



**FORMER M. ARGUESO AND CO., INC.
C360108
441/442 WAVERLY AVENUE
MAMARONECK, NEW YORK
CITIZEN PARTICIPATION PLAN**

Prepared For:

New Waverly Avenue Associates LLC
566 Westchester Avenue
Rye Brook, New York 10573

Prepared by:

Sterling Environmental Engineering, P.C.
24 Wade Road
Latham, New York 12110

July 10, 2009

**FORMER M. ARGUESO AND CO., INC.
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1.0 INTRODUCTION

The subject properties, located at 441 and 442 Waverly Avenue, Village of Mamaroneck, Westchester County, New York (Site), are eligible for the New York State Brownfield Cleanup Program as determined by the New York State Department of Environmental Conservation (NYSDEC) and are identified as Site #C360108, Former M. Argueso and Co., Inc. The Citizen Participation Plan (CPP) is in accordance with the requirements set forth in the Brownfield Site Cleanup Agreement between New Waverly Avenue Associates, LLC and the NYSDEC, dated April 9, 2009 and the requirements of Environmental Conservation Law (ECL) 27-1417, 6 NYCRR 375-1.10 and 6 NYCRR 375-3.10. The CPP identifies the citizen participation activities and plans for communication with the public during the proposed remedial activities for the Site. A Site Location Map is provided as Figure 1.

2.0 PROPERTY INFORMATION AND BACKGROUND SUMMARY

A summary of historical uses and investigations of the Site are presented below, based on the Phase I and Phase II Environmental Site Assessment (ESA) Reports by GZA Environmental, Inc. dated December 2005.

441 Waverly Avenue

According to the Phase II ESA Report, 441 Waverly Avenue was originally a residential property until 1934, when a store was constructed. The property was purchased in the 1960s by M. Argueso and Company, Inc. (Argueso), who constructed the existing two (2) story office building and storage/parking garage. Raw materials were stored at 441 Waverly Avenue for use at the wax manufacturing facility located at 442 Waverly Avenue. Wax manufacturing operations ceased in the spring of 2005. Stored materials included virgin wax, recycled wax, additives and Tetrachloroethylene (PCE), which were stored in the below grade section of the parking/storage area.

The existing Site features at 441 Waverly Avenue include a two (2) story office building and a two (2) level parking area (one level is underground and the second level is at grade). The current tenant is an installation subcontractor to Cablevision. According to the Phase II ESA, an oil/water separator tank and three (3) connecting drywell units are located under the northern portion of the concrete paved parking lot. The oil/water separator tank is a 750-gallon concrete underground storage tank (UST) connected to three (3) precast concrete drywell units approximately four (4) feet in diameter and five (5) feet high.

The Phase II ESA Report indicated that impacts to the soils in the area around the oil/water separator system were observed and are primarily related to former petroleum, mineral spirits and to a lesser degree, solvent storage and use. Impacts to soils from Volatile Organic Compounds (VOCs) and Semi-Volatile Organic Compounds (SVOCs) did not exceed the applicable 6 NYCRR Part 375 Soil Cleanup Objectives (SCOs) for Restricted Commercial use. Analytical results for groundwater collected in October 2005 from a monitoring well location in the area near the oil/water separator system report concentrations of 1,2-Dichloroethane (1,2-DCA), Benzene, Trichloroethene (TCE), and Tetrachloroethylene (PCE) exceed the 6 NYCRR Part 703.5 groundwater quality standards.

442 Waverly Avenue

According to the Phase II ESA Report, 442 Waverly Avenue was a lumber planing mill in 1912. Subsequent uses included the Mamaroneck Sash, Trim and Door, followed by the Mamaroneck Chemical Company. The property was purchased by Argueso in the 1930s. Site operations initially refined waxes and then operations changed to manufacturing waxes. Three (3) USTs were removed from the property

in 1996. A UST Closure Report was submitted to the Westchester County Department of Health. The property has been designated as a Leaking Underground Storage Tank (LUST) site.

The existing Site features at 442 Waverly Avenue include a one (1) story manufacturing building (former Argueso facility) and one (1) 8,000 gallon fuel oil UST. The tank is no longer in service. It remains permitted by the Westchester County Department of Health until August 31, 2011, however is listed as temporarily out of service. An underground settling tank and associated concrete trench drainage lines are also present on the property.

