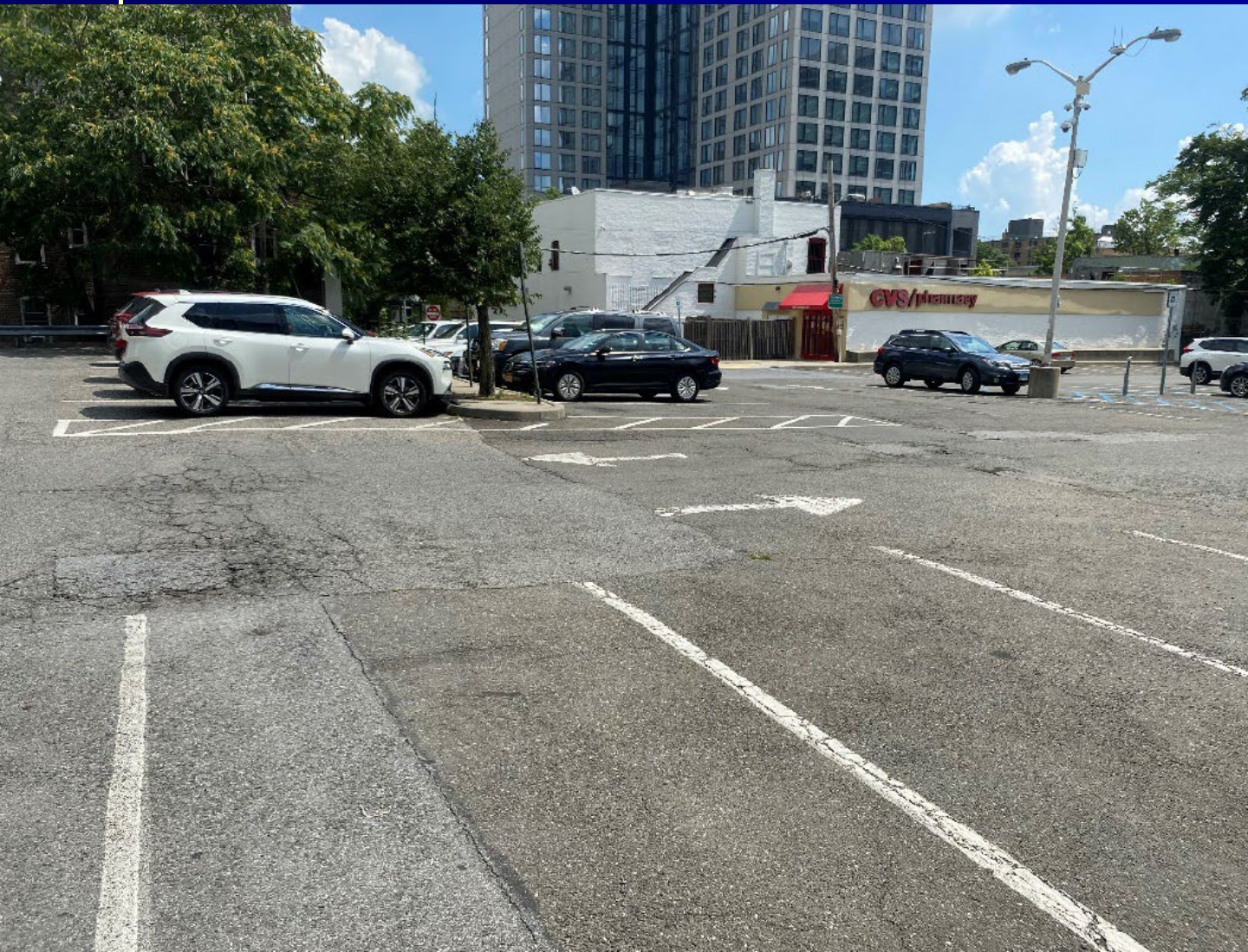


Serenity Marina LLC
Brownfield Cleanup Program Application
J&L Cleaners Lawton Street Site
35 and 39 Lawton Street
New Rochelle, New York 10801



Legal & Consulting Team:
Knauf Shaw LLP & SESI Consulting Engineers.
April 2023

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ATTORNEY AT LAW

T 585.546.8430
C 585.414.3122
lshaw@nyenvlaw.com

April 6, 2023

VIA ELECTRONIC MAIL

Site Control Section
Attn: Jennifer Hathaway
NYS Department of Environmental Conservation
Bureau of Technical Support
625 Broadway, 11th Floor
Albany, New York 12233-7020

**RE: Revised Brownfield Cleanup Application
J&L Cleaners Lawton Street Site BCP #C360238**

Dear Jennifer:

Please see the below responses to the Department's Letter of Incompletion dated February 27, 2023:

Section I: Property Information

- Narrative: Past Uses – Include possible sources of contamination

RESPONSE: The Section I Past Uses narrative has been updated to include possible sources of contamination.

Section IV: Property's Environmental History

- Application p. 4 – it appears Agriculture Co-op box was checked in error when it should be Dry Cleaner

RESPONSE: This error has been corrected and Dry Cleaner has been checked.

Section VI: Requestor Eligibility

- No. 13 – The Volunteer Statement references multiple requestors while the application denotes 1 requestor. Adjust the Volunteer Statement to coincide with the information presented on the application.

RESPONSE: Serenity Marina LLC is the only requestor for this BCP Application. The Volunteer Statement has been updated to reflect this fact.

- No. 14 – The Access Agreement submitted does not include the ability to place an easement. Submit an Access Agreement that includes the ability to place an easement on the property.



RESPONSE: Please see the updated Site Access Agreement attached as Exhibit K.

Additional Comments

- In the top section of page 1 of the revised application, please select “yes” to indicate that the submittal is a revised application and include the NYSDEC Site code in the subject line of this letter.

RESPONSE: “Yes” has been selected and the Site Code has been included.

Project Manager Comments: Section IV and Environmental Assessment

- Section IV.2- Please remove all Unrestricted SCO data from the exceedance table and the corresponding references in the application.

RESPONSE: All UUSCO exceedances have been removed from the soil environmental assessment section.

- Section IV.2-Please confirm that the unites for the results in the groundwater data table particularly for the PFAS compounds also being listed as parts per billion.

RESPONSE: The metals exceedances have been revised as parts per billion (ppb) exceedances and the PFAS compounds have been revised to parts per trillion (ppt) exceedances.

- Exhibit G-Revise figures 3.1, 3.2, and 3.3 to show the parcel boundaries.

RESPONSE: The Exhibit G figures have been revised to include the BCP Site property boundary.

- Exhibit G-Please remove all unrestricted soil exceedances from Figure 3.1.

RESPONSE: All unrestricted soil exceedances have been removed from Figure 3.1.

- Please provide a supplemental map indicating the approximate location of previous leaking UST and the extent of the previously remediated area of the parcel.

RESPONSE: Unfortunately, this map cannot be provided because even though SESI submitted a FOIL request for the Spill file, the files were never forthcoming. Therefore, we are not aware of the area or the extent of the area that may have been remediated.

- Exhibit G-Please indicate the groundwater flow direction on Figure 3.2.



Jennifer Hathaway
April 6, 2023
Page 3

RESPONSE: The groundwater flow direction has been added to Figure 3.2.

- Please provide a sample summary Table as a supplemental exhibit in the application. Please be sure to also include the total number of samples for each corresponding media in the summary table.

RESPONSE: See sample summary table attached in Exhibit N.

Please do not hesitate to call if you have any questions or comments regarding the information in this letter.

Sincerely,

KNAUF SHAW LLP

A handwritten signature in black ink, appearing to read 'Linda R. Shaw'.

LINDA R. SHAW

Enclosure

cc: J. Brown, Director, Remedial Bureau C
R. Richard, Project Manager, Remedial Bureau C or Region 3
D. Pollock, RHWRE, Region 3
D. Bendell, Region 3
A. Johnson, Regional Attorney, Region 3
E. Chae, Project Attorney
K. Lewandowski, Chief, Site Control Section
Mark Stagg, Requestor's Representative (mstagg@stagggroup.com)
Kathleen Bradshaw, Requestor's Representative (kbradshaw@stagggroup.com)
Fuad Dahan, PE, L.S.R.P., Requestor's Consultant (fd@sesi.org)



Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments.

If yes, provide existing site number: _____

☐

Yes

☒

No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: C360238

☒

Yes

☐

No

BCP App Rev 14 – January 2023

SECTION I: Property Information

PROPOSED SITE NAME: J&LCleaners Lawton Street Site

ADDRESS/LOCATION: 35 and 39 Lawton Street

CITY/TOWN: New Rochelle, New York

ZIP CODE 10801

MUNICIPALITY (LIST ALL IF MORE THAN ONE): New Rochelle, Westchester County

COUNTY: Westchester

SITE SIZE (ACRES) 0.94

LATITUDE:

LONGITUDE:

40 ° 54 ' 36.6N " 73 ° 46 ' 55.2W "

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, 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 acreage column.

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage
35 Lawton Street	1	229	56	0.77
39 Lawton Street	1	229	23	0.17

1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	<input checked="" type="radio"/> Y	<input type="radio"/> N
2. Is the required property map provided in electronic format with the application? (Application will not be processed without a map)	<input checked="" type="radio"/> Y	<input type="radio"/> N
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) If yes, identify census tract: _____ Percentage of property in En-zone (check one): 0% <input checked="" type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input type="radio"/>	<input type="radio"/> Y	<input checked="" type="radio"/> N
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input checked="" type="radio"/> Y	<input type="radio"/> N
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/> Y	<input checked="" type="radio"/> N
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	<input type="radio"/> Y	<input checked="" type="radio"/> N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?	<input type="radio"/> Y	<input checked="" type="radio"/> N
8. 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? If yes, attach relevant supporting documentation.	<input type="radio"/> Y	<input checked="" type="radio"/> N

SECTION I: Property Information (CONTINUED)		
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.	Y <input type="radio"/>	N <input checked="" type="radio"/>
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____	<input type="radio"/>	<input checked="" type="radio"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: ____	<input type="radio"/>	<input checked="" type="radio"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div> See Support Document Easements are being terminated	<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div> N/A	<input type="radio"/>	<input checked="" type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?	<input checked="" type="radio"/>	<input type="radio"/>
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.		
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 10-12 of this form.	Y <input type="radio"/>	N <input type="radio"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?	<input type="radio"/>	<input type="radio"/>
17. If you have answered YES to Question 16 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?	<input type="radio"/>	<input type="radio"/>
NOTE: If a tangible property tax credit determination is not being requested at the time of application, 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 I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions. Initials of each Requestor: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>		

SECTION II: Project Description

1. The project will be starting at: ☒ Investigation ☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (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, does it meet the requirements in ECL Article 27-1415(2)?

☐ Yes ☒ No ☐ N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

☐ RIWP ☐ RAWP ☐ IRM ☒ No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.

Is this information attached? ☒ Yes ☐ No

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? DMUR, DB and DO-1 Overlay

2. What uses are allowed by the property's current zoning (select all that apply)?

Residential ☒ Commercial ☒ Industrial ☐

3. Current use (select all that apply):

Residential ☐ Commercial ☒ Industrial ☐ Recreational ☐ Vacant ☐

4. Please provide 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 by which the site became vacant.
Is this summary included with the application?

Y ☒ N ☐

5. Reasonably anticipated post-remediation use (check all that apply):

Residential ☒ Commercial ☒ Industrial ☐

If residential, does it qualify as single-family housing? ☐ N/A

☐ ☒

6. Please provide a statement detailing the specific proposed post-remediation use.
Is this summary attached?

☒ ☐

7. Is the proposed post-remediation use a renewable energy facility?
See application instructions for additional information.

