

**Warburton Industries LLC, 316 Warburton Avenue LLC and
Hillside Properties NY LLC
Brownfield Cleanup Program Application
Rappaport Dry Cleaners Site
312, 316 and 322 Warburton Avenue
Yonkers, New York 10701**



**Legal & Consulting Team:
Knauf Shaw LLP & LaBella Associates, D.P.C.
July 2025**

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July 7, 2025

VIA ELECTRONIC MAIL
DERSiteControl@dec.ny.gov

Chief, Site Control Section
Division of Environmental Remediation
NYS Department of Environmental Conservation
625 Broadway, 12th Floor
Albany, NY 12233-7020

**RE: Brownfield Cleanup Program Application
Warburton Industries LLC, 316 Warburton Avenue LLC and
Hillside Properties NY LLC
Rappaport Dry Cleaner Site
312, 316 and 322 Warburton Avenue, Yonkers, New York 10701**

To Whom It May Concern:

A Brownfield Cleanup Program ("BCP") Application and support documentation for Requestor, Warburton Industries LLC, 316 Warburton Avenue LLC and Hillside Properties NY LLC, in relation to the aforementioned Site has been uploaded to the Site Control Dropbox. For the convenience of Site Control, we have included a single PDF of the entire BCP Application, including exhibits, as well as the individual application files.

Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,

KNAUF SHAW LLP

LINDA R. SHAW, ESQ.

Enclosure

cc: Kenneth O'Connor (koconnor1980@hotmail.com)
Richard Kampf (rkampf@LaBellaPC.com)



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, 12th Floor
Albany, NY 12233-7020

SITE NAME: Rappaport Dry Cleaner Site

Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments.

If yes, provide existing site number: _____

☐

Yes

☒

No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: _____

☐

Yes

☒

No



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

BCP App Rev 16.1 – March 2025

SECTION I: Property Information

PROPOSED SITE NAME **Rappaport Dry Cleaner Site**

ADDRESS/LOCATION **312, 316, and 322 Warburton Avenue**

CITY/TOWN **Yonkers**

ZIP CODE **10701**

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

COUNTY **Westchester**

SITE SIZE (ACRES) **0.86**

LATITUDE

LONGITUDE

	°	'	"	°	'	"
40	56	46.3194	-73	53	47.22	

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
312 Warburton Avenue	2	2151	34	0.45
316 Warburton Avenue	2	2151	31	0.17
322 Warburton Avenue	2	2151	29	0.24

	Y	N
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	<input checked="" type="radio"/>	<input type="radio"/>
2. Is the required property map, 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 DEC's website for more information) If yes, identify census tract: _____ Percentage of property in En-zone (check one): <input checked="" 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 type="radio"/>	<input checked="" type="radio"/>
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____		<input type="radio"/>	<input checked="" type="radio"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?		<input checked="" type="radio"/>	<input type="radio"/>
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.			
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		<input type="radio"/>	<input type="radio"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		<input type="radio"/>	<input type="radio"/>
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?		<input type="radio"/>	<input type="radio"/>
NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.			
If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions. Initials of each Requestor: <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? | N/A <input type="radio"/> | <input type="radio"/> |

SECTION IV: Land Use Factors

1. What is the property's current municipal zoning designation? <u>B (neighborhood business and apartment houses, medium-density)</u>		
2. What uses are allowed by the property's current zoning (select all that apply)? Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/>		
3. Current use (select all that apply): Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Recreational <input type="checkbox"/> Vacant <input 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 checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> If residential, does it qualify as single-family housing? N/A <input type="radio"/>	<input type="radio"/>	<input checked="" 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 (312 Warburton Avenue - 2-2151-34)		
CONTACT NAME Mayor Mike Spano		
ADDRESS 40 South Broadway		
CITY Yonkers	STATE NY	ZIP CODE 10701
PHONE 9914) 377-6000	EMAIL Mayor@yonkersny.gov	
OWNERSHIP START DATE 12/20/2013		
CURRENT OPERATOR YMCA of Yonkers		
CONTACT NAME Luz Moreno-Casanova		
ADDRESS 17 Riverdale Avenue		
CITY Yonkers	STATE NY	ZIP CODE 10701
PHONE (914) 963-0183	EMAIL lucym@yoymca.org	
OPERATION START DATE 2013		

SECTION IV: Land Use Factors1. What is the property's current municipal zoning designation? BR (Restricted Business, Residential Excluded)

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

Residential ☐ Commercial ☒ Industrial ☐

3. Current use (select all that apply):

Residential ☒ Commercial ☒ Industrial ☐ Recreational ☐ Vacant ☐

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

Is this summary included with the application?

Y

N

☒☐

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

Residential ☒ Commercial ☐ Industrial ☐

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

N/A ☐☐☒

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

☒☐

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

☐☒

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

☒☐

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

☒☐

10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Please provide a brief explanation. Include additional documentation if necessary.

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

CURRENT OWNER 316 Warbuton Avenue LLC (316 Warbuton Avenue - 2-2151-31)

CONTACT NAME Kenneth O'Connor

ADDRESS 1 Executive Boulevard, Suite 401

CITY Yonkers

STATE NY

ZIP CODE 10701

PHONE (646) 281-0279

EMAIL koconnor1980@hotmail.com

OWNERSHIP START DATE 5/9/2017

CURRENT OPERATOR Same as owner (plus two residential tenants - please see Exhibit F)

CONTACT NAME

ADDRESS

CITY

STATE

ZIP CODE

PHONE

EMAIL

OPERATION START DATE

SECTION IV: Land Use Factors

1. What is the property's current municipal zoning designation? <u>BR (Restricted Business, Residential Excluded)</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 type="checkbox"/>		
3. Current use (select all that apply): Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Recreational <input type="checkbox"/> Vacant <input 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 checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> If residential, does it qualify as single-family housing? N/A <input type="radio"/>	<input type="radio"/>	<input checked="" 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 Warburton Industries LLC (322 Warburton Avenue - 2-2151-29)

CONTACT NAME Kenneth O'Connor

ADDRESS 1 Executive Boulevard, Suite 401

CITY Yonkers

STATE NY

ZIP CODE 10701

PHONE (646) 281-0279

EMAIL koconnor1980@hotmail.com

OWNERSHIP START DATE 1/17/2014

CURRENT OPERATOR Same as Owner

CONTACT NAME

ADDRESS

CITY

STATE

ZIP CODE

PHONE

EMAIL

OPERATION START DATE

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

*Please describe other known contaminants and the media affected:

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

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

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

Are the required drawings included with this application?

☒ YES

☐ NO

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

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

Other: The Site has also been used as a contractor's yard.

SECTION VII: Requestor Information					
NAME Warburton Industries LLC					
ADDRESS c/o Kenneth O'Connor, 1 Executive Blvd., Suite 410					
CITY/TOWN Yonkers		STATE NY	ZIP CODE 10701		
PHONE 646-281-0279		EMAIL koconnor1980@hotmail.com			
				Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?				<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?				<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A <input type="radio"/>				<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.				<input checked="" type="radio"/>	<input type="radio"/>

SECTION VIII: Requestor Contact Information			
REQUESTOR'S REPRESENTATIVE Kenneth O'Connor			
ADDRESS 1 Executive Blvd., Suite 410			
CITY Yonkers		STATE NY	ZIP CODE 10701
PHONE 646-281-0279		EMAIL koconnor1980@hotmail.com	
REQUESTOR'S CONSULTANT (CONTACT NAME) Wilson Corella			
COMPANY LaBella Associates, D.P.C.			
ADDRESS 45 Main Street, Suite 1018			
CITY Brooklyn		STATE NY	ZIP CODE 11201
PHONE (585) 454-6110		EMAIL rkampf@LaBellaPC.com	
REQUESTOR'S ATTORNEY (CONTACT NAME) Bill P. Chimos, Esq.			
COMPANY Zetlin & DeChiara, LLP			
ADDRESS 801 2nd Avenue, 16th Floor			
CITY New York		STATE NY	ZIP CODE 10017
PHONE (212) 682-6800		EMAIL bchimos@zdlaw.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 type="radio"/>	<input checked="" 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 VII: Requestor Information			
NAME 316 Warburton Avenue LLC			
ADDRESS c/o Kenneth O'Connor, 1 Executive Blvd., Suite 410			
CITY/TOWN Yonkers		STATE NY	ZIP CODE 10701
PHONE 646-281-0279		EMAIL koconnor1980@hotmail.com	
			Y
			N
1. Is the requestor authorized to conduct business in New York State (NYS)?			<input checked="" type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?			<input checked="" type="radio"/>
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A <input type="radio"/>			<input checked="" type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.			<input checked="" type="radio"/>

SECTION VIII: Requestor Contact Information			
REQUESTOR'S REPRESENTATIVE Kenneth O'Connor			
ADDRESS 1 Executive Blvd., Suite 410			
CITY Yonkers		STATE NY	ZIP CODE 10701
PHONE 646-281-0279		EMAIL koconnor1980@hotmail.com	
REQUESTOR'S CONSULTANT (CONTACT NAME) Wilson Corella			
COMPANY LaBella Associates, D.P.C.			
ADDRESS 45 Main Street, Suite 1018			
CITY Brooklyn		STATE NY	ZIP CODE 11201
PHONE (585) 454-6110		EMAIL rkampf@LaBellaPC.com	
REQUESTOR'S ATTORNEY (CONTACT NAME) Bill P. Chimos, Esq.			
COMPANY Zetlin & DeChiara, LLP			
ADDRESS 801 2nd Avenue, 16th Floor			
CITY New York		STATE NY	ZIP CODE 10017
PHONE (212) 682-6800		EMAIL bchimos@zdlaw.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 type="radio"/>	<input checked="" 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 VII: Requestor Information					
NAME Hillside Properties NY LLC					
ADDRESS c/o Kenneth O'Connor, 1 Executive Blvd., Suite 410					
CITY/TOWN Yonkers		STATE NY	ZIP CODE 10701		
PHONE 646-281-0279		EMAIL koconnor1980@hotmail.com			
				Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?				<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?				<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A <input type="radio"/>				<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.				<input checked="" type="radio"/>	<input type="radio"/>

SECTION VIII: Requestor Contact Information			
REQUESTOR'S REPRESENTATIVE Kenneth O'Connor			
ADDRESS 1 Executive Blvd., Suite 410			
CITY Yonkers		STATE NY	ZIP CODE 10701
PHONE 646-281-0279		EMAIL koconnor1980@hotmail.com	
REQUESTOR'S CONSULTANT (CONTACT NAME) Wilson Corella			
COMPANY LaBella Associates, D.P.C.			
ADDRESS 45 Main Street, Suite 1018			
CITY Brooklyn		STATE NY	ZIP CODE 11201
PHONE (585) 454-6110		EMAIL rkampf@LaBellaPC.com	
REQUESTOR'S ATTORNEY (CONTACT NAME) Bill P. Chimos, Esq.			
COMPANY Zetlin & DeChiara, LLP			
ADDRESS 801 2nd Avenue, 16th Floor			
CITY New York		STATE NY	ZIP CODE 10017
PHONE (212) 682-6800		EMAIL bchimos@zdlaw.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 type="radio"/>	<input checked="" 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**

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

Date: 7/1/25 Signature: Kenn O'Connor

Print Name: Kenneth O'Connor

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

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 ^{the Sole Member/Authorized Signatory} _____ (title) of 316 Warburton Avenue LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32. Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 7/1/05 Signature: Kenneth O'Connor

Print Name: Kenneth O'Connor

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

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

Date: 7/1/05 Signature: Kenn O'Connor

Print Name: Kenneth O'Connor

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.

BCP APPLICATION SUPPORT DOCUMENT

Exhibit List

Exhibit A	Site Location Map, Base Map, and Street Map
Exhibit B	Tax Boundary Map and Survey Map
Exhibit C	Brownfield Opportunity Area (“BOA”) Map, Disadvantage Communities Map (“DCM”), and En-Zone Map
Exhibit D	Flood Map
Exhibit E	Zoning Map and General Ordinance No. 11-2022/Resolution No. 143-2022
Exhibit F	Previous Owners and Operators List
Exhibit G	Deeds
Exhibit H	Site Access Agreements
Exhibit I	Site Drawing Spider Maps
Exhibit J	NYS DOS Entity Information
Exhibit K	Written Consents
Exhibit L	Site Contact List
Exhibit M	Repository Letter

ENVIRONMENTAL REPORTS:

1. April 2020 Phase I Environmental Site Assessment Prepared by Gallagher Bassett Technical Services for Rocklands Consulting;
2. June 2024 Phase I Environmental Site Assessment Prepared by LaBella Associates, D.P.C. for Hillside Properties NY LLC; and
3. August 2024 Phase II Environmental Site Assessment Prepared by LaBella Associates, D.P.C. for Hillside Properties NY LLC

SECTION I – PROPERTY INFORMATION

The Site is located at the following addresses:

Parcel Address	Tax Parcel Identification No.	Acreage ¹
312 Warburton Avenue	2.-2151-34	0.45
316 Warburton Avenue	2.-2151-31	0.17
322 Warburton Avenue	2.-2151-29	0.24

The Site located in Yonkers, New York 11207 (“Site” or “BCP Site”). The Site Location Map, Base Map and Street Map are in Exhibit A.

1. Site Boundary and Tax Parcel Information

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

2. Property Map

The Site Location Map, Base Map and Street Map are in Exhibit A. The Tax Boundary Map and Survey Map are in Exhibit B.

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

The Site BOA, Disadvantaged Communities, and En-Zone Maps are in Exhibit C. The Site is not located in an En-Zone or BOA. The Site is located in a disadvantaged community area. According to the New York State Disadvantaged Communities Map, the Site is located on Census Tract 361190004021, which has an environmental burden higher than 95.02 % of Census Tracts statewide and a population vulnerability higher than 87.61 % percent of Census Tracts statewide.

6-11. Please refer to the BCP Application Form.

12. Easements and Existing Right of Ways

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

13. Please refer to BCP Application Form.

14. Property Description and Environmental Assessment

A. Site Location

The Site is located at the following addresses:

¹ Acreages were determined using the Westchester Tax Map.

Parcel Address	Tax Parcel Identification No.
312 Warburton Avenue	2.-2151-34
316 Warburton Avenue	2.-2151-31
322 Warburton Avenue	2.-2151-29

The Site located in an urban area in the City of Yonkers, New York 10701. The closest body of water to the Site is the Hudson River, which is approximately 0.24 miles from the Site. The Site is not located in a flood zone. *See Exhibit D – Flood Map.* The Site is located approximately 0.16 mile east of the Metro North Hudson Line. Therefore, the planned project is a transit-oriented development project.

B. Site Features

322 Warburton Avenue is currently developed with a 2,500 square foot, one story commercial building that was constructed around 1978. The building sits on a concrete slab with electric heating. This building is currently being used for contractor storage by the Requestor.

316 Warburton Avenue is developed with a 4,971 square foot residential structure built in 1917 that is currently used for residential apartment space. The three-story structure is heated by natural gas and sits over a concrete basement. The basement of this structure is also used for contractor storage by the Requestor. 316 Warburton Avenue also has two separate garages. The garage on the eastern portion of this lot is used for further contractor storage by the Requestor, and the garage on the western portion of the lot is used for general storage.

312 Warburton Avenue is not developed with any structures, but it is currently utilized as a community garden.

C. Current Zoning and Land Use

The Site is currently located in the B District (neighborhood business and apartment houses, medium-density). *See Exhibit E - Zoning Map and General Ordinance No. 11-2022/Resolution No. 143-2022.* This District allows for commercial and residential use. The Site currently has residential and commercial uses and is occupied by apartments and contractor storage. The surrounding properties are predominately residential with some commercial. North of the Site at 332 Warburton Avenue is a multi-family residential building. East of the Site at 108-110 Grove Street is the Old Croton Trailway State Park and a two-family residential building. Condominiums at 304 Warburton Avenue and single-family residences from 18 to 24 Wicker Street are south of the Site. West of the Site is an adjacent BCP Site, a residence at 305 Warburton Avenue, vacant lots from 309-319 Warburton Avenue, a mixed-use building with a dry cleaner at 321 Warburton Avenue, and a grocery store at 323 Warburton Avenue. The nearest residential area is approximately .01 miles south of the Site.

D. Past Use of the Site

The 322 lot has been used as a dry cleaner (Rappaport Cleaners, from at least 1971 to 2017) and thereafter for storage of contractor's equipment by the Requestor. The historical owners and

operators associated with the Site are further described below and in Exhibit F - Previous Owners and Operators List. The other two lots have had more of a residential past history but were located on historic fill soils.

E. Site Geology and Hydrogeology

The Site's topography is uneven, and it slopes moderately to steeply downwards toward the west. Therefore, the Site's elevation ranges from 90 to 130 feet above mean sea level. The soil itself is comprised of Urban land, characterized by Charlton complex and 8 to 15 percent slopes. The Site is geologically located on Fordham Gneiss. The anticipated depth to bedrock was not determined based upon the investigation conducted to date.

The nearest waterbody is the Hudson River, located 0.24 miles west of the Site. The apparent groundwater flow is westwards, toward the Hudson River.

F. Environmental Assessment

In soil, metals were detected in exceedance of the Restricted Residential Soil Cleanup Objective (RRSCOs) including lead at a maximum detection of 1,080 mg/kg.

In soil vapor and sub-slab soil vapor samples, VOCs were detected within the 7 samples collected from the Site including tetrachloroethene at a maximum detection of 759,000 $\mu\text{g}/\text{m}^3$. Petroleum vapors were also detected in soil vapor samples, including toluene at a maximum detection of 88.6 $\mu\text{g}/\text{m}^3$.

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

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

SECTION II: PROJECT DESCRIPTION

1-3. Please refer to the BCP Application Form.

