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\*543243384DLR0020\*

## Westchester County Recording & Endorsement Page

### Submitter Information

Name: Chicago Title Insurance Company Phone: 585-546-6350  
Address 1: 19 West Main Street Fax: 585-546-5465  
Address 2: Suite 100 Email: rochesterorders@ctt.com  
City/State/Zip: Rochester NY 14614 Reference for Submitter: Taylor's Lane

### Document Details

Control Number: **543243384** Document Type: **Declaration (DLR)**  
Package ID: 2014112000195001001 Document Page Count: **13** Total Page Count: **14**

### Parties

☐ Additional Parties on Continuation page

#### 1st PARTY

#### 2nd PARTY

1: MAMARONECK VILLAGE OF - Other 1: MAMARONECK VILLAGE OF - Other  
2: 2:

### Property

☐ Additional Properties on Continuation page

Street Address: 0 TAYLOR'S LANE Tax Designation: 4-79-2-B  
City/Town: RYE TOWN Village: MAMARONECK

### Cross-References

☐ Additional Cross-Refs on Continuation page

1: 08692/00233 2: 3: 4:

### Supporting Documents

#### Recording Fees

Statutory Recording Fee: \$40.00  
Page Fee: \$70.00  
Cross-Reference Fee: \$0.50  
Mortgage Affidavit Filing Fee: \$0.00  
RP-5217 Filing Fee: \$0.00  
TP-584 Filing Fee: \$0.00  
Total Recording Fees Paid: **\$110.50**

#### Transfer Taxes

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

#### Mortgage Taxes

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

Dwelling Type: Exempt: ☐  
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK

### Record and Return To

☐ Pick-up at County Clerk's office



Recorded: 12/11/2014 at 10:31 AM  
Control Number: **543243384**  
Witness my hand and official seal

*Timothy C. Idoni*

Timothy C. Idoni  
Westchester County Clerk

AECOM  
100 Corporate Pkwy

Amherst, NY 14226  
Attn: Tamara Raby

## DECLARATION of COVENANTS and RESTRICTIONS

THIS COVENANT is made the 21<sup>st</sup> day of October 2014, by the Village of Mamaroneck, a New York Municipal Corporation, and having an office for the transaction of business at 123 Mamaroneck Avenue, Mamaroneck, NY 10543.

WHEREAS, the Mamaroneck Taylor's Lane Composting Facility is the subject of a State Assistance Contract executed by the Village of Mamaroneck as part of the New York State Department of Environmental Conservation's (the "Department's") Environmental Restoration Program, namely that parcel of real property located on Taylor's Lane in the Village of Mamaroneck, County of Westchester, State of New York, County of Westchester, State of New York, being the same as (or part of) that property conveyed to the Village of Mamaroneck by the following deeds: from Frederick H. Bull, Jr. as Treasurer-Clerk of the Village of Mamaroneck by deed(s) dated May 22, 1946 and recorded on May 22, 1946 in the Westchester County Clerk's Office in Liber 4386 Page 134; and from the Town of Rye by deed(s) dated December 18, 1986 and recorded on January 7, 1987 in the Westchester County Clerk's Office in Liber 8692 Page 233, and being more particularly described in Appendix "A," attached to this declaration and made a part hereof, and hereinafter referred to as "the Property"; and

WHEREAS, the Department approved a remedy to eliminate or mitigate all significant threats to the environment presented by the contamination disposed at the Property and such remedy requires that a portion of the Property be subject to restrictive covenants.

NOW, THEREFORE, the Village of Mamaroneck, for itself and its successors and/or assigns, covenants that:

First, the portion of the Property subject to this Declaration of Covenants and Restrictions is as shown on a map attached to this declaration as Appendix "B" and made a part hereof, and as more particularly described in Appendix "C" and made a part hereof, and shall be hereinafter referred to as the "Restricted Property".

