

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director

625 Broadway, 12th Floor, Albany, New York 12233-7011

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www.dec.ny.gov

DEC 26 2019

81 Pondfield Road Company
John J. Lee, Jr., Winding up Partner
c/o Charles Goldberger, Esq.
McCullough, Goldberger and Staudt, LLP
1311 Mamaroneck Avenue, Suite 340
White Plains, NY 10605

Re: Certificate of Completion
Spic and Span Cleaners, Site# C360130
Village of Bronxville, Westchester County

Dear Applicant Requestor:

Congratulations on having satisfactorily completed the remedial program at the Spic and Span Cleaners Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to the Department's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:

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

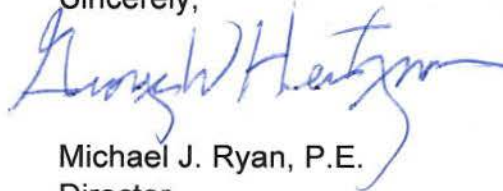


Department of
Environmental
Conservation

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in April of 2021.

If you have any questions regarding any of these items, please contact John Miller at 518-402-9589 or by email at john.miller@dec.ny.gov.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

C. Vooris - NYSDOH
 J. Nealon – NYSDOH
 Tom Liptak, tom@liptakemg.com
 Paul Lee, plee12@optonline.net
 Paul Stewart, pauls@act.earth
 Linda Shaw, lshaw@nyenvlaw.com
 Matt Gokey, matthew.gokey@tax.ny.gov
 Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

J. Miller
 D. Eaton
 J. Brown
 D. Bendell
 R. Rusinko
 K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

81 Pondfield Road Company

Address

c/o McCullough, Goldberger & Staudt, LLP
1311 Mamaroneck Avenue, Suite 340, White Plains, NY 10605

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 7/10/13

Agreement Index No.: C360130-07-13

Agreement Execution: 9/19/13

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION:

Site No.: C360130 **Site Name:** Spic & Span Cleaners

Site Owner: 81 Pondfield Road Company

Street Address: 79-81 Pondfield Road

Municipality: Bronxville **County:** Westchester **DEC Region:** 3

Site Size: 0.287 Acres

Tax Map Identification Number(s): 4-1-5, 4-1-8

Percentage of site located in an EnZone: 0 - 49 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Commercial and Industrial

Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25 %.

Tangible Property Credit Component Rate is 12 %.

Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25 %.

Tangible Property Credit Component Rate is 10 %.

The Remedial Program includes use restrictions or reliance on the long-term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Westchester County as 581593529.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By:



Date:

12/26/19

Michael J. Ryan, P.E., Director
Division of Environmental Remediation

NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

Spic and Span Cleaners, Site ID No. C360130
Site Address: 79-81 Pondfield Road
Bronxville, Westchester County, Tax Map Identification Numbers 4-1-5, 4-1-8

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to 81 Pondfield Road Company for a parcel approximately 0.287 acres located at 79-81 Pondfield Road in the Village of Bronxville, Westchester County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☐ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long-term employment of institutional or engineering controls, such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Westchester County as 581593529.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability

Spic and Span Cleaners, Site# C360130, 79-81 Pondfield Road, Bronxville, NY

limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 3 office located at 21 South Putt Corners Road, New Paltz, NY, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

81 Pondfield Road Company

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20 __, before me, the undersigned, personally appeared _____, 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.