4. Short Project Description

The Planned redevelopment of the Site entails construction of a four-story residential building primarily designed for senior citizens. The detailed construction plans are not yet finalized and the project is still in the design phase and undergoing zoning review.

Schedule – Commencement through COC

Assuming the Site is accepted into the program by October – November 2025, the Remedial Investigation (RI) Work Plan (RIWP) is expected to be completed within 30 days of Brownfield Cleanup Agreement (BCA) execution and approved after the 30-day comment period by early 2026. Remedial Investigation is expected to be completed on the Site by early spring 2026. Site preparation activities, including the demolition of the on-Site buildings, are expected to commence

in summer 2026 and conclude in fall 2026. The Remedial Action Work Plan (RAWP) will be completed in winter of 2026 and implemented after the 45-day comment period concludes. Any required remediation may commence in spring of 2027 such that the Certificate of Completion may be issued on or before December 2027.

5. Green and Sustainable Remediation (GSR)

Remedial Investigation/Alternatives Analysis: GSR will be incorporated into RI project planning, including the application of the proposed environmental footprint analysis tool, and how climate resiliency will be included. A discussion about the plan to implement GSR will be included in the RIWP and implemented during the RI. Specifically during the RI implementation, the consultant will:

- Evaluate sensitive, local human and ecological receptors which require protection from contaminants of concern, traffic, noise, dust and odors during the implementation. An enhanced Community Air Monitoring Plan will be implemented.
- Identify vendors with operation centers local to the Site to minimize fuel consumption associated with travel to and from the Site
- Salvage organic debris that is uncontaminated and free of pests or disease, for use as supplemental infill, mulch or compost.
- Salvage uncontaminated objects with potential recycle, resale, donation or onsite infrastructure value, such as steel, concrete and granite.
- Designate collection points for recycling single-use items such as metal, plastic and glass containers; paper and cardboard; and other consumable items.
- Advise contractors to avoid idling vehicles while on the BCP Site.

Remedial Design and Remedial Action: Green remediation principles and techniques will be implemented to the extent feasible in the design and implementation of the remedy as per DER-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term and specify chemicals or agents, where applicable, that are not harmful or hazardous to aquatic environments and the subsurface, are readily biodegradable, and/or can help to improve site geochemical conditions;
- 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 which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- 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 re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, including that any future on-site buildings shall be constructed, at a minimum, to meet the 2020 Energy Conservation Construction Code of New York (or most recent edition) to improve energy efficiency as an element of

construction. (see below)

An environmental footprint analysis will be completed, which will use an accepted environmental footprint analysis calculator such as SEFA (Spreadsheets for Environmental Footprint Analysis, USEPA), SiteWise™ (available in the Sustainable Remediation Forum [SURF] library) or similar Department accepted tool and construction considerations should reference NYSDEC standard specification 01 89 29-Green Remediation Practice and the associated Form A – Summary of Green Remediation Metrics will be used to track actual metrics for the footprint analysis. Contractors will also pay attention to the carbon emissions used in the material generation and transportation to reduce the carbon footprint and recycling applicability where possible. This extends to the use of drilling fluids that are biodegradable and chemicals that are not harmful or hazardous during site operations.

Water consumption, greenhouse gas emissions, renewable and non-renewable energy use, waste reduction and material use will be estimated, and goals for the project related to these green and sustainable remediation metrics, as well as for minimizing community impacts, protecting habitats and natural and cultural resources, and promoting environmental justice, will be incorporated into the remedial design program, as appropriate. The project design specifications will include detailed requirements to achieve the green and sustainable remediation goals. Further, progress with respect to green and sustainable remediation metrics will be tracked during implementation of the remedial action and reported in the Final Engineering Report (FER), including a comparison to the goals established during the remedial design program.

Site Management: GSR will be incorporated into Site Management, including use of DEC's SMP template, resource and energy consumption reduction, waste minimization, and climate resiliency evaluation within Periodic Review Reports (PRRs). Further, progress with respect to green and sustainable remediation metrics will be tracked, and reported in PRRs, as part of the Site Management program, and opportunities to further reduce the environmental footprint of the project will be identified as appropriate.

Redevelopment: Green stormwater practices will be implemented for the entire project. The Project is also a transit-oriented development project since it is within walking distance (0.3 miles) of the Glenwood Train Station on the MTA Hudson Rail Line.

6. Climate Change Screening or Vulnerability Assessment

The Site is entering the program at the investigation stage; therefore, a Climate Change Screening or Vulnerability Assessment is not required at this time. The remedial design program will include a climate change vulnerability assessment, to evaluate the impact of climate change on the Site and the proposed remedy. Potential vulnerabilities associated with extreme weather events (e.g., hurricanes, lightning, heat stress and drought), flooding, and sea level rise will be identified, and the remedial design program will incorporate measures to minimize the impact of climate change on potential identified vulnerabilities. The closest body of water to the Site is the Hudson River, which is approximately 0.24 miles from the Site. However, the Site is located on a steep slope above the River and therefore cannot be impacted by River flooding and the site is not located in a flood zone. *See Exhibit D – Flood Zone Map.*

SECTION III: ECOLOGICAL CONCERNS

1-3. Please refer to the BCP Application Form

4. Fish and Wildlife Resources Impact Analysis Part I (FWRIA Part I).

The Site is 0.24 miles to the east of the Hudson River, which is home to many different species of fish. Two rare fish species can be found in waters within 0.5 miles of the Site, and these are Shortnose Sturgeon and Atlantic Sturgeon. NYSDEC just published an article that these fish are doing well in the River due to all of the conservation efforts by the Department and other remedial activities. To the extent groundwater has been impacted by Site contamination, it is possible that in deep bedrock impacts could be reaching the River bottom. However, it is unlikely that surface water could be getting impacted based on the nature of the contaminants in soil known to date, which tends to attach to soil. In addition, the point of remediating the Site will be to mitigate any potential ecological impacts that could occur off-site. Nevertheless, a FWRIA Part I will be included in the Remedial Investigation Report.

SECTION IV: LAND USE FACTORS

1. Current Zoning

The Site is within the B District (neighborhood business and apartment houses, medium density). *See Exhibit E - Zoning Map.* The proposed project may need a further rezoning to an A zone if the density increases. Otherwise the project may need some variances and site plan approval.

2. Allowed Uses

The B District allows for commercial and residential use. Therefore, a residential use project is allowed in this zone. However, further rezoning may be required if the density increases and variances and site plan approval are still required by the City of Yonkers for the project to proceed.

3-4. Current Use

This Site is currently used for commercial and residential purposes.

5. Intended Use Post Remediation

After the remediation, the Site will be used for residential purposes.

6. Post Remediation Use

Post remediation use of the Site may the construction of a four-story residential building for senior citizens.

7. Renewable Energy Facility

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

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

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

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

The project is largely consistent with the zoning laws and zoning map of the City of Yonkers. However, additional rezoning may be required if density increases. In addition, variances and site plan approval are still required.

10. Consistent with the Master Plan?

Yes, the project is consistent with the Yonkers Master Plan, which intends to develop infill sites and encourage transit-oriented development projects.

SECTION V: CURRENT AND HISTORICAL PROPERTY OWNER AND OPERATOR INFORMATION

The owners of the Site is listed in the table below.

Parcel Address	Owner	Ownership Start Date
312 Warburton Avenue	City of Yonkers	12/20/2013
316 Warburton Avenue	316 Warburton Avenue LLC	05/09/2017
322 Warburton Avenue	Warburton Industries LLC	01/17/2014

See Exhibit G - Deeds for additional information.

The Requestors, 316 Warburton Avenue LLC and Warburton Industries LLC, are the owners of the 316 and 322 Warburton Avenue lots, respectively. The City of Yonkers is the current owner of the portion of the Site located at 312 Warburton Avenue. *See Exhibits G - Deeds, and Exhibit B - Survey.* The Requestor has received a temporary license from the City of Yonkers to access the property at 312 Warburton Avenue to perform investigation and remediation work required by the BCP. *See Exhibit H - Site Access Agreement.*

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

SECTION VI: PROPERTY'S ENVIRONMENTAL HISTORY

1. List of Environmental Reports

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

- a) April 2020 Phase I Environmental Site Assessment Prepared by Gallagher Bassett Technical Services for Rocklands Consulting;
- b) June 2024 Phase I Environmental Site Assessment Prepared by LaBella Associates, D.P.C. for Hillside Properties NY LLC; and
- c) August 2024 Phase II Environmental Site Assessment Prepared by LaBella Associates, D.P.C. for Hillside Properties NY LLC

2. Sampling Data

See Exhibit I - Spider Maps which include sampling data summaries.

3. Environmental Assessment

Based on the investigations conducted to date, the primary contaminants of concern are metals in soil and VOCs in soil vapor. See Exhibit I - Site Drawing Spider Map.

Soil:

Analytes > RRSCOs	Detections > RRSCOs	Maximum Detection (mg/kg)	RRSCO (mg/kg)	Depth (ft-bgs)
Metals				
Lead	3	1080	400	2-4

Soil Vapor:

Analytes	Total Detections	Max Detection ($\mu\text{g}/\text{m}^3$)	Type
VOCs			
1,2,4-Trimethylbenzene	1	39.5	Soil vapor
4-ethyltoluene	1	9	Soil vapor
Acetone	3	373	Sub-slab vapor
Benzene	3	22.6	Soil vapor
Carbon disulfide	1	9.47	Soil vapor
Chloroform	1	85.5	Sub-slab vapor
Cis-1,2-Dichloroethene	2	1180	Sub-slab vapor

Ethylbenzene	3	32.2	Sub-slab vapor
o-Xylene	3	38.1	Sub-slab vapor
Styrene	1	2.48	Sub-slab vapor
Tetrachloroethene	6	759,000	Sub-slab vapor
Trichloroethene	2	3,240	Sub-slab vapor
Toluene	3	88.6	Sub-slab vapor

4. Past Land Use

1. Past Use of the Site

During investigations of the Site to date and during preparation of this application, Sanborn fire insurance maps, city directories, aerial photographs, topographic maps, and municipal records were reviewed. These sources were the primary information sources relied on in the Phase I reports to document the historical uses.

From at least 1886 until 1956, the Site was residentially developed. In 1957, the residences remained on the Site, but they were joined by a single storefront. Starting in or around 1971, while residences remained present, Rappaport Cleaners, a dry cleaner, began operating on the Site. The dry cleaner would remain operating on the Site for over 40 years, from 1971 until 2017. In 2017, the dry cleaner ceased operation and it was replaced by a contractor's storage yard, and residential use remained elsewhere on the Site.

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

Gallagher Bassett Technical Services completed a Phase I Environmental Site Assessment ("ESA") in April 2020 for the Site. Two (2) recognized environmental conditions ("RECs") were identified on the Site. The first REC was the potential solvent release from the former on-Site dry cleaner facility located on Lot 29 as early as 1971. Lot 29 was registered with the United States Environmental Protection Agency as a former generator of hazardous waste (EPA ID: NYD030461982), the listed materials include spent chlorinated solvents. The second REC was the petroleum staining on and beneath the hydraulic oil containers near the exterior wall of the garage located on the eastern portion of Lot 31. Gallagher was unable to access the second garage located on the northwestern corner of Lot 31.

LaBella Associates, D.P.C. completed a Phase I ESA for the Site in June 2024. This Phase I ESA identified two RECs present at the Site. The first REC was the historical use of the structure located at 322 Warburton Avenue as a dry cleaner between 1971 to 2017. Due to this use, the Site was

listed in the NY Dry Cleaner, ICIS/AIRS, and RCRA regulatory databases as a dry cleaner with documented generation of spent halogenated solvents. The second identified REC was the presence of an active Brownfield Site adjacent to the Site at 321-325 Warburton Avenue, Site C360227. LaBella further noted two de minimis conditions present at the Site. First, minor staining was noted on the asphalt in front of the eastern garage on Lot 31. Second, a previous study had noted soil impacts near hydraulic oil containers that were located on the exterior of one of the garages. LaBella could not confirm these soil impacts due to the significant number of materials exteriorly stored during their visit.

LaBella then completed a Phase II ESA for the Site in August 2024. This ESA detected VOCs in all sub-slab vapor samples taken at the Site, including tetrachloroethene at very high levels on Lot 29 beneath the former Rappaport Cleaners. These concentrations indicate a likely source area in the soil and/or groundwater beneath the building. Tetrachloroethene and other mostly petroleum related VOCs—benzene, toluene, and o-Xylene—were detected on both Lots 29 and 31. Metals were also detected in the soil on-Site, but only lead was found in exceedance of its RRSCO.

SECTION VII: REQUESTOR INFORMATION

Requestors, 316 Warburton Avenue LLC, Warburton Industries LLC and Hillside Properties NY LLC, are New York limited liability companies, with offices located at 1 Executive Blvd., Suite 410, Yonkers, NY 10701. 316 Warburton Avenue LLC, Warburton Industries LLC and Hillside Properties NY LLC are authorized to do business in the State of New York. *See Exhibit J - NYSDOS Entity Information.* Kenneth O'Connor is the Sole Member of 316 Warburton Avenue LLC, Warburton Industries LLC and Hillside Properties NY LLC.

The Written Consents provides Kenneth O'Connor with authority to sign all Brownfield Cleanup Program documents on behalf of the Requestors 316 Warburton Avenue LLC, Warburton Industries LLC and Hillside Properties NY LLC. *See Exhibit K – Written Consents.*

SECTION VIII: REQUESTOR CONTACT INFORMATION

Please refer to the BCP Application Form.

SECTION IX: PROGRAM FEE

Please refer to the BCP Application Form.

SECTION X: REQUESTOR ELIGIBILITY

1-11. Please refer to BCP Application Form.

SECTION XI: PROPERTY ELIGIBILITY INFORMATION

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

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

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

SECTION XII: SITE CONTACT LIST

See Exhibit L - Site Contact List. See Exhibit M - Repository Letter.

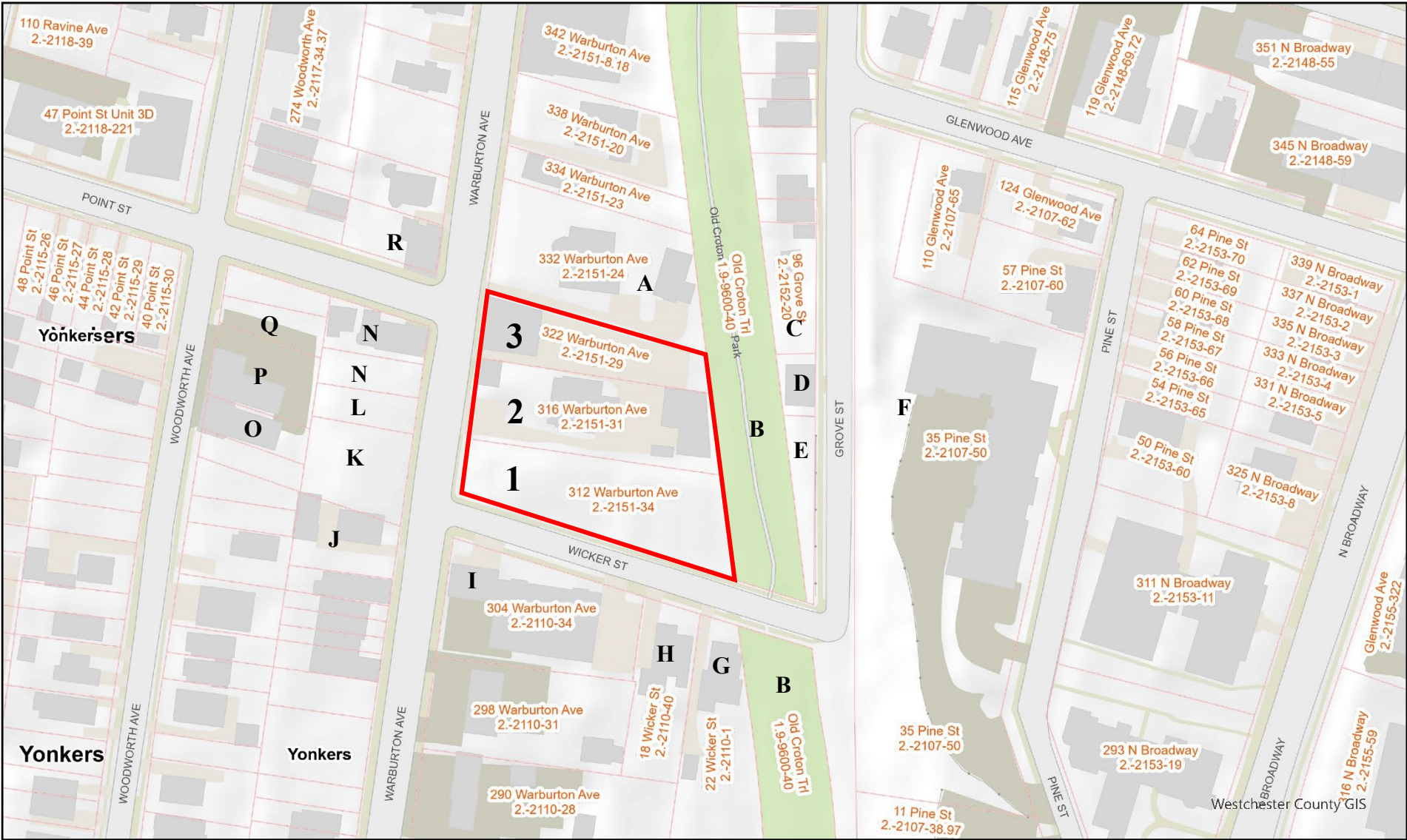
EXHIBIT A

BASE MAP

Rappaport Dry Cleaners Site
312 Warburton Ave, 316 Warburton Ave,
and 322 Warburton Ave
Yonkers, New York 10701