Residual soil contamination exists in the area where three (3) USTs were removed in 1996. The levels in the soils do not exceed 6 NYCRR 375 SCOs for Restricted Commercial use. Concentrations of sec-Butylbenzene, Ethylbenzene, n-Propylbenzene, PCE, and 1,2,4-Trimethylbenzene were detected below 6 NYCRR Part 375 SCOs in samples collected from soils in the area around the underground settling tanks and associated concrete trench drainage lines. Several Target Analyte List (TAL) metals are reported for soil samples collected from soil borings collected near former aboveground storage tanks (ASTs). Again, the reported levels do not exceed 6 NYCRR Part 375 SCOs.

Low levels of petroleum/mineral spirits impacted the shallow overburden aquifer in the northeastern area of 442 Waverly Avenue. Potential sources of the petroleum/mineral spirits include the former fuel oil and mineral spirits USTs and the underground settling tanks and floor trench system described above. In addition, a groundwater plume of chlorinated solvents consisting primarily of PCE and TCE is located in the deeper (35-45 feet below ground surface) overburden aquifer in the western area of the Site.

The Phase II ESA Report states a Remedial Action Plan was conducted in approximately 1996 under the supervision of the Westchester County Department of Health. The proposed remedial action included air sparging and soil vapor extraction to remove VOCs from soils located above the seasonal low water table in the northern section of 442 Waverly Avenue. The Phase II ESA Report states that the treatment system operated from approximately 1997-2001 and removed approximately fourteen (14) pounds of VOCs from the soil.

3.0 PROPOSED REMEDIAL INVESTIGATION / INTERIM REMEDIAL MEASURES (RI/IRM)

3.1 Remedial Investigation (RI)

One (1) groundwater monitoring event will be conducted for selected monitoring wells located at the 441 and 442 Waverly Avenue parcels. Groundwater samples will be analyzed for VOCs and Polycyclic Aromatic Hydrocarbons (PAHs).

The wells will be surveyed with a Global Positioning System (GPS) unit (in addition to permanent Site features), in order to provide accurate well locations on a Site Map.

3.2 Interim Remedial Measures (IRM)

Removal of the existing oil/water separator tank and associated drywells at 441 Waverly Avenue and the underground settling tanks, associated trenching and the 8,000 gallon UST at 442 Waverly Avenue will be conducted by a registered tank removal company and will be overseen by a qualified Environmental Engineer or Engineer's representative. Tank closure procedures will follow the NYSDEC and Westchester County Department of Health regulations. Soil in the excavations will be inspected and monitored for potential contamination, contaminated soil will be removed, and sidewall and bottom soil

samples will be collected and analyzed for VOCs and SVOCs for comparison to Soil Cleanup Objectives (SCOs) in 6 NYCRR Part 375. A UST Closure Report will be prepared by the Environmental Engineer and submitted to the NYSDEC and the Westchester County Department of Health.

Following the demolition of the walls and roof of the 442 Waverly Avenue building (and removal of debris), confirmatory soil samples will be collected from the former mineral spirits UST location at 442 Waverly Avenue and drainage trenches and catch basin areas at 442 Waverly Avenue to determine residual contamination levels in the soil.

4.0 PROPOSED SITE DEVELOPMENT ACTIVITIES

The Village of Mamaroneck requires a Building Permit from the Building Department for demolition and construction work. The Application for a Building Permit must include a description of the property for the proposed project, a statement of the proposed work and use of the property and valuation of the proposed work.

Prior to demolition of the parking garage/storage area at 441 Waverly Avenue and the one (1) story building at 442 Waverly Avenue, a pre-demolition inspection will be conducted to identify items that will be removed prior to demolition (e.g. fluorescent lights, carpets, furniture). A separate asbestos inspection has been and/or will be conducted by a certified asbestos abatement professional for the parking garage/storage area at 441 Waverly Avenue and the one (1) story building at 442 Waverly Avenue. Prior to demolition and after notice to the USEPA and New York State Department of Labor (NYSDOL), any asbestos present will be removed by a certified company in a manner consistent with the following:

- NYSDOL, Rule 56;
- United States Federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) for asbestos;
- Applicable OSHA regulations; and
- NYSDEC Solid Waste Regulation (6 NYCRR Part 360).

