

277 NR Principal LLC
Brownfield Cleanup Program Application
Goodrich Rubber 285 North Avenue Site
285 North Avenue, New Rochelle, New York 10801



Legal & Consulting Team:
Knauf Shaw LLP & AKRF, Inc.
January 2021



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐ Yes

☒ No

If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 10*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME 277 NR Principal LLC c/o Fisher Development Associates, LLC

ADDRESS 7 Penn Plaza, Suite 1400

CITY/TOWN New York, New York

ZIP CODE 10001

PHONE (212) 356-9262

FAX (212) 313-9499

E-MAIL cfisher@fisherdev.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒ Yes ☐ No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment.

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No

3. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit the information requested in this section in electronic format only***):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).**

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			X
Chlorinated Solvents			X
Other VOCs			
SVOCs	X	X	
Metals	X	X	
Pesticides			
PCBs	X		
Other*			

*Please describe: _____

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- SAMPLE LOCATION
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED
- FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
- FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
- FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

☐ Coal Gas Manufacturing	☒ Manufacturing	☐ Agricultural Co-op	☐ Dry Cleaner
☐ Salvage Yard	☐ Bulk Plant	☐ Pipeline	☒ Service Station
☐ Landfill	☐ Tannery	☐ Electroplating	☐ Unknown

Other: Rubber Manufacturing; Commercial building with large former and current petroleum underground storage tanks

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME Goodrich Rubber 285 North Avenue Site				
ADDRESS/LOCATION 285 North Avenue				
CITY/TOWN New Rochelle, New York		ZIP CODE 10801		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): New Rochelle and Westchester County				
COUNTY Westchester		SITE SIZE (ACRES) 1.03 acres		
LATITUDE (degrees/minutes/seconds) 40 ° 54 ' 43.8N "		LONGITUDE (degrees/minutes/seconds) 73 ° 46 ' 58.1W "		
Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
285 North Ave	1	239	0033	1.03
1. Do the proposed site boundaries correspond to tax map metes and bounds? ☒ Yes ☐ No If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? ☒ Yes ☐ No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes ☐ No ☒ If yes, identify census tract : _____ Percentage of property in En-zone (check one): ☐ 0-49% ☐ 50-99% ☐ 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? ☐ Yes ☒ No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? ☐ Yes ☒ No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? ☐ Yes ☒ No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? ☐ Yes ☒ No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?
If yes, identify here and attach appropriate information. ☐ Yes ☒ No

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

PBS Registration No. 3-502049

NYSDEC

Registration for a current 5,000 gallon UST for fuel oil

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?

☒ Yes ☐ No

Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? ☐ Yes ☐ No

If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ Yes ☐ No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? ☐ Yes ☐ No

NOTE: If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Casey Fisher & Louis Dattilo			
ADDRESS 7 Penn Plaza, Suite 1400			
CITY/TOWN New York, New York		ZIP CODE 10001	
PHONE (212) 356-9262	FAX (212) 313-9499	E-MAIL cfisher@fisherdev.com; ldattilo@fisherdev.com	
NAME OF REQUESTOR'S CONSULTANT AKRF, Inc., Axel Schwendt, Vice President			
ADDRESS 440 Park Ave South, 7th Floor			
CITY/TOWN New York, New York		ZIP CODE 10016	
PHONE 917.596.8992	FAX 212.726.0942	E-MAIL aschwendt@akrf.com	
NAME OF REQUESTOR'S ATTORNEY Linda Shaw, Esq., Knauf Shaw LLP			
ADDRESS 1400 Crossroads Building, 2 State Street			
CITY/TOWN Rochester, New York		ZIP CODE 14614	
PHONE (585) 546-8430	FAX (585) 546-4324	E-MAIL lshaw@nyenvlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME 277 NR Principal LLC		OWNERSHIP START DATE: 8/20/2018	
ADDRESS 7 Penn Plaza, Suite 1400			
CITY/TOWN New York, New York		ZIP CODE 10001	
PHONE (212) 356-9262	FAX (212) 313-9499	E-MAIL cfisher@fisherdev.com	
CURRENT OPERATOR'S NAME 277 NR Principal LLC but site is vacant			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".			
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)			
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? ☐ Yes ☒ No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? ☐ Yes ☒ No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. ☐ Yes ☒ No			

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☒ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? ☐ Yes ☒ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (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? ☐ Yes ☒ No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☒ No

THE REQUESTOR MUST CERTIFY THAT HE/SHE 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 hazardous waste or discharge of petroleum 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 hazardous waste or discharge of petroleum.

☒ 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 disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous Owner ☒ Current Owner ☐ Potential /Future Purchaser ☐ Other _____

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted**. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?

☐ Yes ☐ No

Note: a purchase contract does not suffice as proof of access.

Section VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ Yes ☒ No
If yes, please provide: Site # _____ Class # _____
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No
If yes, please provide: Order # _____
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No
If yes, please provide explanation as an attachment.

Section IX. Contact List Information

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? DMU-Downtown Mixed Use

What uses are allowed by the current zoning? (Check boxes, below)

☒ Residential ☒ Commercial ☐ Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: ☐ Residential ☐ Commercial ☐ Industrial ☒ Vacant ☐ Recreational (check all that apply)

Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.

3. Reasonably anticipated use Post Remediation: ☒ Residential ☒ Commercial ☐ Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing?

☐ Yes ☒ No

4. Do current historical and/or recent development patterns support the proposed use?

☒ Yes ☐ No

See Support Document

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

See Support Document

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

See Support Document

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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: _____

(By a requestor other than an individual)

I hereby affirm that I am an Authorized Signatory of 277 NR Principal LLC; that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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: 12/30/20 Signature: 

Print Name: Casey Fisher

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), 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

FOR DEC USE ONLY
BCP SITE T&A CODE: _____

LEAD OFFICE: _____

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY. Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

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Property is in Bronx, Kings, New York, Queens, or Richmond counties.	☐ Yes ☒ No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	☐ Yes ☐ No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	
☐ Yes ☐ No	
2. Is the property upside down or underutilized as defined below?	Upside Down? ☐ Yes ☐ No
	Underutilized? ☐ Yes ☐ No
From ECL 27-1405(31):	
"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.	
From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
375-3.2:	
(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and (1) the proposed use is at least 75 percent for industrial uses; or (2) at which: (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses; (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and (iii) one or more of the following conditions exists, as certified by the applicant: (a) property tax payments have been in arrears for at least five years immediately prior to the application; (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or (c) there are no structures.	
"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.	

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

- ☐ Project is an Affordable Housing Project - Regulatory Agreement Attached;
- ☐ Project is Planned as Affordable Housing, But Agreement is Not Yet Available*
(*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);
- ☐ This is Not an Affordable Housing Project.

From 6 NYCRR 375- 3.2(a) as of August 12, 2016:

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

BCP Application Summary (for DEC use only)

Site Name: Goodrich Rubber 285 North Avenue Site **Site Address:** 285 North Avenue
City: New Rochelle, New York **County:** Westchester **Zip:** 10801

Tax Block & Lot
Section (if applicable): 1 **Block:** 239 **Lot:** 0033

Requestor Name: 277 NR Principal LLC c/o Fisher Development Associates, LLC **Requestor Address:** 7 Penn Plaza, Suite 1400
City: New York, New York **Zip:** 10001 **Email:** cfisher@fisherdev.com

Requestor's Representative (for billing purposes)
Name: Casey Fisher & Louis Dattilo **Address:** 7 Penn Plaza, Suite 1400
City: New York, New York **Zip:** 10001 **Email:** cfisher@fisherdev.com; ldattilo@fisherdev.com

Requestor's Attorney
Name: Linda Shaw, Esq., Knauf Shaw LLP **Address:** 1400 Crossroads Building, 2 State Street
City: Rochester, New York **Zip:** 14614 **Email:** lshaw@nyenvlaw.com

Requestor's Consultant
Name: AKRF, Inc., Axel Schwendt, Vice President **Address:** 440 Park Ave South, 7th Floor
City: New York, New York **Zip:** 10016 **Email:** aschwendt@akrf.com

Percentage claimed within an En-Zone: ☒ 0% ☐ <50% ☐ 50-99% ☐ 100%

DER Determination: ☐ Agree ☐ Disagree

Requestor's Requested Status: ☒ Volunteer ☐ Participant

DER/OGC Determination: ☐ Agree ☐ Disagree
Notes:

For NYC Sites, is the Requestor Seeking Tangible Property Credits: ☐ Yes ☐ No

Does Requestor Claim Property is Upside Down: ☐ Yes ☐ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Property is Underutilized: ☐ Yes ☐ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Affordable Housing Status: ☐ Yes ☐ No ☐ Planned, No Contract

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

BCP APPLICATION SUPPORT DOCUMENT

BCP APPLICATION SUPPORT DOCUMENT

Exhibit List

Exhibit A -	DOS Entity Information
Exhibit B-	Corporate Consent
Exhibit C-	Deeds
Exhibit D-	Site Location Map and Tax Map
Exhibit E-	Previous Owners and Operators
Exhibit F-	Site Drawing Spider Maps
Exhibit G-	Survey
Exhibit H-	Base Map, Street Map and En-Zone Map
Exhibit I-	Zoning Map
Exhibit J-	Site Contact List
Exhibit K-	Repository Letter

ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON CD:

1. March 1990 Spill # 8912285 - 277 North Ave.
2. July 1995 Phase I Environmental Site Assessment (ESA) (unavailable)
3. March 1996 Phase II ESA (unavailable)
4. July 2003 Phase I ESA (complete report unavailable; partial available)
5. August 2003 Coneco Tank Testing Report (unavailable)
6. Jan. 2007 Spill # 0611850 – 277 North Avenue
7. Jan. 2007 Spill # 0611648 – 277 North Avenue
8. Dec. 2007 Northeast Environmental PBS Closure Report
9. Jan. 2016 TEAM Phase I ESA
10. May 2018 Westchester County Oil Storage Inspection Report
11. July 2018 TEAM Updated Phase I ESA
12. Sept. 2018 Asbestos Inspection Report
13. March 2019 Asbestos Disposal Manifest
14. March 2019 Asbestos Removal Completion Letter
15. March 2019 Post Asbestos Abatement Inspection and Closeout Letter
16. May 2019 Westchester County PBS Registration Certificate
17. May 2019 PBS UST Change of Ownership Form
18. Nov. 2020 Delta Geophysics Inc. Geophysical Investigation Report
19. Dec. 2020 AKRF Updated Phase I ESA
20. Dec. 2020 AKRF Subsurface Phase II Investigation

PART A

SECTION I - REQUESTOR INFORMATION

The Requestor is 277 NR Principal LLC c/o Fisher Development Associates, LLC, a foreign limited liability company, located at 7 Penn Plaza, Suite 1400, New York, New York 10001. 277 NR Principal LLC is authorized to do business in the State of New York. *See Exhibit A, NYSDOS Entity Information.* The members are shown in the Organizational Chart attached in Exhibit A.

The Written Consent provides Carey Fisher with authority to sign all Brownfield Cleanup Program (“BCP”) documents on behalf of the Requestor 277 NR Principal LLC c/o Fisher Development Associates, LLC. *See Exhibit B, Corporate Consent.*

Requestor is the owner of the Site. *See Exhibits C, Deeds.* As further described below in Section IV, the Site is located at 285 North Avenue (formerly known as 273 and 277 North Avenue), New Rochelle, New York 10801, Tax Parcel Identification No. 1-239-0033 (formerly known as Tax Parcel Identification Nos. 1-239-0029 and 1-239-0033) (hereinafter the “Site” or “BCP Site.”) *See Exhibit D Site Location and Tax Maps.*

The Requestor has no prior relationship with any current or past owners or operators of the Site. *See Sections V and VI below, and Exhibit E Previous Owners and Operators List.* The Requestor did not cause any of the contamination of the Site, which predates the Requestor’s involvement at the Site.

SECTION II - PROJECT DESCRIPTION

Please refer to responses to Questions 1-3 on the BCP Application Form.

4. Short Project Description

The planned redevelopment of the Site entails construction of a residential transit-oriented apartment building that will total approximately 510,000 gross sf spread across 442 residential rental units consisting of studio, one, two and three bedroom units. Of the total 442 rental units, 10% will be set aside as affordable at 80% of AML. The project also contains around 13,000 sf of retail and commercial space, amenity spaces to support the rental residences plus a multi-level parking garage spanning approximately 100,000 gross sf with up to 365 valet parking spaces. The project is currently in the predevelopment phase and is looking to commence construction in late summer 2021.

Schedule- Commencement through COC

Assuming the application is approved within approximately 4 months of submission, a Remedial Investigation Work Plan will be prepared shortly after the Site is in the Program. The Remedial Investigation is expected to commence after the 30-day comment period is over and completed on the Site by approximately the end of June 2021. Site preparation activities, including on-Site building demolition in order to prepare the Site for remediation under former slabs is also expected

to commence on or before June 2021. The Remedial Action Work Plan (“RAWP”) will be completed in July 2021 and remediation is expected to commence after the 45-day comment period in later August or early September 2021. The Certificate of Completion is anticipated to be issued on or before December 2021 or in early 2022.

SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY

1. List of Environmental Reports

The following is the list of environmental reports for the Site separately attached:

- A. March 1990 Spill # 8912285 - 277 North Ave.
- B. July 1995 Phase I ESA (unavailable)
- C. March 1996 Phase II ESA (unavailable)
- D. July 2003 Phase I ESA (complete report unavailable; partial available)
- E. August 2003 Coneco Tank Testing Report (unavailable)
- F. January 18, 2007 Spill # 0611850 – 277 North Avenue
- G. January 18, 2007 Spill # 0611648 – 277 North Avenue
- H. December 2007 Northeast Environmental PBS Closure Report
- I. January 2016 TEAM Phase I ESA
- J. May 2018 Westchester County Oil Storage Inspection Report
- K. July 2018 TEAM Updated Phase I ESA
- L. Sept. 2018 Asbestos Inspection Report
- M. March 2019 Asbestos Disposal Manifest
- N. March 2019 Asbestos Removal Completion Letter
- O. March 2019 Post Asbestos Abatement Inspection and Closeout Letter
- P. May 2019 Westchester County PBS Registration Certificate
- Q. May 2019 PBS UST Change of Ownership Form
- R. Nov. 2020 Delta Geophysics Inc. Geophysical Investigation Report
- S. Dec. 2020 AKRF Updated Phase I ESA
- T. Dec. 2020 AKRF Subsurface Phase II Investigation

2. Sampling Data

See Exhibit F Spider Maps, which include sampling data summaries, and Section IV.10.F.

3. Site Drawing

See Exhibit F, Spider Maps.

4. Past Land Uses

See Section IV.10.D for full description of past land uses.

SECTION IV – PROPERTY INFORMATION

1. Site Boundary and Tax Parcel Information

The Site boundary does correspond to the tax boundaries. The Tax Boundary Map is in Exhibit D and a Survey Map is provided in Exhibit G. The Site Location Map is in Exhibit D and the Base Property Map is in in Exhibit H. The Site is not located in an En-Zone. See En-Zone Map ins Exhibit H.

2. Property Map

The Site Location and Tax Map are in Exhibit D, the Base Property and Street Map are in Exhibit H and a Survey Map is in Exhibit G.

Please refer to responses to Questions 3-9 on the BCP Application Form.

10. Property Description Narrative

A. Site Location

See Response to Section IV.1 and IV.2 above. The Site is a 1.03-acre parcel located at 285 North Avenue (formerly known at 277 North Avenue and 273 North Avenue), New Rochelle, New York 10801, Tax Parcel Identification No. 1-239-0033 (formerly known as Tax Parcel Identification Nos. 1-239-0029 and 1-239-0033). The Site is located in a primarily commercial use neighborhood. The Site Location and Tax Map are in Exhibit D, the Base Property and Street Map are in Exhibit H and a Survey Map is in Exhibit G.

B. Site Features

The Site is currently improved with a multi-tenanted three-story steel frame masonry block commercial office building on the northern form lot 33 and a vacant one-story building with a two-story addition present on the southern portion of the Site on former lot 29. Two fuel oil fired burners are located in the basement in the northern building. A hot water storage tank associated with the fuel oil burners is also present in this building. The heating oil is maintained within a 5,000-gallon capacity UST found on the northeastern side of the building. A natural gas HVAC unit is present on the roof of the building. Paved parking areas are found within the southeastern section of the property and off the northeastern and southeastern sides of the buildings. The Site has been vacant since March 2019.

