

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9543 • **FAX:** (518) 402-9595
Website: www.dec.ny.gov



August 14, 2007

Dorothy Kettner
1187 California Road
Eastchester, NY 10709

Re: Amendment Application for Change in Party
Flamingo Cleaners, C360078

Dear Ms. Kettner:

The New York State Department of Environmental Conservation (Department) is in receipt of your Amendment Application for Change in Party for participation in the Brownfield Cleanup Program (BCP) pursuant to ECL Section 27-1400 et seq. We are pleased to advise you that your application for amendment has been determined to be complete.

The requirements of publishing the legal notice in a local newspaper servicing the site area as well as mailing the public notice to parties on the site contact list have been previously fulfilled. Therefore, you are not required to do so as a condition of this Amendment.

Sincerely,



Kelly A. Lewandowski, P.E.
Chief
Site Control Section

ecc: K. Ryan
J. Brown, Project Manager, NYS DEC - DER Region 3
R. Pergadia, RHWE Region 3
A. Hohenstein, NYS OSC
G. Litwin, NYS DOH
R. Schick, NYS DEC - DER Remedial Bureau C
D. Christian, NYS DEC - DEE Superfund and Voluntary Cleanup Bureau
R. Rusinko, NYS DEC - DEE Region 3
S. Bolesky (application only)

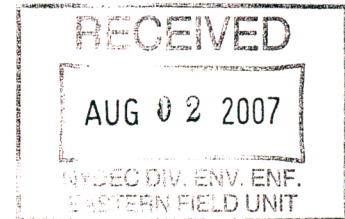
5/1/07

Kevin G. Ryan
Attorney At Law, LLC

10 Circle Avenue
Larchmont, NY 10538
T: (914) 833-8378
F: (914) 833-4120
e mail: kevingryan@cs.com

July 30, 2007

Rosalie Rusinko, Esq.
New York State Department
of Environmental Conservation
Division of Environmental Enforcement
100 Hillside Avenue, Suite 1W
White Plains, NY 10603-2860



Re: Brownfields Cleanup Program
Flamingo Cleaners Site
149-155 North Avenue, New Rochelle (the "Site")
Site Number C360078
BCA Index Number: W3-1058-05-03
Request to Add Party

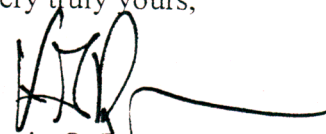
Dear Ms. Rusinko:

In accordance with our prior correspondence and discussions, please find enclosed herewith an executed Brownfield Cleanup Program Amendment Application For Change in Party (the "Application") requesting that Mrs. Dorothy Kettner (the "Requestor") be added as a volunteer to the April 25, 2005 Brownfield Cleanup Agreement (the "BCA") regarding the captioned Site.

The Application has been executed by the Requestor as well as by signatories of the two current BCA parties, 149-155 North Corp. and JAMM North Avenue Realty, LLC. (Please note that JAMM North Avenue Realty, LLC was substituted for JAMM North Avenue Corp. in late 2005. The reference to JAMM North Avenue Corp. in my May 31 letter was incorrect.)

Please let me know if the Department will require any further information to support this request.

Very truly yours,



Kevin G. Ryan

cc: JAMM North Avenue Corp./ 149-155 North Corp.
Dorothy Kettner
Mary O. Barrie, NYSDEC



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP)
AMENDMENT APPLICATION FOR CHANGE IN PARTY

04/06

Section I. Existing Application Information

BCP SITE NAME: Flamingo Cleaners BCP SITE NUMBER: C360078
NAME OF CURRENT APPLICANT(S): JAMM North Avenue, LLC/149-155 North Corp.
INDEX NUMBER OF EXISTING AGREEMENT (if applicable): W3-1058-05-03

Section II. Requestor Information

NAME Dorothy Kettner

ADDRESS 1187 California Rd.,

CITY/TOWN Eastchester, NY

ZIP CODE 10709

PHONE 914-793-1649

FAX

E-MAIL

NAME OF REQUESTOR'S REPRESENTATIVE Kevin G. Ryan, Esq.