☐ ☒

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

☒ ☐

9. Is the proposed use consistent with applicable zoning laws/maps?
Please provide a brief explanation and additional documentation if necessary.

☒ ☐

10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?
Please provide a brief explanation and additional documentation if necessary.

☒ ☐

SECTION IV: Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit 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 ANY supporting documents.**
2. **SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please describe other known contaminants and the media affected: Freon in Soil Vapor

3. For each impacted medium above, include a site drawing indicating:
 - Sample location
 - Date of sampling event
 - Key contaminants and concentration detected
 - For soil, highlight exceedances of reasonably anticipated use
 - For groundwater, highlight exceedances of 6 NYCRR part 703.5
 - For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application?

☒ YES

☐ NO

4. Indicate Past Land Uses (check all that apply):

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

Other: Fire Engine Company; Machine and Repair shop; underground storage tanks

SECTION V: Requestor Information

NAME: Serenity Marina LLC

ADDRESS: 1763 Pitman Avenue

CITY/TOWN: New York, New York

ZIP CODE 10466

PHONE: (914) 391-8711

EMAIL: mstagg@stagggroup.com

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS 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 with this application to document that that requestor is authorized to conduct business in NYS. Is this attached?	<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, the names of the members/owners need to be provided on a separate attachment. Is this attached? N/A <input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must 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. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.	<input checked="" type="radio"/>	<input type="radio"/>

SECTION VI: Requestor Eligibility

If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
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="radio"/>	<input checked="" type="radio"/>
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 or regulation of the State or Federal government?	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="radio"/>	<input checked="" type="radio"/>
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?	<input type="radio"/>	<input checked="" type="radio"/>
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involved 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?	<input type="radio"/>	<input checked="" type="radio"/>
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 a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>

SECTION VI: Requestor Eligibility (CONTINUED)			
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?		Y <input type="radio"/>	N <input checked="" type="radio"/>
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?		<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?		<input type="radio"/>	<input checked="" type="radio"/>
12. 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 <input type="checkbox"/> 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 <input checked="" type="checkbox"/> 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 selecting this option, 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; and, (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.	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached? Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>			
14. Requestor relationship to the property (check one; if multiple applicants, check all that apply): <input type="checkbox"/> Previous Owner <input type="checkbox"/> Current Owner <input checked="" type="checkbox"/> Potential/Future Purchaser <input type="checkbox"/> Other: _____ If the requestor is not the current owner, proof of site access sufficient to complete remediation must be provided. 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 environmental easement on the site. Is this proof attached? <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Note: A purchase contract or lease agreement does not suffice as proof of site access.			

SECTION VII: Requestor Contact Information

REQUESTOR'S REPRESENTATIVE: Mark Stagg and Kathleen Bradshaw

ADDRESS: 1763 Pitman Avenue

CITY: New York, New York

ZIP CODE: 10466

PHONE: (914) 391-8711

EMAIL: mstagg@stagggroup.com; kbradshaw@stagggroup.com

REQUESTOR'S CONSULTANT (CONTACT NAME): Fuad Dahan, PE, L.S.R.P.

COMPANY: SESI Consulting Engineers

ADDRESS: 959 Route 46E Floor 3, Suite 300

CITY: Parsippany, New Jersey

ZIP CODE: 07054

PHONE: (862) 702-5719

EMAIL: fd@sesi.org

REQUESTOR'S ATTORNEY (CONTACT NAME): Linda R. Shaw, Esq.

COMPANY: Knauf Shaw LLP

ADDRESS: 1400 Crossroads Building, 2 State Street

CITY: Rochester, New York

ZIP CODE: 14614

PHONE: (585) 546-8430

EMAIL: lshaw@nyenvlaw.com

SECTION VIII: Program Fee

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.

	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input type="radio"/>	<input checked="" type="radio"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.		
Is the appropriate documentation included with this application? N/A	<input checked="" type="radio"/>	<input type="radio"/>

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER: City of New Rochelle

CONTACT NAME: Charles Strome, III, City Manager

ADDRESS: 515 North Avenue

CITY: New Rochelle, New York

ZIP CODE: 10801

PHONE: (914) 654-2140

EMAIL: cstrome@newrochelleny.com

OWNERSHIP START DATE: 6/14/1990 and 5/2/1977

CURRENT OPERATOR: Same as Owner - City operates a parking lot on the site

CONTACT NAME:

ADDRESS:

CITY:

ZIP CODE:

PHONE:

EMAIL:

OPERATION START DATE:

SECTION X: Property Eligibility Information

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>
3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____ Date Permit Issued: _____ Permit Expiration Date: _____	<input type="radio"/>	<input checked="" type="radio"/>
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? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents. <div style="text-align: right;">N/A <input type="radio"/></div>	<input type="radio"/>	<input checked="" type="radio"/>
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____	<input type="radio"/>	<input checked="" type="radio"/>
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information.	<input type="radio"/>	<input checked="" type="radio"/>

SECTION XI: Site Contact List

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 mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- 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 XII: 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 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 Manager (title) of Serenity Marina LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. 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 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: 10/17/2017

Signature: [Signature]

Print Name: Mark Stagg

SUBMITTAL INFORMATION

- Two (2) copies, one unbound 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, 11th Floor
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: _____

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 14

Please respond to the questions below and provide additional information and/or documentation as required.	Y	N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down or underutilized as defined below?		
Upside down	<input type="radio"/>	<input type="radio"/>
Underutilized	<input type="radio"/>	<input type="radio"/>

From ECL 27-1405(31):

"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

From 6 NYCRR 375-3.2(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category can only be made at the time of application):

375-3.2:

- (I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
- (1) the proposed use is at least 75 percent for industrial uses; or
- (2) at which:
- (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
 - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
 - (iii) one or more of the following conditions exists, as certified by the applicant:
 - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
 - (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or
 - (c) there are no structures.

"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

5. 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*
*Selecting this option 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’ household’s 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 homeowners 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.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

6. Is the site a planned renewable energy facility site as defined below?

☐ Yes – planned renewable energy facility site with documentation

☐ Pending – planned renewable energy facility awaiting documentation

*Selecting this option will result in a “pending” status. The appropriate documentation 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.

☐ No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

From ECL 27-1405(33) as of April 9, 2022:

“Renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

From Public Service Law Article 4 Section 66-p as of April 23, 2021:

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

☐ Yes - *Selecting this option will result in a “pending” status, as a BOA conformance determination has not yet been made. Proof of conformance 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.

☐ No

From ECL 75-0111 as of April 9, 2022:

(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

BCP APPLICATION SUPPORT DOCUMENT

BCP APPLICATION SUPPORT DOCUMENT

Exhibit List

Exhibit A	Site Location, Street and Base Property Maps
Exhibit B	Survey and Tax Map
Exhibit C	BOA, Disadvantaged Communities, Environmental Justice and En-Zone Maps
Exhibit D	Flood Map
Exhibit E	Zoning Map
Exhibit F	Previous Owners and Operators
Exhibit G	Site Drawing Spider Maps
Exhibit H	DOS Entity Information
Exhibit I	Corporate Consent
Exhibit J	Deeds
Exhibit K	Site Access Agreement
Exhibit L	Site Contact List
Exhibit M	Repository Letter

ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON CD:

1. June 1, 2017 Limited Phase II Environmental Site Assessment, Lawton Avenue Property, New Rochelle, New York, prepared by Nelson, Pope & Voorhis, for Don Monti, Renaissance Downtowns UrbanAmerica, LLC
2. April 15, 2022 Limited Phase II Environmental Site Assessment, Lawton Street Property, New Rochelle New York, prepared by Nelson, Pope, Voorhis for Renaissance Downtowns at Lawton LLC
3. October 2022 Phase I Environmental Site Assessment, prepared by SESI Engineering, for both Requestors
4. October 2022 Phase II Environmental Site Assessment, prepared by SESI Engineering, for both Requestors

SECTION I – PROPERTY INFORMATION

The Site is located at the following addresses in the City of New Rochelle, New York 10801 (“Site” or “BCP Site”):

Parcel Address	Tax Parcel Identification No.	Acreage ¹
35 Lawton Street	1-229-0056	0.77
39 Lawton Street	1-229-0023	0.17

The Site Location, Street and Base Property Map are in Exhibit A.

1. Site Boundary and Tax Parcel Information

The Site boundary does correspond to the tax boundaries. The Tax Boundary Map and a Survey map is provided in Exhibit B.

2. Property Map

The Site Location and Base Property Map are in Exhibit A. A Survey map is in Exhibit B.

3-5. BOA, Disadvantage Communities, EJ and En-Zone Designations

The Site BOA, Disadvantaged Communities, Environmental Justice, and En-Zone Maps are in Exhibit C. The Site is not located in an En-Zone or a BOA. However, the Site is located in a Potential Environmental Justice Area. The EPA ArcGIS map indicates that approximately 62.51% of the population surrounding this Site is a minority population. However, only approximately 12% of the area surrounding the Site is linguistically isolated, so the BCP documents will not need to be translated. The Site is located in a disadvantaged community area. According to the New York State Disadvantaged Communities Map, the Site is located in a Disadvantaged Community on Census Tract 36119006000, which has an environmental burden higher than 89% of Census Tracts statewide and a population vulnerability higher than 52% percent of Census Tracts statewide.

6-11. Please refer to BCP Application Form.

12. Easements and Existing Rights of Way

There are two existing right-of-way access easements located on the Site however, the presence of these easements will not impact remediation efforts at the Site. The easements are for the benefit of an adjacent property owner – a CVS drug store - to traverse the site. The Requestors are in the process of terminating these existing easements in exchange for a new pedestrian walking access easement. However, this new easement will not have any impact on the remediation.

¹ Acreages were determined using the New Rochelle 2022 final Tax Assessment and survey map in Exhibit B.

Please refer to BCP Application Form.

13. Property Description Narrative

A. Site Location

The Site is located at the follow addresses in the City of New Rochelle, New York 10801:

Parcel Address	Tax Parcel Identification No.
35 Lawton Street	1-229-0056
39 Lawton Street	1-229-0023

The surrounding area is occupied by a mixed-use four-story building to the north, by Lawson Street and the City of New Rochelle Library to the west, by a single-story retail building to the south, and by a CVS pharmacy to the east. The Site is located in an urban downtown area, and the adjoining properties are used for mainly retail purposes.

Direction	Adjacent Property Use
North	Mixed-use four-story building
South	Single-story retail building
East	CVS pharmacy
West	Lawson Street and the City of New Rochelle Library

B. Site Features

The Site is currently utilized as a parking lot which is operated by the City of New Rochelle. There are no structures or aboveground improvements other than light poles and pay stations.

The closest water body, the Long Island Sound, is located approximately 0.6 miles from the Site. The Site is not located within a flood zone. *See Exhibit D, Flood Map.*

C. Current Zoning and Land Use

The Site is currently located in the DMUR (Downtown Mixed-Use Urban Renewal) and DB (Downtown Business) Districts. The Site is also within the Downtown Overlay Zone (DOZ) DO-1. *See Exhibit E, Zoning Map.* The Site is currently used as a parking lot. The surrounding properties are used for mainly retail commercial purposes. The closest Residential District is approximately 0.21 miles to the northwest and approximately 0.81 miles to the southeast of the Site. The Site is approximately 0.13 miles from the New Rochelle Metro North Rail Station and Railway.