The closest waterbody to the Site is Echo Bay/Hudson River. It is located 0.47 miles from the Site. The Site is not located in a flood zone. See Exhibit J, Flood Zone Map.

C. Current Zoning and Land Use

The Site is currently located in the DMU (Downtown Mixed Use) District. See Exhibit I Zoning Map. The on-Site building was most recently used as commercial office building.

The last tenant was Bank of America in one portion of the building. The Bank vacated the Site in approximately March-April 2019 and the Site is now vacant. The surrounding properties are primarily commercial with some residential uses. The Site is located along the northeastern side of North Avenue in the City of New Rochelle, Westchester County, New York. A multi-story mixed use commercial and residential structure are located northeast of the property. To the Southeast of the Site, there is a restaurant, multi-tenanted retail and commercial office structure, and a United States Post Office. A Chase Bank office building is located to the southwest of building. Active below grade railway lines are located approximately 109 feet from the Site to the north. The Site is located approximately 500 feet from the New England Thruway (Interstate Route 95).

D. Past Use of the Site

1. Past Uses of the Site

Based on records from the City of New Rochelle Tax Assessors Office and Building Department, City Directory prepared by Environmental Data Resources, Inc. (EDR), and Sanborn Fire Insurance Maps, the following historic uses were found to be present on the Site. In 1887, the Property was shown approximately 20 feet east of North Avenue. The western portion of the Site was developed with a hotel, pavilion, a shed, and a stable at this time. A jewelry business that fronted North Avenue was partially located on the property. The northern portion of the property consisted of a street bed, and the remaining portion was vacant. In 1892, the maps depict a store where the hotel has previously been. The pavilion was no longer present on the 1892 maps. On the 1892 map, two sheds, a stable, and a small beer storage building were shown in addition to the 1887 buildings on the western portion of the site. The street bed on the northern part of the Site is labeled as part of Avenue E. On the 1896 map, the former hotel is labeled as “sal,” which may indicate a saloon. Two new sheds were shown on the western portion of the property. In addition, two stores were shown fronting North Avenue. The on-site beer storage building is depicted as a stable.

On 1903 maps, the “sal” is now labeled as a restaurant. The former beet storage building is labeled as “New Rochelle Bottling Co.” The stores on the property are labeled as a tailor and a jewelry business. Two buildings and a dwelling are also shown on the eastern portion of the property. Borden’s Condensed Milk Co. is depicted as east-adjacent to the Site. On 1911 maps, an additional store is present fronting North Avenue. On Lot 29, a rubber vulcanization (hardening) facility was present. The facility was run by Westchester Rubber Works. The map noted that the facility has one small “gas vulcanizer.” On the 1911 maps, the northern portion of the property was developed by W.F. Vernon Masons Materials facility, but newspaper articles say that B.F. Goodrich took over the facility and it was still operating until the 1950s. It was noted to supply brick, cement, and lime. An upholster was shown in the northeastern corner of the Site. The eastern portion of the Site contained a dwelling, two stores and part of the garage. Borden’s Condensed Milk Co. was no longer on the 1911 map.

These records indicated that in 1930, a multi-story commercial structure was constructed on the Site. Maps from 1931 depict the Site with a commercial structure, a storage building

and several parking garages. The 1931 map shows that North Avenue has widened eastward, and it is shown west-adjacent to the Property. The saloon, restaurant, stores, and rubber vulcanization facility on the western portion of the facility were demolished. The structures were replaced by vacant land and one building that is not labeled. The former W.F. Vernon structures are shown as parking and storage buildings. The former upholster in the northeastern corner of the property was replaced by the western portion of a plumbing supply shop. The plumbing supply shop extended north and east beyond the property. The 1942 map appears similar to the 1931 map. The building shown on the western side of the property is labeled as a bank. The building on the southern portion of the property was constructed in 1948.

The 1951 map depicts the western portion of the property with the building depicted on the 1942 map, a store, a building with an illegible label, a filling station, a parking lot, and a parking garage. The former garage on the eastern portion of the property is labeled as an auto repair garage. The remainder of the property is similar to the 1931 and 1942 maps. A two-story addition was added to the building on the southern portion of the property in 1963. The property was developed with a three-story commercial building in 1975. Accessory parking and a small maintenance house were also constructed in 1975. Maps from 1990 to 2003 depict the store on historical Lot 29 with a small addition on its rear. Avenue E is no longer shown on or near the property.

In 1972, Cornwall Automatic was present on historic Lot 29. Mawaco Machine Co. and offices were present on historic Lot 33 in 1972. Peoples Bank for Savings, N.R. purchased the Site from the City of New Rochelle in 1973. In 1976, the on-site structure was demolished in preparation for the construction of the existing structure. A roofing and siding business was present on historic Lot 29 in 1977. A restaurant was present on the site from 1977 until 2017. Offices were present on the Site from 1972 until 2107. Cosmopolitan Plng. was presented on historic Lot 33 in 1987. Dental offices were present on the Site from 2010 until 2017. A locksmith was present on the Site from 2014 until 2017.

Maps from 1990-1996 note that the existing commercial structure on the Site was built in 1975. The construction of the present structure was completed in 1977. Maps from 1990-1996 depicted the Site with a commercial structure and a small maintenance house. CJR Properties purchased the Site from Peoples Bank for Savings, N.R. in 1996.

At the time of a 2003 Phase I inspection by Team Environmental Consultants, Inc. (TEAM), the Site was improved with a multi-tenanted three-story steel frame masonry block commercial office building. Building tenants included Fleet Bank, Seacord, Young and Young Attorneys at Law, Friedland Insurance Company, and the Guidance Center for Adult Counseling. The Site was bordered to the northwest by a paved parking area and Amtrak/Conrail active railway lines. Partially paved parking lots were also present to the northeast of the Site. A restaurant, multi-tenanted retail/commercial office structure, Huguenot Street, and a United States Post Office facility are located to the southeast of the building. A 177 sq.ft. storage building, which was formerly a guard booth, is located off the eastern corner of the structure. The building is heated by a fuel oil fired furnace assembly. Fuel oil is stored with a 10,000-gallon capacity UST on the northeast side of the

building. In May 2004, RJ Leaf 277 North, LLC purchased the Site. The adjoining Trump Plaza structure was first noted in 2007 aerial photographs.

At the time of the TEAM's January 2016 Phase I ESA Update inspection and report, the Site was still improved with the multi-tenanted three-story steel frame masonry block commercial office building. The structure has a floor area of 34,105 ft², including a full basement. Two fuel oil fired burners were located in the basement. A hot water storage tank associated with the fuel oil burners was also present in the basement. A heating oil 5,000-gallon capacity UST was found on the northeastern side of the building. A natural gas HVAC unit was present on the roof of the building.

By 2019, Bank of America was the last tenant in the on-Site building and the Bank vacated the Site in approximately February March 2019. The on-Site building is now vacant.

2. Past Investigations Related to Uses and Environmental Conditions that Led to the Submission of this Application

The first investigation of the past uses of the Site was in July of 1995, when AquaTerra Environmental Services Corp. (AquaTerra) was retained to conduct a Phase I ESA for the Site. The report was not available for review when completing this support document, but it was summarized in the January 2016 TEAM Phase I ESA and is summarized below. The 1995 Phase I ESA revealed that in April of 1990, a 10,000-gallon underground storage tank (UST) failed a tightness test on the Site. A spill was reported to the NYSDEC – Spill No. 8912285. To address the test failure, the UST was emptied, cleaned, and equipped with a liner. Two groundwater monitoring wells were also installed sometime in 1990.

AquaTerra appears to have been retained by River Bank America in March 1996 to conduct a Phase II ESA. This early report was also not located but was summarized in the January 2016 TEAM Phase I ESA and the partial July 2003 Phase I ESA report. The scope of work for the Phase II ESA included a review of a July 1995 AquaTerra Phase I report, performance of a ground penetrating radar (GPR) survey and tank tightness test installation and collection of soil samples from four borings located proximate to the UST, and laboratory analysis of groundwater samples collected from the two previously installed groundwater monitoring wells.

The GPR survey was performed in the “parking lot located behind the building.” The survey identified the presence of a UST located parallel to the building. AquaTerra noted that the UST was 30 feet in length and 14 feet in width. The top of the tank was located approximately 3 feet below ground surface (ft-bgs). No other USTs were found as a result of the GPR survey. A company named Tankology Corporation International performed precision testing and AquaTerra noted that the tank “passed” the tightness test.

AquaTerra installed four (4) soil borings around the tank to a depth of 12 ft-bgs. No soil borings were installed along the western side of the UST because there were surface and subsurface restrictions. Minimal gray staining and a slight petroleum odor were noted in all borings between 9.5 and 12 ft-bgs. Soil samples were collected and analyzed for

common fuel constituents. No concentrations were noted to be above NYSDEC soil cleanup criteria.

Groundwater samples from one groundwater well indicated the presence of benzene and xylenes at concentrations above NYSDEC cleanup standards. A second groundwater well contained contaminants below NYSDEC groundwater cleanup standards. AquaTerra noted that a NYSDEC representative stated that “the elevated levels in the groundwater at GW-1 [did] not warrant further action at [that] time.”

In July of 2003, Team Environmental Consultants, Inc. (TEAM), was authorized by Sound Federal Savings and Loan Association to conduct a Phase I ESA of the Site. The complete report was not available for review when completing this support document, but it was summarized in the January 2016 TEAM Phase I ESA. A portion of the report has been submitted with this application.

TEAM’s review of available City of New Rochelle Building Department records revealed no issues of adverse environmental concern. City of New Rochelle Fire Departments revealed two USTs in the Site’s history. A 3,000-gallon fuel UST was installed in March of 1930. The Site was operated as “People Bank for Savings” in 1930. No removal of the tank was noted. The second tank was the 10,000-gallon #2 fuel oil UST. The second tank was installed along the rear of the building in 1975. This 10,000-gallon UST was registered with the NYSDEC as Petroleum Bulk Storage (PBS) No. 3-502049. A groundwater monitoring well is located off the southern end of the 10,000-gallon UST. The tank “passed” a tank tightness test performed on August 14, 2003. The tightness test report was not available when this application was completed. The Property owner, Robert O’Boyle, informed TEAM that a second monitoring well was present along the northeastern side of the tanks. The second well was “paved over” during the resurfacing of the on-Site parking area.

TEAM’s inspection revealed two furnace assemblies in the boiler room of the structure. One unit was reported to be active. Use of the second unit was discontinued at an unspecified time before the Phase I ESA. No significant petroleum odors or floor stains were identified in the vicinity of the boiler assemblies or connected oil lines. TEAM’s September 2003 Phase I ESA report identified no significant and immediate environmental liabilities associated with the subject property or historic site use. Therefore, no follow-up environmental site investigations were recommended.

In October of 2007, Northeast Environmental Inc. (Northeast) was retained by then owner 277 North LLC to remove one (1) 10,000-gallon #2 oil UST on the Site. The UST had previously failed two tightness tests, which resulted in two spills being reported to the NYSDEC. The first spill – Spill No. 0611580 – was reported on January 18, 2007. The second spill – Spill No. 0611648 – was reported on January 19, 2007. Both spills reported #2 fuel oil as the material spilled. The UST was pumped and cleaned of its contents after the tightness test failures. *See* Spill files and December 2002 Closure report separately attached.

Northeast excavated overburden soils from the top and sides of the UST in order to properly remove the tank. Once the tank was removed, visual and olfactory signs of soil contamination were present. A MiniRAE 2000 Portable VOC Monitor was used to take confirmatory field readings. Northeast excavated approximately 356.79 tons of petroleum contaminated soils from the Site. Post excavation soil samples were taken and analyzed according to NYSDEC protocol. No VOCs were observed with any post excavation samples. SVOCs were observed above the NYSDEC Required Soil Cleanup Objectives in the soil samples. Northeast indicated that whether groundwater samples were recommended would be “determined later”.

In 2016, TEAM was authorized to conduct a Phase I ESA Update for the current owner at the time - 277 North LLC. The objective of this effort was to update significant environmental impairments and liabilities associated with the property. TEAM’s visual inspection of the Site revealed no unusual odors or visual evidence of significant pavement or surface stains that could be indicative of leaking petroleum storage tanks, chemical spills, or industrial waste disposal. TEAM noted a vent pipe and several manholes covers on the Site associated with the 5,000-gallon UST. This UST is still registered with the NYSDEC as Petroleum Bulk Storage (PBS) Site No. 3-502049. At the time of the Phase I ESA Update, a Westchester County Health Department (WCHD) PBS Certificate was located in the boiler room. The certificate noted that UST registration expired on May 5, 2019.

TEAM reviewed information from the City of New Rochelle Tax Assessors Office, Sanborn Fire Insurance Maps, City of New Rochelle Building Department records, and aerial photographs during the Phase I ESA Update to determine the Site history. No new information as to the historic industrial or manufacturing use of the Site was available for TEAM to review. The updated Environmental Data Resource (EDR) Site Assessment Report revealed that the 1990 and 2007 spills were shown to be closed in the NYSDEC Spills Database on December 4, 2008. On the NYSDEC PBS Program report, the Site was listed as having a “close-removed” 10,000-gallon UST and a “in-service” 5,000-gallon UST. The EDR also noted RCRA, Facility Index System (FINDS), and MANIFEST Database for the Site. The listings were for ConEd Manhole No. 11295. The neighboring Trump Plaza structure was listed on the SPILLS and New York Leaking Storage Tanks (LUST) databases. Three spills were listed for the neighboring property. All three spills were indicated to be closed. A BCP site (Schmuckler’s Dry Cleaners) is located approximately 800-feet to the northwest of the Site.

However, TEAM identified no environmental liability issues or RECs associated with the Site and did not recommend follow-up site investigations.

In May 2018, Westchester County inspected the 5,000-gallon UST on the Site. No violations were noted at the time of the inspection.

In July 2018, TEAM was requested to provide another updated Phase I for the Requestor’s principal company Fisher Development Associates, LLC. TEAM obtained a current EDR report for the Site. The updated EDR listed the Site on the same database reports as the

report obtained during the 2016 Phase I ESA. The updated report also noted two (2) DRYCLEANER sites approximately 500 feet from the Site but noted that neither had any known spills. TEAM identified no significant or immediate environmental liability issues or RECs associated with the Site and added that since the Site is provided with municipal water, TEAM did not recommend follow-up site investigations.

The Requestor relied on the County tank inspection report and the updated Phase I when it acquired the Site in August 2018.

In May 2019, Requestor 277 NR Principal, LLC submitted an PBS application to Westchester County. The application requested a change of ownership for the UST. A PBS Registration Certificate was issued on May 29, 2019. The certificate expires on August 20, 2021. It is important to note that since the last tenant (Bank of America) vacated the building on former Lot 33 in approximately March 2017, thereafter the tank was last filled in December 2018 and the contents were used until the point that all utilities were able to be shut off. Therefore, minimal to no fuel content remains in the tank.

In September 2018, State Environmental Analysis, Inc. (State Environmental) performed asbestos inspections for the Requestor's principal Fisher Development Associates, LLC at the Site. Eastern Analytical Services, Inc. analyzed the samples collected during the inspection and identified asbestos containing material (ACM) on the Site. In March of 2019, Mid Valley Contractors removed and disposed of 36 sq.ft. of roofing material from the roof area with ACM. A Post Asbestos Abatement Visual Inspection for 273 North Avenue was performed by DSA Services, Inc. (DSA), on March 26, 2019. DSA confirmed that the asbestos abatement was successfully completed and there is no remaining ACM in the on-Site structures. There are March 2019 manifest and post removal inspection documents in the file associated with the proper ACM removal from the Site. As noted above, the Requestor officially transferred ownership of the tank to the Requestor entity in May 2019. See these documents separately attached with the Environmental Reports in chronological order.

However, despite this report, AKRF's most recent December 2020 Phase I Investigation Report notes that some suspect ACM was observed and may still be present in areas that were not accessible by Eastern Analytical Services, Inc. in 2018. AKRF observed what may be asbestos containing spray-on fireproofing material on the ceiling and roof decks throughout the northern building on former lot 33.

In November 2020, newly hired consultant AKRF hired Delta Geophysics (Delta) personnel performed a limited geophysical investigation at the Site to investigate the subsurface for anomalies to determine if any other USTs were present not currently known to exist. All accessible areas throughout the Site were examined during the investigation. Delta utilized a Ground Penetrating Radar (GPR), a radiodetection precision utility locator, and a Fisher M-Scope TW-6 pipe and cable locator. During its survey, Delta detected a metallic anomaly consistent with the already known 5,000 UST adjacent to the eastern corner of the building. The anomaly was detected at 2 ft-bgs. The approximate dimensions of the anomaly were 12 feet by 5 feet. A vent line was traced to the anomaly where it

terminated. No other USTs were identified.

