



412340251EASN

Control Number 412340251	WIID Number 2001234-000114	Instrument Type EAS
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**WESTCHESTER COUNTY RECORDING AND ENDORSEMENT PAGE
(THIS PAGE FORMS PART OF THE INSTRUMENT)**

*** DO NOT REMOVE ***

THE FOLLOWING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:

TYPE OF INSTRUMENT EAS - EASEMENT

FEE PAGES 28

TOTAL PAGES 28

RECORDING FEES

STATUTORY CHARGE	\$5.25
RECORDING CHARGE	\$84.00
RECORD MGT. FUND	\$4.75
RP 5217	\$0.00
TP-584	\$5.00
CROSS REFERENCE	\$0.50
MISCELLANEOUS	\$0.00
TOTAL FEES PAID	\$99.50

MORTGAGE TAXES

MORTGAGE DATE	
MORTGAGE AMOUNT	\$0.00
EXEMPT	
YONKERS	\$0.00
BASIC	\$0.00
ADDITIONAL	\$0.00
SUBTOTAL	\$0.00
MTA	\$0.00
SPECIAL	\$0.00
TOTAL PAID	\$0.00

TRANSFER TAXES

CONSIDERATION	\$0.00
TAX PAID	\$0.00
TRANSFER TAX #	1421

**SERIAL NUMBER
DWELLING**

RECORDING DATE **08/31/2001**
TIME **11:17:00**

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

WITNESS MY HAND AND OFFICIAL SEAL

**LEONARD N. SPANO
WESTCHESTER COUNTY CLERK**

Record & Return to:
JANNIFER L VAN TUYL ESQ
PAGONES CROSS & VAN TUYL
P O BOX 550
BEACON, NY 12508

ORIGINAL

ERAS
P-27
YCH

AGREEMENT

between

SCENIC HUDSON, INC.,

YONKERS COMMUNITY DEVELOPMENT AGENCY, and

THE CITY OF YONKERS

Dated June 22, 2001

RECORD & RETURN:

JENNIFER L. VAN TUYL, ESQ.
PAGONES, CROSS & VAN TUYL
P.O. BOX 550
BEACON, NEW YORK 12508

Section 1, Block 640, Lots 1, 38
Section 1, Block 643, Lots 1, 24, 40
Section 2, Block 2600, Lots 1,2,5

County of Westchester
City of Yonkers

0257

**AGREEMENT APPROVING FINAL SITE PLANS FOR
IDENTIFIED PORTIONS OF PROPERTY SUBJECT TO EASEMENT,
AND MODIFYING EASEMENT TO INCORPORATE
SUCH PLANS UNDER SECTION 3.2.4. OF THE EASEMENT**

This Agreement is made this 22 day of June, 2001, between SCENIC HUDSON, INC., a New York Not For Profit Corporation with its principal office at 9 Vassar Street, Poughkeepsie, New York 12601 (hereinafter referred to as "SCENIC HUDSON"), and THE CITY OF YONKERS, a municipal corporation having offices at City Hall, Yonkers, New York, (hereinafter referred to as "THE CITY"), and the YONKERS COMMUNITY DEVELOPMENT AGENCY, a public benefit Corporation having its principal office at 87 Nepperhan Avenue, Yonkers, New York, (hereinafter referred to as the "CDA"),

WITNESSETH

WHEREAS, Scenic Hudson is presently the holder of a Conservation Easement granted by Yonkers Waterfront Associates, a New York Limited Partnership, with its principal office at 444 South Fulton Avenue, Mt. Vernon, New York 10553, by a certain Easement Agreement (the "Easement") dated January 31, 1989 and recorded in the Westchester County Clerk's office in Liber 9472 of Deeds at page 101 on March 10, 1989, and

WHEREAS, since the time of the execution of that Easement Agreement, the CDA has acquired title to a portion of the property subject to the Easement, and the CDA and the City of Yonkers have approved, by resolutions dated December 16, 1998, and April 14, 1999, respectively, a Downtown Waterfront Master Plan (the "Master Plan"), after completion by CDA, as lead agency, of a Final Generic

Environmental Impact Statement thereon in compliance with the procedural requirements of the State Environmental Quality Review Act of the State of New York and, in compliance with such requirements, the CDA on December 16, 1998 approved a Statement of Environmental Findings (the "Findings Statement") with respect to the Master Plan, and

WHEREAS, the Master Plan and the Findings Statement address numerous waterfront properties, including the property which is the subject of this agreement, which property is shown in the Map attached to this Agreement as "Exhibit 1" and more fully described in Exhibits "2", "3", and "4" attached hereto, and

WHEREAS, the CDA intends to enter into a land disposition agreement ("LDA") with Collins Enterprises, LLC ("Collins") for the development of a portion of the property designated as parcels "E" and "F" on the Master Plan, as a mixed use development consisting of commercial and residential components which properties are more particularly described in the annexed Exhibit "2", and

WHEREAS, the CDA intends to enter into an LDA with the City of Yonkers for development of a portion of the property designated as parcel "J" on the Master Plan, as a City Waterfront Esplanade Park (the "Esplanade Park"), which property is more particularly described in the annexed Exhibit "3", and

WHEREAS, the City intends to provide access to the public to each of these properties ("E", "F" and "J") over a system of public streets and sidewalks, to be developed, owned and maintained by the City of Yonkers, which street parcels and

sidewalks are shown on the Master Plan, said parcels being more particularly described in the annexed Exhibit "4", and

WHEREAS, Collins has produced specific proposed plans for the development of parcels "E" and "F", which plans are more fully set forth in a series of drawings listed on Exhibit "5" annexed hereto, and

WHEREAS, the plans for the development of the Esplanade Park are set forth in a series of drawings listed on Exhibit "6" attached hereto, and

WHEREAS, the plans for the street system and sidewalks to be constructed by the City are more fully set forth in a series of drawings listed on Exhibit "6" annexed hereto, and