The subgrade parking area at 441 Waverly Avenue will be demolished and filled to grade level. Sub-surface drainage pipes will be installed that will connect to the existing municipal stormwater drainage system. The drainage system design plan will be submitted to the Village of Mamaroneck Planning Board for Site Plan approval. Following demolition, the former parking area will be graded and paved.

The one (1) story building at 442 Waverly Avenue will be demolished, and following the confirmatory soil sampling event, subsurface drainage pipes will be installed that will connect to the existing municipal stormwater drainage system. The drainage system design plan will be submitted to the Village of Mamaroneck Planning Board for Site Plan approval. The area of the former one (1) story building will be graded and paved.

All utility companies will be notified and connecting utility lines to the Site structures scheduled for demolition will be shutoff.

Following demolition of the existing Site features described above for 441 and 442 Waverly Avenue and construction of the new paved areas, both Site properties will be available for lease as parking space for adjacent business properties or an outside entity.

5.0 COMMUNITY OUTREACH AND CITIZEN PARTICIPATION REQUIREMENTS

The citizen participation requirements for the Brownfield Cleanup Program application process were previously satisfied. A public comment period on the complete application was held from November 12, 2008 through December 12, 2008. The location of the document repository and the deadline for submitting comments was announced in the Journal News on November 12, 2008. The NYSDEC reviewed the public comments prior to making a determination on the eligibility of the application. The Citizen Participation Plan was submitted to the NYSDEC on May 6, 2009.

Please note the Contact List is provided as Appendix A. The following citizen participation requirements will be conducted:

1. Before the NYSDEC Department of Environmental Remediation (DER) approves the RI/IRM Work Plan:

- Place draft RI/IRM Work Plan in document repositories.
- A Notice and Fact Sheet describing the RI/IRM Work Plan and the thirty (30) day public comment period will be submitted to all participants in the Contact List.
- Conduct thirty (30) day public comment period on the draft RI/IRM Work Plan.
- Place approved RI/IRM Work Plan in document repositories.

2. Before the NYSDEC DER approves the RI/IRM Report:

- A Notice and Fact Sheet describing the RI/IRM results will be submitted to all participants in the Contact List.
- Place approved RI/IRM Report in document repositories.

3. Significant Threat Determination:

Determination may be made any time during the remedial process, however no later than 20 days after the DER approves the RI/IRM Report. A Significant Threat Site is eligible for a Technical Assistance Grant.

- Mail Fact Sheet to Contact List that discusses significant threat determination (this may be combined with another Fact Sheet, if appropriate).

4. Before NYSDEC DER approves proposed Remedial Work Plan (RWP):

- Place proposed RWP in document repositories.
- Mail Fact Sheet to Contact List describing proposed RWP and announces forty-five (45) day public comment period.
- Hold public meeting during public comment period regarding proposed RWP, if it is requested by the public, or if there is a significant threat, or if the NYSDEC deems a public meeting is necessary.

5. Before Applicant starts Remedial Action:

- Mail Fact Sheet to Contact List describing upcoming remedial action.

6. Before the NYSDEC DER approves the final Engineering Report:

- A Notice and Fact Sheet will be submitted to all participants in the Contact List describing Report and any institutional and/or engineering controls that will be implemented at the Site.
- Place approved final Engineering Report in document repositories.

7. When NYSDEC DER issues Certificate of Completion (COC):

- Mail Fact Sheet to Contact List announcing COC within ten (10) business days of DER issuing COC.
- Place COC in document repositories.

6.0 PROJECT CONTACTS

Inquiries and comments should be directed towards the following project contacts:

NYSDEC

William T. Ports, P.E.
Project Manager
NYSDEC
Division of Environmental Remediation
625 Broadway
Albany, New York 12233-7014
Phone: 518-402-9667
Email: wfports@gw.dec.state.ny.us

Michael J. Knipfing
Citizen Participation Specialist
NYSDEC - Region 3
21 South Putt Corners Road
New Paltz, New York 12561-1696
Phone: 845-256-3154
Email: mjknipfi@gw.dec.state.ny.us

NYSDOH

Nathan M. Walz
Project Manager
NYSDOH
Bureau of Environmental Exposure Investigation
Flanigan Square
547 River Street
Troy, New York 12180
Phone: 518-402-7880
Email: nmw02@health.state.ny.us