Second, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Property subject to the provisions of the Site Management Plan ("SMP"), there shall be no construction, use or occupancy of the Restricted Property that results in the disturbance or excavation of the Restricted Property which threatens the integrity of the engineering controls or which results in unacceptable human exposure to contaminated soils. The SMP may be obtained from the New

R+R:

AECOM  
100 Corporate Pkwy  
Amherst NY 14226  
Attn: Tamara Rabus



York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233.

Third, the owner of the Restricted Property shall not disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the Remedy, which are described in the SMP, unless in each instance the owner first obtains a written waiver of such prohibition from the Department or Relevant Agency.

Fourth, the owner of the Restricted Property shall prohibit the Restricted Property from ever being used for purposes other than for active and passive recreational use and associated ancillary uses including bathrooms, storage and parking, without the express written waiver of such prohibition by the Department or Relevant Agency.

Fifth, the owner of the Restricted Property shall prohibit the use of groundwater underlying the property without treatment rendering it safe for use as drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Department or the Relevant Agency.

Sixth, the owner of the Restricted Property shall provide a periodic certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional and engineering controls put in place are unchanged from the previous certification, comply with the SMP, and have not been impaired.

Seventh, the owner of the Restricted Property shall continue in full force and effect any institutional and engineering controls required for the Remedy and maintain such controls, unless the owner first obtains permission to discontinue such controls from the Department or Relevant Agency, in compliance with the approved SMP, which is incorporated and made enforceable hereto, subject to modifications as approved by the Department or Relevant Agency.

Eighth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Restricted Property, and shall provide that the owner and its successors and assigns consent to enforcement by the Department or Relevant Agency of the prohibitions and restrictions that the State Assistance Contract requires to be recorded, and hereby covenant not to contest the authority of the Department or Relevant Agency to seek enforcement.

Ninth, any deed of conveyance of the Restricted Property, or any portion thereof, shall recite, unless the Department or Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

VILLAGE OF MAMARONECK

By: Richard Slingerland  
Print Name: Richard Slingerland  
Title: Village Manager Date: 10-21-2014

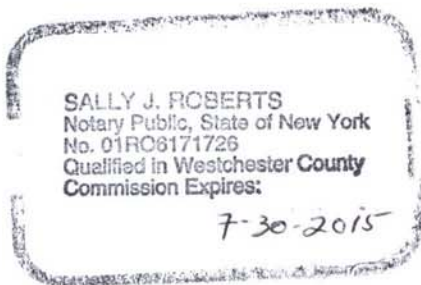
**Grantor's Acknowledgment**

STATE OF NEW YORK )

) s.s.:

COUNTY OF WESTCHESTER )

On the 21<sup>st</sup> day of October, in the year 2014, before me, the undersigned, personally appeared Richard Slingerland, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Sally J. Roberts  
Notary Public State of New York

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED, that the Village Board herein amends Chapter A347 – “Fees” of the Village Code as follows:

Article II. Building Permit Fees

§347-2. Fee and estimated cost schedule

G. Certificate of Completeness

(1) Per residential unit, addition or structure	\$53
(2) Per retail, commercial or multi-family-unit (includes co-ops)	\$132

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

H. Resolution to Reschedule May 21, 2012 Work Session to May 23, 2012

RESOLUTION RE:

RESCHEDULING OF MAY 21, 2012 WORK SESSION MEETING TO WEDNESDAY, MAY 23, 2012

WHEREAS, the Village Manager and Assistant Village Manager will be attending the New York State City County Management Association's 54<sup>th</sup> Annual conference, scheduled this year to be held from Sunday, May 20<sup>th</sup> to Wednesday, May 23<sup>rd</sup> in Syracuse, New York; and

WHEREAS, the Village Manager has requested that the Board of Trustees Work Session Meeting of Monday, May 21, 2012, be rescheduled to Wednesday, May 23, 2012 at 5:30 p.m., so that he may be in attendance.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that the Board of Trustees Work Session Meeting of Monday, May 21, 2012 be and is hereby rescheduled to Wednesday, May 23, 2012 at 5:30 p.m.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

I. Resolution Establishing Deed Restriction on Mamaroneck Taylors Lane

Mr. Slingerland recommended that there be outdoor uses such as walking paths, playing fields, and other appropriate uses. He will work with the State on all remedial measures.

