the Yonkers Paddling and Rowing Club.

### **Section 404 Clean Water Act Permit – Nationwide Permit 42**

Issuing Agency: US Army Corps of Engineers

Description: Required for any work, including construction, in navigable waters of the United States. Specifically Permit 42 applies to the construction or expansion of recreational facilities.



This project includes the construction of a 3.59-acre waterfront park including lawn area, playground, pavilion, walking paths, dog park and observation area, provide office and storage facilities for the Yonkers paddling and rowing club and Yonkers fire and police departments, a boat launch for the paddling and rowing club and a dock for city of Yonkers emergency services. Purpose is to expand waterfront access along the Hudson River and meet the recreational needs of the residents of the city of Yonkers.

### **Section 10 Rivers and Harbors Act**

Issuing Agency: US Army Corps of Engineers

Description: Required for the construction of any structure in or over any navigable water of the United States when it affects the course, location, or condition of the water body – including the construction of piers, bulkheads, or other structures. This project includes the construction of 356-ft pier/gangway/floating dock for emergency services.

### **State Owned Lands Under Water Permit & Docks, Moorings, or Platforms Permit**

Issuing Agency: NYS Office of General Services

Description: Required for the construction of 356-ft pier/gangway/floating dock for emergency services.

### **Coastal Consistency Concurrence Permit**

Issuing Agency: NYS Department of State

Description: Construction of a 3.59-acre waterfront park including lawn area, playground, pavilion, walking paths, dog park and observation area, provide office and storage facilities for the Yonkers paddling and rowing club and Yonkers fire and police departments, a boat launch for the paddling and rowing club and a dock for city of Yonkers emergency services. Purpose is to expand waterfront access along the Hudson River and meet the recreational needs of the residents of the city of Yonkers.

## **SECTION I, No. 14 PROPERTY DESCRIPTION**

### Location:

The Site is located in an urban area at 70 Fernbrook Street, Yonkers, Westchester County, New York. The Site was previously comprised of several blocks and lots and has recently been consolidated into two blocks and two lots. The property deeds for the former lots are attached to this application.

The Site is currently identified on local tax maps as:

- Section 1; Block 615; Lot 1
- Section 1; Block 600; Lot 1 (Portion of)

### Site Features:

The current layout of the Site includes six structures. The northernmost structure at former 102 Yerks Place (former Block 622, Lot 8) is a two-story brick building, with an underground basement. Former 101 Pier Street (former Block 622, Lot 1) contains a small one-story concrete building and a storage shed. Former 102 Pier Street (former Block 615, Lot 10) contains a two-story office building with no basement, and two one-story trailers. Former 78 Pier Street (former Block 615, Lot 35.45) contains a split-level building which is used both as offices and as a garage/vehicle maintenance building. The Site is paved throughout, except for the rear of the former 102 Yerks Place building and the riverfront at Block 615, Lots 1 and 6. The Site is fenced on all sides, except along the Hudson River or where buildings are present. The northern portion of Block 600, Lot 1 was formerly owned by Westchester County and used as an overflow parking lot, is fenced on all sides, except along the Hudson River. Westchester County transferred ownership of this lot Block 600 p/o Lot 1, which totals 0.4 acres of the County parcel known as "Westchester Wastewater Treatment Plant" to the City of Yonkers in May of 2025. This portion of the property has been vacant since May of 2025 pending redevelopment.

### Current Zoning and Land Use:

The northern portion of the Site is currently operated by All County Bus, a school bus depot, including parking, office space, and maintenance facilities for the buses. The southern portion of the Site is a parking lot that has remained vacant since the City of Yonkers acquired the lot in May of 2025.

According to City of Yonkers public records, the area comprising and surrounding the Site is classified as Zoning Code "I", or industrial properties, which includes commercial uses. One exception is 9 Water Grant Street (Block 623, Lot 4), which is waterfront and underwater property.

### Past Use of the Site:

The Site has historically been developed for commercial/industrial use. Based upon a review of historical sources, the Site appears to have existed as a commercial ice-making facility in 1886, with further development noted by 1917, at which point the remainder of the subject property consisted of commercial/industrial properties for wood/coal storage, oil storage, and oil refining. These properties were identified in the Sanborn Maps as Pure Oil Co., Yonkers City Ice Co./Westchester Service Corporation, Hays & Randolph Co., and Gulf Refining Co, respectively. By 1971, the ice-making facility (Westchester Service Corporation) and wood/coal storage (Hays & Randolph Co.) were no longer present, and structures took their place in the southern properties comprising the Site. The Site was converted to its current state – a parking lot for buses – between 1991 and 1994. The Site is identified as Tarricone Terminal in the last available Sanborn Map in 2004. A. Tarricone Inc (ATI)/ATI Ludlow MOSF, was a major oil storage facility (MOSF) located in the northern limits of the Site, under the MOSF No. 3-2220. A foam house was constructed at the southeastern limits of former 101 Pier Street for firefighting purposes, in the case of a petroleum release. Past remedial measures have not been identified for the Site.

It is suspected that the sources of contamination on Site are to be related to the presence of historic petroleum bulk storage facilities mentioned above (Pure Oil Co. Tarricone Inc (ATI)/ATI Ludlow MOSF, Hays & Randolph Co., and Gulf Refining Co). It is also presumed that during redevelopment of the Site and the Yonkers waterfront, historic fill material was placed at the Site to bring the property to grade.

### Site Geology and Hydrogeology:

The Site is located on the USGS 7.5-minute series topographic maps of Yonkers, NY. The Site grades towards the Hudson River to the west, staying generally flat. The site coordinates sit at an elevation of approximately 1 foot above mean sea level (msl). Groundwater depth was observed to be between approximately 5 to 8 feet below ground surface (bgs) and generally flows to the north.

### Sources of Contamination

Sources of contamination on Site are suspected to be related to the presence of historic petroleum bulk storage facilities such as Pure Oil Co. Tarricone Inc (ATI)/ATI Ludlow MOSF, Hays & Randolph Co., and Gulf Refining Co and the former filling along the waterfront for development.

## **SECTION I, No. 14**

### **ENVIRONMENTAL ASSESSMENT**

Based upon investigations conducted to date, the primary contaminants of concern for the site include metals, volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), 1,4-dioxane, and PFAS.

Soil – Polycyclic aromatic hydrocarbons (PAHs) and metals (specifically arsenic, cadmium, lead, mercury, and zinc) are found in soils across the site above the Restricted-Residential and Restricted-Commercial Soil Cleanup Objectives (SCOs). Volatile organic compounds (VOCs), 1,2,4-Trimethylbenzene (1,2,4-TMB), 1,3,5-Trimethylbenzene (1,3,5-TMB), 1,4-Dioxane, benzene, vinyl chloride, and total xylenes were also identified above the Restricted-Residential SCO on the central and northern portions of the site. 1,4-Dioxane, vinyl chloride, and total xylenes were only identified above the Restricted-Residential SCO in the central portion of the site, while benzene was only identified above the Restricted-Residential SCO in the northern portion of the site. 1,2,4-TMB was also identified above the Restricted-Commercial SCO in boring SB-19.

Groundwater – Metals, PAHs, and VOCs have all been identified in groundwater in all four (4) monitoring wells currently onsite above TOGS-GA standards. Specifically, petroleum-related compounds benzene, ethylbenzene, xylenes, and methyl tert-butyl ether (MTBE) have been identified above TOGS-GA on the central and northern portions of the site where major oil storage and refining facilities previously operated. Additionally, PFOA and PFOS have been identified in groundwater above NYSDEC established ambient water quality guidance values.

Soil Vapor & Indoor Air – Soil Vapor and Indoor Air investigations have not yet been performed.