Environmental Consultant

Elizabeth M. Davis
Hydrogeologist
Sterling Environmental Engineering, P.C.
24 Wade Road
Latham, New York 12110
Phone: 518-456-4900
Email: liz@sterlingenvironmental.com

Volunteer Applicant

TJ Milo
New Waverly Avenue Associates, LLC
566 Westchester Avenue
Rye Brook, New York 10573
Phone: 914-935-3950
Email: tj@306fayetteaverealty.com

7.0 SITE REPOSITORY LOCATIONS

Three (3) repositories will be established at the following locations:

1. Village of Mamaroneck Office
Village Hall at the Regatta
123 Mamaroneck Avenue
Mamaroneck, New York 10543
Contact: Richard Slingerland, Village Manager
Hours: Labor Day to June 30th: 9:00am - 4:30pm, Monday through Friday
July 1st to Labor Day: 8:30am - 4:00pm, Monday through Friday
Phone: (914) 777-7703
2. Mamaroneck Public Library
102 Mamaroneck Avenue
Mamaroneck, New York 10543
Contact: Lori Friedli, Head of Reference
Hours: Mid-June to Labor Day: 10:00am – 8:00pm Monday and Wednesday, 10:00am – 6:00pm Tuesday and Thursday, 10:00am – 5:00pm Friday and Saturday, Closed Sunday.
Labor Day to Mid-June: 10:00am – 8:00pm Monday through Wednesday, 10:00am – 6:00pm Thursday, 10:00am – 5:00pm Friday and Saturday, 1:00pm – 4:30pm Sunday.
Phone: (914) 698-1250
3. NYSDEC Region 3
21 South Putt Corners Road
New Paltz, New York 12561-1696
Michael Knipfing
Hours: Monday through Friday, 8:30am-4:45pm
Phone: (845) 256-3154

The repositories will ensure that pertinent documents and other project information are readily available to the public for review. All final work plans, reports, plans and specifications, and any other documentation relating to the Site will be placed in the repositories.

Public comments will be directed to Mr. William T. Ports, P.E. Contact information for Mr. Ports is provided in Section 6.0.

8.0 INTERESTED PUBLIC CONTACTS

The Contact List, attached as APPENDIX A, will include the following, as required:

- Owners of adjacent properties;
- Representatives of known organizations and groups with potential interest in activities at the Site;
- Local news media from which the community typically obtains information;
- People who may have information regarding the property who can assist in the development of the remedial measure; and
- Local and State government officials.

28012/ Citizen Participation Plan/Revised CPP/Citizen Participation Plan_txt.doc

FIGURE 1
SITE LOCATION MAP



MAP REFERENCE: NYSDOT MAMARONECK & MOUNT VERNON QUADRANGLE, 1990.

FIGURE 1

STERLING
Sterling Environmental Engineering, P.C.
24 Wade Road • Latham, New York 12110

SITE LOCATION MAP
SITE #C360108
FORMER M. ARGUESO AND CO., INC.
(441-442 WAVERLY AVENUE)
NEW WAVERLY AVENUE ASSOCIATES, LLC
V/T OF MAMARONECK WESTCHESTER CO., N.Y.

APPENDIX A
CONTACT LIST

**FORMER M. ARGUESO AND CO., INC.
C360108
441/442 WAVERLY AVENUE
MAMARONECK, NEW YORK**

CITIZEN PARTICIPATION PLAN

CONTACT LIST

State Government Officials

William Janeway
Regional Director
NYSDEC
21 South Putt Corners Road
New Paltz, New York 12561

Wendy Rosenbach
Public Affairs Officer
NYSDEC
21 South Putt Corners Road
New Paltz, New York 12561

Ed Moore
NYSDEC
21 South Putt Corners Road
New Paltz, New York 12561

Michael J. Knipfing
NYSDEC
21 South Putt Corners Road
New Paltz, New York 12561

Peg Duke
NYSDEC
21 South Putt Corners Road
New Paltz, New York 12561

Harold Evans
NYSDEC
625 Broadway
Albany, New York 12233

William Ports, P.E.
NYSDEC
625 Broadway
Albany, New York 12233

Sal Ervolina, P.E.
NYSDEC
625 Broadway
Albany, New York 12233

Mary Young
NYSDEC
625 Broadway
Albany, New York 12233

Gary Litwin
NYSDOH
547 River Street
Troy, New York 12180

Mark Van Valkenburg
NYSDOH
547 River Street
Troy, New York 12180

Nathan M. Walz
NYSDOH
Bureau of Environmental Exposure Investigation
Flanigan Square
547 River Street
Troy, New York 12180