RESOLUTION PURSUANT TO THE REQUIREMENTS OF THE NYS DEC  
AND THE REQUIREMENTS PROVIDED IN THE NYCRR AND ECL  
TO PROVIDE FOR A DEED RESTRICTION AND COVENANT  
ON THE FUTURE USE/REUSE OF THE MAMARONECK TAYLORS LANE (#360021)  
PROPERTY FORMERLY USED AS A LEAF COMPOSTING SITE

WHEREAS, the Village of Mamaroneck formerly operated the Mamaroneck Taylor's Lane (#360021) leaf composting site, at the property located at the following Section/Block and Lot locations:

Tax Map Page	Section	Block	Lot #
96	4	79	1-B, and 1-C
97	4	79	B



AND WHEREAS, the Village closed the site and discontinued the use of the leaf composting function in December, 1988, at which time the site was listed as a "Class 2" site on the NYS DEC registry of inactive Hazardous Waste Disposal Sites; and

WHEREAS, as part of the long-term closure and re-use plan for the site, the Village worked on a plan, entered into a Consent Order, entered into Record of Decision issued in December, 1993, and completed construction of the cap in spring of 1997; and

WHEREAS, the Village is continuing to work with the NYS DEC on a remedial measure work plan to address the migration of leachate onto neighboring properties, with the goal of achieving a closure of the site, so that a use/reuse of the property can be established, and

WHEREAS, the Village submitted an Interim Remedial Measure Work Plan in November, 2009, submitted an Interim Remedial Measure Report in March, 2012, and at this stage the DEC has noted the requirement to the Village that it adopt a Deed Restriction, to be attached to the deed that will go with the land to restrict future use/reuse of this property.

On motion of Trustee Ryan, seconded by Trustee Santoro:

NOW, THEREFORE, BE IT RESOLVED, that the Village of Mamaroneck hereby authorizes the Village Manager and Village Attorney to enter into a Deed Restriction agreement, and complete and file all necessary and appropriate paperwork that may be required by the NYS DEC in relation to the Mamaroneck Taylor's Lane (#360021) leaf composting site, in such a manner and fashion that it limits the use of the property for appropriate uses, which the Village generally determines at this time to be outdoor uses, including passive or active recreation (e.g. walking paths or playing fields), and any necessary and appropriate ancillary public uses, such as buildings for bathrooms, storage, equipment operation, parking, and other similar uses, and shall record such deed in the office of the Assessor, and the Westchester County Clerk's Office, Land Records Division.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

J. Appointments to Mayor's Ad Hoc Committee on Parking Facilities and Programs

**APPOINTMENTS TO MAYOR'S AD HOC COMMITTEE  
ON PARKING FACILITIES AND PROGRAM**

Mayor Rosenblum stated that he asked the budget committee members to review all parking meters, parking structures, etc., for the purpose of increasing revenue for the Village. This is a continuation of discussions from one-year ago.

Mayor Rosenblum announced the following appointments to the Ad Hoc Committee:

Steven Josephson, Bill Fonte, Lou Mendes, Myron Tannenbaum, Harry Hazelwood, Cary Sleeper, Janet Demasi, John Manouselis, Brad Goldberg, Manny Enes.

Mayor Rosenblum stated that all of the above named have accepted. He said that the Committee members will look into areas such as the Boston Post Road, industrial areas, parking meters, etc.