WHEREAS, sets of the drawings listed in Exhibits "5" and "6" have been provided to each of the parties to this agreement, and another set is on file with the City of Yonkers Engineering Department, where they will be maintained as a public record;

WHEREAS, the CDA has presented to Scenic Hudson, for Final Site Plan approval pursuant to paragraphs 3.2.3 and 3.2.4 of the Easement Agreement, the plans for the development of Parcels "E", "F", "J", and the street system and municipal parks, which plans are identified and listed on Exhibits "5" and "6" annexed hereto, and are sometimes hereinbelow referred to as the "Phase I Plans", and

WHEREAS, Scenic Hudson has reviewed the aforementioned proposed Phase I plans, and

WHEREAS, the Waterfront Master Plan contains a set of design guidelines and standards for development in the waterfront area, as described in the Findings Statement; and

WHEREAS, Scenic Hudson finds that certain of these guidelines and standards are compatible with its mission and stated objectives for sound waterfront development at the Yonkers waterfront, particularly, the following:

- establish a small-scale urban neighborhood atmosphere
- promote low to mid-rise high coverage development
- provide on-street parking
- include a variety of water-dependent or water-enhanced uses
- create a variety of interconnected public places along the shoreline
- reinforce and enhance visual connections from the downtown through to the Hudson River and the Palisades
- retain existing water edges and bulkheading wherever possible
- provide street and walkway improvements that will facilitate a connection between the train station and the waterfront
- create distinctive roof lines and building profiles
- orient buildings and streets to take advantage of views through the site and along the waterfront

and the parties agree that such resultant development would bring a distinctive urban design to the downtown Yonkers waterfront area consistent with and enhancing the existing pedestrian-oriented urban environment of downtown Yonkers; and

WHEREAS, Scenic Hudson has determined that the proposed development on the sites identified in Exhibits "2", "3", and "4", as articulated in the Phase I plans identified in Exhibits "5" and "6" herein, and now presented for final Site Plan

approval, maintain and enhance the conservation purposes set forth in the Conservation Easement; and offer the following specific benefits:

1. The overall heights of the proposed residential development shown on the plans are significantly lower than maximum building heights permitted in the 1989 Easement and as such enhance the visual aspects of the project area, and further reduce the extent to which the buildings blocks views from upland areas of the city of the Hudson River and the Palisades.
2. The architecture of the proposed buildings is visually compatible with the existing historic structures in the area such as the Powerhouse, Post Office, Trolley Barn, Metro North Station, Otis Elevator Building and constitutes "new urban" architecture, and thereby helps to create a cohesively designed urban development.
3. Mechanicals on building rooftops are proposed to be situated, designed and finished in a manner to minimize their visual impact as described in said attached site plans, thereby minimizing discordant visual elements of the new construction.
4. The mixed-use project proposed will serve to support a pedestrian friendly environment in the riverfront area with an "arrangement of buildings, the open spaces, and the street network [that] would both maximize views of the Hudson River and bring the neighborhood to its shoreline" [Findings Statement, Section D.8.].
5. The proposed street system includes a system of pathways for pedestrian movements. elements which facilitate the intermodal character of the waterfront area, including pedestrians, bicyclists, train passengers and automobiles; incorporates materials which are visually compatible with the architecture of the proposed development on parcels "E" and "F", and serve to limit vehicular speeds on the roadway systems with a variety of traffic calming techniques including textured paving and crosswalks; and limits parking to the east side of the streets parallel to the Hudson River.
6. The design of the public park spaces encourages public access on a continuous esplanade along the river, incorporates aesthetic design and landscaping that enhance the visual character along the river and provides opportunities for public gathering spaces at festival events.

7. In the proposed shoreline stabilization and restoration and in the creation of the Esplanade Park, the water quality and natural resources of the Hudson River estuary will be protected during and after development; thus avoiding impacts on the aquatic habitat.

NOW THEREFORE, the parties agree as follows:

1. Site Plan Drawings Approved: Pursuant to Paragraph 3.2.4 of the existing Easement, the drawings listed in Exhibits "5" and "6" attached hereto, are hereby approved by Scenic Hudson and shall constitute the Final Site Plan drawings relating to the properties described in exhibits "2", "3" and "4." The construction of the Phase I project requires the construction of a temporary on-grade parking lot on parcels "H" and "I" to serve the existing residential development known as Scrimshaw House. Scenic Hudson agrees to such construction as set forth on the plans herein approved, and listed in exhibit "6". However, such approval is only for the temporary parking use. Any proposed permanent land use on Parcels "H" and "I" shall require Conceptual Site Plan and Final Site Plan approval prior to construction.
2. Approved Plans Supersede: Pursuant to Section 3.2.4. of the Easement, the approved Final Site Plan drawings are deemed to be a part of exhibit "D" to the Easement Agreement (recorded in Liber 9472 of deeds at page 101), and such Easement Agreement is deemed amended thereby, and all provisions of such approved final Site Plan shall supercede the conceptual Site Plan and the restrictions in paragraphs 1 and 5 of the original Easement (the "View Corridor and Conservation Restrictions") as to the property covered by such final Site Plan. This agreement also constitutes a Notice of Conformity with respect to such plans, for the purposes of Section 3.3.2 of the Easement Agreement.
3. Further Modifications: This approval is granted only to the specific plans listed in exhibits "5" and "6." Any modifications of these plans must be reviewed and approved by Scenic Hudson as described in Section 3.3.5 of the Easement. Pursuant to Section 3.2.4 of the provisions of the Easement, such View Corridor and Conservation Restrictions shall be considered in determining

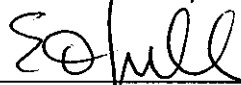
whether any future changes or amendments to the final Site Plan are consistent with the intent of this agreement.

4. Time Limit on Approval: This approval shall become effective immediately, but shall expire automatically if building permits are not issued on or before March 5, 2005.
5. Easement in Full Force and Effect: Except as expressly modified herein, the Easement shall remain in full force and effect, as if unmodified and unchanged.