D. Past Use of the Site

See Section IV.4 for full description of past land uses. The Site historical uses included a hotel, justice offices, a fire engine company, and lumber storage from 1887 to 1892. In 1892, the Site was improved with a carriage maker near the northwestern portion of the Site and a florist on the northeastern portion of the Site. By 1896, the hotel became vacant, and a saloon was located on the southwestern portion of the Site. By 1903, the former hotel became a plumber facility, and the former lumber storage area was being used for wagon storage. In 1911, the former saloon became the Lawton Café, the plumbing company became retail stores, and a new structure labeled as Livery and was located to the east. The fire engine company portion of the Site became a storage area and the former carriage maker was labeled as Wood Work Wagon manufacturing and Painting. The florist was no longer depicted at this time. In 1931, the wagon maker and painter are labeled as a Machine & Repair Shop. The structures labeled Storage and Stores have been razed and a new larger building was depicted but not labeled on relevant historic maps. By 1942, the new building is labeled as Police Headquarters and no other structures are labeled. In 1951, a gas tank is depicted east of the Police Headquarters on the Site. From 1990 to 2003, the Site was depicted as a Parking Lot on relevant maps. Additionally, the City Directory lists J&L Tailor and Cleaners in 1964, the Kenwood Laboratories in the 1970s, and furniture sales thereafter as part of historical operations. The historical owners and uses associated with the Site are further described below and in Exhibit F, Previous Owners and Operators List.

The causes for the various types of Site contaminants could have originated from a variety of these former uses, but the most obvious are the presence of former underground storage tanks (USTs), the machine and repair shop history and the dry cleaning history. The Site-wide metals contamination is most likely related to the plumber, a lumber yard or wagon repair historic uses. The elevated lead contamination is most likely the result of the carriage maker, wagon maker and paint facility. Since the PAH levels are higher than typical historic fill material, this type of contamination is most likely the result of the historic uses of the Site that included repair garages. PFAS groundwater contamination may be a result of the Site's historic use as a fire engine company. The chlorinated solvents in soil vapor are likely the result of the USTs, the repair facilities and the dry cleaning operation as well as the hotel, which may have had a dry cleaning operation.

E. Site Geology and Hydrogeology

According to the United States Geological Survey ("U.S.G.S.") 7.5-minute Topographic Map of Mount Vernon, New York 2019, the Site is located approximately 93.32 feet above mean seal level. The Long Island Sound is located approximately 0.6 miles east of the Site. Groundwater in the area is expected to flow northwest. The depth of the groundwater at the Site is approximately 12 feet below the ground surface.

The soil at the Site are characterized as Uf urban land, which is surface covered by pavement, concrete, buildings, and other structures underlain by disturbed and natural soil material, till substratum, 0 to 3 percent slopes.

During the most recent Phase II site investigation, soil conditions within the borings consisted of historic fill that extended to depths ranging from 4± to 11± feet below the ground surface (ft-bgs). The fill material was noted to be primarily sand, with varying amounts of gravel and silt, and debris, including brick and concrete. Below the fill, the soil consisted of fine sand and silt. Refusal on presumed bedrock was encountered at depths ranging from 10 to 17 ft-bgs. Perched groundwater was encountered above the bedrock at a depth of approximately 13 ft-bgs in well borings TW-1 (SB-2) and TW-2 (SB-9).

F. Environmental Assessment

Based on the investigations conducted to date, the primary contaminants of concern are heavy metal, particularly lead at possible hazardous waste levels, and Poly Aromatic Hydrocarbon (PAH) semi-volatile organic compounds (SVOCs) in soil, naturally occurring metals and PFAS compounds in groundwater, and multiple petroleum and chlorinated volatile organic compounds (VOCs) in soil vapor. *See Exhibit G Site Drawing Spider Maps.*

The standards, exceedance numbers, and depth to exceedances are depicted below in Section IV.

15-17. Regarding Questions 15-17 on the BCP Application:

There are no responses to question 15-17 on the BCP Application Form since this Site is not located in New York City.

SECTION II – PROJECT DESCRIPTION

1-3. Please refer to BCP Application Form.

4. Short Project Description

The planned redevelopment of the Site entails a 615 residential unit building with 14,613 square feet of retail space. There will be 146 municipal parking spaces to replace the current number of City of New Rochelle public parking spaces, 615 residential parking spaces and 243 office parking spaces to accommodate the project. As a result, there will be two levels of basement parking. Approximately 10% of the units will be affordable to persons in the 70% AMI bracket.

Schedule – Commencement through COC

A Remedial Investigation (“RI”) Work Plan (“RIWP”) is expected to be completed on the Site by June-July 2023. Remedial Investigation is expected to be completed on the Site by September-October 2023. There are no significant site preparation activities required on this Site since there are no buildings to demolish. The Remedial Action Work Plan (“RAWP”) will be completed in November-December 2023, and any required remediation may commence in the Fall or early winter of 2023. The Certificate of Completion is anticipated to be issued in early to mid 2024.

SECTION III – LAND USE FACTORS

1. Current Zoning

The Site is within the DMUR (Downtown Mixed-Use Urban Renewal) and DB (Downtown Business) Districts. The Site is also within the Downtown Overlay Zone (DOZ) DO-1. *See* Exhibit E Zoning Map.

2. Allowed Uses

The DMUR zoning district allows for various uses, including but not limited to, multifamily dwellings, business, stores, shops, hotels, restaurants, railroad stations, etc.

The DB zoning district allows for various uses, including but not limited to, stores, shops, dwellings (located on second floor or above), business, banks, restaurants, theaters, etc.

3-4. Current Use

The Site is currently utilized as a parking lot which is operated by the City of New Rochelle. There are no structures or aboveground improvements other than light poles and pay stations.

5. Intended Use Post Remediation

After the remediation, the Site will be used for a mixed-use commercial and residential project. The planned redevelopment of the Site entails a 615 residential unit building with 14,613 square feet of retail space. There will be 146 municipal parking spaces to replace the current number of City of New Rochelle public parking spaces, 615 residential parking spaces and 243 office parking spaces to accommodate the project. As a result, there will be two levels of basement parking. Approximately 10% of the units will be affordable to persons in the 70% AMI bracket.

6. Post Remediation Use

Post remediation use of the Site entails the construction of a mixed-use commercial and residential building as described above.

7. Renewable Energy Facility

The proposed post-remediation use is not a renewable energy facility.

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

Yes, current, historical and/or recent development patterns support the proposed use.

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

Yes, the project is consistent with the City of New Rochelle zoning laws and map. *See* Exhibit E and response to Question 10 below.

10. Consistent with the Master Plan?

Yes, the project is consistent with the Master Developer Agreement reached with the City of New Rochelle and original selected Master Developer RXR. The city engaged in a series of Planning Studies and created “The Transit Oriented Development Cluster” or the TOD Cluster or The Downtown Cluster concept (together Redevelopment Clusters or RDs). The proposed project is consistent with the Master Plan, which is intended to create more residential downtown transit oriented apartment buildings. Renaissance Downtowns at Lawton LLC was assigned the rights from Master Developer entity RDRXR AT NEW ROCHELLE LLC to remediate and redevelop this parcel in 2017. Requestor Serenity View Marina LLC is now being assigned that prior assignment from Renaissance Downtowns at Lawton LLC to remediate and redevelop the Site.

SECTION IV – PROPERTY’S ENVIRONMENTAL HISTORY

1. List of Environmental Reports

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

- a. June 1, 2017 Limited Phase II Environmental Site Assessment, Lawton Avenue Property, New Rochelle, New York, prepared by Nelson, Pope & Voorhis, for Don Monti, Renaissance Downtowns UrbanAmerica, LLC
- b. April 15, 2022 Limited Phase II Environmental Site Assessment, Lawton Street Property, New Rochelle New York, prepared by Nelson, Pope, Voorhis for Requestor Renaissance Downtowns at Lawton LLC
- c. October 2022 Phase I Environmental Site Assessment, prepared by SESI Engineering, for both Requestors
- d. October 2022 Phase II Environmental Site Assessment, prepared by SESI Engineering, for both Requestors

2. Sampling Data

Soil metal exceedances of the Restricted Residential Soil Cleanup Objectives (“RRSCOs”) include lead, arsenic and mercury to depths of 5 ft-bgs. The lead concentration detected at 2,670 mg/kg at SB-7 (2-2.5’) may result in a hazardous lead leaching concentration. The resulting levels of metals exceedances are higher than the levels found in typical historic fill. Further delineation of the metal contamination will be necessary to evaluate remedial options.

Soil semi-volatile organic compounds (“SVOC”) exceedances of the RRSCOs include polycyclic aromatic hydrocarbons (PAHs) such as benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, chrysene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, to depths

of 5 ft-bgs. The resulting levels of PAH exceedances are higher than the levels found in typical historic fill. PAH contamination will require further delineation to evaluate remedial options. See Exhibit G Spider Maps which include sampling data summaries, Section IV.3 and the exceedances chart below.

Soil:

Analytes	Detections > RRSCO	Maximum Detection (mg/kg)	RRSCO (mg/kg)	Depth (ft-bgs)
SVOCs				
Benzo(a)anthracene	4	8.49	1	2.5-3
Benzo(a)pyrene	4	6.89	1	2-2.5
Benzo(b)fluoranthene	4	8.86	1	2.5-3
Chrysene	3	8.05	3.9	2.5-3
Dibenz(a,h)anthracene	4	1.19	.33	2.5-3
Indeno(1,2,3-cd)pyrene	5	5	.5	2-2.5
Metals				
Arsenic	1	16.1	16.1	4-4.5
Lead	1	2670	400	2-2.5
Mercury	2	2.9	0.81	2-2.5

In groundwater, the only exceedances found to date were PFAS compounds and naturally occurring minerals:

Groundwater:

Analyte > AWQS	Detections > AWQS	Max Detection (ppb)/(ppt)	AWQS (ppb)/ppt for PFAS
VOCs			
Iron	1	694 ppb	300 ppb
Manganese	1	701 ppb	300 ppb
Sodium	2	788000 ppb	20000 ppb
Perflourooctanaoic acid (PFOA)	1	37.2 ppt	10 ppt
Perfluorooctancesulfonic acid (PFOS)	2	37.2 ppt	10 ppt

Despite the lack of exceedances found to date in groundwater, there are numerous detections of petroleum and chlorinated volatile organic compounds in soil vapor as shown below and in the soil vapor spider map in Exhibit G:

Soil Vapor:

Analytes	Total Detections	Max Detection ($\mu\text{g}/\text{m}^3$)	Type
VOCs			
1,2,4-Trimethylbenzene	3	22	Soil Vapor
1,3,5-Trimethylbenzene	2	7.4	Soil Vapor
2,2,4-Trimethylpentane	3	7.5	Soil Vapor
2-Hexanone	3	17	Soil Vapor
4-ethyltoluene	2	4.6	Soil Vapor
Acetone	4	354	Soil Vapor
Benzene	4	29	Soil Vapor
Carbon disulfide	3	52.6	Soil Vapor
Chloroform	2	3.5	Soil Vapor
Chloromethane	3	2.1	Soil Vapor
Cyclohexane	3	20	Soil Vapor
Dichlorodifluoromethane	4	6.9	Soil Vapor
Ethanol	4	43.3	Soil Vapor
Ethyl Benzene	4	250	Soil Vapor
Heptane	2	14	Soil Vapor
Hexane	4	52.5	Soil Vapor
Isopropyl Alcohol	4	10	Soil Vapor
p- & m- Xylenes	4	1420	Soil Vapor
Methyl ethyl ketone	4	42.2	Soil Vapor
Methyl Isobutyl ketone	4	15	Soil Vapor
Methylene chloride	4	6.3	Soil Vapor
o-Xylene	4	856	Soil Vapor
Propylene	3	82.1	Soil Vapor
Tertiary Butyl Alcohol	4	142	Soil Vapor
Tetrachloroethylene	4	3.1	Soil Vapor
Toluene	4	731	Soil Vapor
Trichloroethylene	4	3.4	Soil Vapor
Vinyl Acetate	3	9.8	Soil Vapor
Vinyl Chloride	1	2.3	Soil Vapor
Xylenes	4	2280	Soil Vapor

3. Past Land Use

A. Past Use of the Site

The Site historical uses included a hotel, justice offices, a fire engine company, and lumber storage from 1887 to 1892. In 1892, the Site was also improved with a carriage maker near the northwestern portion of the Site and a florist on the northeastern portion of the Site. In 1896, the hotel was vacant, and a saloon was located on the southwestern portion of the Site. In 1903, the former hotel was a plumber and the former lumber storage was wagon storage. In 1911, the former saloon became the Lawton Café, the plumbing company became a retail store, and a new structure labeled as Livery is located to the east. The fire engine company became a storage and the former carriage maker labeled as a “Wood Work Wagon MFG” and “Painting”. In 1931, the wagon maker and painter are labeled as a “Machine & Repair Shop”. The structures labeled Storage and Stores have been razed by this time and a new larger building was depicted on historic maps but not labeled. In 1942, the new building is labeled as Police Headquarters and no other structures are labeled. In 1951, a gas tank is depicted east of the Police Headquarters on the Site. Additionally, the City Directory lists the J&L tailor and dry cleaner facility in 1964, a laboratory in the 1970’s, and furniture sales thereafter. From 1990 to 2003 the Site is depicted as a parking lot.

