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PLANNED URBAN REDEVELOPMENT (PUR) SPECIAL USE PERMIT APPLICATION & COMPREHENSIVE DEVELOPMENT PLAN

PUR PROJECT EXECUTIVE SUMMARY

This Planned Urban Redevelopment ("PUR") Special Use Permit application ("PUR Permit") is being submitted in relation to the proposed historic preservation and redevelopment of the 1904-7, 4.2 acre Yonkers Glenwood Power Plant site (the "Plant Site") located at 45-45A Water Grant Block 2635, Lots 1, 15 and 19. See Exhibit "A", Tax Map of Site and Surrounding Area. This Plant Site has sat vacant for more than 40 years, yet sits majestically on the Hudson River near downtown Yonkers, New York in a location with magnificent views of the river and the, Palisades to the east, the Tappan Zee Bridge to the north and New York City to the south. Under the PUR Comprehensive Development Plan ("CDP"), the three existing former power plant buildings ("Plant Buildings") will be transformed into a new destination facility for not only local Yonkers residents, but also the regional and the international communities. The Plant Buildings will be stabilized, preserved and redeveloped into a mixed-use, destination facility. Consistent with the adopted May 2009 Master Plan and current IP (Planned Industrial) zoning, the PUR CDP proposes two hotels, restaurants, lounge bar(s), retail space(s), related back-of-house and support uses and possibly a spa health and wellness center,. The PUR CDP also proposes a new conference and retreat center, exhibition center, cultural/community space, and associated assembly spaces under the PUR special use permit (collectively, the "Plant Project").

I. The Plant Project

The proposed 256,475 square foot Project in pre-existing historic buildings is anticipated to serve as a multi-faceted catalyst for economic growth - creating 1,800 construction jobs and an estimated 955 permanent jobs - in numerous sectors including hospitality, retail, service and management. See Exhibit "C" Series Exhibits for Architectural Concept Drawings. The hotels and convention center will be designed for a capacity of between 1,600 and 3,500 individuals at any one given time. Architectural and structural integrity studies are currently underway for the reuse of the industrial
buildings to be readapted for habitable, commercial and community use, with diverse activities in business, arts, culture, retail and hospitality. A significant aspect of the Plant Project and associated cost will be structural stabilization repairs to restore the historic structures and features, and environmental remediation both inside and outside of the on-Site structures. Members of the public may have already observed some of this work at the Plant Site beginning to take place. The restoration of the unique on-Site Power Plant structures will be a painstaking process, but should result in a show case project, which coupled with other unique projects such as the daylighting of the Saw Mill River at Van der Donck Park, will create a true tourist, entertainment, local and business center “destination” location in the City of Yonkers.

This Project’s vision is consistent with the Yonkers Alexander Street Master Plan, and Urban Renewal Plan, each adopted in May 2009 (the “Master Plan”, and “URP” respectively). The Master Plan provided that one of the potential reuses for the historic Power Plant buildings, which were slotted to be preserved, was a large scale commercial entertainment "destination."\(^1\) As further analyzed below, most of the proposed reuses for the on-Site structures are fully permitted under the Site’s existing IP (Planned Industrial) zoning. Despite some as-of-right zoning for the hotels, restaurants and spa components, other aspects of the Project including the convention center and restored docks, require the proposed PUR Permit as further analyzed in this application.

There will be four distinct “destination” spaces, which will all be connected internally through an interior corridor not currently in existence, and which will make each space accessible to all parties entering the facility. The

\(^1\) Master Plan p. 4-4 (Key Elements of the Master Plan): In addition to these four main land use goals, the Alexander Street Master Plan will.... Preserve and adapt existing historic buildings, such as the City Jail and the Glenwood Power Station; p. 4-8 (Adaptive Reuse of Historic Structures): This plan also recognizes that there is currently a plan to reuse the former Glenwood Power Plant and its site for residential purposes with associated small-scale retail and restaurant uses, or for larger-scale entertainment type activities. Like the jail, the power plant site is immediately adjacent to a Metro-North train station (the Glenwood station), and a convenient pedestrian link with the building may be realized; p. 4-12 (Parking): commercial development will generally supply the needs of the surrounding neighborhood allow residents to walk to nearby commercial establishments; the retail and commercial environment contemplated by this Master Plan does not aim to attract patrons arriving by automobiles. The exception to this general rule is the retail space designated to Parcel N, the Glenwood Power plant and the city jail site, which is planned for destination type commercial uses as described previously.
program for the four destination spaces, including the three buildings and outdoor, enclosed Courtyard area include:

- Smoke Stack Building – This building on the southern portion of the Site will be converted into a Reception area and Café Restaurant on the ground floor. The Hotel will be on upper floors on either side of the building and extend over the “Coal Bin” restaurant in the center of the building up to the roof level. The large interior atrium in the center will focus on the preserved smoke stacks. Individual meeting rooms will be developed inside the actual smoke stacks.

- Great Turbine Hall – This center Plant Site building will be converted into the convention center, exhibition space. Toward this end, the large interior space will be preserved for this use. There will also be a vertical retail component on upper levels on each side of the building, and possibly a health and wellness center spa.

- Enclosed Courtyard – Currently just an open-air space, which exists north of the Turbine Hall building and south of the Switch House building, this space will be converted into an enclosed Courtyard with a glass roof housing a restaurant, café and seasonal garden, and will allow for passage from the Great Turbine Hall building into the Switch House Building.

- Switch House Building – This Building on the northern portion of the Site will be converted into a corporate retreat with an intimate hotel, an assembly hall/ballroom as well as a restaurant and café. The Reception area will be on the ground level, the café/restaurant on the 2nd floor, the conference retreat area on the 3rd floor, and the intimate hotel on the upper floors. The only exterior structural change to the Plant buildings will be a two-story addition on this Building to accommodate the need for additional hotel room space. Since so much of the interiors of the buildings are being preserved, including the historic four rotaries being refurbished on the first floor of this building, this leaves too little interior room for reuse without the two story addition. See Exhibit “C”, Plant Project Architectural Concept Drawings Series.

II. The Parks Improvement Project
A. Road Improvements
The Plant Site sits on a parcel of land surrounded by the Hudson River on three sides (north, west, and south) without current access to a public road.
The dirt road present to the east has historically served as the physical access point into the Site, but which land is leased by Metro North as an easement. The only access to this dirt road easement is through the adjacent Trevor and JFK Marina Parks (the Parks’). Therefore, the paved road that is currently present, and is known as JFK Memorial Drive, which commences on Warburton Avenue near the Hudson River Museum, and descends down the large hill into JFK Marina’s large paved parking lot, is the only access point into the Site, and the gateway access for the Plant Project.

The May 2009 Master Plan fully recognized that a new road network would have to be created through the Parks into order to provide not only access to this Plant Site, but to connect the Parks to the north to Alexander Street to the south for the benefit of the new waterfront community envisioned in the Master Plan. The Master Plan also recognized that parkland alienation would be required in relation to portions of the road network that have to connect the Plant Site to JFK Memorial Drive, which roadway connection is required to be constructed on parkland. However, the Plan concluded that: “Any resulting loss in parkland acreage will more than be compensated for by the addition of new parkland along the Alexander Street Waterfront.”

This has turned out to be the case since the Initial PUR Permit for Parcels E, G-1, H-1, I-1, J included 8 acres of public park land and open space,

---

2 Master Plan p. 3-4 (Access to Master Plan Area, really a reference to the roadway): Roadway access where it currently exists should be enhanced, while new public pedestrian and vehicular access is to be established across the Point Street Bridge and through connections at the Glenwood railroad station, and through JFK Memorial Park; p. 4-4 (Open Space and Parkland): The linkage to the north, between the Alexander Street Waterfront Area and the Glenwood Power Station/JFK Marina Park area, will consist of a minimum 15-foot-wide walkway along a new roadway, or “causeway,” that is proposed as a vehicle and pedestrian link along the river’s edge; Figure 4-2: References “Create an East-West Crossing from the Power Plant Site to Glenwood Avenue or Ravine Avenue”; p. 6-3 (Pedestrian and Vehicular Circulation and Parking): The southbound section of JFK Memorial Drive would be extended farther southward to provide vehicular access to the Glenwood Power Station site and any new residential and retail construction on Development Parcel S. The alignment of this extension would closely parallel the Metro-North right-of-way.

3 Master Plan pp. 4-6 to 4-7 (Transportation Improvements): In addition, the Master Plan includes a new “causeway” that parallels the Hudson River and links the southern sections of Alexander Street with the Glenwood Power Station site and JFK Marina Park to the north. This causeway will enable the public esplanade to make the connection between the north and south sections of the waterfront area. In addition, the causeway will facilitate traffic flows, including emergency vehicles, and will link JFK Memorial Drive to the Alexander Street Waterfront area. JFK Memorial Drive, the entrance and internal roadway within JFK Marina Park is located in a mapped City park.
including an esplanade along the Hudson River. This represented 1.5 acres more open space than required by the Master Plan, which called for 17.5 acres of new parkland and open space, or 4.67 acres of public open space for every 1,000 dwelling units based on the planned 3,752 units in the Master Plan area. Applying these requirements to the Initial PUR Permit approved wherein 1,395 units are planned, only 6.5 acres of new public parkland and open space were required for Parcels E, G-1, H-1, I-1, J. Nevertheless, the owners opted to develop additional parkland acreage. Despite currently additional 1.5 acres of parkland that has already been planned in the Initial PUR Permit, this second PUR Permit application will analyze how the proposed Project will mitigate any impacts by replacing parkland on a greater than one-for-one basis directly on the Site through unique design and enhancements to Trevor and JFK Marina Parks. The now minimally active Parks will be stimulated with new passive and active recreational activities, while simultaneously providing for the necessary parking facility and road network envisioned in the Master Plan.

B. Subgrade Parking Structure and Roof Top Recreation Park

Toward this end, the Master Plan, while recognizing that this new neighborhood would be predominantly transit oriented and rely significantly on Metro North train transportation, made an exception with respect to the parking requirements at the Glenwood Power Plant Site at page 4-12 in the Parking Section:

commercial development will generally supply the needs of the surrounding neighborhood and allow residents to walk to nearby commercial establishments; the retail and commercial environment contemplated by this Master Plan does not aim to attract patrons arriving by automobiles. The exception to this general rule is the retail space designated to Parcel N, the Glenwood Power plant and the city jail site, which is planned for destination type commercial uses as described previously. [emphasis added].

However, the Parking Allocation Guidelines in Table 4-4, which dedicated 133 parking spaces to the Site, was silent on where such parking facilities would exist. In addition, only 25,000 square feet of commercial space was planned for buildings with the potential for over 250,000 square feet of commercial space. The lack of analysis in the Master Plan with regard to the
physical square footage of the large on-Site facility buildings and the location of parking required for what will ultimately be a 256,475 square foot large scale commercial destination facility (this includes the proposed two story addition on the Switch House), will be accounted for and analyzed in this PUR Permit application, the upcoming Environmental Impact Statement ("EIS") and during the parkland related legislative process.

Essentially, in order to accommodate the minimum 855 parking spaces required for the planned 256,475 square foot Plant Project commercial facility in a manner compliant with the Master Plan’s transit-oriented development (TOD) principles, and still provide the required public commercial parking spaces required for the Plant Project, a Parks Improvement Project will be required, which will include new park amenities and enhancements beyond those that exist in each Park, in exchange for essentially the ability to house a subsurface parking facility with such new Park amenities on the rooftop of the parking facility, which shall be essentially hidden from view and seamlessly blend into the landscape on the same physical footprint as the current parkland. See Exhibit “B” Proposed Parks Improvement Project Concept Plan. A similar roof top park/ parking structures concept has been recently utilized in conjunction with new parking lots containing roof top parks associated with the new Yankee’s stadium in the Bronx.

