

# **Hamilton Green I Partners LLC Brownfield Cleanup Program Application WP Mall Cleaners & Gas Station Site 250 Hamilton Avenue White Plains, New York 10601**



**Legal & Consulting Team:  
Knauf Shaw LLP & SESI Consulting.  
November 2021**

## **Table of Contents**

- 1. Cover Letter**
- 2. BCP Application**
- 3. BCP Support Document**
- 4. Exhibit A – DOS Info**
- 5. Exhibit B – Corporate Consent**
- 6. Exhibit C – Deed**
- 7. Exhibit D – Site Access Agreement**
- 8. Exhibit E – Previous Owners and Operators**
- 9. Exhibit F – Site Drawing Spider Maps**
- 10. Exhibit G – Survey & Tax Map**
- 11. Exhibit H – Site Location, Base, BOA, EJ, En-Zone and Street Maps**
- 12. Exhibit I – Zoning Map**
- 13. Exhibit J – Flood Map**
- 14. Exhibit K – Site Contact List**
- 15. Exhibit L – Repository Letter**
- 16. CD attaching Environmental Reports**

## **ENVIRONMENTAL REPORTS INCLUDED ON CD**

1. November 2015 GZA GeoEnvironmental of New York (“GZA”) Geotechnical Report prepared for Exclusive Management LLC
2. May 2017 AKRF, Inc. (“AKRF”) Phase I ESA prepared for SWD II, LLC
3. August 2017 Delta Geophysics Inc. (“DELTA”) Geophysical Investigation Report prepared for AKRF
4. September 2017 Spill File # 1706297
5. October 2017 AKRF Subsurface (Phase II) Investigation prepared for SWD II, LLC
6. February 2018 NOVA Geophysical Engineering (“NOVA”) Geophysical Engineering Survey Report prepared for AKRF
7. September 2018 AKRF Remedial Investigation (“RI”) Work Plan (“RIWP”) prepared for S-WD/WP LLC
8. January – July 2019 SESI Consulting Engineers (“SESI”) Rider Letters to the AKRF RIWP prepared for S-WD/WP LLC
9. March 2021 American Geophysics Inc. Geophysical Investigation Report prepared for SESI
10. August 2021 SESI Phase I ESA prepared for Hamilton Green I Partners LLC
11. August 2021 SESI Phase II ESA prepared for Hamilton Green I Partners LLC
12. September 2021 SESI RIWP/IRM WP prepared for Hamilton Green I Partners LLC



## 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 12*

#### Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY  
BCP SITE #:

NAME Hamilton Green I Partners LLC

ADDRESS Attn: Katherine Macol, 1427 Fairfield Beach Road

CITY/TOWN Fairfield, CT

ZIP CODE 06824

PHONE 203-218-4798

FAX N/A

E-MAIL Kblouse2@gmail.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 that the site requires remediation and 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). Please do not submit paper copies of supporting documents.**

2. **SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED, WITH LABORATORY REPORTS REFERENCED AND ALSO INCLUDED.**

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

<input type="checkbox"/> Coal Gas Manufacturing	<input checked="" type="checkbox"/> Manufacturing	<input type="checkbox"/> Agricultural Co-op	<input checked="" type="checkbox"/> Dry Cleaner
<input type="checkbox"/> Salvage Yard	<input type="checkbox"/> Bulk Plant	<input type="checkbox"/> Pipeline	<input checked="" type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input type="checkbox"/> Unknown

Other: \_\_\_\_\_

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME WP Mall Cleaners & Gas Station Site				
ADDRESS/LOCATION 250 Hamilton Avenue				
CITY/TOWN White Plains, New York		ZIP CODE 10601		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): White Plains and Westchester County				
COUNTY Westchester County		SITE SIZE (ACRES) 1.808		
LATITUDE (degrees/minutes/seconds) 41 ° 02 ' 01.6N "		LONGITUDE (degrees/minutes/seconds) 73 ° 46 ' 13.7W "		
<b>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.</b>				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
250 Hamilton Avenue	125.67	5	1.1	1.808
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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 <a href="#">DEC's website</a> for more information) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  If yes, identify census tract : _____  Percentage of property in En-zone (check one): <input checked="" type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input type="checkbox"/> 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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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

N/A

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)**

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Katherine Macol			
ADDRESS 1427 Fairfield Beach Road			
CITY/TOWN Fairfield, Ct		ZIP CODE 06824	
PHONE (914) 769 - 6500	FAX N/A	E-MAIL kblose2@gmail.com	
NAME OF REQUESTOR'S CONSULTANT SESI Consulting Engineers, DPC			
ADDRESS 12A Maple Avenue			
CITY/TOWN Pine Brook, New Jersey		ZIP CODE 07058	
PHONE (973) 808 - 9050	FAX (973) 808 - 9099	E-MAIL fd@sesi.org	
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	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME W.P. Mall Realty, LLC c/o Juda Klein		OWNERSHIP START DATE: 9/17/2003	
ADDRESS 8 Sunrise Drive			
CITY/TOWN Monsey, New York		ZIP CODE 10952	
PHONE 914-522-3256	FAX N/A	E-MAIL juda@emlny.com	
CURRENT OPERATOR'S NAME Vacant except DMV - See Support Narrative.			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<b>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".</b>			
<b>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.</b>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? Transit Develop. District (TD)

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

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

☒ Yes ☐ No

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

## XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby 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 Member (title) of Hamilton Green I Partners LLC (entity); 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: 9-30-21

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Katherine Macol

### SUBMITTAL INFORMATION:

- Two (2) copies, one paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable 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

**PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS.** Please provide a hard copy of ONLY the application form and a table of contents.

**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.

**BCP App Rev 11**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>From ECL 27-1405(31):</b></p> <p>"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.</p> <p><b>From 6 NYCRR 375-3.2(I) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p> <p>375-3.2:</p> <p>(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</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(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</p> <p>(c) there are no structures.</p> <p>"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.</p>	

### 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:** WP Mall Cleaners & Gas Station Site  
**City:** White Plains, New York

**Site Address:** 250 Hamilton Avenue  
**County:** Westchester County **Zip:** 10601

### Tax Block & Lot

**Section (if applicable):** 125.67 **Block:** 5 **Lot:** 1.1

**Requestor Name:** Hamilton Green I Partners LLC  
**City:** Fairfield, CT

**Requestor Address:** Attn: Katherine Macol, 1427 Fairfield Beach Road  
**Zip:** 06824 **Email:** Kblöse2@gmail.com

### Requestor's Representative (for billing purposes)

**Name:** Katherine Macol  
**City:** Fairfield, Ct

**Address:** 1427 Fairfield Beach Road  
**Zip:** 06824

**Email:** kblose2@gmail.com

### Requestor's Attorney

**Name:** Linda Shaw, Esq., Knauf Shaw LLP  
**City:** Rochester, New York

**Address:** 1400 Crossroads Building, 2 State Street  
**Zip:** 14614

**Email:** lshaw@nyenvlaw.com

### Requestor's Consultant

**Name:** SESI Consulting Engineers, DPC **Address:** 12A Maple Avenue  
**City:** Pine Brook, New Jersey

**Zip:** 07058 **Email:** fd@sesi.org

**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**

<b>Exhibit A -</b>	DOS Entity Information
<b>Exhibit B-</b>	Corporate Consent
<b>Exhibit C-</b>	Deed
<b>Exhibit D-</b>	Site Access Agreements
<b>Exhibit E-</b>	Previous Owners and Operators
<b>Exhibit F-</b>	Site Drawing Spider Maps
<b>Exhibit G-</b>	Survey / Tax Map
<b>Exhibit H-</b>	Site Location Map, Base Map, En-Zone Map, BOA, and EJ Maps
<b>Exhibit I-</b>	Zoning Map
<b>Exhibit J-</b>	Flood Map
<b>Exhibit K-</b>	Site Contact List
<b>Exhibit L-</b>	Repository Letter

#### **ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON CD:**

1. November 2015 GZA GeoEnvironmental of New York (“GZA”) Geotechnical Report prepared for Exclusive Management LLC
2. May 2017 AKRF, Inc. (“AKRF”) Phase I ESA prepared for SWD II, LLC
3. August 2017 Delta Geophysics Inc. (“DELTA”) Geophysical Investigation Report prepared for AKRF
4. September 2017 Spill File # 1706297
5. October 2017 AKRF Subsurface (Phase II) Investigation prepared for SWD II, LLC
6. February 2018 NOVA Geophysical Engineering (“NOVA”) Geophysical Engineering Survey Report prepared for AKRF
7. September 2018 AKRF Remedial Investigation (“RI”) Work Plan (“RIWP”) prepared for S-WD/WP LLC
8. January – July 2019 SESI Consulting Engineers (“SESI”) Rider Letters to the AKRF RIWP prepared for S-WD/WP LLC
9. March 2021 American Geophysics Inc. Geophysical Investigation Report prepared for SESI
10. August 2021 SESI Phase I ESA prepared for Hamilton Green I Partners LLC
11. August 2021 SESI Phase II ESA prepared for Hamilton Green I Partners LLC
12. September 2021 SESI RIWP/IRM WP prepared for Hamilton Green I Partners LLC

## **PART A**

### **SECTION I - REQUESTOR INFORMATION**

The Requestor is Hamilton Green I Partners LLC, a Delaware limited liability company authorized to do business in the State of New York. *See Exhibit A, NYSDOS Entity Information.* Hamilton Green I Partners LLC has an address at 1427 Fairfield Beach Road, Fairfield, CT 06824. The members of Hamilton Green I Partners LLC are Katherine Macol and RX Hamilton Investor LLC.

The Written Consent provides member Katherine Macol with authority to sign all Brownfield Cleanup Program (“BCP”) documents on behalf of the Requestor. *See Exhibit B, Corporate Consent.*

Requestor is not the owner of the site. As more fully described below in Section VI, W.P. Mall Realty, LLC, is the current owner of the Site. *See Exhibit C Deed.* The Requestors have received a temporary license from the Owner to access the property to perform investigation and remediation work required by the BCP. *See Exhibit D, Site Access Agreement.*

The Requestor has no prior relationship with any current or past owners or operators of the Site except that Requestor intends to purchase the Site from the current owner. *See Sections V and VI below, and Exhibit E, Previous Owners and Operators List.* Requestor did not cause any of the contamination of the Site, which predates their involvement at the Site.

As further described below in Section IV, the Site is located at 250 Hamilton Avenue, White Plains, New York 10601 on a newly assigned Condominium Tax Lot 125.67-5-1..1, which has been approved by the City of White Plains and placed on a newly filed plat Tax Map No. 29553 and the Attorney General’s email approval (“Site” or “BCP Site”). *See Exhibit G.*

### **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 the construction of several multi-story mixed use buildings. There will be a sub-grade parking garage with sub-grade parking. The buildings will be utilized for residential use and retail space.

#### **Schedule- Commencement through COC**

A Remedial Investigation (“RI”) Work Plan (“RIWP”) has been submitted with this application. RI activities are expected to commence in November 2021. A draft RI Report is expected to be completed for the Site in early 2022. A draft IRM Report, which will include soil excavation, is also expected to be completed for in early 2022. The Remedial Action Work Plan (“RAWP”) is expected to be completed in March 2022. Any required remediation, including excavation, will

commence in the spring of 2022. The Certificate of Completion is anticipated to be issued in late 2022. All zoning approvals for the project have been obtained.

## **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. November 2015 GZA GeoEnvironmental of New York (“GZA”) Geotechnical Report prepared for Exclusive Management LLC
- B. May 2017 AKRF, Inc. (“AKRF”) Phase I ESA prepared for SWD II, LLC
- C. August 2017 Delta Geophysics Inc. (“DELTA”) Geophysical Investigation Report prepared for AKRF
- D. September 2017 Spill File # 1706297
- E. October 2017 AKRF Subsurface (Phase II) Investigation prepared for SWD II, LLC
- F. February 2018 NOVA Geophysical Engineering (“NOVA”) Geophysical Engineering Survey Report prepared for AKRF
- G. September 2018 AKRF Remedial Investigation (“RI”) Work Plan (“RIWP”) prepared for S-WD/WP LLC
- H. January – July 2019 SESI Consulting Engineers (“SESI”) Riders to the AKRF RIWP prepared for S-WD/WP LLC
- I. March 2021 American Geophysics Inc. Geophysical Investigation Report prepared for SESI
- J. August 2021 SESI Phase I ESA prepared for Hamilton Green I Partners LLC
- K. August 2021 SESI Phase II ESA prepared for Hamilton Green I Partners LLC
- L. September 2021 SESI RIWP/IRM WP prepared for Hamilton Green I Partners LLC

### **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. Most recently, a portion of the Site was used as a parking lot and the remaining portion of the Site contained part of the White Plains Mall building. Prior to that use, the Site had a long history of commercial and industrial uses. Specifically, the Site has been used as a gasoline service station and a candy manufacturing facility. A dry cleaner was also located somewhere in the White Plains Mall, part of which is located on this Site. The historical owners and uses associated with the Site are described in the Exhibit E*



Previous Owners and Operators List.

## **SECTION IV – PROPERTY INFORMATION**

### **1. Site Boundary and Tax Parcel Information**

The Site boundary does correspond to the new tax boundary for Condominium Lot 125.67-5-1..1, which is 1.808-acres in size. *See* Exhibit G, Survey of Only the BCP Site subject to this application. A new Commercial Condominium Line (“CCL”) was drawn on the former approximately 3.75-acre tax lot 125.67-5-1 in July 2021, which made up former BCP Site #360177, essentially splitting it into two lots - Condominium Lot 125.67-5-1..1 and 125.67-5-1..2. *See* Exhibit G, Survey – New Condo Tax Map showing both new tax lots.

As explained in the new application for BCP Site #360177 submitted to the Department before this application, original Volunteer S-WD/WP LLC could no longer afford to remediate and develop the larger original 3.75-acre Hamilton Green BCP site. As a result, the site owner submitted applications to the City of White Plains and the NYS Attorney General’s office for a CCL to created two parcels: 200 Hamilton Avenue (Lot 125.67-5-1..2) and 250 Hamilton Avenue (Lot 125.67-5-1..1). Volunteer S-WD/WP LLC is proceeding to stay in the BCP for what is now a smaller 1.94 acre BCP Site #360177 on Condominium Lot No. 125.67-5-1..2 and the Volunteer Requestor in this application, which is another developer, is acquiring the BCP Site on Lot 125.67-5-1..1 and has submitted this application.

While performing due diligence, the Volunteer Requestor herein elected to perform a Phase II investigation on the entire original BCP Site. After performing this Phase II investigation and agreeing to share the information with both the Site owner and Volunteer S-WD/WP LLC, Volunteer S-WD/WP LLC elected to remain in the BCP only for the smaller 1.94 acre BCP Site #360177 on Condominium Lot No. 125.67-5-1..2. The Volunteer in this new application is proceeding with the purchase, investigation and remediation of the remaining land on Condominium Lot 125.67-5-1..1.

Since the Requestor in this application shared the Phase II soil and groundwater data with both the Owner of the property and the original Hamilton Green Volunteer, the RIWP previously submitted for both lots for the original BCP Site has been revised by Volunteer S-WD/WP LLC for their Reduced BCP Site #360177 on Condominium Lot No. 125.67-5-1..2 and the RIWP/IRMWP attached to this application is for this new BCP Site on Condominium Lot No. 125.67-5-1..1.

The legal description for the property located at 250 Hamilton Avenue, which is the subject of this BCP application, is included in Exhibit G. The Site Location Map and Base Property Map are in Exhibit H. The Site is not located in an En-Zone, BOA or Potential Environmental Justice Area. *See* Exhibit H.

### **2. Property Map**

The Site Location and Base Property Map are in Exhibit H. 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 1.808-acre Site is located at 250 Hamilton Avenue, White Plains, New York 10601. The Site is located on new tax lot 125.67-5-1..1. The Site is located in a mixed-use commercial and residential neighborhood close to the train station. Barker Avenue, a restaurant, and a hotel are located north of the Site. Cottage Place, a parking lot, a condominium building, and Berkley College student dormitories are located east of the Site. The student dormitories are located approximately 300 feet from the Site and the condominium building is located approximately 413 feet from the Site. Hamilton Avenue and a New York Power Authority Building are located south of the Site. The remaining portion of the White Plains Mall is located west of the Site.

**B. Site Features**

Most of the Site is currently improved as a parking lot with attendant booths. The remaining portion contains a portion of the White Plains Mall commercial building. The remainder of the White Plains Mall building is present on the adjacent Reduced BCP Site # 360177 on lot 125.67-5-1..2. The mall is currently unoccupied with the exception of the New York State Department of Motor Vehicles (“NYS DMV”), which will vacate the Site soon. The Site is located approximately 0.35 miles from the Bronx River. It is not located in a flood zone. *See* Exhibit J, Flood Map.

**C. Current Zoning and Land Use**

The Site is currently located in a new Transit Development District (TD-1). It was previously located in a Neighborhood Business (B-2) District but the zoning was recently changed to allow for dense residential development in close proximity to the train station. *See* Exhibit I, Zoning Map. The majority of the subject property is currently used as a parking lot. A portion of the Site was occupied by part of the White Plains Mall, but is now vacant. The surrounding property uses include a condominium complex, a student dormitory, restaurants, retail shops, a church, the Berkeley College White Plains Campus, a water utility company, and a New York Power Authority Building. The closest Metro North commuter rail line is located approximately 0.23 miles from the Site, which is within walking distance.