Richard Morse
NYS Assembly Waste Commissions
Agency Building 4, Fifth Floor, ESP
Albany, New York 12248

Rosalie Rusinko
Senior Attorney
Office of General Counsel
NYSDEC
100 Hillside Avenue, Suite 1W
White Plains, New York 10603-2860

Local Government Officials

Valerie M. O'Keefe, Supervisor
Town of Mamaroneck
740 W. Boston Post Road
Mamaroneck, New York 10543-3319

Christina Battalia, Clerk
Town of Mamaroneck
740 W. Boston Post Road
Mamaroneck, New York 10543-3319

Kathleen Savolt
Village Mayor
123 Mamaroneck Avenue
Mamaroneck, New York 10543-0369

Thomas A. Murphy
Village Board
123 Mamaroneck Avenue
Mamaroneck, New York 10543-0369

Randi Robinowitz
Village Board
123 Mamaroneck Avenue
Mamaroneck, New York 10543-0369

Toni Pergola Ryan
Village Board
123 Mamaroneck Avenue
Mamaroneck, New York 10543-0369

John M. Hofstetter
Village Board
123 Mamaroneck Avenue
Mamaroneck, New York 10543-0369

Richard Slingerland
Village Manager
123 Mamaroneck Avenue
Mamaroneck, New York 10543-0369

Augustino A. Fusco
Village Clerk
123 Mamaroneck Avenue
Mamaroneck, New York 10543-0369

Hon. Charles Schumer
US Senate
Washington, DC 20510

Hon. Kirsten Gillibrand
US Senate
Washington, DC 20510

Representative Nita Lowey
222 Mamaroneck Avenue, Suite 310
White Plains, New York 10605

State Senator Suzi Oppenheimer
222 Grace Church Street
Port Chester, New York 10573

Assemblyman George Latimer
933 Mamaroneck Avenue, Suite 102
Mamaroneck, New York 10543

Judith A. Myers, Legislator
Westchester County
800 Michaelian Office Building
White Plains, New York 10601

Tina Seckerson, Clerk
County Legislature
800 Michaelian Office Building
White Plains, New York 10601

Andrew Spano, County Executive
148 Martine Avenue
White Plains, New York 10601

Timothy Idoni, Westchester County Clerk
110 Dr. Martin Luther King Jr. Boulevard
White Plains, New York 10601

Dr. Joshua Lipsman, Commissioner
County Health Department
145 Huguenot Street
New Rochelle, New York 10801

Gerard Mulligan, Commissioner
County Planning Department
148 Martine Avenue
White Plains, New York 10601

Ralph L. Butler, Commissioner
Public Works
148 Martine Avenue
White Plains, New York 10601

Salvatore Carrerra, Director
Economic Development
148 Martine Avenue
White Plains, New York 10601

Karen M. Pasquale
State Government Relations
148 Martine Avenue
White Plains, New York 10601

Environmental Organizations

Scenic Hudson
1 Civic Center Plaza
Poughkeepsie, New York 12601

Clearwater, Inc.
112 Market Street
Poughkeepsie, New York 12601

Greenway Conservancy
Capitol Building
Capitol Station, Room 254
Albany, New York 12224

The Nature Conservancy
Eastern NY Chapter
265 Chestnut Ridge Road
Mt. Kisco, New York 10549

Westchester Environmental Coalition
P.O. Box 488
White Plains, New York 10602

Federated Conservationists of Westchester
78 N. Broadway
White Plains, New York 10603

Karl Coplan, Esq.
Pace/Riverkeeper
78 N. Broadway
White Plains, New York 10603

Beczak Environmental Center
21 Alexander Street
Yonkers, New York 10701

Environmental Citizens Coalition
33 Central Avenue
Albany, New York 12210

Laura Haight
NYPIRG
107 Washington Avenue
Albany, New York 12210

Westchester County EMC
414 Michaelian Office Building
White Plains, New York 10601