**Please see following page for maximum contaminant concentrations identified in soil and groundwater at the Site.**

## Soil Table:

Maximum Concentrations and Respective SCOs - Soil			
		Standard	
Contaminant of Concern	Highest Identified Concentration - Soil	NYSDEC Part 375 Restricted Use SCO - Residential	NYSDEC Part 375 Restricted Use SCO-Commercial
VOCs			
1,2,4-Trimethylbenzene	260	52	190
1,3,5-Trimethylbenzene	85	52	190
1,4-Dioxane	33	13	130
Benzene	16	4.8	44
Vinyl Chloride	1.7	0.9	13
Xylenes	330	100	500
SVOCs			
Benzo(a)anthracene	10.4	1	5.6
Benzo(b)pyrene	8.84	1	1.0
Benzo(b)fluoranthene	7.2	1	5.6
Benzo(k)fluoranthene	6.55	3.9	56
Chrysene	13	3.9	56
Dibenzo(a,h)anthracene	1.74	0.33	0.56
Hexachlorobenzene	1.21	1.2	6.0
Indeno(1,2,3-cd)pyrene	6.5	0.5	5.6
Metals			
Arsenic	204	16	16
Cadmium	7.13	4.3	9.3
Lead	3,130	400	1,000
Zinc	14,600	10,000	10,000
Mercury	19.2	0.81	2.8

## Groundwater Table:

Maximum Concentration and Respective GWRS		
Contaminant of Concern	Highest Identified Concentration - GW	Standard
		NYSDEC TOGS Standards and Guidance Values
VOA		
1,2,4-Trimethylbenzene	7.1	5
Benzene	96	1.0
Ethylbenzene	12	5.0
Isopropylbenzene	28	5.0
Methyl tert-butyl ether	150	10
n-Butylbenzene	8.8	5.0
n-Propylbenzene	49	5.0
o-Xylene	5.5	5.0
sec-Butylbenzene	11	5.0
Toluene	8.8	5.0
Xylenes	21	5.0
SVOA		
Acenaphthalene	162	20
Naphthalene	13.3	10
Benzo(a)anthracene	0.96	0.002
Benzo(a)pyrene	0.13	0.002
Benzo(b)fluoranthene	0.1	0.002
Benzo(k)fluoranthene	0.11	0.002
Chrysene	0.74	0.002
Fluorene	118	50
Phenanthrene	174	50
Indeno(1,2,3-cd)pyrene	0.05	0.002
Metals		
Barium	1,210	1,000
Beryllium	3.7	3.0
Copper	500	200
Lead	405	25
Magnesium	99,900	35,000
Manganese	3,940	300
Mercury	10.4	0.7
Sodium	553,000	20,000
Metals		
PFOA	0.0801	0.0067
PFOS	0.0213	0.0027

## SECTION II, No. 4

### PROJECT DEVELOPMENT DESCRIPTION AND TIMELINE

The purpose of Fernbrook Park is to expand waterfront access along the Hudson River and meet the recreational needs of the residents of the City of Yonkers (including lawn area, playground, pavilion, walking paths, dog park and observation area), provide office and storage facilities for the Yonkers Paddling and Rowing club and Yonkers Fire and Police departments, a boat launch for the Yonkers Paddling and Rowing club and a dock for City of Yonkers Emergency Services. The project will enhance and sustain habitat and increase the resilience of the site and upland areas and redevelop a property that has historically excluded waterfront access.

The Soil Surcharge at the Site is planned to begin in the Summer of 2026. Remedial Investigation (RI) activities will occur simultaneous to Site demolition activities and prior to the Soil Surcharge. Post RI activities, a Remedial Action Work Plan (RAWP) will be submitted to the NYSDEC and any required RA (i.e soil excavation) will occur during construction activities. Construction is expected to take approximately one (1) year with a Certificate of Completion (COC) anticipated sometime in late 2027.

The planned design for the park is anticipated to incorporate both natural and artificial surfaces. "Active" aspects of the park, such as the playground and dog park, will include artificial surfaces. "Passive" aspects, such as the lawn area, will include natural, landscaped surfaces.

The following table outlines the anticipated project schedule:

Activity	Estimated Start Time and Time Frame
BCP Application, RIWP/HASP/CAMP Submission	Summer 2025
RI – Soil, Groundwater, Waste Characterization, Soil Gas Sampling	Fall 2025 - Summer 2026
RIR RAWP Submission	Spring of 2026
Support of Excavation	Late Spring of 2026
RA Site Activities	Summer 2026
Surcharge Site	Summer 2026 – Winter of 2026
Park Construction	Spring of 2027
FER SMP Submission	Summer – Fall of 2027
RAR/COC	Winter of 2027

**APPENDIX B:**  
**Section II: Project Description**

## **SECTION II, No. 5**

### **GREEN AND SUSTAINABLE REMEDIATION**

The green and sustainable remediation (GSR) components that would be considered for the selected alternative are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term
- Reducing direct and indirect greenhouse gases and other emissions
- Increasing energy efficiency and minimizing use of non-renewable energy
- Conserving and efficiently managing resources and materials
- Reducing waste, increasing recycling, and increasing reuse of materials that would otherwise be considered a waste
- Fostering green and healthy communities and working landscapes which balance ecological, economic, and social goals
- Integrating the remedy with the end use where possible and encouraging green and sustainable redevelopment
- Incorporating the GSR principles and techniques to the extent feasible in the future development at this site (i.e., future on-site buildings shall be constructed, at a minimum, per code to meet the 2020 Energy Conservation Construction Code of New York [or most recent edition] to improve energy efficiency as an element of construction)

BMPs for the project related to these GSR metrics, and BMPs for minimizing community impacts, protecting habitats and natural and cultural resources, and promoting environmental justice, would be incorporated into the remedial program, as appropriate. The project design specifications would include detailed requirements, including implementation of the BMPs described in Section 4.1.2.2. A BMP assessment and an environmental footprint analysis would also be conducted at the completion of the remedy. As practicable, water consumption, greenhouse gas emissions, renewable and non-renewable energy use, waste reduction, and material use would be estimated at the end of the remediation phase. Progress with respect to GSR metrics would be tracked during implementation of the remedial action and reported in the FER.

As this project is not starting in the remediation phase, a climate screening assessment was not conducted. A climate screening assessment will be conducted prior to starting remediation.



**APPENDIX C:**  
**Section IV: Land Use Factors**

## **SECTION IV, No. 4**

### **SUMMARY OF CURRENT BUSINESS OPERATIONS / USES**

The Site consists of two Blocks and Lots. Block 615 Lot 1 and Block 600 (portion of) Lot 1. Block 615 Lot 1 is currently operating as All County Bus, a school bus service, including parking, office space, and maintenance facilities for the buses.

The current layout of the Site includes six structures. The northernmost structure at former 102 Yerks Place (former Block 622, Lot 8) is a two-story brick building, also containing a basement. Former 101 Pier Street (former Block 622, Lot 1) contains a small one-story concrete building and a storage shed. Former 102 Pier Street (former Block 615, Lot 10) contains a two-story office building with no basement, and two one-story trailers. Former 78 Pier Street (former Block 615, Lot 35.45) contains a split-level building which is used both as offices and as a garage/vehicle maintenance building.

The southern portion of the Site [Block 600, (portion of) Lot 1], was formerly owned by Westchester County, and is currently vacant. This portion of Block 600 Lot 1 was paved by Westchester County in the 1970s and has been used sporadically for storage and parking. The area has been vacant since the City of Yonkers acquired the lot in May of 2025.

No other operations currently take place on the Site and the current bus operation is anticipated to be terminated in the near future.

**SECTION IV, No. 4**  
**LAND USE FACTORS**  
**PROPOSED USE CONSISTENT WITH ZONING**

According to City of Yonkers public records, the area comprising and surrounding the Site is classified as Zoning Code "I", or industrial properties, which includes commercial uses.

Zoning Code Revisions:

The creation of a waterfront park is a key recommendation of the Ludlow Street Transit Oriented Development (TOD) Plan (City of Yonkers, September 2020). Following the completion of this Plan, the Zoning Code will be amended to integrate the proposed zoning recommendations for the Ludlow area. During the zoning amendment process, the zoning code will be revised to ensure that clear definitions and standards are defined for the Ludlow TOD area, and that the amendments will be properly integrated within the existing regulatory framework of the City of Yonkers.

## **SECTION IV, No. 5**

### **PROPOSED POST-REMEDIATION USE**

Post-Remediation use of the Site will be a public passive waterfront park. Incorporating benches, jungle gyms, an interactive pier, and a community pavilion to create multifunctional spaces for recreation and socializing.

The purpose of Fernbrook Park is to expand waterfront access along the Hudson River and meet the recreational needs of the residents of the City of Yonkers (including lawn area, playground, pavilion, walking paths, dog park and observation area), provide office and storage facilities for the Yonkers Paddling and Rowing club and Yonkers Fire and Police departments, a boat launch for the Yonkers Paddling and Rowing club and a dock for City of Yonkers Emergency Services. The project will enhance and sustain habitat and increase the resilience of the site and upland areas and redevelop a property that has historically excluded waterfront access.

Examples of potential activities for the park include: a concert/event space; a marina; a restaurant; seasonal food stands; boat launching; outdoor sport facilities; and playgrounds.