## APPENDIX "A"

ALL that certain piece or parcel of property situate, lying and being located in the Village of Mamaroneck, Town of Rye, County of Westchester, State of New York and being more particularly bounded and described as follows:

Beginning at a point formed by the division line between property now or formerly Village of Mamaroneck, property now or formerly Richard Mangone and the westerly side of Greenhaven Road at a rebar, also being a portion of Plot B as shown on a map entitled "Revised Map of First Addition to Greenhaven" dated Feb. 2, 1927 and filed in the Westchester County Clerk's Office (Division of Land Records) on Feb. 5, 1927 as Map No. 3104, said point being distant 100.00 feet as measured on a course of S. 18°38'27" E. from the southerly side of Boston Post Road as widened to the POINT OF BEGINNING;

thence from said point of beginning along the southerly side of Greenhaven Road, S.18°38'27"E., a distance of 178.17 feet;

thence southeasterly, a distance of 98.16 feet along a curve to the left having a radius of 272.30 feet and a central angle of 20°39'18" to a point on the division line between property now or formerly Village of Mamaroneck and Lot 1 as shown on the aforesaid file Map No. 3107;

thence along said division line, S. 49°03'43" W., a distance of 50.92 feet;

thence along the division line between property now or formerly Village of Mamaroneck being a portion of property formerly of William H. Miles, now Charles C. Planz as shown on the aforesaid file Map No. 3107, Lot 1 and Lot 4, S. 13°08'23" W., a distance of 339.09 feet;

thence along the division line between property now or formerly Village of Mamaroneck and a Reserved Strip as shown on the aforesaid filed Map No. 3107, S. 43°12'53" W., a distance of 240.48 feet;

thence S. 44°49'03" W., a distance of 70.08 feet;

thence westerly, a distance of 21.18 feet along a non tangent curve to the right of which the radius point lies N. 24°00'18" W. a radius of 15.00 feet, and having a central angle of 80°54'23" to a point on the northerly side of Taylors Lane as widened;

thence along said northerly side of Taylors Lane as widened, N. 33°05'55" W., a distance of 696.05 feet to a point on the division line between property now or formerly Village of Mamaroneck and property now or formerly Al's Rye Neck Service LLC;

thence along said division line, N. 71°41'10" E., a distance of 57.39 feet;

thence N. 18°18'50" W., a distance of 36.60 feet to property now or formerly Al's Rye Neck Service LLC and property now or formerly John Decrescenzo;

thence along the division line between property now or formerly John Decrescenzo, property now or formerly Mary Ferraro and property now or formerly Village of Mamaroneck, N.  $71^{\circ}04'40''$  E., a distance of 345.46 feet;

thence N.  $31^{\circ}37'57''$  W., a distance of 0.36 feet to a point on the division line property now or formerly Mary Ferraro, property now or formerly Richard Mangone and property now or formerly Village of Mamaroneck;

thence along the division line between property now or formerly Richard Mangone and property now or formerly Village of Mamaroneck, N.  $70^{\circ}43'03''$  E., a distance of 269.69 feet to the westerly side of Greenhaven Road, the point and place of BEGINNING.

Containing 340,277 square feet or 7.8117 acres, more or less.



**APPENDIX "B"**

**MAP FOLLOWS**



**APPENDIX "C"**  
**DESCRIPTION FOLLOW**



DESCRIPTION OF A PARCEL OF PROPERTY LOCATED IN THE VILLAGE OF  
MAMARONECK, TOWN OF RYE, COUNTY OF WESTCHESTER, STATE OF NEW YORK.