The December 2020 ARKF Phase I just authorized by the Requestor 277 NR Principal LLC and Renaissance Environmental Management, LLC provided a far more detailed history of the past users and current conditions at the Site than prior reports which is summarized above. AKRF observed the 5,000 UST vent pipe and two groundwater monitoring wells were located on either side of the UST. AKRF also observed an excavation of approximately 10 feet by 5 feet located on the northwestern portion of the Site in the former bank teller drive-up window area. Soil, concrete, and asphalt stockpiles were located on the asphalt adjacent to the excavation. New Rochelle Fire Department files indicated that a 3,000-gallon UST was installed at the Site in the 1930. AKRF could not ascertain the status of the tank during its investigation but the geophysical investigation did not identify this tank still being present. No evidence of above ground storage tanks (ASTs) was found during this investigation. Based on the age of the property, AKRF concluded that PCB containing material and lead-based paint might be present on the Site.

ARKF's investigation revealed that on April 23, 2019, Lot 29 was consolidated into Lot 33 and the Site address was changed to 285 North Avenue. The buildings located on the northern portion of the Site were formerly identified as 277 North Avenue, Lot 33. The buildings on the southern portion of the Site were formerly identified as 273 North Avenue, Lot 29. Presently, these changes are not reflected on the New Rochelle Tax Assessor's website.

ARKF identified the following RECs on the Site:

- A former 3,000-gallon UST installed in the 1930s
- Past uses of the property including a filling station in 1951 and a rubber vulcanization shop in 1911
- Historical uses of nearby properties including rail tracks, a machine shop, a carriage factory, an undertaker, condenses milk production, printers, paint shops, a coat factory with a gasoline UST, auto sales and repair, a firehouse with gasoline UST, and the Westchester Lighting Co
- Two fuel-oil fired boilers located in the southeastern portion of the northern property building
- A hydraulic elevator motor room
- A utility/paint storage room located in the eastern portion of the northern property building
- ACM and LBP based on the age of the building
- PCB and/or mercury containing electrical equipment, lighting fixtures, caulk, and hydraulic fluid in the elevator motor room.

ARKF recommended an asbestos survey of the Site prior to any renovation or demolition activities with the potential to disturb asbestos containing material. Any activities with the potential to disturb lead-based paint should be performed in accordance with the applicable requirements. AKRF also noted that disposal of PCB and other chemical containing material should be performed in accordance with applicable federal, state, and local requirements. AKRF recommended a Soil Disposal Characterization Study prior to soil

excavation and off-site disposal activities. During Site redevelopment, the existing UST and any other encountered USTs should be properly closed and removed.

In December 2020, AKRF performed a Subsurface (Phase II) Investigation for Requestor 277 NR Principal LLC and Renaissance Environmental Management, LLC to determine whether former on-site or off-site activities had adversely affected the Site's subsurface given the new historical use information about the Site revealed in the Phase I report including the historical rubber manufacturing facility in 1911 and auto filling station in 1951. AKRF's field activities were conducted from November 4 through November 9, 2020. AKRF noted the findings of the geophysical investigation carried out by Delta on November 4, 2020 and that only the known UST was identified. The field activities also included the advancement of thirty (30) soil borings and the collection and analysis of 77 soil samples, three (3) groundwater samples, and ten (10) soil vapor samples. Twenty-five (25) of the soil borings were advanced at exterior street level locations. The remaining five (5) borings were advanced in the existing building basement. The borings were advanced to either 20 ft-bgs or to refusal on presumed bedrock.

Soil laboratory analysis results were compared to NYSDEC 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs) and Soil Cleanup Objectives for Restricted Residential Use (RRSCOs). Groundwater laboratory analysis results were compared to NYSDEC Technical and Operational Guidance Series (1.1.1): Class GA Ambient Water Quality Standards and Guidance Values (NYSDEC TOGS AWQS). Soil vapor data was presented without comparative standards. AKRF identified the primary contaminants of concern above the RRSCOs as SVOCs, metals and PCBs in soil, SVOCs and metals in groundwater, and chlorinated and petroleum related VOCs in soil vapor. *See* Section IV.10.F. for full environmental assessment. Petroleum VOCs were also found in soil above the UUSCOs but not the RRSCOs.

AKRF's investigation identified contaminated fill materials across the Site. Nine SVOCs, including polycyclic aromatic hydrocarbons (PAHs), exceeded their respective RRSCOs in 33 samples throughout the entire Site. This class of compounds is commonly found in combustion byproducts of historic fill. AKRF attributed the SVOCs in groundwater to suspended sediment in the groundwater samples. With respect to metals, high levels of lead were detected in 16 samples, some of which was considered to be hazardous waste after conducting the Toxicity Characteristic Leaching Procedure (TCLP) test for lead. AKRF noted that further delineation is required to identify the limits of the hazardous lead and to quantify the amount soil/fill requiring off-site disposal. AKRF concluded that the total and TCLP lead detections suggest that lead contamination in soil is a Site-wide concern. The presence of lead could be attributed to former historic on-site operations (filling station) and/or historic fill. Barium was another heavy metal that exceeded its RRSCO. AKRF concluded that the detection of chlorinated solvents and petroleum related compounds can be attributed to historic on-site operations. PCBs were also detected above the RRSCOs in several locations and lower levels but above the UUSCOs in quite a number of locations.

Finally, petroleum-like odors and elevated PID vapor readings ranging from 0.7 ppm to 60.2 ppm were noted in borings SB-05 and SB-24 at depths ranging from 12.5 to 20 feet

below grade surface (ft bgs). Soil boring SB-05 is located north of the known UST in the northeastern portion of Site and SB-24 is located in the southwestern portion of the Site (former manufacturing). AKRF suggested that this was residual contamination from the former 10,000-gallon UST and associated petroleum spills. While the groundwater contaminants were limited to SVOCs and metals that may have been present due to turbidity in the sample, AKRF also suggested that an on-site vapor source may be present that was not yet identified because there were 41 petroleum related and chlorinated VOCs identified in soil vapor samples. AKRF attributed the detection of chlorinated solvents in soil vapor, at least in part, to the historical on-site operations (filling station and rubber factory/vulcanization plant between circa 1911 and 1951). Specifically, the compound 2-butanone is used in rubber manufacturing. AKRF attributed the petroleum-related compounds in soil vapor with historic filling station use and the former 10,000 gallon tank releases.

AKRF concluded that following demolition, additional investigation in the building footprints would be needed to further characterize soil, groundwater and soil vapor contamination in the area and AKRF recommended that the Site enter the Brownfield Cleanup Program. Once in the program, AKRF recommended that the Site undergo a Comprehensive Remedial Investigation and a Soil Disposal Waste Characterization Study. AKRF also recommended the excavation of soil and fill materials, and closure and removal of the on-site UST.

E. Site Geology and Hydrogeology

Base on the U.S. Geology Survey, Mount Vernon, NY Quadrangle map (2013), the Site is approximately 80 feet above sea level. The topography of the area is level.

Subsurface materials on the Site consist of contaminated historic fill composed of sand with brick, gravel, asphalt, silt and concrete. The historic fill is present to a maximum depth of approximately 20 ft bgs. Along the perimeter of the Site boundary, native sand with silt and gravel was present under the fill. During the Subsurface (Phase II) Investigation, presumed weathered bedrock was encountered at depths ranging from 9 to 19 ft bgs.

Groundwater was encounter during the Subsurface investigation at depths ranging from approximately 13 to 17 ft-bgs. Groundwater is assumed to flow in an easterly direction towards Echo Bay approximately 2,500 feet away.

F. Environmental Assessment

Based on the investigations conducted to date, the primary contaminants of concern present above the RRSCOs include SVOCs, metals and PCBs in soil, SVOCs and metals in groundwater, and chlorinated and petroleum VOCs in soil vapor. *See Exhibit F Site Drawing Spider Maps.*

Soil:

SVOC Restricted Residential Soil Cleanup Objective (RRSCO) exceedances included:

- Benzo(a)anthracene
 - seventeen borings at 1.1, 1.2, 1.4, 1.6, 1.7, 2, 2.2, 2.3, 3.1, 3.3, 4, 5.7, 5.9, 6.5, 10, 43 and 53 mg/kg exceeded the RRSCO of 1 mg/kg at 0-5 ft-bgs;
 - five borings at 2.5, 3.4, 4.9, 5.8, and 15 mg/kg exceeded the RRSCO of 1 mg/kg at 5-8 ft-bgs;
 - four borings at 1.4, 11, 14, and 26 mg/kg exceeded the RRSCO of 1 mg/kg at 7-9 ft-bgs;
 - five borings at 1.2, 1.5, 2.5, 2.9, and 3.7 mg/kg exceeded the RRSCO of 1 mg/kg at 8-12 ft-bgs;
 - one boring at 2.7 mg/kg exceeded the RRSCO of 1 mg/kg at 14-16 ft-bgs;
- Benzo(a)pyrene
 - seventeen borings at 1.3, 1.5, 1.6, 1.7, 1.8, 2.2, 2.3, 2.7, 2.9, 3.3, 4.1, 5.4, 6.2, 7.3, 10, 51, and 56 mg/kg exceeded the RRSCO of 1 mg/kg at 0-5 ft-bgs;
 - five borings at 2.5, 3.4, 5.1, 7.2, and 16 mg/kg exceeded the RRSCO of 1 mg/kg at 5-8 ft-bgs;
 - four borings at 1.9, 11, 15, and 26 mg/kg exceeded the RRSCO of 1 mg/kg at 7-9 ft-bgs;
 - five borings at 1.5, 1.5, 2.6, 2.8, and 3.9 mg/kg exceeded the RRSCO of 1 mg/kg at 8-12 ft-bgs;
 - one boring at 3.5 mg/kg exceeded the RRSCO of 1 mg/kg at 14-16 ft-bgs;
- Benzo(b)fluoranthene
 - eighteen borings at 1.4, 1.8, 1.8, 2, 2, 2.4, 2.3, 2.8, 3.3, 3.6, 4.1, 5.1, 6, 8, 9.1, 13, 58, and 68 mg/kg exceeded the RRSCO of 1 mg/kg at 0-5 ft-bgs;
 - five borings at 3.3, 3.8, 6.4, 8.9, and 19 mg/kg exceeded the RRSCO of 1 mg/kg at 5-8 ft-bgs;
 - four borings at 1.8, 14, 18, and 29 mg/kg exceeded the RRSCO of 1 mg/kg at 7-9 ft-bgs;
 - six borings at 1, 1.8, 1.8, 2.9, 3.2, and 4.6 mg/kg exceeded the RRSCO of 1 mg/kg at 8-10 ft-bgs.
 - one boring at 4.1 mg/kg exceeded the RRSCO of 11 mg/kg at 14-16 ft-bgs.
- Benzo(k)fluoranthene
 - three borings at 4.6, 22, and 22 mg/kg exceeded the RRSCO of 3.9 mg/kg at 0-5 ft-bgs.
 - one borings at 8.3 mg/kg exceeded the RRSCO of 3.9 mg/kg at 5-8 ft-bgs.
 - three borings at 5.1, 7.1, and 12 mg/kg exceeded the RRSCO of 3.9 mg/kg at 7-9 ft-bgs.
- Chrysene
 - seven borings at 3.9, 4.7, 5.3, 6.3, 8.9, 42, and 43 mg/kg exceeded the RRSCO of 3.9 mg/kg at 0-5 ft-bgs.
 - three borings at 4.4, 5.5, and 14 mg/kg exceeded the RRSCO of 3.9 mg/kg at 5-8 ft-bgs.

- three borings at 9.8, 13, and 24 mg/kg exceeded the RRSCO of 3.9 mg/kg at 7-9 ft-bgs.
- Dibenzo(a,h)anthracene
 - eleven borings at 0.33, 0.47, 0.52, 0.58, 0.59, 0.76, 0.85, 1.2, 1.8, 6.7, and 7.7 mg/kg exceeded the RRSCO of 0.33 mg/kg at 0-5 ft-bgs.
 - five borings at 0.46, 0.47, 0.9, 1.3, and 2.2 mg/kg exceeded the RRSCO of 0.33 mg/kg at 5-8 ft-bgs.
 - three borings at 1.8, 2.2, and 3.4 mg/kg exceeded the RRSCO of 0.33 mg/kg at 7-9 ft-bgs.
 - three borings at 0.45, 0.46, and 0.54 mg/kg exceeded the RRSCO of 0.33 mg/kg at 8-12 ft-bgs.
 - one boring at 0.5 mg/kg exceeded the RRSCO of 0.33 mg/kg at 14-16 ft-bgs.
- Fluoranthene
 - one boring at 120 mg/kg exceeded the RRSCO of 100 mg/kg at 0-2 ft-bgs.
- Indeno(1,2,3-cd)pyrene
 - seventeen borings at 0.59, 0.72, 0.87, 0.88, 0.97, 1, 1.3, 1.6, 1.6, 1.8, 2.3, 2.9, 3, 4.2, 6.7, 27, and 29 mg/kg at 0-5 ft-bgs.
 - five borings at 1.4, 2.1, 3.3, 5.2, and 9.2 mg/kg exceeded the RRSCO of 0.5 mg/kg at 5-8 ft-bgs.
 - four borings at 1.2, 6.1, 9.3, and 14 mg/kg exceeded the RRSCO of 0.5 mg/kg at 7-9 ft-bgs.
 - five borings at 0.6, 1.1, 1.4, 1.5, and 2.5 mg/kg exceeded the RRSCO of 0.5 mg/kg at 8-10 ft-bgs.
 - one boring at 2 mg/kg exceeded the RRSCO of 0.5 mg/kg at 14-16 ft-bgs.
- Phenanthrene
 - one boring at 120 mg/kg exceeded the RRSCO of 100 mg/kg at 0-2 ft-bgs.

Metal Restricted Residential Soil Cleanup Objective (RRSCO) exceedances included:

- Barium in one boring at 695 mg/kg exceeded the RRSCO of 400 mg/kg at 6-8 ft-bgs.
- Lead in two borings at 761 and 14,600 mg/kg exceeded the RRSCO of 400 at 1-8 ft-bgs.

PCB Restricted Residential Soil Cleanup Objective (RRSCO) exceedances included:

- PCBs in two borings at 3.3 and 4.3 mg/kg exceeded the RRSCO of 1 mg/kg at 8-17 ft-bgs.

Groundwater:

SVOCs NYSDEC TOGS AWQS exceedances included:

- Benzo(a)anthracene in one boring at 7.3 µg/L exceeded the NYSDEC TOGS AWQS of 0.002 µg/L.

- Benzo(b)fluoranthene in one boring at 9.3 µg/L exceeded the NYSDEC TOGS AWQS of 0.002 µg/L.
- Benzo(k)fluoranthene in one boring at 4.3 µg/L exceeded the NYSDEC TOGS AWQS of 0.002 µg/L.
- Benzo(a)pyrene in one boring at 8.4 µg/L exceeded the NYSDEC TOGS AWQS of 0 µg/L.
- Bis (2-Ethylhexyl) phthalate in one boring at 6.9 µg/L exceeded the NYSDEC TOGS AWQS of 5 µg/L.
- Chrysene in one boring at 6.8 µg/L exceeded the NYSDEC TOGS AWQS of 0.002 µg/L.
- Indeno(1,2,3-c,d)pyrene in one boring at 6 µg/L exceeded the NYSDEC TOGS AWQS of 0.002 µg/L.

Metal NYSDEC TOGS AWQS exceedances included:

- Antimony (Dissolved) in one boring at 5.3 µg/L exceeded the NYSDEC TOGS AWQS of 3 µg/L.
- Iron (Total) in three borings at 2,310, 9,470, and 14,200 µg/L exceeded the NYSDEC TOGS AWQS of 300 µg/L.
- Lead (Total) in two borings at 101 and 252 µg/L exceeded the NYSDEC TOGS AWQS of 25 µg/L.
- Manganese (Total) in two borings at 315 and 502 µg/L exceeded the NYSDEC TOGS AWQS of 300 µg/L.
- Mercury (Total) in one boring at 2.2 µg/L exceeded the NYSDEC TOGS AWQS of 0.7 µg/L.
- Sodium (Dissolved) in three borings at 194,000, 196,000, and 526,000 µg/L exceeded the NYSDEC TOGS AWQS of 20000 µg/L.
- Sodium (Total) in three borings at 181,000, 186,000, and 503,000 µg/L exceeded the NYSDEC TOGS AWQS of 20000 µg/L.