Legend:
 Site Property Boundary

Corresponding pages
lists adjacent property owners by
letter A – R



February 28, 2025

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

1:1,500



0 70 140 280
ft

Westchester County GIS

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

Number	Property Owner(s) Name(s)	Property Address	Section-Block-Lot
1	City of Yonkers	312 Warburton Avenue	2-2151-34
2	316 Warburton Avenue LLC	316 Warburton Avenue	2-2151-31
3	Warburton Industries LLC	322 Warburton Avenue	2-2151-29

Letter	Adjacent Property Owner(s) Name(s)	Property Address	Section-Block-Lot
A	Kelvin Cordero	332 Warburton Avenue	2-2151-24
B	State of New York	Old Croton Trial	1.9-9600-40
C	Scott Kleckner	96 Grove Street	2-2152-20
D	Savon and Halana Eckert	108 Grove Street	2-2152-25
E	Savon and Halana Eckert	110 Grove Street	2-2152-27
F	Horizon Owners Corp.	35 Pine Street	2-2107-50
G	Julio Viegas	22 Wicker Street	2-2110-1
H	Maria Neto and Sylvia Neto Viegas	18 Wicker Street	2-2110-40
I	Lillie Pearl Condominium Corp.	304 Warburton Avenue	2-2110-34
J	Warburton Ave Housing Development Fund Company Inc.	305 Warburton Avenue	2-2116-32
K	Warburton Ave Housing Development Fund Company Inc.	309 Warburton Avenue	2-2116-28
L	Warburton Ave Housing Development Fund Company Inc.	317 Warburton Avenue	2-2116-27
M	Warburton Ave Housing Development Fund Company Inc.	319 Warburton Avenue	2-2116-26
N	Warburton Ave Housing Development Fund Company Inc.	321 Warburton Avenue	2-2116-24
O	308 E 151 Street Realty Corp.	256 Woodworth Avenue	2-2116-19
P	308 E 151 Street Realty Corp.	258 Woodworth Avenue	2-2116-20
Q	Warburton Ave Housing Development Fund Company Inc.	Woodworth Avenue	2-2116-21
R	Francisco Lopez	323 Warburton Avenue	2-2117-28

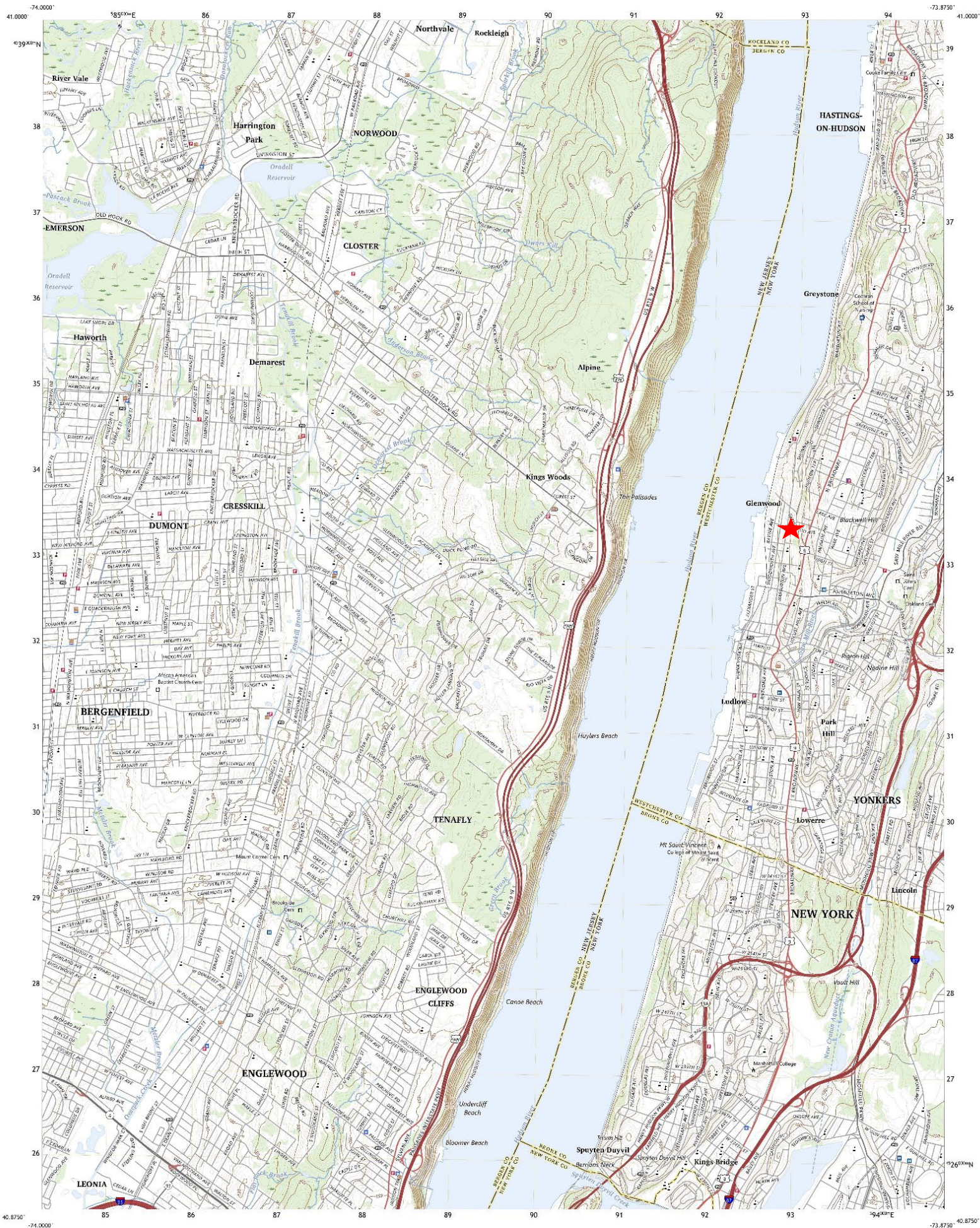
SITE LOCATION MAP



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

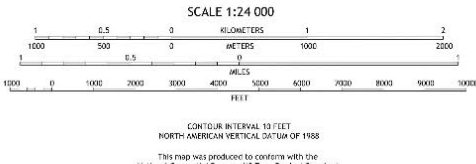
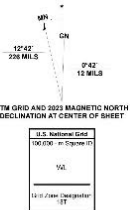


YONKERS QUADRANGLE
NEW YORK - NEW JERSEY
7.5-MINUTE SERIES



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

Inventory.....NAIP, July 2017 - December 2017
Roads.....U.S. Census Bureau, 2016
Names.....GNIS, 1979-2003
Hydrography.....National Hydrography Dataset, 2002 - 2003
Contours.....National Elevation Dataset, 2015
Boundaries.....2002 metadata file, 2015
Wetlands.....FWS National Wetlands Inventory 2007 - 2011

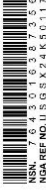


1	2	3
4	5	6
7	8	9

1 Park Ridge
2 Nyack
3 White Plains
4 Ossining
5 Mount Vernon
6 Westchester
7 Central Park
8 Flushing

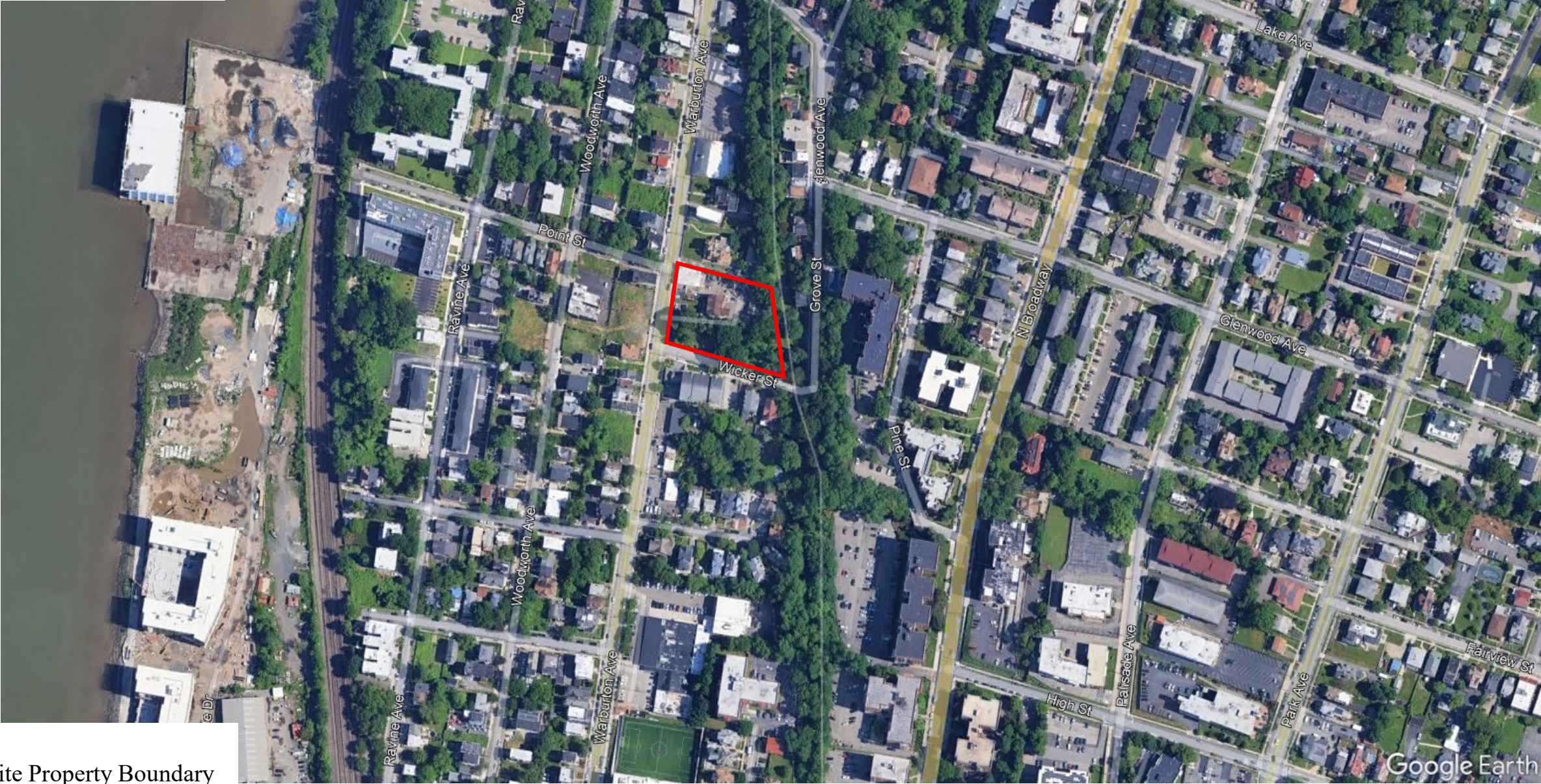


YONKERS, NY, NJ
2023



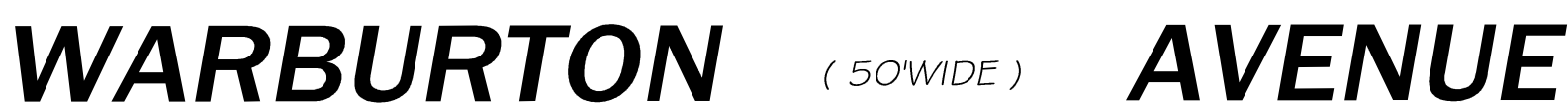
Street Map

Rappaport Dry Cleaners Site
312 Warburton Ave, 316 Warburton Ave,
and 322 Warburton Ave
Yonkers, New York 10701

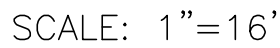


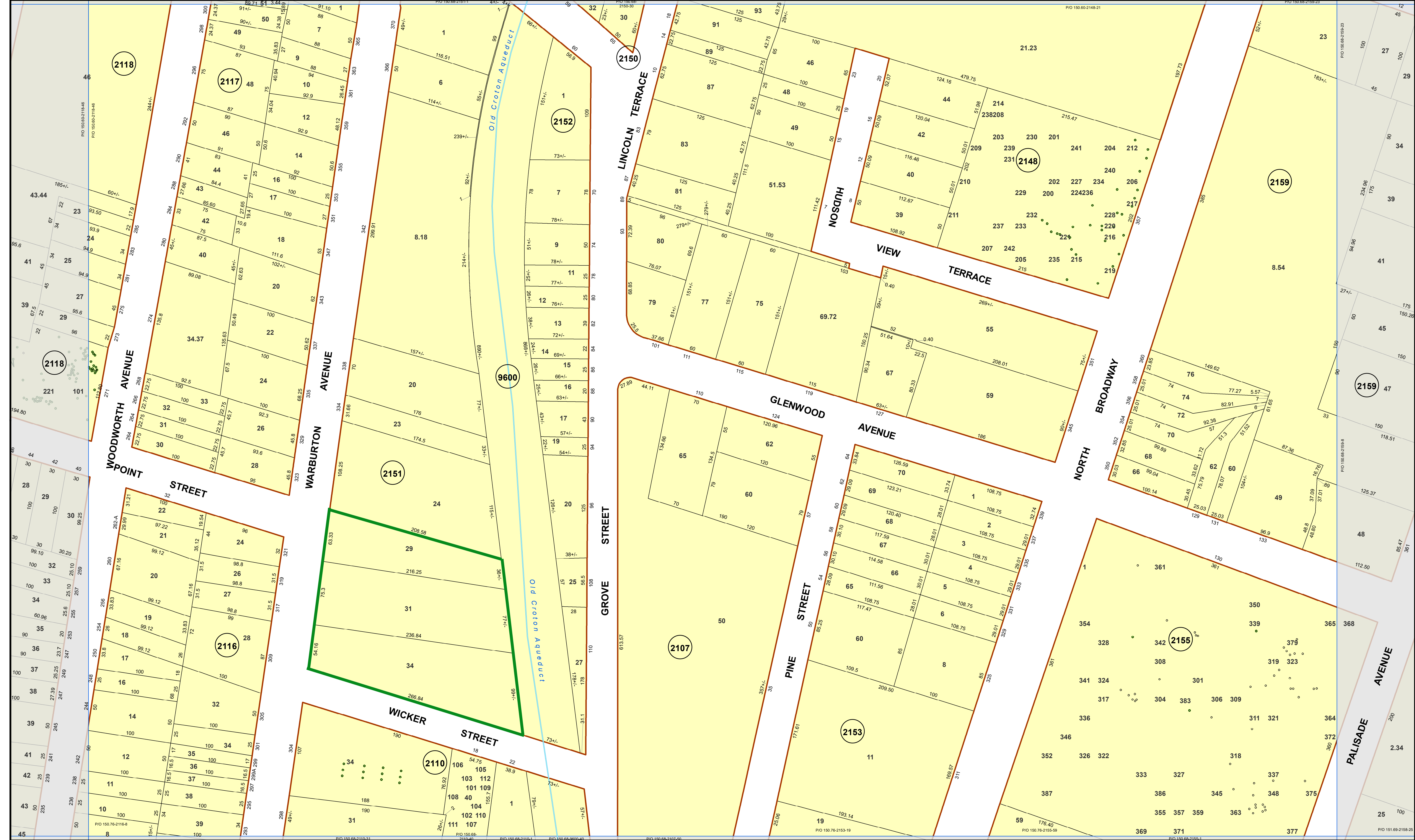
Legend:
— Site Property Boundary

EXHIBIT B



BLOCK: 2151
LOT (s): 29,31,34
SECTION: 2
COUNTY: WESTCHESTER
DWG BY: Srdjan B.
CHK'D BY:





CITY OF YONKERS
Assessment Department

FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND APPLIES ONLY TO THE
UNSHADED PORTION OF THE MAP



REVISION TABLE

DATE	CHANGES	DATE	CHANGES
10/5/2021	2-2116-12 & 13 INTO 2-2116-12		

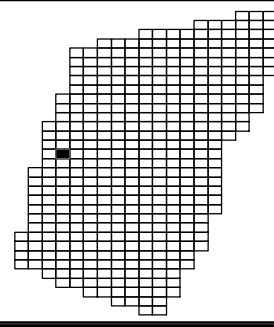
SPECIAL DISTRICTS

TYPE	SYMBOL	NAME	TYPE	SYMBOL	NAME
CC001		City Charge Unit Fee			
CC002		City Charge HSC U			
CC003		ETPA Housing Unit Fee			
CC004		Safety Inspection Fee			
CC005		Brown Valley Sewer			
CC006		NO Yonkers Sewer			
CW001		Solid Waste District			

LEGEND

COUNTY LINE	TAX MAP BLOCK NO.
CITY LINE	TAX MAP LOT NO.
BLOCK LINE	ACREAGE
SEWER DISTRICT LINE	DIMENSION
EASEMENT LINE	STREAM
PROPERTY LINE	LEGAL ADDRESS
MATCH LINE	Brownfield Cleanup Program Site

