

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director

625 Broadway, 12th Floor, Albany, New York 12233-7011

P: (518) 402-9706 | F: (518) 402-9020

www.dec.ny.gov

DEC 27 2019

Susan McCann
CPG Phase III Limited Partnership
90 State Street, Suite 602
Albany, NY 12207

Municipal Housing Authority for the City of Yonkers (MHACY)
1511 Central Park Avenue
Yonkers, NY 10710

TCB Holdings, Inc.
185 Dartmouth Street
Boston, MA 02116

Re: Certificate of Completion
Cottage Place Gardens Phase 3
City of Yonkers, Westchester County
Site No. C360150

Dear Ms. McCann, MHACY and TCB Holdings, Inc.:

Congratulations on having satisfactorily completed the remedial program at the Cottage Place Gardens Phase 3 site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to the Department's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:



Department of
Environmental
Conservation

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;

If you have any questions regarding any of these items, please contact Scott Deyette at (518) 402-9794.

Sincerely,



Michael J. Ryan, P.E.
Director
Division of Environmental Remediation

ec w/ enclosure:

Lauren Hauck, lauren.hauck@tcbinc.org
Jesse Batus, jbatus@tcbinc.org
Johanna Smith, jsmith@tcbinc.org
Kirk Moline, k.moline@ctmale.com
Christine Vooris - NYSDOH
Sara Bogardus - NYSDOH
Maureen Schuck - NYSDOH
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

S. Deyette
J. Brown
D. Bendell
A. Tamuno
K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
CPG Phase III Limited Partnership	90 State St, Suite 602, Albany, NY 12207

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 10/23/15	Agreement Execution: 12/3/15
Agreement Index No.: C360150-10-15	
Application Approval Amendment: 8/29/17	Agreement Execution Amendment: 8/29/17
Application Approval Amendment: 2/23/18	Agreement Execution Amendment: 3/27/18
Application Approval Amendment: 6/4/19	Agreement Execution Amendment: 6/4/19
Application Approval Amendment: 12/13/19	Agreement Execution Amendment: 12/13/19

SITE INFORMATION:

Site No.: C360150 **Site Name:** Cottage Place Gardens Phase 3
Site Owner: Municipal Housing Authority for the City of Yonkers (MHACY)
TCB Holdings, Inc.
Street Address: 10 Willow Place & 209 Warburton Avenue
Municipality: Yonkers **County:** Westchester **DEC Region:** 3
Site Size: 1.833 Acres
Tax Map Identification Number(s): 2.-2094-3, 2.-2098-1 (Portion of)
Percentage of site located in an EnZone: 100 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial

Cleanup Track: Track 1: Unrestricted use

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50 %.

Tangible Property Credit is 20%. Comprised of 10% Base, 5% EnZone, 5% Track 1.

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24 %.

No Environmental Easement has been granted pursuant to ECL Article 71, Title 36 as there are no use restrictions and there is no reliance on the long-term employment of institutional controls.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.


CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By:  Date: 12/27/19

Michael J. Ryan, P.E., Director
Division of Environmental Remediation

NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

Cottage Place Gardens Phase 3, Site ID No. C360150
209 Warburton Avenue, Yonkers, NY 10701
City of Yonkers, Westchester County, Tax Map Identification Numbers 2-2098-1 (Portion of)

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to CPG Phase III Limited Partnership for a parcel approximately 0.725 acres located at 209 Warburton Avenue in the City of Yonkers, Westchester County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

PLEASE TAKE NOTICE, provided that the Certificate is complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 3 located at 21 S. Pitt Corners Road, New Paltz, NY 12561, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

TCB Holdings, Inc.

