



**ELECTRONIC MAIL SUBMISSION**

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*Revised October 17, 2019*

May 29, 2019

05697-0010

Ms. Kelly Lewandowski  
Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation

Education

Energy Utility

Forensics

Healthcare

Hospitality

Public Sector

Real Estate

Science & Technology

625 Broadway

Albany, NY 12233-7020

Email: [kelly.lewandowski@dec.ny.gov](mailto:kelly.lewandowski@dec.ny.gov)

RE: **Brownfield Cleanup Program Application - Revision**  
**Extell Hudson Waterfront LLC**  
**Former Excelsior Bag Site**  
**159 Alexander St., 161 Alexander St., and 15 Babcock Pl.**  
**City of Yonkers, Westchester County, New York**

Dear Ms. Lewandowski,

On behalf of the Owner and Requestor, Extell Hudson Waterfront LLC (Extell), Paulus, Sokolowski and Sartor Engineering, PC (PS&S) is pleased to submit this revised Brownfield Cleanup Program (BCP) Application for the Former Excelsior Bag Site (the Site) located in the City of Yonkers, New York.

The application and supportive narrative were revised to address comments received in the October 10, 2019 email response from NYSDEC.

Extell and PS&S appreciate your review of these revised BCP Application documents. Should you have any questions or require additional information, please contact James Boyer at 732-584-0695 or [jboyer@psands.com](mailto:jboyer@psands.com), or L. Miguel Salinas at 732-584-0435 or [lsalinas@psands.com](mailto:lsalinas@psands.com).

Very truly yours,

James Boyer, PE

**PAULUS, SOKOLOWSKI AND SARTOR ENGINEERING, P.C.**

cc: Janet Brown, NYSDEC; Alexandra Servis, NYSDEC; Michael Kilmer, NYSDEC; Jack Mandelbaum, Extell; Chanie Rosenberg, Extell; Christine Leas, SPR; Lisa DiGerolamo, PS&S; James Boyer, PS&S

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# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

**Yes**                      **No**                      **If yes, provide existing site number:** \_\_\_\_\_

**PART A (note: application is separated into Parts A and B for DEC review purposes)      *BCP App Rev 10***

<b>Section I. Requestor Information - See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE #:
NAME		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
<p>Is the requestor authorized to conduct business in New York State (NYS)?                      Yes      No</p> <ul style="list-style-type: none"> <li>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a>. A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. <b>Please note:</b> If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. <i>(See Attachment I)</i></li> </ul> <p>Do all individuals that will be certifying documents meet the requirements detailed below?      Yes      No</p> <ul style="list-style-type: none"> <li>Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. <b>Documents that are not properly certified will be not approved under the BCP.</b></li> </ul>		
<b>Section II. Project Description</b>		
1. What stage is the project starting at?	Investigation	Remediation
<p>NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.</p>		
2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2):	Yes	No
<p>3. Please attach a short description of the overall development project, including:</p> <ul style="list-style-type: none"> <li>the date that the remedial program is to start; and</li> <li>the date the Certificate of Completion is anticipated. <i>(See Attachment II)</i></li> </ul>		

### Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit the 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).** (See Attachment III)

**2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.**

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
Other*			

\*Please describe: \_\_\_\_\_

**3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:**

- SAMPLE LOCATION
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED
- FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
- FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
- FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\*

(\*answering No will result in an incomplete application)

Yes

No (See Attachment III)

**4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):**

Coal Gas Manufacturing	Manufacturing	Agricultural Co-op	Dry Cleaner
Salvage Yard	Bulk Plant	Pipeline	Service Station
Landfill	Tannery	Electroplating	Unknown

Other: \_\_\_\_\_

**Section IV. Property Information - See Instructions for Further Guidance**

PROPOSED SITE NAME

ADDRESS/LOCATION

CITY/TOWN

ZIP CODE

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

COUNTY

SITE SIZE (ACRES)

LATITUDE (degrees/minutes/seconds)

LONGITUDE (degrees/minutes/seconds)

**Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, 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 far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS. (See Attachment IV)**

Parcel Address	Section No.	Block No.	Lot No.	Acreage

1. Do the proposed site boundaries correspond to tax map metes and bounds? Yes    No  
 If no, please attach an accurate map of the proposed site. (See Attachment IV)

2. Is the required property map attached to the application? Yes    No  
 (application will not be processed without map) (See Attachment IV)

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? Yes    No  
 (See [DEC's website](#) for more information)

If yes, identify census tract : \_\_\_\_\_

Percentage of property in En-zone (check one):      0-49%                  50-99%                  100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes    No

If yes, identify name of properties (and site numbers if available) in related BCP applications: \_\_\_\_\_

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? Yes    No

6. 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? Yes    No  
 If yes, attach relevant supporting documentation.

7. Are there any lands under water? (See Attachment IV) Yes    No  
 If yes, these lands should be clearly delineated on the site map.

**Section IV. Property Information (continued)**

8. Are there any easements or existing rights of way that would preclude remediation in these areas? If yes, identify here and attach appropriate information.  Yes  No

<u>Easement/Right-of-way Holder</u>	<u>Description</u>
Drainage Easement/City of Yonkers	<i>Will not preclude remediation. See Attachment IV.</i>

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
Tidal Wetlands	DEC 06/31/2019	#3-5518-00067/00014
Water Quality Certification	DEC 06/31/2019	#3-5518-00067/00015
Excavation and Fill	DEC 06/31/2019	#3-5518-00067/00016
Section 10 of the Rivers and Harbors Act of 1898 /33 U.S.C. § 101	USACOE 07/12/2019	#NAN-2017-01366

10. Property Description and Environmental Assessment – please refer to application instructions for the proper format of each narrative requested. *(See Attachment IV)*

Are the Property Description and Environmental Assessment narratives included in the prescribed format?  Yes  No

**Note:** Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits?  Yes  No  
If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?  Yes  No

13. If you have answered Yes to Question 12, 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?  Yes  No

**NOTE:** If a tangible property tax credit determination is not being requested in the application to participate in the BCP, 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 IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor:     *ll*    \_\_\_\_\_

**Section IV. Property Information (continued)**

8. Are there any easements or existing rights of way that would preclude remediation in these areas?  
 If yes, identify here and attach appropriate information. Yes      No

Easement/Right-of-way Holder

Description

*Will not preclude remediation. See Attachment IV.*

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.** *(See Attachment IV)*

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**? Yes      No

**Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City**

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? Yes      No

If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? Yes      No

13. If you have answered Yes to Question 12, 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? Yes      No

**NOTE:** If a tangible property tax credit determination is not being requested in the application to participate in the BCP, 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 IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: \_\_\_\_\_

**BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)**

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>	DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____
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NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE

ADDRESS

CITY/TOWN	ZIP CODE
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PHONE	FAX	E-MAIL
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NAME OF REQUESTOR'S CONSULTANT

ADDRESS

CITY/TOWN	ZIP CODE
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PHONE	FAX	E-MAIL
-------	-----	--------

NAME OF REQUESTOR'S ATTORNEY

ADDRESS

CITY/TOWN	ZIP CODE
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PHONE	FAX	E-MAIL
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**Section VI. Current Property Owner/Operator Information – if not a Requestor**