Soil Vapor:

NYSDOH has released Decision Matrices for certain compounds that are found in subslab vapor and indoor air. Mitigation to minimize current or potential exposures is required by the NYSDOH for concentrations above certain limits. The Matrices require a comparison of both indoor and subslab vapor concentrations. Indoor air samples were not collected during the Phase II ESA, therefore, the presence of the following compounds in subslab soil vapor merely suggests the potential for vapor intrusion to an unmitigated structure.

VOC NYSDOH Decision Matrices subslab screening level “exceedances” included:

- Carbon Tetrachloride in one boring at 1.8 µg/m³ exceeded the VOC NYSDOH Mitigation screening level of 1 µg/m³.
- Trichloroethene (TCE) in one boring at 7.6 µg/m³ exceeded the VOC NYSDOH Mitigation screening level of 6 µg/m³.

The subslab contaminants not covered by the NYSDOH Decision Matrices were evaluated

using the EPA Vapor Intrusion Screening Levels (VISLs). The VISLs were developed as risk-based screening level concentrations intended for use identifying areas or buildings that may warrant further investigation of the vapor intrusion pathway. *See* <https://www.epa.gov/sites/production/files/2015-09/documents/oswer-vapor-intrusion-technical-guide-final.pdf>. The following assumptions were used when calculating the Target Sub-Slab Concentration:

Assumption	Value
Hazard Quotient	0.1
Target Risk	10 ⁻⁶
Exposure Scenario	Residential
Groundwater Temperature	25° C

All contaminants were evaluated using “noncancer” as the toxicity basis except 1,3-butadiene and ethylbenzene.

EPA VISL exceedances included:

- 1,3-butadiene in two borings at 5.1 and 25 µg/m³ exceeded the EPA VISL Sub-Slab Target Concentration of 3.12 µg/m³.
- 2-butanone in nine borings at 6.4, 12, 180, 190, 200, 250, 300, 460 and 560 µg/m³ exceeded the EPA VISL Sub-Slab Target Concentration of 0 µg/m³.
- Benzene in eight borings at 1.7, 2, 2.2, 2.9, 3.1, 4.3, 4.8, 21, and 66 µg/m³ exceeded the EPA VISL Sub-Slab Target Concentration of 0 µg/m³.
- Ethylbenzene in two borings at 120 and 1,000 µg/m³ exceeded the EPA VISL Sub-Slab Target Concentration of 37.4 µg/m³.
- O-xylene in one boring at 750 µg/m³ exceeded the EPA VISL Sub-Slab Target Concentration of 348 µg/m³.
- p/m-xylene in two borings at 420 and 1,600 µg/m³ exceeded the EPA VISL Sub-Slab Target Concentration of 348 µg/m³.

There are no responses to question 11-13 on the BCP Application Form since this Site is not located in New York City.

PART B

SECTION V- ADDITIONAL REQUESTOR INFORMATION

See Section I, Requestor Information and responses in the Application form. As stated in Section I, the Requestor has no prior relationship with any current or past owners or operators of the Site other than the Requestor purchased the Site from past owner. *See also* Exhibit E, Previous Owners and Operators List. The Requestor did not cause any of the contamination of the Site, which predates the Requestor’s involvement at the Site. The Requestor performed the proper due diligence before acquiring the property and had a tank inspection performed by Westchester County of the on remaining tank known to be present on the Site. The inspection passes and the

Requestor has maintained the tank and its registration since taking over ownership of the tank. Therefore, the Requestor is a volunteer.

SECTION VI- CURRENT PROPERTY OWNER/OPERATOR INFORMATION

277 NR Principal LLC the owner of the Site. 277 NR Principal LLC has owned the parcels since August 2018. *See Exhibit C Deeds.*

A past owner and operator list is attached as Exhibit E. This Exhibit includes both current and previous property owners and operators by name, last known address, telephone number, and the Requestor's relationship to each owner and operator (all of which are "None"). Exhibit E also includes the prior operators' use of the Site, which generally included commercial and industrial uses.

SECTION VII- REQUESTOR ELIGIBILITY INFORMATION

Please refer to responses to Questions 1-11 on the BCP Application Form.

REQUESTOR CERTIFICATION

The Requestor certifies it is a Volunteer, since it does not have nor has ever had a relationship with any of the past owners or operators of the Site, nor did it have involvement with the Site at the time of disposal. The Requestor has performed all required environmental due diligence prior to acquiring the Site, including a Phase I investigation which did not reveal any issues were present and a tank inspection by Westchester County, and had properly registered, inspected and maintained the known on-Site fuel oil tank since before and after Site acquisition until the present.

SECTION VIII- PROPERTY ELIGIBILITY INFORMATION

Please refer to the responses to the Questions 1-6 on the BCP Application Form, which confirms the Site is not ineligible for the BCP.

In addition to the responses on the application form, which clarify the Site is an eligible brownfield site pursuant to ECL § 27-1405, the following information further demonstrates this Site's eligibility for the BCP.

The Site meets the definition of an eligible "brownfield site" in Environmental Conservation Law § 27-1405(2) as "any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted

by the department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.” Environmental investigation results show evidence of impact from the Site’s previous commercial and industrial uses, which can be linked to and caused Site contamination above the applicable cleanup standards. *See* Environmental Reports and the Spider Maps in Exhibit F, providing the data demonstrating exceedances of the cleanup standards for this Site. As a result, the Site meets the definition of a brownfield site pursuant to Environmental Conservation Law §27-1405(2).

SECTION IX - CONTACT LIST INFORMATION

See Exhibit K for the Site Contact List. *See* Exhibit L, for the Repository Letter.

SECTION X- LAND USE FACTORS

1. Current Zoning

The Site is within the DMU (Downtown Mixed Use) District. *See* Exhibit I, Zoning Map.

2. Current Use

This Site is currently improved with a vacant three-story commercial building on the northwest portion of the Site on former lot 33 and a vacant one-story building with a two-story addition present on the southern portion of the Site on former lot 29. The Site has been vacant since approximately March 2019.

3. Intended Use Post Remediation

Post remediation use of the Site will be a transit-oriented residential apartment building with some commercial space since the Site is located next to the Metro North New Rochelle train station. *See* Section II, Project Scope for a more detailed description.

4. Do current historical and/or recent development patterns support the proposed use?

Yes, downtown New Rochelle is experiencing a resurgence of downtown apartment living near the Metro North train station and this is one of the closest sites to the station.

5. Is the proposed use consistent with applicable zoning laws/maps?

Yes, the proposed use is compatible with the DMU (Downtown Mixed Use) District. *See* Exhibit I, Zoning Map.

6. Consistent with the Master Plan?

Yes, in September 2015, the City of New Rochelle engaged in a new planning effort, which resulted in a Recommended Action Plan (RAP) and SEQRA Generic Environmental

Impact Statement (DGEIS) incorporating some zoning amendments that created their current Central Parking Area and Downtown Overlay Zone District. See Exhibit L September 2015 DGEIS. The RAP and GEIS encourage transit-oriented development projects, such as this project, in the downtown area, which allow for a vertical and horizontal mix of uses including residential, office, retail, commercial, cultural/entertainment, civic/religious, light industrial, and parking/utilities.

EXHIBIT A

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through December 16, 2020.

Selected Entity Name: 277 NR PRINCIPAL LLC

Selected Entity Status Information

Current Entity Name: 277 NR PRINCIPAL LLC

DOS ID #: 5368288

Initial DOS Filing Date: JUNE 29, 2018

County: NEW YORK

Jurisdiction: DELAWARE

Entity Type: FOREIGN LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

FISHER DEVELOPMENT

7 PENN PLAZA, SUITE 1400

NEW YORK, NEW YORK, 10001-3967

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

of Shares

Type of Stock

\$ Value per Share

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JUN 29, 2018	Actual	277 NR PRINCIPAL LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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277 North Avenue New Rochelle NY

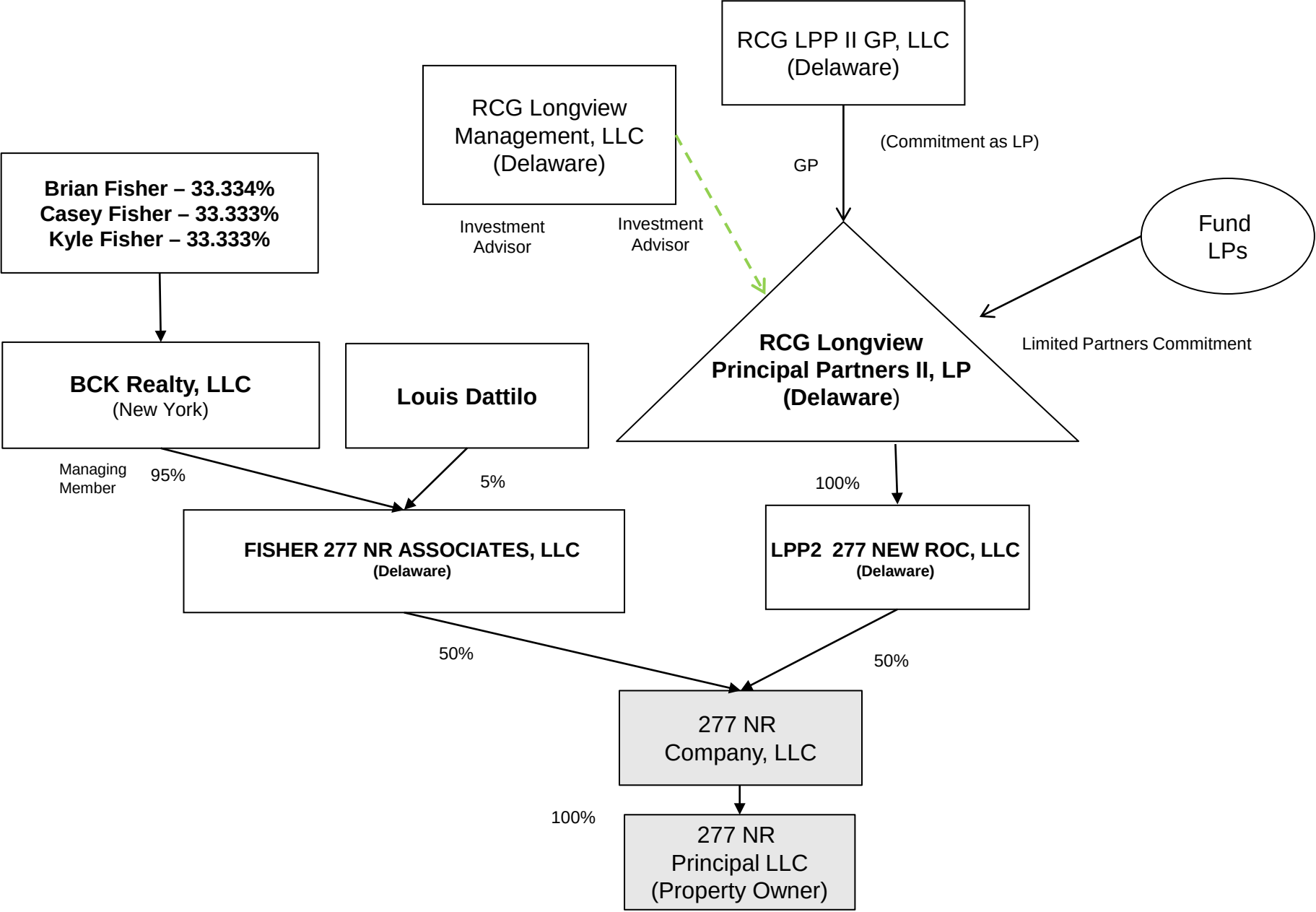


EXHIBIT B

WRITTEN CONSENT

The undersigned, being a Member of BCK Realty, LLC, does hereby certify as follows:

1. 277 NR Principal LLC is the owner and prospective volunteer for the prospective Goodrich Rubber 285 North Avenue Brownfield located at 285 North Avenue, New Rochelle, New York 10801, Tax Parcel Identification No. 1-239-0033 (formally known as Tax Parcel Identification Nos. 1-239-0029 and 1-239-0033; hereinafter the "Site").
2. 277 NR Company is the sole member of 277 NR Principal LLC.
3. Fisher 277 NR Associates, LLC, and LPP2 277 New Roc, LLC, are members of 277 NR Company.
4. BCK Realty, LLC, and Louis Dattilo are members of Fisher 277 NR Associates.
5. The following person, Casey Fisher, a member of BCK Realty, LLC, has been authorized to execute any documents in relation to the Site required by the New York State Department of Environmental Conservation in the Brownfield on behalf of Brownfield Site Volunteer 277 NR Principal LLC.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this ____ day of December 2020.



Brian Fisher
Member of BCK Realty, LLC

EXHIBIT C

BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS

277 NORTH LLC, a New York limited liability company

as Grantor

to

277 NR PRINCIPAL LLC, a Delaware limited liability company

as Grantee

Address:

277 North Avenue
New Rochelle, New York

Block: 239
Lot: 33
County: Westchester

Recorded at Request of and
Return by Mail to:

Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, New York 10038-4982
Attention: Karen Scanna, Esq.

BARGAIN AND SALE DEED WITHOUT COVENANTS AGAINST GRANTOR'S ACTS

THIS INDENTURE, made the 20th day of August, 2018

BETWEEN:

(1) 277 NORTH LLC, a New York limited liability company, having an address at 277 North Avenue, New Rochelle, NY 10801, party of the first part; and

(2) 277 NR PRINCIPAL LLC, a Delaware limited liability company, having an address at c/o Fisher Development Associates, LLC, 7 Penn Plaza, 14th Floor, New York, NY 10001, party of the second part.

WITNESSETH, that the party of the first part, in consideration of \$10.00 and other good and valuable consideration 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 building and improvements thereon erected, situate, lying and being in the City of New Rochelle, County of Westchester and State of New York and as more particularly described on the attached Schedule A.

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 of 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.

[Signature Page Follows]

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

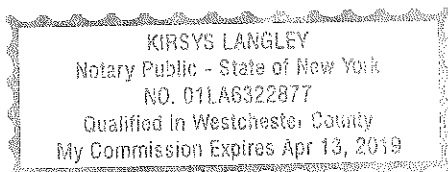
277 NORTH LLC,
a New York limited liability company

By: Bruce Moses
Name: Bruce Moses
Title: Authorized Signatory

STATE OF NEW YORK)
) ss.
COUNTY OF WESTCHESTER)

On the 15th day of AUGUST in the year 2018 before me, the undersigned, a Notary Public in and for said State, personally appeared BRUCE J. MOSES, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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.

Kirsys Langley
Notary Public



Schedule A

Legal Description

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of New Rochelle, County of Westchester and State of New York and more particularly bounded and described as follows:

BEGINNING at a point, said point being the intersection of easterly boundary of North Avenue with the northerly boundary of Parcel No. 1A, as shown on a certain map entitled, Parcel #1A and #1B, Cedar Street Redevelopment Project, City of New Rochelle New York, Project Number NY R-57 prepared by Thomas John McEvoy, surveyor, December 11, 1967 and filed in County Clerk's Office (Division of Land Records) on October 19, 1970 as Map No. 17252;

THENCE the following courses and distances along the easterly boundary of North Avenue:

South 27° 15' 23" East a distance of 51.12 feet;

South 41° 11' 11" East a distance of 127.22 feet to a point;

THENCE North 49° 18' 47" East a distance of 132.13 feet to a point;

THENCE North 33° 40' 43" West a distance of 28.78 feet to a point;

THENCE North 49° 04' 31" East a distance of 34.50 feet to a point;

THENCE South 33° 30' 46" East a distance of 111.50 feet to the northerly boundary of Huguenot Street;

THENCE along the northerly boundary of Huguenot Street, North 43° 54' 42" East a distance of 67.00 feet;

THENCE along the easterly boundary of Parcel # 1D, North 43° 25' 58" West a distance of 255.72 feet to a point;

THENCE along the northerly boundary of Parcel # 1D, South 48° 37' 29" West a distance of 191.00 feet to the point or place of BEGINNING.