**D. Past Uses and Investigations of the Site**

Dwellings and garages first appeared on the Site prior to 1911, which may have been fueled by heating oil. In 1930, multiple businesses were including a gypsum partitions business, an electric motors building, a paint store, a plumbing shop and a candy manufacturer. In the south eastern portion of the Site, a gasoline station was present with greasing operations

with the candy manufacturing station on maps from the 1930's to the 1950's and were estimated to be present until the 1970's. The use of the Site as a candy manufacturer and filling station may have contributed to the on-Site contamination. Additional garages are depicted on maps from 1950. By 1987, all on-Site buildings were demolished and replaced by a parking lot and eventually a portion of the White Plains Mall. Parking lot attendant booths were also added to the Site.

The first Phase I investigation revealed recognized environmental conditions ("RECs") for the Site, including a historic gasoline station, potential abandoned USTs, potential petroleum contamination, historic dry cleaners in the mall, and the presence of historic fill. Mall Cleaners Inc. and Nu Trend Cleaners II were listed as Mall occupants in 2010 and 2011. A subsequent Geophysical Investigation did not identify buried tanks.

During the first environmental subsurface Phase II Investigation, visual field observations of petroleum contamination in soil and groundwater led to a spill report on September 28, 2017. Spill No. 17-06297 was assigned by the NYSDEC and this spill file remains open. The location of the spill was in the southern half of the Site near the location of a former gas station. In addition to the petroleum contamination in soil and groundwater, other contaminants of concern were found in soil vapor. Subsequent environmental investigation work further delineated the petroleum contamination in seven out of ten borings, as well as SVOCs and metals in historic fill layer, but no tanks were found. The most recent investigation work has confirmed Site contamination above applicable cleanup standards or screening levels. *See* Section IV.F. for the full environmental assessment.

#### E. Site Geology and Hydrogeology

Based on the U.S. Geological Survey and Westchester County GIS, the Site lies at elevations ranging from 185 to 200 feet above the National Geodetic Vertical Datum of 1983. Regional topography slopes downward to the west. Groundwaters flows in the southwesterly direction. Groundwater depths range from approximately 9.58 to 23.90 ft-bgs. Deeper groundwater depths were found in the eastern portion of the Site.

The soils at the Site are characterized as Uf (Urban Land) urban land which is covered by pavement, concrete, buildings, and other structures. A fill stratum is encountered from grade to depths of 12 ft-bgs. The fill layer consists of sand, silt, gravel, organics (wood/grass), brick, asphalt, and rubber. A layer of clay and silt were encountered beneath the fill between 7 and 13 ft-bgs. Sand is present in the layer of clay and silt, but content varied across the site. Between approximately 13 and 25.5 ft-bgs, a sand layer was encountered. The sand stratum consisted of brown, medium to coarse sand, little to some silt, and trace amounts of gravel. During geophysical investigations of the Site, bedrock was encountered from approximately 13 ft-bgs to 37 ft-bgs. The depth of bedrock corresponded to the approximate elevations of the site.

#### F. Environmental Assessment

Multiple environmental investigations have been conducted on the Site. The investigations

included the October 2017 AKRF Phase II ESA, the April 2018 AKRF Spill Investigation, and the August 2021 SESI Phase II ESA. Based on the investigations conducted to date, the primary contaminants of concern are VOCS, metals, and pesticides in soil, VOCS and metals in groundwater, and VOCS in soil vapor. *See Exhibit F Site Drawing Spider Maps.*

***Soil:***

Based on the Phase II and SI investigations, the primary contaminants of concern in soil are VOCs, SVOCs, metals and pesticides, although pesticides did not exceed the RRSCOs.

Analytes > RRSCOS	Detections > RRSCOs	Maximum Detections (mg/kg)	Track 2 Residential and RRSCO (mg/kg)	Depth (ft-bgs)	Sample Date
<b>VOCS</b>					
1,2,4-trimethylbenzene	3	100	52	9-10	April 2018
<b>Metals</b>					
Chromium	4	302/113	22/110	7.5-15	June 2021
Copper	1	365	270	6-6.5	June 2021
Lead	1	773	400	6-6.5	June 2021
Nickel	1	773	310	6-6.5	June 2021
Manganese	1	2050	2000	1.5-5.5	June 2021

The June 2021 Phase II ESA identified the contaminants of concern as VOCs, metals, and pesticides. The VOC analysis identified exceedances for UUSCOs present between 2 and 4 ft-bgs in one boring for petroleum related compounds including benzene, ethylbenzene, isopropylbenzene, trimethylbenzenes, n-propylbenzene, and xylenes. The pesticides 4,4'-DDE and 4,4'-DDT were detected in one soil sample between 0 and 7.5 ft-bgs at concentrations in exceedance of the UUSCO of 0.0033 mg/kg. Metals exceedances were found throughout the Site between 0 and 14 ft-bgs above the RRSCOs as shown above and UUSCOs.

***Groundwater:***

Groundwater samples were collected between August 2017 and July 2021. Analytical results were compared to the NYSDEC Technical and Operational Guidance Series 1.1.1 ("TOGS") Class GA Ambient Water Quality Standards and Guidance Values ("AWQS"). The investigations indicated that the contaminants of concern were VOCs and metals.

Analytes > AWQS	Detections > AWQS	Maximum Detection (µg/L)	AWQS (µg/L)
<b>VOCs</b>			
Benzene	1	14	1
1,2,4-trimethylbenzene	1	110	5

1,3,5-trimethylbenzene	1	56	5
ethylbenzene	3	150	5
isopropylbenzene	2	35	5
Methyl tert butyl ether	2	260	10
naphthalene	1	14	10
n-propylbenzene	1	14	5
o-xylene	1	28	5
p/m xylenes	1	290	5
toluene	1	6.1	5
Xylenes, total	1	50.4	5
<b>METALS</b>			
Arsenic	2	125	25
Barium	3	81900	1000
Beryllium	3	47.6	3
Cadmium	3	23.8	5
Chromium	3	4420	50
Copper	3	9340	200
Iron	3	2630000	300
Lead	3	2070	25
Magnesium	3	222000	35000
Manganese	3	91100	300
Nickel	3	5690	300
Sodium	3	987000	20000
Thallium	2	13.4	0.5
Zinc	1	7780	2000

### ***Soil Vapor:***

Soil Vapor samples were collected in August 2017. The VOCs were also analyzed using the New York State Department of Health (“NYSDOH”) Soil Vapor/Indoor Air Decision Matrices. Trichloroethene (“TCE”) was detected in one sample in exceedance of the NYSDOH Matrix A lower threshold for monitoring and/or mitigation and multiple petroleum related soil vapor detections were identified, likely due to the fact that there is petroleum contaminated groundwater.

Analytes	Total Detections	Max Detection ( $\mu\text{g}/\text{m}^3$ )	Type
Trichloroethene (TCE)	1	13	Soil Vapor
Methylene Chloride	1	53	Soil Vapor
Acetone	2	750	Soil Vapor



Benzene	2	52	Soil Vapor
Toluene	3	45	Soil Vapor
Ethylbenzene	3	50	Soil Vapor
Xylenes	1	26	Soil Vapor
1,3-butadiene	3	87	Soil Vapor
n-heptane	2	240	Soil Vapor
n-hexane	3	590	Soil Vapor
Methyl ethyl ketone	3	44	Soil Vapor
Isopropylbenzene	1	13	Soil Vapor
n-Propylbenzene	1	8.6	Soil Vapor
2,2,4-Trimethylpentane	2	25	Soil Vapor
Carbon Disulfide	1	100	Soil Vapor

**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 intends to purchase the Site from W.P. Mall Realty, LLC. 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 has also performed all required environmental due diligence in relation to the Site.*

### **SECTION VI- CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

W.P. Mall Realty, LLC is the owner of the Site. W.P. Mall Realty, LLC has owned the parcels since 2003. *See Exhibit C, Deed.*

The Previous Owner and Operator list is attached in 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.

### **SECTION VII- REQUESTOR ELIGIBILITY INFORMATION**

**Please refer to responses to Questions 1-10 on the BCP Application Form.**

## **11. Unregistered bulk storage tanks**

Regulatory records do not indicate the presence of any past or present USTs. Three geophysical investigations have been performed on this Site to find tanks by three different companies and no tank anomalies were ever identified. Therefore, while it is possible there are there abandoned unregistered tanks in the Site subsurface associated with gasoline service stations and/or heating oil tanks from former on-Site dwellings, three due diligence investigations have not located tanks. Therefore, the response to Question 11 in this Section of the application is “no”.

### **REQUESTOR CERTIFICATION**

The Requestor certifies that it is a Volunteer, since it does not own the Site; and does not have nor has ever had a relationship with any of the past owners or operators of the Site that caused the contamination, 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, and based on the above is therefore a Volunteer.

## **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 separately attached 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 Transit Development District. *See Exhibit I, Zoning Map.* This District allow for dense residential development in close proximity to the train station.

**2. Current Use**

This Site currently contains an asphalt-paved parking lot and a portion of the adjacent White Plains Mall building. The Site is vacant except for the NYS DMV, which intends to vacate the Site soon.

**3. Intended Use Post Remediation**

Post remediation use of the Site entails the construction of a multi-story mixed-use building. The building will be used as a parking garage with sub-grade parking. In addition, a portion of the building will be utilized for residential storage and retail space.

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

Yes, the development patterns support the proposed use.

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

Yes, the project is consistent with applicable zoning laws/maps. The Site is currently located in a Transit Development District, which encourages residential projects close to the train station. This Site is only .23 miles from the train station, and is thus within walking distance.

**6. Consistent with the Master Plan?**

Yes, the project is consistent with the City of White Plains Comprehensive Plan, which intends to utilize downtown residential development as a major economic generator, and to encourage transit oriented development. This area of downtown was just recently rezoned for transit oriented development, such as this proposed project. The plan also seeks to utilize office and retail development as a means of economic generation in the downtown area.

# **EXHIBIT A**

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through March 31, 2021.

---

Selected Entity Name: HAMILTON GREEN I PARTNERS LLC

Selected Entity Status Information

**Current Entity Name:** HAMILTON GREEN I PARTNERS LLC

**DOS ID #:** 5975763

**Initial DOS Filing Date:** MARCH 29, 2021

**County:** WESTCHESTER

**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)**

HAMILTON GREEN I PARTNERS LLC

ATTN: KEVIN MCMANUS

7 RENAISSANCE SQUARE - 4TH FL.

WHITE PLAINS, NEW YORK, 10601

**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
MAR 29, 2021	Actual	HAMILTON GREEN I PARTNERS 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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# **EXHIBIT B**

## WRITTEN CONSENT

The undersigned, being a Member of RX Hamilton Investor LLC, which is a member of Hamilton Green I Partners LLC, does hereby certify as follows:

1. Hamilton Green I Partners LLC is the prospective volunteer for the prospective Brownfield Cleanup Program ("BCP") Site located at 250 Hamilton Avenue, White Plains, New York 10601, tax parcel identification no. 125.67-5-1..1 ("Site" or "BCP Site.").

2. The following person, Katherine Macol, a member of Hamilton Green I Partners LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer Hamilton Green I Partners LLC in relation to the BCP Site.

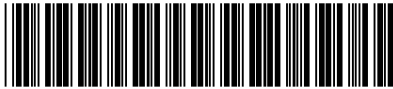
IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 23 day of September 2021.



By: Todd Rechler, Authorized Person  
RX Hamilton Investor LLC,  
a Member of Hamilton Green I Partners LLC



# **EXHIBIT C**



\*451020703DEDB\*

Control Number  
**451020703**

WIID Number  
**2005102-000343**

Instrument Type  
**DED**



**WESTCHESTER COUNTY RECORDING AND ENDORSEMENT PAGE  
(THIS PAGE FORMS PART OF THE INSTRUMENT)**

**\*\*\* DO NOT REMOVE \*\*\***

**THE FOLLOWING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:**

**TYPE OF INSTRUMENT DED - DEED**

**FEE PAGES 4**

**TOTAL PAGES 4**

**RECORDING FEES**

STATUTORY CHARGE	\$6.00
RECORDING CHARGE	\$12.00
RECORD MGT. FUND	\$19.00
RP 5217	\$165.00
TP-584	\$5.00
CROSS REFERENCE	\$0.00
MISCELLANEOUS	\$0.00
<b>TOTAL FEES PAID</b>	<b>\$207.00</b>

**TRANSFER TAXES**

CONSIDERATION	\$14,000,000.00
<b>TAX PAID</b>	<b>\$56,000.00</b>
TRANSFER TAX #	17819

**RECORDING DATE 04/15/2005**  
**TIME 14:26:00**

**MORTGAGE TAXES**

MORTGAGE DATE	
MORTGAGE AMOUNT	\$0.00
EXEMPT	
COUNTY TAX	\$0.00
YONKERS	\$0.00
BASIC	\$0.00
ADDITIONAL	\$0.00
SUBTOTAL	\$0.00
MTA	\$0.00
SPECIAL	\$0.00
<b>TOTAL PAID</b>	<b>\$0.00</b>

**SERIAL NUMBER**  
**DWELLING**

**THE PROPERTY IS SITUATED IN  
WESTCHESTER COUNTY, NEW YORK IN THE:**

**CITY OF WHITE PLAINS**

**WITNESS MY HAND AND OFFICIAL SEAL**

**LEONARD N. SPANO  
WESTCHESTER COUNTY CLERK**

**Record & Return to:**  
**SUTTON LAND SERVICES LLC**  
**50 VANTAGE POINT DR**  
**SUITE 3**  
**ROCHESTER, NY 14624**

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

THIS INDENTURE, made <sup>as of</sup> the 17th day of September, 2003,

BETWEEN W.P. MALL, LLC, a New York limited liability company with offices at c/o M & D Furtsch, LLC, 1961 Route 6, Unit R3, Carmel, New York 10512,  
party of the first part, and

W.P. MALL REALTY, LLC, a New York limited liability company with offices at 40 Robert Pitt Drive, Monsey, New York 10952,  
party of the second part,

WITNESSETH, that the party of the first part, in consideration of Fourteen Million and 00/100 (\$14,000,000.00) dollars 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 White Plains, County of Westchester, and State of New York, all as more particularly set forth on Schedule A, annexed hereto and made a part hereof.

DESCRIBING premises conveyed to party of the first part by deed dated February 14, 2000 from W.P. Mall Corp., a New York corporation, and recorded as Instrument No. 401091002.

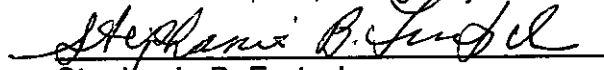
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; 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, 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:

W.P. MALL, LLC, by:  
M & D Furtsch, LLC, manager, by:


  
Stephanie B. Furtsch,  
Member and Manager



ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Westchester , ss:

On the 28th day of ~~September~~ <sup>JANUARY</sup> in the year ~~2007~~ <sup>2005</sup>, before me, the undersigned, personally appeared **Stephanie B. Furtsch**, 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.

  
Notary Public

**PATRICIA GUARDINO**  
Notary Public, State of New York  
No. 01GU6016637  
Qualified in Westchester County  
Commission Expires November 23, 2011

SL #: 21652  
District: \_\_\_\_\_ Block: 5  
Section: 125.67 Lot: 1

**Bargain and Sale deed  
Without covenants**

Title No. SL 21652

W.P. Mall, LLC  
TO  
W.P. Mall Realty, LLC

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

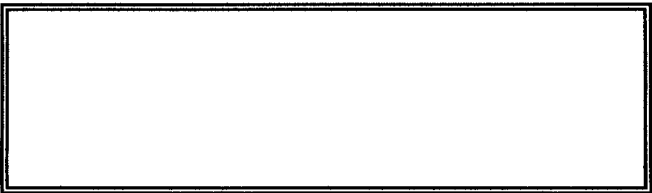
State of New York, County of \_\_\_\_\_, ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, 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.