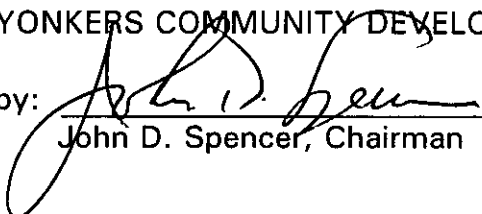
The City of Yonkers, as owner of the real property described in the Metes and Bounds description in Exhibit "7" attached hereto, has executed this agreement for the sole purpose of subjecting such property to the requirement of compliance with the Final Site Plan hereinabove approved.

IN WITNESS WHEREOF, the parties have executed this instrument as of the date and year first above written.

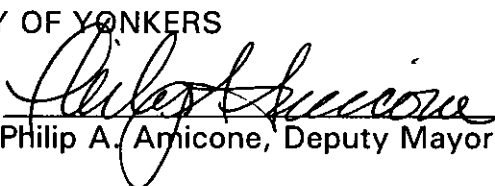
SCENIC HUDSON, INC.

by: 
E. O. Sullivan, Executive Director


YONKERS COMMUNITY DEVELOPMENT AGENCY

by: 
John D. Spencer, Chairman

CITY OF YONKERS

by: 
Philip A. Amicone, Deputy Mayor

APPROVED AS TO FORM


WILLIAM M. MOONEY, III
Corporation Counsel
CITY OF YONKERS

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

On the 20th day of June in the year 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared E. O. SULLIVAN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/~~she~~ executed the same in his/~~her~~ capacity, and that by his/~~her~~ signature on the instrument, the individual(s), or the person upon behalf of which the individual acted, executed the instrument.

MINDY J. BELL
NOTARY PUBLIC, State of New York
Reg. No. 01BE6038960
Qualified in Dutchess County
Commission Expires March 20, 2002

Mindy J. Bell
NOTARY PUBLIC

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

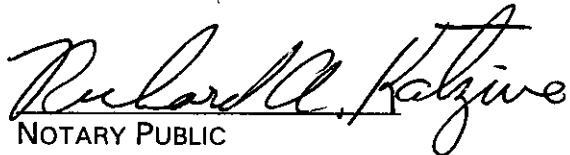
On the 23rd day of July in the year 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN D. SPENCER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual(s), or the person upon behalf of which the individual acted, executed the instrument.

Richard A. Katzive
NOTARY PUBLIC

RICHARD A. KATZIVE
Notary Public, State of New York
No. 02KA6027923
Qualified in Westchester County
Commission Expires July 19, 2003

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

On the 23rd day of July in the year 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared PHILIP A. AMICONE, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual(s), or the person upon behalf of which the individual acted, executed the instrument.


NOTARY PUBLIC

RICHARD A. KATZIVE
Notary Public, State of New York
No. 02KA6027923
Qualified in Westchester County
Commission Expires July 19, 2003

RECORD & RETURN:

JENNIFER L. VAN TUYL, ESQ.
PAGONES, CROSS & VAN TUYL
P.O. BOX 550
BEACON, NEW YORK 12508

Exhibit 1

General Map of Phase I Development Area

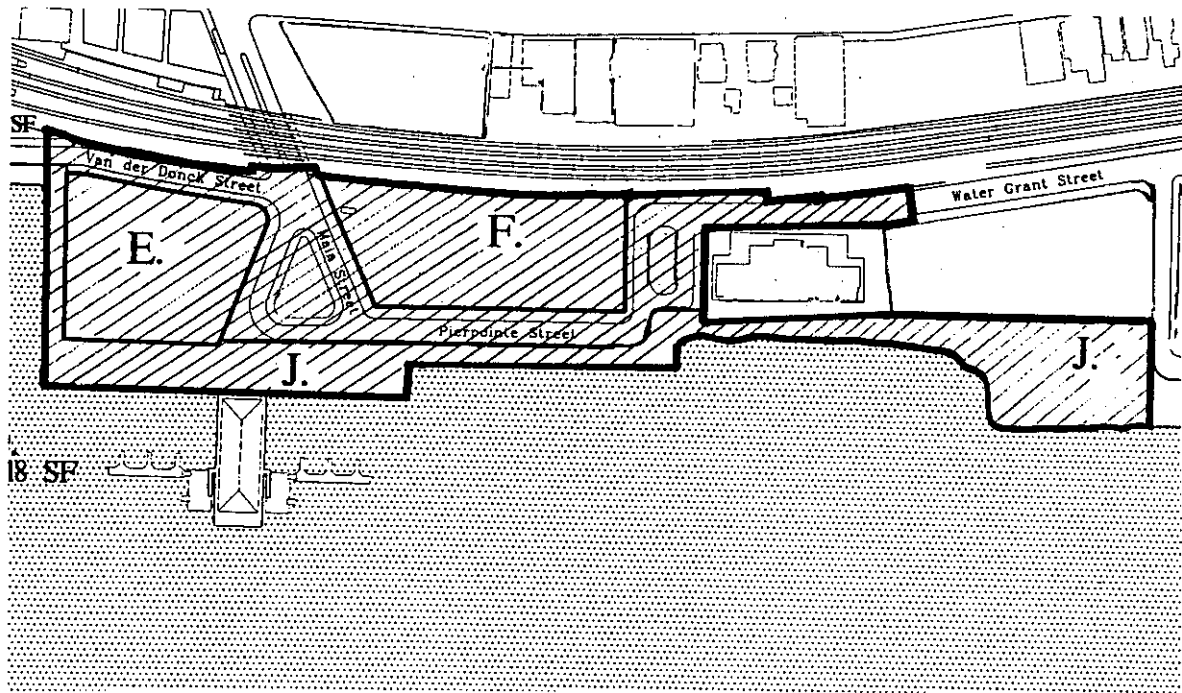


EXHIBIT 2

DESCRIPTIONS OF PARCELS
TO BE PRIVATELY DEVELOPED

PARCEL "E"