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

A 2017 Limited Phase II soil vapor only investigation detected the presence of several petroleum volatile organic compounds (VOCs) in all the samples collected likely related to past petroleum spills, including 1,2 dichlorobenzene, 1,3 dichlorobenzene, 1,4 dichlorobenzene, xylenes, heptane and hexane.

An April 2022 Limited Phase II subsurface soil and groundwater investigation revealed only two (2) metals (barium and manganese) but only manganese exceed its NYSDEC TOGS 1.1.1 standard for Class GA groundwaters. The volatile organic compound (VOC) Acetone was found to exceed the unrestricted use soil cleanup objective (USCO). Semi volatile organic compounds (SVOCs), including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, and indeno(1,2,3-cd)pyrene exceed their USCOs, restricted-residential (RRSCO) and/or protection of groundwater soil cleanup objectives (PGSCOs) in one portion of the Site. Chromium and copper were detected in two (2) samples at concentrations exceeding the USCOs. Lead was identified in four (4) samples at concentrations exceeding its applicable USCO and PGSCO. Mercury was detected in one (1) sample exceeding the RRSCO and PGSCO. Nickel was identified two (2) samples at concentrations exceeding the applicable USCO. Finally, zinc was detected in four (4) samples at concentrations exceeding the applicable USCO.

The most recent Phase II Environmental Site Assessment, which further delineated the Site, summarized soil testing results with USCO and RRSCO exceedances of various metals to depths up to 11.5 ft-bgs. Specifically, metals exceedances of the RRSCOs included lead, arsenic and mercury to depths of 5 ft-bgs. The metals lead, mercury, copper, zinc, arsenic and silver were detected at concentrations exceeding the USCOs to 11.5 ft-bgs. The metals contamination is Site-

wide and likely related to both historic uses and historic fill materials at the Site. Further delineation of the metal contamination will be necessary to evaluate remedial options.

In addition to the metal exceedances, there were SVOC exceedances of the RRSCOs for various polycyclic aromatic hydrocarbons (PAHs) to depths of 5 ft-bgs. Two (2) PAHs (benzo(k)fluoranthene and chrysene) were detected at concentrations exceeding the USCOs to depths of 5 ft-bgs. Further delineation of this soil contamination is warranted to assess the extent of PAH, contamination and to evaluate remedial options.

The groundwater testing results indicate Ambient Water Quality Standards (AWQS) exceedances of three (3) metals: manganese, iron and sodium and per- and polyfluoroalkyl substances (PFAS) including perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA). Sodium occurs naturally in groundwater. However, sources such as road salt often cause elevated Na levels in groundwater. Sodium is not considered harmful at normal levels of intake from combined food and drinking water sources. Iron and manganese also occur naturally in groundwater. However, there was a PFOS exceedance at TW-1 (24.2 ng/L) in the southern part of the Site, and PFOS and PFOA exceedances at TW-2 (37.2 ng/L and 37.2 ng/L, respectively) in the northern part of the Site. Additional investigation of the PFAS contamination is warranted to assess the extent of groundwater contamination at the Site and to evaluate remedial options given the former fire station use of the Site.

The soil vapor testing results indicate the presence of petroleum-related and chlorinated VOC compounds. Further investigation of the soil vapor contamination is warranted. The detection of contamination in soil and groundwater at the Site as described were attributable to the historical uses, former spills and historic fill soils.

SECTION V – REQUESTOR INFORMATION

The Requestor is Serenity Marina LLC, a NY LLC, with offices at 1955 Central Park Avenue, Yonkers, NY 10017 c/o Mark Stagg. Please refer to the BCP Application Form for additional contact information. The Requestor is authorized to do business in the State of New York. *See* Exhibit H, NYSDOS Entity Information. The members are as follows:

1. Serenity Marina LLC

A Corporate Consent provides Mark Stagg with authority to sign all Brownfield Cleanup Program (“BCP”) documents on behalf of the Requestor Serenity Marina LLC. *See* Exhibit I, Corporate Consent.

As further described below in Section IV, the Site is located at 35 and 39 Lawton Street, New Rochelle, New York 10801 tax parcel identification no.1-229-0023 and 1-229-0056 (“Site” or “BCP Site”).

Requestor does not yet own the Site. As more fully described below in Section VI, The City of New Rochelle is the current owner of the Site. *See* Exhibits J, Deeds, and Exhibit B, Survey. The

Requestor has received a temporary license from the Owner to access the property to perform investigation and remediation work required by the BCP. *See* Exhibit K, Site Access Agreement.

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

SECTION VI – REQUESTOR ELIGIBILITY INFORMATION

1-10. Please refer to BCP Application Form.

11. Unregistered bulk storage tanks

There was at least one former underground storage tank on the Site associated with the police headquarters on the Site. According to the most recent October 2022 Phase I Report, a 3,000-gallon No. 2 fuel oil tank was reported in the NY LTANKS database as leaking at the Site and the tank was pulled in 2017. The record noted 33.93 tons of contaminated soil were removed from the tank excavation area and a no further action letter was reported. According to the most recent October 2022 Phase II Report, a geophysical survey using ground penetrating radar (GPR) and electromagnetic (EM) detection was performed on June 13, 2022 to search for a potential UST(s) and no anomalies consistent with USTs were identified. Therefore, there are no known unregistered USTs on the Site.

REQUESTOR CERTIFICATION

The Requestor certifies that the LLC and its members qualify as a Volunteer, since neither the LLC or its members have or have ever had a relationship with any of the past owners or operators of the Site that caused the contamination other than it plans to purchase the Site from the current owner of the Site. Requestor did not have any involvement with the Site at the time of disposal. The Requestor has performed all required environmental due diligence prior to acquiring the Site. *See* Environmental Reports separately attached hereto.

SECTION VII- REQUESTOR CONTACT INFORMATION

The Requestor is Serenity Marina LLC, a NY LLC, with offices at 1955 Central Park Avenue, Yonkers, NY 10017 c/o Mark Stagg. Please refer to the BCP Application Form for additional contact information.

SECTION VIII – PROGRAM FEE

Please refer to responses on the BCP Application Form.

SECTION IX- CURRENT PROPERTY OWNER/OPERATOR INFORMATION

The owners of the Site are listed in the table below.

Parcel Address	Owner
35 Lawton Street	The City of New Rochelle
39 Lawton Street	The City of New Rochelle

See Exhibit J, Deed for additional information.

The Previous Owner and Operator list is attached in Exhibit F. 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 F also includes the prior operators' use of the Site.

SECTION X - 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 XI - CONTACT LIST INFORMATION

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

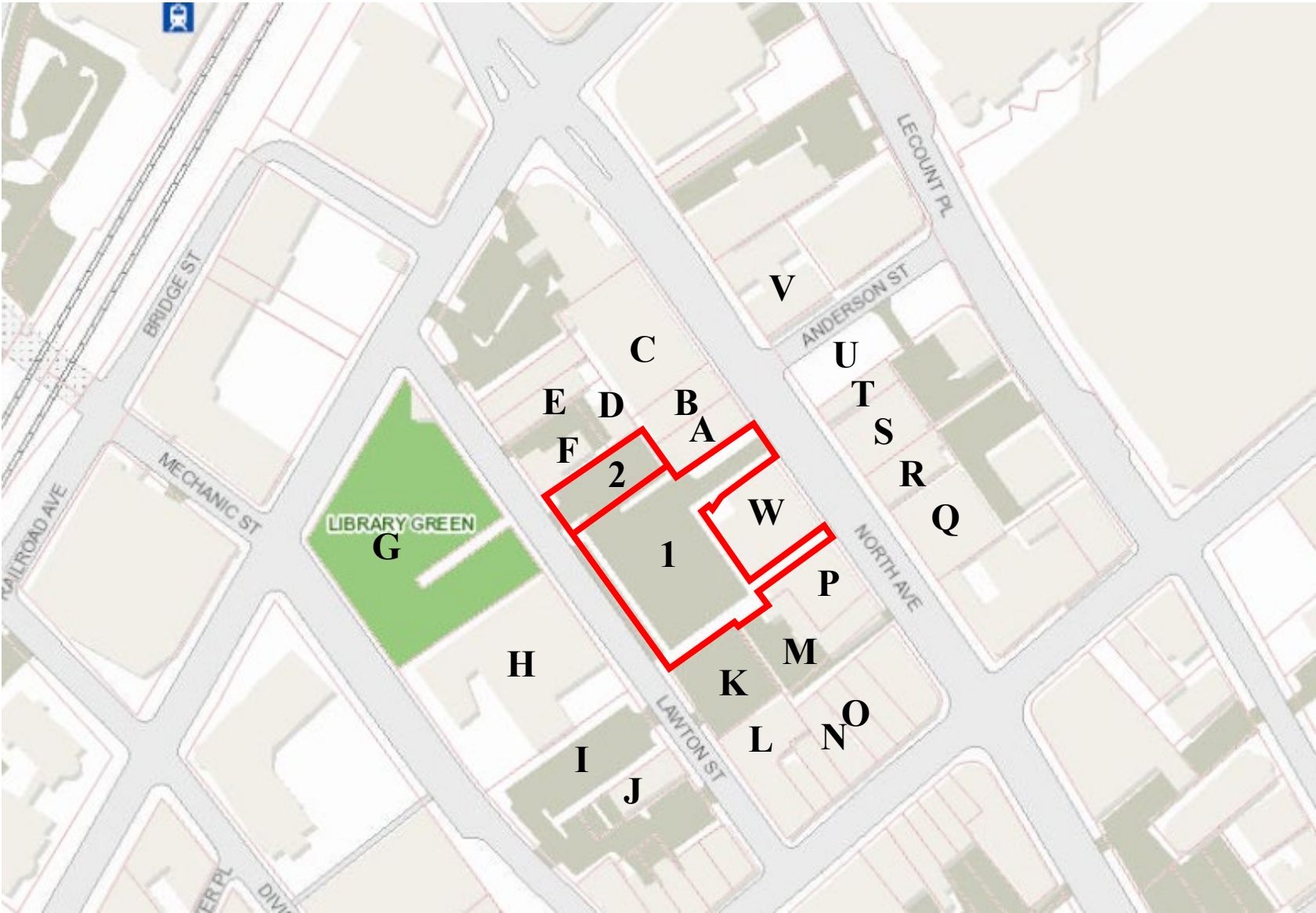
EXHIBIT A

BASE MAP

J&L Cleaners Lawton St. Site
35 and 39 Lawton Street
New Rochelle, New York 10801

Legend:
 Site Property Boundary

Corresponding page
lists adjacent property owners by
letter A – V



September 2022
Source: Westchester County GIS
Scale: 1" = 100' approximately

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.