The Parks Improvement Project is required in conjunction with the Plant Project because the on-Site Smoke Stack, Turbine Hall and Switch House buildings ("Project Buildings") occupy virtually the entire Plant Site footprint, making off-Site parking in one of the two parks a mandatory component of the Plant Project. The only land available for a parking facility is adjacent parkland. Several alternative designs will be analyzed in the EIS, and input will be received from members of the public, before the Concept Plan is finalized.

The unique new three-bay, two-story parking structure is being proposed for construction in the slope of the large hill, which shall utilize currently unused space in the slope of the hill in Trevor Park for what will be referred to in the application as a “subgrade parking structure”. The roof of the subgrade parking structure, which will occupy the same physical footprint as

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4 See PUR CDP Requirement V: Major Parking and Loading Areas for additional details about the Parking Space Calculations.
the parkland being used, will actually serve to expand useable parkland acreage by a full acre resulting from the flattening out of the slope through the roof structure. The unique “invisible” design will simultaneously allow for the construction of the 870 vehicle parking structure under the flat roof, which will allow for three new ball fields in place of the current two, and three new play courts. While one of the current play courts is not accounted for in the current design, an entire new ball field is added and all of the fields and courts will be new and improved. In addition, a new, improved, and much larger tot playground will also be added outside the hidden parking structure footprint. The current 0.04 acre playground is outdated and will be replaced with a 0.18 acre playground.

In addition, JFK Marina Park, which is now essentially a large paved parking lot with unimproved grass areas, with the exception of a gazebo, grill and bathroom, shall be transformed into an entirely new park with the parking moved to the north, the center of the park made into active parkland space, and the park area to the south made into a new open space courtyard area and entrance into the Plant Project Site. All along the waterfront perimeter of JFK Marina will be the esplanade envisioned in the Master Plan. The only impact is a reduction in the number of parking spaces slotted for boat trailers, which acreage will be exchanged for more parkland. The vast majority of the existing 50 boat trailer spaces remain unused every day. Most of the boaters that utilize this park use small kayaks and canoes. Therefore, the number of large boat trailer parking spaces has been slotted to be reduced in the Concept Plan in Exhibit “B” for the purpose of expanding the usable park area, and reducing stormwater run off. The final number of proposed spaces (10) should be more than sufficient to accommodate the number of large boats that use the public marina. The Applicant will consider all public comments on this proposed parkland reconfiguration. If this concept is unacceptable, such comments will be considered. However, the new park design was considered more desirable for all park users and would still fully accommodate the boaters and the marina.

Since the overall impact of the Plant Project in conjunction with the Parks Improvement Project will enhance both Parks, the City is supporting the required parkland legislation that must be adopted by the State legislature and Governor to facilitate this Project. See Mayor’s Letter of Support attached in Exhibit D. New recreational passive and active sports activities, and community-related events will be designed into the final Concept Plan to attract members of the general public of all ages. For example, an
outdoor barge amphitheater for operas and plays may be staged off a dock in the river to support a “theater in the park” series for more mature citizens while the tot park will attract youngsters. The details of the Plant Project Concept Plan and Parks Improvement Plan will be described throughout this application.

The PUR Permit applicant, Glenwood POH, LLC, understands that State legislation is required before the PUR Permit can be issued for the Parks Improvement Project described herein, which is essential to support the Plant Project. Therefore, this PUR Permit application shall be subsequently amended as required to include the final PUR Permit requirements for the Parks Improvement Project once the legislation is approved. However, this application, the attached Environmental Assessment Form (“EAF”) and the Draft Environmental Impact Statement (“DEIS”) that will be prepared subsequent to a State Environmental Quality Review Act (“SEQRA”) scoping session, will analyze all the impacts of the proposed PUR new uses on the Project Site and in the Parks as required by the most recent March 2012 Handbook on the Alienation and Conversion of Municipal Parkland in New York (the “Handbook”), prepared by the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) and to be fully compliant with SEQRA.

In sum, the Project presents a unique and extraordinary opportunity to expand and enhance Yonkers’ appeal as a destination, as well as raise its local, regional, national and international profile. It will also serve as a national model for innovative architectural preservation and full adaptation of former Power Plant structures.

I. **Acreage Requirement - Yonkers Zoning Code §43-72(1)**

Pursuant to Yonkers Zoning Code Chapter 43, Article VII, §43-72(1), a Planned Urban Redevelopment (PUR) Special Use Permit (PUR Permit) is permitted in all approved Urban Renewal Areas (URAs) on tracts of land two or more acres in the aggregate. A PUR is designed to assist owners of larger tracts of land to develop areas in URAs with maximum zoning flexibility. The proposed PUR Permit application is being submitted in relation to a 4.3 acre privately owned parcel known as a Glenwood Power Plant currently located at 45-45a Water Grant on Tax Blocks 2635 Lots 1,
15 and 19 (the "Plant Site")\(^5\). Therefore, the first PUR acreage requirement in Yonkers Zoning Code §43-72(1) has been met.

The 4.3 acre Plant Site is owned by Glenplace Equities and Kenneth L. Capolino. However, Glenwood POH, LLC (the "Applicants") is the contract vendee and plans to purchase the Plant Site shortly. See Exhibit “A” and the Tax Block and Lot Chart below depicting current ownership and acreage of each lot and the acreage of the Parks:

<table>
<thead>
<tr>
<th>Owner</th>
<th>Section</th>
<th>Block</th>
<th>Lot</th>
<th>Official Address</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glenplace Equities</td>
<td>2</td>
<td>2635</td>
<td>1</td>
<td>45 Water Grant</td>
<td>0.4541 acres</td>
</tr>
<tr>
<td>Glenplace Equities</td>
<td>2</td>
<td>2635</td>
<td>19</td>
<td>45 Water Grant</td>
<td>0.1876 acres</td>
</tr>
<tr>
<td>Kenneth L. Capolino</td>
<td>2</td>
<td>2635</td>
<td>15</td>
<td>45-A Water Grant</td>
<td>3.6573 acres</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.2991 acres</td>
</tr>
</tbody>
</table>

City of Yonkers – JFK Marina 2 2640 1 46 Water Grant 8.80 acres (excluding 4.53 acres of underwater land)

City of Yonkers – Trevor Park 2 2125 1 571 Warburton Avenue 20.87 acres (excludes Riverside High School & Fire House, but includes the approx. 1.7 acres associated with JFK Memorial Drive City Street even though it does not appear to be part of park since it is a mapped street but is listed as part of this lot)

Applicant Member Ronnie Shemesh is authorized to sign the PUR Special Use Permit application on behalf of Glenwood POH, LLC as the contract vendee for the acquisition of the Plant Site. Kenneth L. Capolino has authority to authorize the execution of the PUR Permit application by Ronnie Shemesh on behalf of Glenplace Equities and himself.\(^6\) When the

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\(^5\) Since the "Water Grant" informal address actually links to the underwater land rather than upland portion of the Plant Site, a request for a formal street address such as One Glenwood Plaza has been made to the City. Therefore, the final address for this Plant Site may be modified in subsequent revisions of this PUR Permit application.

\(^6\) It is important to note that since a special use permit runs with the land, not with the individual applicant, the application for a Special Use Permit (and site plan review), do not require the applicant to be the owner of the property. *St. Onge v. Donovan*, 71 N.Y.2d 507, 522 N.E.2d 1019
Mayor is authorized to approve the finally proposed improvements to the parks on behalf of the City, with City Council support, once the State provides authorization in legislation for him to do so, final Site Plans can be prepared.

With respect to the acreage being impacted in relation to the Parks Improvement Project, the chart below illustrates the existing acreage in each Park, and the proposed acreage in relation to the portions of the Parks being improved with new roads, the hidden parking structure/rooftop park, footbridge, esplanade and other amenities:

<table>
<thead>
<tr>
<th>Trevor Park</th>
<th>Existing Acreage</th>
<th>Proposed Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parkland (excluding high school and Fire House)</td>
<td>20.87 acres</td>
<td>19.79 acres (see Trevor Park Drive 1.08 acres for difference)</td>
</tr>
<tr>
<td>Play Fields</td>
<td>3.46 acres</td>
<td>4.47 acres (extra 1.01 acres due to roof top park)</td>
</tr>
<tr>
<td>Play Courts</td>
<td>0.73 acres</td>
<td>0.50 acres (slightly smaller court area but larger Playground by 0.14 acres, which with large Play Fields area more than makes up impact of Trevor Park Drive)</td>
</tr>
<tr>
<td>Playground</td>
<td>0.04 acres</td>
<td>0.18 acres</td>
</tr>
<tr>
<td>Trevor Park Drive New Road</td>
<td>-</td>
<td>1.08 acres</td>
</tr>
<tr>
<td>Extra Park Amenities - Overlook Walkway + Pedestrian Footbridge over tracks and towers</td>
<td>-</td>
<td>0.23 acres (825 LF)</td>
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<tr>
<th>JFK Marina</th>
<th>Existing Acreage</th>
<th>Proposed Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parkland (excluding underwater land)</td>
<td>8.80 acres</td>
<td>8.36 acres (see JFK Memorial Drive Extension of 0.44 acres for difference)</td>
</tr>
<tr>
<td>Recreational/ Lawn Area</td>
<td>5.84 acres</td>
<td>6.4 (0.56 more active parkland acres made available due to lower number of unused boat parking spaces from 50 to 10)</td>
</tr>
<tr>
<td>Extension of JFK Memorial Drive (30' road; 50' right of way, sidewalk and driveway)</td>
<td>0.44</td>
<td>0.44 (Currently this portion of JFK Memorial Drive beyond end of the mapped ramp is part of the parking lot and not the mapped street)</td>
</tr>
<tr>
<td>New Park Amenity - Waterfront Esplanade Walkway (16' wide)</td>
<td>-</td>
<td>0.64 acres (1740 LF)</td>
</tr>
<tr>
<td>New Park Amenity - Continuation of Pedestrian Bridge Tower Bases</td>
<td>-</td>
<td>0.06 acres</td>
</tr>
</tbody>
</table>

In sum, the impacts of the new parking areas and roads are off-set on a greater than one-for-one basis by new parkland or new park amenities as follows:

(1988); *Dexter v. Town Bd. of Town of Gates*, 36 N.Y.2d 102, 324 N.E.2d 870 (1975). The property owners (here Glenplace Equities, Kenneth L. Capolino and the City) must authorize the special use permit being applied for by the applicant and such authorizations have been provided by the owners by execution of this application.
• In Trevor Park, the 1.31 acres of parkland impacted by the proposed Trevor Park Drive new road (1.08 acres) and loss of one play court (0.23 acres) is offset by 1.38 acres of new parkland and improvements:
  ➢ adding 1.01 acres of new parkland directly on Trevor Park via the roof top park, which creates 1.01 acres of new useable land from otherwise unusable land area currently associated with a steep hillside in the Park
  ➢ expansion of 0.04 acre playground into a state-of-the-art 0.18 acre new and improved playground
  ➢ reduction in one play court of 0.23 acres offset by one new large play field on 1.01 acres of new parkland on the parking structure roof and 0.23 acres constituting a new overlook walkway and pedestrian footbridge amenities

• In JFK Marina Park, the 1.06 acre of parkland impacted by the 0.44 acres JFK Memorial Drive Extension, the 0.56 acres loss of 40 boat trailer parking spaces, and 0.06 acres associated with the tower bases for the pedestrian bridge, is offset by 1.2 acres of new parkland and improvements:
  ➢ adding a 0.64 acre waterfront esplanade at the river’s edge as required by the Master Plan;
  ➢ adding 0.56 acres of new active parkland in place of the 40 unused boat trailer parking spaces directly on Trevor Park; and
  ➢ adding a new pedestrian bridge amenity, which will predominantly span in the air above and over the Metro North tracks with a minimal physical park impact of 0.06 acres associated with the base of the towers, and which new amenity will facilitate pedestrian access through both parks and to the Plant Site activating all the Project and parkland.