By: _____

Title: _____

Date: _____

STATE OF _____) SS:
COUNTY OF _____)

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 is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

Please record and return to:
Susan McCann
CPG Phase III Limited Partnership
90 State Street, Suite 602
Albany, NY 12207

NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

Cottage Place Gardens Phase 3, Site ID No. C360150
10 Willow Place, Yonkers, NY 10701
City of Yonkers, Westchester County, Tax Map Identification Number 2-2094-3

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to CPG Phase III Limited Partnership for a parcel approximately 1.108 acres located at 10 Willow Place in the City of Yonkers, Westchester County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

PLEASE TAKE NOTICE, provided that the Certificate is complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 3 located at 21 S. Putt Corners Road, New Paltz, NY 12561, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Municipal Housing Authority for the City of Yonkers
(MHACY)

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

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 is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

Please record and return to:
Susan McCann
CPG Phase III Limited Partnership
90 State Street, Suite 602
Albany, NY 12207

Exhibit A
Site Description

C. T. MALE ASSOCIATES

Engineering, Surveying, Architecture & Landscape Architecture, D.P.C.

**DESCRIPTION
PHASE 3A
10 WILLOW PLACE
FORMERLY KNOWN AS 8 COTTAGE PLACE
PORTION OF LANDS NOW OR FORMERLY OF THE
MUNICIPAL HOUSING AUTHORITY FOR THE CITY OF YONKERS
CITY OF YONKERS, COUNTY OF WESTCHESTER, STATE OF NEW YORK
AREA = 48,261± SQUARE FEET OR 1.108± ACRES OF LAND**

All that certain tract, piece or parcel of land situate in the City of Yonkers, County of Westchester, State of New York, lying South of Willow Place and East of Warburton Avenue, and being more particularly bounded and described as follows:

BEGINNING at a point on the Southerly street boundary of Willow Place as established as a 35-foot-wide right-of-way, said point being situate South 81 deg. 36 min. 05 sec. East along said Southerly street boundary of Willow Place, a distance of 238.08 feet from its point of intersection with the Easterly street boundary of Warburton Avenue as established as a 50-foot-wide right-of-way and runs thence from said point of beginning South 81 deg. 36 min. 05 sec. East along said Southerly street boundary of Willow Place 203.92 feet to its point of intersection with the Westerly street boundary of Willow Place; thence South 08 deg. 04 min. 45 sec. West along said Westerly street boundary 44.95 feet to a point; thence through the lands now or formerly of the Municipal Housing Authority for the City of Yonkers Section 2 Block 2094 Lot 1 the following seven (7) courses: 1) South 08 deg. 04 min. 45 sec. West 25.42 feet to a point; 2) South 81 deg. 55 min. 08 sec. East 25.00 feet to a point; 3) South 08 deg. 04 min. 45 sec. West 181.70 feet to a point; 4) North 81 deg. 55 min. 08 sec. West 86.41 feet to a point; 5) North 40 deg. 59 min. 36 sec. West 41.61 feet to a point; 6) North 08 deg. 02 min. 12 sec. East 10.50 feet to the point and 7) North 81 deg. 55 min. 17 sec. West 91.47 feet to its point of intersection with the common division line between the said lands now or formerly of

C. T. MALE ASSOCIATES

Engineering, Surveying, Architecture & Landscape Architecture, D.P.C.

DESCRIPTION

AREA = 48,261± SQUARE FEET OF LAND

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the Municipal Housing Authority for the City of Yonkers Part of Section 2 Block 2094 Lot 1 on the East and lands now or formerly of the Municipal Housing Authority for the City of Yonkers Part of Section 2 Block 2094 Lot 1 and other lands now or formerly of the Municipal Housing Authority for the City of Yonkers Section 2 Block 2096 Lots 33, 33.34, and 38 on the West; thence North 08 deg. 04 min. 45 sec. East along the last mentioned common division line 162.17 feet to its point of intersection with the division line between the said lands now or formerly of the Municipal Housing Authority for the City of Yonkers Part of Section 2 Block 2094 Lot 1 on the North and said other lands now or formerly of the Municipal Housing Authority for the City of Yonkers Section 2 Block 2096 Lots 33, 33.34, and 38 on the South; thence North 81 deg. 55 min. 15 sec. West along the last mentioned division line 19.59 feet to its point of intersection with the above first mentioned division line; thence along said above first mentioned division line North 08 deg. 04 min. 45 sec. East 53.28 feet to the point or place of beginning and containing 48,261± square feet or 1.108 acre of land, more or less.