AMERICAN SUGAR  
REFINING INC

HUDSON SCENIC  
STUDIOS

HUDSON SOUND &  
LIGHT, LLC

AMERICAN SUGAR  
REFINING INC

FERNBROOK ST

FERNBROOK ST

WESTCHESTER COUNTY  
WASTEWATER  
TREATMENT PLANT

**EXISTING**  
BIRD'S EYE VIEW LOOKING EASTWARD  
FROM HUDSON RIVER





# PROPOSED

BIRD'S EYE VIEW LOOKING EASTWARD  
FROM HUDSON RIVER

AMERICAN SUGAR  
REFINING INC

AMERICAN SUGAR  
REFINING INC

PARK  
ENTRANCE

SPRAY FEATURE

HUDSON SCENIC  
STUDIOS

DOG PARK

OUTDOOR  
FITNESS AREA

PLAYGROUND

PUBLIC  
PARKING

BOAT HOUSE

HUDSON SOUND &  
LIGHT, LLC

CITY PARKING

STORAGE  
BUILDING

FERNBROOK ST

EDUCATIONAL AREA  
(GROUNDWORK USA)

PAVILION AND  
DINING AREA

NORTH  
PLATFORM

SOUTH  
PLATFORM

CENTRAL LAWN

KAYAK  
OVERLOOK  
PLATFORM

DOCK  
(YONKERS FIRE  
AND POLICE)

WESTCHESTER COUNTY  
WASTEWATER  
TREATMENT PLANT



## **SECTION IV, No. 10**

### **PROPOSED USE CONSISTENT WITH COMMUNITY MASTER PLANS AND LOCAL WATERFRONT REDEVELOPMENT PLANS**

The creation of a waterfront park is a key recommendation of the Ludlow Street Transit Oriented Development Plan (City of Yonkers, September 2020). Access to the riverfront would further enhance the neighborhood in terms of quality of life, economic development, and recreational activities. Active and passive recreational activities could coexist in this space to make it attractive for a wide range of users. The park has existed as an idea in the city's zeitgeist for almost 20 years, well before the plan, as we have a north waterfront park at JFK Marina, a central waterfront area and linear park in the Downtown Waterfront and the call for a southern park has been a long-time issue.

Additionally, the Site is located south of the City of Yonkers Downtown Revitalization Initiative Area and the Alexander Street Master Plan Redevelopment Area. Further, the proposed use of the Site is consistent with the City of Yonkers Master Plan's focused effort towards economic renewal through improving the deteriorated waterfront area, transforming it from an industrial wasteland to a residential, recreational and commercial zone.



**APPENDIX D:**  
**Section V: Current & Historical Property Owner**  
**Information**

## SECTION V

### HISTORIC OPERATOR INFORMATION

#### Block 615, Lot 1 Historical Operators

Operator	Address	Contact Info	Operations	Operation Period		Relationship to Applicant
				From	To	
Yonkers City Ice Co./Westchester Service Corporation	~	~	Ice Mfg.	Approx. 1886	Prior to 1971	None
Pure Oil Co.	~	~	Oil Storage	Approx. 1917	Approx. 1942	None
Hays & Randolph Co.	~	~	Wood/Coal Storage	Approx. 1917	Approx. 1971	None
Gulf Refining Company/Gulf Oil Corporation	492 Old Connecticut Path, Suite 600, Framingham, MA	askgulf@gulfoil.com (800) 774-4853	Oil Refining	Approx. 1917	Approx. 1991	None
A Tarricone, Inc.	33 Hubbells Dr., Mt. Kisco, NY	(914) 559-2522	Oil Storage	Approx. 1978	Approx. 2004	None
All County Bus	70 Fernbrook Street, Yonkers, NY	dgregory@allcountybus.com (914) 920-4411	Bus Parking	Between 1991 & 1994	Present	None

#### Block 600, Lot 1 Historical Operators

Operator	Address	Contact Info	Operations	Operation Period		Relationship to Applicant
				From	To	
State of New York	NYS State Capitol Building, Albany, NY	(518) 474-8390	Barge Canal Terminal (never constructed)	Pre 1881	December 29, 1881	None
Highland Rod and Gun Club	~	~	Sportsman Club	Pre 1951	1971	None
Westchester County	110 Dr. Martin Luther King Jr. Blvd., White Plains, NY	CC-Land@westchestercountyny.gov (914) 995-2000	Storage, Parking	1970	May 8, 2025	None

~ defunct operation, contact information not available

Please note, some historical operations listed above are identified from Sanborn Co. Fire Insurance Maps for the Site.

## SECTION V

### HISTORIC OWNERSHIP INFORMATION

#### Block 615, Lot 1 Historical Ownership

Owner Entity	Owner Address	Owner Contact Info	Ownership Period		Relationship to Applicant
			From	To	
Thomas M. Ludlow (deceased)	~	~	December 29, 1881	June 16, 1899	None
James B. Ludlow (deceased)	~	~	June 16, 1899	April 12, 1923	None
Gulf Refining Company/Gulf Oil Corporation	492 Old Connecticut Path, Suite 600, Framingham, MA	askgulf@gulfoil.com (800) 774-4853	April 12, 1923	October 22, 1975	None
A Tarricone, Inc.	33 Hubbells Dr., Mt. Kisco, NY	(914) 559-2522	October 22, 1975	November 13, 1997	None
Saviano Enterprises, Inc.	28 Reade St., Yonkers, NY	(914) 375-1404	November 13, 1997	February 17, 2023	None
City of Yonkers	40 S. Broadway, Yonkers, NY	cityclerk@yonkersny.gov (914) 377-6000	February 17, 2023	Present	None

#### Block 600, Lot 1 Historical Ownership

Owner Entity	Owner Address	Owner Contact Info	Ownership Period		Relationship to Applicant
			From	To	
State of New York	NYS State Capitol Building, Albany, NY	(518) 474-8390	Pre-1881	December 29, 1881	None
Westchester County	110 Dr. Martin Luther King Jr. Blvd., White Plains, NY	CC-Land@westchestercountyny.gov (914) 995-2000	Pre-1930	May 8, 2025	None
City of Yonkers	40 S. Broadway, Yonkers, NY	cityclerk@yonkersny.gov (914) 377-6000	May 8, 2025	Present	None

~ defunct, contact information not available

**APPENDIX E:**  
**Section VI: Property Environmental History**

## SECTION VI

### PROPERTY ENVIRONMENTAL HISTORY: INVESTIGATION REPORTS, SUMMARY DATA TABLES, AND SITE DRAWINGS

The following reports have been submitted electronically with this application:

- March 2022 Phase I Environmental Site Assessment (ESA), prepared by PS&S
- April 2022 Phase II ESA, prepared by PS&S

The following tables provide a summary of contaminants identified in the Phase II ESA and J.S. Held's ongoing Site Investigation. J.S. Held's findings will be included in the forthcoming Site Investigation Report/Remedial Investigation Workplan:

**Soil Table:**

Maximum Concentrations and Respective SCOs - Soil			
		Standard	
Contaminant of Concern	Highest Identified Concentration - Soil	NYSDEC Part 375 Restricted Use SCO - Residential	NYSDEC Part 375 Restricted Use SCO-Commercial
VOCs			
1,2,4-Trimethylbenzene	260	52	190
1,3,5-Trimethylbenzene	85	52	190
1,4-Dioxane	33	13	130
Benzene	16	4.8	44
Vinyl Chloride	1.7	0.9	13
Xylenes	330	100	500
SVOCs			
Benzo(a)anthracene	10.4	1	5.6
Benzo(b)pyrene	8.84	1	1.0
Benzo(b)fluoranthene	7.2	1	5.6
Benzo(k)fluoranthene	6.55	3.9	56
Chrysene	13	3.9	56
Dibenzo(a,h)anthracene	1.74	0.33	0.56
Hexachlorobenzene	1.21	1.2	6.0
Indeno(1,2,3-cd)pyrene	6.5	0.5	5.6
Metals			
Arsenic	204	16	16
Cadmium	7.13	4.3	9.3
Lead	3,130	400	1,000
Zinc	14,600	10,000	10,000
Mercury	19.2	0.81	2.8

## Groundwater Table:

Maximum Concentration and Respective GWRS		
Contaminant of Concern	Highest Identified Concentration - GW	Standard
		NYSDEC TOGS Standards and Guidance Values
<b>VOA</b>		
1,2,4-Trimethylbenzene	7.1	5
Benzene	96	1.0
Ethylbenzene	12	5.0
Isopropylbenzene	28	5.0
Methyl tert-butyl ether	150	10
n-Butylbenzene	8.8	5.0
n-Propylbenzene	49	5.0
o-Xylene	5.5	5.0
sec-Butylbenzene	11	5.0
Toluene	8.8	5.0
Xylenes	21	5.0
<b>SVOA</b>		
Acenaphthalene	162	20
Naphthalene	13.3	10
Benzo(a)anthracene	0.96	0.002
Benzo(a)pyrene	0.13	0.002
Benzo(b)fluoranthene	0.1	0.002
Benzo(k)fluoranthene	0.11	0.002
Chrysene	0.74	0.002
Fluorene	118	50
Phenanthrene	174	50
Indeno(1,2,3-cd)pyrene	0.05	0.002
<b>Metals</b>		
Barium	1,210	1,000
Beryllium	3.7	3.0
Copper	500	200
Lead	405	25
Magnesium	99,900	35,000
Manganese	3,940	300
Mercury	10.4	0.7
Sodium	553,000	20,000
<b>Metals</b>		
PFOA	0.0801	0.0067
PFOS	0.0213	0.0027