These calculations are based on the Applicant’s currently preferred plan. However, alternative plans will be analyzed and public input will be received to develop the final plan subsequent to SEQRA and PUR Permit public processes and public input.
II. Current Zoning vs. Proposed PUR Use Requirements - Yonkers Zoning Code §43-72(2)

Yonkers Zoning Code §43-72(2) states that a PUR shall not be required to meet the dimensional or use requirements for the district in which they are located or the off-street parking or loading requirements.

The Plant Site is currently zoned in an "IP" or Planned Industrial Zone. Interestingly, most of the proposed uses planned to occupy the historic Plant Buildings, including a hotel, spa, and restaurants, can be developed as of right under the Site's current IP zoning. However, while a banquet hall and catering facility are permitted in an IP zone, a convention center is not specifically permitted and a private marina is not permitted in an IP zone. Therefore, a PUR Permit is required for these uses.

JFK Marina Park is also in an IP zone. However, Trevor Park is in an M zone, which is for medium density apartment house use. M Districts do permit Shared parking (with supplemental requirements), Private garages (with supplemental requirements), Private open-air parking (with supplemental requirements), Semipublic open air parking (with supplemental requirements), Semipublic parking structure (with supplemental requirements).

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7 IP Districts permit Commercial recreation uses-outdoor, Restaurants, Banquet and catering facilities, Bar or Lounge areas serving liquor and brew pubs (with supplemental requirements), Live Entertainment (with supplemental requirements), Eating and drinking establishments, Hotels with supplemental requirements, Hotels with a height special use permit, Offices, Outdoor Dining Areas, with special requirements, Retail uses in conjunction with offices, Shared parking(with supplemental requirements), Private garage(with supplemental requirements), Private open-air parking(with supplemental requirements), Semipublic open air parking (with supplemental requirements).

8 A "CONFERENCE CENTER", which is not specifically named among the uses permitted in an IP District, is defined as follows: A facility (which may include one or more buildings or portions thereof) consisting of meeting rooms, lecture rooms, and display space, and which may include dining and/or lodging facilities, used for the conduct of business, professional, and educational meetings, conferences, seminars, and displays. Compare to definition of a HOTEL and BANQUET OR CATERING FACILITY; HOTEL: A facility offering transient lodging accommodations to the general public wherein all rooms are connected to interior hallways, and thereby to interior elevators, lobbies or stairways, through which access to the exterior is gained. Hotels may include but not be limited to related services such as restaurants, meeting rooms or recreation facilities; BANQUET OR CATERING FACILITY: An establishment which serves food and drink and provides entertainment to paying customers and their invited guests on weddings, bar mitzvahs, birthdays and other similar occasions.

9 Private marinas are not as of right permitted uses in IP or M zones.
supplemental requirements), Semipublic parking structure (with supplemental requirements). However, these would be parking facilities associated with apartment buildings. Therefore, the new hidden parking structure in Trevor Park would also require a PUR Permit subsequent to the parkland legislation required to permit such an improvement to this Park.

III. PUR Comprehensive Development Plan (CDP) - Yonkers Zoning Code §43-72(3):

The remainder of this PUR Permit application has been prepared to satisfy the requirements in Yonkers Zoning Code §43-72(3) in relation to a PUR Comprehensive Development Plan (CDP):

**PUR CDP Requirement I:**
**General Location of Existing and Proposed Structures**

A. Existing Parcels and On-Site Structures

1. **Plant Buildings:**

As noted above in relation to Yonkers Zoning Code §43-72(1) in Section I above, the location of the 4.3 acre Plant Site is on Yonkers Tax Block 2635 Lots 1, 15, and 19. There are three on-Site former Plant Buildings occupying the majority of the land mass associated with these lots:

- **Smoke Stack Building:** The existing Smoke Stack Building has remnants of six (6) original stories that are proposed to be re-purposed and sub-divided to create a total of seven (7) stories, plus one (1) mezzanine level, creating a total of eight (8) floor levels. The total proposed Smoke Stack Building height is +/- 104 feet, matching the existing height by retaining the existing roof profile. Two masonry smoke stacks extend +/- 160 feet above the existing building are proposed to be stabilized and preserved. The Smoke Stack Building has a total height of +/- 260 feet.

- **Turbine Great Hall:** The existing Turbine Hall structure has remnants of a lower level story and vast turbine hall story, with two mezzanine levels. The total proposed Turbine Hall Building height is +/- 104 feet, matching the existing height by retaining the existing roof profile.
Switch House: The existing Switch House Building structure has remnants of four (4) original stories. The Plant redevelopment as depicted in the PUR CDP drawings proposes adding two (2) additional stories, plus potential for a rooftop mechanical level, resulting in a 6-story high structure. The total proposed Switch Gear Building height is +/- 88 feet. See Exhibit “C” Series, specifically C-3 for 2-story addition.

2. Trevor Park Structures

The 20.87 acre Trevor Park (excluding Riverside High School, Fire House Number 8, and the portion of JFK Memorial Drive in Trevor Park, which is a mapped City street, and as such are no longer part of the Park) predominantly consists of grassland, but is partially occupied by the Hudson River Museum and associated parking lot with 91 spaces, the Yonkers Parking Authority parking lot with 55 spaces, a new approximately 300 seat amphitheater and associated parking lot with 43 spaces, three tennis courts, one basketball court, and two baseball fields. In addition, JFK Memorial Drive traverses the Park from Warburton Avenue down to JFK Marina Park. See Exhibit “B” and “K” Existing Conditions.

3. JFK Marina Park Structures

The 8.8 acre JFK Marina Park predominantly consists of a parking lot and houses two structures: an open air gazebo on the south side of the Park and a marina building on the north side of the Park. See “B” and “K” Existing Conditions.

MTA Metro North Railroad tracks traverse between the two parks and are not part of this PUR application. See Exhibit “B” and “K” Existing Conditions.

B. Proposed Structures

The location of the proposed structures are depicted on the PUR Plant Project and Parks Improvement Project Concept Plan drawings in the Exhibit “B” the overall concept plan, Exhibit “C” series of architectural concept drawings and the Exhibits “F” Site Plan drawings.
1. **Plant Buildings:**

In relation to the Plant Project, the three existing Plant buildings are merely being rehabilitated. The only new proposed structures are a two-story addition on the top of the Switch House building, a new glass roof over the enclosed Courtyard, and new boat slip in the same location as the original marina. Otherwise, the pre-existing building structures are being repurposed as follows:

- **Smoke Stack Building** – The Smoke Stack Building's principal structure will be repurposed into a hotel, with reception lobby, restaurant, café/bar, retail, club room, guest rooms, and supporting back-of-house uses. The "Coal Bin" restaurant, large interior Atrium, Smoke Stack Individual meeting rooms will be highly unique structures in this Building. See Exhibit “C” Series.

- **Great Turbine Hall** – The PUR Concept proposes restoring and repurposing the existing Turbine Great Hall structure to function as a convention and exhibition space, with vertical retail and exhibit uses on the stacked mezzanine levels. The Health and Wellness Center Spa will be on the lower level. See Exhibit “C” Series.

- **Enclosed Courtyard** – Under the PUR Concept, the existing exterior courtyard space south of the Switch Gear Building is proposed to be enclosed as a multi-story atrium space. The proposed newly enclosed Courtyard is envisioned as a multi-function assembly space, with spa, retail and with back-of-house and support uses on the lowest 1st Floor Level. The glass roof courtyard may house seasonal gardens. See Exhibit “C” Series.

- **Switch House Building** – The PUR CDP proposes the Switch House Building structure to be repurposed as a conference and retreat center with back-of-house and support uses on the lowest 1st Floor Level, including a new below-grade loading dock. There will be a Reception lobby, assembly hall, restaurant, lounge & bar, meetings rooms, retreat guest rooms and associated conference spaces proposed to be stacked on the upper five floor levels. The only exterior structural change to the Plant buildings will be a two-story addition on this Building to accommodate the need for additional hotel room space. See Exhibit “C” Series, specifically C-3 for 2-story addition.

- **New East Road and Loop Adjacent to Plant Project** – As noted above in the Executive Summary, Metro North hold a long term easement on
the dirt road adjacent to the Plant Site. A proposed new road and walkway will be constructed in the area of the current dirt road. The Applicant has submitted a Work Entry Permit application to Metro North to develop this new road. See Exhibit “B”.

- Large Boat Dock Slips – There are remnants of two large boat docks at this Site, which will be restored. See Exhibit “B”.

2. Trevor Park Structures

In relation to the Parks Improvement Project, the proposed structures in Trevor Park will include:

- Subgrade Parking Structure/ Roof Top Park – By raising and essentially flattening and straightening out the hill in the park with the new subgrade parking structure, the roof will enable the construction of three new playfields (one baseball-sized and two soccer/football-sized fields) in place of the current two baseball fields, and three new Play Courts (potential uses are tennis and basketball courts based on community input) in place of three old tennis courts and a basketball court. The results will be a 4.47 acre footprint instead of the current usable 3.46 acres of flat land. See Exhibit “B”.

- Tot Playground – A new, updated 0.18 acre playground for younger children will replace the older, smaller 0.04 acre playground. See Exhibit “B”.

- New Trevor Park Drive Roadway South – a new 1.08 acre 30’ road with a 50’ ROW south of JFK Memorial Drive will be added to facilitate access into and out of the Parks, the Plant Site and new parking structure to accommodate new traffic flow from the future causeway connection to Alexander Street. See Exhibit “B”.

- New Park Amenities – 0.23 acre Overlook Walkway and Footbridge from the Subgrade Parking Structure – In order to provide a new overlook point to JFK Marina Park and the River, and provide access to JFK Marina Park and the Plant Site from the new parking lot, a footbridge over the Metro North Tracks is required. [NOTE: The acreage attributable to the footbridge over the tracks is not included in any calculations since this is not parkland]. The new Overlook Walkway will be added as a new park feature at the edge of the
parking structure to overlook the River and make the edge of the parking structure into a useable park amenity.

3. **JFK Marina Park Structures**

In relation to the Parks Improvement Project, the proposed structures in JFK Marina Park will include:

- **Relocated Parking Lot to the North** – the current parking lot is present in the center of this Park and essentially the best land is covered by an asphalt parking lot. With the parking space redesign, the current 99 spaces will become 100 parking spaces and 10 out of the current 50 boat trailer spaces will be moved north near the boat ramp and public marina. While there will be a net loss of 40 boat trailer spaces, these spaces were simply not being used since boating in this area is typically by small kayaks and canoes. The excess land will be used for more active parkland space in the center of the park and to beautify the park, which currently presents itself as an excessively large parking lot; however, this one amendment to current park conditions will be subject to public input.

- **Improved Active Parkland** – The only “active” portion of JFK Marina Park is a gazebo and grill. The majority of this Park will become “green again”, and include active recreation. Currently, proposed on the Parks Improvement Project Concept Plan are sand volleyball courts and bocce ball courts. However, members of the public can provide input as to what uses they would like to see in this new active Park area.

- **Subsurface Loading Dock and Park Open Space Area** – The new improved JFK Marina Park will essentially continue to the south, but a transition point and entrance is required for the Plant Project on the north side of the Switch House building. This open space area will allow for the drop off of guests and visitors to the new facilities at the Plant Site and serve as the main entrance into the Switch House Building.

- **Canal Restoration** – As stated in the Master Plan on page 6-2 in the section called **JFK Marina Park Public Amenity Improvements**: there is reference to the “small inlet between JFK Marina Park and the Glenwood Power Station”, which the Plan states should “be restored to its natural state during the course of other improvements at the park.” As a result, the proposed Parks Improvement Project Concept...
Plan includes widening this canal and adding a walkway adjacent the restored canal to access the northern entrance of the Plant Project into the Switch House Building.

- Continuation of Footbridge and Escalators Over tracks into the Site: The footbridge will connect from the parking structure over the tracks to an initial tower structure that will include stairs and an elevator down to the train station and then to a second tower that will have escalators and an elevator to take pedestrians down to the Plant Site, and back up to the parking structure. The impact from base of each of these two tower structures on the Park is minor (0.23 acres). See Exhibit “B”.