Subject to any covenants, easements or restrictions of record.

May 11, 2015

Revised February 15, 2018

JFC/nap/amb/wjn/car/amb

C.T. Male Project No. 15.5268



C. T. MALE ASSOCIATES

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

**AMENDED BCA SITE BOUNDARY
DESCRIPTION
PHASE 3B
209 WARBURTON AVENUE
CITY OF YONKERS, COUNTY OF WESTCHESTER, STATE OF NEW YORK
AREA = 31,591± SQUARE FEET OR 0.725± ACRE OF LAND**

All that certain tract, piece or parcel of land situate in the City of Yonkers, County of Westchester, State of New York, lying West of Warburton Avenue and South of Lamartine Avenue, and being more particularly bounded and described as follows:

COMMENCING at the point of intersection of the Westerly street boundary of Warburton Avenue (50-foot-wide right-of-way) with the Southerly street boundary of Lamartine Avenue (50-foot-wide right-of-way); thence from said point of commencement along said Southerly street boundary of Lamartine Avenue North 81 deg. 52 min. 46 sec. West 6.50 feet to the point or place of beginning and runs thence from said point of beginning through the lands now or formerly of TCB Holdings, Inc. as described in Book 54308 of Deeds at Page 3068 the following three (3) courses: 1) South 08 deg. 07 min. 14 sec. West 284.98 feet to a point; 2) North 81 deg. 52 min. 46 sec. West 120.23 feet to a point; and 3) North 08 deg. 07 min. 14 sec. East 92.86 feet to a point on the division line between the said lands now or formerly of TCB Holdings, Inc. on the South and the lands now or formerly of Marisol Ayala as described in Book 11974 of Deeds at Page 318 on the North; thence South 81 deg. 52 min. 46 sec. East along said division line 26.73 feet to its point of intersection with the division line between the said lands now or formerly of TCB Holdings, Inc. on the East and the said lands now or formerly of Marisol Ayala on the West; thence North 08 deg. 07 min. 14 sec. East along said division line 30.12 feet to its point of intersection with the division line between the

C. T. MALE ASSOCIATES

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

DESCRIPTION

AREA = 31,591± SQUARE FEET OF LAND

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said lands now or formerly of TCB Holdings, Inc. on the North and the said lands now or formerly of Marisol Ayala on the South; thence North 81 deg. 52 min. 46 sec. West along said division line 7.40 feet to its point of intersection with the division line between the said lands now or formerly of TCB Holdings, Inc. on the East and the lands now or formerly of Ellador Realty Corp. as described in Book 7560 of Deeds at Page 458 on the West; thence North 08 deg. 07 min. 14 sec. East along said division line 61.67 feet to its point of intersection with the division line between the said lands now or formerly of TCB Holdings, Inc. on the North and the said lands now or formerly of Ellador Realty Corp. on the South; thence North 81 deg. 52 min. 46 sec. West along said division line 12.60 feet to its point of intersection with the common division line between the said lands now or formerly of TCB Holdings, Inc. on the East and the lands now or formerly of Eric Watkins as described in Control Number 451300582, lands now or formerly of Raelynn Price as described in Book 10711 of Deeds at Page 137, lands now or formerly of Jacquelyn Brinney as described in Book 10715 of Deeds at Page 323 and other lands now or formerly of Jacquelyn Brinney as described in Book 11553 of Deeds at Page 157 on the West; thence North 08 deg. 07 min. 14 sec. East along said common division line 100.33 feet to its intersection with the above first mentioned Southerly street boundary of Lamartine Avenue; thence South 81 deg. 52 min. 46 sec. East along said Southerly street boundary 113.50 feet to the point or place of beginning and containing 31,591± square feet or 0.725 acre of land, more or less.

C. T. MALE ASSOCIATES

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

DESCRIPTION

AREA = 31,591± SQUARE FEET OF LAND

PAGE - 3

Subject to any covenants, easements or restrictions of record.



March 1, 2019

WJN/amb

C.T. Male Project No. 15.5268

Exhibit B

Site Survey