ALL that certain piece or parcel of property situate, lying and being located in the Village of Mamaroneck, Town of Rye, County of Westchester, State of New York and being more particularly bounded and described as follows:

Beginning at a point on the division line between property now or formerly the Village of Mamaroneck and the easterly side of Taylors Lane at the northerly end of curve having a radius of 15.00 feet connecting the easterly side of Taylors Lane with the northerly side of Shadow Lane said point being the POINT OF BEGINNING;

thence from said point of beginning along said easterly side of Taylors Lane, N. 33°05'55" W., a distance of 689.53 feet to a point on the southerly side of License Area No. 1A;

thence along said southerly side of License Area No. 1A, N. 24°50'29" E., a distance of 8.64 feet along a stockade fence to a point on the division line between property now or formerly Village of Mamaroneck and property now or formerly Al's Rye Neck Service LLC;

thence along said division line, N. 71°41'10" E., a distance of 37.92 feet to the easterly side of License Area No. 1B;

thence along said southerly and easterly side of License Area No. 1B along a stockade fence, N. 79°15'14" E., a distance of 14.88 feet,

thence N. 64°11'29" E., a distance of 6.97 feet to the intersection of License Area No. 1B and License Area No. 2;

thence along the southerly side of License Area No. 2 and along a stockade fence, N. 40°27'54" E., a distance of 23.42 feet;

thence N. 34°33'38" E., a distance of 26.14 feet to the intersection of License Area No. 2 and License Area No. 3;

thence along the southerly side of License Area No. 3 along a stockade fence, N. 34°24'54" E., a distance of 14.25 feet to the southwest corner of a one story concrete block building;

thence continuing along the southerly side of License Area No. 3 along a one story concrete block building, N. 70°57'38" E., a distance of 142.75 feet to the southeast corner of one story concrete block building;

thence S. 21°37'33" E., a distance of 4.98 feet along the edge of blacktop parking area;

thence continuing along the southerly side of blacktop parking area, N. 72°11'46" E., a distance of 47.20 feet;

thence N. 70°58'20" E., a distance of 32.36 feet;

thence N. 70°27'10" E., a distance of 67.84 feet to the intersection of License Area No. 3 and License Area No. 4;

thence along the southwesterly side of License Area No. 4 along a stockade fence, N.  $71^{\circ}34'46''$  E., a distance of 31.85 feet;

thence S.  $24^{\circ}28'22''$  E., a distance of 55.22 feet;

thence S.  $78^{\circ}25'19''$  E., a distance of 148.86 feet;

thence S.  $37^{\circ}17'01''$  E., a distance of 85.68 feet;

thence S.  $48^{\circ}15'09''$  E., a distance of 62.48 feet;

thence S.  $78^{\circ}59'54''$  E., a distance of 20.36 feet to the south corner of License Area No. 4 and the division line between property now or formerly Village of Mamaroneck and property now or formerly Weinstein;

thence along said division line, S.  $13^{\circ}08'23''$  W., a distance of 338.34 feet;

thence along the northwesterly side of Shadow Lane, S.  $43^{\circ}12'53''$  W., a distance of 240.48 feet;

thence S.  $44^{\circ}49'03''$  W., a distance of 70.08 feet;

thence westerly, a distance of 21.18 feet along a non tangent curve to the right of which the radius point lies N.  $24^{\circ}00'18''$  W. a radius of 15.00 feet, and having a central angle of  $80^{\circ}54'23''$ ;

Containing 297,272 square feet or 6.8244 acres, more or less.

March 16, 2013

49921-Mamaroneck-Restriction.rtf

[illegible]

**Legend**

① Study Area  
● Urban Area  
② Water  
③ Shore and Beach  
④ Beach  
⑤ Beach  
⑥ Beach  
⑦ Beach  
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Taylor's Lane Landfill Site-DEC Site No. 360021  
Survey of Property  
prepared for  
**Village of Mamaroneck**  
in the Village of  
**Mamaroneck**  
Town of Westchester  
County, N.Y.  
Scale 1"=40'  
Dec. 5, 2010

GRAPHIC SCALE  
( IN FEET )

[illegible]

William H. Flier, Jr., U.S. Senator at Large, President  
Marathon County Executive, Wis. 49922

*Walter Thompson Engineers Inc.*  
29 Independence Avenue  
White Plains, N.Y. 10621  
Phone: 914-949-6000