CURRENT OWNER'S NAME	OWNERSHIP START DATE:
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ADDRESS

CITY/TOWN	ZIP CODE
-----------	----------

PHONE	FAX	E-MAIL
-------	-----	--------

CURRENT OPERATOR'S NAME

ADDRESS

CITY/TOWN	ZIP CODE
-----------	----------

PHONE	FAX	E-MAIL
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**PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".**  
*(See Attachment VI)*  
**IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.**

**Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)**

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? Yes    No
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes    No
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. Yes    No

**Section VII. Requestor Eligibility Information (continued)**

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, regulation of the state or federal government? If so, provide an explanation on a separate attachment. Yes No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. Yes No
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? Yes No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves 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? Yes No
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 or made a false statement in connection with any document or application submitted to DEC? Yes No
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? Yes No
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? Yes No
11. Are there any unregistered bulk storage tanks on-site which require registration? Yes No

*(See Attachment VII)*

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

**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 checking this box, 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; 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.**





**Section X. Land Use Factors**

1. What is the current municipal zoning designation for the site? \_\_\_\_\_  
 What uses are allowed by the current zoning? (Check boxes, below)  
     Residential      Commercial      Industrial *(See Attachment X)*  
 If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use:    Residential    Commercial    Industrial    Vacant    Recreational    (check all that apply)  
*(See Attachment X)*  
**Attach 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.**

3. Reasonably anticipated use Post Remediation:    Residential    Commercial    Industrial (check all that apply) **Attach a statement detailing the specific proposed use.** *(See Attachment X)*  
 If residential, does it qualify as single family housing? Yes    No

4. Do current historical and/or recent development patterns support the proposed use? <i>(See Attachment X)</i>	Yes    No
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5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary. <i>(See Attachment X)</i>	Yes    No
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary. <i>(See Attachment X)</i>	Yes    No
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**XI. Statement of Certification and Signatures**

(By requestor who is an individual)

If this application is approved, I hererby 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 the 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: N/A

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am Authorized Signatory (title) of Extell Hudson Waterfront LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a 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 the 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: 2019.05.28 Signature: 

Print Name: Gary Barnett

**SUBMITTAL INFORMATION:**

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
  - Chief, Site Control Section
  - New York State Department of Environmental Conservation
  - Division of Environmental Remediation
  - 625 Broadway
  - Albany, NY 12233-7020

**FOR DEC USE ONLY**

**BCP SITE T&A CODE:** \_\_\_\_\_ **LEAD OFFICE:** \_\_\_\_\_



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# ATTACHMENT I

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## BCP Application Section I Supplementary Documentation



Brownfield Cleanup Program Application  
Extell Hudson Waterfront Development LLC  
Former Excelsior Bag Site  
159 Alexander St, 161 Alexander St and 15 Babcock Pl, Yonkers, NY 10701

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**Section I – Requestor Information:**

The Requestor is Extell Hudson Waterfront LLC, which is a Delaware limited liability corporation, authorized to do business in New York. A copy of the entity information from the Department of State (DOS) database is attached below. The sole member of Extell Hudson Waterfront LLC is a wholly owned subsidiary of Extell Hudson Waterfront Mezz LLC, which in turn is a wholly owned subsidiary of Extell Hudson Waterfront Holdings LLC, which is owned by Extell Holding Corp and Gary Barnett.



Brownfield Cleanup Program Application  
Extell Hudson Waterfront Development LLC  
Former Excelsior Bag Site  
159 Alexander St, 161 Alexander St and 15 Babcock Pl, Yonkers, NY 10701

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## **ATTACHMENT II**

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# **BCP Application Section II Supplementary Documentation**



**Section II – Project Description:**

Development Project Concept: The proposed Site is part of the Hudson Piers development project (the “Project”) that will be constructed pursuant to the City of Yonkers Alexander Street Master Plan/Urban Renewal Area Plan (refer to Section X for additional information on this Plan). The Project encompasses the proposed Site, and the Former BICC Cables Site (BCP Site No. C360051), at which remediation has been completed and a Certificate of Completion (COC) was issued in August 2017. Two low-rise buildings (referred to as Building E and Building F) and a portion of a third building (Building D) will be constructed on the proposed Site. All of the buildings will be five stories over a two-story podium. The buildings will have podium level open space courtyards with resident amenities, including an indoor pool, pool deck, shade structures, and landscaping, and rain gardens for storm water collection and treatment. Proposed additional amenities include a resident fitness room, game room and indoor basketball court.

Building E has a proposed total of 243 units and a gross square footage of 333,110 with 6,239 square feet dedicated to retail. Building F has a proposed total of 142 units and a gross square footage of 240,428 with 10,946 square feet dedicated to retail. The proposed Site will also house a portion of Building D, which is mainly located on the Former BICC Cable site. Building D will also be a low rise building with similar design to Buildings E and F. Total proposed gross square footage of Building D is 205,186, and total unit count is 176. Buildings D, E, and F will all be constructed as pile supported slab on grade structures with no subgrade levels.

Remedial Program Schedule: The Requestor anticipates that Site remediation work will start in about six months (February 2020), and would require approximately fourteen months, with completion in April 2021. Existing building demolition will be necessary to complete remediation and will therefore precede remediation. Redevelopment of the Site is anticipated to commence after the remediation is complete. The schedule below describes the planned investigation/remediation timeline.

<u>BCP Milestone</u>	<u>Estimated Start Date</u>
Project Set-up / BCP Application	June 2019
Investigation / Assessment	August 2019
Remediation	April 2020
Closure Documentation	July 2021
Certificate of Completion Issuance	August 2021



Brownfield Cleanup Program Application  
Extell Hudson Waterfront Development LLC  
Former Excelsior Bag Site  
159 Alexander St, 161 Alexander St and 15 Babcock Pl, Yonkers, NY 10701

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## **ATTACHMENT III**

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# **BCP Application Section III Supplementary Documentation**





Brownfield Cleanup Program Application  
Extell Hudson Waterfront Development LLC  
Former Excelsior Bag Site  
159 Alexander St, 161 Alexander St and 15 Babcock Pl, Yonkers, NY 10701

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### **Section III – Properties Environmental History:**

#### **Item 1 – Reports:**

The following is the list of environmental reports available for the Site. Copies of the reports are separately attached as Section III Attachment I to this document (provided electronically by CD in the hard copy submission).

1. Phase I ESA, dated September 2017, prepared by Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C; and,
2. Phase II ESA, dated April 2017, prepared by EBI Consulting.

#### **Item 3: Site Drawing**

Site drawings which provide required information detailed in Section III, Item 3 of the BCP Application Form are attached below. In addition, exceedances above applicable SCGs are also tabulated in summary tables attached below.<sup>1</sup>

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<sup>1</sup> Analytical summary tables provided in the April 2017 Phase II ESA did not compare to applicable (Restricted Residential) SCGs. The summary tables provided herein as attachments were updated to display applicable SCG exceedances.