- JFK Memorial Drive Extension: The continuation of Memorial Drive over the tracks dead ends at the end of a ramp in JFK Marina Park, and the road essentially becomes part of the parking lot. Since the parking lot is not strictly a road, to be conservative, this PUR assumes the 0.44 acres that will be required to create an actual road connecting to the MTA easement dirt road adjacent to the Plant Site is included in parkland impact calculations in this application. See Exhibit B.

**PUR CDP Requirement II:**

**General Type of Existing and Proposed Uses**

**A. Existing Uses**

In relation to the Plant Project, the existing uses on the Plant Site are vacant, abandoned, dilapidated former power plant buildings located on contaminated land requiring remediation and remnant piles in the water evidencing two former large boat slips/docks. If portions of these on-Site buildings are not structurally repaired in the near future, the outer portions of the structures are in danger of collapsing into the Hudson River.

The former use of the power plant buildings was industrial. However, with significant work, these former industrial buildings can be repurposed into new unique commercial spaces as described herein.

In relation to Trevor Park, the existing uses include: the Hudson River Museum and 91 space parking lot, 55 space YPA Parking Lot, two ballfields, three tennis courts, one basketball court, 300 seat amphitheater, 43 space parking lot and JFK Memorial Drive and overpass over the tracks.
Riverside High School and Fire Station No. 8 are also present on former parkland. However, for purposes of the acreage calculations in this application, the High School and Fire House acreage was not included since these uses are no longer parkland uses. Out of the 20.87 acres of parkland, 4.23 acres currently contain the active parkland (i.e. two ballfields, three tennis courts, one basketball court, excluding the amphitheater).

In relation to JFK Marina Park, the existing uses include: a 99 space asphalt public parking lot, 50 asphalt paved boat trailer parking spaces, marina building, boat ramp, gazebo, a grill area, bathrooms and partially paved extension of JFK Memorial Drive, which is essentially part of the parking lot.

B. Proposed Uses

For the Plant Project, the Proposed Uses include:

- 256,475 square feet of commercial space consisting of uses to serve the community including, but not limited to restaurants, lounges, bars, beverage, food service, hotels, marina, retail spaces, convention center, exhibit space, massage, and health and wellness center spa
- 0.2 mile 30’ foot wide new public right of way and 5- foot\textsuperscript{10} walkway in the same approximate location as the existing dirt road providing for a future connection to a causeway over the cove to the south of the Plant Site and leading to a future extension of Alexander Street.
- Restoration of the Canal – the restored canal will be expanded to include additional area with an access way constructed adjacent to the canal as the entrance into the Switch House Building facility.
- Restoration of Former Docks for Large Boat Slips – This action should only require a Nationwide Permit, rather than an individual permit application, to the Army Corps of Engineers (ACOE) since federal regulations 33 C. F. R. § 330.3 essentially provides that if a bulkhead existed before May 27, 1970, restoration does not require further permitting. Since the piles are still clearly evident in the water (see Exhibit “K” revealing Existing Conditions), the applicant will

\textsuperscript{10} The Master Plan called for this walkway to be 15 foot but there is simply not enough physical room to construct both a 30 foot wide two lane road and a 15 foot wide walkway. The widest this walkway can be to accommodate both uses is 5 feet right at this location adjacent to the pre-existing Plant Buildings.
make the case that only a Nationwide Permit is required. However, if an individual permit is required, the Applicant will prepare the appropriate application documents for such a permit.

In relation to the Parks Improvement Project in Trevor Park, the Proposed Uses include:

- 4.47 acre 870 space Subgrade Parking Structure/ Roof Top Park with three new play fields (uses can be varied such as one baseball and two soccer/football), and three new Play Courts (use can be tennis or basketball courts based on community input) replacing 3.46 acres of parkland, which currently has two baseball fields and three tennis courts and a basketball court by taking advantage of the hillside to bury the parking structure, which effectively adds 1.01 acres of new useable parkland on the flat roof footprint. While one play court is not accounted for in this design, but a much larger extra ball field is added. Once again, this design will be subject to public input. The uses for the play courts potentially for tennis and basketball can remain and the composition will be subject to public comment.

- 0.18 acre new Tot Playground for younger children in place of 0.04 acre old playground area.

- 1.08 acre New Trevor Park Drive Roadway, which will provide an alternative access road to facilitate access into and out of the Parks and Plant Site and to accommodate new traffic flow from the future causeway connection to Alexander Street. [NOTE: Impact of this new road is addressed by adding new additional 1.01 acres of roof top park and 0.14 additional acres in the tot playground area].

- 0.23 acre New Park Amenity Overlook Walkway and Footbridge from the Subgrade Parking Structure into JFK Marina Park [NOTE: Portion of bridge over tracks is not included since this is not parkland]. See Exhibit “B”.

In relation to the Parks Improvement Project, the proposed uses in JFK Marina Park will include:

- 1.47 acre 100 public parking space/ 10 boat trailer parking space Relocated Parking Lot and improved park area north near the boat ramp and public marina with no net loss of public parking spaces. While 40 boat trailer spaces are not included in this design,
historically these spaces have not been used, and an additional acre of active parkland is gained by this design. However, the final design will be subject to public input.

- 6.4 acre of Improved Recreational Active Parkland and Green Space including possibly sand volleyball courts and bocce ball courts subject to public input.

- 0.45 acre Subsurface Loading Dock and Park Open Space Area to serve dual use as open park space and drop off area for guests and visitors to the new facilities at the Plant Site and serve as the main entrance into the Switch House Building.

- 5,000 square feet of Canal Restoration to including a wider canal and adding passageways adjacent to the restored canal to access the northern entrance of the Plant Project into the Switch House Building.

- 0.44 acre JFK Memorial Drive Extension. See Exhibit “B”.

**PUR CDP Requirement III:
Existing Topography and General
Grading and Drainage Proposals**

**A. Topography**

Existing topography in the PUR is shown on a new topographic survey map prepared by Ward Carpenter Engineers. See Exhibit “D” Topographic Survey in 1’=40’ scale.

There is a significant grade change from the east side of this PUR area on Warburton Avenue on the north side of the PUR (approximately 110 feet above mean sea level (msl)) and Glenwood Avenue on the south side of the PUR (approximately 110 feet above msl) down to the west side along the Hudson River (approximately 8 feet above msl). Vehicles that enter the PUR from Warburton travel on JFK Memorial Drive which cuts across Trevor Park from the north to the south along the large slope to decrease the severe grade. There is an existing bridge present over the Metro North railroad tracks at 30 feet above msl, which then enters into JFK Marina Park down ramps, and then eventually the Plant Site to the south. The “road” appears to end at the end of the ramp, where the paved area simply turns into a parking lot.

There will also be a similar grade change for the new proposed road on the south side of the PUR linking to the entrance of the new subgrade parking
structure, which then connects to the same bridge over the tracks as is present on JFK Memorial Drive.

The site survey map has been utilized by the Applicants’ designers, engineers and architects, which include Ghiora Aharoni Design Studio LLC, and PS&S Engineering Inc., to determine the new public road location and elevation above the flood plain elevation, and the ramp down into the new parking structure and overall PUR area. See Exhibit “B” Concept Plan, Exhibit “D” Site Survey and Exhibit “F” Site Plans.

In response to preliminary discussions with the City of Yonkers Engineering Department, all road elevations have been raised to 9.0 (NAVD88). A revised General Grading Plan is attached in Exhibit “G” Series and discussed in the next section.

B. General Grading Plan

The western portion of the PUR, along the Hudson River is located in a FEMA flood zone. See Flood Zone Map in Exhibit “E”. The 100 year FEMA flood elevation is approximately elevation 7.0 (NAVD88) along this portion of the Hudson River. The grades within the PUR range from approximately elevation 110 (NAVD88) at the western edge of Warburton Avenue to the east and down to the west to elevations as low as 2.0 (NAVD88) along the River’s edge in JFK Marina Park and the Plant Site. Therefore, the grades of the new roads along the western portion of the PUR need to be raised above the 100 year FEMA flood elevation of 7.0 (NAVD88) up to at least 9.0 (NVAD88) to meet the Yonkers Building Code requirements. The road elevations have been raised to a minimum of 10.0 feet at all locations.

For the Plant Site, the pre-existing buildings have basements below the flood elevation. The Buildings were essentially built in a subterranean “bathtub” design supported by thousands of wooden piles under the structural bathtub design. The existing finished floors have elevation as low as 2 feet. Given that the buildings are pre-existing and have been in place for more than 100 years, altering the elevations of the existing structures is not feasible. Improvements will be made in the basements to prevent infiltration of water and overall stabilize these pre-existing structures.
The roadways at a minimum would be set three feet above the flood elevation. In order to maintain the minimum roadway elevation and positive drainage to the River, the roadway elevations will range from the minimum of elevation 10.0 (NAVD88) to elevation 12.5 (NAVD88). The elevations for the Plant’s finished floors will be above 11 feet (NGVD88). A General Grading Plan to meet this requirement is attached in Exhibit “G”.

C. General Drainage Plan

The proposed development in the PUR will comply with the latest New York State storm water management requirements, and is expected to reduce post-construction flow rates compared to existing site conditions and improve surface water run off quality. The Master Plan DGEIS concluded in Chapter 4, entitled “Natural Resources” at 4-11, that the current uses in the Master Plan area have no storm water detention or water quality treatment and surface water run off goes directly into the River.

By complying with the New York State Stormwater Management requirements, the future Plant Project and Parks Improvement Project will each incorporate water quality features to address the stormwater runoff from the parking and roadway areas. The water quality should be improved from the current condition due to a significant approximately 0.56 acre reduction in paved surfaces in JFK Marina Park (2.03 acres of existing pavement to 1.47 acres of new pavement through parking area redesign), utilization of mechanical stormwater treatment devices and the incorporation of biofiltration systems. See Exhibit “B”, “G” and “H” Drainage Plans.

The stormwater runoff conveyance will remain separated from the sanitary sewer system eliminating any stormwater inflows. The water quality methods and stormwater conveyance paths will increase the travel times for stormwater decreasing the peak runoff rates. The reduction in impervious surface and increase in green space will also reduce the runoff rates from the project area and minimize sheet flow into the River during storm events.

However, since the proposed project will disturb more than 1 acre, it will therefore require a NYSDEC SPDES (Stormwater Pollution Discharge Elimination System) permit for stormwater discharges from construction activity (GP-10-001), and there will be conformance to all current NYSDEC permit requirements and local law 12-2007 (section 56-174 through 56-189 of the City code). A Stormwater Pollution Prevention Plan (SWPPP) shall
be submitted for review and approval to the Planning Board during the Site Plan approval process. The Applicants will seek approvals for all of the new four proposed outfalls and mechanical treatment devices included in the PUR CDP from NYSDEC, and will incorporate any required mitigation measures to obtain approval into the final SWPPP and SPDES application. Therefore, as part of future Site Plan submissions, a detailed SPDES permit, stormwater management reports will be prepared, including a storm water pollution prevention plan for each phase of development in the PUR. In compliance with the PUR requirements, a general drainage plan is attached in Exhibit “H”.

PUR CDP Requirement IV:
Existing and Proposed Major Internal Streets and Points of Access to Existing Mapped Streets

A. Existing Streets

The proposed PUR is present in the northern portion of the Master Plan/URA study area and the key existing streets impacting this PUR are Alexander Street, Point Street, Glenwood Avenue, Warburton Avenue, and JFK Memorial Drive. See Study Area Intersections DGEIS Figure 8-1 and DGEIS Chapter 8, which included a detailed traffic impact study that analyzed all 48 key existing intersections in the Master Plan/URA area. Out of these key streets, Alexander Street, Point Street and Glenwood Avenue do not currently connect to the Plant Site, although the Master Plan calls for future connections. In order for Alexander Street to connect to the Plant Site and the Parks, the causeway called for in the Master Plan needs to be constructed. Both Point Street and Glenwood Avenue dead end on the east side of the Metro North tracks.