179	180	181
192	193	194
205	206	207



N

Tax Map 193 of 399

Assessment Section 2

Tile 150.68

25 0 25 50 75 100 Feet

EXHIBIT C

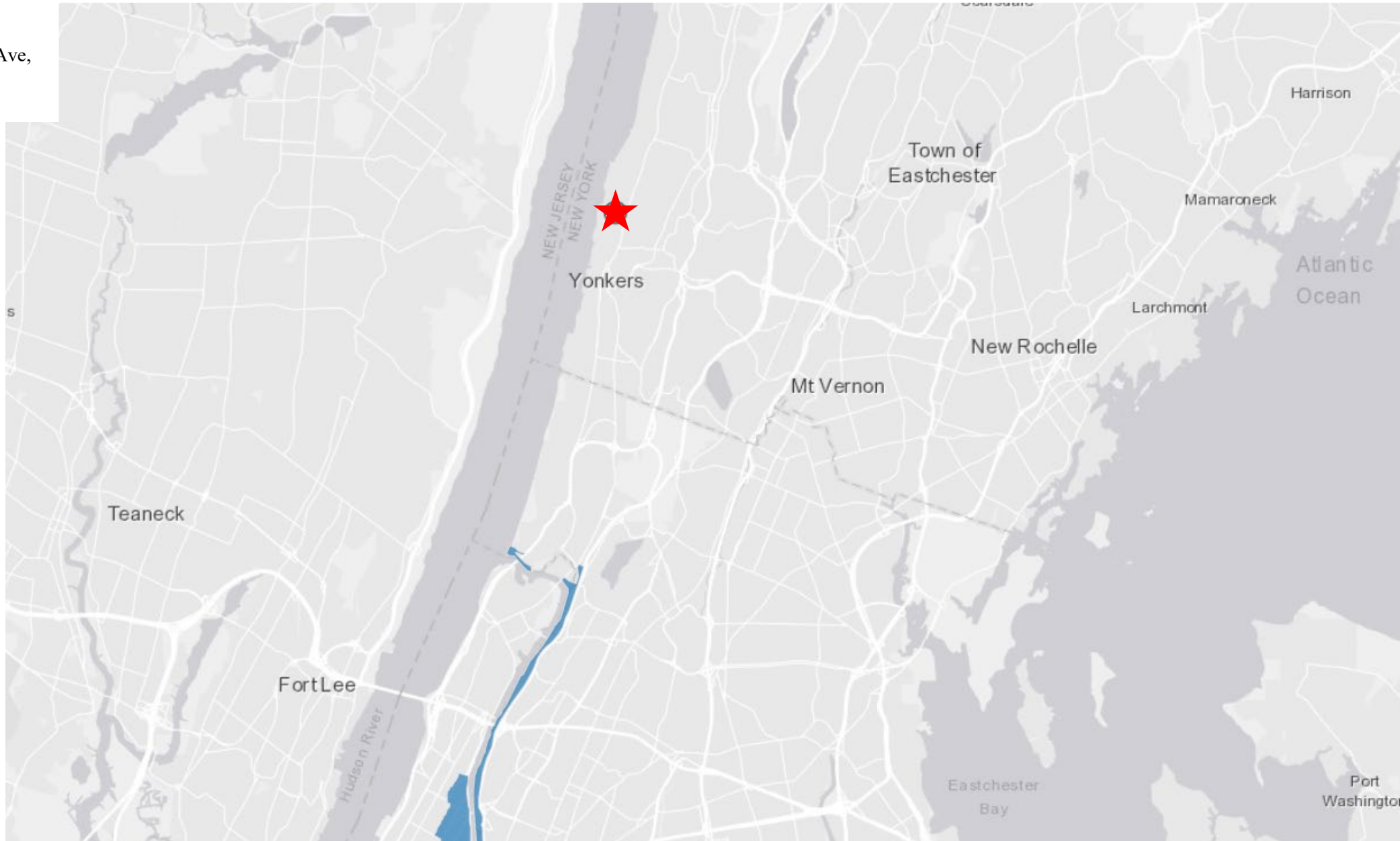
BOA Map

Rappaport Dry Cleaners Site

312 Warburton Ave, 316 Warburton Ave,
and 322 Warburton Ave
Yonkers, New York 10701

Legend:

★ Site Location



April 2025

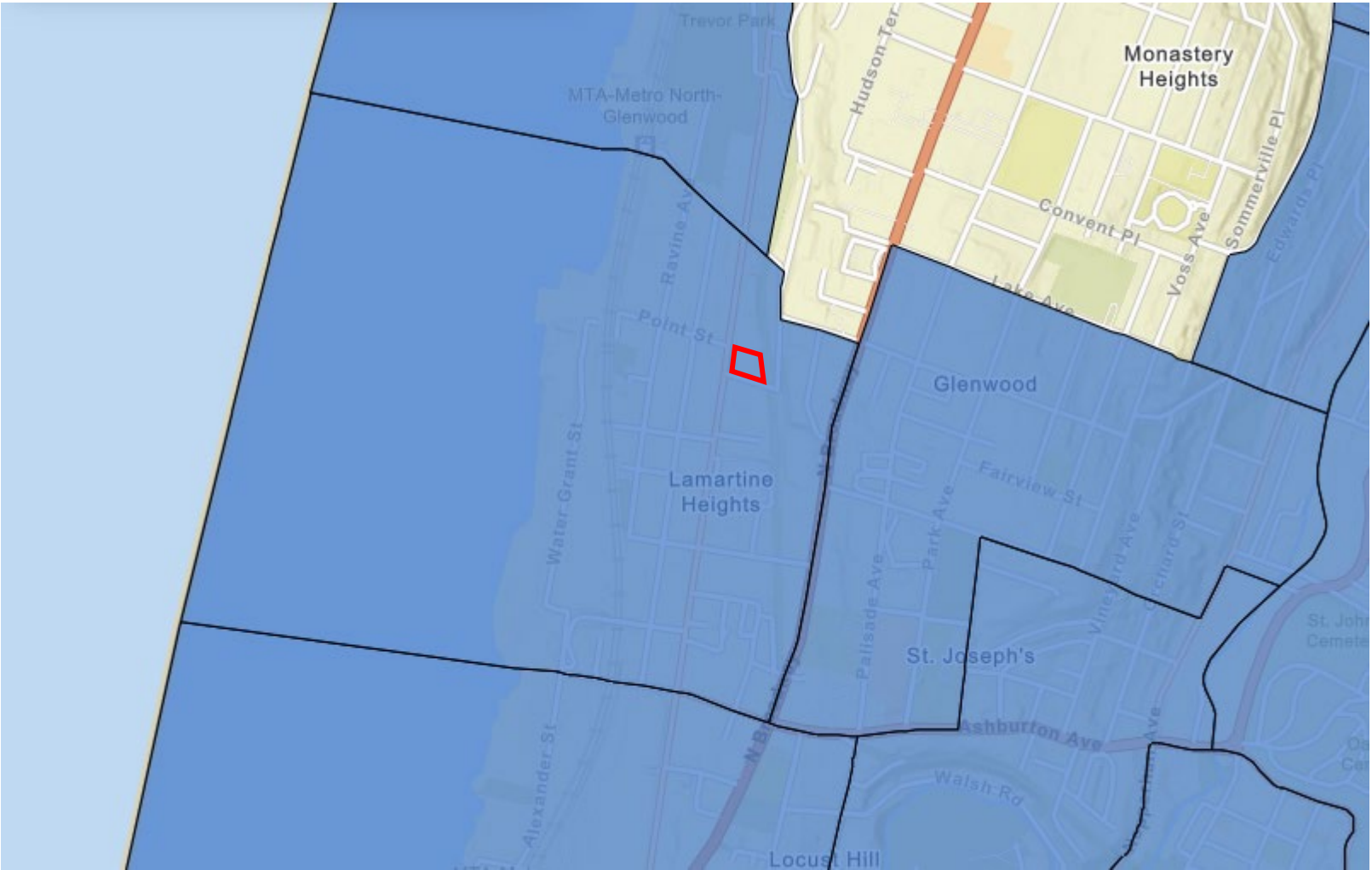
Source: NYS GIS Data

Disadvantaged Communities Map

Rappaport Dry Cleaners Site
312 Warburton Ave, 316 Warburton Ave,
and 322 Warburton Ave
Yonkers, New York 10701

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

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



- Legend:**
- Site Property Boundary
 - Disadvantaged Community

Population Characteristics & Vulnerability ...

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

Environmental Burden & Climate Change Risk ...

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

En-Zone Map

Rappaport Dry Cleaners Site
312 Warburton Ave, 316 Warburton Ave,
and 322 Warburton Ave
Yonkers, New York 10701

Legend:
Site Property
Boundary

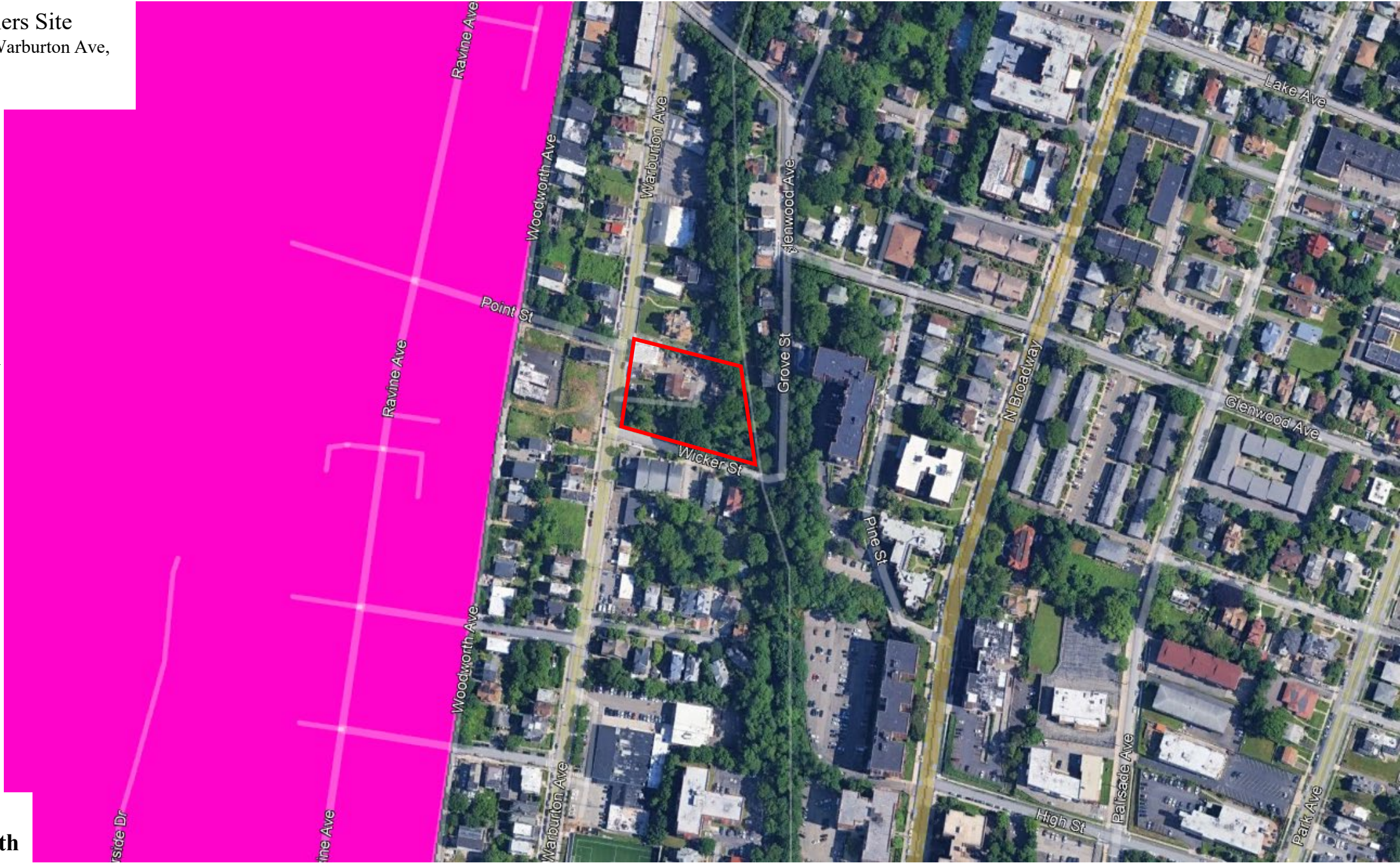


EXHIBIT D

Rappaport Dry Cleaners Site
312 Warburton Ave, 316 Warburton Ave,
and 322 Warburton Ave
Yonkers, New York 10701



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

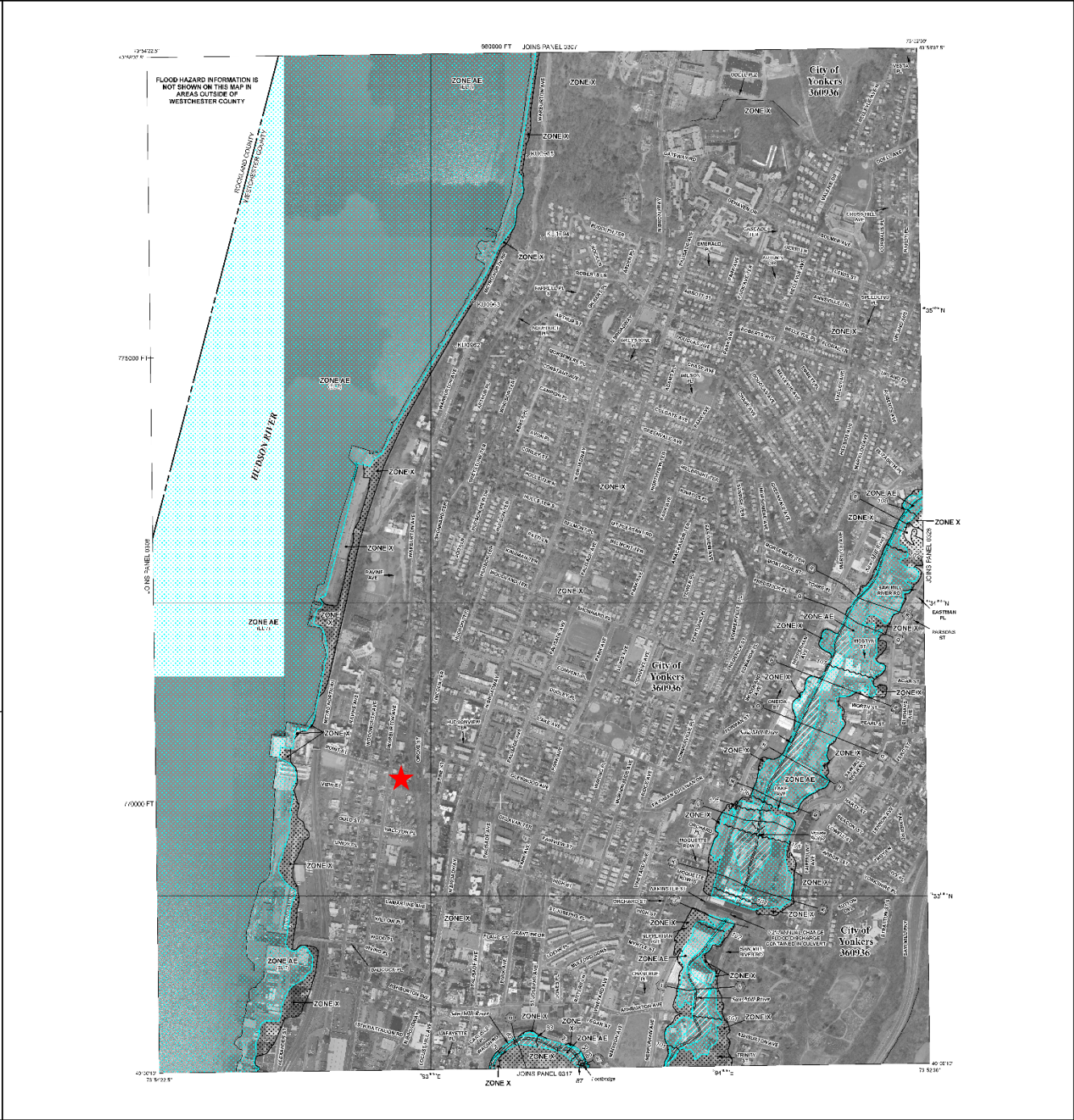
[illegible][illegible]

EXHIBIT E

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, NOVEMBER 22, 2022

GENERAL ORDINANCE NO.11-2022

2. BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER DIAZ, MAJORITY WHIP RUBBO, MINORITY LEADER BREEN, COUNCILMEMBERS, WILLIAMS, PINEDA –ISAAC AND MERANTE:

A GENERAL ORDINANCE AMENDING GENERAL ORDINANCE 4-2000, ALSO KNOWN AS CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS, COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF YONKERS AND THE ACCOMPANYING ZONING MAP TO RECLASSIFY AND REZONE THE PROPERTIES LOCATED AT 312, 316 AND 322 Warburton Avenue (also known and designated on the official tax map of the City of Yonkers as Block 2151, Lot 34; Block 2151, Lot 31; and Block 2151, Lot 29, respectively) from BR District (Restricted Businesses, Residences Excluded) to B District (Neighborhood Business and Apartment Houses, Medium Density).

The City of Yonkers, in City Council convened, does hereby ordain and enact:

Section 1. Section 43-12 of the Zoning Code, entitled "Zoning Map" shall be amended to reclassify and rezone the real property located at 312, 316 and 322 Warburton Avenue, also known and designated on the official tax map of the City of Yonkers as Block 2151, Lot 34; Block 2151, Lot 31; and Block 2151, Lot 29, respectively from BR District to B District.