SB-5		SB-6		SB-7		SB-8	
Date Sampled:	10/11/2023	Date Sampled:	10/11/2023	Date Sampled:	10/11/2023	Date Sampled:	10/11/2023
Depth:	7 - 7.5'	Depth:	8.5 - 9'	Depth:	3.5 - 4'	Depth:	3.5 - 4'
VOCs	NE	VOCs	NE	VOCs	NE	VOCs	NE
Benzo(a)pyrene	1.15	SVOCs	NE	Benzo(a)anthracene	1.07	Benzo(a)anthracene	1.47
Pesticides	NE	Pesticides	NE	Pesticides	NE	Benzo(a)pyrene	1.21
Metals	NE	Metals	NE	Mercury	1.39	Benzo(b)fluoranthene	1.31
PCB	NE	PCB	NE	PCB	NE	Dibenzo(a,h)anthracene	1.21
PFAS	~	PFAS	~	PFAS	~	Hexachlorobenzene	1.21

SB-8		SB-4		SB-5		SB-12	
Date Sampled:	3/7/2022	Date Sampled:	3/7/2022	Date Sampled:	3/7/2022	Date Sampled:	3/7/2022
Depth:	6.5'	Depth:	6.5'	Depth:	4 / 0 - 10'	Depth:	0 - 10'
Benzene	0.12	Benzene	2.6	Benzene	9.6	Benzo(a)anthracene	2.6
		Ethylbenzene	1.1	sec-Butylbenzene	1.4	Benzo(a)pyrene	2.1
		n-Butylbenzene	17	Toluene	1.1	Benzo(b)fluoranthene	2.8
		n-Propylbenzene	21	Total PCBs	0.157	Benzo(k)fluoranthene	0.92
		sec-Butylbenzene	12	Lead	167	Chrysene	2.4
		Toluene	3.8	Mercury	3.86	Indeno(1,2,3-cd)pyrene	1.4
		Total Xylenes	5.5	Zinc	157		

SB-17		SB-18		SB-19		SB-23	
Date Sampled:	10/11/2023	Date Sampled:	10/12/2023	Date Sampled:	10/12/2023	Date Sampled:	10/12/2023
Depth:	2 - 2.5'	Depth:	14.5 - 15'	Depth:	5 - 5.5'	Depth:	14 - 14.5'
VOCs	NE	1,4-Dioxane	33	1,2,4-Trimethylbenzene	260	VOCs	NE
SVOCs	NE	Vinyl Chloride	1.7	1,3,5-Trimethylbenzene	86	Benzo(a)anthracene	1.63
Pesticides	NE	SVOCs	NE	Total Xylenes	330	Benzo(a)pyrene	1.83
Metals	NE	Pesticides	NE	SVOCs	NE	Benzo(b)fluoranthene	1.54
PCB	NE	Mercury	2.89	Pesticides	NE	Indeno(1,2,3-cd)pyrene	0.97
PFAS	~	PCB	NE	Mercury	2.89	Pesticides	NE
		PFAS	NE	PCB	NE	Mercury	3.95
				PFAS	NE	PCB	NE
						PFAS	~

SB-14	
Date Sampled:	3/8/2022
Depth:	0 - 10'
Benzo(a)anthracene	9.8
Benzo(a)pyrene	7.6
Benzo(b)fluoranthene	9
Benzo(k)fluoranthene	3.1
Chrysene	8.3
Dibenzo(a,h)anthracene	1
Indeno(1,2,3-cd)pyrene	4.6

SB-10		SB-11	
Date Sampled:	3/8/2022	Date Sampled:	3/8/2022
Depth:	4 / 0 - 10'	Depth:	9'
Benzene	0.39	Acetone	3.1
Benzo(a)anthracene	11	Benzene	0.084
Benzo(a)pyrene	9.7	cis-1,2-dichloroethene	8.6
Benzo(b)fluoranthene	14	Vinyl Chloride	0.51
Benzo(k)fluoranthene	2.4	Total Xylenes	1.9
Chrysene	9.4		
Dibenzo(a,h)anthracene	1.4		
Indeno(1,2,3-cd)pyrene	7.2		

SB-25		SB-26	
Date Sampled:	11/18/2024	Date Sampled:	11/18/2024
Depth:	5.5 - 6'	Depth:	8.5 - 9'
VOCs	NE	VOCs	NE
SVOCs	NE	SVOCs	NE
Pesticides	NE	Pesticides	NE
Metals	NE	Lead	417
Herbicides	NE	Mercury	5.11
PCB	NE	Herbicides	NE
PFAS	~	PCB	NE
		PFAS	~

SB-2		SB-3	
Date Sampled:	10/11/2023	Date Sampled:	10/11/2023
Depth:	8.5 - 9'	Depth:	2.5 - 3'
VOCs	NE	VOCs	NE
SVOCs	NE	SVOCs	NE
Pesticides	NE	Pesticides	NE
Metals	NE	Mercury	6
PCB	NE	PCB	NE
PFAS	NE	PFAS	~

SB-1	
Date Sampled:	3/7/2022
Depth:	4'
Benzene	0.82
Ethylbenzene	1.1
n-Propylbenzene	9.4
Total Xylenes	1.0

SB-4		SB-11		SB-9		SB-10	
Date Sampled:	10/11/2023	Date Sampled:	10/11/2023	Date Sampled:	10/11/2023	Date Sampled:	10/11/2023
Depth:	9 - 9.5'	Depth:	8.5 - 9'	Depth:	4.5 - 5'	Depth:	10 - 10.5'
VOCs	NE	Benzene	16	VOCs	NE	1,2,4-Trimethylbenzene	160
SVOCs	NE	Benzo(a)anthracene	3.64	Benzo(a)anthracene	1.7	1,3,5-Trimethylbenzene	54
Pesticides	NE	Benzo(a)pyrene	2.76	Benzo(a)pyrene	1.93	SVOCs	NE
Metals	NE	Benzo(b)fluoranthene	2.41	Benzo(b)fluoranthene	2.3	Pesticides	NE
PCB	NE	Dibenzo(a,h)anthracene	0.426	Indeno(1,2,3-cd)pyrene	1.34	Metals	NE
PFAS	NE	Indeno(1,2,3-cd)pyrene	1.95	Pesticides	NE	PCB	NE
		Pesticides	NE	Mercury	1.1	PFAS	~
		Metals	NE	PCB	NE		
		PCB	NE	PFAS	~		
		PFAS	~				

SB-14		SB-13		SB-12	
Date Sampled:	10/11/2023	Date Sampled:	10/11/2023	Date Sampled:	10/11/2023
Depth:	8 - 8.5'	Depth:	8.5 - 9'	Depth:	2 - 2.5'
VOCs	NE	VOCs	NE	VOCs	NE
SVOCs	NE	SVOCs	NE	SVOCs	NE
Pesticides	NE	Pesticides	NE	Pesticides	NE
Metals	NE	Metals	NE	Mercury	2.15
PCB	NE	PCB	NE	PCB	NE
PFAS	~	PFAS	~	PFAS	~

SB-6	
Date Sampled:	3/7/2022
Depth:	7.5'
Benzene	0.67
Ethylbenzene	12
Total Xylenes	0.49

SB-1		SB-16		SB-15	
Date Sampled:	10/11/2023	Date Sampled:	10/11/2023	Date Sampled:	10/11/2023
Depth:	9.5 - 10'	Depth:	7 - 7.5'	Depth:	3 - 3.5'
VOCs	NE	VOCs	NE	VOCs	NE
SVOCs	NE	SVOCs	NE	SVOCs	NE
Pesticides	NE	Pesticides	NE	Pesticides	NE
Metals	NE	Metals	NE	Metals	NE
PCB	NE	PCB	NE	PCB	NE
PFAS	NE	PFAS	~	PFAS	NE

SB-7		SB-9	
Date Sampled:	3/7/2022	Date Sampled:	3/7/2022
Depth:	0 - 10'	Depth:	7.5 / 0 - 10'
Indeno(1,2,3-cd)pyrene	0.55	n-Propylbenzene	20
		Total Xylenes	0.39
		Copper	54.8
		Lead	340
		Mercury	2.41
		Zinc	141

SB-20		SB-21		SB-22		SB-24	
Date Sampled:	10/12/2023	Date Sampled:	10/12/2023	Date Sampled:	10/12/2023	Date Sampled:	10/12/2023
Depth:	8 - 8.5'	Depth:	1.5 - 2'	Depth:	7 - 7.5'	Depth:	9.5 - 10'
VOCs	NE	VOCs	NE	VOCs	NE	VOCs	NE
SVOCs	NE	SVOCs	NE	Benzo(a)anthracene	10.4	SVOCs	NE
Pesticides	NE	Pesticides	NE	Benzo(a)pyrene	8.84	Pesticides	NE
Arsenic	204	Metals	NE	Benzo(b)fluoranthene	7.2	Arsenic	19
Cadmium	7.13	PCB	NE	Benzo(k)fluoranthene	6.55	Lead	3,130
Lead	617	PFAS	~	Chrysene	9.72	Mercury	6.98
Zinc	14,600			Dibenzo(a,h)anthracene	1.74	PCB	NE
PCB	NE			Indeno(1,2,3-cd)pyrene	6.5	PFAS	~
PFAS	~			Pesticides	NE		
				Mercury	19.2		
				PCB	NE		
				PFAS	NE		