Brownfield Cleanup Program Application  
Extell Hudson Waterfront Development LLC  
Former Excelsior Bag Site  
159 Alexander St, 161 Alexander St and 15 Babcock Pl, Yonkers, NY 10701

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## **ATTACHMENT IV**

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# **BCP Application Section IV Supplementary Documentation**



## **Section IV – Property Information**

The following Site information was obtained from the May 2019 Survey of Property<sup>2</sup>, prepared by Ward Carpenter Engineering, Inc., July 2019 USGS Site Location Map, prepared by Paulus, Sokolowski and Sartor Engineering, PC (PS&S), Excelsior and Surrounding BCP Sites Historic Fill and NAPL Locations, prepared by PS&S, City of Yonkers Tax Maps 205 and 219 prepared by the City of Yonkers Assessment Department, Tax Map, prepared by PS&S, and Excelsior Site Proposed Subdivision Tax Map, prepared by PS&S. The referenced documents are provided as attachments below.

### **Item 1 - Tax Map/Metes and Bounds Information, and Item 2 - Property Map:**

The Site is comprised of the upland portion of two tax lots identified in the attached Tax Map, as Section 2, Block 2615, Lot 18 (corresponding to address 159 Alexander Street), and Section 2, Block 2620, Lot 1 (corresponding to address 161 Alexander Street), and all of the tax lot identified in the Tax Map as Section 2, Block 2620, Lot 36 (this tax lot contains no land underwater). Section 2, Block 2615, Lot 18, and Section 2, Block 2620, Lot 1 contain underwater lands which are not owned by the Requestor.

On June 6, 2019, a proposed Subdivision Map and Site Plans of the Site were submitted for review and comment to the City of Yonkers. The proposed subdivision of the existing tax lots would result in the following tax lots, Section 2, Block 2232, Colman Way (Private Street); Section 2, Block 2232, Proposed Lot 10 (Building E); Section 2, Block 2232, Fisherman Way (Private Street); Section 2, Block 2232, Proposed Lot 11 (Building F); and Section 2, Block 2232, Proposed Lot 2.

An accurate representation of the Site's property boundary (metes and bounds) is shown on the Survey of Property (attached below). In addition, this Site survey also identifies the additional map features required by the BCP Application Form (i.e., map scale in feet, north arrow orientation, date, location of the property with respect to adjacent streets, roadways, and property owners, and proposed brownfield property boundary).

### **Item 8 - Existing Easements/Right of Ways:**

An existing City of Yonkers drainage easement exists on the Site as identified on the May 2019 Survey of Property. The easement would not preclude remediation from occurring in this area, however, remediation would need to be designed to maintain the structural integrity of the drainage system.

### **Item 10 – Property Description and Environmental Assessment**

Property description and environmental assessment information below was prepared using information obtained from the September 2017 Phase I ESA prepared by Langan Engineering and the April 2017 Phase II ESA prepared by EBI Consulting (full reports are provided as separate attachments to this document).

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<sup>2</sup> Per the June 26, 2019 NYSDEC Letter of Incompleteness request, this figure has been reduced to an 11"x17" format. As a result, the figure scale can no longer be considered as accurate.



Location:

The Site is bound to the north by the BICC Cables New York State Brownfield Cleanup Program (BCP) site (BCP Site No. C360051, to the east by Alexander Avenue, and beyond that a Metropolitan Transit Authority (MTA) bus depot, to the south by the PolyChrome West BCP site (BCP Site No. C360099), and to the west by the Hudson River. A Site map showing the Site layout and the location of adjacent BCP sites is provided below in the Excelsior and Surrounding BCP Sites Historic Fill and NAPL Location figure.

Site Features:

The Site contains an existing  $\pm 97,000$ -square-foot one- and two-story building located on the central and southern portions of the property. An approximate 19,000-square foot vegetated area occupies the area adjacent to the northern boundary. The remaining Site footprint is covered by asphalt/concrete surfaces.

Current Zoning and Land Use:

The Site's current zoning is Industrial with a Planned Urban Redevelopment (PUR) Special Use Permit allowing for the development of residential/commercial uses. Please refer to Section X for additional information.

Past Use of the Site:

*1898:* Based on review of the 1898 sanborn maps, the Site had not yet been developed.

*1899 – 1917:* Based on review of the 1917 sanborn map, the Site is developed with several buildings in the southeast corner of the parcel. The northernmost building is identified as Yonkers Hay & Grain Co. Yerks & Co.-Lumber & Coal occupies the southeastern corner of the Site as well as the southeastern and adjacent property. There is a coal pocket, several piles of lumber and a larger building associated with the Lumber & Coal Company on the Site. There is a steam boiler and a dry kiln in the northeastern corner of the lumberyard on the Site. New York Central Freight Yard railroad tracks occupy the northeastern portion of the Site.

*1918 – 1942:* Based on review of the 1942 sanborn map, the Site is improved with a centrally located building identified as the New York Engineering Company (NYEC). There are three small buildings off the northeastern corner of the larger building. A second building to the east of the NYEC is identified as Otto Brehm Wholesale Flour.

There are two docks in the southwestern portion of the Site on the Hudson River. The J.A. Mahlstedt Lumber Company occupies the southeastern portion of the Site as well as the adjacent property. There are no coal pockets or lumber piles indicated on the 1942 map. There are several connected buildings in the southeastern portion of the Site.

*1943 – 1951:* Based on review of the 1951 sanborn map, the centrally located building's (NYEC) footprint was expanded to the north and a blacksmith occupies this area. The southern portion of the Site is now occupied by Arthur G. Blair Inc. Boat Building. The buildings in the southeastern corner of the Site appear similar to the 1942 map and there are three buildings to the west of these developed



between 1942 and 1951. These include two storage buildings and a building with castor oil products. There is a boiler room with two boilers to the north of the building holding the castor oil products. There is also a boiler room to the east of the castor oil building in the northern part of the machine shop in the southeast corner of the Site. There are two sheds in the southwestern corner of the Site. The two docks that were in the southwestern corner were razed between 1942 and 1951.

*1952 – 1956:* Based on review of the 1956 sanborn map, the two sheds in the southwestern corner of the parcel were razed between 1951 and 1956. A small guardhouse was added to the north of the large storage buildings.

*1957 – 1971:* Based on review of the 1971 sanborn map, a large machine shop is shown on the north portion of the Subject Property, north of the NYEC. In the southern portion of the Subject Property, the three large storage buildings, two boiler rooms, and guardhouse were all razed between 1957 and 1971. This left the large building in the southeast of the property and the small building to the northwest of it. The large building in the southeast of the Subject Property is only partially drawn.

*1972 – 1991:* The NYEC and the Whole Flour Mill building were razed between 1971 and 1978. These buildings were centrally located on the property. The building in the southeast of the property appears to have been altered. There are two new buildings in the southwestern portion of the property. There is no indication on the map of the buildings uses.

*1992 - 2012:* The Site was operated by the Excelsior Transparent Bag Manufacturing Corporation for manufacturing and printing of bags since at least 1992. Evidence of former manufacturing equipment (ink mixing machine, ink storage vats, polyethylene bead aboveground storage tanks, former parts cleaning area, etc.) was observed during the site inspection conducted during the 2017 Phase I ESA. Additionally, numerous floor drains were noted throughout the interior of the Site.