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

Beginning at a point which is distant N. $70^{\circ} 33' 29''$ W., 22.00 ft. and N $22^{\circ} 52' 41''$ W., 74.09 ft. from a brass bolt set in the face of a concrete abutment wall, said bolt being on the westerly boundary of lands now or formerly of the New York Central Railroad, Hudson Division; said bolt having a radial of S. $70^{\circ} 42' 45''$ E. to the center of a curve of said westerly boundary line, said bolt also being approximately 14 ft. from the corner formed by the intersection of the westerly side of the concrete abutment wall and the southerly side of Main Street, thence proceed the following courses and distances:

N. $61^{\circ} 34' 51''$ W., 140.58 ft. to a curve to the right having a radius of 30.00 ft and length of 39.13 ft.;

N. $13^{\circ} 09' 23''$ E., 179.69 ft.;

S. $78^{\circ} 51' 44''$ E., 217.31 ft. to a curve to the left having a radius of 4188.91 ft., a length of 238.82 ft., and a radial of S. $66^{\circ} 56' 50''$ E., continue on a reverse curve to the right having a radius of 20.00 ft. and a length of 34.43 ft. to the point or place of BEGINNING.

PARCEL "F"

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

Beginning at a point which is distant, on a curve to the left having a radius of 2542.00 ft. and a length of 18.99 ft., from a brass bolt set in the face of a concrete abutment wall, said bolt being on the westerly boundary of lands now or formerly of the New York Central Railroad, Hudson Division; said bolt having a radial of S. $70^{\circ} 42' 45''$ E. to the center of a curve of said westerly boundary line, said bolt also being approximately 14 ft. from the corner formed by the intersection of the

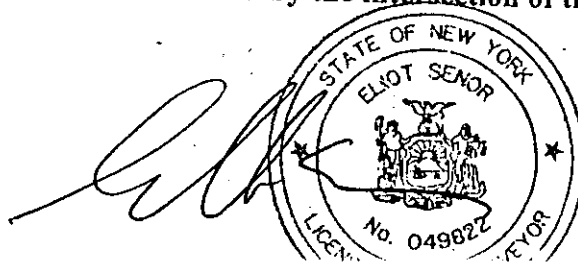


EXHIBIT 3

DESCRIPTION OF ESPLANADE PARK SITE

PARCEL "J"

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

Beginning at a point which is distant N. 70° 33' 29" W., 22.00 ft., thence on a curve to the right having a radius of 2564.00, a length of 319.31 ft., an included angle of 5° 49' 47" and a radial of S. 70° 42' 40" E., from a brass bolt set in the face of a concrete abutment wall, said bolt being on the westerly boundary of lands now or formerly of the New York Central Railroad, Hudson Division; said bolt having a radial of S. 70° 42' 45" E. to the center of a curve of said westerly boundary line, said bolt also being approximately 14 ft. from the corner formed by the intersection of the westerly side of the concrete abutment wall and the southerly side of Main Street; thence proceed from said beginning point the following courses and distances:

N. 78° 51' 44" W., 255.23 ft.;

S. 13° 09' 23" W., 179.69 ft.; thence on a curve to the left having a radius of 30.00 ft. and a length of 39.13 ft.; thence

S. 06° 24' 09" E., 18.78 ft.;

S. 16° 35' 55" E., 16.20 ft.; thence on a curve to the right having a radius of 5 feet and a length of 9.29 ft.; thence on a reverse curve to the left having a radius of 56.00 ft. and a length of 115.31 ft.; thence on a reverse curve to the right having a radius of 40.00 ft and a length of 28.80 ft.; thence

S. 13° 10' 13" W., 313.49 ft.; thence on a curve to the left having a radius of 36.00 ft. and a length of 26.58 ft.; thence

S. 29° 08' 05" E., 42.40 ft.;

S. 12° 08' 19" W., 190.74 ft.;

S. 09° 26' 00" W., 91.53 ft.;

S. 13° 10' 00" W., 330.09 ft.;



westerly side of the concrete abutment wall and the southerly side of Main Street,
thence proceed the following courses and distances:

On a compound curve to the left having a radius of 2542.00 ft. and a length of
370.50 ft.;

N. $76^{\circ} 45' 47''$ W.. 129.55 ft. to a curve to the right having a radius of 30.00 ft. and
a length of 47.09 ft.;

N. $13^{\circ} 10' 13''$ E., 263.07 ft.;

N. $78^{\circ} 45' 42''$ E., 185.91 ft. to the point or place of BEGINNING.

(cont.)

Page 2

- N. 78° 11' 13" W., 122.46 ft.;
- N. 01° 01' 03" E., 23.27 ft.;
- N. 14° 32' 01" E., 70.41 ft.;
- N. 09° 29' 27" E., 39.90 ft.;
- N. 15° 48' 55" E., 39.79 ft.;
- N. 54° 28' 58" E., 11.39 ft.;
- S. 79° 21' 38" E., 54.35 ft.;
- N. 65° 30' 13" E., 34.39 ft.;
- N. 15° 43' 32" E., 114.45 ft.;
- N. 20° 13' 10" W., 11.06 ft.;
- N. 25° 25' 21" E., 69.88 ft.,
- N. 12° 08' 19" E., 181.40 ft.;
- N. 29° 13' 36" W., 13.07 ft.;
- N. 76° 57'-50" W., 41.77 ft.;
- N. 13° 10' 13" E., 340.15 ft.;
- N. 76° 49' 47" W., 49.02 ft.;
- N. 14° 44' 45", E., 168.14 ft.;
- N. 13° 07' 16" E., 60.30 ft.;
- N. 13° 10' 32" E., 219.63 ft.;
- S. 76° 42' 42" E., 81.66 ft.;

(cont.)

Page 3

S. 79° 43' 55" E., 151.87 ft.

S. 10° 32' 58" W., 2.31 ft.;

S. 72° 57' 47" E., 86.14 ft.; thence on a curve to the left having a radius of 2564.00 ft. and having a radial of S. 63° 12' 06" E. and a length of 16.76 ft. to the point or place of BEGINNING.