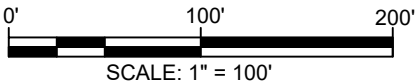
SB-27		SB-28		SB-29		SB-30	
Date Sampled:	11/18/2024	Date Sampled:	11/18/2024	Date Sampled:	11/18/2024	Date Sampled:	11/18/2024
Depth:	9.5 - 10'	Depth:	9.5 - 10'	Depth:	9.5 - 10'	Depth:	9.5 - 10'
VOCs	NE	VOCs	NE	VOCs	NE	VOCs	NE
Benzo(a)anthracene	1.62	Benzo(a)anthracene	1.7	Benzo(a)anthracene	2.45	SVOCs	NE
Benzo(a)pyrene	1.46	Benzo(a)pyrene	1.66	Benzo(a)pyrene	2.41	Pesticides	NE
Benzo(b)fluoranthene	1.45	Benzo(b)fluoranthene	1.53	Benzo(b)fluoranthene	1.63	Metals	NE
Pesticides	NE	Indeno(1,2,3-cd)pyrene	0.982	Dibenzo(a,h)anthracene	0.35	Herbicides	NE
Metals	NE	Pesticides	NE	Indeno(1,2,3-cd)pyrene	1.19	PCB	NE
Herbicides	NE	Arsenic	16.6	Pesticides	NE	PFAS	~
PCB	NE	Lead	493	Metals	NE		
PFAS	NE	Mercury	2.14	Herbicides	NE		
		Herbicides	NE	PCB	NE		
		PCB	NE	PFAS	~		
		PFAS	~				

CONTAMINANT	NYSDEC Part 375 Restricted Use SCO - Residential	NYSDEC Part 375 SCO - Commercial
1,2,4-Trimethylbenzene	52	190
1,3,5-Trimethylbenzene	52	190
1,4-Dioxane	13	130
Acetone	100	500
Benzene	4.8	44
cis-1,2-Dichloroethene	100	500
Ethylbenzene	41	390
n-Butylbenzene	100	500
n-Propylbenzene	100	500
sec-Butylbenzene	100	500
Toluene	100	500
Total Xylenes	100	500
Vinyl Chloride	0.9	13
Benzo(a)anthracene	1.0	5.6
Benzo(a)pyrene	1.0	1.0
Benzo(b)fluoranthene	1.0	5.6
Benzo(k)fluoranthene	3.9	56
Chrysene	3.9	56
Dibenzo(a,h)anthracene	0.33	0.56
Hexachlorobenzene	1.2	6.0
Indeno(1,2,3-cd)pyrene	0.5	5.6
Arsenic	16	16
Cadmium	4.3	9.3
Copper	270	270
Lead	400	1,000
Mercury	0.81	2.8
Zinc	10,000	10,000
PCBs	1.0	1.0

SOURCE:  
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF GEOGRAPHIC INFORMATION SYSTEMS DATA

#### LEGEND:

- SITE BOUNDARY
- PROJECT BOUNDARY
- PARCEL BOUNDARIES
- 2023 SOIL SAMPLE LOCATION
- 2024 SOIL SAMPLE LOCATION
- PS&S SOIL SAMPLE LOCATION



\*ALL SOIL SAMPLE RESULTS MEASURED IN PARTS PER MILLION (PPM)  
\*SCO - SOIL CLEANUP OBJECTIVES  
\*VOCs - VOLATILE ORGANIC COMPOUNDS  
\*SVOCs - SEMI VOLATILE ORGANIC COMPOUNDS  
\*PCB - POLYCHLORINATED BIPHENYL  
\*PFAS - PER- AND POLYFLUOROALKYL SUBSTANCES  
\*NYSDEC - NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
\*NE - NO EXCEEDANCES  
\*~ - NOT ANALYZED



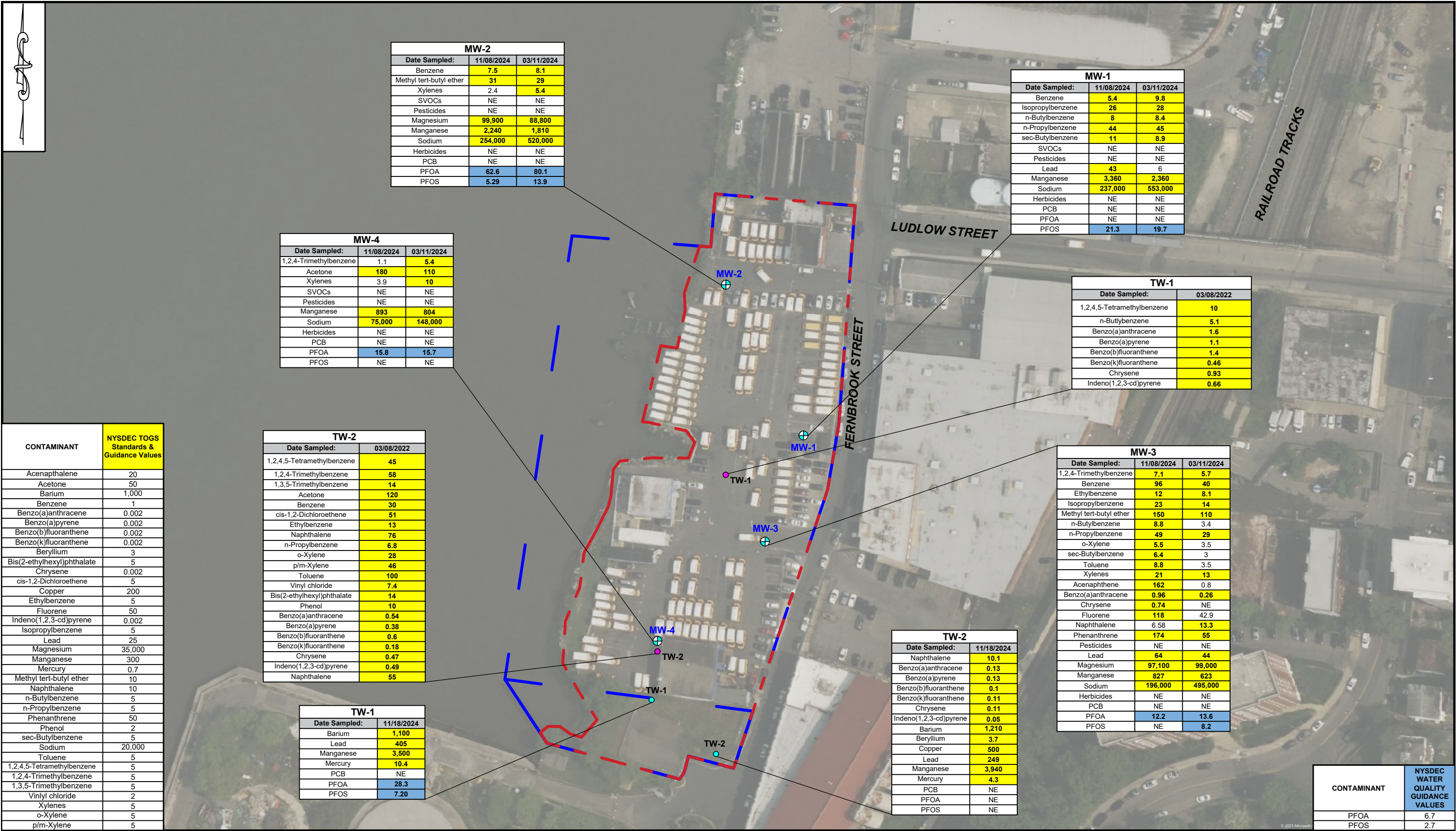
5 MARINE VIEW PLAZA  
HOBOKEN, NJ 07030

FERNBROOK PARK AND COMMUTER PARKING  
70 FERNBROOK STREET  
YONKERS, NEW YORK

FIGURE  
SOIL SAMPLE RESULTS MAP

JSH JOB #	DRAWN	CHECKED	APPROVED	DATE
23022270	MM/SV	DP	SK	8/29/2025





SOURCE:  
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF GEOGRAPHIC INFORMATION SYSTEMS DATA

0'100'200'

SCALE: 1" = 100'

LEGEND:

---

SITE BOUNDARY

---

PROJECT BOUNDARY

---

PARCEL BOUNDARIES

MONITORING WELL LOCATION

2024 TEMPORARY WELL LOCATION

PS&S TEMPORARY WELL LOCATION

ALL GROUNDWATER SAMPLE RESULTS MEASURED IN PARTS PER BILLION (PPB)