*2012-Present:* The Site has been used intermittently since approximately 2014 as a film studio. A Phase I ESA, dated September 2017, was conducted by Langan Engineering which identified the following:

- Recognized environmental concerns (RECs): historic use of the property and one 2,000 gallon fuel oil storage underground storage tank (UST).
- Historic recognized environmental concerns (HRECs): a closed spill related to two 2,900 gallon USTs formerly containing alcohol-based solvents; and an additional closed spill related to an unknown quantity of n-propanol and n-propylacetate.
- Business environmental risks (BERs): Site-wide historic fill soils and regional groundwater quality.

A Phase II ESA, dated April 2017 was conducted by EBI Consulting to investigate the identified RECs (further detailed in the Environmental Assessment section below).

Site Topography: According to the USGS City of Yonkers, N.Y. Quadrangle 7.5-minute Series Topographic Map, the upland portion of the Site sits at an elevation of approximately 10 feet above msl. The Site and surrounding area slope to the west toward the Hudson River, which is located adjacent to the west of the Site.



Site Geology: Based on a review of the “Surficial Geological Map of New York: Lower Hudson Sheet” dated 1989 and prepared by Donald H. Cadwell, the Site is underlain by lacustrine sand, which consists of sand deposits associated with large bodies of water, generally a near-shore deposit or near a sand source, well sorted, stratified, generally quartz sand, with variable thickness. According to the “Geologic Map of New York: Lower Hudson Sheet”, dated March 1970 and prepared by Lawrence V. Rickard, Yngvar W. Isachsen, and Donald W. Fisher, bedrock at the Site is expected to consist of garnet-bearing gneiss and interlayered quartzite containing varying amounts of biotite, garnet, sillimanite; with minor marble, amphibolite, and rusty paragneiss.

Site Hydrology: Based on topographical contours surrounding the Site, the close proximity to surface water (the Hudson River), and supporting information provided in previous environmental reports and site surveys, the groundwater is expected to flow west towards the Hudson River.

#### Environmental Assessment

A Phase II ESA was conducted in April 2017 by EBI Consultants to assess the potential impacts from RECs identified in a February 2017 Phase I ESA, prepared by Langan Engineering (updated in September 2017). Identified RECs were historical industrial and manufacturing uses and the reported former petroleum 2,000-gallon UST on the northern end of the property.

Based on data obtained from the April 2017 Phase II ESA, the primary contaminants of concern of the Site include chlorinated solvents (specifically, PCE and TCE) detected in soil vapor beneath the existing building slab, petroleum related VOCs (specifically, Benzene, Ethylbenzene, Isopropylbenzene and Xylenes) detected in groundwater in the southeast corner of the Site, various SVOCs Site-wide in subsurface historic fill soils and groundwater, and Priority Pollutant (PP) Metals Site-wide in subsurface historic fill soils.

Of note, the February 2017 Phase I ESA (updated September 2017) HREC which identified evidence of the two former USTs containing alcohol-based solvents (located in the southeast corner of the Site) was not thoroughly investigated as part of the April 2017 Phase II ESA.

Further, the presence of floating light non-aqueous phase liquid (LNAPL), on top of the groundwater table and dense non-aqueous phase liquid (DNAPL), between 15 to 30 feet below ground surface was encountered immediately adjacent to the Site’s southern property boundary at the Avalon Polychrome West Site (BCP Site No. C360099)<sup>3</sup>. The Con Edison MGP site, located at Woodworth Avenue and Ashburton Avenue, is within an eighth of a mile from both the Excelsior Bag and Avalon Polychrome West Sites and is upgradient with respect to groundwater flow. A Site map showing the location of adjacent BCP sites and the Con Edison MGP site is provided as an attachment below.

The presence of LNAPL and DNAPL was not reported on-Site during the Phase II ESA conducted in April 2017; however, the four Phase II soil borings conducted within closest proximity to the Site’s

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<sup>3</sup> Information was obtained from the Polychrome West (BCP Site No. C360099) Remedial Investigation Report (RIR), dated September 8, 2017 and the Pre-Design Investigation (PDI) Results Report, dated December 8, 2017.



southern property boundary (within approximately 65 feet) encountered refusal between 2.5 to 4 feet BGS and groundwater was not encountered. The closest soil boring to the southern property boundary conducted to groundwater was SB-3, located approximately 100 feet north of the Site's southern boundary. Neither LNAPL nor DNAPL were reported at SB-3, however a petroleum odor was observed, and several elevated PAHs were reported in the soil sample analysis above the Restricted Residential Use Soil Cleanup Objectives (RRES SCOs). In addition, petroleum related VOCs (specifically, Benzene, Ethylbenzene, Isopropylbenzene and Xylene) were reported in groundwater above applicable SCGs. Based on the presence of NAPL in the surrounding upgradient properties (Con Edison MGP site) and cross gradient to the South (Avalon Polychrome West Site- BCP Site No. C360099) it is anticipated that LNAPL and DNAPL exist in the southern portion of Site.

Impacted media are summarized further below (information derived from the April 2017 Phase II ESA).

Subsurface Soil: As part of the Phase II ESA, 13 soil borings (SB-1 through SB-13) were installed. One to two samples were collected from each soil boring and submitted for analysis of VOCs via EPA Method 8260, SVOCs via EPA Method 8270, and Priority Pollutant 13 (PP13) Metals. One soil sample collected from each boring was analyzed for polychlorinated biphenyls (PCBs) via EPA Method 8082A.

The exceedances above RRES SCOs are shown on the soil applicable SCG exceedances figure and in the applicable SCG exceedances summary tables (provided as attachments in Attachment III).

Detected concentrations of several SVOCs (Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Chrysene, Dibenzo(a,h)anthracene, Indeno(1,2,3-cd)pyrene and 2-Methylnaphthalene) were above the RRES SCOs. SVOC exceedances were reported in 7 of the 13 soil borings conducted.

Detected concentrations of PP metals (specifically, Arsenic, Copper, Lead, and Mercury) were above the RRES Use SCOs. Metals exceedances were reported in 4 of the 13 soil borings conducted.

Groundwater: Groundwater samples were collected from 6 temporary small-diameter PVC monitoring wells inserted into soil borings SB-2, SB-3, SB-4, SB-6, SB-7 and SB-8. One groundwater sample was collected from each groundwater monitoring well and submitted for analysis of VOCs by EPA Method 8260, SVOCs by EPA Method 8270 and Priority Pollutant 13 (PP13) Metals.

The location of groundwater sample exceedances above the relevant NYSDEC Water Quality Standards for Surface Waters and Groundwater (Class GA) standards are depicted on the groundwater applicable SCG exceedances figure and in the applicable SCG exceedances summary tables (provided as attachments in Attachment III).

In summary, the groundwater on the southeast side of the Site has been impacted with low levels of petroleum related VOCs (specifically Benzene, Ethylbenzene, Isopropylbenzene, and Xylenes).