Section 2. This Ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, NOVEMBER 22, 2022 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, NOVEMBER 22, 2022

RESOLUTION NO.143-2022

5. BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER DIAZ, MAJORITY WHIP RUBBO, MINORITY LEADER BREEN, COUNCILMEMBERS, WILLIAMS, PINEDA –ISAAC AND MERANTE:

A RESOLUTION TO ISSUE A DETERMINATION OF SIGNIFICANCE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA") RELATING TO AN AMENDMENT TO GENERAL ORDINANCE 4-2000, ALSO KNOWN AS CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS, COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF YONKERS, AND THE ACCOMPANYING ZONING MAP TO RECLASSIFY AND REZONE THE PROPERTIES LOCATED AT 312, 316 AND 322 Warburton Avenue (also known and designated on the official tax map of the City of Yonkers as Block 2151, Lot 34; Block 2151, Lot 31; and Block 2151, Lot 29, respectively) from BR District (Restricted Businesses, Residences Excluded) to B District (Neighborhood Business and Apartment Houses, Medium Density).

WHEREAS, there is pending before the City Council, a proposed amendment to the Zoning Ordinance of the City of Yonkers to reclassify and rezone the properties located at 312, 316, and 322 Warburton Avenue (also known and designated on the official tax map of the City of Yonkers as Block 2151, Lot 34, Block 2151 Lot 31, and Block 2151, Lot 29, respectively) from BR District to B District (the "Amendment"); and

WHEREAS, the Amendment and all related actions (the "Proposed Action") have been classified as an Unlisted Action as an Unlisted Action under the State Environmental Quality Review Act, §8-0101 et. Seq. of the Environmental Conservation Law and the regulations promulgated thereunder ("SEQRA"), requiring the City Council to comply with the requirements of SEQRA as regards an Unlisted Action; and

WHEREAS, the City Council, as Lead Agency, has reviewed and considered the entire record, including environmental assessment form ("EAF"), the recommendation of the Planning Board and the Westchester County Department of Planning, together with the criteria set forth in Section 617.7(c) of the SEQRA regulations; and

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, NOVEMBER 22, 2022

RESOLUTION NO.143-2022 (CONTINUED)

WHEREAS, The City Council has identified and carefully considered the relevant areas of environmental concern to determine whether the Proposed Action will result in any significant adverse environmental impacts in light of the criteria set forth in Section 617.7(c) of the SEQRA regulations;

NOW, THEREFORE, BE IT RESOLVED, by the Yonkers City Council that based upon the City Council's review of the EAF and supplemental materials and for the reasons set forth therein, the City Council hereby adopts a Negative Declaration under SEQRA, that the Amendments will not result in any significant adverse impact on the environment, and that the preparation of an Environmental Impact Statement is not required; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, NOVEMBER 22, 2022 BY A VOTE OF 7-0.

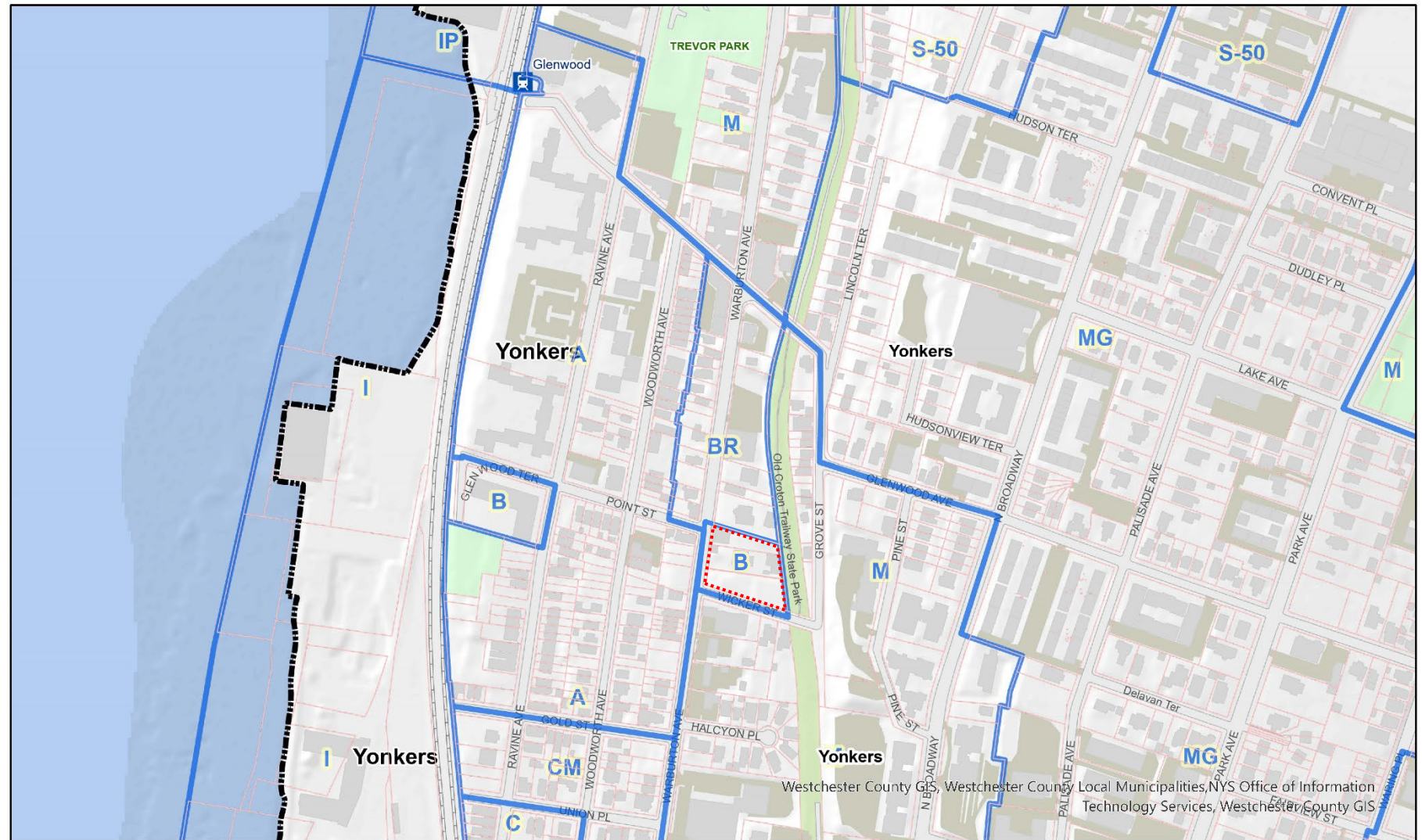
ZONING MAP

Rappaport Dry Cleaners Site
312 Warburton Ave, 316 Warburton Ave,
and 322 Warburton Ave
Yonkers, New York 10701

Legend:

..... Site property boundary
Zoning Districts: B (Neighborhood Business & Apartments)

The Online Zoning Map (Westchester County GIS) has not been updated to reflect the General Ordinance/Resolution adopted by the City of Yonkers in November 2022 (included in Exhibit E). This copy of the map has been modified to reflect the correct/updated zoning of the BCP Site as a B Zoning District. The online version of the map shows the BCP Site as a part of the adjacent BR Zoning District.



July 1, 2025

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

1:5,000



0 240 480 960
ft

Westchester County GIS

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

June 2025

Source: *Westchester County GIS*

Zoning District: B (Neighborhood Business and Apartment Houses
City of Yonkers>The Code>Part V: Land Use>Chapter 43 Zoning>Table 43-2 List of Use Regulations by District

**B District: neighborhood business and apartment houses, medium-density [Amended 10-12-2004
by G.O. No. 6-2004; 12-12-2017 by G.O. No. 17-2017; 12-14-2021 by Ord. No. 13-2021]**

Principal Uses

Permitted uses:

- Apartment houses
- Single-family detached dwellings
- Two-family detached dwellings
- Municipal uses (City of Yonkers)
- Banks and financial uses
- Commercial schools
- Eating and drinking establishments
- Fast-food restaurants
- Food and beverage stores
- Funeral parlors or mortuaries
- Health clubs and gymnasiums
- Medical and dental offices
- Offices
- Personal service establishments
- Restaurants
- Retail establishments

Permitted uses (with supplemental requirements):

- Community residential facilities for the disabled for up to 14 persons
- Nursing homes
- Planned apartment complexes
- Planned cluster developments
- Planned townhouse complexes
- Row houses (single-family attached dwellings)
- Senior citizen apartment houses
- Offices of philanthropic institutions
- Places of worship
- Banquet and catering facilities
- Day-care centers
- Dry-cleaning establishments
- Automobile service stations
- Automobile rental establishments

Uses permitted subject to special use requirements:

- Community residential facilities
- Planned unit residential developments (PURDs)
- Planned urban redevelopments
- Supermarkets
- Residential health-care facilities
- Government uses (non-City of Yonkers)
- Hospitals
- Medical clinics
- Philanthropic institutions providing social services
- Private social and fraternal clubs and community centers
- Utility substations
- Veterinary offices or hospitals
- Convenience stores in conjunction with automobile service stations

Accessory Uses

Permitted uses:

None

Permitted uses (with supplemental requirements):

- Family day-care
- Fences and walls
- Garage and yard sales
- Group family day care
- Home occupations
- Parish houses
- Radio and TV antennas
- Refuse collection, storage and recycling facilities
- Signs
- Storage sheds, greenhouses and children's playhouses
- Swimming pools and bathhouses
- Tennis courts and other sports courts
- Amusement games and devices
- Automatic teller machines
- Awnings
- Bars or lounge areas serving liquor and brew pubs
- Christmas tree sales
- Greenhouses
- Live entertainment
- Loading berths or spaces
- Newspaper vending machines
- Outdoor dining areas
- Outdoor storage
- Retail uses in conjunction with offices
- Soda or candy vending machines
- Shared parking
- Private garage
- Private open-air parking
- Semipublic open-air parking
- Semipublic parking structure
- Time and temperature signs

Uses permitted subject to special use requirements:

- Satellite antennas

EXHIBIT F

PREVIOUS OWNERS & OPERATORS LIST

Rappaport Dry Cleaners Site

312 Warburton Ave, 316 Warburton Ave, and 322 Warburton Ave, Yonkers, NY 10701

Year	Contact Information 322 Warburton Avenue 2-2151-29 Owners	Status	Relation to Requestor
Unknown – 1918	Patrick Shannon Address: Unknown Phone: Unknown	Unknown	None
1918 – 1942	Julia G. Shannon Address: Unknown Phone: Unknown	Unknown	None
1942 – 1945	Federal Deposit Insurance Corporation Address: 1776 F Street NW, Washington, DC 20006 Phone: (877) 275-3342	Active	None
1945 – 1950	The Board of Managers of the Diocesan Missionary and Church Extension Society of the Protestant Episcopal Church in the Diocese of New York Address: 1047 Amsterdam Avenue New York, New York 10025 Phone: (212) 316-7540	Active	None
1950 – 1957	Gordon C. French Address: N/A Phone: N/A	Deceased 1965	None
1957 – 1964	South Yonkers Homes Corporation Last Known Address: 35 Wellesley Avenue Yonkers, New York 10705 Phone: Unknown	Inactive	None
1964 – 1968	Gordon C. French Address: N/A Phone: N/A	Deceased 1965	None
1968 – 1970	George and Lillian Circle Address: N/A Phone: N/A	Deceased	None
1970 – 1976	George and Lillian Circle (Deceased) (25%), Solomon (Deceased 2015) and Frances Circle (25%), Ira and Harriet Circle (25%), Eugene and Sandra Lacher (25%) Address: c/o Ira Circle 44 Whitehouse Road White Plains New York 10607 Phone: N/A	Alive	None
1976 - 1987	Solomon (Deceased 2015) and Frances Circle, Ira and Harriet Circle, Eugene and Sandra Lacher Address: c/o Ira Circle 44 Whitehouse Road White Plains New York 10607 Phone: N/A	Alive	None
1987 – 2012	Solomon (Deceased 2015) and Frances Circle, Ira and Harriet Circle, Sandra Semenetz Address: c/o Ira Circle 44 Whitehouse Road White Plains New York 10607 Phone: N/A	Alive	None
2012 – 2013	Solomon (Deceased 2015) and Frances Circle, Ira Circle, Sandra Semenetz Address: c/o Ira Circle 44 Whitehouse Road White Plains New York 10607 Phone: N/A	Alive	None
2013 - 2014	All Star Concrete & Mason, Inc. Address: 510 East 13 th Street, 1 st Floor New York, New York 10009 Phone: (917) 261-2948	Active	None

PREVIOUS OWNERS & OPERATORS LIST

Rappaport Dry Cleaners Site

312 Warburton Ave, 316 Warburton Ave, and 322 Warburton Ave, Yonkers, NY 10701

1/17/2014 – Present	Warburton Industries LLC Address: 1 Executive Blvd., Suite 410 Yonkers, New York 10701	Phone: (646) 281-0279	Active	Requestor
Operators				
1886	Undeveloped		N/A	None
1898	Dwelling		N/A	None
1918 - 1942	Julia Shannon Address: Unknown	Phone: Unknown	Unknown	None
1955	Dwelling and Storefront Building		N/A	None
1956	Store Space and Apartment listed for Rent		N/A	None
1958 - 1959	Margaret O'Brien – Furrier and Tailoring, dry cleaning and alteration – Via Lease Agreement dated March 24, 1958 (10-year lease with 5-year extension) Address: N/A	Phone: N/A	Deceased 2022	None
1959 - 1972	Hyman Rappaport Estates, Inc. (Rappaport Cleaners/Rappy's Cleaners Inc.) – Via Consent to Assignment of Lease dated 1/30/1959 Address: 44 White House Road White Plains, New York 10607	Phone: (718) 969-8541	Inactive 2016	None
1971 – 2017	Rappaport Plaza Cleaners – Mary Leavy (Deceased 2000) and Margaret O'Brien (Deceased) Address: 322 Warburton Avenue Yonkers, New York 10701	Phone: (914) 963-3976	Inactive	None
2017 - Present	KCM Contracting Inc. - Construction Equipment and Supplies Storage Address: 1 Executive Blvd., Suite 410 Yonkers, New York 10701	Phone: (646) 281-0279	Active	Requestor Company

PREVIOUS OWNERS & OPERATORS LIST

Rappaport Dry Cleaners Site

312 Warburton Ave, 316 Warburton Ave, and 322 Warburton Ave, Yonkers, NY 10701

Year	Contact Information 316 Warburton Avenue 2-2151-31 Owners	Status	Relation to Requestor
Unknown – 1940	John Reardon Address: N/A Phone: N/A	Unknown	None
1940 – 1947	Elizabeth Reardon Address: N/A Phone: N/A	Unknown	None
1947 - 2001	Samuel Carr and Frances R. Carr Address: N/A Phone: N/A	Deceased	None
2001 - 2001	Industrial Fab, Inc. Address: c/o James Faulkner 4530 SW 43rd Avenue Fort Lauderdale, Florida 33314 Phone: Unknown	Inactive 2004	None
2001 – 2016	James Faulkner Address: 4530 SW 43rd Avenue Fort Lauderdale, Florida 33314 Phone: Unknown	Alive	None
2016 – 2017	PennyMac Corp. Address: PO Box 950002 Fort Worth, Texas 76155 Phone: (888) 870-6229	Active	None
5/9/2017 – Present	316 Warburton Avenue LLC Address: 1 Executive Blvd., Suite 410 Yonkers, New York 10701 Phone: (646) 281-0279	Active	Requestor
Operators			
1886	Two-Story Dwelling	N/A	None
1917	Garage in Northwestern Corner	N/A	None
1947 - 1992	Samuel Carr – Carr's Telephone Answering Service, Inc. Address: c/o Ecker & Ecker 1 Executive Blvd. Yonkers, NY 10701 Phone: (914) 968-0500	Active	None
1972	All Westchester Exterminating/Bonded Exterminating/Majestic Pest Control Address: Unknown Phone: Unknown	Unknown	None
1972	J.A. Costanza Address: Unknown Phone: Unknown	Unknown	None
1972	Ludlow Marine Corp. Address: Unknown Phone: Unknown	Unknown	None
1972	Mercury Building Maintenance Address: Unknown Phone: Unknown	Unknown	None
1972 – 1977	A Answer Bureau Address: Unknown Phone: Unknown	Unknown	None
1972 – 1977	Disogrin Industries Address: Unknown Phone: Unknown	Unknown	None
1972 – 1982	A&B Spraying Co. Address: Unknown Phone: Unknown	Unknown	None
1972 – 1982	Telcoa Inc. Alarms Address: Unknown Phone: Unknown	Unknown	None
1972 – 1982	Various Doctor's Offices	Unknown	None

PREVIOUS OWNERS & OPERATORS LIST

Rappaport Dry Cleaners Site

312 Warburton Ave, 316 Warburton Ave, and 322 Warburton Ave, Yonkers, NY 10701

1972 – 1987	Tip Top Service Address: Unknown	Phone: Unknown	Unknown	None
1972 – 2000	Kelly's Tree & Landscape Service Design, Inc. Address: 192 Dalton Avenue Staten Island, New York 10306	Phone: Unknown	Inactive 2003	None
1972 - 2000	Oak Appliance Service, Inc. Address: 138 Smart Avenue Yonkers, New York 10704	Phone: Unknown	Inactive	None
1977	People Answering People			
1977	Graphic Sciences			
1977	David Stewart Address: 16 Wildwood Road, Apartment B9 Hartsdale, New York 10530	Phone: Unknown	Unknown	None
1977 – 1982	The Message Center Address: Unknown	Phone: Unknown	Unknown	None
1977 – 1987	Zegarelli Construction, Inc. Address: 8 Paradise Court New Fairfield, CT 06812	Phone: Unknown	Inactive 1997	None
1982	P&V Gas Service Address: Unknown	Phone: Unknown	Unknown	None
1982	Cam-Deb Designers (Fran Camdeb Realty Corp.) Address: 953 McClean Avenue Yonkers, New York 10704	Phone: Unknown	Inactive 1983	None
1982	Absolute Protection Address: Unknown	Phone: Unknown	Unknown	None
1982	Millrose Sales Corp. Address: Unknown	Phone: Unknown	Unknown	None
1982	Bob Dimase's Towing Service, Inc. Address: 80 Cypress Street Yonkers, New York 10704	Phone: Unknown	Inactive 1990	None
1982 – 1987	Various Attorneys		Unknown	None
1987	Advanced Security System Address: Unknown	Phone: Unknown	Unknown	None
1987	Atra Decorators Co. Address: 2475 Southern Blvd Bronx, New York 10458	Phone: Unknown	Inactive	None
1987	WM J Bell Plumbing Address: Unknown	Phone: Unknown	Unknown	None
1987	CW Services Address: Unknown	Phone: Unknown	Unknown	None
1987	Emeral Investigation Address: Unknown	Phone: Unknown	Unknown	None
1987	Empire Easy Lift Inc. Address: c/o Axelrod & Warburgh 370 Lexington Avenue New York, New York 10017	Phone: Unknown	Inactive 1996	None
1987	High Society Chauffeuring LTD Address: 395 SO Riverside Ave Hudson, New York 10520	Phone: Unknown	Inactive 1992	None