SECTION	125.67
BLOCK	5
LOT	1

**CITY OF WHITE PLAINS**  
COUNTY OF WESTCHESTER

RETURN BY MAIL TO:



Record & Return:  
Sutton Land Services, LLC  
50 Vantage Point Drive, Suite 3  
Rochester, NY 14624

## SCHEDULE A

ALL THAT CERTAIN PLOT, piece or parcel of land, situate, lying and being in the City of White Plains, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point on the Easterly side of Northern Arterial at the Northerly end of a curve having a radius of 20 feet, a central angle of 88 degrees 53' 19" and a length of 31.028 feet which curve connects the Northerly side of Hamilton Avenue with the Easterly side of Northern Arterial as shown on a certain map entitled, "Map Showing Lands to Be Acquired By The City of White Plains for the Laying Out and Widening Of The Northern Arterial----" which map is filed in the Westchester County Clerk's Office, Division of Land Records, as Map No. 16810;

RUNNING THENCE from said point of beginning in a Southeasterly direction along the arc of a curve to the left having a radius of 20 feet, a central angle of 88 degrees 53 minutes 19 seconds a distance of 31.028 feet to a point on the Northerly side of Hamilton Avenue;

THENCE Easterly along the Northerly side of Hamilton Avenue and along the arc of a curve to the left having a radius of 4627.386 feet, a central angle of 4 degrees 29 minutes 13 seconds a distance of 362.381 feet to a point at the Westerly end of a curve connecting the Northerly side of Hamilton Avenue with the Westerly line of Cottage Place as shown on said Map No. 16810;

THENCE Northwesterly along the said curve to the left which has a radius of 10 feet, a central angle of 89 degrees 38 minutes 28 seconds for a distance of 15.645 feet to a point on the Westerly side of Cottage Place;

THENCE along the Westerly side of Cottage Place North 27 degrees 01 minutes 19 seconds West 384.52 feet to a point at the Southerly end of a curve connecting the westerly side of Cottage Place with the Southerly side of Barker Avenue as shown on said Map No. 16810;

THENCE Northwesterly along said curve to the left which has a radius of 25 feet, a central angle of 91 degrees 10 minutes 00 seconds for a distance of 39.78 feet to a point on the Southerly side of Barker Avenue;

THENCE along the Southerly side of Barker Avenue, South 61 degrees 48 minutes 41 seconds West 372.107 feet to the Easterly end of a curve connecting the Southerly side of Barker Avenue with the Easterly side of Northern Arterial as shown on said Map No. 16810;

THENCE Southerly along said curve to the left which has a radius of 20 feet, a central angle, of 100 degrees 16 minutes 52.9 seconds for a distance of 35 feet to a point on the Easterly side of Northern Arterial;

THENCE Southerly along said Easterly side of Northern Arterial and along the arc of a curve to the right which has a radius of 1414 feet, a central angle of 14 degrees 27 minutes 52.8 seconds for a distance of 356.97 feet to the Northerly end of a curve connecting the Easterly side of Northern Arterial with the Northerly side of Hamilton Avenue, at the point or place of BEGINNING.

TOGETHER with all the right, title and interest of the party of the first part of, in and to the land lying in the street in front of and adjoining said premises.

# **EXHIBIT D**

W.P. Mall Realty, LLC  
Attn: Juda Klein, Managing Member  
35 West Street, Suite 202  
Spring Valley, New York 10977

**Re: Site Access to Perform Brownfield Cleanup Program Work  
250 Hamilton Avenue, White Plains, New York 10601,  
New Condominium Tax Parcel Identification No. 125.67-5-1..1**

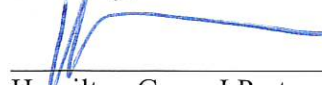
Dear Mr. Klein:

As you know, Hamilton Green I Partners LLC is submitting a Brownfield Cleanup Program ("BCP") Application to the New York State Department of Environmental Conservation to voluntarily investigate and remediate the following 1.808-acre property located on the newly filed Condominium Tax Map lot at 250 Hamilton Avenue, White Plains, New York 10601, Tax Parcel Identification No. 125.67-5-1..1 ("BCP Site"). Since your company, W.P. Mall Realty, LLC owns the BCP Site, we need your written permission below to access your property for the purpose of performing environmental investigation and remediation work for acceptance into the BCP.

If you agree to sign below, you are granting us what is known as a "temporary license" to allow an appropriate contractor we hire to enter the property to perform investigation and remediation work. We promise to provide you with copies of any information we generate about the property, and if we do accidentally damage your property in any way, we agree to repair the damages to restore the property to the way it was before we entered. Our contractor will also maintain insurance that would cover any accidents on the job. We promise to minimize any and all inconvenience to you in connection with this work and will give you one week notice before the work begins.

To the extent an environmental easement is required for the BCP Site after the remediation is complete because a Track 1 remediation was unable to be achieved, and in the unusual circumstance that W.P. Mall Realty, LLC still owns the BCP Site, you are also herein giving Hamilton Green I Partners LLC permission to place an environmental easement on the BCP Site to give the NYSDEC access to ensure the BCP Site is properly maintained pursuant to all program requirements. Thank you for your cooperation.

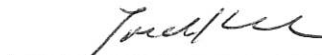
Sincerely,



Hamilton Green I Partners LLC

By: Katherine Macol

As a member of the site owner, I am authorized to grant this temporary license and agree to allow Hamilton Green I Partners LLC and its agents to enter my property to perform the BCP Investigation and/or remediation work required.



W.P. Mall Realty, LLC

By: Juda Klein

# **EXHIBIT E**



**PREVIOUS OWNERS & OPERATORS LIST**  
**WP Mall Cleaners & Gas Station Site**  
**250 Hamilton Avenue, White Plains, NY 10601**

<b>Year</b>	<b>Contact Information</b>	<b>Status</b>	<b>Relation to Requestor</b>
Unknown – 6/10/1971	White Plains Urban Renewal Agency Address: 255 Main Street Phone: (914) 422-1300 White Plains, New York 10601	Active	None
6/10/1971 – 2/14/2000	W.P. Mall Corp. Address: 20 Barker Avenue Phone: Unknown White Plains, New York 10601	Inactive	None
2/14/2000 – 9/17/2003	W.P. Mall, LLC Address: c/o Benerofe Properties Corporation Phone: (914) 681-5100 10 New King Street, Suite 209 White Plains, New York 10604	Active	None
9/17/2003 – Present	W.P. Mall Realty, LLC Address: 8 Sunrise Drive Phone: (914) 522-3256 Monsey, New York 10952	Active	Current Owner
<b>Operators</b>			
Unknown - 1894	Vacant (Possibly dwellings scattered on property)	N/A	None
1894 – 1950	Numerous private dwellings (Possible contamination due to use of heating oil)	N/A	None
1905 – 1980	Empire Apartments Address: 1514 Genesee Street Phone: (315) 797-4600 Utica, New York 13502	Active	None
1930 - 1970	Candy Manufacturing	Inactive	None
1930	Structure labeled “Paints”	Unknown	None
1930 – 1980	Plumbing Shop, Gypsum Partitions Business, and Electric Motors Building	Inactive	None
1950 – 1980	Filling Station (4 Tanks) with Greasing Operations	Inactive	None
1987 – Present	Parking for White Plains Mall Address: 200 Hamilton Avenue Phone: (914) 422-0921 White Plains, New York 10601	Active	Current Operator

# **EXHIBIT F**

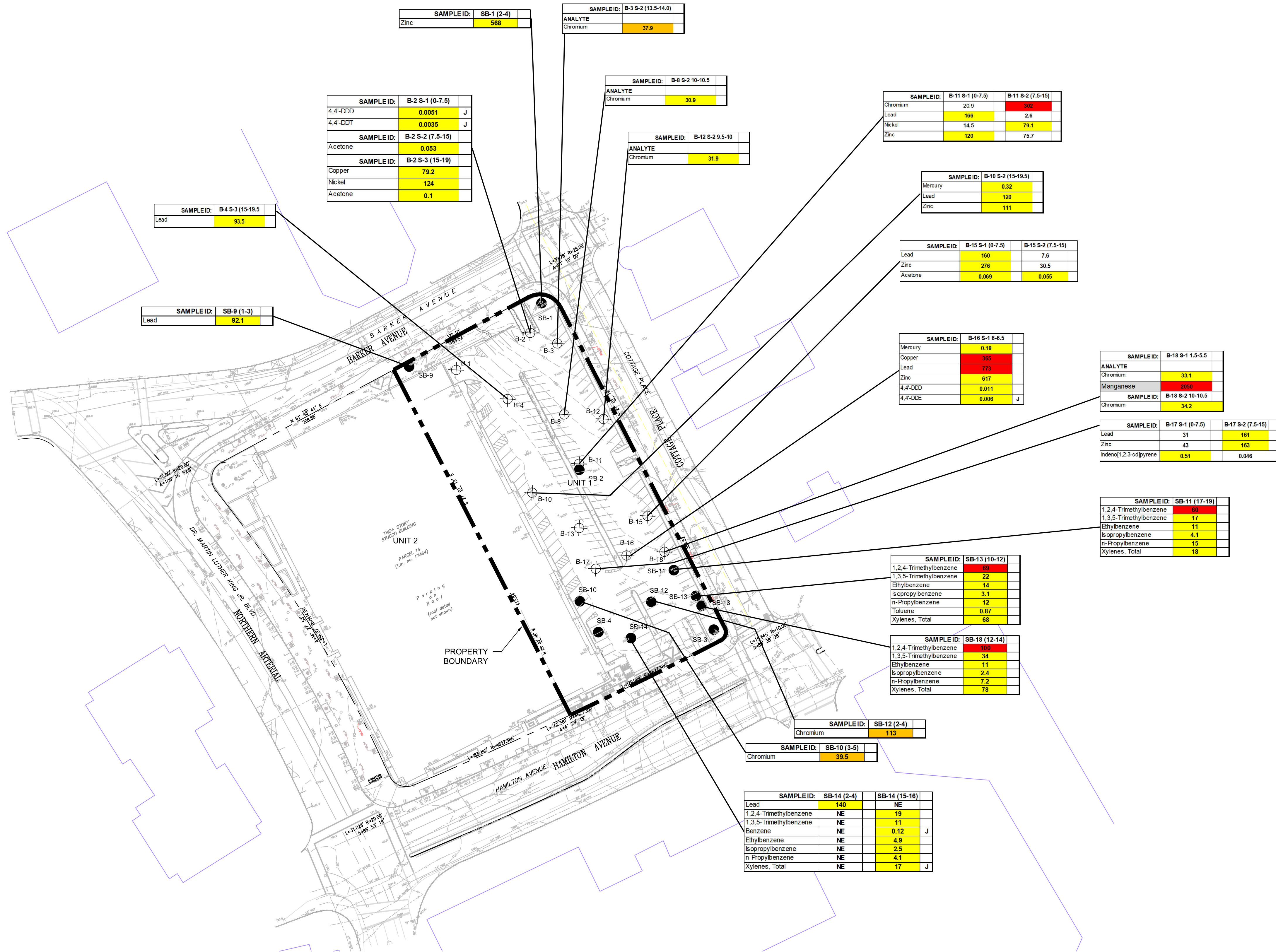




N:\VACUITY\1793\1793 - FIG-2.2 - SOIL CONCENTRATION MAP.DWG 09/20/21 01:56:58PM cse LAVO:FIG-2.2

NOTES:  
1. THIS PLAN IS FOR LOCATING SOIL SAMPLES ONLY. OTHER SITE WORK SHOWN HERE IS NOT INTENDED FOR CONSTRUCTION.  
2. IF RESULTS LESS THAN RL BUT GREATER THAN OR EQUAL TO THE MDL AND THE CONCENTRATION IS AN APPROXIMATE VALUE.  
3. IF RL AND/OR RECOVERY EXCEEDS CONTROL LIMITS.  
4. COMPOUND WAS FOUND IN THE BLANK AND SAMPLE.

NYS Education Law  
Unauthorized alterations or additions to this plan are a violation of section 7209 (2) of the New York State Education Law. Copies of this map not having the seal of the engineer shall not be valid.  
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LEGEND:  
B-13 - BORING NUMBER AND APPROX. LOCATION BY SESI (COMPLETED APRIL 2021)  
SB - SOIL BORING LOCATION (2018 BY AKRF 2017/2018)

REFERENCE  
PREVIOUS INVESTIGATION & SITE INFORMATION TAKEN FROM "SOIL SAMPLE CONCENTRATIONS ABOVE NYSDC SCOS"  
PREPARED BY AKRF, DATED MAY 2, 2018.

140 - ANALYTE WAS DETECTED ABOVE NYSDC PART 375 TRACK ONE UNRESTRICTED SOIL CLEANUP OBJECTIVE  
31.5 - ANALYTE WAS DETECTED ABOVE NYSDC PART 375 TRACK TWO RESTRICTED SOIL CLEANUP OBJECTIVE (RESIDENTIAL)  
2050 - ANALYTE WAS DETECTED ABOVE NYSDC PART 375 TRACK TWO RESTRICTED SOIL CLEANUP OBJECTIVE (RESTRICTED RESIDENTIAL)

SCALE: 1"=60'  
0 60 120

Analte w as detected above NY SDEC: Unrestricted Soil Cleanup Objective  
Analte w as detected above NY SDEC: Restricted Soil Cleanup Objective (Residential)  
Analte w as detected above NY SDEC: Restricted Soil Cleanup Objective (Restricted Residential)  
J: Result is less than the RL but greater than or equal to the MDL and the concentration is an approximate value.

Analyte	USCOs	RSCOs	RRSCOs
	mg/kg	mg/kg	mg/kg
<b>Metals</b>			
Mercury	0.18	0.81	0.81
Arsenic	15	16	16
Chromium	30	36	180
Copper	50	270	270
Lead	63	400	400
Nickel	30	140	310
Selenium	3.9	36	180
Zinc	109	2200	NA
<b>Pesticides</b>			
4,4'-DDD	0.0033	2.6	13
4,4'-DDE	0.0033	1.8	8.9
4,4'-DDT	0.0033	1.7	7.9
<b>SVOCs</b>			
Benzo[a]anthracene	1	1	1
Benzo[a]pyrene	1	1	1
Benzo[b]fluoranthene	1	1	1
Benzo[k]fluoranthene	0.8	1	1
Chrysene	1	1	3.9
Dibenz[a,h]anthracene	0.33	0.33	0.33
Indeno[1,2,3-cd]pyrene	0.5	0.5	0.5
<b>VOCs</b>			
Acetone	0.05	100	100
Benzene	0.06	2.9	4.8
Ethylbenzene	1	30	41
n-Propylbenzene	3.9	100	100
Xylenes, Total	0.26	100	100
1,2,4-Trimethylbenzene	3.6	47	52
1,3,5-Trimethylbenzene	8.4	47	52

200 HAMILTON AVENUE  
WHITE PLAINS, NY

SOIL SAMPLE LOCATIONS AND  
CONCENTRATIONS

job no. 11793  
drawing no.

FIG-2.2

SOILS / FOUNDATIONS  
SITE DESIGN  
CONSULTING ENGINEERS  
SESI  
ENVIRONMENTAL

12A MAPLE AVE. PINE BROOK, N.J. 07068 PH: 973-808-9050

dwg by: YY  
chk by: FL  
scale: AS NOTED  
date: 09/30/2021

rev  
date  
by  
description

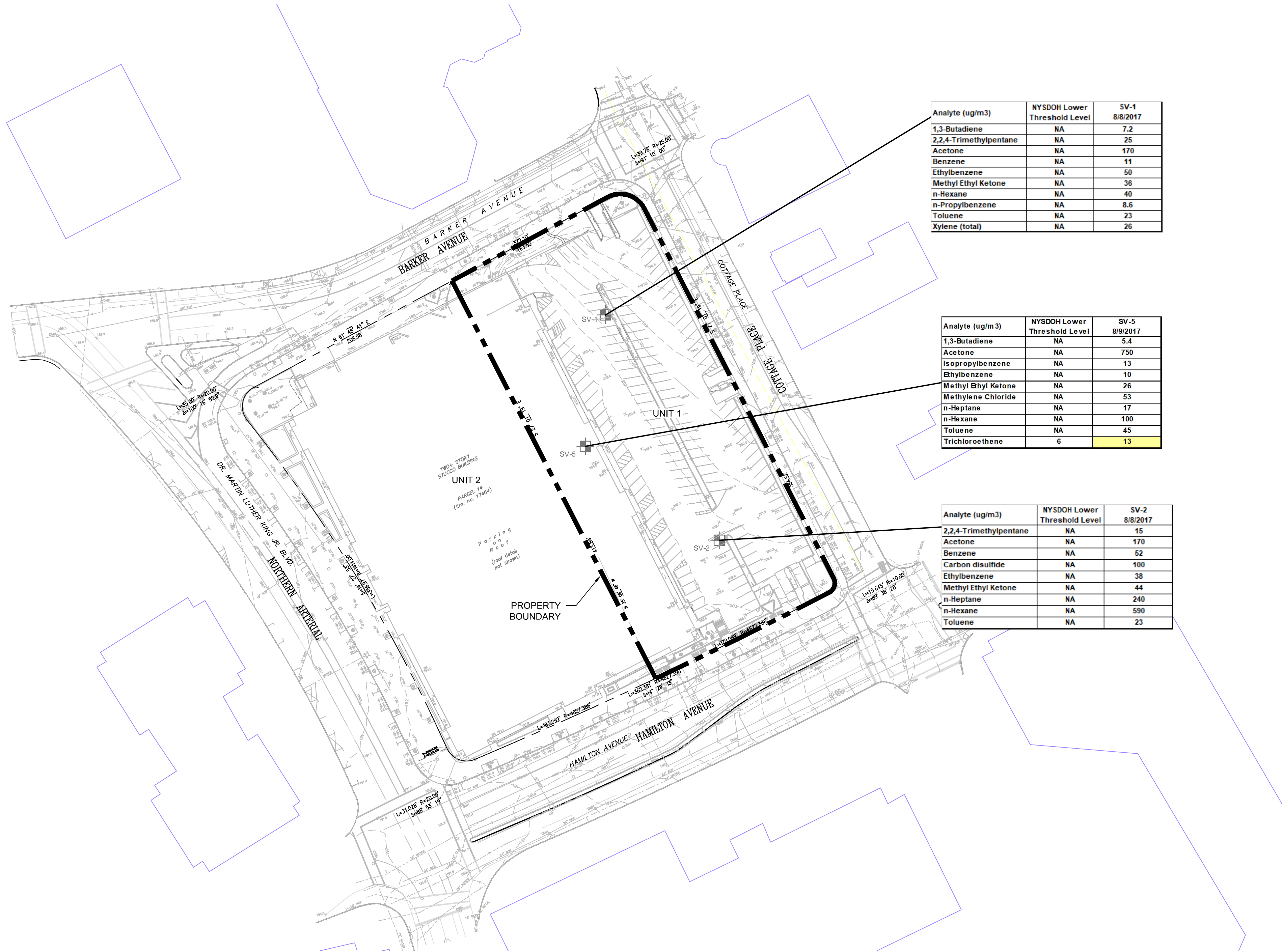


N:\CADD\1793\PHASE 1\1793\_FIG-4.3\_SOIL VAPOR LOCATION PLACING 08/20/21 10:01:09AM.dwg LAYOUT:FIG-4.3

NOTES:  
1. THIS PLAN IS FOR LOCATING SOIL SAMPLES ONLY. OTHER SITE WORK SHOWN HERE IS NOT INTENDED FOR CONSTRUCTION.  
2. IF RESULTS LESS THAN RL BUT GREATER THAN OR EQUAL TO THE MDL AND THE CONCENTRATION IS AN APPROXIMATE VALUE.  
3. IF RL HAS AND/OR MSD RECOVERY EXCEEDS CONTROL LIMITS.  
4. COMPOUND WAS FOUND IN THE BLANK AND SAMPLE.