Only Warburton Avenue (an existing 40-foot wide City Street), with a connection into JFK Memorial Drive (an existing 33-foot wide park drive), and then the JFK Marina paved parking lot provide existing physical access to the grass area on the south side of JFK Marina Park and then the MTA easement dirt road adjacent to the Plant Site. A road easement exists with MTA to provide street access to the Site via Glenwood Avenue. However, MTA constructed the new train station, which was historically further to the north, directly in the Glenwood Avenue road easement. MTA had historically granted the Site Owner of the Plant Site a 20 year easement by necessity, which was recorded, but the easement expired.
The Applicant has advised Metro North of this unfortunate fact, and contends it has legally demonstrated a common law easement by necessity via the dirt road to provide the vehicular access needed to the Plant Site in its pending Work Entry Permit application given that the Glenwood Avenue permanent easement was eliminated by the construction of the train station in that easement.

B. Existing Access via Mass Transit

The Master Plan calls for the existing roadway access to be enhanced while simultaneously creating new public and pedestrian access through connections at the Glenwood train station and through JFK Memorial Park. While the recently-renovated Glenwood train station is noted in the Master Plan as serving the highest residential density for the mid-northern portion of the redevelopment area, including the Glenwood Power Station site, recent statistics obtained from Metro North indicate very low usage of the Glenwood train station.

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MTA Metro-North Ridership at Glenwood Station

Hudson Line
2005 – 2011

Metro-North counts are conducted for inbound ridership for AM Peak ridership, off-peak ridership (after 9:00 am), Saturdays and Sundays.
Based on these low numbers, the ridership through this train station should increase significantly as a result of the Plant Project and Park Improvements Project. A traffic study is about to commence for the Plant Project, which will provide an actual estimate of projected increased ridership. However, just based on a cursory review of this baseline data, which reveals an average of only 300 passengers in peak demand times, given the sheer increased volume of individuals who will need to access the Plant Site each day, and the limited parking that will be available, the ridership numbers are likely to increase significantly. There will be a projected 955 employees and 1,600-3,500 guests who may be accessing the Site on a given day with only 870 parking space opportunities. Therefore, these sheer baseline numbers reveal there will be a significant increase in the use of the train station as a result of the Project.

The Plant Site also has a permanent easement from MTA for foot access to and through the train station onto the Plant Site contained in the Site deed. See Exhibit "L". A foot bridge historically was present but Metro North eliminated this foot access bridge. The Applicant has alerted Metro North to the fact that it will need this foot access to be re-established as part of this Plant Project in its pending Work Entry Permit application.

B. Proposed Major Internal Streets

The Alexander Street Master Plan outlined the vision for redeveloping an approximately 153 acre area of the City of Yonkers Hudson River Waterfront, and outlined the new roadway system required to create development blocks. The overall vision was to create a transit-oriented, vibrant, mixed use development, which was also knit together by landscaped streets. The Master Plan contains the roadmap with guideposts in the form of principles and policies for the proposed new landscaped streets, and fully contemplated a new enhanced road network through the Parks to provide public road access to the Site.

The proposed new major internal public street will be an expansion and modernization of the existing dirt road easement by necessity with MTA, and connect to the park driveway extension of JFK Memorial Drive and a
new additional road that will link to the new parking structure in Trevor Park as shown on the attached PUR Concept Plan in Exhibit B.

Only a 30’ wide two way road with a 5’ walkway on one side is possible to fit in the MTA easement area immediately adjacent to the Plant Site. Until the causeway is constructed, the southern terminus of this road will include a cul-de-sac loop road on the triangular piece of land south of the Smoke Stack Building. The setback to the building face will only be the 5’ foot walkway. See Exhibit “B”. The new street will have a new name to reflect the waterfront living environment in this new neighborhood such as Hudson River Drive or Water View Boulevard. The traffic consultant retained – VHB – is preparing a detailed comparison between the Master Plan trips generated and the proposed PUR road network trips generated. When the Master Plan was prepared, the exact dimensions of the MTA easement area were not known. The actual dimensions are smaller than were anticipated in the Master Plan to accommodate the presence of both a two lane road and walkway.

It is important to note that the Applicant will be working closely with MTA throughout this road construction process. MTA has a number of signal and power lines, and an AC/DC converter box in the center of the planned road. During road construction, the Applicant is required to move all of these lines and equipment to a safer location adjacent to the tracks, as described in the pending Work Entry Permit.

C. Points of Access to Existing Mapped Streets

The proposed immediate points of access into the PUR CDP will be principally via JFK Memorial Drive to the new road adjacent to the Site in the current MTA easement area. In the future, a new public Causeway is proposed south of the PUR through a City owned parcel to connect to the road planned in the initial PUR Permit approved for Parcels E, G-1, H-1, I-1 and J.

1. JFK Memorial Drive Improvements

The PUR CDP attached in Exhibit “B” does not include any improvements to JFK Memorial Drive required for the Project. A structural evaluation may be required to evaluate the load requirements for the bridge portion of this
Drive. The costs of any improvements to this bridge are not covered by the proposed Project as this is a pre-existing public bridge.

2. New Access Road to Parking Structure, Parks and Plant Site

The Applicant proposes to construct a state-of-the-art new access road – Trevor Park Drive from Warburton through the southern end of Trevor Park to access the new parking structure, the parks and the Plant Site and relieve traffic flow on JFK Memorial Drive as part of this Project. This new two lane road will have 30’ of pavement with curbs and a 4-foot wide sidewalk on one side for a total 50’ ROW as shown on the PUR CDP Exhibit “B” and “F”. Details on the impacts and construction of this road will be further analyzed in the EIS and included in the Site Plan submission.

3. Causeway

As noted above, the “Alexander Street Causeway” is not part of the PUR, but is another proposed public roadway that would connect the new proposed PUR road east of the plant drive to the JFK Memorial Drive extension planned to connect to the existing ramp at the end of JFK Memorial Drive. The Causeway would run along and adjacent to a narrow strip of land between Point Street and the former Glenwood Power Station. In addition to accommodating vehicular traffic, the Causeway is intended to provide a connection between the Alexander Street Master Plan area, including the PUR, and JFK Marina Park. This road improvement, if and when built, would be another form of ingress and egress into the PUR.

PUR CDP Requirement V: Major Parking and Loading Areas

A. Parking for Commercial Uses

The PUR CDP includes 870 new commercial parking spaces for the public guests and visitors to the Plant Site in a new parking structure to be constructed in Trevor Park since there is no land on the Site to construct this parking facility. The number of commercial parking spaces per square feet required in Yonkers Building Code is significantly higher than the Master Plan/URA required commercial spaces, which reduced the commercial spaces required in the Code based on Transit Oriented Development (TOD)
principles and by placing larger residential structures located at either end of the Master Plan area near each of the train stations:

<table>
<thead>
<tr>
<th>Document</th>
<th>Commercial-Retail Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Master Plan</td>
<td>1 space/300 gsf floor area</td>
</tr>
<tr>
<td>DGEIS</td>
<td>1 space/300 gsf floor area</td>
</tr>
<tr>
<td>FGEIS</td>
<td>1 space/300 gsf floor area</td>
</tr>
<tr>
<td>Zoning Code generally For detail see Table 43-4 of code.</td>
<td>1 space/200 gsf floor area</td>
</tr>
</tbody>
</table>

Ultimately, the FGEIS concluded that only one (1) parking space per 300 gross square feet of commercial space should be permitted in keeping with the final Master Plan TOD principles.

In this PUR, a straight application of the Master Plan TOD criteria yields 855 parking spaces for a 256,475 total gross square feet of commercial space (256,475/300=855). However, if the Code were applied, 1,200 parking spaces would be required (256,475/200=1282). Since the Code requirements for parking can be further adjusted based on different commercial functional uses (e.g. retail, restaurant), the Master Plan use of the simple formula GSF/300 space formula is extremely conservative to arrive at the commercial parking requirement, which essentially lumps all commercial functional uses into one category.

Nevertheless, the Applicant recognizes the significant importance of the TOD principles, and that many visitors will be using Metro North to access the Plant Site. Therefore, the proposed parking spaces in the new, proposed 2-level parking structure is consistent with these TOD principles and contains a total of only 870 spaces, only 15 spaces above the Master Plan minimum requirement.

The summary metrics recap is as follows:

- Total Building Gross Square Footage = 256,475  GSF
- GSF per Parking Space Req’d = 300
- Master Plan Parking Spaces Req’d = 855 cars
- PUR Garage Spaces Proposed = 870 cars

See Exhibit “J” garage parking layout.
B. Parking for the Parks

None of the other existing parking areas in Trevor Park, including the 91 space Hudson River Museum parking lot, 43 space Amphitheater parking lot or the 55 space YPA parking lot, are impacted by the project. The existing 99 public parking space/ 50 boat trailer public parking lot in JFK Marina Park will be slightly impacted as follows: one public parking space will be added for a total of 100 up from 99 and only 10 boat trailer spaces will remain out of 50 original spaces. However, the extra land gained by the loss of boat trailer slips is slotted to be used for active parkland solely for purposes of improving the current park design, which includes too much parking. Since large boat trailer spaces are not being used in large numbers, public parking should not be impacted at all by the proposed Plant Project or Parks Improvement Project. However, the final configuration of the parking and improvements on JFK Marina Park will be subject to public input, and a traffic study and impact analysis during the upcoming SEQRA and PUR Permit public review processes.

PUR CDP Requirement VI:
Major Landscaped Areas and Proposed Screening

A. Proposed Landscaping for Plant Site

The preliminary proposed landscaping for the Plant Site is depicted in Exhibit “B” and some preliminary landscaping concepts can be seen on the cover of this PUR application around the Plant Site Buildings.

B. Proposed Landscaping for Parks

The PUR CDP includes significant landscaping and park improvement amenities in both Trevor and JFK Marina Parks as described below. While there will be a parking structure and new road network added to the Parks, as described in detail in the chart in Section I and as shown below, these impacts will be replaced on a greater than one-for-one basis in the Parks with new parkland and improved park amenities, all of which will enhance the landscaping present in what are otherwise predominantly grass only parks:

- In Trevor Park, the 1.31 acres of parkland impacted by the proposed Trevor Park Drive new road (1.08) and loss of one play court (0.23) is
offset by 1.38 acres of new landscaped and/or active parkland and improvements, and/or associated landscaped areas around these new amenities, despite the creation of a 870 parking space garage by:

- adding 1.01 acres of new landscaped parkland directly on Trevor Park via the parking garage roof, which creates 1.01 acres of new useable land from otherwise a green grass hill, but which is an unusable land area in the Park
- expansion of 0.04 acre playground into a state-of-the-art 0.18 acre new and improved playground\footnote{While the footprint of the playground may not be landscaped with grass, but another material more suitable to create a safe playground environment, the area around this park will be landscaped appropriately.}
- reduction in one play court of 0.23 acres will be offset by one new large play field on 1.01 acres of new parkland on the parking structure roof and 0.23 acres constituting a new overlook walkway and pedestrian footbridge amenities, which will be landscaped with container plantings or boxes where appropriate.

- In JFK Marina Park, the 1.06 acres of parkland impacted by the 0.44 acres JFK Memorial Drive Extension, the 0.56 acres loss of 40 boat trailer parking spaces, and 0.06 acres associated with the tower bases for the pedestrian bridge, is offset by 1.2 acres of new parkland and improvements by:
  - adding a 0.64 acre waterfront esplanade at the River’s edge as required by the Master Plan, which may consist of hardscape, as opposed to landscape materials, in terms of the foundation, but shall be landscaped on either side and/or in appropriate locations to create an attractive walking experience along the Hudson River;
  - adding 0.56 acres of new active landscaped parkland in place of the 40 unused boat trailer asphalt parking spaces directly on Trevor Park; and
  - adding the new pedestrian bridge amenity, which will predominantly span in the air above and over the Metro North tracks, with a minimal physical park impact of 0.06 acres associated with the base of the towers, and which new amenity will consist of hardscape, but which shall be landscaped with container plantings or boxes where appropriate.
The enhanced landscaping proposed is in conformity with the vision of the Alexander Street waterfront area by promoting the Master Plan vision of creating “a district of residences and parks, knit together and shaped by landscaped parks and boulevards.” DGEIS at S-2. Low growing tree plantings and shrubs shall be utilized to avoid visual obstructions from Warburton Avenue down to the River. Toward this end, a row of large, dense trees, which have grown adjacent to the Metro North tracks, will be eliminated.