EXHIBIT 4

**DESCRIPTION OF NEW DOWNTOWN YONKERS
STREET RIGHTS OF WAY**

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

Beginning at a point being a brass bolt set in the face of a concrete abutment wall, said bolt being on the westerly boundary of lands now or formerly of the New York Central Railroad, Hudson Division; said bolt having a radial of S. 70° 42' 45" E. to the center of a curve of said westerly boundary line, said bolt also being approximately 14 ft. from the corner formed by the intersection of the westerly side of the concrete abutment wall and the southerly side of Main Street, thence proceed the following courses and distances:

N. 70° 33' 29" W., 22.00 ft.; thence on a curve to the right having a radius of 2564.00 ft. and a length of 336.07 ft. and a radial of S. 70° 42' 40" E.; thence

N. 72° 57' 47" W., 38.31 ft.; thence on a curve to the left having a radius of 4188.91 ft. and a length of 259.35 ft. and a radial of S. 66° 39' 58" E.; thence continuing on a reverse to the right having a radius of 20.00 ft. and a length of 34.43 ft.; thence

N. 61° 34' 50" W., 140.58 ft.;

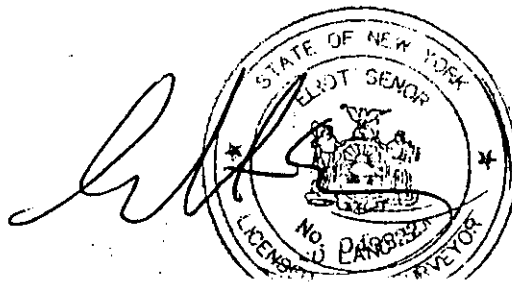
S. 06° 24' 09" E., 18.78 ft.;

S. 16° 35' 55" E., 16.20 ft.; thence on a curve to the right having a radius of 5.00 ft. and a length of 9.29 ft.; thence continuing on a reverse curve to the left having a radius of 56.00 ft. and a length of 115.31 ft.; thence continuing on a curve to the right having a radius of 40.00 ft. and a length of 28.80 ft.; thence

S. 13° 10' 13" W., 313.49 ft.; thence on a curve to the left having a radius of 36.00 ft. and a length of 26.58 ft.;

S. 29° 08' 05" E., 42.40 ft.;

S. 12° 08' 19" W., 46.03 ft.;



S. 76° 45' 47" E., 124.21 ft.; thence on a curve to the left having a radius of 2582.00 ft. having a radial of S. 81° 19' 09" E. and a length of 32.73 ft.;

S. 11° 33' 42" W., 193.36 ft.;

N. 82° 28' 20" W., 17.04 ft.;

S. 02° 37' 05" W., 85.00 ft.;

S. 83° 46' 27" E., 43.09 ft.;

N. 02° 37' 05" E., 84.02 ft., thence on a curve to the right having a radius of 962.40 ft. and a length of 119.10 ft.;

N. 63° 16' 41" E., 36.53 ft. thence on a curve to the right having a radius of 2542.00 ft. having a radial of S. 83° 14' 20" E. and a length of 166.24 ft.;

N. 76° 45' 13" W., 129.55 ft.; thence on a curve to the right having a radius of 30.00 ft. and a length of 47.09 ft.;

N. 13° 10' 13" E., 263.07 ft.;

N. 78° 45' 42" E., 18 5.91 ft.; thence on a curve to the right having a radius of 2542.00 ft. having a radial of S. 71° 08' 26" W. and a length of 18.99 ft. to the point and place of BEGINNING..

Exhibit 5
Yonkers Waterfront Development
Hudson Park at Yonkers

The Final Design Drawings incorporate the following listed design features at a minimum to achieve the desired vernacular character and fragmentation of the buildings reflected in the Master Plan regarding use, bulk and height, viewshed protection, and general massing.

1. In order to break up the building massing and add needed architectural details, each façade exposure of each building is subdivided into multiple façade segments to convey the appearance of numerous composite structures reminiscent of traditional urban development. For example, in the Parcel E West Elevation (date received, 4/04/01), the massing as expressed in the West Façade is fragmented into several smaller building planes and eight changes in building heights. Similar variations will occur in all other facades to accomplish this articulation.
2. Contrasting building materials, textures and colors are utilized on some segments of the facades to achieve the articulation described in Item #1 above. For example, in the Parcel E West Façade drawing (dated 4/04/01) and Parcel F West Façade drawing (dated 4/04/01) three different brick colors are used to further heighten the massing differentiation described in Item #1 above. As another example, the use of stucco, cast stone, or finished block, are possible means of accomplishing differentiation of texture.
3. The heights and treatments of parapets and cornices on each of the façade segments are varied to further emphasize the appearance of smaller composite structures. For example, in Parcel E West Elevation (dated 4/04/01) the heights of the parapets and cornices have been varied to include a basic cornice model, a double height model with spaced decorative trusses, and a standing seam roof wrapping around to the South Elevation, from east and west faces.
4. On the north, south, and west elevations, there are at least two window systems. For example, in the parcel E West Elevation (dated 4/04/01), there are two window systems; the first with both double and triple frames, and the second with bay windows.
5. Quality materials are being used throughout, and, in particular, on the retail frontage including cast stone or decorative masonry, to provide distinctive ground level facades supportive of new urbanist and pedestrian-oriented design. With regard to the east elevations of the parking garages on Parcel E and F, see Addendum "A" attached to this Exhibit 5.
6. Building heights, mechanical rooms, and rooftop structures are being maintained in current locations as shown on the attached drawings throughout the development.

7. These features are also depicted in Parcel E Elevations (dated 3/30/01) and Parcel F Elevations (dated 3/30/01).
8. Standing seam metal roof is used at the southeast and southwest corners of the retail/office building on Parcel E.
9. Additional variation is provided on the north elevation of Parcel E. This could include the use of double height parapet as described in item #3 above or additional changes in materials and colors. The private property between the building and the inlet bulkhead will be a landscaped buffer of at least three feet along the façade, as a transitional element that supports the dedicated public space adjacent to the Saw Mill River inlet (Parcels E & F site plan landscape, dated 4/16/01).