Number	Property Owner(s) Name(s)	Property Address	Section-Block-Lot
1	City of New Rochelle	35 Lawton Street	1-229-0056
2	City of New Rochelle	39 Lawton Street	1-229-0023

Letter	Adjacent Property Owner(s) Name(s)	Property Address	Section-Block-Lot
A	MKM Equity LLC	230 North Avenue	1-229-0055
B	Mouzakis Realty Co. Inc.	234 North Avenue	1-229-0053
C	1Nostrand Realty LLC	240 North Avenue	1-229-0052
D	Meeting House Zen Group, Inc.	45 Lawton Street	1-229-0026
E	Sterling Estates Inc.	47 Lawton Street	1-229-0028
F	Lawton Street Realty Corp	41 Lawton Street	1-229-0025
G	County of Westchester	264 Huguenot Street	1-230-0032
H	New Rochelle Public Library	1 Library Plaza Street	1-230-0047
I	City of New Rochelle	Lawton Street	1-230-0048
J	14 Lawton Street LLC	14 Lawton Street	1-230-0056
K	DB Main & Lawton LLC	11 Lawton Street	1-229-0012
L	DB Main & Lawton LLC	491 Main Street	1-229-0009
M	DB Main & Lawton LLC	210 North Avenue	1-229-0065
N	Rettner Main Street LLC	481 Main Street	1-229-0006
O	479 Main RNR LLC	479 Main Street	1-229-0005
P	DB Main & Lawton LLC	212 North Avenue	1-229-0062

Letter	Adjacent Property Owner(s) Name(s)	Property Address	Section-Block-Lot
Q	WBLM 14 LeCount Owner LLC	14 Le Count Place	1-228-0100
R	215 North RMR LLC	215 North Avenue	1-228-0013
S	LJSG Realty Company	227 North Avenue	1-228-0015
T	A & F Anderson Realty, Inc.	2 Anderson Street	1-228-0018
U	City of New Rochelle	20 Anderson Street	1-228-0300
V	Anderson Development LLC	4 Anderson Street	1-231-0015
W	45 South Main Street Corp.	218 North Avenue	1-229-0058



BCP Site Location

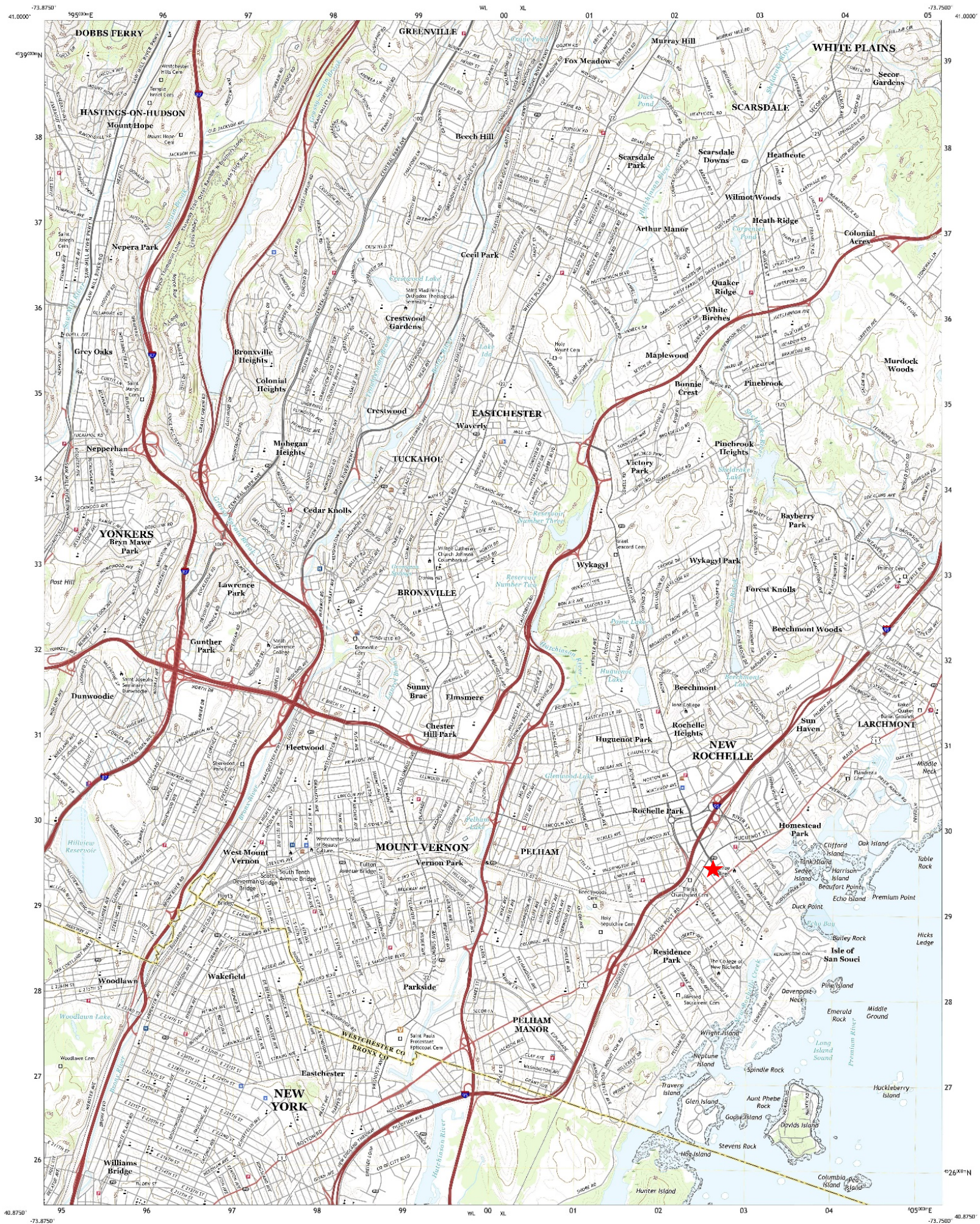
SITE LOCATION MAP



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

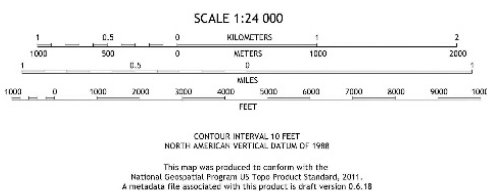
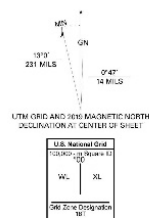


MOUNT VERNON QUADRANGLE
NEW YORK
7.5-MINUTE SERIES



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84)
This map is not a legal document. Boundaries may be generalized for this map scale. Private lands within government reservations may not be shown. Obtain permission before entering private lands.

Imagery: NAIP, July 2015 - December 2017
Roads: U.S. Census Bureau, 2016
Names: GNS, 1980 - 2009
Hydrography: National Hydrography Dataset, 2002 - 2019
Contours: National Elevation Dataset, 1999 - 2015
Boundaries: metadata file, 2017 - 2018
Wetlands: FWS National Wetlands Inventory 2008 - 2011



1	2	3
4	5	6
7	8	9

NEIGHBORING QUADRANGLES

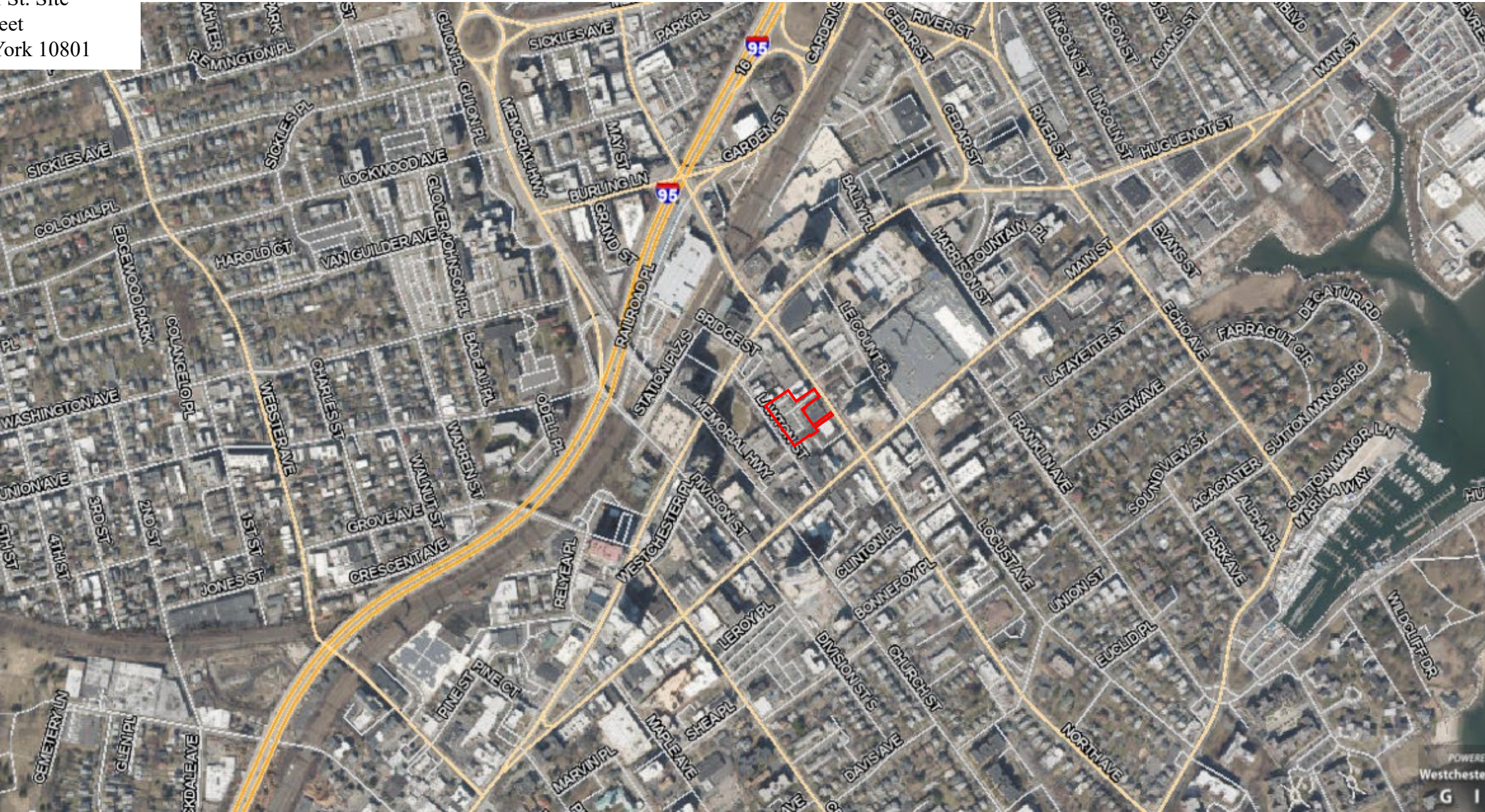
ROAD CLASSIFICATION	
Expressway	Local Connector
Secondary Hwy	Local Road
Ramp	RWD
Interstate Route	US Route
	State Route