Several SVOCs were also detected above NYSDEC Water Quality Standards for Surface Waters and Groundwater (Class GA) in all six groundwater samples collected Site-wide.

Sub-Slab Soil Vapor: Four temporary sub-slab soil vapor points (designated SV-1, SV-2, SV-3 and SV-4) were installed beneath the concrete building slab. One sub-slab soil vapor sample was collected from each soil vapor point and submitted for analysis of VOCs via EPA Method TO-15.

The location of the soil vapor samples and exceedances above NYSDOH Decision Matrix thresholds potentially requiring “Mitigate”<sup>4</sup> are depicted on the soil vapor applicable SCG exceedances figure and in the applicable SCG exceedances summary tables (provided as attachments in Attachment III).

In summary, elevated concentrations of PCE were detected in all four sub-slab soil vapor samples. Elevated concentrations of TCE were also detected in 2 of the 4 sub-slab soil vapor samples.

#### 07/02/2019 Supplemental Investigation Sampling

##### Subsurface Soil:

As part of a Supplemental Investigation (SI), 7 soil borings (SB-14 through SB-20) were installed to a maximum depth of 10-feet below ground surface (bgs). One sample was collected from each soil boring and submitted for analysis of VOCs via EPA Method 8260, SVOCs via EPA method 8270, TAL Metals via EPA 6010D, and PCBs via EPA method 8082A.

The exceedances above RRES SCOs are shown on the soil applicable SCG exceedances figure and in the applicable SCG exceedances summary tables (provided as attachments in Attachment III).

Detected concentrations of several SVOCs (Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, and Indeno (1,2,3- cd) pyrene) were above the RRES SCOs. SVOC exceedances were reported in 3 of the 6 soil borings conducted.

Detected concentrations of TAL Metals (specifically, Arsenic, Lead, and Mercury) were above the RRES Use SCOs. Metals exceedances were reported in 3 of the 6 soil borings conducted.

Groundwater: Additionally, 1 groundwater sample was collected from one 2-inch diameter PVC temporary monitoring well (TW-1), and submitted for analysis of VOCs by EPA Method 8260, SVOCs by EPA Method 8270 and TAL Metals by EPA Method 6020.

The location of groundwater sample exceedances above the relevant NYSDEC Water Quality Standards for Surface Waters and Groundwater (Class GA) standards are depicted on the groundwater applicable SCG exceedances figure and in the applicable SCG exceedances summary tables (provided as attachments in Attachment III).

Detected concentrations of SVOCs (specifically, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Chrysene, and Indeno(1,2,3- cd)pyrene) were above the

<sup>4</sup> Indoor air samples were not obtained during the April 2017 Phase II ESA.





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NYDSEC Water Quality Standards for Surface Waters and Groundwater (Class GA) in temporary groundwater monitoring well TW-1.

07/17/2019 Supplemental Investigation Sampling

Subsurface Soil:

As a continued part of the SI, 1 soil sample (SB-21) was collected from 0-feet to 3-feet bgs within proposed Lot 9, and submitted for analysis of VOCs via EPA Method 8260, SVOCs via EPA method 8270, TAL Metals via EPA 6010D, and PCBs via EPA method 8082A.

The exceedances above the RRES SCOs are shown on the applicable SCG exceedances figure in the applicable SCG exceedances summary tables (provided as attachments in Attachment III).

Detected concentrations of several SVOCs (Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Dibenzo(a,h)anthracene, and Indeno (1,2,3- cd) pyrene) were above the RRES SCOs. SVOC exceedances were reported in the 1 collected soil sample.

Detected concentrations of TAL Metals (specifically, Arsenic, and Lead) were above the RRES Use SCOs. Metals exceedances were reported in the 1 collected soil sample.



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## **ATTACHMENT V**

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# **BCP Application Section V Supplementary Documentation**



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**This Attachment V has been intentionally left blank in the event future supplementary documentation is needed for Section V of the BCP Application**



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## **ATTACHMENT VI**

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# **BCP Application Section VI Supplementary Documentation**



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**Section VI – Current Property Owner/Operator Information**

Previous Site owners are provided in the table below. Information was obtained from the attached Commonwealth Land Title Insurance Company 100 Year Deed Chain.

**Table VI(a): Previous Owners**

<u>Date of Deed</u>	<u>Previous Owner</u>	<u>Relationship with Current Owner</u>	<u>Tax Parcel Identification Prior to 10/16/19</u>	<u>Tax Parcel Identification After 10/16/19</u>
<b>159 Alexander Street (Section 2, Block 2615, Lot 18)</b>				
11/13/1900	George J. Roberts	None	Section 2, Block 2615, Lot 18	Southeastern portion of Lot 2; Southern extent of Lot 11; Southern extent of Riverside Drive; Southern extent of Esplanade.
12/28/1905	Elijah M. Yerks William E. Yerks	None		
03/29/1926	Yerks & Co., Inc.	None		
11/07/1935	Yerks & Co. Elijah M. Yerks William E. Yerks	None		
07/01/1942	Yerks & Co. Medora W. Yerks Gertrudes S. Moore Isabel M. Yerks	None		
04/01/1943	Arthur G. Blair, Inc.	None		
09/30/1954	Matrad Corporation	None		
05/11/1966	Matrad Corporation	None		
07/12/1966	Petar Corp	None		
07/27/1966	Edward J. Petrillo	None		
03/13/1967	Ludlam-Lowy Realty Corp.	None		
12/13/1971	New York Engineering Company	None		
<b>161 Alexander Street (Section 2, Block 2620, Lot 1)</b>				
11/18/1891	The New York Central and Hudson River Railroad Company	None	Section 2, Block 2620, Lot 1	Southern extent of Lot 9; Western sections of Colman Way, Lot 10, and Fisherman Way; Northwestern Section of Lot 11; Northern majority of Esplanade.
12/30/1904	New York Central and Hudson River Railroad Company	None		
07/12/1905	The New York Central and Hudson River Railroad Company	None		
06/30/1909	New York State Realty and Terminal Company	None		
01/27/1958	Ludlam-Lowy Realty Corp.	None		
<b>Both 159 and 161 Alexander Street</b>				
10/17/1972	B.J. 96 Corp	None	Section 2, Block	<b>Southeastern portion of Lot 2;</b> Southern extent of Lot 11;
09/29/2017	One Point Street, Inc.	Seller		



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09/29/2017	Extell Hudson Waterfront, LLC.	Owner	2615, Lot 18; Section 2, Block 2620, Lot 1	Southern extent of Riverside Drive; Southernmost portion of Esplanade; Southern extent of Lot 9; Western sections of Colman Way, Lot 10, and Fisherman Way; Northwestern Section of Lot 11; Northern extent of Esplanade.
<b>Babcock Place (Section 2, Block 2620, Lot 36)</b>				
06/02/1909	The New York State Realty and Terminal Company	None	Section 2, Block 2620, Lot 36	Northern portion of Lot 9; Eastern sections of Colman Way, Lot 10, and Fisherman Way; Northeastern portion of Lot 11; Western-most portion of Riverside Drive
06/30/1909	New York State Realty and Terminal Company	None		
12/30/1904	New York Central and Hudson River Railroad Company	None		
12/30/1904	New York Central and Hudson River Railroad Company	None		
11/18/1891	The New York Central and Hudson River Railroad Company	None		
06/04/1975	Phelps Dodge Industries, Inc.	None		
07/16/1976	Samuel Cohen, Sally Cohen, Michael Cohen and Arlene Neustein	None		
09/14/2004	159 Babcock Company LLC	None		
09/29/2017	One Point Street, Inc. Alexander Street, Yonkers, NY 10701 (914) 968-1300	Seller		
09/28/2017	Extell Hudson Waterfront LLC 805 Third Avenue, 7 <sup>th</sup> Floor New York, NY 10022 (732) 901-9006	Current Owner		

Previous Site operators are provided in the table below. Information was obtained from the September 2017 Phase I ESA.