NYS Education Law  
Unauthorized alterations or additions to this plan are a violation of section 7209 (2) of the New York State Education Law. Copies of this map not having the seal of the engineer shall not be valid.

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LEGEND:

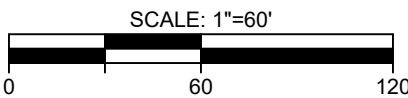
- SV-1 - SOIL VAPOR SAMPLE LOCATION (BY AKRF)
- 13 - COMPOUND EXCEEDS NYSDOH SUB-SLAB VAPOR DECISION MATRICES

Analyte	Matrix A Lower Threshold Level	Matrix A Lower Threshold	Matrix A Lower Threshold Level
Vinyl Chloride			6
1,1-Dichloroethene	6		
Methylene Chloride		100	
Dis-1,2-Dichloroethene	6		
1,1,1-Trichloroethane		100	
Carbon tetrachloride	6		
Trichloroethene	6		
Tetrachloroethene		100	

Analyte (ug/m3)	NYSDOH Lower Threshold Level	SV-1 8/8/2017
1,3-Butadiene	NA	7.2
2,2,4-Trimethylpentane	NA	25
Acetone	NA	170
Benzene	NA	11
Ethylbenzene	NA	50
Methyl Ethyl Ketone	NA	36
n-Hexane	NA	40
n-Propylbenzene	NA	8.6
Toluene	NA	23
Xylene (total)	NA	26

Analyte (ug/m3)	NYSDOH Lower Threshold Level	SV-5 8/9/2017
1,3-Butadiene	NA	5.4
Acetone	NA	750
Isopropylbenzene	NA	13
Ethylbenzene	NA	10
Methyl Ethyl Ketone	NA	26
Methylene Chloride	NA	53
n-Heptane	NA	17
n-Hexane	NA	100
Toluene	NA	45
Trichloroethene	6	13

Analyte (ug/m3)	NYSDOH Lower Threshold Level	SV-2 8/8/2017
2,2,4-Trimethylpentane	NA	15
Acetone	NA	170
Benzene	NA	52
Carbon disulfide	NA	100
Ethylbenzene	NA	38
Methyl Ethyl Ketone	NA	44
n-Heptane	NA	240
n-Hexane	NA	590
Toluene	NA	23



REFERENCE  
PREVIOUS INVESTIGATION & SITE INFORMATION TAKEN FROM "SOIL SAMPLE CONCENTRATIONS ABOVE NYSDOH SCO'S"  
PREPARED BY AKRF, DATED MAY 2, 2018.

200 HAMILTON AVENUE  
WHITE PLAINS, NY

SOIL VAPOR SAMPLE LOCATIONS AND  
CONCENTRATIONS

11793

drawing no.

1793

job no.

SESICONSULTING ENGINEERS

SOILS / FOUNDATIONS  
SITE DESIGN  
ENVIRONMENTAL

1793

dwg by:

YY

1793

chk by:

FL

1793

scale:

AS NOTED

1793

date:

07/26/2021

1793

rev:

1793

date:

1793

description

1793

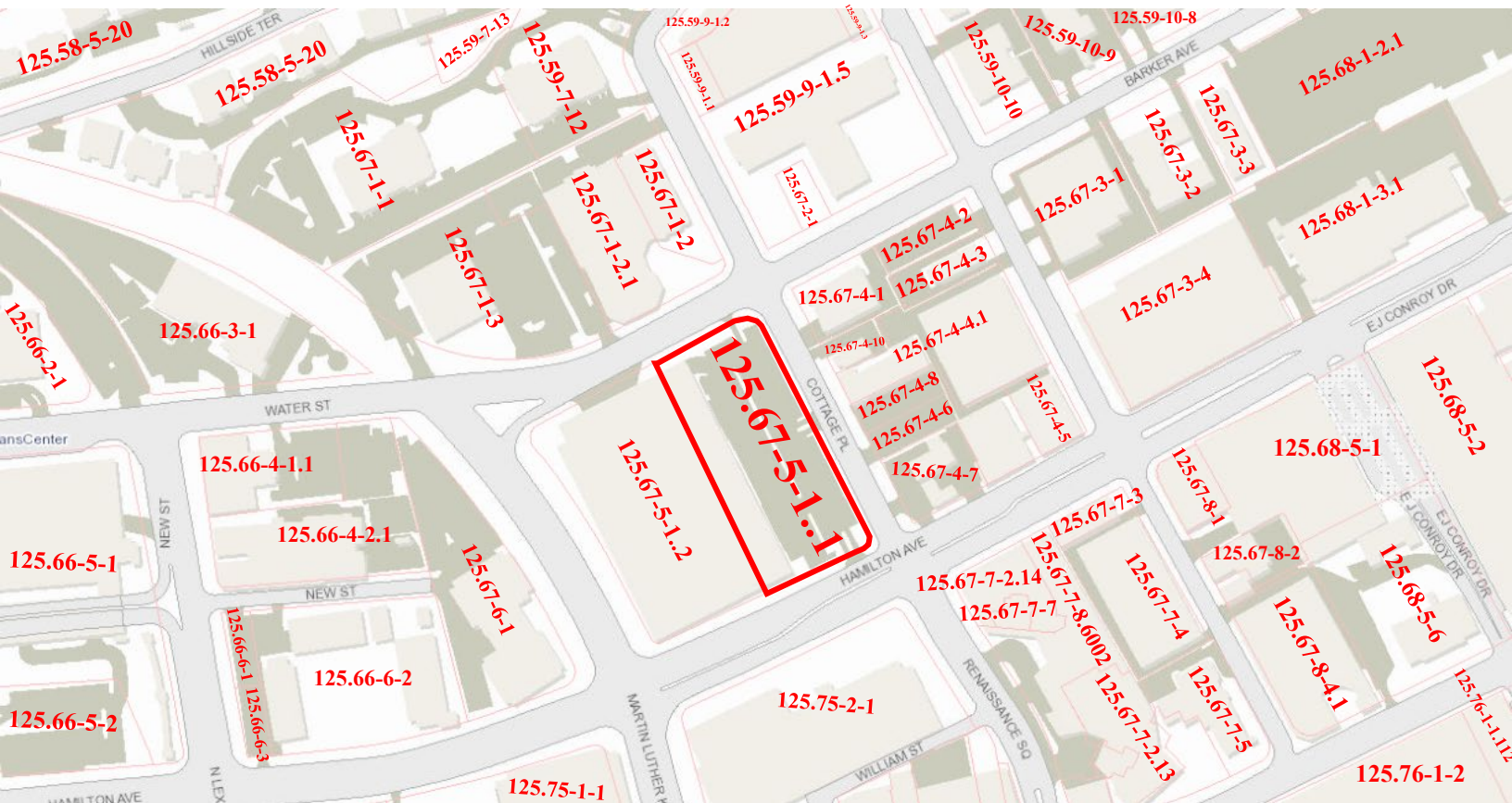
by

FIG-4.3

# **EXHIBIT G**



# TAX MAP



## 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.



**From:** [Mark P. Weingarten](#)  
**To:** [Ann F. Carlson](#)  
**Cc:** [Bruce Berg](#)  
**Subject:** Re: [EXTERNAL] NA21-0101 - Hamilton Green Condominium  
**Date:** Friday, August 20, 2021 6:19:02 PM  
**Attachments:** [image001.png](#)

---

Awesome

Sent from my iPhone

On Aug 20, 2021, at 6:11 PM, Ann F. Carlson <[AFC@ddw-law.com](mailto:AFC@ddw-law.com)> wrote:

No Action Letter has been granted.

Get [Outlook for iOS](#)

---

**From:** Lewis, Lori <[Lori.Lewis@ag.ny.gov](mailto:Lori.Lewis@ag.ny.gov)>  
**Sent:** Friday, August 20, 2021 6:09:31 PM  
**To:** Ann F. Carlson <[AFC@ddw-law.com](mailto:AFC@ddw-law.com)>  
**Subject:** [EXTERNAL] NA21-0101 - Hamilton Green Condominium

Dear Ms. Carlson:

The Department of Law ("DOL") has granted the issuance of a no-action letter pursuant to the above-referenced no-action letter application ("NAL Application") as of August 20, 2021. The DOL will not take enforcement action based on the transaction(s) described in the NAL Application.

**This email shall serve as the DOL's official issuance letter for this NAL Application; no other issuance letter will be issued by the DOL for this NAL Application.** This email constitutes a public record and any alteration to this email may constitute a criminal offense.

Any material change of fact or circumstance affecting the property or information provided in the NAL Application will require the applicant(s) to obtain an amended no-action letter. Any misstatement or concealment of material fact in the materials submitted as part of the NAL Application renders the no-action letter void ab initio. The DOL has relied on the truth of the affidavit(s), expert opinion letter(s), supporting documentation, and the transmittal letter of the submitting attorney provided as part of the NAL Application.

The issuance of this no-action letter shall not be construed as approval of the contents or terms thereof by the Attorney General of the State of New York, nor shall it act as a waiver of or limitation on the Attorney General's authority to take enforcement action for violation of Article 23-A of the General Business Law or other applicable law, except as expressly stated in such letter. The issuance of this letter is conditioned upon the collection of all fees imposed by law. It is the responsibility of the sponsor to ensure that correct fee amounts have been paid.



Please note that the DOL may issue administrative deficiencies while processing this no-action letter's issuance. It is the sponsor's responsibility to cure all such deficiencies in an expeditious manner. If there are any outstanding deficiencies at the time of submission of the next amendment to this no-action letter, the DOL reserves the right to reject the submission of such amendment until all outstanding deficiencies are cured. **Notwithstanding, this will not impact the date of issuance set forth above.**

If you have any questions or comments, please feel free to contact me. Thank you.

Very truly yours,  
Lori Lewis

Lori P. Lewis | Assistant Attorney General  
Real Estate Finance Bureau  
Office of the New York State Attorney General  
28 Liberty Street, New York, NY 10005  
☎ 212-416-8111 | 📠 212-416-8179  
✉ [Lori.Lewis@ag.ny.gov](mailto:Lori.Lewis@ag.ny.gov)  
(She/Her/Hers)  
<http://www.ag.ny.gov/bureau/real-estate-finance-bureau>  
To receive updates from the Bureau, click [HERE](#).  
[<image001.png>](#)

**IMPORTANT NOTICE:** This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.

29553

DATE: 08/25/2021 TIME: 12:52:51

Office of the Westchester County Clerk  
110 Dr. Martin Luther King Jr. Boulevard  
White Plains, NY 10601 / (914)995-3094

Receipt # 1429743

Trans # 1452473	Batch: MLI1
MAP, FILED	10.00
SUB TOTAL	10.00
TAX	.00
CHECK	10.00
AMT TENDERED	10.00
TOTAL	10.00
CHANGE	.00
CHECK #:	5300002323

Thank You!  
Visit [www.WestchesterClerk.com](http://www.WestchesterClerk.com)  
for more information

SCHEDULE A

**UNIT 1** description

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

BEGINNING at a point on the westerly side of Cottage Place at the southerly end of a curve having a radius of 25.00 feet, a central angle of  $91^{\circ}10'00''$  and a length of 39.78 feet which curve connects the southerly side of Barker Avenue with the westerly side of Cottage Place as shown on a certain map entitled "Disposition Parcel No. 14, W. P. Mall Corp." which map is filed in the Westchester County Clerk's Office, Division of Land Records on June 9, 1971 as Map No. 17464;

RUNNING THENCE along the westerly side of Cottage Place, South  $27^{\circ}01'19''$  East a distance of 384.52 feet to a point;

THENCE along a curve to the left having a radius of 10.00 feet, a central angle of  $89^{\circ}38'28''$  and a length of 15.645 feet to a point along the northerly side of Hamilton Avenue;

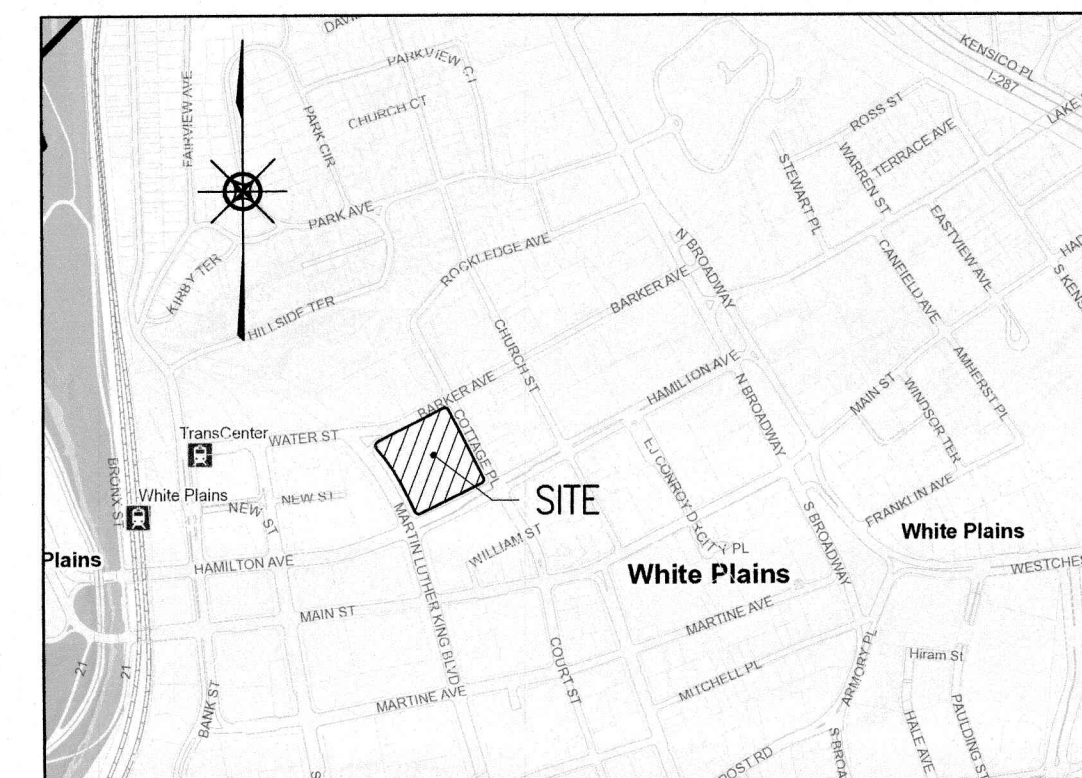
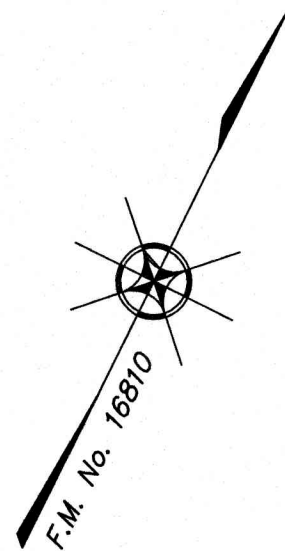
THENCE along the northerly side of Hamilton Avenue along a curve to the right having a radius of 4627.386 and a length of 179.089 feet to a point;

THENCE through the lands known as Disposition Parcel No. 14, North  $27^{\circ}01'19''$  West a distance of 413.84 feet to a point along the southerly side of Barker Avenue;

THENCE along the southerly side of Barker Avenue North  $61^{\circ}48'41''$  East a distance of 163.52 feet to a point;

THENCE along a curve to the right having a radius of 25.00 feet, a central angle of  $91^{\circ}10'00''$  and a length of 39.78 feet to the point and place of BEGINNING.





VICINITY MAP

TAX LOT SCHEDULE:			
OLD TAX LOT PARCEL:	OLD AREA:	NEW TAX LOT PARCEL:	NEW AREA:
125.67-5-1	163,253 SQ. FT.	125.67-5-1.1 125.67-5-1.2	78,754± SQ. FT. 84,499± SQ. FT.

ACREAGE SCHEDULE:			
UNIT "1"	78,754± SQ. FT.	1.808± Ac.	
UNIT "2"	84,499± SQ. FT.	1.940± Ac.	
TOTAL	163,253± SQ. FT.	3.7478 Ac.	