Sierra Club
Atlantic Chapter
353 Hamilton Street
Albany, New York 12210

Robert Funicello
Director of Environmental Projects
Department of Environmental Facilities
270 North Avenue
New Rochelle, New York 10801

Local Media

City Editor
El Clarin – Westchester County Edition
48 Broadway
Haverstraw, New York 10927

City Editor
Associated Press
148 Martine Avenue, CB Press
White Plains, New York 10601

City Editor
Gannett Suburban Newspapers
1 Gannett Drive
White Plains, New York 10604

City Editor
Rising Publications
25 Warburton Avenue
Yonkers, New York 10701

City Editor
Suburban Street News
170 Hamilton Avenue, Suite 211
White Plains, New York 10601

City Editor, The New York Times (White Plains Bureau)
235 Main Street
White Plains, New York 10601

City Editor
The Business Journal
3 Gannett Drive
White Plains, New York 10604

City Editor
Patent Trader-Journal News
185 Kisco Avenue
Mount Kisco, New York 10549-1409

City Editor
Westchester County Weekly
229 W. 43rd Street
New York, New York 10036

City Editor
Westchester County Press
P.O. Box 152
White Plains, New York 10602

City Editor
Yonkers Jewish Chronicle
584 North Broadway
Yonkers, New York 10701

News Director
WHUD/WLNA
P.O. Box 310
Beacon, New York 12508

News Director
WRTN/WVOX
1 Broadcast Forum
New Rochelle, New York 10801

News Director
News 12
6 Executive Plaza
Yonkers, New York 10701

News Director
Paragon Cable
701-717 N. MacQuestein
Mount Vernon, New York 10552

News Director
WRNN TV
721 Broadway
Kingston, New York 12401

Lisa Phillips, Bureau Chief
WAMC
44 Main Street
Kingston, New York 12401

Hank Gross
Mid-Hudson News Network
42 Marcy Lane
Middletown, New York 10941

City Editor
Westmore News, Inc.
33 Broad Street
Port Chester, New York 10573

City Editor
America Latina
33 Broad Street
Port Chester, New York 10573

News Director
Women's eNews
6 Barclay Street, Sixth Floor
New York, New York 10007

News Director
WFAS-AM
P.O. Box 551, 365 Secor Road
Hartsdale, New York 10530

City Editor
Tri-State Pennysaver
510 Fifth Avenue
Pelham, New York 10803

Adjacent Site Owners

Carillo's Collision
517 Waverly Avenue
Mamaroneck, New York 10543

D.T.C. Realty, LLC
502 Center Avenue
Mamaroneck, New York 10543

DeRosa Tennis Contractors
438 Center Avenue
Mamaroneck, New York 10543

J.A. Jackson Corporation
430 Center Avenue
Mamaroneck, New York 10543

Henry V. Reaves and Ivone Fazio
429 and 431 Waverly Avenue
Mamaroneck, New York 10543

Portier Fine Foods
432 Waverly Avenue
Mamaroneck, New York 10543

Thomas Milo
520 Waverly Avenue
Mamaroneck, New York 10543

Spatz Industries
Attn: Mark Spatz
P.O. Box 819
Harrison, New York 10528

SITES Remediation and Technologies, Inc.
Attn: Robert G. Wasp, P.E.
P.O. Box 404
Stormville, New York 12582

Current and Former Property Owners / Operators

M. Argueso and Co, Inc.
2817 McCracken Street
Muskegon, MI 49441

New Waverly Associates, LLC
566 Westchester Avenue
Rye Brook, New York 10573

Other Interested Parties

Westchester Joint Water Works
1625 Mamaroneck Avenue
Mamaroneck, New York 10543

Liberty Montessori School
631 West Boston Post Road
Mamaroneck, New York 10543

Little Flower Nursery School
310 East Boston Post Road
Mamaroneck, New York 10543

Mamaroneck Community Nursery School
Toddler Center
122 Fenimore Road
Mamaroneck, New York 10543

Mamaroneck Community Nursery School
501 Tompkins Avenue
Mamaroneck, New York 10543

Lori Friedli, Head of Reference
Mamaroneck Public Library
102 Mamaroneck Avenue
Mamaroneck, New York 10543