A signed set of each of the following drawings is herewith provided to each of the parties to this agreement, and another set is on file in the office of the Office of Downtown & Waterfront Development of the City of Yonkers, where it will be maintained as a public record.

Drawings prepared by:
Schuman Lichtenstein Claman Efron Architects
Drawn by: T. Albert

Drawing Number	Drawing Name	Issued Date	Last Revised Date
A-201	Parcel E, Elevations	6/29/00	3/30/01
A-202	Parcel E, Elevations	6/29/00	3/30/01
A-203	Parcel E, Elevations	6/29/00	3/30/01
A-204	Parcel E, Elevations	6/29/00	3/30/01
A-201	Parcel F, Elevations	6/29/00	3/30/01
A-202	Parcel F, Elevations	6/29/00	3/30/01
A-203	Parcel F, Elevations	6/29/00	3/30/01

Drawings prepared by:
Do H. Chung and Partners

Drawing Name	Date Received
View from Hudson River, Hudson Park at Yonkers	4/4/01, signed by Arthur Collins II
Parcel E, North Elevation, Hudson Park at Yonkers	4/4/01, signed by Arthur Collins II
Parcel E, West Elevation, Hudson Park at Yonkers	4/4/01, signed by Arthur Collins II
Parcel E, South Elevation, Hudson Park at Yonkers	4/4/01, signed by Arthur Collins II
Parcel F, North Elevation, Hudson Park at Yonkers	4/4/01, signed by Arthur Collins II
Parcel F, West Elevation, Hudson Park at Yonkers	4/4/01, signed by Arthur Collins II
Parcel F, South Elevation, Hudson Park at Yonkers	4/4/01, signed by Arthur Collins II

Drawings prepared by:
Schuman Lichtenstein Claman Efron Architects

In the following three drawings, ground floor building areas not shown as apartment or retail space may be devoted instead to commercial retail (including restaurant) and/or office uses in lieu of the uses shown.

Drawing Number	Drawing Name	Issue Date	Last Revised Date
A-101	Parcel E, 1 st floor plan	6/29/00	3/30/01
A-101	Parcel F, 1 st floor plan	6/29/00	3/30/01
A-01	Parcel F, site plan	6/29/00	3/30/01

Hudson Park at Yonkers
Drawing prepared by:
Vollmer Associates
Drawn by: Robert Strecker

Drawing Name	Date
Site Plan Landscape Parcels E & F	4/16/01

COLLINS

enterprises, l.l.c.

Via Facsimile and Regular Mail

June 7, 2001

Ms. Deborah Meyer DeWan
Program Director
Riverfront Communities
Scenic Hudson, Inc.
9 Vassar Street
Poughkeepsie, NY 12601

Re: Hudson Park Garage – Proposed

Dear Deborah:

The parking garage planned for Hudson Park will have one side or elevation facing the street on Parcel E and the train on Parcel F. Both garages will be located behind the buildings on both parcels.

The elevation fronting on Van de Donck Street on Parcel E and the east elevation of Parcel F will be of precast concrete detailed to complement the architecture of the buildings.

If you need additional information, please call me.

Sincerely



Arthur Collins II
Principal & CEO

ACII/jah

cc: Frederick Koelsch, Esquire
Richard Katzive, Esquire

Exhibit 6

Yonkers Waterfront Development PHASE ONE

Drawings Prepared by:
Vollmer Associates / Ehrenkrantz & Eckstut Architects

A signed and sealed set of the foregoing drawings is herewith provided to each of the parties to this Agreement, and another set on file in the office of the City Engineer of the City of Yonkers where it will be maintained as a public record.

Drawing Number:	Drawing Name:	Last Revised Date:
G101	LOCATION PLAN, SITE CONTRACT LIMITS, NOTES	10-01-99
G102	GENERAL NOTES FOR CIVIL DRAWINGS	10-01-99
G103	ABBREVIATIONS & SYMBOLS	10-01-99
SV101.01	EXISTING SITE SURVEY TILE-01	10-01-99
SV101.02	EXISTING SITE SURVEY TILE-02	10-01-99
SV101.03	EXISTING SITE SURVEY TILE-03	10-01-99
C101	HORIZONTAL CONTROL ROADWAY PLAN - 1	10-01-99
C102	HORIZONTAL CONTROL ROADWAY PLAN - 2	10-01-99
C103	HORIZONTAL CONTROL ROADWAY PLAN - 3	10-01-99
C201	PAVEMENT & UTILITY DEMOLITION PLAN 1	10-01-99
C202	PAVEMENT & UTILITY DEMOLITION PLAN 2	10-01-99
C203	PAVEMENT & UTILITY DEMOLITION PLAN 3	10-01-99
C301	GRADING & DRAINAGE - 1	10-01-99
C302	GRADING & DRAINAGE - 2	10-01-99
C303	GRADING & DRAINAGE - 3	10-01-99
C400	SIGNING AND STRIPING	10-01-99
C501	UTILITY PLAN-1 (SUPERSEDED)	10-01-99
C501	UTILITY PLAN-1	04-04-00
C502	UTILITY PLAN-2 (SUPERSEDED)	10-01-99
C502	UTILITY PLAN-2	04-04-00
C503	UTILITY PLAN-3 (SUPERSEDED)	10-01-99
C503	UTILITY PLAN-3	04-04-00
C551	LIGHTING AND ELECTRICAL PLAN-1	10-01-99
C552	LIGHTING AND ELECTRICAL PLAN-2	10-01-99
C553	LIGHTING AND ELECTRICAL PLAN-3	10-01-99
C554	LIGHTING AND ELECTRICAL DETAILS-1	10-01-99
C555	LIGHTING AND ELECTRICAL DETAILS-2	10-01-99
C601	ROADWAY PROFILE PLAN - 1	10-01-99
C602	ROADWAY PROFILES PROFILE - 2	10-01-99
C701	UTILITY PROFILE - 1	10-01-99
C702	UTILITY PROFILE - 2	10-01-99
C703	UTILITY PROFILE - 3	10-01-99
C704	UTILITY PROFILE - 4 (SUPERSEDED)	10-01-99
C704	UTILITY PROFILE - 4	04-04-00
C705	UTILITY PROFILE - 5	10-01-99
C801	TYPICAL SECTIONS - 1	10-01-99
C802	TYPICAL SECTIONS - 2	10-01-99