COUNTY INDEX:

SHEET 75, BLOCK 6844 UNIT "1"  
SHEET 74, BLOCK 6791 UNIT "2"

CERTIFICATION OF ASSESSOR:

This is to certify that the Unit designation and the Tax Lot numbers shown herein will conform to the official Tax Lot number for each Unit on the assessment roll of the City of White Plains, County of Westchester, State of New York.

Tax Assessor: *Lloyd Turch*  
Sworn to before me this 25 day of August, 2021

Notary Public: *Glenn Cusano* NOTARY PUBLIC-STATE OF NEW YORK  
NO. 01020446022  
QUALIFIED IN WESTCHESTER COUNTY  
MY COMMISSION EXPIRES 09-18-2024

OWNER OF RECORD:

Owner of Record: *W.P. Mall Realty, LLC*  
Date: 8/24/2021

Owner of Record: \_\_\_\_\_  
Date: \_\_\_\_\_

29553

CONDOMINIUM MAP  
PREPARED FOR

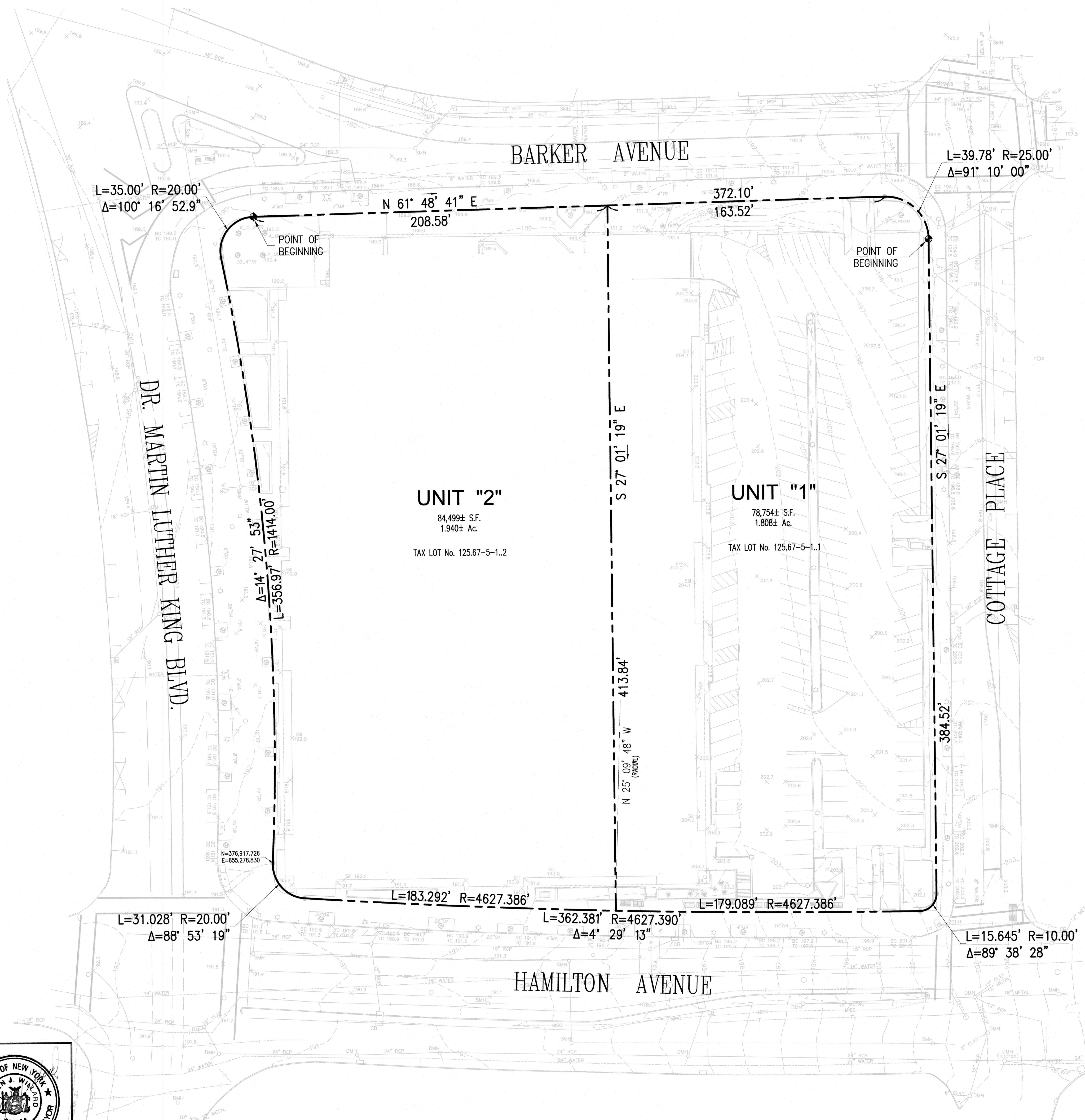
**HAMILTON GREEN CONDOMINIUM**  
LOCATED AT 200 & 250 HAMILTON AVE., WHITE PLAINS, NY 10601  
AND

**W.P. MALL REALTY LLC**  
PROPERTY SITUATE IN THE  
**CITY OF WHITE PLAINS**  
**COUNTY OF WESTCHESTER**  
**STATE OF NEW YORK**

0 30 60 Feet

DATE: AUGUST 24, 2021

CADD FILE /C30/21-3734 HAMILTON AVE. LOT CONSOLIDATION MAP.DWG



TOTAL PARCEL AREA = 163,253 ± S.F. (3.7478 Ac.)

THE PREMISES HEREON BEING KNOWN AS SECTION 125.67, BLOCK 5, LOT 1 AS SHOWN ON THE OFFICIAL TAX MAPS OF THE CITY OF WHITE PLAINS.

REFERENCE IS MADE TO A MAP ENTITLED "MAP SHOWING LANDS TO BE ACQUIRED BY THE CITY OF WHITE PLAINS FOR THE LAYING OUT AND WIDENING OF ..." ON FILE IN THE WESTCHESTER COUNTY CLERK'S OFFICE, DIVISION OF LAND RECORDS AS MAP No. 16810. MAP ENTITLED "DISPOSITION PARCEL No. 14, W.P. MALL CORP." DATED MARCH 19, 1971 FILED IN THE WESTCHESTER COUNTY CLERK'S OFFICE, DIVISION OF LAND RECORDS AS MAP No. 17464 AND LIBER 6992, PAGE 716.

PLANIMETRIC BACKGROUND INFORMATION SHOWN WAS PROVIDED BY INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE PC.

CONTOURS AND SPOT ELEVATIONS HEREON ARE RELATIVE TO NORTH AMERICAN VERTICAL DATUM 1988 (NAVD-88).

THE SURVEYOR'S SEAL, SIGNATURE AND ANY CERTIFICATION APPEARING HEREON SIGNIFY THAT, TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR LAND SURVEYS AS SET FORTH IN THE CODE OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.

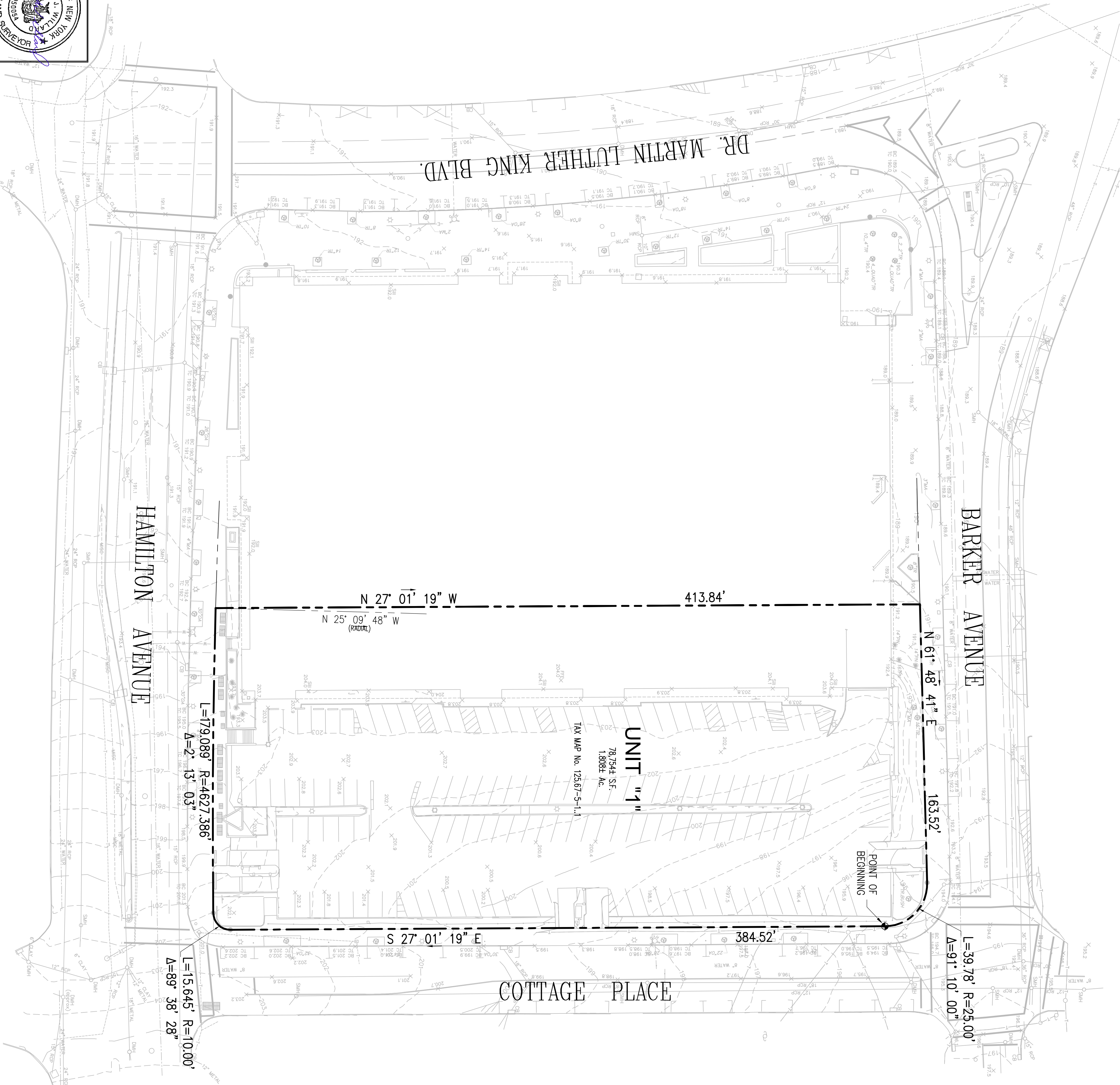
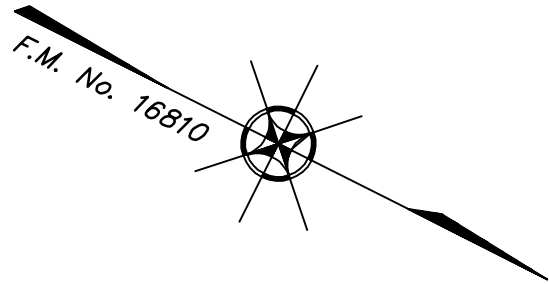
UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

**LINE & GRADE SURVEYORS D.P.C.**

23 Nepperhan Avenue  
Elmsford, New York 10523  
Phone: (914) 347-3141  
email: office@lineandgrade.net







THE FOREGOING HEREON BEING PART OF SECTION 125.67, BLOCK 5, LOT 1 AS SHOWN ON THE OFFICIAL TAX MAPS OF THE CITY OF WHITE PLAINS.

REFERENCE IS MADE TO A MAP ENTITLED "MAP SHOWING LANDS TO BE ACQUIRED BY THE CITY OF WHITE PLAINS FOR THE LAYING OUT AND WIDENING OF ... " ON FILE IN THE WESTCHESTER COUNTY CLERK'S OFFICE, DIVISION OF LAND RECORDS AS MAP NO. 18810. MAP ENTITLED "PROPOSITION PARCEL NO. 14, W.P. MAIL CORP." DATED MARCH 19, 1971 FILED IN THE WESTCHESTER COUNTY CLERK'S OFFICE, DIVISION OF LAND RECORDS AS MAP NO. 17464 AND LIBER 6592, PAGE 716.

PLANNING BACKGROUND INFORMATION SHOWN WAS PROVIDED BY INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

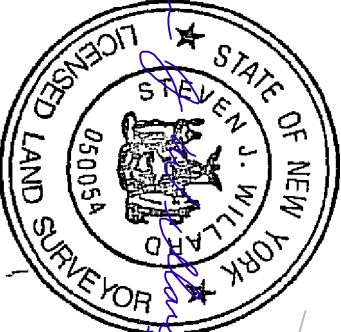
CONTOURS AND SPOT ELEVATIONS HEREON ARE RELATIVE TO NORTH AMERICAN VERTICAL DATUM 1988 (NAVD-88).

THE SURVEYOR'S SEAL, SIGNATURE AND ANY CERTIFICATION APPEARING HEREON SHALL BE THAT, TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR LAND SURVEYS AS SET FORTH IN THE CODE OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

**LINE & GRADE SURVEYORS D.P.C.**

23 Nepperhan Avenue  
Elmford, New York 10523  
Phone: (914) 347-3141  
email: office@lineandgrade.net



**SURVEY OF PROPERTY**

**PREPARED FOR**

**- UNIT 1 -**

**HAMILTON GREEN CONDOMINIUM**  
LOCATED AT 250 HAMILTON AVE., WHITE PLAINS, NY 10601  
AND

**W.P. MAIL REALTY LLC**

PROPERTY SITUATE IN THE  
**CITY OF WHITE PLAINS**  
**COUNTY OF WESTCHESTER**  
**STATE OF NEW YORK**



DATE: AUGUST 25, 2021

# **EXHIBIT H**



# BASE MAP

WP Mall Cleaners & Gas  
Station Site

250 Hamilton Avenue  
White Plains, New York 10601

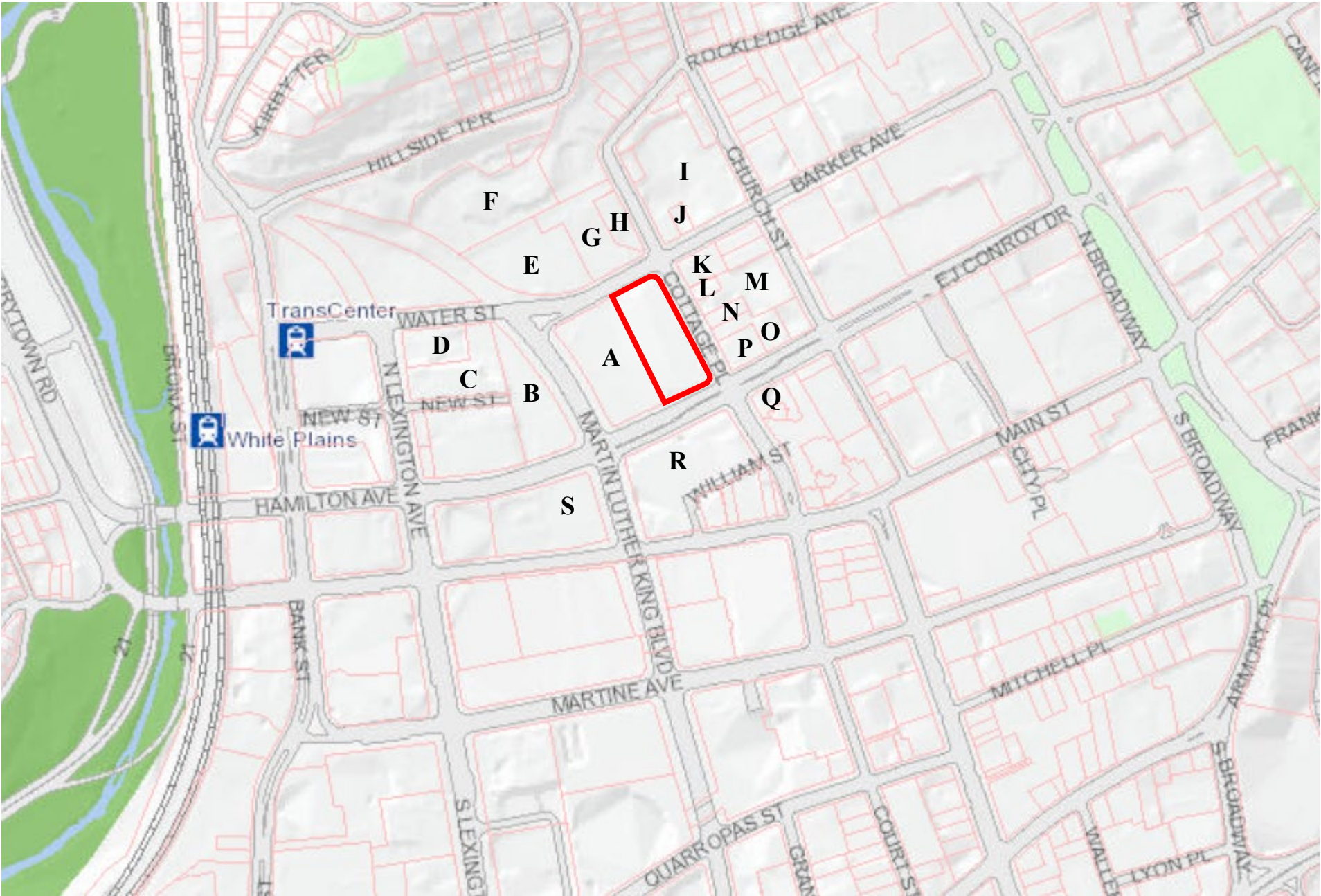
**Legend:**  
 Site Property Boundary

Corresponding page  
lists adjacent property owners by letter A – S



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.