**BARGAIN AND SALE DEED, WITH COVENANT AGAINST GRANTOR'S
ACTS — INDIVIDUAL OR CORPORATION (SINGLE SHEET)**

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 17th day of August, in the year 2018

BETWEEN

27-29 Division Street Realty Co. Inc., with offices at 1180 Webster Avenue, New Rochelle, NY 10804
party of the first part, and

277 NR Principal LLC, with offices at 7 Penn Plaza, Suite 1400, New York, New York 10001
party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration 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 City of New Rochelle, County of Westchester and State of New York, and more fully described on Schedule "A" Annexed hereto.

Being and intending to be the same premises conveyed to party of the first part by deed dated June 8, 1993, recorded June 25, 1993 in Liber 10609; Page 27 in the Office of the Clerk of the County of Westchester.

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.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

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:

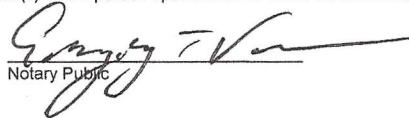

27-29 Division Street Realty Co. Inc.
By: Joseph Boan, President

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York County of Westchester, ss:

On the 17th day of August, in the year 2018, before me the undersigned, personally appeared Joseph Boan personally known to me or proved to me on the basis of satisfactory evidence, to be the individual(s) whose name(s) 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.

GREGORY T. VARIAN
Notary Public, State of New York
No. 02VA4771765


Notary Public

Qualified in Westchester County
Commission Expires May 31, 2022

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of _____ County of _____, ss:

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(s) 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.

ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS TAKEN IN NEW YORK STATE

State of _____ County of _____, ss:

On the _____ day of _____, in the year 20____, before me the undersigned, personally appeared _____ the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who being by me duly sworn, did depose and say, that (he) (she) (they) reside(s) in _____; that (he) (she) (they) know(s) _____ to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said _____ execute the same; and that said witness at the same time subscribed (his) (her) (their) name(s) as a witness thereto.

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE

* State of _____ County of _____, ss:
* (or insert District of Columbia, Territory, Possession or Foreign Country)

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(s) 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, and that such individual(s) made such appearance before the undersigned in the _____ (add the city or political subdivision and the state or country or other place the acknowledgment was taken).

BARGAIN AND SALE DEED WITHOUT COVENANT

RETURN BY MAIL TO

Title No. CT17-00563-WA

Karen Scanna, Esq
Stroock & Stroock & Lavan, LLP
180 Maiden Lane, New York, NY 10038

27-29 Divison Street Realty Co., Inc. To 277 NR Principal LLC.

Section: 1

Block: 239

Lot: 29

County or Town: Westchester



Chicago Title Insurance Company

Title Number: CT17-00563-W

SCHEDULE A DESCRIPTION

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of New Rochelle, County of Westchester and State of New York, being a portion of Lots 2, 4 and 5 and a portion of a strip of land designated as Right of Way shown upon a certain map filed in the Office of the County Clerk, Division of Land Records (formerly Register's Office), Westchester County, New York, on March 29, 1884 in Volume 6 of Maps, Page 34 and entitled, "Map of the Eells Corner, Property Horace Crosby, Civil Engineer", and which portion of said lots and Right of Way, taken together in one parcel, are more particularly bounded and described as follows:

BEGINNING at a point in the boundary line between Lots 1 and 2 on said map, distant 47.75 feet, when measured,

North 57 degrees 44 minutes 30 seconds East from the original line of North Street (now North Avenue) as shown on said Map, and as which point of beginning is now in the present northeasterly side of North Avenue, as widened, where it is intersected by the division line between Lots 1 and 2;

THENCE from said point of beginning and running along the northeasterly side of North Avenue, as widened,

North 32 degrees 45 minutes 28 seconds West 25 feet to the division line between Lots 2 and 3;

THENCE along said division line and continuing through Lots 4 and 5, on said map on a course,

North 57 degrees 44 minutes 30 seconds East, a distance of 117.01 feet to the division line between Lot 5 on aforementioned map and Lot 1 on Map entitled, "Map of Property belonging to Harriet F. Strong, at New Rochelle, New York", made by Jeremiah F. Sheahan, Surveyor, April 4, 1900 and filed in the Office of the County Clerk, Division of Land Records, Westchester County, New York, May 3, 1900 in Volume 13 of Maps Page 34;

THENCE along said dividing line,

South 25 degrees 15 minutes 00 seconds East, 25.19 feet to the southeasterly corner of premises herein described and to land now or formerly of LeRoy Frantz;

THENCE along the division line between premises herein described and land now or formerly of LeRoy Frantz, and through Lots 5 and 4 and aforementioned Right of Way, and along the division line between Lots 1 and 2 on Map of the Eells Corner,

South 57 degrees 44 minutes 30 seconds West, 113.72 feet to the point or place of BEGINNING.

EXHIBIT D

Site Location Map

Goodrich Rubber 285 North Avenue Site

285 North Avenue

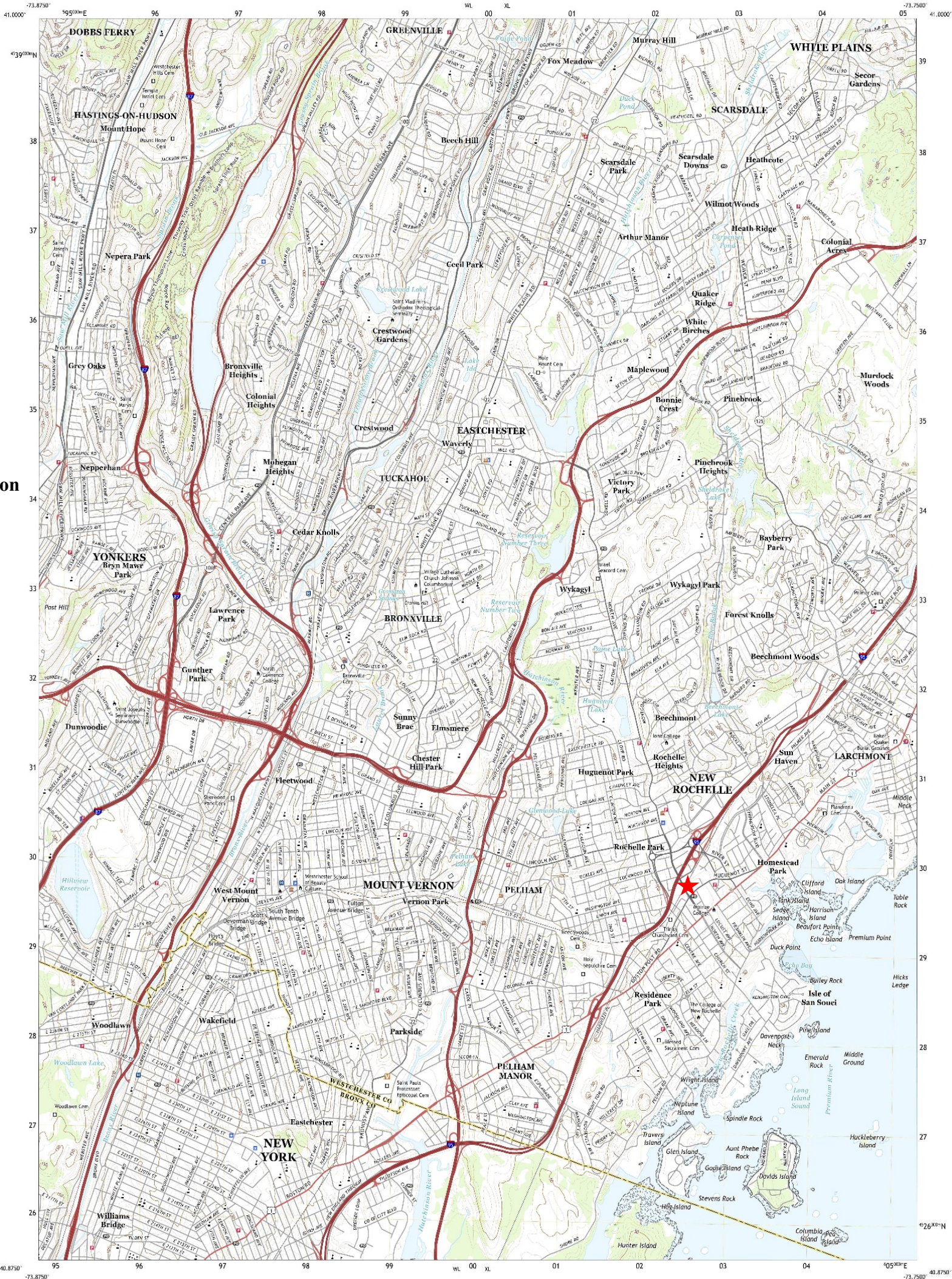
New Rochelle, New York 10801



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY

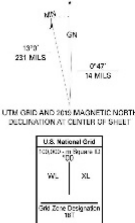


MOUNT VERNON QUADRANGLE
NEW YORK
7.5-MINUTE SERIES



Legend:
 Site Location

Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84)
Projection and 1000-meter grid Universal Transverse Mercator, Zone 18T
This map is not a legal document. Boundaries may be generalized for this map scale. Private lands within government reservations may not be shown. Obtain permission before entering private lands.
Imagery:.....NAP, July 2015 - December 2017
Roads:.....U.S. Census Bureau, 2010
Names:.....GNIS, 1980 - 2019
Hydrography:.....National Hydrography Dataset, 2009 - 2019
Contours:.....National Elevation Dataset, 1999 - 2015
Boundaries:.....Multiple sources; see metadata file 2017 - 2018
Wetlands:.....FWS National Wetlands Inventory 2008 - 2011



CONTOUR INTERVAL: 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988
This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product is draft version 6.6.18



1	2	3
4	5	6
7	8	9

1 Nyack
2 White Plains
3 Glenville
4 Yonkers
5 Mamaroneck
6 Central Park
7 Flushing
8 Sea Cliff

ROAD CLASSIFICATION	
Expressway	Local Connector
Secondary Hwy	Local Road
Kamp	4WD
Interstate Route	US Route
	State Route

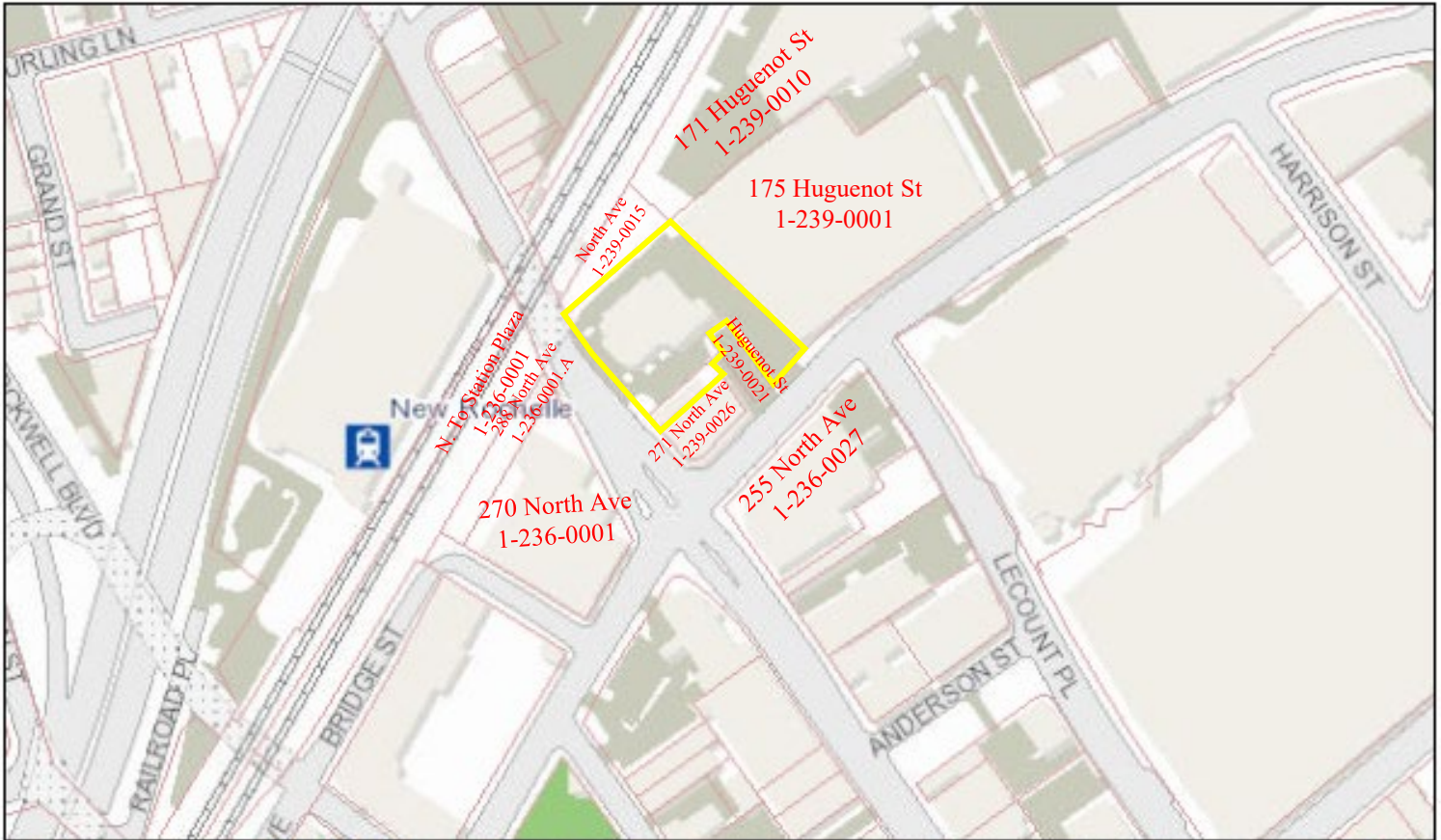
MOUNT VERNON, NY
2019



Tax Parcel Maps

Address: 285 North Avenue, New Rochelle
SBL: 1-239-0033

Formerly:
277 North Avenue (Lot 33)
273 North Avenue (Lot 29)



Disclaimer:

This tax parcel map is provided as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should **NOT** be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact the assessor's office of the municipality.