TOGS - TECHNICAL AND OPERATIONAL GUIDANCE SERIES

SVOCs - SEMI VOLATILE ORGANIC COMPOUNDS

PCB - POLYCHLORINATED BIPHENYL

PFAS - PER- AND POLYFLUOROALKYL SUBSTANCES

NYSDEC - NEW YORK STATE DEPARTMENT OF ENVIRONEMNTAL CONSERVATION

NE - NO EXCEEDANCES

NA - NOT ANALYZED

JSHELD

5 MARINE VIEW PLAZA  
HOBOKEN, NJ 07030

FERNBROOK PARK AND COMMUTER PARKING  
70 FERNBROOK STREET  
YONKERS, NEW YORK

FIGURE  
GROUNDWATER RESULTS MAP

JSH JOB #  
23022270

DRAWN  
MM/SV

CHECKED  
DP

APPROVED  
SK

DATE  
09/05/2025



**APPENDIX F:**  
**Section IX: Program Fee**

## **SECTION IX, No. 1 & 2**

### **Program Fee**

As the City of Yonkers is applying to enter the Brownfields Cleanup Program as a municipality, the City is seeking a waiver for the program fee of \$50,000. The City of Yonkers feels a waiver for the program fee is appropriate for the following reasons:

- Remediation efforts at the Site will be funded by tax-payer money.
- The planned post-remediation use for the Site is as a public park.
- The City of Yonkers is not seeking tangible property tax credits post-remediation.

**APPENDIX G:**  
**Section X: Requestor Eligibility**

## **SECTION X, No. 12**

### **VOLUNTEER STATEMENT**

The City of Yonkers is proposing to enter the Brownfields Cleanup Program as a Volunteer. The City of Yonker's liability has solely arisen as a result of the recent acquisition of the Site on February 17, 2023. Historical operations on the Site included oil storage and refining by several Major Oil Storage Facilities (MOSF No. 3-800816) for more than 80 years. Other former operations over the Site's history include wood/coal storage, and ice manufacturing. Contamination related to former Site operations (Spill No. 2207990) was identified during previous due diligence activities and prior to the applicant taking title to the Site.

The City of Yonkers had no relationship with former Site operators and owners and since acquisition of the Site has exercised due diligence in the assessment and pursuit of remedial developments to address contamination of the Site.

## **SECTION X, No. 14**

### **PROOF OF SITE ACCESS**

The Site is currently identified as 70 Fernbrook Street in Yonkers, NY, Block 615, Lot 1 & Block 600 (portion of) Lot 1.

Prior to the acquisition of the Site by the City of Yonkers in February of 2023, the Site was comprised of several addresses, municipal tax parcels, and former roads. Please see below for a list of the former addresses and the associated Blocks and Lots.

8 Water Grant Street, Block 615 Lots 1 & 6  
102 Pier Street, Block 615 Lot 10  
78 Pier Street, Block 615 Lot 35.45  
101 Pier Street, Block 622 Lot 1  
12 Yerks Place, Block 622 Lot 8  
111 Yerks Place, Block 623 Lot 1  
9 Water Grant Street, Block 623 Lot 4

The above tax parcels have since been consolidated into Block 615, Lot 1. Included below in Appendix G are the deeds for the purchase of 615 Lot 1 from Saviano Enterprises Inc. to the City of Yonkers.

Block 600 p/o Lot 1, which totals 0.4 acres of the County parcel known as “Westchester Wastewater Treatment Plant” was conveyed from Westchester County to the City of Yonkers in May of 2025. This conveyance and deed information is included below within Appendix G.

Legal Descriptions for both Block 615 Lot 1 and Block 600 p/o Lot 1 are also included below within Appendix G.

## **Property Deeds Confirming City of Yonkers Ownership**

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.



\*630303546DED001U\*

## Westchester County Recording & Endorsement Page

### Submitter Information

Name: Benchmark Title Agency LLC Phone: 914-250-2400  
Address 1: Benchmark Title Agency LLC Fax: 914-422-1550  
Address 2: 222 Bloomingdale Road, Suite 102 Email: evanbomel@benchmarkta.com  
City/State/Zip: White Plains NY 10605 Reference for Submitter: BTA 81891

### Document Details

Control Number: **630303546** Document Type: **Deed (DED)**  
Package ID: 2023013000231001001 Document Page Count: **4** Total Page Count: **6**

### Parties

☐ Additional Parties on Continuation page

#### 1st PARTY

1: SAVIANO ENTERPRISES INC  
2: SAVIANO ENTERPRISE INC

- Other  
- Other

1: YONKERS CITY OF  
2:

- Other

### Property

☒ Additional Properties on Continuation page

Street Address: 8 WATER GRANT STREET  
City/Town: YONKERS

Tax Designation: 1-615-1  
Village:

### Cross- References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

### Supporting Documents

1: RP-5217 2: TP-584

### Recording Fees

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

### Transfer Taxes

Consideration: \$13,000,000.00  
Transfer Tax: \$52,000.00  
Mansion Tax: \$0.00  
Transfer Tax Number: 9153

### 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: 02/24/2023 at 09:16 AM  
Control Number: **630303546**  
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

Benchmark Title Agency  
222 Bloomingdale Road Ste 102

White Plains, NY 10605

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.

\*630303546DED001U\*

Westchester County Recording & Endorsement Page

Document Details

Control Number: <b>630303546</b>	Document Type: <b>Deed (DED)</b>
Package ID: 2023013000231001001	Document Page Count: 4      Total Page Count: 6

Properties Addendum

8 WATER GRANT STREET 10701	YONKERS	1 615 6
102 PIER STREET 10701	YONKERS	1 615 10
78 PIER STREET 10701	YONKERS	1 615 35.45
101 PIER STREET 10701	YONKERS	1 622 1
12 YERKS PLACE 10701	YONKERS	1 622 8
111 YERKS PLACE 10701	YONKERS	1 623 1
9 WATER GRANT STREET 10701	YONKERS	1 623 4



CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT-THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 17<sup>th</sup> day of FEBRUARY 2023

**BETWEEN**

SAVIANO ENTERPRISES, INC. AKA SAVIANO ENTERPRISE, INC., DOING BUSINESS AT 28 READE STREET YONKERS NY 10703

party of the first part, and

CITY OF YONKERS, A NY MUNICIPAL CORPORATION, ETC., DOING BUSINESS AT 40 S BROADWAY YONKERS NY 10701

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten (\$10.00) Dollars and other valuable consideration 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 with the buildings and improvements thereon erected, situate, lying and being in the City of Yonkers, County of Westchester and State of New York more particularly set forth on Schedule A attached hereto.

Being and intended to be the same premises conveyed to the party of the first part by deed made by A. Tarricone, Inc. dated 11/13/1997 (acknowledged) recorded 02/09/1998 in Liber 11924 Page 182 at Westchester County Recording Office.

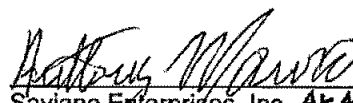
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; 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 written.

IN PRESENCE OF:

  
Saviano Enterprises, Inc. AKA Saviano Enterprise, Inc.  
by Anthony Mauro President

PREMISES DESCRIBED IN SCHEDULE "A" ARE KNOWN AS:

ADDRESS: 8 WATER GRANT STREET, YONKERS, NY 10701;  
8 WATER GRANT STREET, YONKERS, NY 10701;  
102 PIER STREET, YONKERS, NY 10701;  
78 PIER STREET, YONKERS, NY 10701;  
101 PIER STREET, YONKERS, NY 10701;  
12 YERKS PLACE, YONKERS, NY 10701;  
111 YERKS PLACE, YONKERS, NY 10701;  
9 WATER GRANT STREET, YONKERS, NY 10701;

COUNTY: WESTCHESTER  
CITY: YONKERS

TAX ID: SECTION 1 BLOCK 615 LOT 1  
SECTION 1 BLOCK 615 LOT 6  
SECTION 1 BLOCK 615 LOT 10  
SECTION 1 BLOCK 615 LOT 35.45  
SECTION 1 BLOCK 622 LOT 1  
SECTION 1 BLOCK 622 LOT 8  
SECTION 1 BLOCK 623 LOT 1  
SECTION 1 BLOCK 623 LOT 4

*Old Republic Title Insurance Company*

**SCHEDULE A  
DESCRIPTION OF PREMISES**

---

**Title No.** BTA81891  
**Policy No.** OX14599903

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

**BEGINNING** at a point on the westerly side of Fernbrook Street, formerly West Cross Street, where the same is intersected by the southerly line of land now or formerly of the Tide Water Oil Sales Corp., said point being 130.11 feet southerly as measured along the section of the southerly side of Knowles Street with the westerly side of Fernbrook Street;

**RUNNING THENCE** along the westerly side of Fernbrook Street, South 05 degrees 37 minutes 43 seconds West, 270.00 feet;

**THENCE** continuing along the westerly side of Fernbrook Street, the following two courses and distances:

1. South 19 degrees 45 minutes 17 seconds West, 30.94 feet;
2. South 17 degrees 26 minutes 51 seconds West, 255.41 feet;

**THENCE** North 84 degrees 27 minutes 17 seconds West, 269.47 feet to the westerly line of Water Grant to T.W. Ludlow, Jr.;

**THENCE** along said line, North 13 degrees 08 minutes 33 seconds East, 484.13 feet to a point;

**THENCE** South 84 degrees 22 minutes 17 seconds East, 139.25 feet to the easterly side of a private street known as Yerks Place, formerly Front Street;

**THENCE** along said easterly line of Yerks Place, North 5 degrees 37 minutes 43 seconds East, 70.00 feet to the southerly line of land now or formerly of the American Sugar Refining Co.;

**THENCE** along said land, South 84 degrees 27 minutes 17 seconds East, 127.00 feet to the westerly line of Fernbrook Street to the point or place of **BEGINNING**.