ADDRESS 10 Circle Avenue

CITY/TOWN Larchmont, NY

ZIP CODE 10538

PHONE 914-833-8378

FAX

914-833-4120

E-MAIL

kevingryan@cs.com

NAME OF REQUESTOR'S CONSULTANT C.A.Rich Consultants, Inc.

ADDRESS 17 Dupont St

CITY/TOWN Plainview, NY

ZIP CODE 11803

PHONE 516-576-8844

FAX

516-576-0093

E-MAIL

rizzo@carichinc.com

NAME OF REQUESTOR'S ATTORNEY See above: Kevin G. Ryan, Esq.

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.

☒ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.

NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the contamination found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination.

Section II. Requestor Information (Continued)

Requestor's Relationship to Property (check one):

☒ Prior Owner ☐ Current Owner ☐ Potential /Future Purchaser ☐ Other _____If requestor is not the site owner, requestor will have access to the property throughout the BCP project.
(Note: proof of site access must be submitted for non-owners)☒ Yes ☐ No

Describe Requestor's Relationship to Existing Applicant:

Requestor is a principal sharholder of 149-155 North Corp.

Briefly Describe Basis for Submitting this Amendment Application:

Due to negative cash flow at the BCP Site, which is the sole asset of 149-155 North Corp. as 50% owner, Mrs. Kettner is personally funding that entity's share of the costs of complying with the BCA.

Section III. Current Site Owner/Operator Information (only include new information)

OWNER'S NAME (if different from requestor) 149-155 NORTH Corp./JAMM North Avenue Realty, LLC

ADDRESS %Latino-Kettner P.O. Box 3, Wykagyl Post Office

CITY/TOWN NEW Rochelle, NY ZIP CODE 10804

PHONE Contact Kevin G. Ryan As Above FAX E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN ZIP CODE

PHONE FAX E-MAIL

Section IV. Eligibility Information for Requestor (Please refer to ECL § 27-1407 for more detail)

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

- | | | |
|--|------------------------------|--|
| 1. Are any enforcement actions pending against the requestor regarding this site? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Is the requestor subject to an existing order relating to contamination at the site? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Has the requestor been determined to have violated any provision of ECL Article 27? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Has the requestor previously been denied entry to the BCP? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Statement of Certification and Signatures Requestor

(Individual)

I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 7/20/07 Signature: *Dorothy Kettner* Print Name: Dorothy Kettner

(Entity)

I hereby affirm that I am _____ (title) of _____ (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: _____ Signature: _____ Print Name: _____

Statement of Certification and Signatures Existing Applicant

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. If an Agreement exists, I will execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: _____ Signature: _____ Print Name: _____

(Entity)

I hereby affirm that I am President (title) of 149-155 North Corp. (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. If an Agreement exists, ~~existing entities~~ execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: 7/20/07 Signature: *Dorothy Kettner* Print Name: Dorothy Kettner**SUBMITTAL INFORMATION:**

Three (3) complete copies are required.

- Two (2) copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, must be sent to:

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

- One (1) hard copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check DEC's website for the address of our regional offices:
<http://www.dec.state.ny.us/website/der/index.html>

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

PROJECT MANAGER: _____

Statement of Certification and Signatures: Requestor

(Individual)

I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____ Print Name: _____

(Entity)

I hereby affirm that I am _____ (title) of _____ (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: _____ Signature: _____ Print Name: _____

Statement of Certification and Signatures: Existing Applicant

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. If an Agreement exists, I will execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: _____ Signature: _____ Print Name: _____

(Entity)

I hereby affirm that I am **Manager** (title) of **JAMM North Avenue Realty, LLC** (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. If an Agreement exists, **JAMM** will execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: 7/20/07 Signature: Jo Anne Latino Print Name: Jo-Anne Latino**SUBMITTAL INFORMATION:**

Three (3) complete copies are required.

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, must be sent to:

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

- **One (1)** hard copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check DEC's website for the address of our regional offices:
<http://www.dec.state.ny.us/website/der/index.html>

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

PROJECT MANAGER: _____