**Table VI(b): Previous Operators**

<u>Year</u>	<u>Previous Operators</u>	<u>Relationship with Current Owner</u>	<u>Tax Parcel Identification Prior to 10/16/19</u>	<u>Tax Parcel Identification After 10/16/19</u>
1917	Yonkers Hay & Grain Company Gwinzburger & Wiell Fat & Bone Yerks & Co. Lumber & Coal	None	N/A	N/A



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1942	New York Engineering Company Otto Brehm Wholesale Flour, J.A. Mahlstedt Lumber Company	None	N/A	N/A
1951	New York Engineering Company Arthur G. Blair Inc.	None	N/A	N/A
1971	New York Engineering Co.	None	N/A	N/A
1972	NY Engineering Co	None	Section 2, Block 2615, Lot 18	Southeastern portion of Lot 2; Southern extent of Lot 11; Southern extent of Riverside Drive; Southern extent of Esplanade.
1977	Excelsior Transpnt	None	Section 2, Block 2615, Lot 18	Southeastern portion of Lot 2; Southern extent of Lot 11; Southern extent of Riverside Drive; Southern extent of Esplanade.
1981	Capitol Lighting Excelsior Trns Bag James A. Lembo CPA	None	N/A	N/A
1982	AM Med Hse Cls Inc Capitol Lighting Excelsior Trns Bag James A Lembo CPA	None	Section 2, Block 2615, Lot 18	Southeastern portion of Lot 2; Southern extent of Lot 11; Southern extent of Riverside Drive; Southern extent of Esplanade.
1986	Capitol Lighting Excelsior Trns Bag James A Lembo CPA	None	N/A	N/A
1987	Capitol Lighting Excelsior Trns Bag James A Lembo CPA	None	Section 2, Block 2615, Lot 18	Southeastern portion of Lot 2; Southern extent of Lot 11; Southern extent of Riverside Drive; Southern extent of Esplanade.
1992	Capitol Lighting Prods Capitol Lighting Products Corp Excelsior Transparent Bag MFG Corp	None	N/A	N/A
1992	Lembo, Jas A, CPA	None	Section 2, Block 2615, Lot 18	Southeastern portion of Lot 2; Southern extent of Lot 11; Southern extent of Riverside Drive; Southern extent of Esplanade.
1995	Excelsior Transparent Bag MFG Corp Lembo, Jas A, CPA	None	N/A	N/A
1999	Excelsior Transparent Bag Manufacturing Corporation Lembo William J CPA	None	N/A	N/A
2003	Lembo William J CPA Poly Flex	None	N/A	N/A



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2008	Excelsior Packaging Group Inc The	None	N/A	N/A
2013	Excelsior Transparent Bag Manufacture Alexander Street, Yonkers, NY 10701 (914) 968-1300	Seller	Section 2, Block 2615, Lot 18; Section 2, Block 2620, Lot 1; Section 2, Block 2620, Lot 36	Colman Way, Esplanade, Fisherman Way, Riverside Drive, Lot 2, Lot 9, Lot 10, Lot 11





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## **ATTACHMENT VII**

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# **BCP Application Section VII Supplementary Documentation**



## **Section VII – Requestor Eligibility Information**

### **Item 11 - Bulk Storage Tanks:**

According to information provided in the 2017 Phase II ESA and the associated EDR Report, a former 2,000-gallon fuel oil underground storage tank (UST) was installed at the Site on December 1, 1981 and was removed on August 1, 1997. The tank was historically used to heat the building on the north end of the Site. The UST is listed in the NY UST Database under ID 3-028878 with a “closed-removed” status. No documentation of UST piping network and/or soil conditions in the area of the UST subsequent to removal was obtained during the 2017 Phase I ESA.

In addition, evidence of two 2,900-gallon USTs formerly containing alcohol-based solvents were noted during the 2017 Phase I ESA. The presumed location of these USTs is located along the southeastern exterior wall of the on-Site building. A tank test failure was reported to the NYSDEC on August 13, 1994 and a New York State Spill case (Spill #: 9406513) was opened. According to the spill case narrative (only one tank was discussed in the spill case narrative) the tank was pumped out and soil excavation was performed to remove impacted material from around the tank. The two USTs were opened during the completion of 2000 Phase I ESA. Since the 2000 Phase I ESA, the spill was closed by NYSDEC on April 28, 2010. Details with respect to the date of soil excavation, soil quantities removed, and samples collected (if any) were not provided. In addition, no UST IDs were identified.

Following review of the available historic data included in this report, as well as review of the NYDSEC Department of Environmental Remediation online Bulk Storage Tank database, it has been determined that there are no existing bulk storage tanks at the Site which require registration with the NYSDEC.

### **Requestor’s Volunteer Status Eligibility:**

The Requestor is a Volunteer, as its liability arises solely as a result of ownership and operation of the Site; it took title to the property after the disposal/release of hazardous waste and petroleum, conducted all appropriate inquiry to into the condition of the property, and determined that there are no continuing discharges. Since taking title, the Requestor has exercised appropriate care by taking reasonable steps to prevent future releases and limit human, environmental and natural resource exposure to previously released hazardous waste.



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## **ATTACHMENT VIII**

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# **BCP Application Section VIII Supplementary Documentation**



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**This Attachment VIII has been intentionally left blank in the event future supplementary documentation is needed for Section VIII of the BCP Application**



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## **ATTACHMENT IX**

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# **BCP Application Section IX Supportive Narrative and Documentation**



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**Section IX – Contact List Information**