**EXCEPTING THEREFROM** those lands comprising the beds of Pier Street (a Private Road), and Water Grant Street running through the premises.

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

State of New York, County of Westchester

ss:

State of New York, County of

ss:

On the 17 day of February in the year 2023  
before me, the undersigned, personally appeared

Anthony Mauro  
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.

Phyllis A Gitter  
(signature and office of individual taking acknowledgment)

**PHYLLIS A GITTER**  
**NOTARY PUBLIC, STATE OF NEW YORK**  
**No. 01GI0000164**  
**Qualified in Westchester County**  
**My Commission Expires 02/02/2027**

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.

\_\_\_\_\_  
(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.

BTA 81891

Saviano Enterprises, Inc.

TO

City of Yonkers

SECTION

BLOCK

LOT

COUNTY OR TOWN

STREET ADDRESS

SEE ATTACHED

Recorded at Request of

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by  
ATLANTIC TITLE AGENCY, INC.  
31 Stewart Street  
Floral Park, N.Y. 11001

Benchmark Title Agency, LLC  
222 Bloomingdale Rd, Suite 102  
White Plains, NY 10605



Kenneth W. Jenkins  
County Executive

Department of Law

John M. Nonna  
County Attorney

May 12, 2025

VIA OVERNIGHT COURIER

Rachel G. Kravitz  
Special Counsel  
City of Yonkers  
40 South Broadway, 3<sup>rd</sup> Floor  
Yonkers, New York 10701

Re: Yonkers Waterfront Park/Fernbrook Street/County Conveyance

Dear Rachel:

Enclosed please find the original signed deed from the County of Westchester ("County") to the City of Yonkers conveying 0.4 acres of the County parcel known as "Westchester Wastewater Treatment Plant," located in Yonkers, New York.

Please do not hesitate to contact me by telephone at 914-995-2430 or email at [cmcp@westchestercountyny.gov](mailto:cmcp@westchestercountyny.gov) should you have any questions or comments.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Carla M. Chaves", written over a light blue horizontal line.

Carla M. Chaves  
Senior Assistant County Attorney

cc.w/attach.: Suzette Lopane  
David Vutera  
Brian Hegt

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

---

THE COUNTY OF WESTCHESTER,  
a New York municipal corporation

TO

THE CITY OF YONKERS,  
a New York municipal corporation

ADDRESS: Yonkers, NY  
SECTION: 1  
BLOCK: 600  
LOT: p/o 1 (0.4 acres)  
CITY: Yonkers  
COUNTY: Westchester

**RECORD AND RETURN TO:**

Rachel G. Kravitz  
Special Counsel  
City of Yonkers  
City Hall  
40 South Broadway, 3rd Fl.  
Yonkers, New York 10701



THIS INDENTURE, made as of the      day of May, 2025

BETWEEN

THE COUNTY OF WESTCHESTER, a New York municipal corporation, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601, party of the first part, and,

THE CITY OF YONKERS, a New York municipal corporation, having an office and place of business in the Michaelian Office Building, 40 South Broadway, Yonkers, New York 10701, party of the second part

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration 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 piece, plot or parcel of land, situate, lying and being in the City of Yonkers, County of Westchester, and State of New York, more particularly described on Exhibit A attached hereto and hereby made part hereof.

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;

SUBJECT TO all easements, restrictions, covenants and conditions of record affecting the premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, and assigns forever, subject to the following:


This conveyance is made subject to the granting by the party of the second part of a permanent easement over the premises to the party of the first part for any purpose whatsoever related to the operation by the party of the first part of the Westchester County Wastewater Treatment Plant, also known as the "Yonkers Joint Resource Recovery Facility" ("Facility"), including, but not limited to, the right to inspect, install and operate the existing steel bulkhead, new bulkheads, underground utilities, underground storm drainage and other sewer lines and improvements such as, but not limited to, protective barriers, fences and fire hydrants related to the Facility or the existing steel bulkhead or new bulkheads, together with the right of ingress and egress to exercise all of the rights herein granted.

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" whenever the sense of this indentures so requires.

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

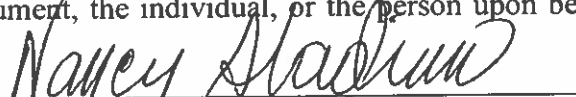
THE COUNTY OF WESTCHESTER

By:   
Name: Kenneth W. Jenkins  
Title: County Executive

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

On the <sup>8<sup>th</sup></sup> day of May in the year 2025, before me, the undersigned Notary Public, personally appeared Kenneth W. Jenkins personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NANCY ALADINO  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01AL6392655  
Qualified in Westchester County  
My Commission Expires: 6-3-2027

  
Notary Public

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PREMISES**

**BEGINNING** at the southerly boundary of Pier Street at its intersection with the westerly boundary of Fernbrook Street;

**THENCE** South 17 degrees 26 minutes 51 seconds West along the westly boundary of Fernbrook Street, a distance of 255.41 feet to the POINT OF BEGINNING.

**THENCE** South 17 degrees 26 minutes 51 seconds West continuing along said westerly street boundary a distance of 94.74 feet;

**THENCE** North 87 degrees 35 minutes 23 seconds West, a distance of 55.14 feet;

**THENCE** North 71 degrees 51 minutes 16 seconds West generally along a chain-link fence a distance of 140.30 feet;

**THENCE** North 37 degrees 08 minutes 55 seconds West along a steel bulkhead a distance of 84.22 feet;

**THENCE** North 07 degrees 41 minutes 55 seconds West a distance of 3.70 feet to the property boundary between lands reputedly of the City of Yonkers, and the lands reputedly of the County of Westchester;

**THENCE** South 84 degrees 22 minutes 17 seconds East along said boundary a distance of 269.47 feet to the POINT OF BEGINNING

Address: Yonkers, NY

County: Westchester

City: Yonkers

Tax ID: Section 1 Block 600 Lot p/o 1 (0.4 acres)

**Legal Description (Metes & Bounds) for Block 615 Lot 1 and  
Block 600 p/o Lot 1**

## LEGAL DESCRIPTION – CONSOLIDATED PARCEL

**ALL** that parcel of land situate west of Fernbrook Street, in the City of Yonkers, County of Westchester, State of New York, more particularly described as follows:

Commencing on the westerly street boundary of Fernbrook Street (formerly West Cross Street) at its intersection with the southerly boundary of Knowles Street thence S 05°37'43" W, along said westerly street boundary, a distance of 130.11 feet to a #5 rebar with a yellow plastic cap stamped "Laberge Group" and the POINT OF BEGINNING;

thence continuing southerly along said westerly street boundary the following three courses and distances:

1) S 05°37'43" W a distance of 270.00 feet;

2) S 19°45'17" W a distance of 30.94 feet; and

3) S 17°26'51" W a distance of 255.41 feet to the property division boundary between the lands herein described on the north, and the lands now or formerly of Westchester County on the south;

thence N 84°22'17" W along said boundary a distance of 269.47 feet to the westerly boundary of the Letters Patent Grant to Thomas W. Ludlow found in liber 1002 of deeds at page 312;

thence northerly along said boundary the following four courses and distances:

1) N 13°08'33" E a distance of 252.17 feet;

2) N 13°06'31" E a distance of 30.26 feet;

3) N 13°04'58" E a distance of 201.70 feet; and

4) S 84°22'17" E a distance of 109.25 feet to a westerly street boundary of discontinued Yerks Place (formerly known as Front Street);

thence N 05°37'43" E along said boundary a distance of 70.00 feet to a #5 rebar with a yellow plastic cap stamped "Laberge Group";

thence S 84°22'17" E along the property division boundary between the lands herein described on the south, the street known as Yerks Place on the north, in part, and the lands now or formerly of American Sugar Refining Company as described in liber 7356 of deeds at page 257 on the north, in part, a distance of 157.00 feet to the POINT OF BEGINNING, containing 145,390 square feet or 3.338 acres, more or less.