C901	MISC. DETAILS - 1	10-01-99
C902	MISC. DETAILS - 2	10-01-99
C903	MISC. DETAILS - 3 (SUPERSEDED)	10-01-99
C903	MISC. DETAILS - 3	10-01-99
C904	MISC. DETAILS - 4	04-24-00
C905	MISC. DETAILS - 5	10-01-99
C999	TEMPORARY PARKING LOT PLAN	10-01-99
WF1	NEW YORK TELEPHONE	10-01-99
WF2	NEW YORK TELEPHONE	05-12-99
WF3	NEW YORK TELEPHONE	05-12-99
A-001	ILLUSTRATIVE SITE PLAN	05-12-99
A-101.01	PART SITE PLAN TILE 01	10-01-99
A-101.02	PART SITE PLAN TILE 02	10-01-99
A-101.03	PART SITE PLAN TILE 03	10-01-99
A-111.01	PARK STRUCTURES & ELEMENT LOCATIONS AND HARDSCAPE AND ALIGNMENT PL. TILE 01	10-01-99
A-111.02	PARK STRUCTURES & ELEMENT LOCATIONS AND HARDSCAPE AND ALIGNMENT PL. TILE 02	10-01-99
A-111.03	PARK STRUCTURES & ELEMENT LOCATIONS AND HARDSCAPE AND ALIGNMENT PL. TILE 03	10-01-99
A-201	STREET SECTIONS	10-01-99
A-301	DETAIL BULKHEAD PART PLAN, SECTION & ELEVATION	10-01-99
A-302	THE WHARF PART PLAN & SITE SECTION	10-01-99
A-303	PIERPOINT STREET PART PLAN & SITE SECTION	10-01-99
A-304	DETAIL BULKHEAD, PART PLAN, SECT. & ELEVATION	10-01-99
A-401	SUGAR SHED FLOOR PLAN	10-01-99
A-402	SUGAR SHED ROOF PLAN	10-01-99
A-403	SUGAR SHED ELEVATIONS	10-01-99
A-404	SUGAR SHED ELEVATIONS	10-01-99
A-405	SUGAR SHED SECTIONS	10-01-99
A-406	SUGAR SHED DETAILS	10-01-99
A-407	SUGAR SHED BARGE DETAILS	10-01-99
A-409	SUGAR SHED PURLIN PROFILES	10-01-99
A-501.01	HARDSCAPE FINISHES PLAN TILE 01	10-01-99
A-501.02	HARDSCAPE FINISHES PLAN TILE 02	10-01-99
A-501.03	HARDSCAPE FINISHES PLAN TILE 03	10-01-99
A-601	WALL DETAILS TILE 01	10-01-99
A-602	WALL DETAILS TILE 02	10-01-99
A-603	TYPICAL DETAILS	10-01-99
A-604	TYPICAL DETAILS	10-01-99
A-701	MATERIAL & FINISH SCHEDULE; PARK FURNITURE	10-01-99
A-1001	ILLUSTRATIVE SITE PLAN	10-01-99
A-1101	PLAN ALTERNATIVES	10-01-99
A-1111.01	HARDSCAPE LOC. & ALIGNMENT PL. ALTERNATES	10-01-99
A-1401	SUGAR SHED ALTERNATE #1 FLOOR PLAN	10-01-99
A-1402	SUGAR SHED ALTERNATE #1 ROOF PLAN	10-01-99
A-1403	SUGAR SHED ALTERNATE #1 ELEVATIONS	10-01-99
A-1404	SUGAR SHED ALTERNATE #1 ELEVATIONS	10-01-99
A-1405	SUGAR SHED ALTERNATE #1 SECTIONS	10-01-99