**August 2021**  
**Source: Westchester County GIS**  
**Scale: 1" = 100' approximately**



<b>Letter</b>	<b>Adjacent Property Owner(s) Name(s)</b>	<b>Property Address</b>	<b>Section-Block-Lot</b>
<b>A</b>	WP Mall Realty, LLC	200 Hamilton Avenue	125.67-5-1..2
<b>B</b>	GHP Hamilton, LLC	170 Hamilton Avenue	125.67-6-1
<b>C</b>	Con Edison Co of NY Inc	9 New Street	125.66-4-2.1
<b>D</b>	12 Water Street Association LLC	12 Water Street	125.66-4-1.1
<b>E</b>	1 Barker Ave LLC	1 Barker Avenue	125.67-1-3
<b>F</b>	Stillman Property Management (Condo)	25 Rockledge Avenue	125.67-1-1
<b>G</b>	3 Barker Ave LLC	3 Barker Avenue	125.67-1-2.1
<b>H</b>	Marriott International, Inc.	5 Barker Avenue	125.67-1-2
<b>I</b>	Avalon WP I, LLC	27 Barker Avenue	125.59-9-1.5
<b>J</b>	Avalon WP VI, LLC	21 Barker Avenue	125.67-2-1
<b>K</b>	Pavilion Condos	10 Cottage Place	125.67-4-1
<b>L</b>	Matthew's Cottage, Inc.	8 Cottage Place	125.67-4-10
<b>M</b>	Berkeley 99 Church St LLC	97-109 Church Street	125.67-4-4.1
<b>N</b>	Amcott Associates	4 Cottage Place	125.67-4-8
<b>O</b>	Amcott Assoicates	300 Hamilton Avenue	125.67-4-6



Letter	Adjacent Property Owner(s) Name(s)	Property Address	Section-Block-Lot
P	274 SNK Hamilton Ave LLC	274 Hamilton Avenue	125.67-4-7
Q	Epic Renaissance LLC	7 Renaissance Square	125.67-7-2.14
R	Power Authority of the Sate of New York	123 Main Street	125.75-2-1

# BOA Map

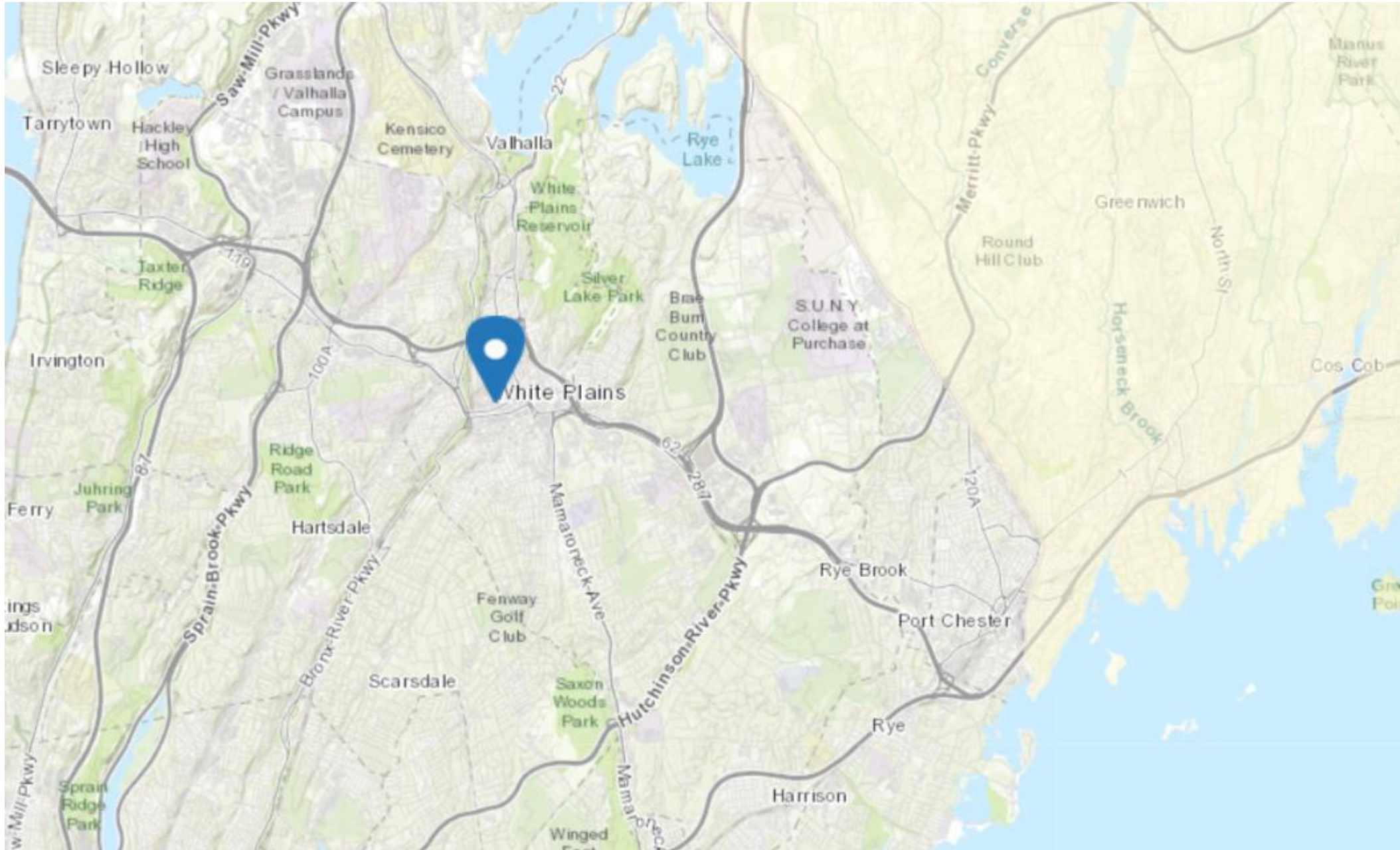
WP Mall Cleaners &  
Gas Station Site  
250 Hamilton Avenue  
White Plains, New York 10601



BCP Site



BOA  
Designation



August 2021

Source: NYS DOS Geographic Information Gateway

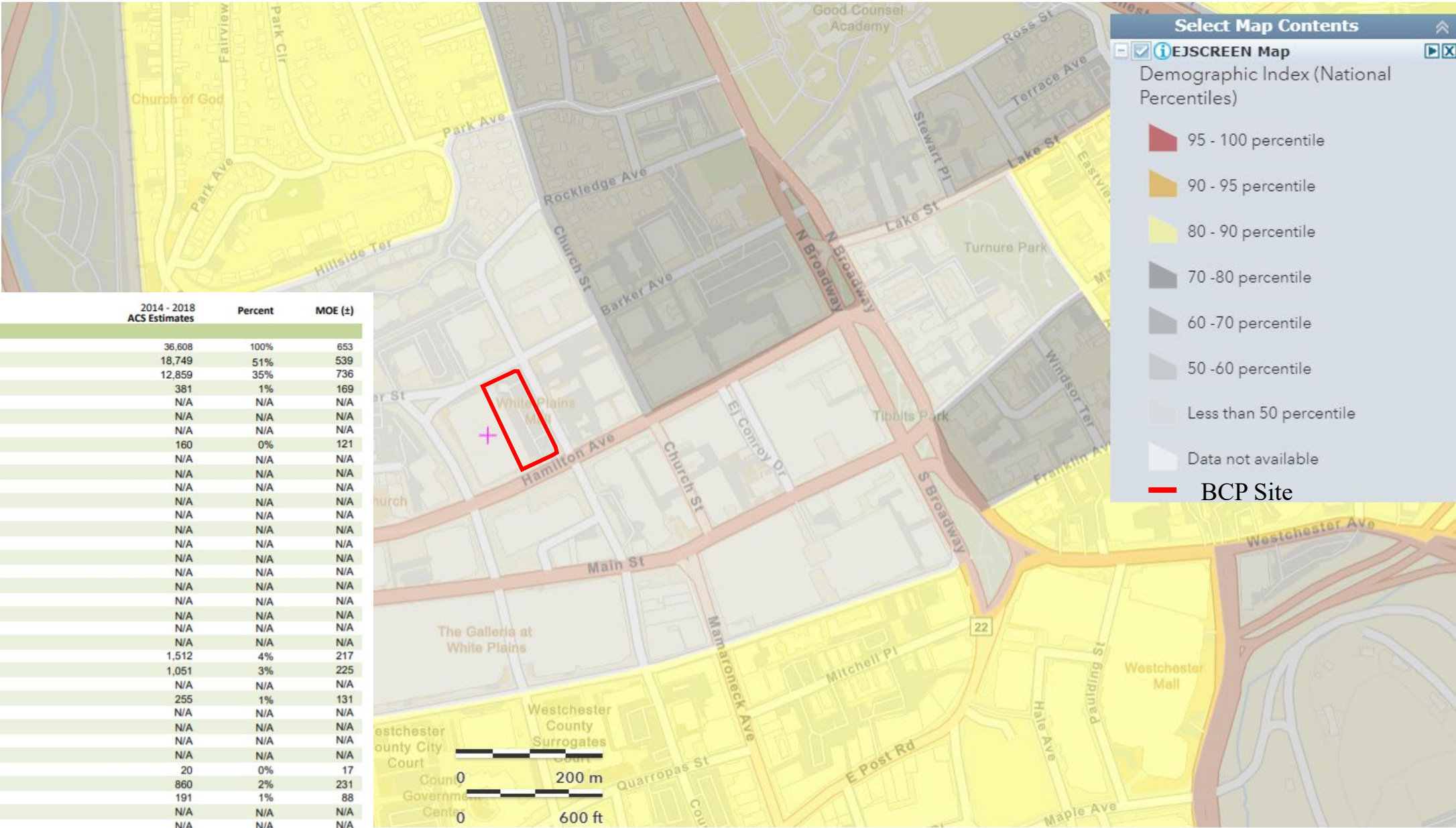
Scale: 1" = 100' approximately



# EJ MAP

WP Mall Cleaners &  
Gas Station Site  
250 Hamilton Avenue  
White Plains, New York  
10601

	2014 - 2018 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	36,608	100%	653
English	18,749	51%	539
Spanish	12,859	35%	736
French	381	1%	169
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	160	0%	121
Yiddish	N/A	N/A	N/A
Other West Germanic	N/A	N/A	N/A
Scandinavian	N/A	N/A	N/A
Greek	N/A	N/A	N/A
Russian	N/A	N/A	N/A
Polish	N/A	N/A	N/A
Serbo-Croatian	N/A	N/A	N/A
Other Slavic	N/A	N/A	N/A
Armenian	N/A	N/A	N/A
Persian	N/A	N/A	N/A
Gujarathi	N/A	N/A	N/A
Hindi	N/A	N/A	N/A
Urdu	N/A	N/A	N/A
Other Indic	N/A	N/A	N/A
Other Indo-European	1,512	4%	217
Chinese	1,051	3%	225
Japanese	N/A	N/A	N/A
Korean	255	1%	131
Mon-Khmer, Cambodian	N/A	N/A	N/A
Hmong	N/A	N/A	N/A
Thai	N/A	N/A	N/A
Laotian	N/A	N/A	N/A
Vietnamese	20	0%	17
Other Asian	860	2%	231
Tagalog	191	1%	88
Other Pacific Island	N/A	N/A	N/A
Navajo	N/A	N/A	N/A
Other Native American	N/A	N/A	N/A
Hungarian	N/A	N/A	N/A
Arabic	249	1%	134
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	128	0%	105
Total Non-English	17,859	49%	847