PREVIOUS OWNERS & OPERATORS LIST

Rappaport Dry Cleaners Site

312 Warburton Ave, 316 Warburton Ave, and 322 Warburton Ave, Yonkers, NY 10701

1987	Saltarelli Fuel Oil Co. Address: Unknown Phone: Unknown	Inactive	None
1987	Superior Exterminating Co Address: Unknown Phone: (914) 779-5322	Active	None
1987	Vacuum Technologies Address: Unknown Phone: Unknown	Unknown	None
1987	Village Limousine Address: Unknown Phone: Unknown	Unknown	None
1987 – 1992	Lewis Brothers Roofing Inc. Address: 10 Main Street Dobbs Ferry, New York 10522 Phone: (914) 241-1366	Inactive	None
1987 – 2005	Wakefield Sewing Machine Co. Address: 80 Ogden Avenue Dobbs Ferry, New York 10522 Phone: (914) 965-8741	Active	None
1992	Integrated Communications Services Address: PO Box 240 Ballentine, SC 29002 Phone: (803) 589-9500	Active	None
2000	Talk TV News Address: Unknown Phone: Unknown	Unknown	None
2000 - 2020	Industrial Fab, Inc. Address: c/o James Faulkner 4530 SW 43rd Avenue Fort Lauderdale, Florida 33314 Phone: Unknown	Inactive 2004	None
2001	Garage on Eastern Portion of Lot	N/A	None
2006	Jim Faulkner, Resident Address: 4530 SW 43rd Avenue Fort Lauderdale, Florida 33314 Phone: Unknown	Active	None
2010 – 2014	Shiffon M. Morton Address: 1425 Bedford Street, Apt 5P Stamford, CT 06905 Phone: Unknown	Active	None
2014	Rich's Reliable Towing Address: Unknown Phone: (914) 233-0754	Inactive	None
2014	Winter & Co Masonry Address: Unknown Phone: (914) 476-1111	Inactive	None
2014 – 2017	DDP Mobile Service Limited/Mobile Locksmith of Yonkers/Yonkers Automotive Locksmith/Yonkers Commercial Locksmith Address: Unknown Phone: (914) 233-1391	Inactive	None
2017	Winter Electric Address: Unknown Phone: (914) 803-8286	Inactive	None
2017 - Present	KCM Contracting Inc. - Construction Equipment and Supplies Storage Address: 1 Executive Blvd., Suite 410 Yonkers, New York 10701 Phone: (646) 281-0279	Active	Requestor Company
2020	Angel Forte Address: 1716 Hunting Ridge Road Raleigh, NC 27617 Phone: Unknown	Active	None
2020	John Morton, Shanetta Watts and Sonnel Littleton Address: Unknown Phone: Unknown	Unknown	None

PREVIOUS OWNERS & OPERATORS LIST

Rappaport Dry Cleaners Site

312 Warburton Ave, 316 Warburton Ave, and 322 Warburton Ave, Yonkers, NY 10701

Present	Kelly Keating Address: 316 Warburton Avenue Yonkers, New York 10701	Phone: (914) 473-2789	Active	Tenant
Present	Trevor Dillion Address: 316 Warburton Avenue Yonkers, New York 10701	Phone: (646) 246-8325	Active	Tenant

PREVIOUS OWNERS & OPERATORS LIST

Rappaport Dry Cleaners Site

312 Warburton Ave, 316 Warburton Ave, and 322 Warburton Ave, Yonkers, NY 10701

Year	Contact Information 312 Warburton Avenue 2-2151-34 Owners	Status	Relation to Requestor
Unknown – 1924	Mary A. Shannon and Julia G. Shannon Address: Unknown Phone: Unknown	Unknown	None
1924 – Unknown	Michael J. Molloy Address: Unknown Phone: Unknown	Unknown	None
Unknown - 1952	Katherine Molloy Address: Unknown Phone: Unknown	Unknown	None
1952 - 1963	Walter A. Seaton Address: Unknown Phone: Unknown	Unknown	None
1963 - 1975	Waltol Realty Corporation Address: Unknown Phone: Unknown	Unknown	None
1975 - 1976	Sylvia Rubin, as Executrix under the Last Will and Testament of Abraham S. Rubin Address: Unknown Phone: Unknown	Unknown	None
1976 – 1982	Olive C. Seaton and Viola Seaton Address: 90 Stone Avenue Phone: Unknown White Plains, NY 10603	Active	None
1982 - 2005	Olive C. Seaton Address: 90 Stone Avenue Phone: Unknown White Plains, NY 10603	Active	None
2005 - 2013	Center for Urban Rehabilitation and Empowerment, Inc. Address: 18 Warburton Avenue Phone: (914) 207-0648 Yonkers, New York 10701	Active	None
12/20/2013 – Present	City of Yonkers Address: 40 South Broadway Phone: (914) 377-6000 Yonkers, New York 10701	Active	None
Operators			
1886	Undeveloped	N/A	None
1898	Dwelling	N/A	None
1962	Rupolph Ealy and Queen E. Farrior Address: Unknown Phone: Unknown	Unknown	None
1970	Thurmon Jeffreys Address: Unknown Phone: Unknown	Unknown	None
1976	Walter Seaton Address: Unknown Phone: Unknown	Unknown	None
1987	Estee Gartmon Address: Unknown Phone: Unknown	Unknown	None
1999	Dwelling Building Demolished	N/A	None
Present	YMCA - Community Garden (Wicker Garden) Address: c/o YMCA of Yonkers Phone: (914) 963-0183 17 Riverdale Avenue Yonkers, New York 10701	Unknown	None

EXHIBIT G

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.



540173055DED001U

Westchester County Recording & Endorsement Page

Submitter Information

Name: Stewart Title Insurance Company (pick up by Ramon . Phone: 914-993-9393
Address 1: 707 Westchester Avenue, Ste 411 Fax: 914-997-1698
Address 2: Email: nymetrorecordings@stewart.com
City/State/Zip: White Plains NY 10604 Reference for Submitter: 1317047

Document Details

Control Number: **540173055** Document Type: **Deed (DED)**
Package ID: 2014011700029001001 Document Page Count: **3** Total Page Count: **4**

Parties

☐ Additional Parties on Continuation page

1st PARTY

2nd PARTY

1: ALL STAR CONCRETE & MASON INC - Other 1: Warburton Industries LLC - Other
2: 2:

Property

☐ Additional Properties on Continuation page

Street Address: 322 Warburton Avenue Tax Designation: 2-2151-29
City/Town: YONKERS Village:

Cross-References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

1: RP-5217 2: TP-584 3: TP-584.1

Recording Fees

Statutory Recording Fee: \$40.00
Page Fee: \$20.00
Cross-Reference Fee: \$0.00
Mortgage Affidavit Filing Fee: \$0.00
RP-5217 Filing Fee: \$250.00
TP-584 Filing Fee: \$5.00
Total Recording Fees Paid: **\$315.00**

Transfer Taxes

Consideration: \$0.00
Transfer Tax: \$0.00
Mansion Tax: \$0.00
Transfer Tax Number: 9142

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: 03/20/2014 at 04:27 PM
Control Number: **540173055**
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

Michael Attanasio, Esq.
656 Yonkers Avenue

Yonkers, NY 10704

1317047 c/o Yonkers
Sec 2 Blk 2151 Lot 29

—Quitclaim Deed — Individual or Corporation (single sheet)

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

THIS INDENTURE, made the 17th day of January in the year 2014

BETWEEN

ALL STAR CONCRETE & MASON INC.
326 EAST 238TH STREET
BRONX, NY 10470

party of the first part, and ~~322~~ 322 WARBURTON INDUSTRIES LLC
322 WARBURTON AVENUE
YONKERS, NY 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 remise, release and quitclaim unto the party of the 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

SEE SCHEDULE "A" ATTACHED HERETO

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the 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 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:

Kenneth O'Connor
KENNETH O'CONNOR

Seamus Brennan
SEAMUS BRENNAN

SCHEDULE A – DESCRIPTION

Title No.: ST13-17047

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, bounded and described as follows:

BEGINNING on the easterly line of Warburton Avenue at a point 129 feet and 2 inches distant northerly measured along said easterly line of Warburton Avenue from the corner formed by the intersection thereof with the northerly line of Wicker Street said beginning corner being also the northwesterly corner of a lot of land conveyed by Isabelle Thacher and others to Florence T. Curtiss by deed dated May 24, 1887 and recorded in the office of the Register of Westchester County (now the Westchester County Clerk's Office, Division of Land Records) in Liber 1117 of Deeds on page 69; and

RUNNING THENCE along said land so conveyed to Florence T. Curtiss and at right angles to Warburton Avenue easterly 216 feet 3 inches to the land of Mayer and Commonalty of the City of New York and used for the Croton Aqueduct;

THENCE along said Croton Aqueduct land northerly 36 feet 5 inches to the fence as it now stands; the southerly boundary line of land now or late of John S. Hawley;

THENCE westerly along said line 208 feet 7 inches to the westerly line of Warburton Avenue;

THENCE along the same, southerly 63 feet 4 inches to the point or place of BEGINNING.



ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of WESTCHESTER, ss:

On the 17th day of January in the year 2014, before me, the undersigned, personally appeared KENNETH O'CONNOR AND SEAMUS BRENNAN

, 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.

MICHAEL M. ATTANASIO
Notary Public

Westchester County, New York
#02AT4842357

ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS
TAKEN IN NEW YORK STATE

State of New York, County of , ss:

On the day of in the year , before me, the undersigned, a Notary Public in and for said State, personally appeared , the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s)


to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

Quitclaim Deed

Title No.

ALL STAR CONCRETE & MA INCSON
TO
322 WARBURTON INDUSTRIES LLC

DISTRIBUTED BY



YOUR TITLE EXPERTS
The Judicial Title Insurance Agency LLC
800-281-TITLE (8485) FAX: 800-FAX-9396

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County 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.

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE

*State of , County of , ss:
*(Or insert District of Columbia, Territory, Possession or Foreign County)

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), 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 make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

SECTION: 2
BLOCK: 2151
LOT: 29
COUNTY OR TOWN: CITY OF YONKERS
COUNTY OF WESTCHESTER

RETURN BY MAIL TO:

MICHAEL ATTANASIO, ESQ.
656 YONKERS AVENUE
YONKERS, NY 10704



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.



571253200DED002P

Westchester County Recording & Endorsement Page

Submitter Information

Name: Robin Schemitsch Phone: 914-395-2285
Address 1: 7 Dempsey Place Fax: 914-395-1028
Address 2: Email: PostClosing@recordandreturn.com
City/State/Zip: Eastchester NY 10709 Reference for Submitter: RR-W-30471-17

Document Details

Control Number: **571253200** Document Type: **Deed (DED)**
Package ID: 2017050500091001001 Document Page Count: **4** Total Page Count: **5**

Parties

☐ Additional Parties on Continuation page

1st PARTY

2nd PARTY

1: PENNYMAC CORP - Other 1: 316 WARBURTON AVE LLC - Other
2: - Other 2: OCONNOR KENNETH J - Individual

Property

☐ Additional Properties on Continuation page

Street Address: 316 WARBURTON AVENUE Tax Designation: 2-2151-31
City/Town: YONKERS Village:

Cross- References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

1: RP-5217 2: TP-584

Recording Fees

Statutory Recording Fee: \$40.00
Page Fee: \$25.00
Cross-Reference Fee: \$0.00
Mortgage Affidavit Filing Fee: \$0.00
RP-5217 Filing Fee: \$125.00
TP-584 Filing Fee: \$5.00
Total Recording Fees Paid: **\$195.00**

Transfer Taxes

Consideration: \$397,410.00
Transfer Tax: \$1,590.00
Mansion Tax: \$0.00
Transfer Tax Number: 13337

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: 05/18/2017 at 03:31 PM
Control Number: **571253200**
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

RECORD & RETURN TITLE AGENCY
7 DEMPSEY PLACE

EASTCHESTER, NY 10709

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

JB, THIS INDENTURE, made the 27 day of April, two thousand seventeen

BETWEEN

9th May,
Pennymac Corp
6101 Condor Drive., Suite 300
Moorpark, CA 93021party of the first part, and
316 Warburton Avenue LLC
222 Judson Avenue
Dobbs Ferry, NY 10522

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Three Hundred and Ninety Thousand Dollars (\$390,000.00) 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 of parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the County Westchester, and the State of New York, being more particularly described in Exhibit A attached hereto and made a part hereof,

SEE SCHEDULE "A" ATTACHED

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.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Ventura

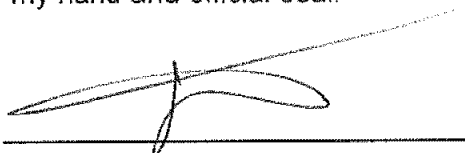
On 4-27 - 2017 before me, Cynthia Hoff, Notary Public
(insert name and title of the officer)

personally appeared Rob Schreiber
who proved to me on the basis of satisfactory evidence to be the person(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 authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

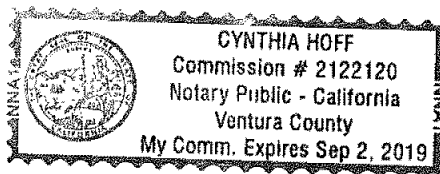
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



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

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

IN PRESENCE OF:

Pennymac Corp

BY: PennyMac Loan Services, LLC, its attorney-in-fact

BY POA Recorded 8/22/2013 in Control NO

By: _____ *532283527*

Name: _____ *RS*

Rob Schreiber

Title: _____ **Senior Vice President, Asset Management**

STATE OF _____)

) SS.:

COUNTY OF _____)

On the ____ day of _____, 2017, 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.

Notary Public

Bargain and Sale Deed

PennyMac Corp.

TO

County: Westchester

Section: 2

Block: 2151

Lot: 31

**Street Address: 316 Warburton
Ave, Yonkers, NY 10701**

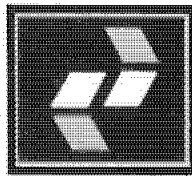
316 Warburton Avenue LLC

File 01-081511-R00

Record and Return to:

RECORDED AT THE REQUEST OF
RECORD & RETURN TITLE AGENCY, INC.
TITLE # *RR-W-30471-17*
THRU: ☒ ORT ☐ WLT ☐ AmTrust

COURTESY RECORDING



Record and Return Title Agency, Inc.
7 Dempsey Place
Eastchester, NY 10709

Record & Return Title Agency, Inc.

Old Republic National Title Insurance

Schedule A Description

Title Number **RR-W-30471-17**

Page **1**

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

BEGINNING at a point in the easterly line of Warburton Avenue, distant 63 feet and 4 inches southerly from the southerly line of a parcel of land now or formerly belonging to P.H. Lane; and

RUNNING THENCE easterly on a line at right angles to Warburton Avenue and parallel with the northerly line of a dwelling house on the premises hereby conveyed and distant 8 feet northerly therefrom, 222 feet and 6 inches to the westerly line of the Croton Aqueduct Property;

THENCE southerly along the Croton Aqueduct property, 77 feet and 9 inches;

THENCE westerly and parallel with the said northerly line of the premises hereby conveyed and always distant 75 feet measured on a line at right angles southerly therefrom, 242 feet and 6 inches to the easterly line of Warburton Avenue;

THENCE northerly along the easterly line of Warburton Avenue, 75 feet to the place of BEGINNING.

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.



533533493DED0022

Westchester County Recording & Endorsement Page

Submitter Information

Name: Benchmark Title Agency, LLC Phone: 914-250-2400
Address 1: Domenica Stancato Fax: 914-422-1550
Address 2: 222 Bloomingdale Road Email: dstancato@benchmarkta.com
City/State/Zip: White Plains NY 10605 Reference for Submitter: BTA71291

Document Details

Control Number: **533533493** Document Type: **Deed (DED)**
Package ID: 2013121900249001001 Document Page Count: **3** Total Page Count: **4**

Parties

☐ Additional Parties on Continuation page

1st PARTY

1: CENTER FOR URBAN REHABILITATION & EMPOWERMEN - Other
2: C U R E INC - Other

2nd PARTY

1: YONKERS CITY OF - Other
2:

Property

☐ Additional Properties on Continuation page

Street Address: 312 Warburton Avenue Tax Designation: 2-2151-34
City/Town: YONKERS Village:

Cross-References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

1: RP-5217 2: TP-584 3: TP-584.1

Recording Fees

Statutory Recording Fee: \$40.00
Page Fee: \$20.00
Cross-Reference Fee: \$0.00
Mortgage Affidavit Filing Fee: \$0.00
RP-5217 Filing Fee: \$250.00
TP-584 Filing Fee: \$5.00
Total Recording Fees Paid: **\$315.00**

Mortgage Taxes

Document Date:
Mortgage Amount:

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

Transfer Taxes

Consideration: \$45,905.73
Transfer Tax: \$0.00
Mansion Tax: \$0.00
Transfer Tax Number: 7277

Dwelling Type: Exempt: ☐
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 01/23/2014 at 03:28 PM
Control Number: **533533493**
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 LLC
222 BLOOMINGDALE RD
SUITE 102
WHITE PLAINS, NY 10605

**BARGAIN AND SALE DEED, WITH COVENANT AGAINST GRANTOR'S
ACTS — INDIVIDUAL OR CORPORATION (SINGLE SHEET)**

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

THIS INDENTURE, made the 20th day of December, in the year 2013

BETWEEN

Center for Urban Rehabilitation and Empowerment, Inc.
18 Warburton Avenue, Suite 2A
Yonkers, New York 10701

*A/K/A Center For Urban Rehabilitation and
Empowerment (C.U.R.E.) INC.*

party of the first part, and

City of Yonkers
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 certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Yonkers, County of Westchester, State of New York, known by the street address 312 Warburton Avenue and more particularly described in Schedule A annexed hereto;
Being the same premises conveyed to the party of the first part herein by deed recorded on April 7, 2005 under Control No. 450540274.