EXHIBIT E

PREVIOUS OWNERS & OPERATORS LIST
Goodrich Rubber 285 North Avenue Site
285 North Avenue, New Rochelle, New York 10801

Year	Contact Information Former 277 North Avenue Historical Lot 33	Status	Relation to Requestor
Owners			
Unknown-1946	Marion Brown and Diane Brown Last Known: 11 Forbes Boulevard Tuckahoe, New York Phone: Unknown	Unknown	None
1946-1973	City of New Rochelle Address: City Hall 515 North Avenue New Rochelle, New York 10801 Phone: (914) 654-2000	Active	None
1973-1996	People's Bank for Saving of New Rochelle (merged with East River Savings Bank in 1981 to become River Bank America) Address: c/o Richard A Cook/ River Bank America Foundation 145 Huguenot Street New Rochelle, New York 10801 Phone: Unknown	Inactive 3/18/1994	None
1996-2004	CJR Properties LLC Last Known: 277 North Avenue New Rochelle, New York 10801 Phone: (914) 654-9151	Suspended	None
2004-2018	277 North LLC Address: 20 Burling Lane New Rochelle, New York 10801 Phone: (914) 712-0600	Active	Sold Parcel to Requester
2018-Present	277 NR Principal LLC (c/o Fisher Development Associates, LLC) Address: 7 Penn Plaza, Suite 1400 New York, New York 10001 Phone (212) 356-9299	Active	Requester
Operators			
1887	Jewelry Store (May have included manufacturing), Hotel, and Stable Address: Unknown Phone: Unknown	Inactive	None
1892	Store, Stable and beer storage building	N/A	N/A
1896-1911	Saloon-Restaurant, Store and Stable	N/A	N/A
1903	New Rochelle Bottling Co. (there is also a Tailor and Jewelry business) Address: Unknown Phone: Unknown	Inactive	None
1911-1950s	W.F. Vernon Masons Materials (Supply cement, lime and brick) – Later became B.F. Goodrich facility Address: PO Box 19001 Greenville, SC 29602 Phone: 1 (877) 788-8899	Active	None
1930-1976	Multi-story commercial structure was located on site	N/A	N/A
1930-1951	People's Bank for Saving (Underground fuel oil storage tank was installed in March of 1930) - merged with East River Savings Bank in 1981 to become River Bank America Address: c/o Richard A Cook/ River Bank America Foundation 145 Huguenot Street New Rochelle, New York 10801 Phone: Unknown	Inactive 3/18/1994	None
1932	Arthur Berman (Chatham Plan Co. and Personal Auto Plan) Address: Unknown Phone: Unknown	Unknown	None
1936-1943	Eadie and Hart Inc. (Eadie and Company, Inc.) Address: Unknown Phone: Unknown	Unknown	None
1939-2003	Seacord, Ritchie & Young, Seacord, Young & Tebbens, Seacord, Young and Young Attorneys at Law (Attorney's Office) Address: Unknown Phone: Unknown	Unknown	None

PREVIOUS OWNERS & OPERATORS LIST
Goodrich Rubber 285 North Avenue Site
285 North Avenue, New Rochelle, New York 10801

1949	W.C. Halbert (Architect) Address: 202 North Avenue New Rochelle, New York 10801	Phone: Unknown	Unknown	None
1951	Filling Station with an Auto Repair Shop		N/A	None
1959	Joseph Kaprow (Architect) Address: Unknown	Phone: Unknown	Architect license is not current	None
1939-1978	Lambden & Gardner – Attorney for People’s Bank for Saving Address: 14 Elm Place Rye, New York 10580	Phone: (914) 967-2200	Active	None
1978	Green Call Box, Corp. (Thomas O’Brien) Address: 277 North Avenue New Rochelle, New York 10801	Phone: Unknown	Active	None
1987	Healy & Fufeld (Attorney Office) Address: Unknown	Phone: Unknown	Unknown	None
1991	Retail Group of New York, Inc (Adam Friedlander) Address: 36 Church Street New Rochelle, New York 10801	Phone: Unknown	Active	None
1997-Present	Multi-tenanted three-story (with full basement) steel framed masonry block commercial office building		N/A	N/A
1999	B & J Road, LLC Address: 277 North Avenue, Suite 2000 New Rochelle, New York 10801	Phone: Unknown	Active	None
2000	TDM Consulting Services, Inc Address: 34 S. Broadway, #301 White Plains, New York 10601	Phone: (914) 686-5980	Active	None
Early 2000s - recently	American Dental Examiners, Inc. (Robert J. Leaf, DMD) Address: 277 North Avenue, 2 nd floor New Rochelle, New York 10801	Phone: (914) 712-0100	Active	None
2003	Friedland Insurance Company Address: Unknown	Phone: Unknown	Unknown	None
2003	The Guidance Center for Adult Counseling (The Guidance Center of Westchester) Address: 150 Huguenot Street New Rochelle, New York 10801	Phone: (914) 613-0700	Active	None
2009	Revealed Herbal Products, LLC Address: 7 The Boulevard New Rochelle, New York 10801	Phone: (914) 355-5100	Active	None
2015	138 Madison 1 Holding Inc Address: 277 North Avenue New Rochelle, New York 10801	Phone: Unknown	Active	None
2016	ADR Paver Group Inc Address: 111 W Sandford Blvd Mount Vernon, New York 10550	Phone: (914) 347-4685	Active	None
Unknown but recent	Stevon Forrester Law Office Address: 5 Gloucester Place New Rochelle, New York 10801	Phone: (914) 560-4044	Inactive	None
2003– March 2019	Fleet National Bank (Merged and became Bank of America in 2005) Address: 810 Main Street New Rochelle, New York 10801	Phone: (914) 299-3451	Active	None
March 2019- Present	Vacant		N/A	N/A

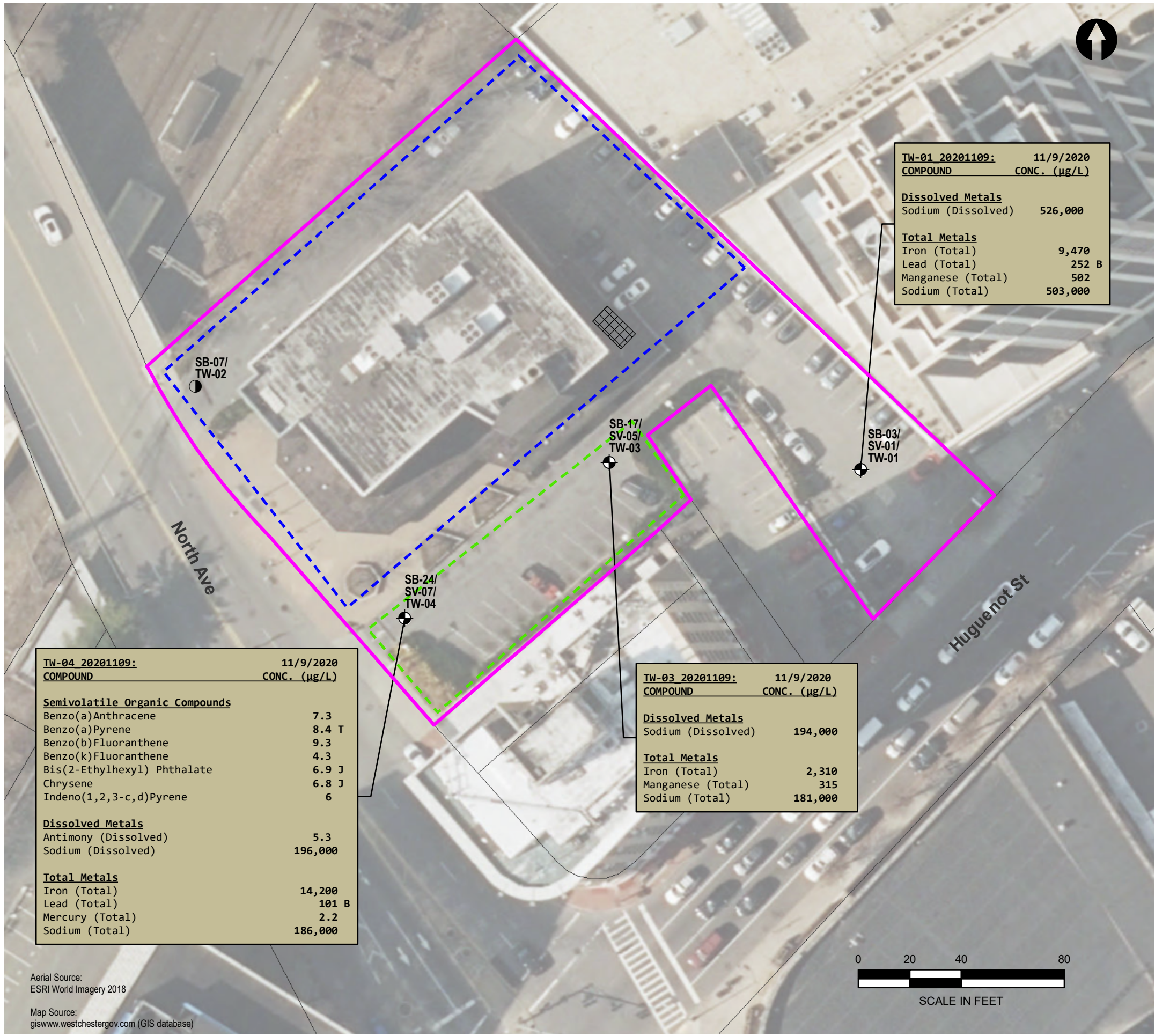
PREVIOUS OWNERS & OPERATORS LIST
Goodrich Rubber 285 North Avenue Site
285 North Avenue, New Rochelle, New York 10801

Year	Contact Information Former 273 North Avenue Historical Lot 29	Status	Relation to Requestor
Owners			
Unknown-1948	Sidney Peritz and Rae Pertiz Address: Unknown Phone: Unknown	Inactive	None
1948-1978	273 North Avenue Corporation (John J. McGoey c/o McGoey & Martirano) Address: 301 North Avenue Phone: (914) 632-5200 New Rochelle, New York 10801	Inactive 12/29/1982	None
1978-1991	Bmlsh Realty Corporation Last Known: 273 North Avenue Phone: Unknown New Rochelle, New York 10801	Inactive	None
1991-1993	Lady Marie Louise Grundy Address: 333 North Atlantic Avenue Phone: (321) 783-9513 Cocoa Beach, Florida 32931	Active	None
1993-2018	27-29 Division Street Realty Co. Inc. Address: 1180 Webster Avenue Phone: Unknown New Rochelle, New York 10804	Inactive	Sold parcel to Requester
2018-Present	277 NR Principal LLC (c/o Fisher Development Associates, LLC) Address: 7 Penn Plaza, Suite 1400 Phone (212) 356-9299 New York, New York 10001	Active	Requester
Operators			
1911-1931	Rubber factory/vulcanization plant (Westchester Rubber Works Co.-possible purchased by B.F. Goodrich Co.) a rubber vulcanization (hardening) facility noted to have one small “gas vulcanizer” Address: P.O. Box 19001 Phone: 1-(877) 788-8899 Greenville, SC 299602	Active	None
1911-1931	Furniture Upholsterer	N/A	None
1942	Supreme Diner (Bernhard Serber) Address: Unknown Phone: Unknown	Deceased	None
1969-1977	Beau Brumell Restaurant Address: Unknown Phone: Unknown	Inactive	None
1979-1984	Serendipity Café Address: 24-26 Cokey Avenue Phone: (607) 336-9116 Norwich, New York 13815	Active	None
Present Closed Recently	A Place 2 Go Address: 273 North Avenue Phone: (914) 365-2525 New Rochelle, New York 10801	Inactive	None

PREVIOUS OWNERS & OPERATORS LIST
Goodrich Rubber 285 North Avenue Site
285 North Avenue, New Rochelle, New York 10801

EXHIBIT F

© 2020 AKRF W:\Projects\200353 - 277 NORTH AVENUE\Technical\GIS and Graphics\ISAR\200353 Fig 4 Groundwater Sample Concentrations Above NYSDEC AWQSGVs.mxd 12/1/2020 10:20:34 AM jszalus



AWQSGVs	
µg/l	
Semivolatile Organic Compounds	
Benzo(a)Anthracene	0.002
Benzo(a)Pyrene	0
Benzo(b)Fluoranthene	0.002
Benzo(k)Fluoranthene	0.002
Bis(2-Ethylhexyl) Phthalate	5
Chrysene	0.002
Indeno(1,2,3-c,d)Pyrene	0.002
Metals	
Antimony	3
Iron	300
Lead	25
Manganese	300
Mercury	0.7
Sodium	20,000

LEGEND

- PROJECT SITE BOUNDARY
- SOIL BORING/TEMPORARY WELL LOCATION
- SOIL BORING/TEMPORARY WELL/SOIL VAPOR POINT
- HISTORIC FILLING STATION
- HISTORIC MANUFACTURING (RUBBER FACTORY/VULCANIZATION PLANT)
- APPROXIMATE UST LOCATION
- LOT BOUNDARY

UST UNDERGROUND STORAGE TANK

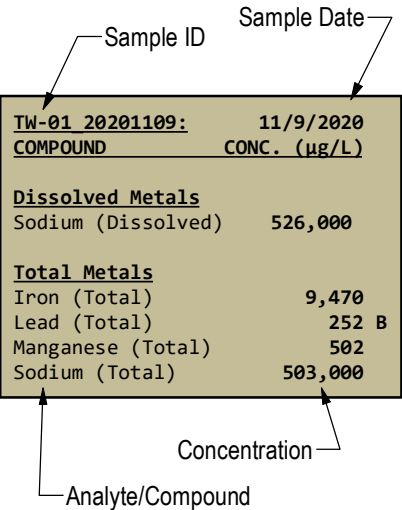
GROUNDWATER

NYSDEC TOGS Class GA Ambient Water Quality Standard and Guidance Values (AWQSGVs):
New York State Department of Environmental Conservation (NYSDEC)
Technical and Operational Guidance Series (TOGS) (1.1.1):

µg/L: micrograms per Liter = parts per billion (ppb)

Only Exceedances of NYSDEC AWQSGVs are shown in bold font.

B: Indicates the analyte is detected in the associated blank as well as in the sample.
T: Indicates that a quality control parameter has exceeded laboratory limits
J: The reported value is estimated



277 North Avenue
New Rochelle, New York



440 Park Avenue South, New York, NY 10016

GROUNDWATER SAMPLE CONCENTRATIONS ABOVE NYSDEC AWQSGVs

DATE

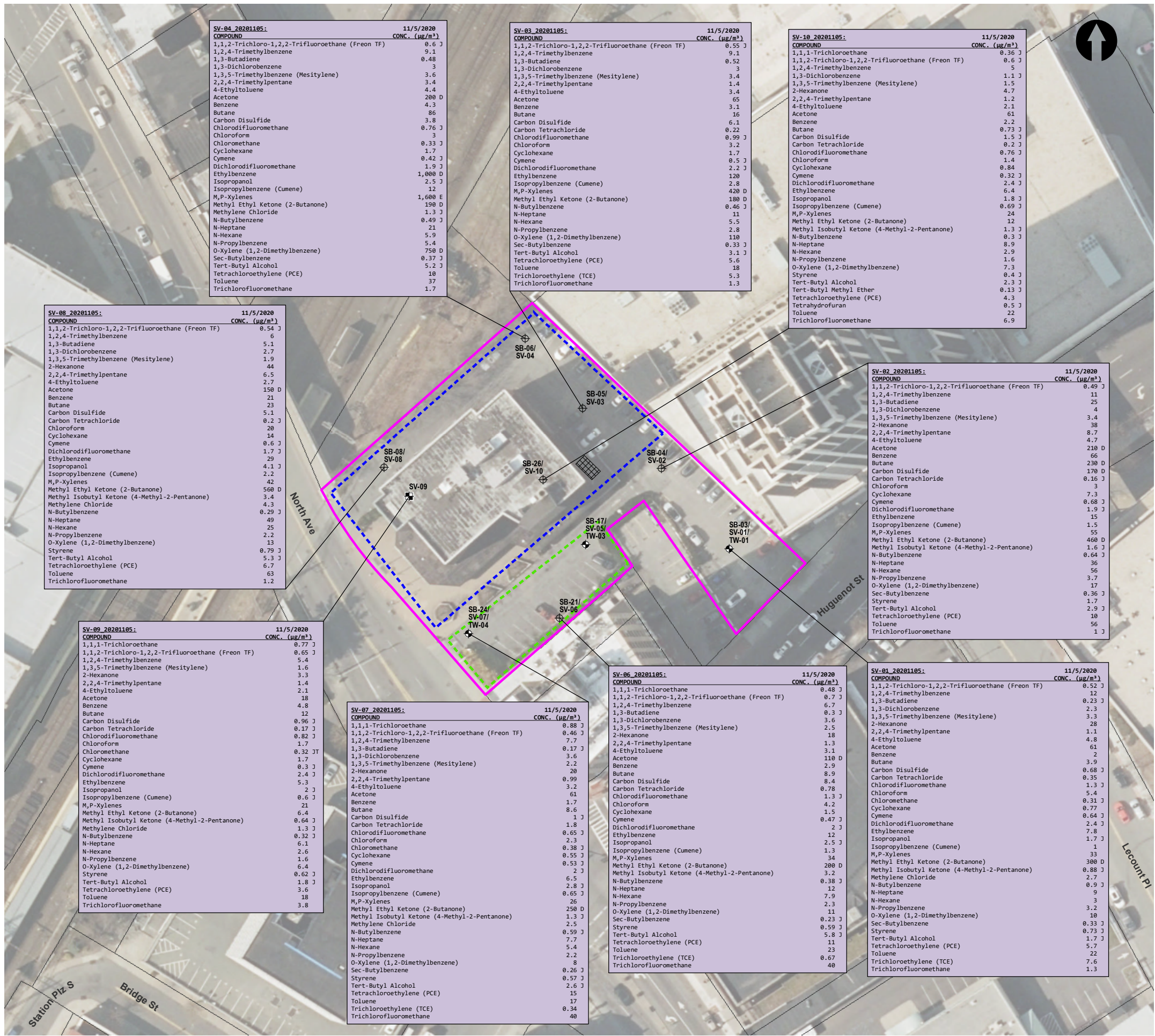
12/1/2020

PROJECT NO.

200353

FIGURE

4



LEGEND

PROJECT SITE BOUNDARY

SOIL VAPOR POINT

SOIL BORING/SOIL VAPOR POINT

SOIL BORING/TEMPORARY WELL/SOIL VAPOR POINT

HISTORIC FILLING STATION

HISTORIC MANUFACTURING (RUBBER FACTORY/VULCANIZATION PLANT)

APPROXIMATE UST LOCATION

LOT BOUNDARY

UST UNDERGROUND STORAGE TANK

SOIL VAPOR

µg/m³ - micrograms per cubic meter

D: Analyte concentration obtained from dilution.
E: Identifies compounds whose concentration exceed the calibration range of the instrument for that specific analysis.
J: The reported value is estimated

All VOC Concentration detections are shown.