**Table IX(a): Contact List**

<b>Company</b>	<b>Name / Title</b>	<b>Address</b>	<b>Phone</b>
<b>The Chief Executive Officer</b>	Michael Spano, Mayor	City Hall 40 South Broadway Yonkers, New York 10701	(914) 377-6270
<b>The City Zoning Bureau</b>	Wilson Kimball, Commissioner. Planning and Development Bureau of Housing and Buildings	City Hall Annex 87 Nepperhan Ave. Yonkers, New York 10701	(914) 377-6797
<b>The County Zoning Bureau</b>	Renee Toback, Chair. Westchester County Department of Planning	148 Martine Ave. Room 432 White Plains, NY 10601	(914) 995-4400
<b>Residents, owners, and occupants of the Site and properties adjacent to the Site</b>	<i>See Table IX(b) below.</i>		
<b>Local news media from which the community typically obtains information</b>	The Journal News	One Gannet Drive White Plains, New York 10604	(914) 694-9300
<b>The public water supplier</b>	Thomas G. Meier, Commissioner City of Yonkers Bureau of Water Department of Public Works	City Hall 40 South Broadway, Room 311 Yonkers, New York 10701	(914) 377-6270
<b>Any person who has requested to be placed on the Site contact list</b>	No one has requested to be put on the list to date.	However, we intend to voluntarily send information regarding this project to the adjacent property owners listed in Table IX(b).	
<b>The administrator of any school or day care facility located on or near the Site</b>	The Riverside High School	Riverside High School 565 Warburton Avenue Yonkers, NY 10701 (approx. 1.8 miles from the Site).	(914) 376-8425
<b>The location of a document repository for the project (e.g., local library)</b>	Yonkers Public Library, Riverfront Branch <sup>5</sup>	One Larkin Center Yonkers, New York 10701	(914) 337-1500

**Table IX(b): Site Owner and Adjacent Property Owners Contact Information**

<b>The Site and Adjacent Properties</b>	<b>Name / Title</b>	<b>Address</b>	<b>Phone</b>
<b>Former Excelsior Bag (the Site)</b>	Jack Mandelbaum, Senior Vice President, Extell Development Company	805 Third Avenue, 7 <sup>th</sup> Floor, New York, NY 10022	(732) 901-9006
<b>Former BICC Cables Site (Adjacent Property to the north of the Site)</b>	Jack Mandelbaum, Senior Vice President, Extell Development Company	805 Third Avenue, 7 <sup>th</sup> Floor, New York, NY 10022	(732) 901-9006
<b>Former Polychrome West Site (Adjacent Property to the south of the Site)</b>	Christopher Capece, AvalonBay Communities, Inc., Vice President of Development	58 South Service Road Suite 303 Melville, NY 11747	(516) 501-6004
<b>MTA Bus Depot (Adjacent Property to the east of the Site)</b>	Assistant General Manager (name not provided)	59 Babcock Place	(914) 964-7200
<b>Greystone Bakery (Adjacent Property to the east of the Site)</b>	Mike Brady/President and CEO	21 Park Avenue Yonkers NY 10703	(914) 376-3900

<sup>5</sup> The selected public repository’s letter of acknowledgement is provided as an attachment below.



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## **ATTACHMENT X**

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# **BCP Application Section X Supportive Narrative and Documentation**



## **Section X – Land Use Factors**

### **Items 1-6 - Current Municipal Zoning Designation/Comprehensive Community Master Plans, Current Use, and Reasonably Anticipated Use Post Remediation:**

The Site's current zoning is Industrial with a Planned Urban Redevelopment (PUR) Special Use Permit allowing for the development of residential/commercial uses. The Site has been used intermittently since approximately 2014 as a film studio. The Site is located in an area that is subject to the Alexander Street Master Plan, Urban Renewal Plan. A Brownfield Opportunity Area (BOA) Plan was approved by the Yonkers Community Development Agency (CDA) in October 2008, and by the Yonkers City Council in May 2009, but has not been designated by the Department of State. The Alexander Street Urban Renewal Plan Area is approximately 153 acres in area and is bounded by the Hudson River to the west, Wells Avenue to the south, the Metro-North Railroad right-of-way to the east, and the northern end of Trevor Park and JFK Marina Park to the north. The proposed Site is centrally located in this area along the Hudson River waterfront. The Master Plan, Urban Renewal Plan and BOA Plan were adopted by the Yonkers City Council in May 2009. A Planned Urban Redevelopment (PUR) Comprehensive Development Plan (CDP) for the area was adopted by the Yonkers City Council in September 2011.

On February 10, 2017, the Project received, from the City of Yonkers Planning Board, a Planned Urban Redevelopment (PUR) Special Use Permit allowing for the development of residential/commercial space consistent with the Alexander Street Master Plan/Urban Renewal Area (URA) Plan. The February 2017 Approved PUR Special Use Permit is provided as an attachment below.

The Subject Property has been used intermittently since approximately 2014 as a film studio. Prior to this use, the Subject Property was used for industrial manufacturing by Excelsior Transparent Bag Manufacturing Corporation since at least 1992. Manufacturing operations at the Subject Property ceased in 2012. Possible contaminant source areas at the Subject Property are detailed in the separately attached Phase I ESA, dated September 2017, prepared by Langan Engineering.

The anticipated future use of the Site following remediation, is mixed commercial and residential development, with public open space courtyards. The proposed Development Project Concept is further detailed in Attachment II.





## SPECIAL SEARCH

July 24, 2019

Chanie Rosenberg  
Extell Development Company  
525 East County Road, Suite 12  
Lakewood NJ 08701

<b>Special Search No.</b>	SS190179
<b>Premises:</b>	Parcel 1: 161 Alexander Street, Yonkers, NY Section 2 Block 2620 Lot 1
	Parcel 2: 159 Alexander Street, Yonkers, NY Section 2 Block 2615 Lot 18
	Parcel 3: Babock Place, Yonkers, NY Section 2 Block 2620 Lot 36

**Commonwealth Land Title Insurance Company** hereby certifies that according to the public records, as of the certification date stated below, the following:

### 100 Year Deed Chain:

#### **A. 159 Alexander Street (Section 2 Block 2615 Lot 18):**

1. Deed made by The Yonkers Gas Light Company to George J. Roberts dated 11/13/1900 and recorded 12/3/1900 in Liber 1566 Page 416. **(Covers premises and more)**
2. Deed made by George J. Roberts to Elijah M. Yerks and William E. Yerks dated 12/28/1905 and recorded 12/29/1905 in Liber 1733 Page 47. **(Covers premises and more)**
3. Deed made by Elijah M. Yerks and William E. Yerks composing the firm of Yerks & Co., Medora W. Yerks (wife of Elijah M Yerks), Mary S. Yerks (wife of William E. Yerks) a/k/a May S Yerks to Yerks & Co., Inc. dated 3/29/1926 and recorded 4/1/1926 in Liber 2649 Page 380. **(Covers premises and more)**
4. Deed made by Yerks & Co. Inc. to Elijah M Yerks, William E Yerks as co-partners under the firm name of Yerks & Co. dated 11/7/1935 and recorded 9/15/1942 in Liber 4023 Page 321. **(Covers premises and more)**
5. Deed made by Medora W. Yerks and Irving Trust Company as executors of the Last Will and Testament of Elijah M. Yerks, deceased sole surviving and liquidating partner of Yerks & Co. a partnership to Medora W. Yerks (1/2 interest), Gertrudes S. Moore (1/4 interest) and Isabel M. Yerks (1/4 interest) dated 7/1/1942 and recorded 9/15/1942 in Liber 4023 Page 318. **(Covers premises and more)**