This Transaction is in lieu of foreclosure with full consent of the Grantors Herein

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" whenever 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:

CENTER FOR URBAN REHABILITATION AND
EMPOWERMENT, INC.

By James L. Simmons, Executive Director

James L. Simmons

Center For Urban Rehabilitation
and Empowerment, Inc

By: James L. Simmons, Executive
Director

SCHEDULE A

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 the corner formed by the intersection of the northerly side of Wicker Street and the easterly side of Warburton Avenue;

RUNNING THENCE along the easterly side of Warburton Avenue, North 15 degrees 00 minutes 00 seconds East 54.17 feet;

THENCE South 75 degrees 00 minutes 00 seconds East 236.89 feet;

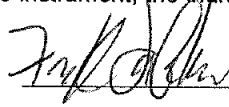
THENCE South 0 degrees 23 minutes 00 seconds East, 100.11 feet to the northerly side of Wicker Street;

THENCE along the northerly side of Wicker Street, North 65 degrees 52 minutes 00 seconds East 266.83 feet to the point or place of **BEGINNING**.

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York County of Westchester , ss:

On the 20 day of December, in the year 2013, before me the undersigned, personally appeared James L. Simmons 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.



FRANK LaBARBERA
Notary Public, State of New York
#01LA6102724
Qualified in Westchester County
Commission Expires Dec. 08, 2015

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of County of , ss:

On the day of , in the year 20 , 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.

ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS TAKEN IN NEW YORK STATE

State of County of , ss:

On the day of , in the year 20 , before me the undersigned, personally appeared the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who being by me duly sworn, did depose and say, that (he) (she) (they) reside(s) in ; that (he) (she) (they) know(s) to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said execute the same; and that said witness at the same time subscribed (his) (her) (their) name(s) as a witness thereto.

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE

* State of County of , ss:
* (or insert District of Columbia, Territory, Possession or Foreign Country)

On the day of , in the year 20 , 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(s) made such appearance before the undersigned in the (add the city or political subdivision and the state or country or other place the acknowledgment was taken).

BARGAIN AND SALE DEED WITH COVENANT

RETURN BY MAIL TO

Title No. BTA 71291

Center for Urban Rehabilitation and Empowerment, Inc.
To City of Yonkers

Section: 2

Block: 2151

Lot: 34

County or Town: Yonkers, Westchester

Benchmark Title Agency LLC
222 Bloomingdale Road
White Plains, New York 10605

EXHIBIT H

ACCESS AGREEMENT

This Access Agreement ("Agreement") is dated as of the 1 day of July, 2025 (the "Effective Date"), by and between: CITY OF YONKERS, a New York municipal corporation (the "City"); HILLSIDE PROPERTIES NY LLC, a New York limited liability company; Warburton Industries LLC, a New York limited liability company; and 316 Warburton Avenue LLC, a New York limited liability company (Hillside Properties NY LLC, Warburton Industries LLC, and 316 Warburton Avenue LLC, collectively, the "Developer" and the Developer and City collectively, the "Parties").

WITNESSETH

WHEREAS, the City, acting by and through its Department of Planning and Development ("Planning") and the Developer have executed a letter of intent dated January 26, 2022 (the "LOI") setting forth the general terms of the proposed purchase and development of the real property owned by the City located at 312 Warburton Avenue, Yonkers, New York (also known and designated on the tax assessment map of the City as Section 2, Block 2151, Lot 34) (the "City Site"); and

WHEREAS, Developer, and its related entity, owns adjacent property located at 322 Warburton Avenue and 316 Warburton Avenue, which properties are also known and designated on the tax assessment map of the City as Section 2, Block 2151, Lot 29 and 31, respectively, and Developer intends to redevelop the City Site and adjacent properties (collectively, the "Project Site") with a four (4) story "senior citizen apartment house" containing 58 apartments together with 29 parking spaces and related infrastructure (the "Project"); and

WHEREAS, Developer has requested and the City desires to permit Developer, its contractors, subcontractors and agents access to the City Site for the purposes of conducting site investigation and remediation work, all as more fully set forth herein;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Developer hereby covenant and agree as follows:

I. CITY COVENANTS:

1. City grants the Developer, a temporary, revocable license to access the City Site for the purpose of surveying the City Site and conducting test borings or other work related to site condition assessment of the City Site, including but not limited to a Phase I and Phase II Environmental Site Assessment, in order to determine the most suitable locations for the redevelopment of the Project and investigation and remediation work if City Site is accepted into the New York State Brownfield Cleanup Program (the "Work").
2. The license is granted for a period commencing with the execution of this Agreement and ending upon the sooner of: (a) 24 months after the date of commencement, (b) the sale and closing of title of the City Site, or (c)

completion of the Work, unless this Agreement is terminated sooner in accordance with its terms in accordance with its terms (the "Term"). The Term may be extended by mutual agreement of the Parties. The Work shall only be conducted in accordance with the Code of the City of Yonkers (the "City Code").

3. Developer shall not be required to pay any fee or other consideration in connection with this Agreement.
4. The City shall not enter into or offer or agree to enter into (nor shall the City authorize or direct any representative to act on its behalf in connection with) any negotiation, discussion, or agreement with any other firm, person, or other entity with respect to sale, lease, or redevelopment of the City Site until after the date of expiration or termination of this Agreement.
5. The City reserves the right to accompany the Developer during all activities performed on the City Site.

II. DEVELOPER COVENANTS:

1. The Developer covenants and agrees that it shall procure and maintain during the Term insurance naming the City as additional insured and otherwise in accordance with the City's "Standard Insurance Provisions", as set forth in Appendix A, which is annexed hereto, and shall indemnify and hold harmless the City, its officers, employees, agents, and elected officials from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss to the extent arising out of or in any way relating to the Work and/or any other activities contemplated herein to be performed by Developer hereunder, except for such injury or damage caused solely by the willful acts or negligence of any employee, representative, or agent of the City. Developer further agrees to give immediate written notice to the City as to any notice if may receive with respect to any cause of action or claim that has been or may be initiated against the City in connection herewith.
2. Developer, in exercising the rights granted hereunder, shall not unreasonably interfere with the City's access to the City Site. Notwithstanding the foregoing, the Parties agree that during the Term of this Agreement, the City shall not use the City Site or the existing improvements for any purpose that adversely impacts performance of the Work and/or development by Developer of the Project.
3. Developer acknowledges and agrees that it is responsible for acquiring any permits from the City's Department of Housing and Buildings which may be necessary in order to perform any work authorized pursuant to this Agreement.
4. Any Work performed on the City Site shall be performed in a good workmanlike and professional manner. Developer shall obtain any and all required governmental approvals and permits prior to commencing and performing the Work. Developer shall comply with all applicable laws, rules, regulations,

guidance, and orders of federal, state, and county authorities to the extent applicable. Developer and its agents and contractors shall not deposit or release hazardous materials on the City Site as a result of the implementation of the Work, except in accordance with all applicable laws, rules, and regulations of all governmental authorities having jurisdiction.

5. Developer expressly acknowledges and agrees that it is undertaking the Work at its sole cost and expense in anticipation of its potential purchase of the City Site and development of the Project.
6. Developer shall:
 - a) take reasonable precautions to minimize damage to the City Site in connection with the performance of the Work;
 - b) at its sole cost and expense, promptly repair any damage to the City Site arising out of the performance of the Work, to the reasonable satisfaction of the City or applicable utility service provider, if and as applicable;
 - c) provide the City with a copy of all reports generated as a result of any surveys, tests, analyses, studies or other investigation activities conducted pursuant to this Agreement;
 - d) communicate its progress in performing the Work to the Planning Commissioner or his designee ("Commissioner") as requested by the Commissioner;
 - e) upon termination or expiration of this Agreement, restore the City Site to the extent practicable to as near to the same as existed prior to Developer's undertaking of the Work, to the reasonable satisfaction of the City before vacating the City Site.

III. GENERAL PROVISIONS:

1. The Parties shall keep confidential the provisions of this Agreement and the LOI and all information each party obtains regarding the other party, except to the extent (a) the information is already a matter of public knowledge; or (b) such disclosure is required by law or judicial authority.
2. The license granted by this Agreement shall not be deemed to create a tenancy at will or sufferance, nor shall any other right or interest in the City Site be created, including any right or claim to a mechanic's or material man's lien.
3. **TERMINATION**
 - a) **Best Interest.** The City, upon 10 days written notice to Developer, may terminate this Agreement in whole or in part if the City deems, in its sole discretion, termination to be in the City's best interest.

- b) **Material Breach.** In the event the City determines that there has been a material breach of any of the terms of this Agreement by Developer and such breach remains uncured for forty-eight (48) hours after service on the Developer of written notice of the breach, then the City, in addition to any other right or remedy the City may have, may terminate this Agreement. Without limiting the foregoing, upon written notice to the Developer, repeated breaches by the Developer of the terms of this Agreement shall be deemed a material breach of this Agreement justifying termination for cause pursuant to this section without the requirement of further opportunity to cure.
4. All notices hereunder shall be in writing and shall be deemed to have been sufficiently given or served for all purposes when received by registered or certified mail, or by email followed by regular mail:

If to the Developers to the attention of:

Hillside Properties NY
Warburton Industries LLC
316 Warburton Avenue LLC
c/o Kenneth O'Connor
222 Judson Avenue
Dobbs Ferry, New York 10522
Email: koconnor1980@hotmail.com

With a copy to counsel:

DelBello Donnellan Weingarten Wise & Wiederkehr, LLP
1 North Lexington Avenue
White Plains, New York 10601
Attention: Janet J. Giris
Email: jjg@ddw-law.com

If to the City to the attention of:

Department of Planning & Development
Attn: Deputy Commissioner
20 South Broadway, 9th Floor
Yonkers, New York 10701
Email: Mark.Territo@yonkersny.gov

With a copy to:

Department of Law

Attn: Corporation Counsel
City Hall, Room 300
40 South Broadway Yonkers, NY 10701
Email: Matt.gallagher@yonkersny.gov

5. No provisions of this Agreement may be changed, waived, discharged or terminated orally, by telephone or by any other means, except by an instrument in writing signed by the party against whom enforcement of the change, waiver, discharge or termination is sought.
6. This Agreement and the rights and obligations of the Parties hereunder shall in all respects be governed by, and construed and enforced in accordance with, the laws of the State of New York applicable to interpretation, construction and enforcement of indemnities (without giving effect to New York's principles of conflicts law).
7. Both the City and the Developer irrevocably submit to the exclusive jurisdiction of any New York State court sitting in the County of Westchester, State of New York, over any suit, action or proceeding arising out of or relating to this Agreement.
8. The Parties reserve the right to seek all available remedies, whether provided by law, equity, statute, or otherwise, including, but not limited to, damages, reasonable attorney's fees, disbursements and court costs in such amounts as shall be allowed by the court. All rights and remedies provided herein are cumulative and not exclusive of any other rights or remedies that maybe available. The rights provided for in this section are in addition to, and not in limitation of, any other provision hereof and shall survive termination or other cancellation of this Agreement
9. This Agreement contains the entire agreement of the Parties with respect to the Developer's lawful access to the City Site and there are no terms, statements or representations made or relied upon not contained herein. This Agreement can only be modified by a writing signed by the Parties hereto.
10. This Agreement may be signed in counterpalis each of which shall be an original and all of which shall constitute but one and the same instrument.

[REMAINDER OF THE PAGE INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the day and year first above written.

THE CITY OF YONKERS

By: 

Name: Susan Gerry

Title: Deputy Mayor

HILLSIDE PROPERTIES NY LLC

By: _____

Name: Kenneth O'Connor

Title: Authorized Signatory

WARBURTON INDUSTRIES LLC

By: _____

Name: Kenneth O'Connor

Title: Authorized Signatory

316 WARBURTON AVENUE LLC

By: _____

Name: Kenneth O'Connor

Title: Authorized Signatory

Approved as to form:



Corporate Counsel

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the day and year first above written.

THE CITY OF YONKERS

By: _____
Name: Susan Gerry
Title: Deputy Mayor

HILLSIDE PROPERTIES NY LLC

By: Kent O'Connor
Name: Kenneth O'Connor
Title: Authorized Signatory

WARBURTON INDUSTRIES LLC

By: Kent O'Connor
Name: Kenneth O'Connor
Title: Authorized Signatory

316 WARBURTON AVENUE LLC

By: Kent O'Connor
Name: Kenneth O'Connor
Title: Authorized Signatory

Approved as to form:

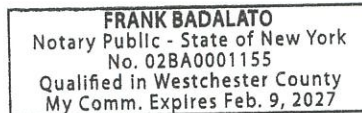
Corporate Counsel

State of New York)
)ss.:
County of Westchester)

On the 1st day of July in the year 2021, before me, the undersigned notary public, personally appeared SUSAN Gerry, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/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.



Notary Public



State of New York)
)ss.:
County of _____)

On the _____ day of _____ in the year _____, before me, the undersigned notary public, 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.

Notary Public

State of New York)
)ss.:
County of _____)

On the _____ day of _____ in the year _____, before me, the undersigned notary public, 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.

Notary Public

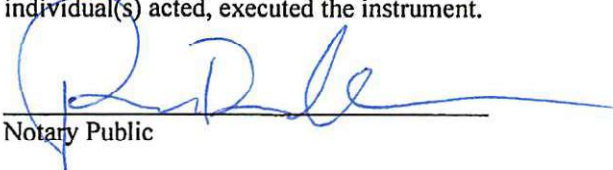
State of New York)
)ss.:
County of _____)

On the _____ day of _____ in the year _____, before me, the undersigned notary public, 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.

Notary Public

State of New York)
)ss.:
County of Westchester)

On the 16th day of July in the year 2025, before me, the undersigned notary public, personally appeared Kenneth O'Connor, 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.



Notary Public

PAULINE RIORDAN-LENNON
NOTARY PUBLIC-STATE OF NEW YORK
No. 01R16208389
Qualified in Westchester County
My Commission Expires 06-29-2025

State of New York)
)ss.:
County of Westchester)

On the 16th day of July in the year 2025, before me, the undersigned notary public, personally appeared Kenneth O'Connor, 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.



Notary Public

PAULINE RIORDAN-LENNON
NOTARY PUBLIC-STATE OF NEW YORK
No. 01R16208389
Qualified in Westchester County
My Commission Expires 06-29-2025

State of New York)
)ss.:
County of Westchester)

On the 1st day of July in the year 2025, before me, the undersigned notary public, personally appeared Kenneth O'Connor, 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.


Notary Public

PAULINE RIORDAN-LENNON
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RI6208389
Qualified in Westchester County
My Commission Expires 06-29-~~2025~~
2027

**Hillside Properties NY LLC
316 Warburton Avenue LLC
Warburton Industries LLC
1 Executive Boulevard, Suite 401
Yonkers, New York 10701**

Warburton Industries LLC
316 Warburton Avenue LLC
1 Executive Boulevard, Suite 401
Yonkers, New York 10701

**Re: Site Access to Perform Brownfield Cleanup Program Work
312 Warburton Ave, 316 Warburton Ave, and 322 Warburton Ave
Yonkers, New York 10701**

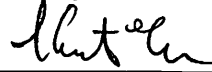
Hillside Properties NY LLC, 316 Warburton Avenue LLC and Warburton Industries LLC (the "Applicants") are submitting a Brownfield Cleanup Program ("BCP") Application to the New York State Department of Environmental Conservation to voluntarily investigate and remediate the following properties: 312 Warburton Avenue (2-2151-34), 316 Warburton Avenue (2-2151-31) and 322 Warburton Avenue (2-2151-29), Yonkers, New York (the "BCP Site"). Warburton Industries LLC is the owner of 322 Warburton Avenue (2-2151-29), and 316 Warburton Avenue LLC is the owner of 316 Warburton Avenue (2-2151-31). Please accept this letter as written permission for Hillside Properties NY LLC to enter both 316 Warburton Avenue (2-2151-31) and 322 Warburton Avenue (2-2151-29), 316 Warburton Avenue LLC to enter 322 Warburton Avenue (2-2151-29), and for Warburton Industries LLC to enter 316 Warburton Avenue (2-2151-31) for the purpose of performing environmental investigation and remediation work for acceptance into the BCP.

Warburton Industries LLC and 316 Warburton Avenue LLC are granting what is known as a "temporary license" to allow an appropriate contractor hired by any of the Applicants to enter the Applicant owned properties to perform investigation and remediation work. The Applicants promise to provide copies of any information generated about either of the properties to the respective owner, and if one of the properties is damaged, the Applicant which caused the damage agrees to repair the damage to restore the property to the way it was before entered. All contractors will maintain insurance that would cover any accidents on the job.