Linguistically Isolated Population: 12%



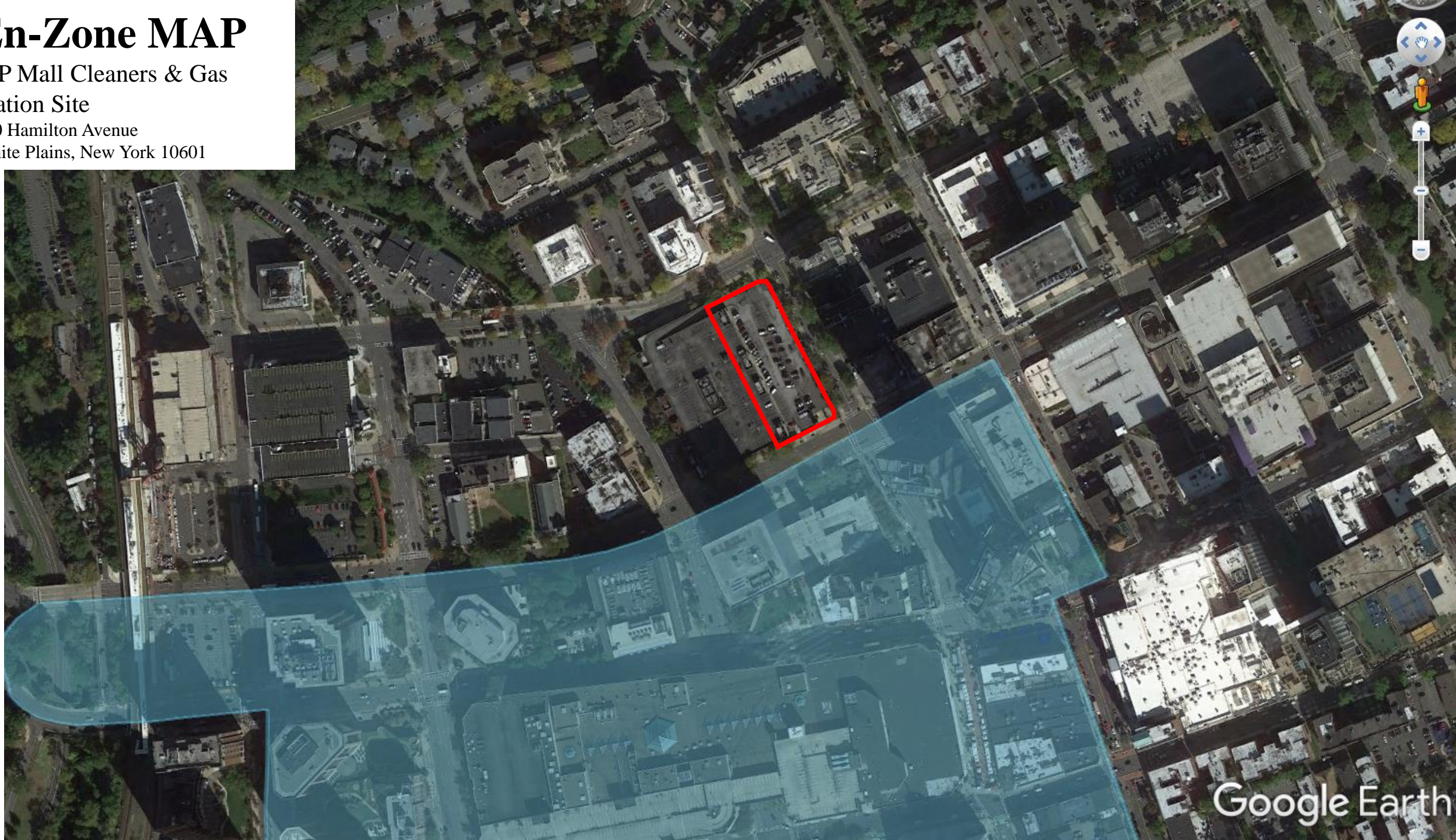
# En-Zone MAP

WP Mall Cleaners & Gas

Station Site

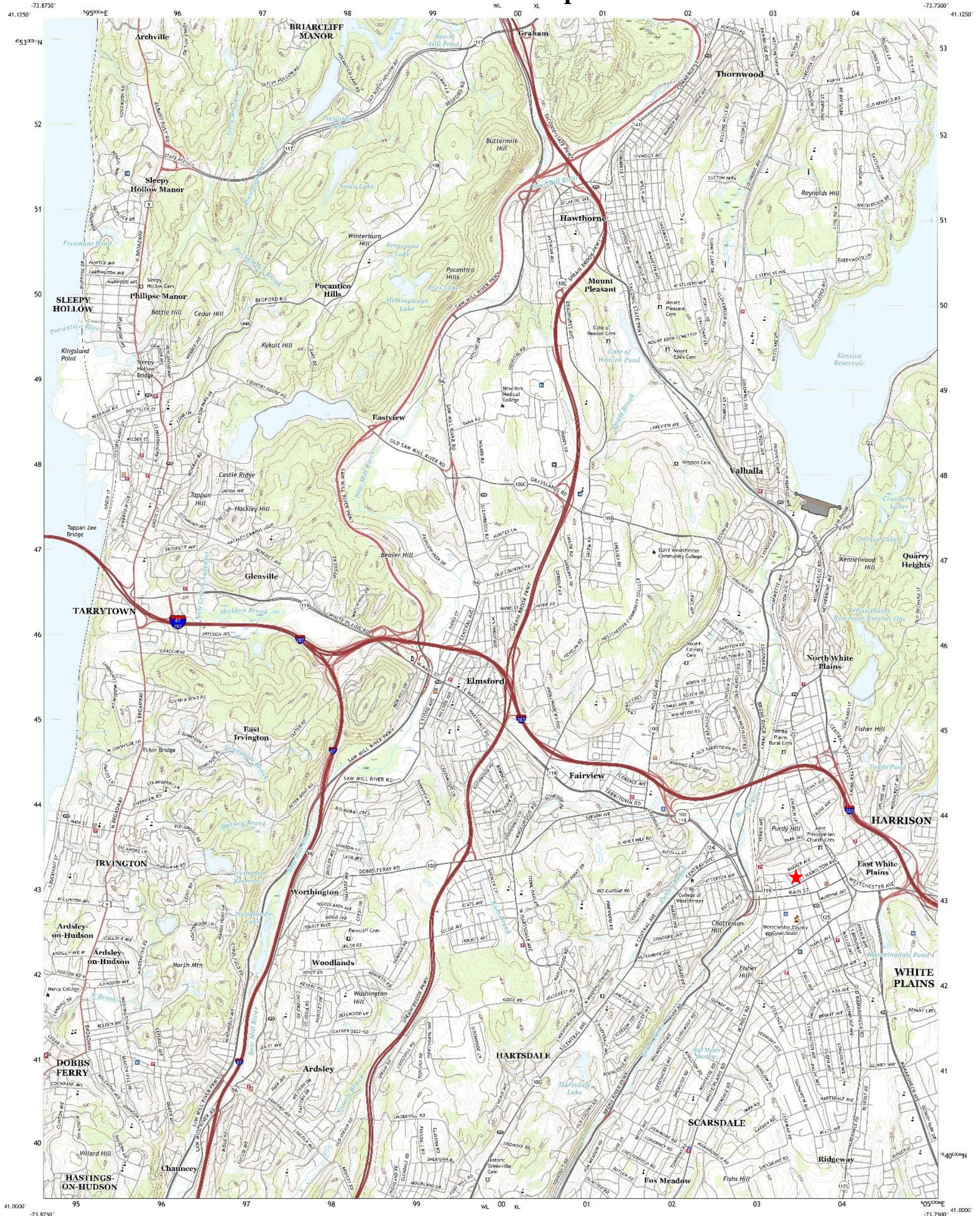
250 Hamilton Avenue

White Plains, New York 10601



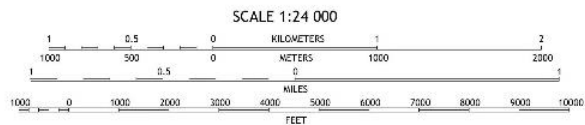


# Site Location Map



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 with in government  
reservations may not be shown. Obtain permission before  
entering private lands.

Imagery: NAD83, July 2015 - December 2017  
Roads: Census Bureau, 2015  
Names: GNIS, 1980 - 2019  
Hydrography: National Hydrography Dataset, 2000 - 2015  
Contours: National Elevation Dataset, 1999 - 2012  
Boundaries: Multiple sources; see metadata file 2017 - 2018  
Wetlands: FWS National Wetlands Inventory 1990 - 2011



1	2	3
4	5	6
7	8	9

ADJOINING QUADRANGLES

**★ BCP Site Location**

WHITE PLAINS, NY  
2019



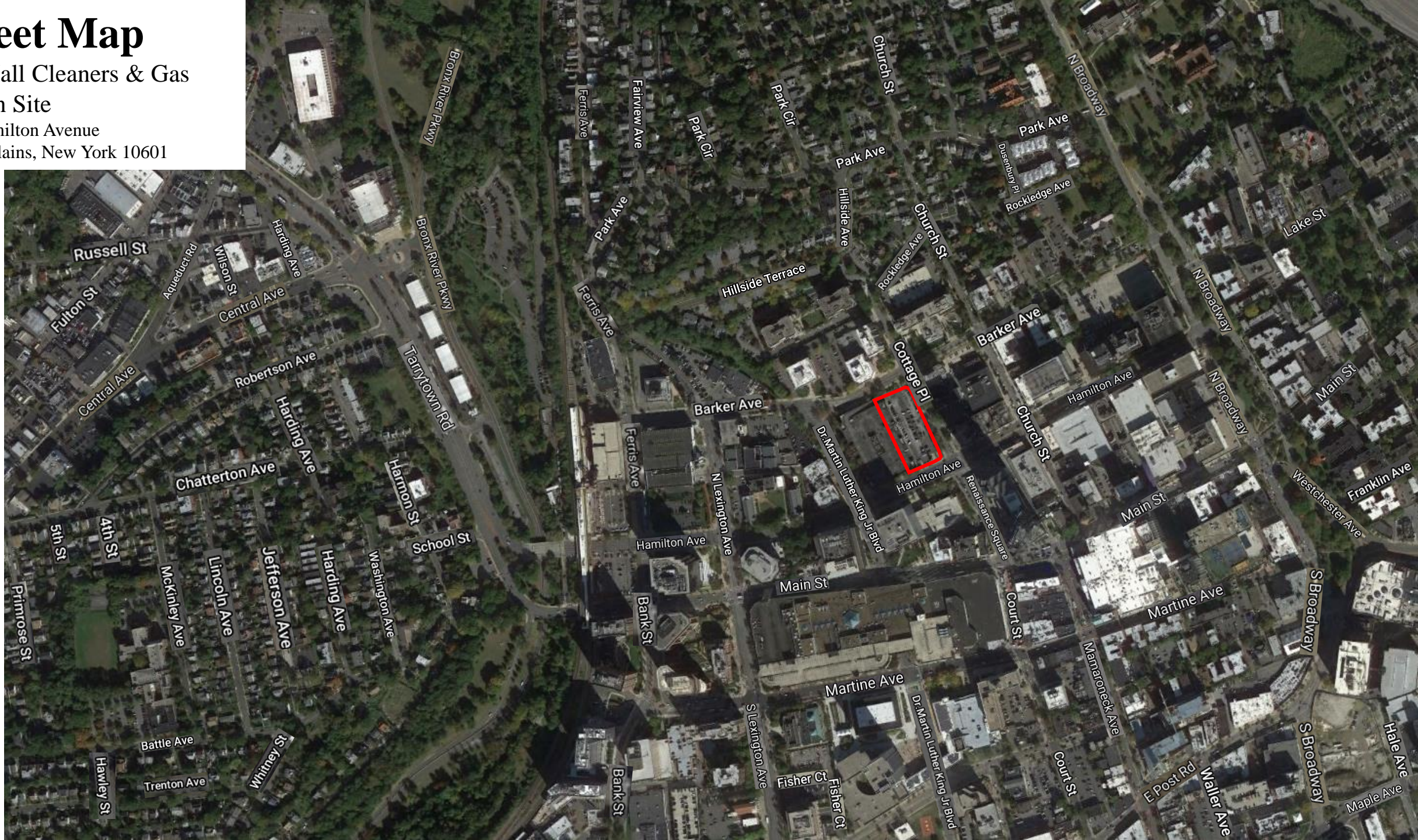
# Street Map

WP Mall Cleaners & Gas

Station Site

250 Hamilton Avenue

White Plains, New York 10601






# **Exhibit I**

# ZONING MAP

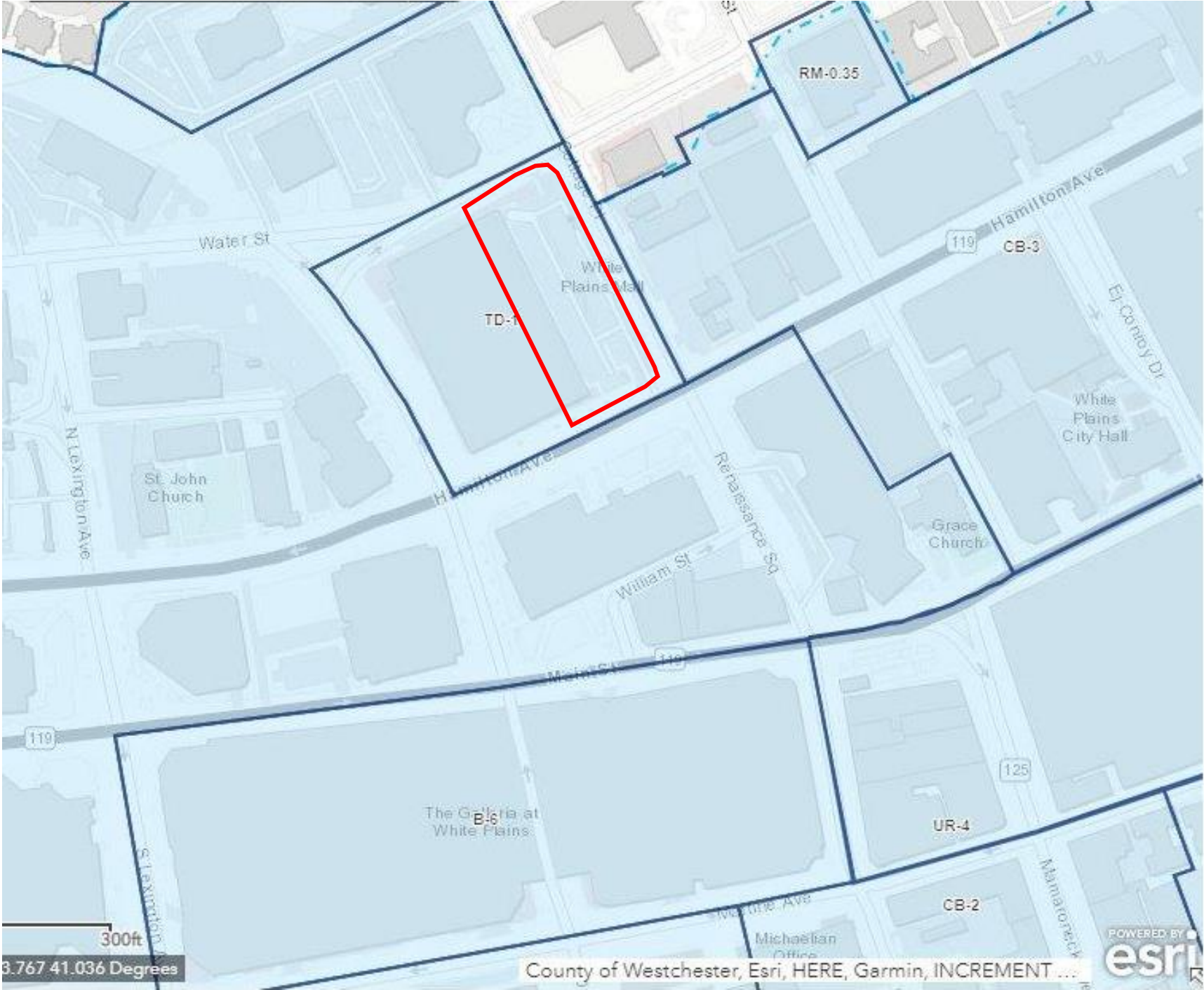
WP Mall Cleaners & Gas Station Site  
250 Hamilton Avenue  
White Plains, New York 10601

## Legend:

 Site property boundary  
Zoning District: TD-1



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





**Zoning District: TD-1 (Transit Development District) White Plains Zoning Ordinance Section 5.10**

A TD-1 District application for designation and mapping shall include a Conceptual Development Plan ("CDP") as described in Section 5.10.2, which shall be reviewed and approved by the Common Council in accordance with the mandatory Design Standards and recommended Design Guidelines stated below.

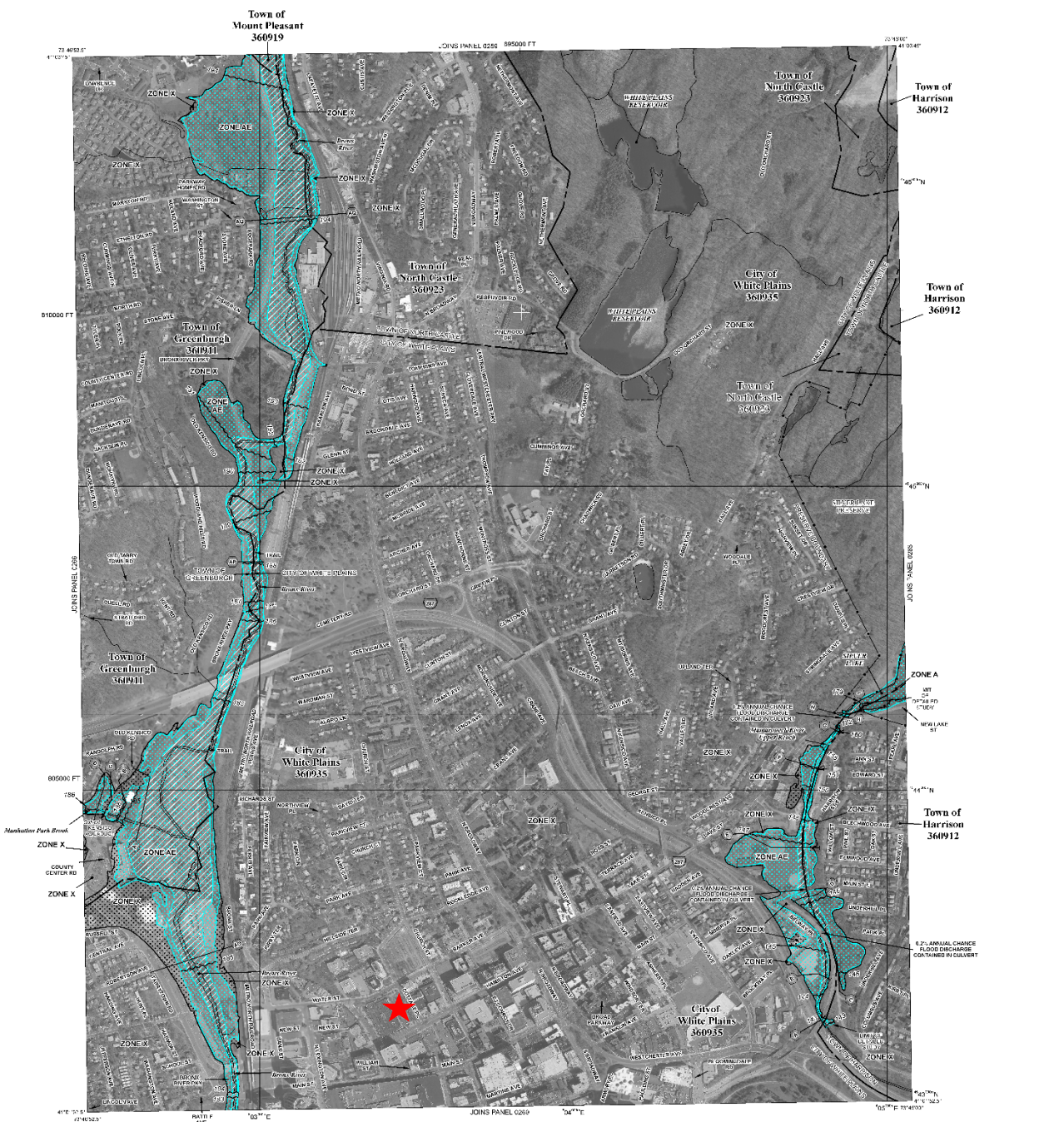
- TD-1 Design Standards require the following:
  - “Building Coverage”
    - “Building coverage” shall not exceed 85% of the “lot area,” except that such “building coverage” may be increased to 100% if an area totaling at least 15% of such “lot area” is improved as exterior open space, which is open during reasonable times of the day and is publicly accessible from the “street” at a height not more than 15 feet above “grade.”
    - The total “building coverage” for any portion of a “building” or “buildings” above 150 feet shall be no more than 40% of the “lot area.”
  - “Building” “Height”
    - The maximum “height” of any “building” shall not exceed 150 feet, except that the maximum “height” of any “building” adjacent to a State or County Road, and extending 225 feet therefrom, may extend up to, but shall not exceed 280 feet.
  - Any portion of a “building” rising above 150 feet shall:
    - Not have a “street wall” length in excess of 225 feet.
    - Be separated by a minimum of 60 feet from any other portion of a “building” above 150 feet.
  - "Street walls" at ground floor level shall extend no more than 15 feet in length without incorporating windows, transparent glazing, or pedestrian or vehicular entry(ies) with views into a “building,” or other architectural treatment to provide pedestrian interest.
  - No “dwelling units” shall be located at the street level. Entry lobbies and residential amenity space shall be permitted at the street level.
  - Onsite bicycle facilities must be provided and may include secure short and long-term bicycle parking/storage, lockers, changing rooms, bike repair/workshop area, rentals/sales, and public bikeway information.
- TD-1 Design Guidelines should be incorporated into a CDP to substantially achieve the purpose of the TD-1 District stated in Section 5.5.1.13.
  - Substantial public amenities, such as on-site plazas, patios, courtyards, terraces, gardens, cafes, information kiosks, landscaping planters, architectural fountains, street trees, seating tables, bicycle racks, awnings, and umbrellas within the private and/or public portions of the site, as well as usable open space, should be encouraged, subject to approvals and licensing, as applicable, by City agencies.
  - “Buildings” located on corners should be positioned to activate the public space and add visual interest to the pedestrian environment. Entrances at the corners of buildings should be oriented to create a seamless transition to capture pedestrian activity from both street frontages.
  - The design of the "street wall" of any “building” should implement architectural features and facade treatments that segment the structure so that it relates to pedestrian scale.
  - Parking facilities should incorporate screening to the extent reasonably practicable to minimize the visibility of the structures, as well as lighting therein, from pedestrian views.
  - Rooftop amenities, such as private and/or public open space, public art displays, gardens, venues for public assembly, and cafes/restaurants, as well as improvements that provide stormwater management and/or facilitate energy conservation or generation, are encouraged.
  - If a TD-1 development is proposed to be constructed in phases, then the completion of any such public amenities, including but not limited to sidewalks and streetscape features, should be phased in a manner proportional to the number of dwelling units or nonresidential floor area to be occupied during any given phase of such development.