A-1406	SUGAR SHED ALTERNATE #1 DETAILS	10-01-99
A-1407	SUGAR SHED ALTERNATE #1 BARGE DETAILS	10-01-99
A-1409	SUGAR SHED ALTERNATE #1 PURLIN PROFILES	10-01-99
A-1411	SAW MILL ALTERNATE #2 PLAN	10-01-99
A-1412	SAW MILL ALTERNATE #2 SECTIONS, DETAILS	10-01-99
A-1413	SAW MILL ALTERNATE #2 SECTIONS, DETAILS	10-01-99
A-1431	SMOKE STACK ALTERNATE #3 PLANS	10-01-99
A-1432	SMOKE STACK ALTERNATE #3 SECTIONS & ELEV.	10-01-99
A-1433	SMOKE STACK ALTERNATE #3 DETAILS	10-01-99
A-1602	THE POINT ALTERNATE #4 WALL DETAILS	10-01-99
S001	GENERAL NOTES FOR SUGAR SHED, SAW MILL AND SMOKE STACK	10-01-99
S401	SUGAR SHED PLAN BASE BID	10-01-99
S402	SUGAR SHED SECTIONS, ELEVATIONS BASE BID	10-01-99
S403	SUGAR SHED PLATE GIRDER PROFILES BASE BID	10-01-99
S404	SUGAR SHED SECTIONS & DETAILS BASE BID	10-01-99
S1401	SUGAR SHED PLAN ALTERNATE #1	10-01-99
S1402	SUGAR SHED SECTIONS, ELEVATION ALTERNATE #1	10-01-99
S1403	SUGAR SHED PLATE GIRDER PROFILES ALTERNATE #1	10-01-99
S1404	SUGAR SHED SECTIONS & DETAILS ALTERNATE #1	10-01-99
S1411	SAW MILL PLAN ALTERNATE #2	10-01-99
S1412	SAW MILL SECTION & ELEVATION ALTERNATE #2	10-01-99
S1413	SAW MILL SECTIONS & DETAILS ALTERNATE #2	10-01-99
S1431	SMOKE STACK PLANS ALTERNATE #3	10-01-99
S1432	SMOKE STACK SECTIONS ALTERNATE #3	10-01-99
S1433	SMOKE STACK SECTIONS & DETAILS ALTERNATE #3	10-01-99
MS-1	EXISTING CONDITIONS AND DEMOLITION PLAN - SHEET 1 OF 2	10-01-99
MS-2	EXISTING CONDITIONS AND DEMOLITION PLAN - SHEET 2 OF 2	10-01-99
MS-3	EXISTING CONDITIONS AND DEMOLITION DETAILS	10-01-99
MS-4	BULKHEAD/REVTMENT REHABILITATION PLAN SHEET 1 OF 2 (SUPERSEDED)	10-01-99
MS-4	BULKHEAD/REVTMENT REHABILITATION PLAN SHEET 1 OF 2	04-03-00
MS-5	BULKHEAD/REVTMENT REHABILITATION PLAN SHEET 2 OF 2	10-01-99
MS-6	BULKHEAD/REVTMENT REHABILITATION DETAILS SHEET 1 OF 2 (SUPERSEDED)	10-01-99
MS-6	BULKHEAD/REVTMENT REHABILITATION DETAILS SHEET 1 OF 2	04-03-00
MS-7	BULKHEAD/REVTMENT REHABILITATION DETAILS SHEET 2 OF 2	10-01-99
MS-8	BULKHEAD/REVTMENT REHABILITATION CATHODIC PROTECTION	10-01-99
MS-9A	BULKHEAD/REVTMENT REHABILITATION DETAILS ALTERNATE #1 (SUPERSEDED)	10-01-99
MS-9A	BULKHEAD/REVTMENT REHABILITATION DETAILS ALTERNATE #1	04-03-00

MS-10A	BULKHEAD/REVTMENT REHABILITATION DETAILS ALTERNATES #2 TO #4 (SUPERSEDED)	10-01-99
MS-10A	BULKHEAD/REVTMENT REHABILITATION DETAILS ALTERNATES #2 TO #4	04-03-00
LA-101.01	PLANTING PLAN TILE 01	10-01-99
LA-101.02	PLANTING PLAN TILE 02	10-01-99
LA-101.03	PLANTING PLAN TILE 03 (SUPERSEDED)	10-01-00
LA-101.03	PLANTING PLAN TILE 03 ADDITIONAL PLANTING AT TEMPORARY PARKING LOT	05-30-00
LA-101.04	PLANTING DETAILS [1]	10-01-99
LA-101.05	PLANTING DETAILS [2]	10-01-99
LA 1101	ADD ALTERNATE PLANTING PLANS	10-01-99
LD-001	SITE LIGHTING PLAN	10-01-99
LD-101.01	TILE 01 LIGHTING LAYOUT	10-01-99
LD-101.02	TILE 02 LIGHTING LAYOUT	10-01-99
LD-101.03	TILE 03 LIGHTING LAYOUT	10-01-99
LD-201	LIGHTING FIXTURE DETAILS	10-01-99
LD-202	FIXTURE DETAIL SHEET	10-01-99
LD-203	FIXTURE DETAIL SHEET	10-01-99
LD-401	SUGAR SHED LIGHTING PLAN	10-01-99
LD-1101	LIGHTING ALTERNATIVES PLAN	10-01-99
LD-1401	SUGAR SHED LIGHTING PLAN	10-01-99
LD-1411	LIGHTING ON SAW MILL	10-01-99
LD-1431	SMOKE STACK LIGHTING PLAN, SECTION	10-01-99

EXHIBIT 7

DESCRIPTION OF LANDS OWNED
AND TO BE RETAINED BY CITY OF YONKERS

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

Beginning at a point being a brass bolt set in the face of a concrete abutment wall, said bolt being on the westerly boundary of lands now or formerly of the New York Central Railroad, Hudson Division; said bolt having a radial of S. 70° 42' 45" E. to the center of a curve of said westerly boundary line, said bolt also being approximately 14 ft. from the corner formed by the intersection of the westerly side of the concrete abutment wall and the southerly side of Main Street, thence proceed the following courses and distances:

N. 70° 33' 29" W., 22.00 ft. to a curve to the right having a radius of 2564 ft. and a length of 58.43 ft. and a radial of S. 70° 42' 40" E.;

S. 70° 34' 06" W., 4.75 ft.;

N. 64° 43' 46" W., 31.58 ft. to a curve to the right having a radius of 20.00 ft. and a length of 16.19 ft. and a radial of N. 17° 58' 01" W.;

N. 61° 34' 51" W., 140.58 ft.;

S. 06° 24' 09" E., 18.78 ft.;

S. 16° 35' 55" E., 16.20 ft. to a curve to the right having a radius of 5.00 ft. and a length of 9.29 ft. continuing on a reverse curve to the left having a radius of 56.00 ft. and a length of 65.02 ft.

S. 13° 38' 00" W., 1.03 ft.;

S. 78° 15' 29" E. 15.11 ft. to a curve to the left having a radius of 55.00 ft. and a length of 30.33 ft.; continuing on a reverse curve to the right having a radius of 30.00 ft. and a length of 23.61 ft.;

S. 64° 43' 46" E. 54.37 ft. to a curve to the right having a radius of 30.00 ft. and a length of 43.45 ft. continuing on a reverse curve to the left having a radius of 65.00 ft. and length of 40.63 ft.;

N. 78° 45' 42" E., 85.98 ft. to a curve to the right having a radius of 2542 ft., a length of 18.99 ft. and a radial of S. 71° 08' 26" E., to the point or place of BEGINNING.