MOUNT VERNON, NY
2019



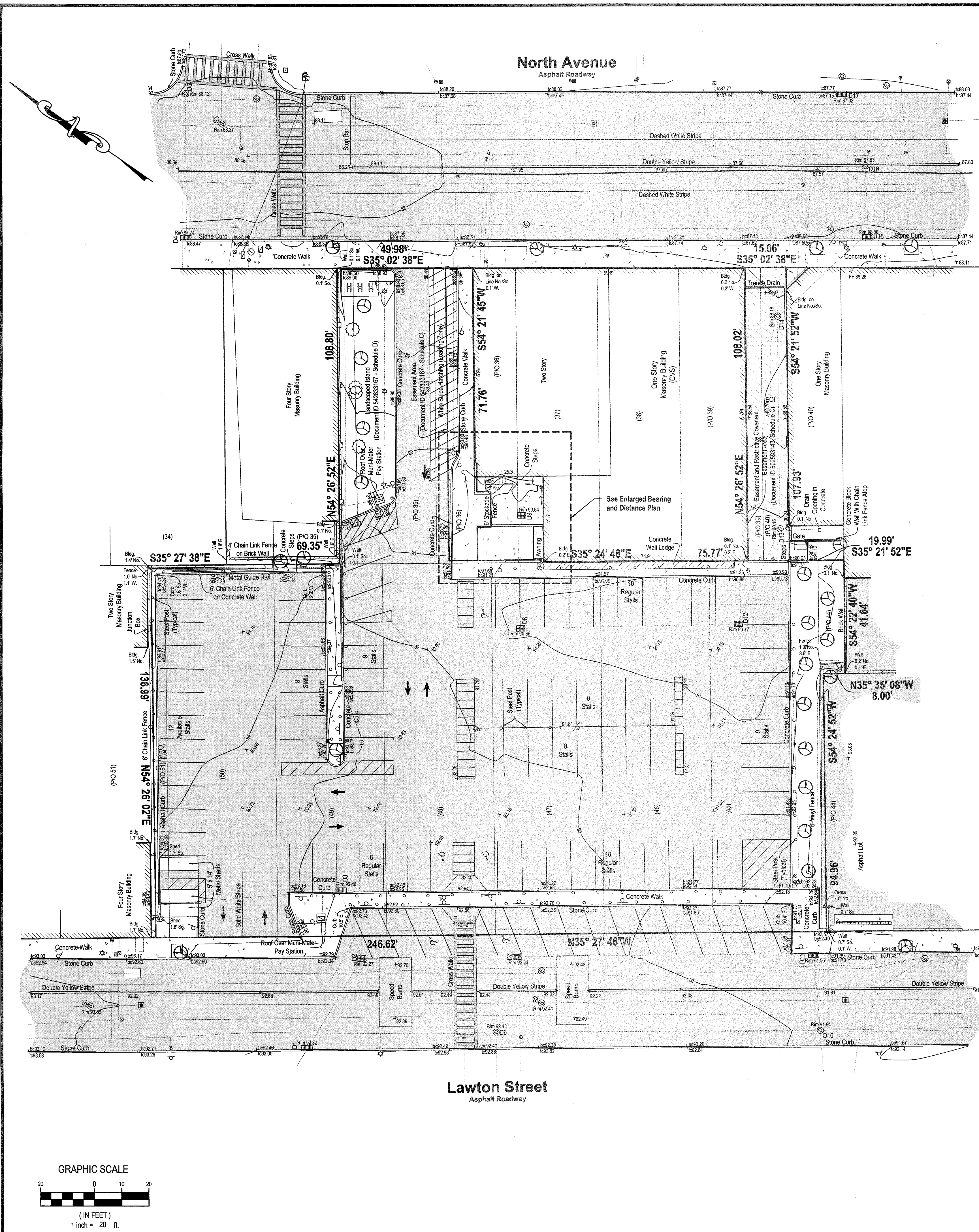
Street Map

J&L Cleaners Lawton St. Site
35 and 39 Lawton Street
New Rochelle, New York 10801



Legend:
— Site Property Boundary

EXHIBIT B



DRAINAGE & SANITARY STRUCTURE SCHEDULE					
STRUCT. NUMBER	STRUCTURE TYPE	RIM/B/C ELEVATION (FEET)	TOP OF RING ELEVATION (FEET)	BOTTOM OF STRUCTURE ELEVATION (FEET)	EFFECTIVE DEPTH (FEET)
S1	SANITARY MANHOLE, 5'Ø BRICK STRUCTURE	93.05	N/A	83.8	N/A
S2	SANITARY MANHOLE, 4' X 8' BRICK STRUCTURE	92.32	N/A	82.7	N/A
S3	SANITARY MANHOLE, 4'Ø CONCRETE BLOCK STRUCTURE	88.37	N/A	80.5	N/A
D1	CATCH BASIN, 4' X 4' CONCRETE BLOCK BOX	92.32	N/A	89.2	N/A
D2	RECTANGULAR INLET, 3' X 4' CONCRETE BLOCK BOX	92.27	N/A	89.6	N/A
D3	CATCH BASIN, 4' X 4' SOLID CONCRETE BOX	92.46	N/A	89.2	N/A
D4	CATCH BASIN, 4' X 4' CONCRETE BLOCK BOX	87.74	N/A	85.9	N/A
D5	DRAINAGE MAHOLE, 5'Ø SOLID CONCRETE RING	88.12	N/A	83.2	N/A
D6	DRAINAGE MAHOLE, 4'Ø SOLID CONCRETE RING	92.43	N/A	89.7	N/A
D7	RECTANGULAR INLET, 2.5' X 4' CONCRETE BLOCK BOX	92.24	N/A	89.6	N/A
D8	RECTANGULAR INLET, 2.5' X 4' SOLID CONCRETE BOX	90.89	N/A	84.6	N/A
D9	SQUARE INLET, 2' X 2' SOLID CONCRETE BOX	90.64	N/A	87.4	N/A
D10	DRAINAGE MANHOLE, 4'Ø SOLID CONCRETE RING	91.94	N/A	88.8	N/A
D11	CATCH BASIN, 4' X 4' SOLID CONCRETE BOX	91.55	N/A	88.4	N/A
D12	RECTANGULAR INLET, 2.5' X 4' SOLID CONCRETE BOX	90.17	N/A	85.7	N/A
D13	DRAINAGE MANHOLE, 4'Ø BRICK STRUCTURE	90.21	N/A	86.5	N/A
D14	DRAINAGE MANHOLE, 4'Ø BRICK STRUCTURE	88.18	N/A	84.9	N/A
D15	CATCH BASIN, 4' X 4' BRICK STRUCTURE	86.88	N/A	84.6	N/A
D16	DRAINAGE MANHOLE, 4'Ø BRICK STRUCTURE	87.53	N/A	83.4	N/A
D17	CATCH BASIN, 4' X 4' CONCRETE BLOCK BOX	87.02	N/A	N/A	N/A

GENERAL NOTES

- PARCEL AREA IS 41,258.16 S.F. OR 0.95 ACRES
- THE OFFSETS AND DIMENSIONS SHOWN FROM STRUCTURES TO THE PROPERTY LINE ARE FOR A SPECIFIC PURPOSE AND ARE NOT INTENDED TO GUIDE THE ERECTION OF FENCES WALLS POOLS PATIOS ADDITIONS TO BUILDINGS AND ANY OTHER CONSTRUCTION.
- THE LOCATIONS OF UNDERGROUND STRUCTURES AND UTILITIES SHOWN HEREON ARE BASED ON ABOVEGROUND FEATURES AND/OR RECORD DRAWINGS AND MARKOUT PROVIDED BY SINGER UTILITY ENGINEERING, P.C. ON MAY, 2017. LOCATIONS OF UNDERGROUND STRUCTURES AND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED STRUCTURES AND UTILITIES MAY BE ENCOUNTERED. THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION.

UTILITY NOTES

SUBSURFACE UTILITY ENGINEERING (SUE) QUALITY LEVELS OF SERVICE (ACCURACY)
ALL UTILITIES ARE QUALITY LEVEL B (QL-B) UNLESS OTHERWISE NOTED

QL-A = QUALITY LEVEL A (TEST HOLES)
DATA TYPICALLY ACQUIRED AT ONE POINT ON AN UNDERGROUND UTILITY FEATURE EXPOSED BY AIR VACUUM EXCAVATION OR OTHER MEANS. THE HORIZONTAL AND VERTICAL LOCATION OF THIS REFERENCE POINT IS ACQUIRED AND REPORTED TO ACCEPTABLE SURVEY TOLERANCES. THE ACQUIRED DATA FULFILLS SECTION 5.4.5 ON PAGE 6 OF ASCE STANDARD 38-02.

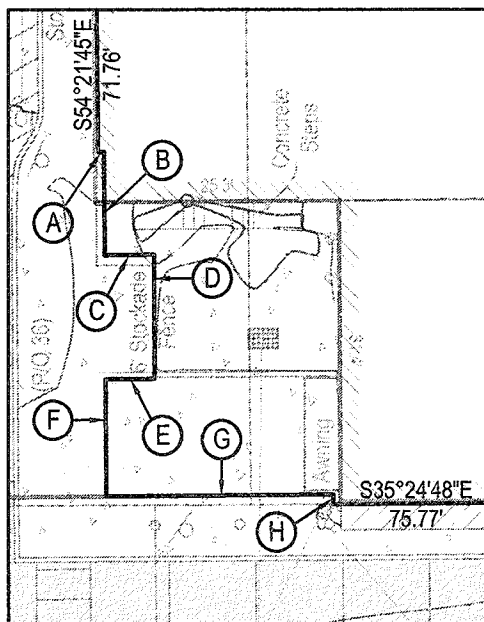
QL-B = QUALITY LEVEL B (UTILITY DESIGNATION)
DEPICTION OF AN UNDERGROUND UTILITY LINE ESTABLISHED BY SENSING THE LOCATION WITH ELECTRONIC INSTRUMENTATION. LINEWORK AND UTILITY SURFACE FEATURES ARE ACQUIRED BY SURVEYING POINTS ALONG ALIGNMENT TO ACCEPTABLE SURVEY TOLERANCES.

QL-C = QUALITY LEVEL C (RECORDS PLOTTING)
UTILITY INFORMATION OBTAINED FROM RECORD INFORMATION AND PLOTTED TO CORRELATE WITH SURFACE UTILITY FEATURES WHICH HAVE BEEN SURVEY LOCATED AND ACCURATELY REDUCED ON TO DESIGN/CONSTRUCTION DOCUMENTS.

QL-D = QUALITY LEVEL D (RECORDS DRAFTING)
DEPICTION OF UNDERGROUND UTILITY LINES BY TRANSCRIPTION FROM UTILITY RECORDS OR PLACED FROM VERBAL RECOLLECTIONS WITHOUT BENEFIT OF SURVEYED SURFACE FEATURES. ACCURACY OF INFORMATION IS QUESTIONABLE.

EOI
END OF INFORMATION PERTAINS TO THE LOSS OF SIGNAL THAT HAS BEEN APPLIED TO AN UNDERGROUND UTILITY AND THEN DETECTED TO ELECTRONICALLY LOCATE THE UTILITY. COMMONLY FOUND WHERE UTILITIES CHANGE TO NON-CONDUCTIVE MATERIALS, ARE CUT OR AT END OF UTILITY.