- Review Procedures for TD-1 District Designation and Mapping: An application for designation and mapping of the TD-1 District shall be submitted to the Common Council and shall include a Conceptual Development Plan ("CDP"). The application then shall be processed in accordance with the procedures for amending the Zoning Ordinance. The application must include the following, among other things:
  - A statement of the objectives to be achieved by the proposed project, including evaluation of its consistency with the City's Comprehensive Plan and TD-1 Design Standards and Guidelines.
  - A legal description of the property(ies) involved, including a survey signed and sealed by a licensed New York State surveyor or professional engineer. Minimum requirements shall include property lines and measurements, tax lot designation(s), street designations, easements, existing “structures,” locations of utility lines and connection points, curb cuts, site topography, and a north arrow.
  - Submission of a CDP to the City Council must include the following elements, and any other information determined necessary or appropriate by the approving agency in order to provide for the proper administration and enforcement of this Ordinance. A zoning compliance table, including parking and loading data, area of proposed public and/or private open space, and area devoted to nonresidential uses;
    - Conceptual site plan drawings, including:
      - The location and dimensions (length, width, and “height” in feet and in “stories”) of proposed “structures,” with floor plan diagrams depicting use by floor level;
      - Conceptual architectural renderings of proposed “buildings”;
    - A description of on-site open space areas (public, semipublic, and private), including the location of all points of access to public and semi-public areas;
    - Proposed vehicular circulation for access to off-street parking and loading, as well as emergency access;
    - Proposed design and "uses" of sidewalks and paths;
    - A conceptual landscape plan; and
    - A plan showing the proposed development and surrounding land uses, traffic circulation, and public facilities, etc.
    - An analysis of the existing water and sanitary sewer infrastructure and a statement of the capacity to support the proposed CDP.
    - A preliminary stormwater management report with details of existing drainage system(s), catch basins, drywells, retention basins, and other related facilities, and a statement of the capacity to support the proposed CDP.
    - A traffic impact report including an existing conditions survey and an analysis of the potential impacts and mitigation measures to address impacts from the proposed development on the traffic and transportation systems.
  - The Common Council, in its review of the application and its consideration of the request to map a property in the TD-1 District, shall determine whether the CDP meets the goals and objectives of the District as stated in Section 5.5.1.13.
- After approval of a Conceptual Development Plan (CDP) and designation of a property as TD-1, a “site plan” shall be submitted to the Common Council for review in accordance with Sections 7.4 and 7.5 hereof, and Chapter 3-6 of the City of White Plains Municipal Code – Stormwater Management and Erosion and Sediment Control. If the Common Council determines that the proposed “site plan” does not substantially conform to the approved CDP, the Common Council may require additional documentation detailing whether the inconsistent aspects of the “site plan” nevertheless meet the goals and objectives of the TD-1 District and are compatible with the initial TD-1 District determination and approval of the CDP. If the “site plan” is not consistent therewith, then the Common Council may require the “site plan” to be modified, and if it is not so modified, may deny the “site plan” application.
- Amendments: The Common Council may approve minor amendments to the CDP and/or “site plan,” consistent with the requirements of Section 7.7 hereof.

# **Exhibit J**

250 Hamilton Avenue  
White Plains, New York 10601


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

**August 2021**  
**Source: FEMA Flood Map**  
 Scale: 1" = 100" approximately

[illegible]

PANEL 0267F	
<b>FIRM</b>	
FLOOD INSURANCE RATE MAP	
FOR WESTCHESTER COUNTY, NEW YORK (ALL JURISDICTIONS)	
<b>CONTAINS</b>	
<u>COMMUNITY</u>	<u>NUMBER</u>
GREENBURGH, TOWN OF	360911
HARRISON, TOWN OF	360912
MOUNT Pleasant,	
TOWN OF	
NORTH CASTLE, TOWN OF	360923
OF	
WHITE PLAINS, CITY	360935
OF	
PANEL 267 OF 426	
MAP SUFFIX: F	
(OFF MAP IN FORCE FOR NORTH PLAINS, LEAVITT)	
<p>Return to Note: The Map Number shown below should be used when shown with any other information. Community Number shown above should not be used on insurance applications for the subject community.</p>	
	MAP NUMBER 36119C0267F
EFFECTIVE DATE SEPTEMBER 28, 2007	
Federal Emergency Management Agency	

# **Exhibit K**

# Site Contact List

WP Mall Cleaners & Gas Station Site

250 Hamilton Avenue, White Plains, New York 10601

Name	Title	Address	City	State	Zip
Hon. Charles Schumer	U.S. Senator	11A Clinton Avenue, Room 827	Albany	NY	12207
Kristen Gillibrand	U.S. Senator	11A Clinton Avenue, Room 821	Albany	NY	12207
Sarah Crowell, AICP	NYS Dept. State - Office of Planning and Development, Director	One Commerce Plaza, 99 Washington Ave, Suite 1010	Albany	NY	12231
Mondaire Jones	U.S. House of Representatives, 17th District	222 Mamaroneck Avenue	White Plains	NY	10605
Andrea Stewart-Cousins	New York State Senator, 35th District	188 State Street, Room 907	Albany	NY	12247
Chris Burdick	NYS Assembly Member, 93rd District	LOB 326	Albany	NY	12248
George Latimer	Westchester County Executive	148 Martine Avenue	White Plains	NY	10601
Richard Hyman	Westchester County Planning Board, Chair	148 Martine Avenue	White Plains	NY	10601
Thomas M. Roach	Mayor of White Plains	255 Main Street	White Plains	NY	10601
John J. Ioris	White Plains Planning Board, Chair	255 Main Street	White Plains	NY	10601
Damon Amadio, P.E.	White Plains Building Department, Commissioner	70 Church Street	White Plains	NY	10601
The Journal News	Media Outlet	1133 Westchester Avenue, Suite N110	White Plains	NY	10604
Richard G. Hope	White Plains Dept of Public Works, Bureau of Water & Wastewater	255 Main Street	White Plains	NY	10601
Brian Kenney	White Plains Public Library, Library Director	100 Martine Avenue	White Plains	NY	10601
Myra Castillo	Church Street School, Principal	295 Church Street	White Plains	NY	10603
Leroy Dixon	Eastview Campus, White Plains Public School, Principal	350 Main Street	White Plains	NY	10601
Ryan Monk	Fusion Academy Westchester, Head of School	1 N Broadway, Suite 120	White Plains	NY	10601
Paul Bratcher	Rochambeau Alternative High School, Director	228 Fisher Avenue	White Plains	NY	10606
Paul M. Pizzutello	Reach Academy, Principal	45 Gainsborg Avenue E	West Harrison	NY	10604
Anatolia Torres	Sunny Day Care	52 West Prospect Avenue	White Plains	NY	10607
Patricia Diez-Canseco	Patricia's Day Care	58 Lincoln Avenue	White Plains	NY	10606
Hope J. Pierce	Lil Explorers Day Care	39 Trenton Avenue	White Plains	NY	10606
Adagui G. Marchena	Mini City Daycare	66 Concord Avenue	White Plains	NY	10606
Stepahnie Aromando	Children's Corner Learning Center, Director	120 Bloomingdale Road	White Plains	NY	10605
Candy and Consuelo Camacho	My Sister's Daycare	3 Ridgeview Avenue	White Plains	NY	10606
Lia Cirjau	Lia's Day Care	236 S Lexington Avenue	White Plains	NY	10606
Barbara Dann	Kiddie Academy of White Plains, Director	222 Bloomingdale Road, Suite 108	White Plains	NY	10605
WP Mall Realty, LLC	Adjacent Property Owner of 200 Hamilton Avenue	35 West Street, Suite 202	Spring Valley	NY	10977
GHP Hamilton, LLC	Adjacent Property Owner of 170 Hamilton Avenue	4 West Red Oak Lane, Suite 200	White Plains	NY	10604
Con Edison Co of NY Inc	Adjacent Property Owner of 9 New Street	4 Irving Place, Room 1875	New York	NY	10003
12 Water Street Associates LLC	Adjacent Property Owner of 12 Water Street	89 Edison Avenue, Attn:Jackie Monaco	Mt. Vernon	NY	10550
1 Barker Ave LLC	Adjacent Property Owner of 1 Barker Avenue	35 West Street, Suite 202	Spring Valley	NY	10977
Stillman Property Management (Condo)	Adjacent Property Owner of 25 Rockledge Avenue	440 Mamaroneck Ave, Suite S512	Harrison	NY	10528
3 Barker Ave LLC	Adjacent Property Owner of 3 Barker Avenue	35 West Street	Spring Valley	NY	10977
Marriott International, Inc.	Adjacent Property Owner of 5 Barker Avenue	5 Barker Street	White Plains	NY	10601
Avalon WP I, LLC (Appartment Building)	Adjacent Property Owner of 27 Barker Avenue	28 Liberty Street	New York	NY	10005
Avalon WP VI, LLC	Adjacent Property Owner of 21 Barker Avenue	28 Liberty Street	New York	NY	10005
Pavilion Condos	Adjacent Property Owner of 10 Cottage Place	Management Office, 10 Cottage Place	White Plains	NY	10601



Matthew's Cottage, Inc.	Adjacent Property Owner of 8 Cottage Place	8 Cottage Place	White Plains	NY	10601
Berkeley 99 Church St LLC	Adjacent Property Owner of 97-109 Church Street	99 Church Street	White Plains	NY	10601
Amcott Associates	Adjacent Property Owner of 4 Cottage Place and 300 Hamilton	60 Morrow Avenue	Scarsdale	NY	10583
274 SNK Hamilton Ave LLC	Adjacent Property Owner of 247 Hamilton Avenue	1983 Route 52, Suite 1A	Hopewell Junction	NY	12533
Epic Renaissance LLC	Adjacent Property Owner of 7 Renaissance Square	7 Renaissance Square	White Plains	NY	10601
Power Authority of the Sate of New York	Adjacent Property Owner of 123 Main Street	123 Main Street, Mail Stop 10B	White Plains	NY	10601
The Original Pancake House	Adjacent Property Operator of 170 Hamilton Avenue	170 Hamilton Avenue	White Plains	NY	10601
Silverson Pareres & Lombardi LLP	Adjacent Property Operator of 170 Hamilton Avenue	170 Hamilton Avenue, Suite 310	White Plains	NY	10601
The Breton Group	Adjacent Property Operator of 170 Hamilton Avenue	170 Hamilton Avenue	White Plains	NY	10601
Securitas Security Services USA	Adjacent Property Operator of 170 Hamilton Avenue	170 Hamilton Avenue, Suite 218	White Plains	NY	10601
McCarthy Associates	Adjacent Property Operator of 170 Hamilton Avenue	170 Hamilton Avenue, Suite 315	White Plains	NY	10601
Big Apple Training	Adjacent Property Operator of 170 Hamilton Avenue	170 Hamilton Avenue	White Plains	NY	10601
Westchester Philharmonic	Adjacent Property Operator of 170 Hamilton Avenue	170 Hamilton Avenue, Suite 350	White Plains	NY	10601
Bikkal & Associates PC	Adjacent Property Operator of 170 Hamilton Avenue	170 Hamilton Avenue, Suite 206	White Plains	NY	10601
Mighty Sport	Adjacent Property Operator of 170 Hamilton Avenue	170 Hamilton Avenue, Suite 100	White Plains	NY	10601
Partners in Care	Adjacent Property Operator of 170 Hamilton Avenue	170 Hamilton Avenue	White Plains	NY	10601
Capital Logistics	Adjacent Property Operator of 12 Water Street	12 Water Street, Suite 403b	White Plains	NY	10601
Allied Universal	Adjacent Property Operator of 12 Water Street	12 Water Street, Suite 301	White Plains	NY	10601
The Westchester Bank	Adjacent Property Operator of 12 Water Street	12 Water Street	White Plains	NY	10601
The Law Office of Craig Relles	Adjacent Property Operator of 12 Water Street	12 Water Street	White Plains	NY	10601
Michael H. Schwartz, P.C.	Adjacent Property Operator of 1 Barker Avenue	1 Barker Avenue	White Plains	NY	10601
Leason Ellis LLP	Adjacent Property Operator of 1 Barker Avenue	1 Barker Avenue	White Plains	NY	10601
Law Offices of David M. Gladstone, P.C.	Adjacent Property Operator of 1 Barker Avenue	1 Barker Avenue	White Plains	NY	10601
Eugene R. Dougherty	Adjacent Property Operator of 1 Barker Avenue	1 Barker Avenue, f2	White Plains	NY	10601
Indimet Inc.	Adjacent Property Operator of 1 Barker Avenue	1 Barker Avenue, Suite 320	White Plains	NY	10601
Law Firm of W. David Eddy, Jr.	Adjacent Property Operator of 1 Barker Avenue	1 Barker Avenue, Suite 230	White Plains	NY	10601
Parandian Law Firm	Adjacent Property Operator of 1 Barker Avenue	1 Barker Avenue	White Plains	NY	10601
IPC Healthcare	Adjacent Property Operator of 3 Barker Avenue	3 Barker Avenue, Floor 4	White Plains	NY	10601
Aberdeen Seafood & Dim Sum	Adjacent Property Operator of 3 Barker Avenue	3 Barker Avenue	White Plains	NY	10601
My Sisters Place	Adjacent Property Operator of 3 Barker Avenue	3 Barker Avenue	White Plains	NY	10601
Love Pretty Inc.	Adjacent Property Operator of 3 Barker Avenue	3 Barker Avenue	White Plains	NY	10601
La Sorsa & Beneventano Injury & Accident Lawyers	Adjacent Property Operator of 3 Barker Avenue	3 Barker Avenue, Suite 375	White Plains	NY	10601
Smalad	Adjacent Property Operator of 5 Barker Avenue	5 Barker Avenue	White Plains	NY	10601
Social Heads Digital Marketing Agency	Adjacent Property Operator of 8 Cottage Place	8 Cottage Place	White Plains	NY	10601
Two Rivers Title Company	Adjacent Property Operator of 97-109 Church Street	99 Church Street, 4th Floor	White Plains	NY	10601
Natasha Meruelo, Attorney at Law	Adjacent Property Operator of 97-109 Church Street	99 Church Street, 4th Floor, Suite 401	White Plains	NY	10601
Graziella's	Adjacent Property Operator of 97-109 Church Street	99 Church Street	White Plains	NY	10601
Berkeley College White Plains Campus	Adjacent Property Operator of 97-109 Church Street	99 Church Street	White Plains	NY	10601
Gulf Gas Station	Adjacent Property Operator of 247 Hamilton Avenue	247 Hamilton Avenue	White Plains	NY	10601
Mary Jane Denzer	Adjacent Property Operator of 7 Renaissance Square	7 Renaissance Square	White Plains	NY	10601
LRC Construction	Adjacent Property Operator of 7 Renaissance Square	7 Renaissance Square	White Plains	NY	10601
Cappelli Organization	Adjacent Property Operator of 7 Renaissance Square	7 Renaissance Square	White Plains	NY	10601
Interoceanic Corporation	Adjacent Property Operator of 7 Renaissance Square	7 Renaissance Square, 7th Floor	White Plains	NY	10601
Cushman & Wakefield, Inc	Adjacent Property Operator of 7 Renaissance Square	7 Renaissance Square, 5th Floor	White Plains	NY	10601
Bruin Sports Capital LLC	Adjacent Property Operator of 7 Renaissance Square	7 Renaissance Square	White Plains	NY	10601
Camille's Sidewalk Café	Adjacent Property Operator of 123 Main Street	123 Main Street	White Plains	NY	10601

Nalven & Schroeder Insurance	Adjacent Property Operator of 123 Main Street	123 Main Street, Suite 14	White Plains	NY	10601
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# **Exhibit L**



August 24, 2021

VIA ELECTRONIC MAIL  
[bkenney@whiteplainslibrary.org](mailto:bkenney@whiteplainslibrary.org)

Brian Kenney, Library Director  
White Plains Public Library  
100 Martine Avenue  
White Plains, New York 10601

**RE: Brownfield Cleanup Program Application**  
**Applicant: Hamilton Green I Partners LLC**  
**Site Name: WP Mall Cleaners & Gas Station Site**

Dear Mr. Kenney:

We represent Hamilton Green I Partners LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 250 Hamilton Avenue in the City of White Plains, 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 to my paralegal, Rebecca Stevens, at [rstevens@nyenvlaw.com](mailto:rstevens@nyenvlaw.com) 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 White Plains Public Library is willing and able to act as a public repository for documents related to the cleanup of 250 Hamilton Avenue in the City of White Plains, Westchester County, New York under the NYS Brownfield Cleanup Program.

  
Brian Kenney, Library Director

August 24, 2021  
Date