As shown on a plat entitled "Tax Parcel Consolidation Map for the Area to be Known as Fernbrook Park", dated September 12, 2023, revised to June 23, 2025, prepared by Gurley Engineering, Surveying, and Mapping Group, P.C., to be filed in the Westchester County Clerk's office.

Being the same premises as described in a deed to Saviano Enterprises, Inc., dated ,  
filed in the Westchester County Clerk's office in liber 11924 at page 182

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PREMISES**

**BEGINNING** at the southerly boundary of Pier Street at its intersection with the westerly boundary of Fernbrook Street;

**THENCE** South 17 degrees 26 minutes 51 seconds West along the westly boundary of Fernbrook Street, a distance of 255.41 feet to the POINT OF BEGINNING.

**THENCE** South 17 degrees 26 minutes 51 seconds West continuing along said westerly street boundary a distance of 94.74 feet;

**THENCE** North 87 degrees 35 minutes 23 seconds West, a distance of 55.14 feet;

**THENCE** North 71 degrees 51 minutes 16 seconds West generally along a chain-link fence a distance of 140.30 feet;

**THENCE** North 37 degrees 08 minutes 55 seconds West along a steel bulkhead a distance of 84.22 feet;

**THENCE** North 07 degrees 41 minutes 55 seconds West a distance of 3.70 feet to the property boundary between lands reputedly of the City of Yonkers, and the lands reputedly of the County of Westchester;

**THENCE** South 84 degrees 22 minutes 17 seconds East along said boundary a distance of 269.47 feet to the POINT OF BEGINNING

Address: Yonkers, NY

County: Westchester

City: Yonkers

Tax ID: Section 1 Block 600 Lot p/o 1 (0.4 acres)



**APPENDIX H:**  
**Section XII: Site Contact List**

## **SECTION XII**

### **SITE CONTACT LIST**

#### **City of Yonkers Planning Board Chairperson**

Pauline Galvin, Chairman  
City of Yonkers Planning Board  
40 South Broadway, 4<sup>th</sup> Floor, City Council Chambers  
Yonkers, NY 10701  
O: (914) 377-6555

#### **Westchester County Planning Board Chairperson**

Richard Hyman, Chairman  
Westchester County Planning Board  
148 Martine Avenue  
White Plains, NY 10601  
O: (914) 995-2000

#### **Property Owners**

City of Yonkers  
40 South Broadway  
Yonkers, NY 10701  
O: (914) 377-6000

Westchester County  
148 Martine Avenue  
White Plains, NY 10601  
O: (914) 995-2000

#### **Current Property Tenant – All County Bus LLC**

Donald Gregory  
President/CEO  
70 Fernbrook Street  
Yonkers, NY 10705  
[DGregory@allcountybus.com](mailto:DGregory@allcountybus.com)  
O: (914) 920-4411 M: (914) 403-2333

**Adjacent Properties Owners/Occupants**

**Northern Adjacent Property: 116 Knowles Street – Block 622, Lot 11**

Owner/Occupant: American Sugar, Refining Inc

Carmine Myers

1 Federal Street

Yonkers, NY 10705

[Carmine.Myers@asr-group.com](mailto:Carmine.Myers@asr-group.com)

P: (914) 963-2400

**Eastern Adjacent Property: 132 Fernbrook Street – Block 615, Lot 20**

Owner: 132 Fernbrook St Corp

131 Underhill Street

Yonkers, NY 10710

**Eastern Adjacent Property: 130 Fernbrook Street – Block 615, Lot 16**

Owner: 130 Fernbrook LLC

485 W Putnam Ave

Greenwich, CT 06830

Occupant: Hudson Scenic Studios

130 Fernbrook Street

Yonkers, NY 10705

[contact@hudsonscenic.com](mailto:contact@hudsonscenic.com)

P: (914) 375-0900

**Eastern Adjacent Property: 78 Fernbrook Street – Block 615, Lot 30**

Owner: Scenic Hudson Real Estate Holdings LLC

204 Eagle Drive

Jupiter, FL 33477

Occupant: Hudson Scenic Studios

130 Fernbrook Street

Yonkers, NY 10705

[contact@hudsonscenic.com](mailto:contact@hudsonscenic.com)

P: (914) 375-0900

**Southern Adjacent Property: Water Grant Street – Block 600, Lot 1**

Owner: Westchester County

Occupant: Westchester County Wastewater Treatment Plant

Westchester County Department of Environmental Facilities (DEF)

270 North Avenue, 6<sup>th</sup> Floor

New Rochelle, NY 10801

[wcddef@westchestercountyny.gov](mailto:wcddef@westchestercountyny.gov)

P: (914) 813-5400

**Local News Media**

The Yonkers Ledger Incorporated  
Eva Sanchez  
1767 Central Park Ave, Suite 194  
Yonkers, NY 10710  
O: (914) 361-9643

**Public Water Supplier**

Thomas Meier  
Commissioner, Public Works Department  
Yonkers Water Supply  
City of Yonkers Water Bureau, Public Works Department  
40 S Broadway  
Yonkers, NY 10701  
Thomas.Meier@YonkersNY.gov  
O: (914) 377-6271

**Applicant - City of Yonkers**

Susan Gerry, Deputy Mayor  
285 Nepperhan Ave  
Yonkers, NY, 10701  
[Susan.Gerry@YonkersNY.gov](mailto:Susan.Gerry@YonkersNY.gov)  
O: (914) 377-6300

**Environmental Consultant - J.S. Held LLC**

Seamus Kelly/Leah DeEgidio  
Senior Project Manager/Project Manager  
5 Marine View Plaza Suite 401  
Hoboken, NJ, 07030  
[Ldeegidio@jsheld.com](mailto:Ldeegidio@jsheld.com) [skelly@jsheld.com](mailto:skelly@jsheld.com)  
O: (201) 876-9400

**Planning & Engineering Consultant - Bowman**

Jaryd Moran, PLA  
Principal | BOWMAN  
6 Campus Drive, Suite 302  
Parsippany, NJ 07054  
[jmoran@bowman.com](mailto:jmoran@bowman.com)  
O: (973) 359-8400 D: (973) 291-2905 M: (732) 841-8352

**Counsel**

Rachel Kravitz, Esq.  
Special Counsel  
City of Yonkers, City Hall  
40 South Broadway, 3rd Fl.  
Yonkers, New York 10701  
[rachel.kravitz@yonkersny.gov](mailto:rachel.kravitz@yonkersny.gov)  
O: (914) 377-6259 F: (914) 964-0563

Denise J. D'Ambrosio, Esq.  
Law Office of Denise J. D'Ambrosio  
2 Westchester Park Drive, Suite 418  
White Plains, New York 10604  
[denisedambrosiolaw@gmail.com](mailto:denisedambrosiolaw@gmail.com)  
O: (914) 393-9578

**Document Repository**

Sandy Amoyaw  
Yonkers Public Library – Riverfront  
One Larkin Center  
Yonkers, NY 10701  
P: (914) 375-7940

\*Document repository  
confirmation/acknowledgment  
included on following page

MIKE SPANO  
MAYOR

MATTHEW I. GALLAGHER  
CORPORATION COUNSEL



CITY OF YONKERS  
DEPARTMENT OF LAW

CITY HALL ROOM 300  
40 SOUTH BROADWAY  
YONKERS, NEW YORK 10701-3883  
(914) 377-6240

May 1, 2025

By Email

Jesse Montero, Director  
Yonkers Public Library  
1 Larkin Center  
Yonkers, New York 10701

Re: Fernbrook Waterfront Park, 70 Fernbrook Street, Yonkers, New York 10701,  
NYS Brownfields Cleanup Program

Dear Mr. Montero:

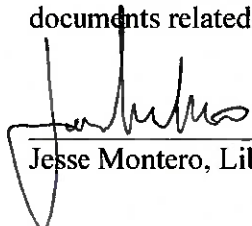
The City of Yonkers is applying to the NYS Brownfield Cleanup Program ("BCP") for the proposed Fernbrook Waterfront Park at 70 Fernbrook Steet, Yonkers, New York ("Site").

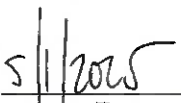
The BCP application must contain a letter stating the local library is willing and able to serve as a public repository for the BCP application and all public documents pertaining to the investigation and remediation of the Site through project completion. To the extent practicable all documents will be provided in an electronic or cd format.

It would be appreciated that the Yonkers Public Library-Riverfront Branch serve as a public repository for the purposes of the BCP as set forth above that you countersign this letter and return it by email to [Rachel.Kravitz@yonkersny.gov](mailto:Rachel.Kravitz@yonkersny.gov) at your earliest convenience. Thank you.

Sincerely,  
*Rachel Kravitz*  
Special Counsel

The Yonkers Public Library-Riverfront Branch is willing and able to be the public repository for documents related to the BCP application and project for the Fernbrook Waterfront Park.

  
Jesse Montero, Library Director

  
Date