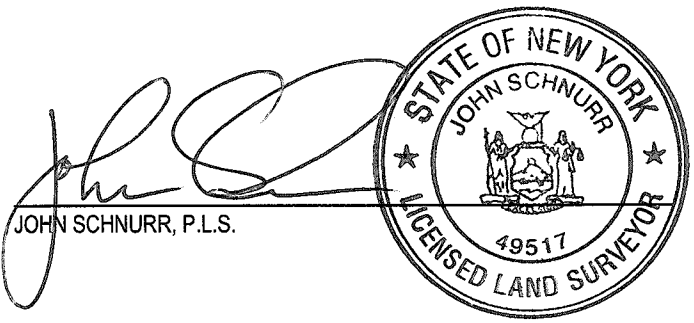
ENLARGED BEARING AND DISTANCE PLAN



LINE	BEARING	DISTANCE
A.	S 35° 28' 08" E	0.69'
B.	S 54° 31' 52" W	10.73'
C.	S 35° 28' 08" E	5.10'
D.	S 54° 31' 52" W	13.00'
E.	N 35° 28' 08" W	5.10'
F.	S 54° 31' 52" W	12.10'
G.	S 35° 28' 08" E	23.50'
H.	S 54° 31' 52" W	1.00'

LEGEND

⊙	DRAINAGE MANHOLE	—	SIGN
⊙	INLET	—	TWO POST SIGN
⊙	INLET	⊙	MANHOLE
⊙	HYDRANT	⊙	BOLLARD
⊙	WATER VALVE	⊙	DECIDUOUS TREE
⊙	ROOF DRAINLEADER	—	CURB
⊙	SANITARY MANHOLE	—	DROP CURB
⊙	CLEAN OUT	—	STORM DRAIN
⊙	ELECTRIC MANHOLE	—	WATER MAIN
⊙	ELECTRIC RISER	—	SANITARY SEWER
⊙	LIGHT	—	UNDERGROUND GAS
⊙	PULL BOX	—	UNDERGROUND ELECTRIC
⊙	TRAFFIC SIGNAL POLE	—	UNDERGROUND TELEPHONE
⊙	UTILITY POLE/GUY POLE	—	OVERHEAD WIRES
⊙	GUY WIRE	—	FENCE
⊙	TELEPHONE MANHOLE	⊙	HANDICAP PARKING STALL
⊙	GAS VALVE	⊙	ASPHALT PAVEMENT
		⊙	CONCRETE PAVEMENT
		⊙	BRICK/PAVER PAVEMENT



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+
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New York, NY 10001
White Plains, NY 10604
New City, NY 10956
Parsippany, NJ 07054
Howell, NJ 07731

DESIGNED BY: JSG/CFA
DRAWN BY: JSG
CHECKED BY:

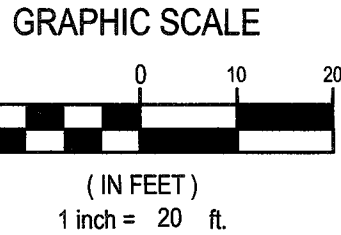
PROJECT NO.: RENN-1701
DATE: 5/2/2017
SCALE: 1"=20 FEET

UPDATE OUTLINE: 07/21/2017
UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 220 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEING THE LAND SURVEYOR'S SEAL OR BEING RESEALED SHALL NOT BE CONSIDERED TO BE A VALID OR TRUE COPY. CERTIFICATION INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON HIS BEHALF, TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

BOUNDARY SURVEY FOR
RENNAISANCE DOWNTOWNS

NEW ROCHELLE
WESTCHESTER COUNTY
NEW YORK

BOUNDARY SURVEY OF
P/O LOTS 35, 36, 39, 40, 44 & 51
AND LOTS 45 THRU 50 INCL.
MAP OF BUILDING LOTS
PROPERTY OF BENJAMIN SEACORD
FILED: VOLUME 2, PAGE 7
FILE DATE: NOVEMBER 2, 1953
WCTM: SECTION 1, BLOCK 229, LOTS 23 & 56



TAX MAP

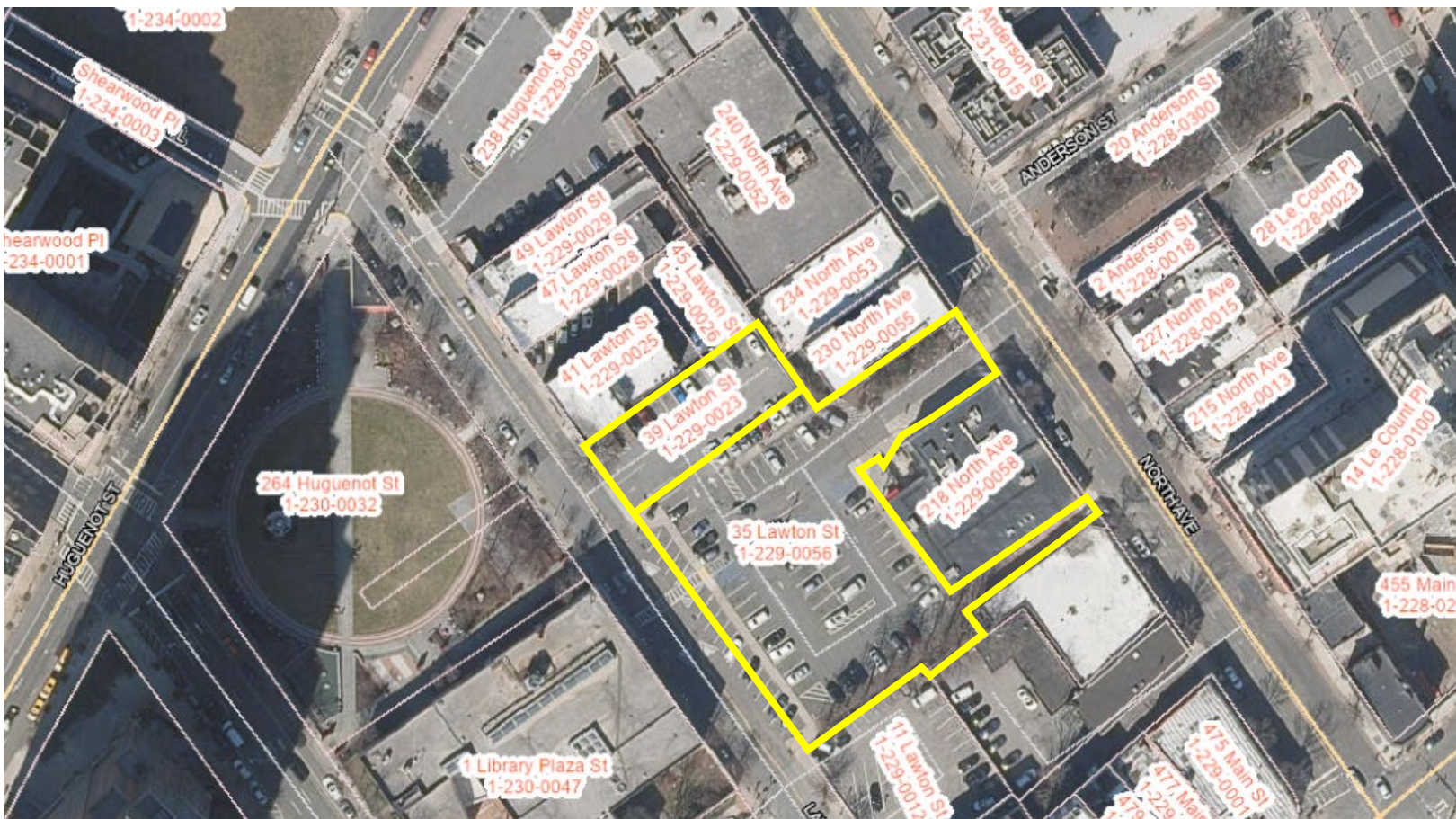
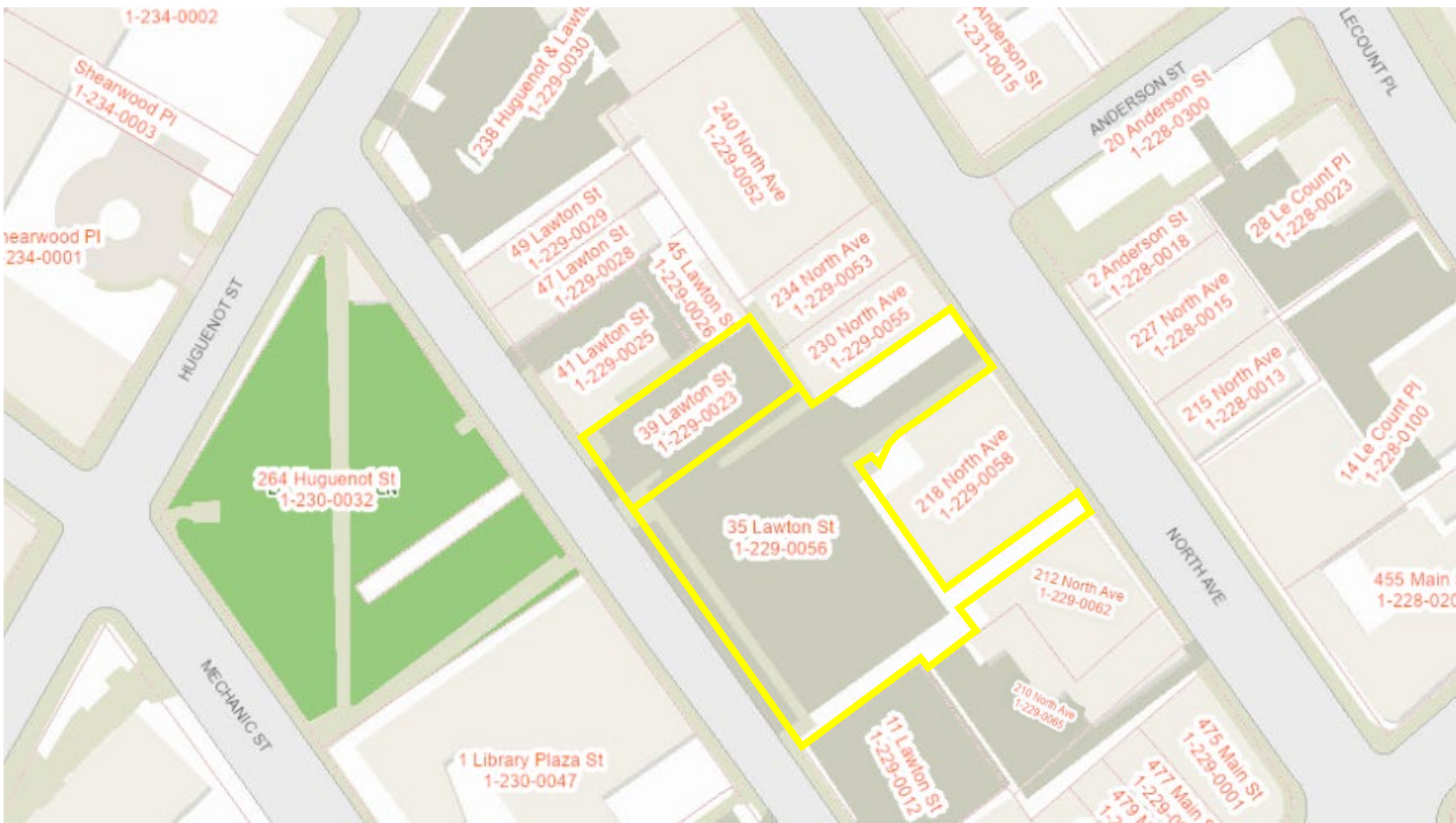