These major landscaped areas are shown on the PUR Concept Plan in the locations depicted therein. See Exhibit “B”. Both the DGEIS and the final Yonkers Finding Statement adopting the Master Plan/URA stated that once final Site Plans are submitted for a project, a detailed landscaping plan including improved areas of open space, increasing plant diversity, and introducing more native species into the subject area, would be required. Therefore, a detailed landscaping plan will be submitted with the final Site Plan review submission in order to have a positive effect on vegetation throughout the PUR.

In addition, the DGEIS required a “new public esplanade along the entire Alexander Street waterfront” as a “minimum 12-foot-wide walkway.” See DGEIS at S-14 and I-14. The FGEIS provided for a “separate bike path...incorporated along side the paved walkway within the esplanade to encourage people to use alternative forms of transportation” that “would consist of a minimum 16-foot-wide walkway and bicycle lane.” See FGEIS at 2-2 and 2-5. Additionally, fire protection access requirements mandate a minimum width of 15.8 feet to accommodate fire trucks. The PUR Concept Plan meets these Master Plan FGEIS requirements and includes a 16’ foot wide esplanade extending the length of the PUR along the Hudson River. See Exhibit “B”.

B. Proposed Screening

The subgrade parking structure will be screened as a result of being built into the hillside in Trevor Park. No other screening is built into the PUR CDP since the goal of the plan is to maximize the landscaping and views of the Hudson River. Toward this end, a row of trees, which currently screen the views from the Parks to the river, and which are adjacent to the Metro North tracks, are proposed to be removed to enhance the view shed. Only
low growing trees, shrubs and plantings will be used in the PUR CDP. See also the Proposed Landscaping discussion above.

**PUR CDP Requirement VII:**
**Statement as to the Capacity of Existing Water & Sewer Lines and Related Facilities and that such Water & Sewer Lines are Adequate**

A. **Existing Water Lines and Their Adequacy to Supporting the Proposed Projects in the PUR**

The City of Yonkers, along with the City of New York, obtains its water supply at wholesale rates from aquifers in upstate New York (Catskill, Delaware and Croton). *See DGEIS Chapter 11 at 11-1.* Therefore, the existence of an adequate water supply is clear. However, it was known during the development of the Master Plan that the existing water supply lines are inadequate to support the water demand required in the Master Plan area.

Specifically with respect to the PUR, the Applicants’ engineers at PS&S have learned the following about the existing water supply lines and their adequacy to support the projects in the PUR. There is an existing 10” water supply main that serves the Plant Site on Glenwood Avenue and extends under the Metro North tracks to the Plant Site. There is also an 8” water supply main in JFK Marina Park. *See Exhibit “I” Utilities Plan. Fire hydrant flow tests of the existing mains may be required as part of the DEIS site utility evaluation to determine the adequacy of flow."

An engineering study will be prepared as part of the DEIS and final Site Plan review to fully engineer the improvements required to bring an adequate supply of water into the PUR CDP. This hydraulic analysis will be performed to determine if the major water mains in Warburton Avenue are adequate for the demand and fire protection of the proposed development. The analysis must also include other new developments and existing water customers in the area affected by the proposed development.

At a minimum, at this time, based on initial discussions with the Yonkers Water Bureau, PS&S anticipates that a new water main “loop” will need to be constructed within JFK Marina that connects the existing water mains from Glenwood Avenue and JFK Marina Park. These improvements will
likely be needed to provide an adequate water supply to the area for the required demand of approximately 43,600 gallons of water per day. Engineering calculations to show how the proposed capacity of the utility pipes shown on the Utilities Plan are anticipated to be sufficient upon construction to accommodate the projected demand of approximately 43,600 gallons of water are included below. See Exhibit "I" Utilities Plan. Further discussions are needed with the City of Yonkers on how all utility improvements will be made and funded. See FGEIS at 4-140-141.

The required water supply demand of approximately 43,600 gallons of water needed was calculated as follows. The DGEIS concluded that 1.2 million gallons of water per day was needed to supply the 14 development parcels in the proposed Master Plan/URA for a total of 3,752 residential units and 423,200 square feet of retail space. See DGEIS Chapter 11 at 11-4 – 11-5 and Figure 11-1. The following formulaic assumptions used to develop these figures:

- residential units assume 2.61 persons per household and 112 gpd/person; and
- retail use assumes 0.17 gpd/sf for domestic and air conditioning.

Based on these formulas, the proposed PUR 256,475 square feet of commercial space will use an average of 43,600 gallons of water per day:

- 256,475 sq. ft. x 0.17 gpd/sf = 43,600.

See also Long Form EAF Response to Question Part 1.17.

B. Existing Sewer Lines and Their Adequacy to Supporting the Proposed Projects in the PUR

The Applicants' engineers at PS&S have learned the following facts about the existing stormwater and sewer lines, and their adequacy to support the Projects in the PUR. There is one existing discharge point to the Hudson River in JFK Marina Park. This 48” outfall is centrally located in the Park. There is a manhole about 30 feet off the bulkhead from this headwall. In the current design, the location of this outfall will remain in place and four new outfalls will be added. Three new outfalls will be installed in the JFK Park and one new outfall will be on the Plant Site. See Exhibit "I".
A new sanitary sewer force main will be required for sewage generated by the Power Plant and park buildings that will connect along the JFK Memorial Bridge on JFK Memorial Drive to the City of Yonkers Sanitary 12” sewer line that is currently present east of the bridge. See Exhibit “I” Utilities Drawing. The proposed plan is to request approval from the City to connect to the Yonkers existing sanitary sewer line at this location.

A more detailed engineering study will be prepared as part of the DEIS and final Site Plan review to fully evaluate these improvements and to determine if these proposed improvements are sufficient to meet the requirements of the Projects. See Exhibit “I” Utilities Drawing.

With respect to storm water, the addition of 0.56 acres of landscaped parkland in JFK Marina Park will reduced uncontrolled sheet flow into the Hudson River. Currently, the majority of the northern section of this Park is an asphalt paved parking area consisting of a completely impervious surface, with no storm water detention or treatment and surface water runoff goes directly into the River. See DGEIS Chapter 4 entitled “Natural Resources” at 4-11. Since the proposed reconfiguration of this Park will add more pervious green surfaces, and will comply with the latest New York State storm water management requirements, the proposed action is expected to reduce post construction flow rates compared to existing site conditions and improve surface water runoff quality. A storm water pollution prevention plan will be included in the Site Plan package of information for each phase of the project. See also the General Drainage plan in Exhibit “G”. See also FGEIS at 4-142-143.

The DGEIS and FGEIS concluded that a similar amount of wastewater would be generated as compared to the amount of fresh water supply needed. As estimated above, the required water supply demand of approximately 43,600 gallons of water needed was calculated. See DGEIS Chapter 11 at 11-4 – 11-5 and Figure 11-1.

Based on the formulas used to calculate water usage, the proposed PUR 256,475 square feet of commercial space will use an average of 43,600 gallons of water per day:

- 256,475 sq. ft. x 0.17 gpd/sf = 43,600.
The DGEIS at page 11-4 stated that “[b]ased on the 200 [million gallons per day] MGD capacity of the plant, and the 96 MGD Average flows, the sewage treatment plant would have the capacity to treat the approximately 1.2 MGD of additional flows expected from full implementation of the Proposed Master Plan.”

However, it was noted that the plant handles much greater volumes during storm events due to combined stormwater and sanitary sewer lines that contribute flows to the plant. The hydraulic capacity of the plant is 200 mgd so that during high flow periods it is capable of treating 150 mgd. The conclusion reached with respect to this issue was as follows:

Therefore, while the Yonkers Sewage Treatment Plant has the capacity to treat sewage flows, it is possible that the design of the plant may be exceeded during heavy storm events. Developers building in the subject area would be expected to take this matter into consideration when developing final designs for their projects and demonstrate that their proposals will not result in sewage flows that exceed the capacity of the plant. Furthermore, any new construction under the Master Plan would require the complete separation of stormwater and sewage flows.

See DGEIS Chapter 11 at 11-4.

The FGEIS added at 4-140: “the County Department of Environmental Facilities would require that the additional flowage into the sewer system be offset by reductions in existing inflow/infiltration at a ratio of three to one.”

The conclusion reached in the Master Plan URA DGEIS and FGEIS, that the lines are adequate to support the projects planned, is subject to confirmation from Westchester County to determine if the trunk sewer on the site has adequate capacity to handle the projected sewer flows.
PUR CDP Requirement VIII:
Statement as to the Capacity of Existing
Gas & Electrical Lines and Related Facilities
and that such Gas & Electrical Lines are Adequate

Existing electrical and telephone lines are present at JFK Marina Park. An engineering study will evaluate if these lines need to be modified or upgraded for the Projects. There is also an existing gas main at the east end of JFK Memorial Drive near Warburton Avenue.

Consolidated Edison Company, Inc. provides electricity and natural gas to the PUR. As part of the initial Site Plan review, proposed electric and gas loads will be calculated and submitted to Con Edison. Con Edison will evaluate whether any upgrades to their facilities are necessary to meet the demand of the proposed development. To distribute electricity and natural gas to the proposed buildings, the project will require new underground natural gas and electric mains within JFK Memorial Park and extending over to the Plant Site. See Exhibit “I” Utilities Drawing.

It is also important to note that the plan for this Project is to use as little electricity “off the grid” as possible. Bloom Energy fuel cells are planned for the site. Fuel cells convert gas into hydrogen, which is then used in the fuel cells to generate on-Site power. The applicant is also evaluating other alternative biomass fuel source technologies, which eliminate the use of natural gas as a hydrocarbon fuel to create the hydrogen, which would make the entire on-Site electric generation system complete self sustainable.

It is important to note that the DGEIS includes very little additional information on existing electricity and gas in the Master Plan area other than as follows: “Electricity and natural gas service to the subject area is provided by Consolidated Edison.” In response to a question regarding these issues, the FGEIS at 4-140 adds: “Consolidated Edison of New York would provide electricity and natural gas service to the subject area and existing overhead electric and telephone lines would be removed and replaced with new utility lines running underneath proposed road rights-of-way. No significant impacts to energy delivery and generation systems are expected to result from the Proposed Action.”
PUR CDP Requirement IX:
Existing and Proposed Location of Major Signs and Lighting

A. Existing Signage and Lighting

1. Plant Site

There has been no electricity at the Plant Site for 40 years. Recently emergency power lines were brought in to have minimal lighting required to perform work in the interior of the structures. No signage remains on any of the structures.

2. The Parks

There is lighting in the current Parks. There are lights in the play court area, the existing parking lots, along JFK Memorial Drive and in JFK Marina Park. There is an existing sign on Warburton identifying the park, but it is hard to see and easy to miss.

B. Proposed Signage and Lighting

1. Plant Site

During the DEIS and Site Plan approval phase of the Plant Project, and final design development stage, a lighting plan for the Plant Project, focused on building accent lighting, will be prepared. Such architecturally, and historically appropriate lighting will be composed of a multitude of design elements combined to showcase and enhance the majestic presence of these landmark buildings through the use of precise luminaries. See generally Exhibit “B”. The lighting approach will require historical commitment to the building, and at the same time remain current in their evolution into its new life. As a result, newer energy-efficiency lighting technologies will be utilized consist with the green building approach and to save energy costs. However, attention will also be played to muted lighting to avoid unnecessary light pollution and minimize light impacts to the surrounding community. As a result, spot light type lighting will be avoided.