Sample Date

Sample ID

Analyte/Compound

Concentration

SV-02 20201105:	11/5/2020
COMPOUND	CONC. (µg/m³)
1,1,2-Trichloro-1,2,2-Trifluoroethane (Freon TF)	0.49 J
1,2,4-Trimethylbenzene	11
1,3-Butadiene	25
1,3-Dichlorobenzene	4
1,3,5-Trimethylbenzene (Mesitylene)	3.4
2-Hexanone	38
2,2,4-Trimethylpentane	8.7
4-Ethyltoluene	4.7
Acetone	210 D
Benzene	66
Butane	230 D
Carbon Disulfide	170 D
Carbon Tetrachloride	0.16 J
Chloroform	3
Cyclohexane	7.3
Cymene	0.68 J
Dichlorodifluoromethane	1.9 J
Ethylbenzene	15
Isopropylbenzene (Cumene)	1.5
M,P-Xylenes	55
Methyl Ethyl Ketone (2-Butanone)	460 D
Methyl Isobutyl Ketone (4-Methyl-2-Pentanone)	1.6 J
N-Butylbenzene	0.64 J
N-Heptane	36
N-Hexane	56
N-Propylbenzene	3.7
O-Xylene (1,2-Dimethylbenzene)	17
Sec-Butylbenzene	0.36 J
Styrene	1.7
Tert-Butyl Alcohol	2.9 J
Tetrachloroethylene (PCE)	10
Toluene	56
Trichlorofluoromethane	1 J

0

35

70

140

SCALE IN FEET

Aerial Source:
ESRI World Imagery 2018

Map Source:
giswww.westchestergov.com (GIS database)

AKRF

440 Park Avenue South, New York, NY 10016

277 North Avenue

New Rochelle, New York

SOIL VAPOR DETECTIONS

DATE

12/1/2020

PROJECT NO.

200353

FIGURE

5

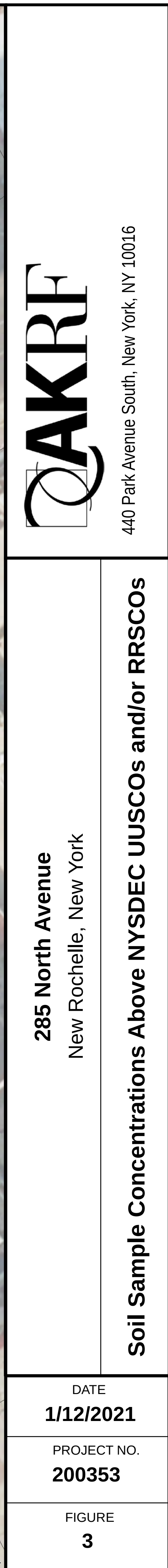


EXHIBIT G

EXHIBIT H

BASE MAP

Goodrich Rubber 285 North Avenue Site
285 North Avenue
New Rochelle, New York 10801
Section: 1 Block: 239 Lot: 33

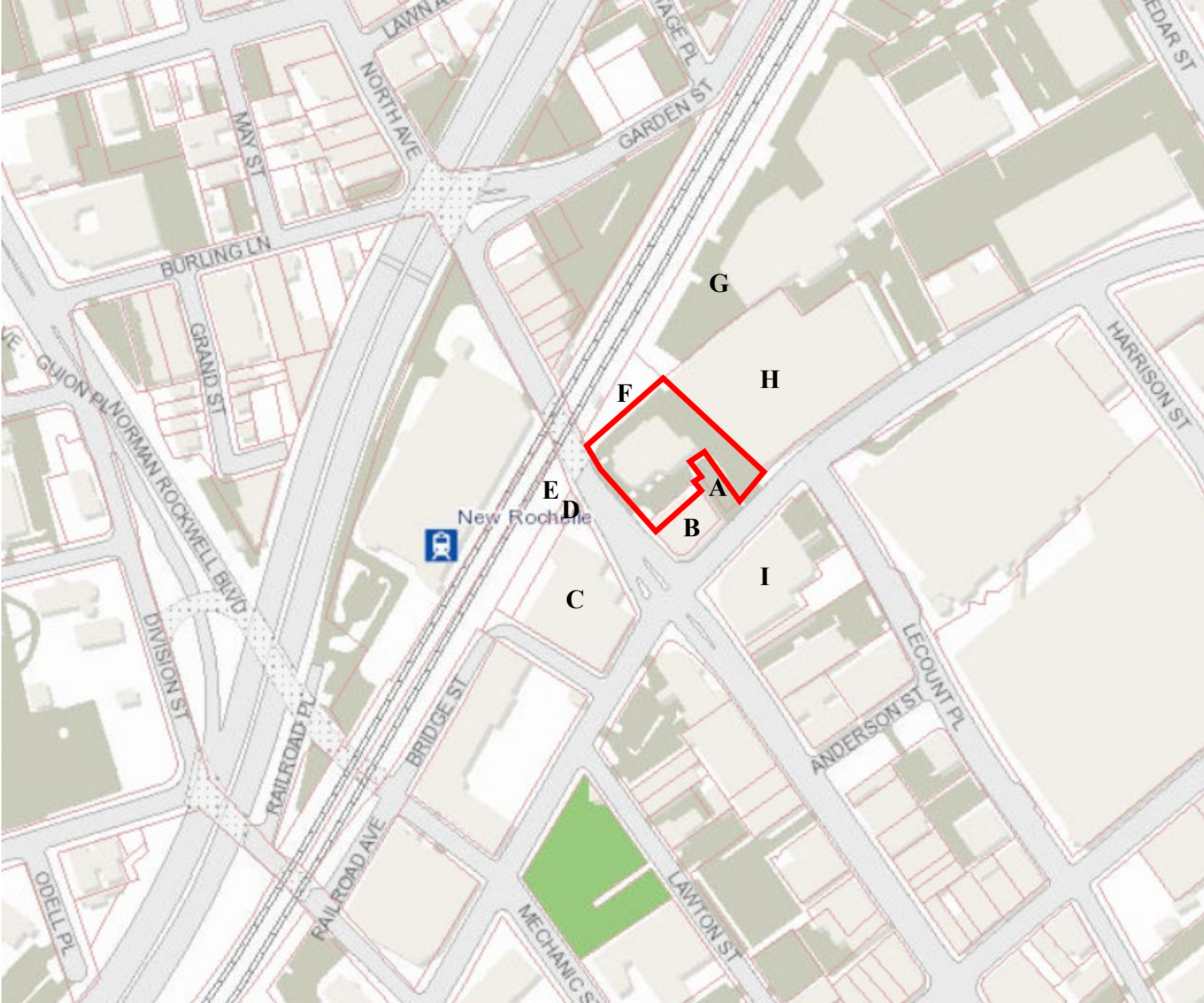
(Formerly known as 277 North Avenue [Historic Lot 33] and 273 North Avenue [Historic Lot 29])

Legend:
 Site Property Boundary

Corresponding page
lists adjacent property owners by
letter A – Q

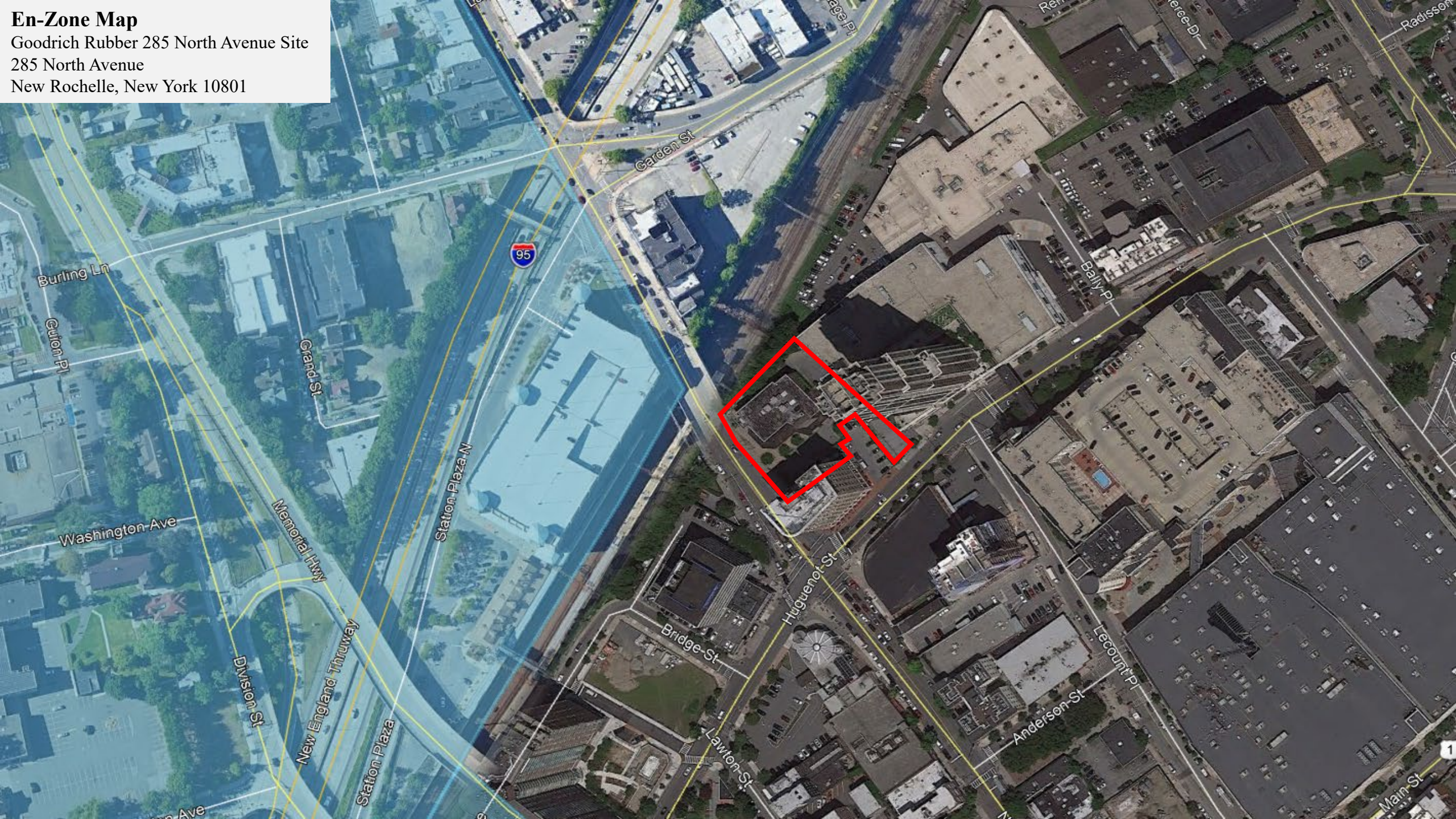

All feature locations are
approximate. This map is intended
as a schematic to be used in
conjunction with associated
Application and Support
Information, and should not be
relied upon as a survey for planning
and other activities.

December 2020
Source: Westchester County GIS
Scale: 1” = 100’ approximately



Letter	Adjacent Property Owner(s) Name(s)	Property Address	Section-Block-Lot
A	Kaufman Huguenot Co.	Huguenot Street	1-239-0021
B	Kaufman Huguenot Co.	271 North Avenue	1-239-0026
C	North Brook Realty Association	270 North Avenue	1-233-0001
D	288 North Avenue Property, Inc.	288 North Avenue	1-236-0001.A
E	Consolidated Rail Corp.	North to Station Plaza	1-236-0001
F	The City of New Rochelle	North Avenue	1-238-0015
G	Silwis	171 Huguenot Street	1-238-0010
H	New Rochelle Industrial Development Agency	175 Huguenot Street	1-239-0001
I	United States of America	255 North Avenue	1-231-0027

En-Zone Map
Goodrich Rubber 285 North Avenue Site
285 North Avenue
New Rochelle, New York 10801



Street Map

Goodrich Rubber 285

North Avenue Site

285 North Avenue

New Rochelle, NY 10801

Legend

— Site

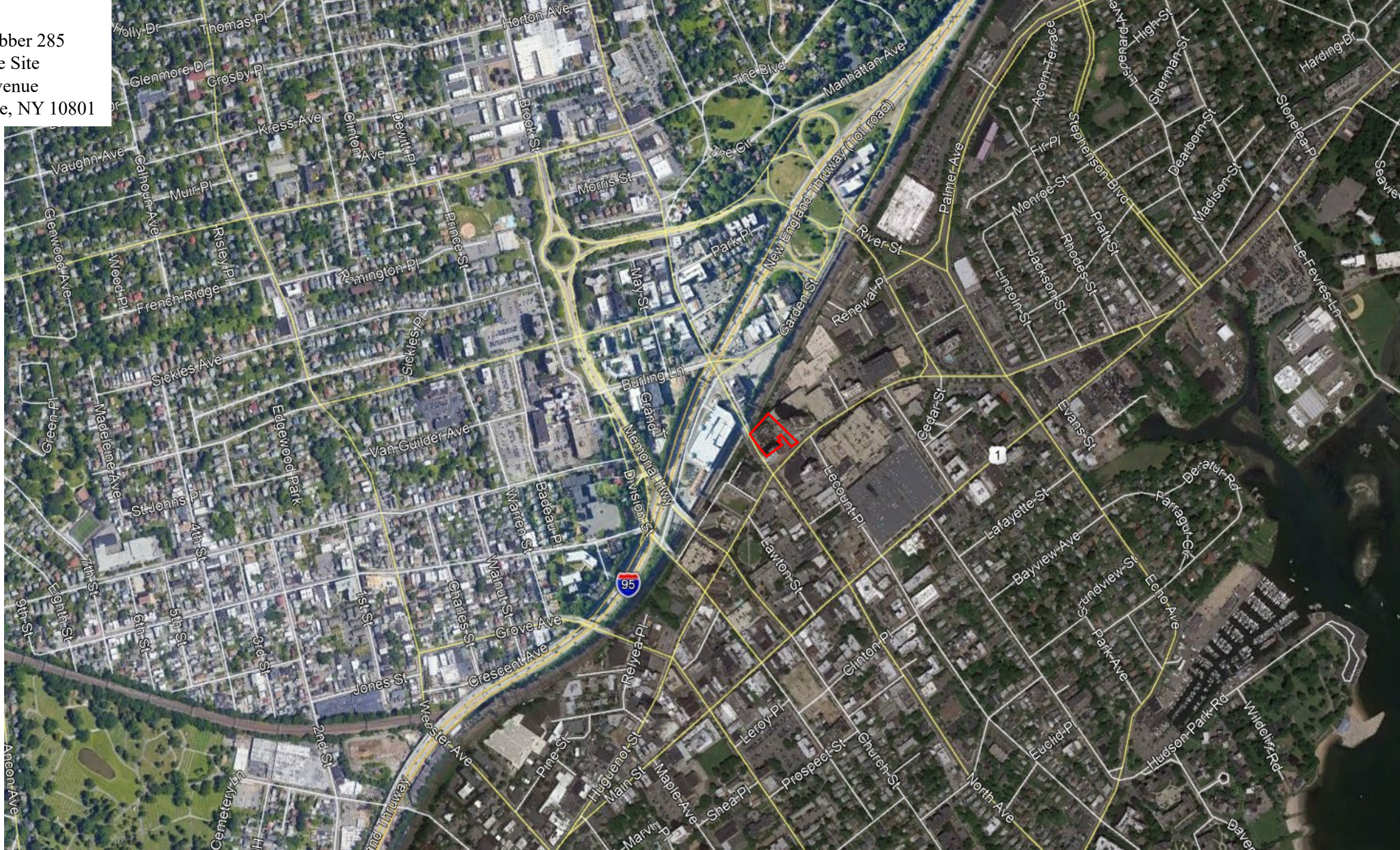
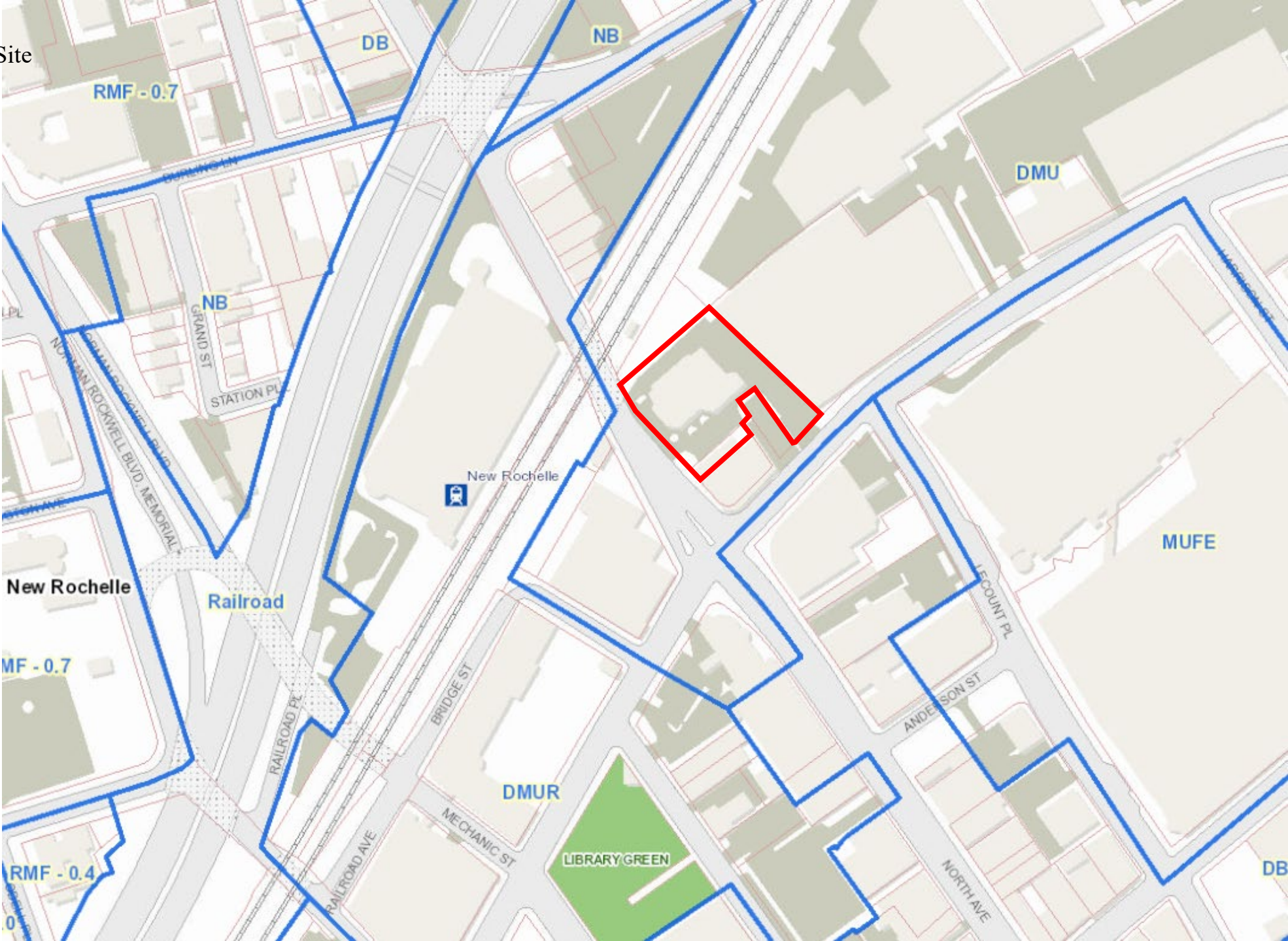