Signature and Office of individual
taking acknowledgment

Please record and return to:
81 Pondfield Road Company
John J. Lee, Jr., Winding up Partner
c/o Charles Goldberger, Esq.
McCullough, Goldberger and Staudt, LLP
1311 Mamaroneck Avenue, Suite 340
White Plains, NY 10605

Exhibit A
Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

ALL that certain plot, piece or parcel of land, with the building and improvements thereon erected, situate, lying and being in the Village of Bronxville, Town of Eastchester, County of Westchester and State of New York, consisting of parts of Lots 3 and 4 and parts of Lots 18 and 19, in Block H, on a certain map entitled, "Map Number 2 of Lawrence Park and Associated Properties, situated at Bronxville, Westchester Co. N.Y." made by William A. Smith, dated February 17, 1920, and filed in the Office of the County Clerk, Division of Land Records, formerly Register's Office of Westchester County, New York, on March 24, 1920, as Map Number 2237, said plot being more particularly bounded and described as follows:

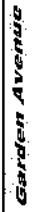
BEGINNING at a point on the easterly side of Pondfield Road as widened, said point being distant southerly 186.63 feet from the southerly end of a curve having a radius of 15.07 feet and a length of 26.28 feet, which curve connects the southerly side of Garden Road, formerly known as Underhill Avenue, with the easterly side of Pondfield Road, as widened; running thence through Lot 19 and Lot 3, in Block H, as shown on said map, north 76° 48' east 125 feet to the northeasterly corner of premises being described herein; running thence through Lots 3 and 4 on a course, south 13° 12' east 99.98 feet to the southeasterly corner of premises being described; running thence south 76° 40' 40" west through Lots 4 and 18, in Block "H", 125 feet to the easterly side of Pondfield Road as widened; running thence along the easterly side of Pondfield Road as widened, north 13° 12' west 100.25 feet to the point and place of beginning.

Containing approximately 0.2873 acres more or less.

Said premises also known as Section 4, Block 1, Lots 5 and 8 on the Official Tax Map.

Exhibit B

Site Survey



4-00000-1 (Continued)

1. The government's policy of "the Anti-Rightist Struggle" was a failure. It was a failure because it was a failure to control the rightist movement. It was a failure because it was a failure to control the rightist movement. It was a failure because it was a failure to control the rightist movement.

THE ENGINEERING AND INSTITUTIONAL CONTROLS for the Espenart are set forth in more detail in the Site Management Plan ("SMP"). A copy of the SMP must be obtained by any party with an interest in the property. The SMP may be obtained from New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 825 Broadway, Albany, NY 12253 or at webdewg.dec.state.ny.us

Survey Map
Prepared for
Advanced Cleanup Technologies, Inc.
in the Village of
Bronxville
Town of Eastchester
Westchester County, N.Y.
Scale 1"=26' April 29, 2014



 (in feet).

 1 inch = 10 ft.

[illegible]



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/13/2019



SITE DESCRIPTION

SITE NO. C360130

SITE NAME Spic & Span Cleaners

SITE ADDRESS: 79-81 Pondfield Road ZIP CODE: 10708

CITY/TOWN: Bronxville

COUNTY: Westchester

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan



Monitoring Plan



Operation and Maintenance (O&M) Plan



Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2021

Description of Institutional Control

81 Pondfield Road Company (partnership in dissolution, winding up)

c/o McCullough, Goldberger & Staudt, LLP, 1311 Mamaroneck Avenue, Suite 340, White Plains, NY 10605

79 Pondfield Road

Environmental Easement

Block: 1

Lot: 5

Sublot:

Section: 4

Subsection:

S_B_L Image: 4-1-5

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

81 Pondfield Road

Environmental Easement

Block: 1

Lot: 8

Sublot:

Section: 4

Subsection:

S_B_L Image: 4-1-8

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

81 Pondfield Road Company

c/o McCullough, Goldberger & Staudt, LLP, 1311 Mamaroneck Avenue, Suite 340, White Plains, NY 10605

79 Pondfield Road

Environmental Easement

Block: 1

Lot: 5

Sublot:

Section: 4

Subsection:

S_B_L Image: 4-1-5

Air Sparging/Soil Vapor Extraction

Cover System

Monitoring Wells

Vapor Mitigation

81 Pondfield Road

Environmental Easement

Block: 1

Lot: 8

Sublot:

Section: 4

Subsection:

S_B_L Image: 4-1-8

Air Sparging/Soil Vapor Extraction

Cover System

Monitoring Wells

Vapor Mitigation