During the Site Plan approval phase of the Plant Project, a signage and striping plan will be developed that will include traffic signage, and roadway markings in accordance with City of Yonkers standards and Manual of
Uniform Traffic Control Devices (MUTCD). Signage on the Plant Buildings will be minimal, and designed with sensitivity to the historic restoration of the Plant Building Structures and reuses.

2. The Parks

During the DEIS and Site Plan approval phase of the Parks Improvement Project, and final design development stage, a lighting and signage plan for the proposed roadways, public open spaces, parking area lighting and lighting for the new overlook walkway, pedestrian bridge and waterfront esplanade will be prepared. As noted above, a signage and striping plan will be developed that will include traffic signage, and roadway markings in accordance with City of Yonkers standards and Manual of Uniform Traffic Control Devices (MUTCD).

PUR CDP Requirement X:
Conceptual Plan Statement on Development Phasing,
Applicant’s Interest in the Land, &
Evidence to Support Right to Make the Application and Use the Land

A. Development Phasing

The PUR Projects are not planned to be in phases since the parking structure is needed for the Plant Project and a parking structure is not needed until there is a Plant Project approved to be developed.

B. Applicants’ Land Interest

The Applicant is a contract vendee purchase for the Plant Site. The deeds and survey describing land ownership are attached in Exhibits “D” and “L”.

C. Applicant’s Right to Make the Application

The owner has approved the Applicant’s right to make this special use permit application impacting the zoning of their land. See Exhibit “L” including the deeds of the Sites.
D. Applicant’s Right to Use the Land

Applicants have the right to currently use the land for environmental investigation, remediation and predevelopment activities in the Purchase & Sale Contract.
THIS INDENTURE, made the 21st day of December, nineteen hundred and seventy-eight
BETWEEN

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.,
having an office at 4 Irving Place, New York,
New York,

party of the first part,

and

K. CAROLINO DESIGN & RENOVATION, LTD.,
having an office at 328 Mamaroneck Avenue,
White Plains, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars ($10.00) dollars,

lawful money of the United States,

paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or

successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,

lying and being in the now or formerly under the waters of the Hudson River,

with the buildings and improvements thereon, situate in the City of

Yonkers, County of Westchester and State of New York, bounded and

described as follows:

BEGINNING at a point in the southerly line of that parcel of land
now or formerly under the waters of the Hudson River conveyed by Laura
Brenton MacDonald to The New York Central and Hudson River Railroad
Company by deed dated August 16, 1904, recorded in the office of the
Register of said County in Liber 1687 of Deeds at page 481, which is
distant westerly 67 feet at right angles from the center line of original
location of the railroad of The New York Central Railroad Company,
as marked by stone monuments set in the ground, said point of
beginning being also in the northerly line of Glenwood Avenue; and

running

Thence westerly, along said southerly line, 330 feet, more or
less, to the southerly corner of said parcel of land under water
conveyed by said Laura Brenton MacDonald to said The New York Central and
Hudson River Railroad Company by deed as aforesaid;

Thence northerly, at right angles to said first above described
course, 217 feet, more or less, to the southerly line of that parcel
of land now or formerly under the waters of the Hudson River conveyed
by William J. Wilgus and Wife to said The New York Central and Hudson
River Railroad Company by deed dated August 12, 1904, recorded in the
office of the Register of said County in Liber 1687 of Deeds at page
364;

Thence westerly, along said last above mentioned southerly line,
100 feet more or less, to the westerly line of said parcel of land
under water conveyed by said William J. Wilgus and Wife to said The
New York Central and Hudson River Railroad Company by deed as aforesaid;

Thence northerly, along said last above mentioned westerly line,
233 feet, more or less, to a point in range westerly with the southerly
line of that parcel of land under water granted by The People of the

Thence easterly, in range with and continuing easterly along said southerly line of said lands under water granted to said Edward F. Shonnard by Letters Patent as aforesaid, 426 feet, more or less, to a point distant westerly 65 feet at right angles from said center line of original location of said railroad;

Thence southerly parallel with said center line 70 feet, thence westerly at right angles to said center line one foot, thence southerly parallel with said center line 369 feet, more or less, to the point or place of beginning.

CONTAINING 3.85 acres, more or less.

Also all of the right, title and interest of The New York Central Railroad Company in and to all that certain piece or parcel of land under the waters of the Hudson River, lying westerly of and adjacent to the second above described course, bounded and described as follows:

Beginning at the southwest corner of that parcel of land granted by The People of the State of New York to John B. Trevor by Letters Patent dated July 5, 1873, and running

Thence westerly, along the westerly prolongation of the first above described course, 88 feet, more or less, to the Pier and Bulkhead line as established by the Secretary of War, May 26, 1904;

Thence northerly, along said Pier and Bulkhead Line, 220 feet, more or less, to the southerly line of that parcel of land granted by The People of the State of New York to William J. Wilgus by Letters Patent dated July 7, 1903;

Thence easterly, along said southerly line of said parcel of land granted to said William J. Wilgus, 88 feet, more or less, to the northwesterly corner of said parcel of land granted to said John B. Trevor by The People of the State of New York by Letters Patent dated July 5, 1873;

Thence southerly, along the westerly line of said parcel of land granted to said John B. Trevor, 217 feet, more or less, to the point or place of beginning.

CONTAINING 0.44 acres, more or less.

Together with the right and easement to occupy in perpetuity, for the purposes of foundations only, below the present surface of the existing ground, a strip of land having a maximum width of twelve inches and lying adjacent to, and easterly of, the easterly line of the firstly above described parcel.

Together with all the right, title and interest of The New York Central Railroad Company in and to all lands under water of the Hudson River included within the extension westerly of the northerly and southerly lines of the parcel of land firstly above described, together with all preemptive rights in and to the same and all the right, title and interest of The New York Central Railroad Company in and to the extension of Glenwood Avenue adjoining on the south the parcel of land firstly above described.

Together with the 'permanence easement' of ingress and egress on foot over the adjoining premises of The New York Central Railroad Company to and from the premises above described and from and to Glenwood Avenue either through the present Glenwood passenger station of The New York Central Railroad Company or at such other reasonably convenient location as may be specified by The New York Central Railroad Company in case of the removal or discontinuance of the Glenwood passenger station.

Subject to the facts revealed by an accurate survey.

This conveyance is made in the ordinary course of business of the party of the first part.
STATE OF NEW YORK, COUNTY OF NEW YORK

On the 2nd day of December, 1979, before me personally came F. J. Hamaker, Jr., to me known, who, being by me duly sworn, did depose and say that he resides at No. 12 Chambers Lane, Rye, New York, that he is the Asst. Vice President of Consolidated Edison Company of New York, Inc., the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

PETER G. BILLETZI
Notary Public, State of New York
No. 20-42129
Qualified in Rensselear County
Term Expires March 20, 1979

Warrant and Seal Dated
With COVENANT AGAINST GRANTORS' ACTS

Consolidated Edison Company of New York, Inc.

K. Capolino Design & Renovation, Ltd.

Abstract Enterprises, Inc.
105 COURT STREET
BROOKLYN, N.Y. 11201
(212) 624-6022
(212) 628-1088

Jacques J. Katz, Esq.
44 Garden Road
Scarsdale, N.Y.

The foregoing instrument was endorsed for record as follows:

The property affected by this instrument is situated in the CITY OF YONKERS
County of Westchester, N.Y. A true copy of the original DEED

Witess my hand and official seal.

George R. Montan
County Clerk
THIS INDENTURE, made the 28th day of December, nineteen hundred and eighty-three
BETWEEN
K. CAPOLINO DESIGN and RENOVATION LTD, having an office at
202 Westchester Avenue, White Plains, New York

party of the first part, and

CAPOLINO EQUITIES, LTD., having an office at
202 Westchester Avenue, White Plains, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration
paid to the party of the second part, does hereby grant and release unto the party of the second part, the heirs
or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereto erected, situated,
lying and being in the City of Yonkers, County of Westchester, and State of New York,
said parcel being more particularly bounded and described as follows:

RECEIVING as a point on the westerly boundary line of property now or formerly belonging to Penn Central Corporation, said point being 67.60 feet as measured in a westerly direction and at 90 degrees to Line 866.1471.67 feet, said station being on the original centerline location of the Hudson River Railroad; thence southerly along the westerly boundary line of property now or formerly belonging to Penn Central Corporation, South 12 degrees, 59' 23" West 356.80 feet to a point; thence westerly along the division line of property now or formerly belonging to the City of Yonkers on the South and of the premises herein described on the "North, North 76 degrees 56' 37" East 578.00 feet to a point; thence northerly along the division line of property now or formerly belonging to the City of Yonkers on the East end of the premises herein described on the East the following courses and

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of
the first part will receive the consideration for this conveyance and will hold the right to receive such consider-
ation as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply
the same first to the payment of the cost of the improvement before using any part of the total of the same for
any other purpose.

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

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

IN PRESENCE OF:

[Signature]
K. CAPOLINO DESIGN and RENOVATION LTD.
by [Signature]
STATE OF NEW YORK, COUNTY OF

On the 19th day of 1983, before me
personally came

STATE OF NEW YORK, COUNTY OF

On the 19th day of 1983, before me
personally came

to me known as the individual described in and who executed the foregoing instrument, and acknowledged that
executed the same.

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did deposite and say that he resides at No.

that he knows

described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same if time subscribed his name as witness thereto.

of

To

Bargains and Sale

Without Covenant Against Grantor's Ache

Title No.

K. Capello Design & Renovation, Ltd.

TO

GLENPLACE EQUITIES, LTD.

EXECUTED FOR NEW YORK STATE ON THE DOCUMENT

by

First American Title Insurance Company

of New York

19611

The foregoing instrument was endorsed for record as follows:

The property affected by this instrument is situated in the

COUNTY OF WESTCHESTER, N.Y., A TRUE COPY OF THE ORIGINAL

RECORD IN THE OFFICE OF LAND RECORDS OF THE COUNTY CLERK OF WESTCHESTER COUNTY ON APRIL 6, 1983

Anna J. Squires

County Clerk


Witness my hand and official seal

Anna J. Squires

County Clerk

property affected by this instrument is situated in the

COUNTY OF WESTCHESTER, N.Y., A TRUE COPY OF THE ORIGINAL

RECORD IN THE OFFICE OF LAND RECORDS OF THE COUNTY CLERK OF WESTCHESTER COUNTY ON APRIL 6, 1983

Anna J. Squires

County Clerk


Witness my hand and official seal

Anna J. Squires

County Clerk

property affected by this instrument is situated in the

COUNTY OF WESTCHESTER, N.Y., A TRUE COPY OF THE ORIGINAL

RECORD IN THE OFFICE OF LAND RECORDS OF THE COUNTY CLERK OF WESTCHESTER COUNTY ON APRIL 6, 1983

Anna J. Squires

County Clerk


Witness my hand and official seal

Anna J. Squires

County Clerk

property affected by this instrument is situated in the

COUNTY OF WESTCHESTER, N.Y., A TRUE COPY OF THE ORIGINAL

RECORD IN THE OFFICE OF LAND RECORDS OF THE COUNTY CLERK OF WESTCHESTER COUNTY ON APRIL 6, 1983

Anna J. Squires

County Clerk


Witness my hand and official seal

Anna J. Squires

County Clerk
This Indenture made September 29, 1988

Between Metropolitan Transportation Authority, a New York public benefit corporation with offices at 347 Madison Avenue, New York, New York, Party of the first part, and

X. Capolino Design & Renovation Ltd., a New York corporation with an office at 120 Mamaroneck Avenue, White Plains, New York

party of the second part,

WITNESSETH that the party of the first part, in consideration of ten lawful money of the United States, paid by the party of the second part, does hereby remit, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever, all

That certain lot, piece or parcel of land with all improvements thereon situate, lying and being in the City of Yonkers, County of Westchester and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the westerly boundary line of property now or formerly belonging to Penn Central Corporation, said point of beginning being 67.00 feet as measured in a westerly direction and at right angles from Sta. 864'71.67, said station being on the original centerline location of the Hudson River Railroad; thence in a general westerly direction through property now or formerly belonging to Capolino Design and Renovation Ltd., the following courses and distances: North 77° 05' 23" West 37.97 feet, North 12° 54' 37" East 0.84 feet, North 77° 05' 23" West 77.03 feet; thence northerly through property now or formerly belonging to Capolino Design and Renovation Ltd., North 12° 54' 37" East 70.93 feet to a point on the southerly boundary line of property now or formerly belonging to the City of Yonkers; thence easterly along the last mentioned boundary line, South 73° 21' 37" East 116.35 feet to a point on the westerly boundary line of Penn Central Corporation; thence southerly along the westerly boundary line of Penn Central Corporation, South 12° 59' 23" West 70.00 feet, North 77° 00' 37" West 1.00 feet and South 12° 59' 23" West 3.20 feet to the point or place of beginning containing 8,173 Square Feet or .18 Acres.