Exhibit I

ZONING MAP

Goodrich Rubber 285 North Avenue Site
285 North Avenue
New Rochelle, New York 10801

Legend:
— Site property boundary
Zoning District: DMU – Downtown Mixed-Use



December 2020
Source: Westchester County GIS
ArcGIS
Scale: 1" = 100" approximately

Zoning District: DM – Downtown Mixed-Use

Business, Office and Commercial

A. Permitted Principal Uses

- (1) Business, professional, or governmental offices.
- (2) Multifamily apartment buildings.
- (3) Mixed use commercial/residential with dwelling units located on the second floor and above only.
- (4) Stores and shops for sales at retail, or the performance of customary personal services.
- (5) Banks.
- (6) Hotels.
- (7) Restaurants.
- (8) (Reserved)[1]
- (9) Health, social or recreational clubs.
- (10) Off-street parking facilities as regulated by Article XIV of this chapter.
- (11) Houses of worship.
- (12) College-related uses within 1,500 feet of the college and/or university's main administrative building.
[Added 2-19-2013 by Ord. No. 39-2013]
- (13) Manufacturing of products for retail sale, provided that a minimum of 30% of the gross floor area be dedicated to retail sales of the product, with such retail space located on the street level at the building's street frontage.
[Added 7-18-2017 by Ord. No. 152-2017]

B. Permitted Accessory Use

- (1) Uses and structures which are clearly incidental and customarily accessory to the permitted principal use on the lot on which they are located.
- (2) Satellite earth station or dish antennas as regulated by § 331-24, but only when accessory to a permitted principal use on the lot on which it is located.
- (3) Swimming pools as regulated by § 331-17.
- (4) Sports courts.
[Amended 9-21-2004 by Ord. No. 198-2004]
- (5) The keeping of household pets as defined by § 331-4.
- (6) Light industry as regulated by § 331-75.

C. Uses Allowed by Special Permit

- (1) Day-care centers, as regulated by § 331-113.6.
[Amended 2-13-2007 by Ord. No. 48-2007; 9-17-2014 by Ord. No. 124-2014; 9-19-2017 by Ord. No. 187-2017]
- (2) (Reserved)[2]
[2] Editor's Note: Former Subsection C(2), Day-care centers located on dead-end streets, added 2-13-2007 by Ord. No. 48-2007, was repealed 9-19-2017 by Ord. No. 187-2017.
- (3) Schools located on the second floor and above only.
- (4) Outdoor dining as regulated by § 331-95.
- (5) Public utility uses and structures as regulated by § 331-106.
- (6) Cellular antennas and associated facilities as regulated by § 331-99 of this chapter.
- (7) Businesses which store, package and ship products to wholesale or catalog retail establishments which use the internet.
[Amended 2-15-2011 by Ord. No. 43-2011; 9-17-2014 by Ord. No. 124-2014]
- (8) Billiard halls as regulated by § 331-113.
- (9) Funeral parlors.
- (10) Public utility uses as regulated by § 331-106.
- (11) Motor vehicle rental agency as regulated by § 331-103.
[Added 5-21-2003 by Ord. No. 106-2003]
- (12) Cabarets, as accessory to a restaurant, with a public assembly occupancy limit not to exceed 250 persons as regulated by § 331-113.2, when located within the Cabaret Overlay Zone.
[Added 7-15-2003 by Ord. No. 167-2003; amended 9-17-2014 by Ord. No. 124-2014]
- (13) Bars as regulated by § 331-113.3.
[Added 7-15-2003 by Ord. No. 167-2003]
- (14) Clinical laboratory as regulated by § 331-113.4.
[Added 5-19-2005 by Ord. No. 118-2005]
- (15) Tattoo Studios, as regulated by § 331-110.
[Added 3-23-2010 by Ord. No. 55-2010]
- (16) Craft beverage production facilities as regulation by § 331-113.10.
[Added 7-18-2017 by Ord. No. 152-2017]
- (17) eSports.
[Added 10-18-2017 by Ord. No. 205-2017]
- (18) Tasting rooms as regulated by § 331-113.12.
[Added 2-12-2019 by Ord. No. 2019-42]
- (19) Discount variety store as regulated by § 331-113.13.
[Added 5-21-2019 by Ord. No. 2019-105]
- (20) Commercial EV Charging Stations as regulated by § 331-115.4.
[Added 2-11-2020 by Ord. No. 2020-29]

Exhibit J

New Rochelle, New York 10801

Site Location

Scale: $1'' = 100''$ approximately

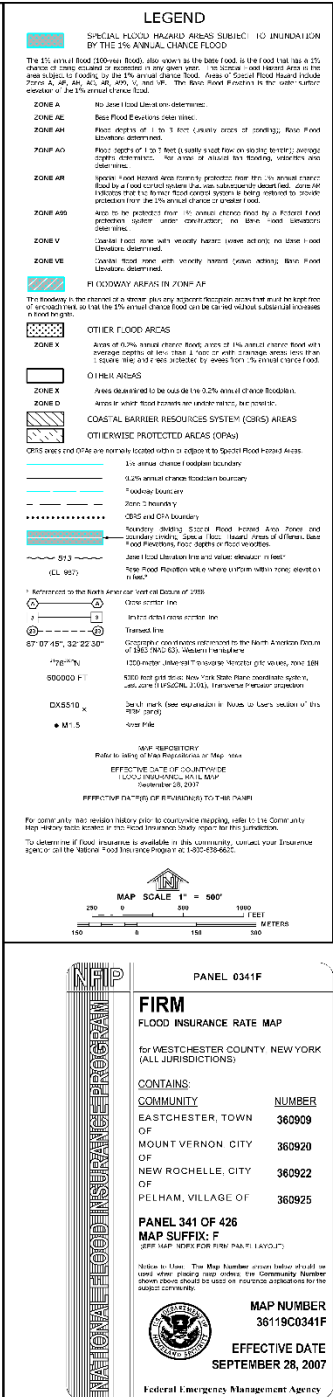


Exhibit K

Site Contact List

Goodrich Rubber 285 North Avenue Site

285 North Avenue, New Rochelle, New York 10801

Name	Title	Address	City	State	Zip
Chuck E. Schumer	U.S. Senator	780 Third Avenue, Suite 2301	New York	NY	10017
Kristen Gillibrand	U.S. Senator	780 Third Avenue, Suite 2601	New York	NY	10017
Eliot L. Engel	U.S. House of Representatives, 16th Congressional District	6 Gramatan Avenue, Suite 205	Mt. Vernon	NY	10550
Andrea Stewart-Cousins	New York State Senator, 35th District	28 Wells Avenue, Building 3	Yonkers	NY	10701
George Latimer	Westchester County Executive	148 Martine Avenue, Suite 900	White Plains	NY	10601
Richard Hyman	Westchester County Planning Board, Chairperson	148 Martine Avenue, Room 420	White Plains	NY	10601
Noam Bramson	Mayor of New Rochelle	City Hall, 515 North Avenue	New Rochelle	NY	10801
Sarah C. Dobbs-Brown	New Rochelle Planning Board, Chairperson	City Hall, 515 North Avenue	New Rochelle	NY	10801
The Journal News	Media Outlet	1133 Westchester Avenue, Suite N110	White Plains	NY	10604
Nadine Leslie	CEO of SUEZ Westchester Operations, Public Water Supplier	2525 Palmer Avenue	New Rochelle	NY	10801
Tom Geoffino	New Rochelle Public Library, Director	1 Library Plaza	New Rochelle	NY	10801
Devin Chisolm	Westchester Catholic High Schools - Salesian High School, Principal	148 East Main Street	New Rochelle	NY	10801
Andrea Schwach	Campus Alternative School, Administrator	50 Washington Avenue	New Rochelle	NY	10801
Michael Galland	Columbus Elementary School, Principal	275 Washington Avenue	New Rochelle	NY	10801
Melissa A. Passarelli	Daniel Webster Elementary School, Principal	95 Glenmore Drive	New Rochelle	NY	10801
Trenton Hamidan	Westchester Area School, Administrator	456 Webster Avenue	New Rochelle	NY	10801
Patrick and Deloris Hogan	Dee's Tots Childcare, Owners	166 Lincoln Avenue	New Rochelle	NY	10801
Angela Sampogna	The learning Experience, Director	1 Bally Place	New Rochelle	NY	10801
Jennifer Jones	Growing Minds of New York, Inc., Owner	466 Main Street	New Rochelle	NY	10801
Carmen M. Youngs	Little Rascals Daycare, Owner	18 Badeau Place	New Rochelle	NY	10801
Kaufman Huguenot Company	Adjacent Property Owner of Huguenot Street and 271 North Avenue	505 Park Avenue	New York	NY	10022
North Brook Realty Association	Adjacent Property Owner of 270 North Avenue	137 Clinton Lane	Spring Valley	NY	10977
288 North Avenue Property, Inc.	Adjacent Property Owner of 288 North Avenue	c/o Kurian Thomas, 288 North Avenue	New Rochelle	NY	10801
Consolidated Rail Corp.	Adjacent Property Owner of North to Station Plaza	1000 Howard Blvd, 4th Floor	Mt. Laurel	NJ	8054
The City of New Rochelle	Adjacent Property Owner of North Avenue	City Hall, 515 North Avenue	New Rochelle	NY	10801
Silwis LLC	Adjacent Property Owner of 171 Huguenot Street	34 Meadow Road	Scarsdale	NY	10583
New Rochelle Industrial Development Agency	Adjacent Property Owner of 175 Huguenot Street	City Hall, 515 North Avenue	New Rochelle	NY	10801
United States of America - US Post Office	Adjacent Property Owner of 255 North Avenue	255 North Avenue	New Rochelle	NY	10801
Soothing Day Spa	Adjacent Property Operator of 271 North Avenue	271 North Avenue	New Rochelle	NY	10801
Sussex Realty	Adjacent Property Operator of 271 North Avenue	271 North Avenue, #101	New Rochelle	NY	10801
Tower Deli Café	Adjacent Property Operator of 271 North Avenue	271 North Avenue	New Rochelle	NY	10801
Sitecare Consumer	Adjacent Property Operator of 271 North Avenue	271 North Avenue	New Rochelle	NY	10801
Fordham Wigs of Westchester	Adjacent Property Operator of 271 North Avenue	271 North Avenue	New Rochelle	NY	10801
Vision Homecare Services	Adjacent Property Operator of 271 North Avenue	271 North Avenue, #411	New Rochelle	NY	10801
Yacine's Authentic African Hair Salon	Adjacent Property Operator of 271 North Avenue	271 North Avenue	New Rochelle	NY	10801
Texas Roadhouse	Adjacent Property Operator of 181 Huguenot Street	181 Huguenot Street	New Rochelle	NY	10801
New York Sports Clubs	Adjacent Property Operator of 175 Huguenot Street	175 Huguenot Street	New Rochelle	NY	10801
GoodFriend Self Storage	Adjacent Property Operator of 175 Huguenot Street	175 Huguenot Street	New Rochelle	NY	10801
Regus	Adjacent Property Operator of 173 Huguenot Street	173 Huguenot Street	New Rochelle	NY	10801
Actipotens	Adjacent Property Operator of 175 Huguenot Street	175 Huguenot Street	New Rochelle	NY	10801
Westmed Urgent Care	Adjacent Property Operator of 171 Huguenot Street	171 Huguenot Street	New Rochelle	NY	10801
Bel Aqua Pool Supply	Adjacent Property Operator of 171 Huguenot Street	20 Commerce Drive	New Rochelle	NY	10801
Chase Bank	Adjacent Property Operator of 270 North Avenue	270 North Avenue	New Rochelle	NY	10801
London Luxury LLC	Adjacent Property Operator of 270 North Avenue	270 North Avenue	New Rochelle	NY	10801
NHI Agency	Adjacent Property Operator of 270 North Avenue	270 North Avenue	New Rochelle	NY	10801
M.S. Walker	Adjacent Property Operator of 270 North Avenue	270 North Avenue	New Rochelle	NY	10801
New Rochelle News & Grocery	Adjacent Property Operator of 288 North Avenue	288 North Avenue	New Rochelle	NY	10801

Exhibit L



December 14, 2020

VIA ELECTRONIC MAIL

Tom Geoffino, Director
New Rochelle Public Library
1 Library Plaza
New Rochelle, New York 10801

RE: Brownfield Cleanup Program Application
Applicant: 277 NR Principal LLC
Site Address: 277 North Avenue
New Rochelle, New York 10801

Dear Mr. Geoffino:

We represent 277 NR Principal LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 277 North Avenue in the City of New Rochelle, Westchester County, New York. Your branch is currently the repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

Please sign below and return the executed letter as an attachment to an email if you are able to certify that your library would be willing and able to act as the temporary public repository for this Brownfield Cleanup Program project.

Thank you.

Sincerely,

KNAUF SHAW LLP

LINDA R. SHAW

Yes, the New Rochelle Public Library is willing and able to act as a public repository for documents related to the cleanup of 277 North Avenue in the City of New Rochelle, Westchester County, New York under the NYS Brownfield Cleanup Program.

Tom Geoffino, Director

12/15/20
Date