6. Deed made by Medora W. Yerks to Arthur G. Blair, Inc. dated 4/1/1943 and recorded 5/14/1943 in Liber 4065 Page 444. **(Covers premises and more)**
7. Deed made by Arthur G. Blair, Inc. to Matrad Corporation dated 9/30/1954 and recorded 12/24/1954 in Liber 5406 Page 489. **(Covers premises and more)**. See Correction Deed in Liber 6613 Page 327.
8. Deed made by Arthur G. Blair, Inc. to Matrad Corporation dated 5/11/1966 and recorded 5/17/1966 in Liber 6613 Page 327. **(Covers premises and more)**. Corrects Deed in Liber 5406 Page 489.
9. Deed made by Matrad Corporation to Petar Corp dated 7/12/1966 and recorded 8/1/1966 in Liber 6636 Page 472. **(Covers premises and more)**
10. Deed made by Petar Corp to Edward J. Petrillo dated 7/27/1966 and recorded 8/1/1966 in Liber 6636 Page 478. **(Covers premises and more)**
11. Deed made by Edward J. Petrillo to Ludlam-Lowy Realty Corp. dated 3/13/1967 and recorded 3/15/1967 in Liber 6693 Page 559. **(Covers premises)**
12. Ludlam-Lowy Realty Corp is merged with and survived by New York Engineering Company by certificate of merger dated 12/13/1971 and recorded 2/4/1972 in Liber 48 Page 387.

**B. 161 Alexander Street (Sec 2 Block 2620 Lot 1):**

1. As to the southerly part of 161 Alexander Street and more:  
Deed made by Thomas C. Cornell and Jane E. Cornell to The New York Central and Hudson River Railroad Company dated 11/18/1891 and recorded 12/1/1891 in Liber 1252 Page 347.
2. As to the central part of 161 Alexander Street and more:  
Deed made by Imogen Jones Rockwall as executrix of the Last Will and Testament of Alfred Jones deceased to The New York Central and Hudson River Railroad Company dated 12/30/1904 and recorded 1/17/1905 in Liber 1697 Page 361.
3. As to the northwesterly part of 161 Alexander Street:  
Deed made by Charlotte McCallum, Annie L. Van Ness and Laura C. Richardson to The New York Central and Hudson River Railroad Company dated 7/12/1905 and recorded 7/18/1905 in Liber 1716 Page 86.
4. As to the northeasterly part of 161 Alexander Street:  
Deed made by Charlotte McCallum, Laura C. Richardson, Harold D. Van Ness, Irene May Van Ness, Theodore K. Van Ness, Dudley R. Van Ness and Alina L. Van Ness to New York State Realty and Terminal Company dated 6/30/1909 and recorded 7/13/1909 in Liber 1878 P 453.

Note: There is no conveyance of record from New York State Realty and Terminal Company ("NYS R&T Co") to The New York Central Railroad Company ("NYCRRCO"). NYS R&T Co was organized for the purpose of acquiring property for NYCRRCO. Therefore it is assumed that title to the premises was transferred from NYS R&T Co to NYCRRCO through unrecorded documents.

5. The New York Central and Hudson River Railroad Company changed its name to New York Central Railroad Company in 1914.

6. As to all of 161 Alexander Street:  
Deed made by The New York Central Railroad Company to Ludlam-Lowy Realty Corp. dated 1/27/1958 and recorded 2/6/1958 in Liber 5780 Page 237.
7. Ludlam-Lowy Realty Corp. is merged with and survived by New York Engineering Company by certificate of merger dated 12/13/1971 and recorded 2/4/1972 in Liber 48 Page 387

**C. Now, both 159 and 161 Alexander Street vests in New York Engineering Company. chain continues:**

1. Deed made by New York Engineering Company to B.J. 96 Corp. dated 10/17/1972 and recorded 10/20/1972 in Liber 7083 Page 207.
2. Deed made by B.J. 96 Corp. to One Point Street Inc. dated 9/29/2017 and recorded 12/14/2017 in Control No. 573133082.
3. Deed made by One Point Street Inc. to Extell Hudson Waterfront LLC dated 9/29/2017 and recorded 12/14/2017 in Control No. 573133153.

**D. Babcock Place (Section 2 Block 2620 Lot 36):**

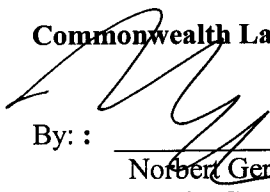
1. Deed made by Sarah Price to The New York State Realty and Terminal Company dated 6/2/1909 and recorded 7/8/1909 in Liber 1879 Page 387. **(Conveys northerly part of premises and more)**
2. Deed made by Charlotte McCallum, Laura G. Richardson, Harold P. Van Ness, Irene May Van Ness, Theodore R. Van Ness, Dudley R. Van Ness and Alida L. Van Ness to New York State Realty and Terminal Company dated 6/30/1909 in Liber 1878 Page 453. **(Conveys an 11/12 interest in the northerly part of premises and more)**
3. Deed made by Imogen Jones Rockwell Individually and as Executrix of the Last Will and Testament of Alfred Jones; Ellen Jones, and Sarah J. Wells to the New York Central and Hudson River Railroad Company dated 12/30/1904 recorded 1/17/1905. Liber 1697 Page 364. **(Conveys middle portion of premises and more.)**
4. Deed made by Imogen Jones Rockwell as Executrix of the Last Will and Testament of Alfred Jones to The New York Central and Hudson River Railroad Company dated 12/30/1904 and recorded 1/17/1905 in Liber 1697 Page 361. **(Conveys middle portion of premises and more)**
5. Deed made by Thomas C. Cornell and Jane E. Cornell, his wife to The New York Central and Hudson River Railroad Company dated 11/18/1891 and recorded 12/1/1891 in Liber 1697 Page 364. **(Conveys southerly third of premises and more.)**
6. Deed made by Robert W. Blanchette, Richard C. Bond and John McArthur, Trustees of the Property of Penn Central Transportation Company, Debtor, to Phelps Dodge Industries, Inc. dated 6/4/1975 and recorded 6/19/1975 in Liber 7768 Cp 523.
7. Deed made by Phelps Dodge Industries Inc. to Samuel Cohen, Sally Cohen, Michael Cohen and Arlene Neustein dated 7/16/1976 recorded 8/3/1976 in Liber 7342 Cp 797.
8. Deed made by Arlene Neustein and Cynthia Gaines (i) as executors of the Last Will and Testament of Samuel Cohen, (ii) as executors of the Last Will and Testament of Michael Cohen, and (iii) as surviving co-executors of the Last Will and Testament of Sally Cohen; and by Arlene Neustein individually to 159 Babcock Company LLC dated 9/14/2004 and recorded 5/16/2005 in Control No 451150357

9. Deed made by 159 Babcock Company LLC to One Point Street Inc. dated 9/29/2017 and recorded 12/14/17 in Control Number 573133125.
10. Deed made by One Point Street, Inc. to Extell Hudson Waterfront LLC dated 9/28/2017 and recorded 12/14/2017 in Control Number 573133533.

NOTE: This is a limited search. No search has been made against any parties other than those mentioned herein. This search is for informational purposes only and the Company's liability is expressly limited to the cost paid for this search.

Certification Date: May 28, 2019

**Commonwealth Land Title Insurance Company**

By:   
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Norbert Gerstner  
For the Company