SUBJECT to an easement hereby in favor of the party of the first part for the purpose of attaching to the improvements now or hereafter erected on the parcel of land granted hereby, cables, lines, conduits and other apparatus for the transmission of power and signals, and for the maintenance, inspection, repair, replacement or renewal thereof, over a strip of land twenty feet in width, the centerline of which strip of land is described as follows:

BEGINNING at a point on the westerly boundary line of property now or formerly belonging to Penn Central Corporation, said point of beginning 67 as measured in a westerly direction at a right angle from Sta. 86471.67, said station be, on the original Northwest direction of the Hudson River Railroad, thence in a generally Northwest direction:

(1) North 12° 59' 23"E 3.2 feet
(2) South 77° 00' 37"E 1.00 feet
(3) North 12° 59' 23"E 70 feet to point in the Northerly boundary of the parcel of land granted hereby.

2. The easement ("MTA's Basement") hereinabove reserved in favor of the party of the first part ("MTA") may be extinguished by the party of the second part ("Capolino") as follows:

a. Capolino shall first obtain the approval of all governmental agencies having jurisdiction over the work, to the demolition, replacement, construction, reconstruction, or alteration of the structures now standing on the parcel of land hereby conveyed.

b. Capolino shall give notice ("Notice") in writing to MTA of its intention to perform the work approved under clause "a" hereof, and that such work will interfere with MTA's Basement.

c. MTA shall have ninety days from the later of (x) the receipt of such Notice, excluding from such ninety-day period any time during the months of December, January, February and March in any year; or (y) April 1, 1989; in which to relocate, remove, and replace the power and signal facilities located in MTA's Basement. Such ninety-day period shall be extended during any period of time that the relocation, removal and replacement is delayed by the act of Capolino, its successors,
assigns, agents, employees, invitees, licensees, independent contractors, or by labor disputes, fire, unavoidable casualty or other force majeure.

d. The cost and expense of the relocation, computed as set forth in subclauses i. through iii. hereof, shall be paid by Capolino to MTA. Until such cost and expense be paid, MTA's Easement shall continue in full force and effect, and MTA shall be entitled to enjoin any interference by Capolino with MTA's Easement. It is also agreed that since the right to extinguish MTA's Easement is for the exclusive benefit of the land burdened thereby, the cost and expense of the relocation shall be and constitute a part of the Cost of the Improvement to the land hereby conveyed and MTA shall be entitled to a lien therefor.

i. The cost of labor shall be computed as if all labor were compensated at the overtime rate of compensation applicable to the first hour worked in excess of forty (40) during any week.

ii. The cost of labor shall include the mandatory and customary contributions, benefits, and taxes related thereto, including all FICA and other payroll taxes and employee benefits mandated by law, insurance, sick leave accrual, holidays, vacation accruals, pension and welfare contributions and similar contributions and benefits.

iii. The cost of materials shall be the greater of MTA's actual expenses or the market price, and shall include freight, warehousing, handling, inspection and installation costs other than labor. Capolino covenants that from and
after the giving of the Notice hereinabove provided for it will hold the proceeds of any sale, mortgage or other conveyance of an interest in the Premises as a trust fund subject to the trust fund pensions of the Lien Law.
Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

To have and to hold the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

And, the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

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

In Witness Whereof, the party of the first part has duly executed this deed the day and year first above written.

In Presence of

[Signatures]

STATE OF NEW YORK, COUNTY OF

On 19 , before me personally came

[Signature]

to me known to be the individual described in, and who executed the forgoing instrument, and acknowledged that he executed the same.

STATE OF NEW YORK, COUNTY OF

On 19 , before me personally came

[Signature]

to me known to be the individual described in, and who executed the forgoing instrument, and acknowledged that he executed the same.

STATE OF NEW YORK, COUNTY OF NEW YORK

On 19 , before me personally came

[Signature]

to me known to be the individual described in, and who executed the forgoing instrument, and acknowledged that he executed the same.

STATE OF NEW YORK, COUNTY OF

On 19 , before me personally came

[Signature]

to me known to be the individual described in, and who executed the forgoing instrument, and acknowledged that he executed the same.
<table>
<thead>
<tr>
<th>LIBER 9329</th>
<th>PAGE 311</th>
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<tbody>
<tr>
<td>WESTCHESTER COUNTY RECORDING AND ENDORSEMENT PAGE</td>
<td>(THIS PAGE FORMS PART OF THE INSTRUMENT)</td>
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The property is situated in Westchester County, N.Y. En.

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<tr>
<th>LIBER 9329</th>
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<th>EXAMINED BY</th>
<th>WITNESS MY HAND AND OFFICIAL SEAL</th>
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<td>ANDREW J. SPANO</td>
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<td>WESTCHESTER COUNTY CLERK</td>
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The recording date of this instrument as indicated above is the official date on which the Westchester County Clerk received this instrument. Questions regarding delays prior to this date should be addressed to your representative or attorney.

RECEIVED 89-07-14 8-42 |

WESTCHESTER COUNTY CLERK |

RECORD AND RETURN 89-07-10 10/07/05TA/692 |

WESTCHESTER COUNTY CLERK |

RECORD AND RETURN 89-07-10 10/07/05CPA/692 |

WESTCHESTER COUNTY CLERK |
# Westchester County Recording & Endorsement Page

## Submitter Information
- **Name:** John Spencer
- **Address 1:** 22 Maple Avenue
- **City/State/Zip:** Albany NY 12208
- **Phone:** (518) 331-4607
- **Email:** johnspen@gmail.com
- **Control Number:** 521113147
- **Document Type:** Deed (DED)
- **Document Page Count:** 4
- **Package ID:** 0123456789012345
- **Reference for Submitter:** Lot 15
- **Document Page Count:** 5

## Parties
- **1st PARTY**
  - K CAPOLINO DESIGN & RENOVATION LTD
- **2nd PARTY**
  - CAPOLINO KENNETH L

## Property
- **Street Address:** 45A WATER GRANT
- **City/Town:** YONKERS
- **Tax Designation:** 2-2635-15

## Cross-References

## Supporting Documents
- **1:** RP-5217
- **2:** TP-584

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

## Transfer Taxes
- **Consideration:** $0.00
- **Transfer Tax:** $0.00
- **Mansion Tax:** $0.00
- **Transfer Tax Number:** 40146

## Mortgage Taxes
- **Document Date:**
- **Mortgage Amount:**
  - **Basic:** $0.00
  - **Westchester:** $0.00
  - **Additional:** $0.00
  - **MTA:** $0.00
  - **Special:** $0.00
- **Total Mortgage Tax:** $0.00

## Record and Return To
- **Pick-up at County Clerk's office**
- **Kenneth L. Capolino**
- **218 Hillair Circle**
- **White Plains, NY 10605**
BETWEEN

K. Capolino Design & Renovation, Ltd.
7 School Street
White Plains, New York 10606

party of the first part, and

Kenneth L. Capolino
218 Hillair Circle
White Plains, New York 10605

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten ($10.00) Dollars, lawful money of the United States, paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Yonkers, County of Westchester and State of New York, said parcel being more particularly described in Schedule A attached hereto and made a part hereof.

BEING the same premises also known as Block 2635, Lot 15 on the Official Tax Map of the City of Yonkers,

BEING the same premises conveyed to the party of the first part as to its right, title and interest by deed dated September 29, 1988 and recorded in the office of the Westchester County Clerk on October 7, 1988 in Liber 9329 at Page 305,

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,
will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

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

This transfer is made in the ordinary course of business.

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

In Presence Of:

K. Capolino Design and Renovation, Ltd.
By:

Kenneth L. Capolino
President

RECORD AND RETURN TO:
Kenneth L. Capolino
ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Yonkers, County of Westchester and State of New York, said parcel being more particularly bounded and described as follows:

BEGINNING at a point on the westerly boundary line of property now or formerly belonging to Penn Central Corporation, said point of beginning being 67.00 feet as measured in a westerly direction and at right angles from Sta. 86+471.67, said station being on the original centerline location of the Hudson River Railroad;

THENCE in a general westerly direction through property now or formerly belonging to K. Capolino Design and Renovation, Ltd., the following courses and distances:

1. north 77 degrees 05 minutes 23 seconds west, 37.97 feet
2. north 12 degrees 54 minutes 37 seconds east, 0.84 feet
3. north 77 degrees 05 minutes 23 seconds west, 77.03 feet to a point;

THENCE northerly through property now or formerly belonging to K. Capolino Design and Renovation, Ltd., north 12 degrees 54 minutes 37 seconds east, 70.93 feet to a point on the southerly boundary line of property now or formerly belonging to the City of Yonkers;

THENCE easterly along the last mentioned boundary line, south 73 degrees 21 minutes 37 seconds east, 116.35 feet to a point on the westerly boundary line of Penn Central Corporation;

THENCE southerly along the westerly boundary line of Penn Central Corporation, south 12 degrees 59 minutes 23 seconds west, 70.00 feet north 77 degrees 00 minutes 37 seconds west, 1.00 feet and south 12 degrees 59 minutes 23 seconds west, 3.20 feet to a point or place of BEGINNING.
ACKNOWLEDGEMENT OF CONVEYANCE

STATE OF NEW YORK

COUNTY OF WESTCHESTER

) ss:

On the 21st day of September in the year of 2011 before me, the undersigned, a Notary Public in and for said state, personally appeared Kenneth L. Capolino, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledge to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

DINA RUIZ
NOTARY PUBLIC-STATE OF NEW YORK
NO. 01RUS160277
QUALIFIED IN WESTCHESTER COUNTY
COMMISSION EXPIRES 01-07-2016
Owner Authorization

1. SITE INFORMATION

ADDRESS: 45 and 45 Water Grant BLOCK: 2-2635 LOT(S): 1, 15, 19 ZONING IP

PROJECT NAME/LOCATION REFERENCE: PUR Special Use Permit for The Plant

2. OWNER INFORMATION

OWNER: Kenneth L. Capolino (Lot 15) and Glenplace Equities (Lots 1 and 19)

ADDRESS: 218 Hillair Circle (Both)


PHONE: 914-536-4604 FAX: N/A

October 25, 2012

(date)

I am the owner of the property cited above as Tax Block/Lot 2-2635-15 and a managing member of the ownership entity for the property cited above as Tax Block/Lots 2-2635-1 and 2-2635-19. By signing below I authorize Glenwood POH LLC to apply for a Planned Urban Redevelopment Special Use Permit and to make an application on my behalf to the City of Yonkers. I understand that any permission granted and any conditions imposed by the City of Yonkers will accrue to the above cited property and will be the responsibility of the property owner.

Property Owner (signature)

Kenneth L. Capolino (print name)

Sworn to before me this 25 day of October, 2012:

Notary Signature

JOSEPH DALI
NOTARY PUBLIC, STATE OF NEW YORK
NO: 01DA8166502
QUALIFIED IN WESTCHESTER COUNTY
COMMISSION EXPIRED JUNE 19, 2015