Warburton Industries LLC and 316 Warburton Avenue LLC agree to impose an environmental easement on their respective properties, if required by the NYS Department of Environmental Conservation, in the event that remediation is complete and the Certificate of Completion is about to be obtained, and a Track 1 remediation level is not achieved.

Thank you for your cooperation.

Sincerely,



Hillside Properties NY LLC
316 Warburton Avenue LLC
Warburton Industries LLC
By: Kenneth O'Connor

As a member of 316 Warburton Avenue LLC, I am authorized to grant this temporary license and agree to allow Hillside Properties NY LLC and Warburton Industries LLC and their agents to enter 316 Warburton Avenue (2-2151-31) to perform the BCP Investigation and/or remediation work required.



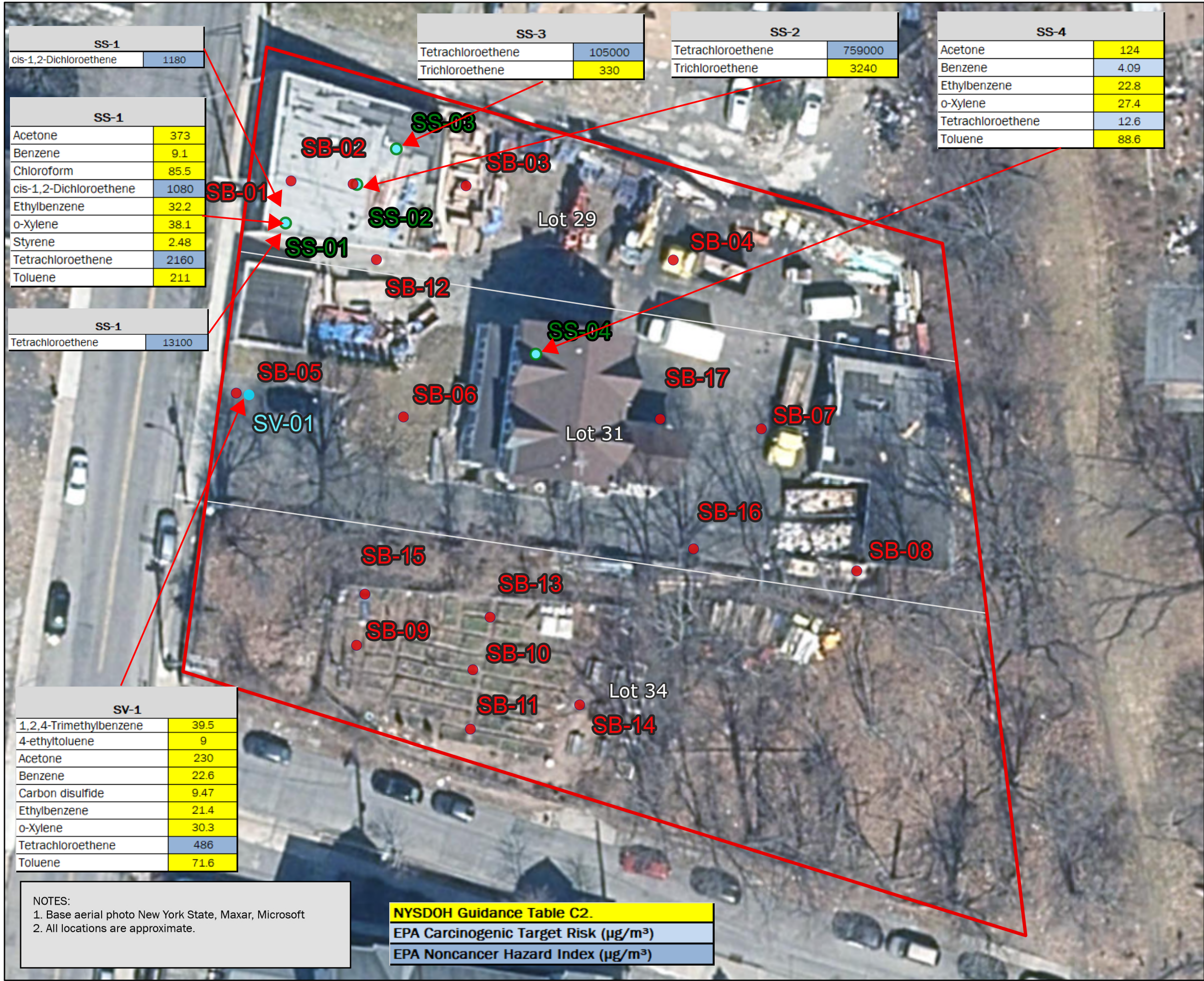
316 Warburton Avenue LLC
By: Kenneth O'Connor

As a member of Warburton Industries LLC, I am authorized to grant this temporary license and agree to allow Hillside Properties NY LLC and 316 Warburton Avenue LLC and their agents to enter 322 Warburton Avenue (2-2151-29) to perform the BCP Investigation and/or remediation work required.



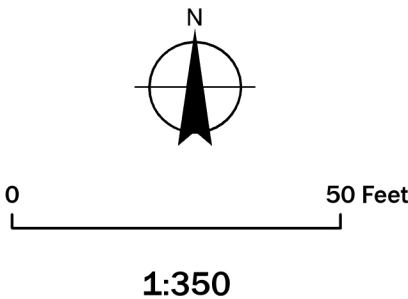
Warburton Industries LLC
By: Kenneth O'Connor

Exhibit I



312, 316, 322 Warburton Ave

312, 316, 322 Warburton Ave,
Yonkers, NY, 10701
Phase II



- Legend**
- Sub-slab
 - Soil Vapor
 - Soil boring
 - Tax Lots
 - Site Boundary

LaBella Project No: 2242536

Date: 7/19/2024

Intended to Print as 11" x 17"

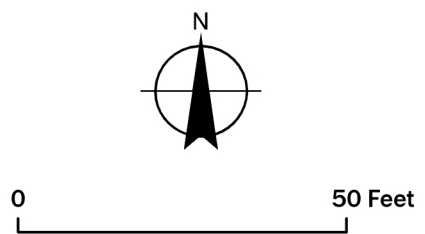
Sampling Locations

FIGURE 2



312, 316, 322 Warburton Ave

312, 316, 322 Warburton Ave,
Yonkers, NY, 10701
Phase II



1:350

- Legend**
- Sub-slab
 - Soil Vapor
 - Soil boring
 - Tax Lots
 - Site Boundary

LaBella Project No: 2242536

Date: 7/19/2024

Intended to Print as 11" x 17"

Sampling Locations

FIGURE 2

Exhibit J



Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details



ENTITY NAME: 316 Warburton Avenue LLC
DOS ID: 5118184
FOREIGN LEGAL NAME:
FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY
DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTION OF LAW: 203 LLC - LIMITED LIABILITY COMPANY LAW
ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 04/11/2017
REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 04/11/2017
INACTIVE DATE:
FOREIGN FORMATION DATE:
STATEMENT STATUS: PAST DUE DATE
COUNTY: WESTCHESTER
NEXT STATEMENT DUE DATE: 04/30/2019
JURISDICTION: NEW YORK, UNITED STATES
NFP CATEGORY:

- ENTITY DISPLAY
- NAME HISTORY
- FILING HISTORY
- MERGER HISTORY
- ASSUMED NAME HISTORY

Service of Process on the Secretary of State as Agent

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

Name: THE LLC
Address: 222 Judson Avenue, Dobbs Ferry, NY, United States, 10522

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

Chief Executive Officer's Name and Address

Name:
Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share



Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details



ENTITY NAME: HILLSIDE PROPERTIES NY LLC
DOS ID: 5908993
FOREIGN LEGAL NAME:
FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY
DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTIONOF LAW: 203 LLC - LIMITED LIABILITY COMPANY LAW
ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 01/05/2021
REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 01/05/2021
INACTIVE DATE:
FOREIGN FORMATION DATE:
STATEMENT STATUS: PAST DUE
COUNTY: WESTCHESTER
NEXT STATEMENT DUE DATE: 01/31/2023
JURISDICTION: NEW YORK, UNITED STATES
NFP CATEGORY:

ENTITY DISPLAY NAME HISTORY FILING HISTORY MERGER HISTORY ASSUMED NAME HISTORY

Service of Process on the Secretary of State as Agent

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

Name: THE LLC
Address: P.O. BOX 420, DOBBS FERRY, NY, UNITED STATES, 10522

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

Chief Executive Officer's Name and Address

Name:
Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share



Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details



ENTITY NAME: WARBURTON INDUSTRIES LLC
DOS ID: 4500608
FOREIGN LEGAL NAME:
FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY
DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTIONOF LAW: 203 LLC - LIMITED LIABILITY COMPANY LAW
ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 12/13/2013
REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 12/13/2013
INACTIVE DATE:
FOREIGN FORMATION DATE:
STATEMENT STATUS: PAST DUE DATE
COUNTY: WESTCHESTER
NEXT STATEMENT DUE DATE: 12/31/2015
JURISDICTION: NEW YORK, UNITED STATES
NFP CATEGORY:

ENTITY DISPLAY NAME HISTORY FILING HISTORY MERGER HISTORY ASSUMED NAME HISTORY

Service of Process on the Secretary of State as Agent

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

Name: THE LLC
Address: 322 WARBURTON AVENUE, YONKERS, NY, UNITED STATES, 10701

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

Chief Executive Officer's Name and Address

Name:
Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share

Exhibit K

WRITTEN CONSENT

The undersigned, being the Sole Member of 316 Warburton Avenue LLC, does hereby certify as follows:

1. 316 Warburton Avenue LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at 312 Warburton Avenue (Tax Block 2151 Lot 34), 316 Warburton Avenue (Tax Block 2151 Lot 31), and 322 Warburton Avenue (Tax Block 2151 Lot 29) (collectively the "BCP Site").

2. The following person, Kenneth O'Connor, the sole member of 316 Warburton Avenue LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer 316 Warburton Avenue LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this ____ day of June, 2025.



316 Warburton Avenue LLC

By: Kenneth O'Connor
Sole Member/Authorized Signatory

WRITTEN CONSENT

The undersigned, being the Sole Member of Hillside Properties NY LLC, does hereby certify as follows:

1. Hillside Properties NY LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at 312 Warburton Avenue (Tax Block 2151 Lot 34), 316 Warburton Avenue (Tax Block 2151 Lot 31), and 322 Warburton Avenue (Tax Block 2151 Lot 29) (collectively the "BCP Site").

2. The following person, Kenneth O'Connor, the sole member of Hillside Properties NY LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer Hillside Properties NY LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this ____ day of June, 2025.



Hillside Properties NY LLC

By: Kenneth O'Connor
Sole Member/Authorized Signatory

WRITTEN CONSENT

The undersigned, being the Sole Member of Warburton Industries LLC, does hereby certify as follows:

1. Warburton Industries LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at 312 Warburton Avenue (Tax Block 2151 Lot 34), 316 Warburton Avenue (Tax Block 2151 Lot 31), and 322 Warburton Avenue (Tax Block 2151 Lot 29) (collectively the "BCP Site").

2. The following person, Kenneth O'Connor, the sole member of Warburton Industries LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer Warburton Industries LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this ____ day of June, 2025.



Warburton Industries LLC

By: Kenneth O'Connor
Sole Member/Authorized Signatory

Exhibit L

Site Contact List

Rappaport Dry Cleaners Site

312 Warburton Ave, 316 Warburton Ave and 322 Warburton Ave, Yonkers, NY 10701

Name	Title	Address	City	State	Zip
Charles Schumer	U.S. Senator	Leo O'Brien Building, Room 827	Albany	NY	12207
Kristen Gillibrand	U.S. Senator	Leo O'Brien Building, Room 821	Albany	NY	12207
George Latimer	U.S. House of Representatives, 16th District	222 Mamaroneck Ave, Suite 312	White Plains	NY	10605
Andrea Stewart-Cousins	New York State Senator, 35th District	28 Wells Avenue, Building #3, 5th Floor	Yonkers	NY	10701
Kenneth W. Jenkins	Westchester County Executive	148 Martine Avenue	White Plains	NY	10601
Bernard Thombs	Westchester County Planning Board	148 Martine Avenue	White Plains	NY	10601
Mike Spano	City of Yonkers Mayor	40 South Broadway	Yonkers	NY	10701
Pauline Galvin	City of Yonkers Planning Board	40 South Broadway	Yonkers	NY	10701
The Journal News	Media Outlet	1133 Westchester Avenue, Suite N110	White Plains	NY	10604
Thomas Meier	City of Yonkers, Public Works Department - Water Bureau	40 South Broadway	Yonkers	NY	10701
Sandy Amoyaw, Library Administrator	Yonkers Public Library - Riverfront	1 Larkin Center	Yonkers	NY	10701
Maria A. Cuba	Little Panda's Daycare, Owner	52 Lamartine Ave	Yonkers	NY	10701
Marielly Pichardo	Kiddie's Choice Daycare, On-Site Provider	24 Dudley Pl	Yonkers	NY	10703
Daisy A. Guzman	My Little Daisy's Daycare, On-Site Provider	189 Palisade Ave	Yonkers	NY	10703
Amparo Caicedo Hernandez	Lovely Children's Nest Daycare, Owner	191 Palisade Ave	Yonkers	NY	10703
Carmen Gomez Goldberg	Charter School of Educational Excellence, Director of External Relations	260 Warburton Avenue	Yonkers	NY	10701
Jaamie Morales	Charles E. Gorton High School, Principal of Senior High School	100 Shonnard Place	Yonkers	NY	10703
William Shaggura	Riverside High School, Principal of Senior High School	565 Warburton Avenue	Yonkers	NY	10701
Jamell Scott	Barack Obama School for Social Justice, Principal of Senior High School	201 Palisade Avenue	Yonkers	NY	10703
City of Yonkers	Site Owner of 312 Warburton Avenue	40 South Broadway	Yonkers	NY	10701
YMCA of Yonkers	Site Operator of 312 Warburton Avenue	17 Riversale Avenue	Yonkers	NY	10701
Kelly Keating	Site Operator of 316 Warburton Avenue	316 Warburton Avenue	Yonkers	NY	10701
Trevor Dillion	Site Operator of 316 Warburton Avenue	316 Warburton Avenue	Yonkers	NY	10701
Kelvin Cordero	Adjacent Property Owner/Operator of 332 Warburton Avenue	332 Warburton Avenue	Yonkers	NY	10701
State of New York	Adjacent Property Owner of Old Croton Trail	15 Walnut Street	Dobbs Ferry	NY	10522
Scott Kleckner	Adjacent Property Owner/Operator of 96 Grove Street	98 Grove Street	Yonkers	NY	10701
Savon and Halana Eckert	Adjacent Property Owner/Operator of 108 Grove Street and 110 Grove Street	108-110 Grove Street	Yonkers	NY	10701
Horizon Owners Corp.	Adjacent Property Owner of 35 Pine Street	50 West 17th Street	New York	NY	10011
Julio Viegas	Adjacent Property Owner of 22 Wicker Street	36 Bronxville Lane	Bronxville	NY	10708
Maria Neto and Sylvia Neto Viegas	Adjacent Property Owner/Operator of 18 Wicker Street	18 Wicker Street	Yonkers	NY	10701
Lillie Pearl Condominium Corp.	Adjacent Property Owner of 304 Warburton Avenue	50 Plainfield Avenue	Bedford Hills	NY	10507
Warburton Ave Housing Development Fund Company Inc.	Adjacent Property Owner of 305, 309, 317, 319 and 321 Warburton Avenue	1000 University Ave, Suite 500	Rochester	NY	14607
308 E 151 Street Realty Corp.	Adjacent Property Owner of 256 and 258 Woodworth Avenue	287 Greve Drive	New Milford	NJ	07646
Francisco Lopez	Adjacent Property Owner of 323 Warburton Avenue	12 Winton Place	Yonkers	NY	10710
Warburton Wine & Liquor Corp.	Adjacent Property Operator of 323 Warburton Avenue	325 Warburton Avenue	Yonkers	NY	10701

Exhibit M



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

VIA EMAIL
samoyaw@ypl.org

RE: Brownfield Cleanup Program Application
Applicant: Warburton Industries LLC, 316 Warburton Avenue LLC and Hillside Properties NY LLC
Site Name: Rappaport Dry Cleaners Site
Site Address: 312 Warburton Ave, 316 Warburton Ave and 322 Warburton Ave Yonkers, New York 10701

Dear Mr. Amoyaw:

We represent Warburton Industries LLC, 316 Warburton Avenue LLC and Hillside Properties NY LLC in their anticipated Brownfield Cleanup Program application for the above-referenced site at 312 Warburton Ave, 316 Warburton Ave and 322 Warburton Ave in the City of Yonkers, Westchester County, New York. We respectfully request that the Riverfront Library serve as a document repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local library is willing and able to serve as a document repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

Please sign below and return the executed letter as an attachment to an email to my paralegal, Rebecca Owten, at rowten@nyenvlaw.com, if you are able to certify that the Riverfront Library is willing and able to act as a temporary public repository for this Brownfield Cleanup Program Project.

Sincerely,

KNAUF SHAW LLP


LINDA R. SHAW, ESQ.

cc: Anne Campbell (acampbell@ypl.org)

The Yonkers Public Library – Riverfront Library is willing and able to act as a document repository for the Brownfield Cleanup Program Project located at 312 Warburton Ave, 316 Warburton Ave and 322 Warburton Ave, Yonkers, New York 10701.


Sandy Amoyaw, Library Administrator


Jesse Montero, Library Director


Date