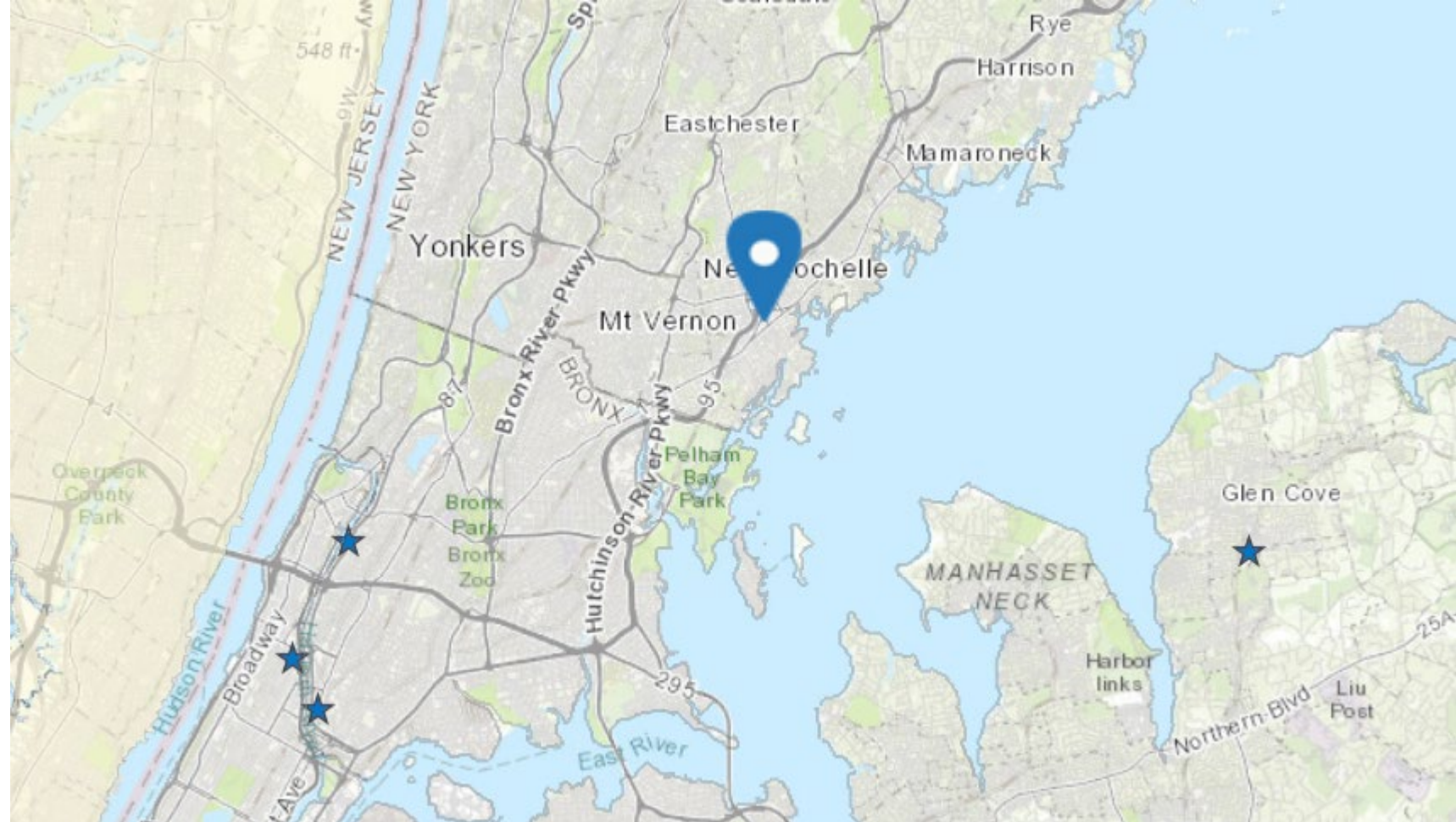
EXHIBIT C

BOA Map

J&L Cleaners Lawton St. Site
35 and 39 Lawton Street
New Rochelle, New York 10801

Legend:

-  Site Location
-  BOA Locations



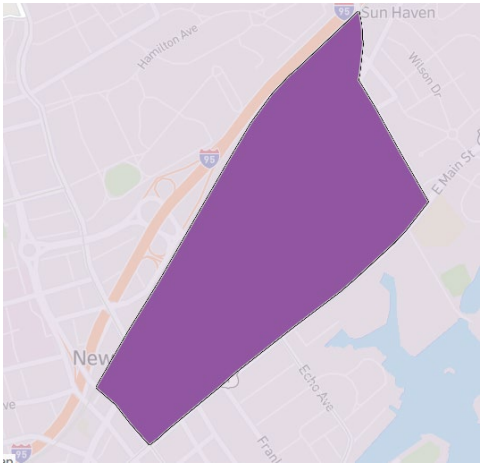
September 2022

Source: NYS Geographic Information Gateway

Scale: 1" = 100' approximately

Disadvantage Communities Map

J&L Cleaners Lawton St. Site
35 and 39 Lawton Street
New Rochelle, New York 10801



Census Tract 36119006000 is **Designated a Draft DAC**
This Tract covering **New Rochelle city** has a population of **4,175**

- Legend:**
- ★ Site Location
 - Disadvantaged Community

Environmental Burden is higher
than **89%** of Census Tracts statewide
Population Vulnerability is higher
than **52%** of Census Tracts statewide

Population Characteristics & Vulnerability

Health Impacts & Burdens	Asthma ED visits	63%
	COPD ED visits	24%
	Heart attack (MI) Hospitalization	74%
	Low Birthweight	48%
	Pct Adults Age 65+	34%
	Pct w/ Disabilities	20%
	Pct w/o Health Insurance	59%
	Premature Deaths	39%
Housing, Mobility, Communications	Energy Poverty / Cost Burden	58%
	Homes Built Before 1960	39%
	Housing Cost Burden (Rental C..	57%
	Manufactured Homes	0%
	Pct Renter-Occupied Homes	72%
	Pct w/o Internet (home or cellul..	20%
Income	Pct <100% of Federal Poverty ..	30%
	Pct <80% Area Median Income	61%
	Pct Single-Parent Households	45%
	Pct w/o Bachelor's Degree	19%
	Unemployment Rate	44%
Race/Ethnicity	Historical Redlining Score	22%
	Limited English Proficiency	63%
	Pct Asian	75%
	Pct Black or African American	76%
	Pct Latino/a or Hispanic	74%
	Pct Native American or Indigen..	59%

Environmental Burden & Climate Change Risk

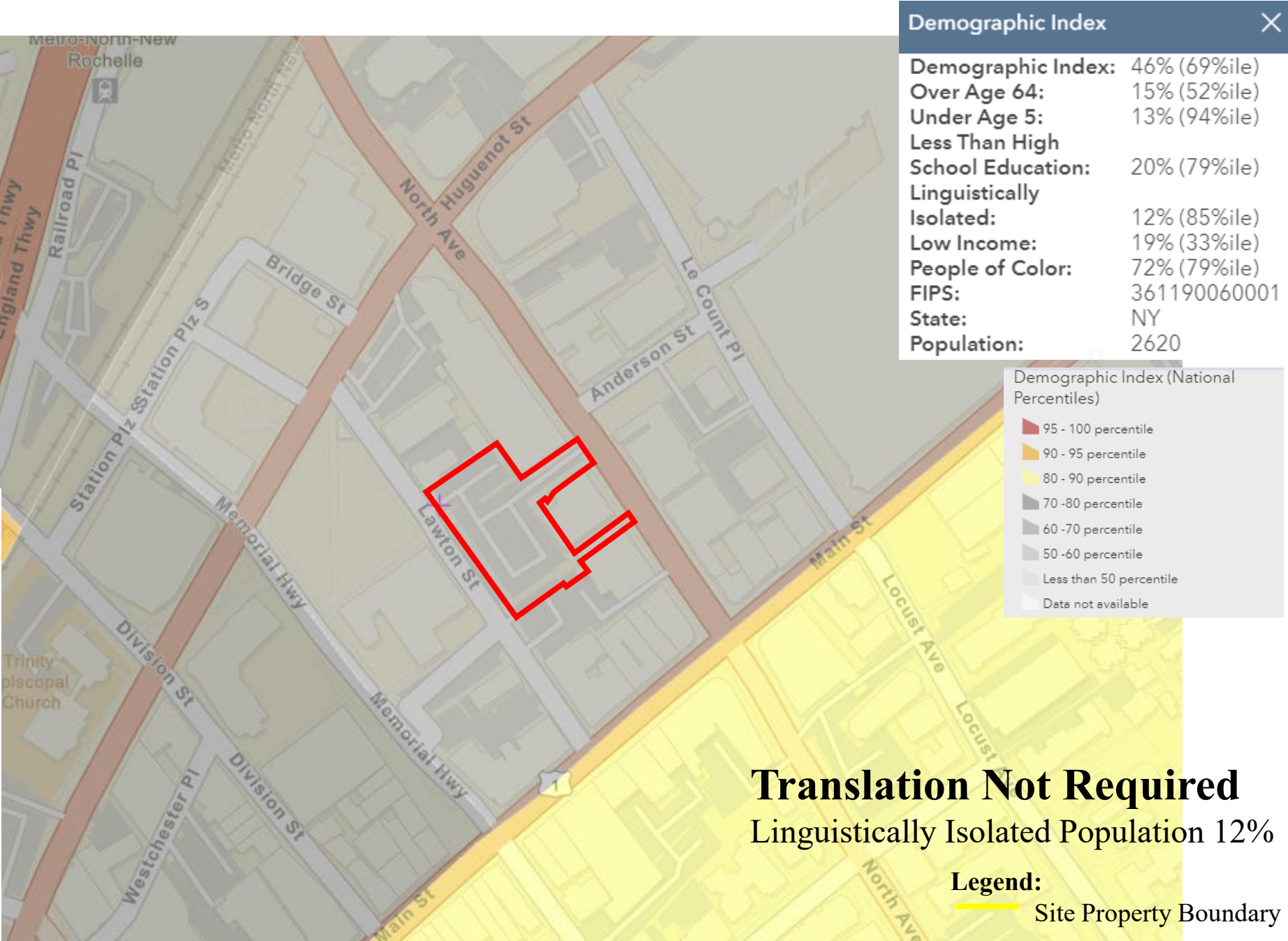
Land Use & Historic Discrimination	Active Landfills	0%
	Housing Vacancy Rate	48%
	Industrial/Manufacturing/Mining La..	62%
	Major Oil Storage Facilities	0%
	Municipal Waste Combustors	0%
	Power Generation Facilities	0%
	Regulated Management Plan (Ch..	42%
	Remediation Sites	92%
Potential Climate Change Risk	Scrap Metal Processing	0%
	Agricultural Land Use	0%
	Coastal Flooding and Storm Risk ..	0%
	Driving Time to Urgent/Critical Care	57%
	Extreme Heat Projections (>90° d..	96%
	Inland Flooding Risk Areas	0%
Potential Pollution Exposure	Low Vegetative Land Cover	68%
	Benzene Concentration (Modeled)	57%
	Particulate Matter (PM2.5)	52%
	Traffic: Diesel Trucks	98%
	Traffic: Number of Vehicles	91%
	Wastewater Discharge	40%

EJ MAP
J&L Cleaners Lawton St. Site
35 and 39 Lawton Street
New Rochelle, New York 10801

September 2022
Source: EPA EJ Screen
Scale: 1" = 100' approximately



Location: User-specified point center at 40.910221, -73.782291
Ring (buffer): 1-miles radius

	2015 - 2019 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	42,581	100%	716
English	21,219	50%	543
Spanish	15,380	36%	693
French	909	2%	241
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	115	0%	44
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	2,638	6%	375
Chinese	242	1%	130
Japanese	N/A	N/A	N/A
Korean	135	0%	112
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	0	0%	17
Other Asian	829	2%	161
Tagalog	92	0%	40
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	72	0%	100
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	654	2%	266
Total Non-English	21,361	50%	899

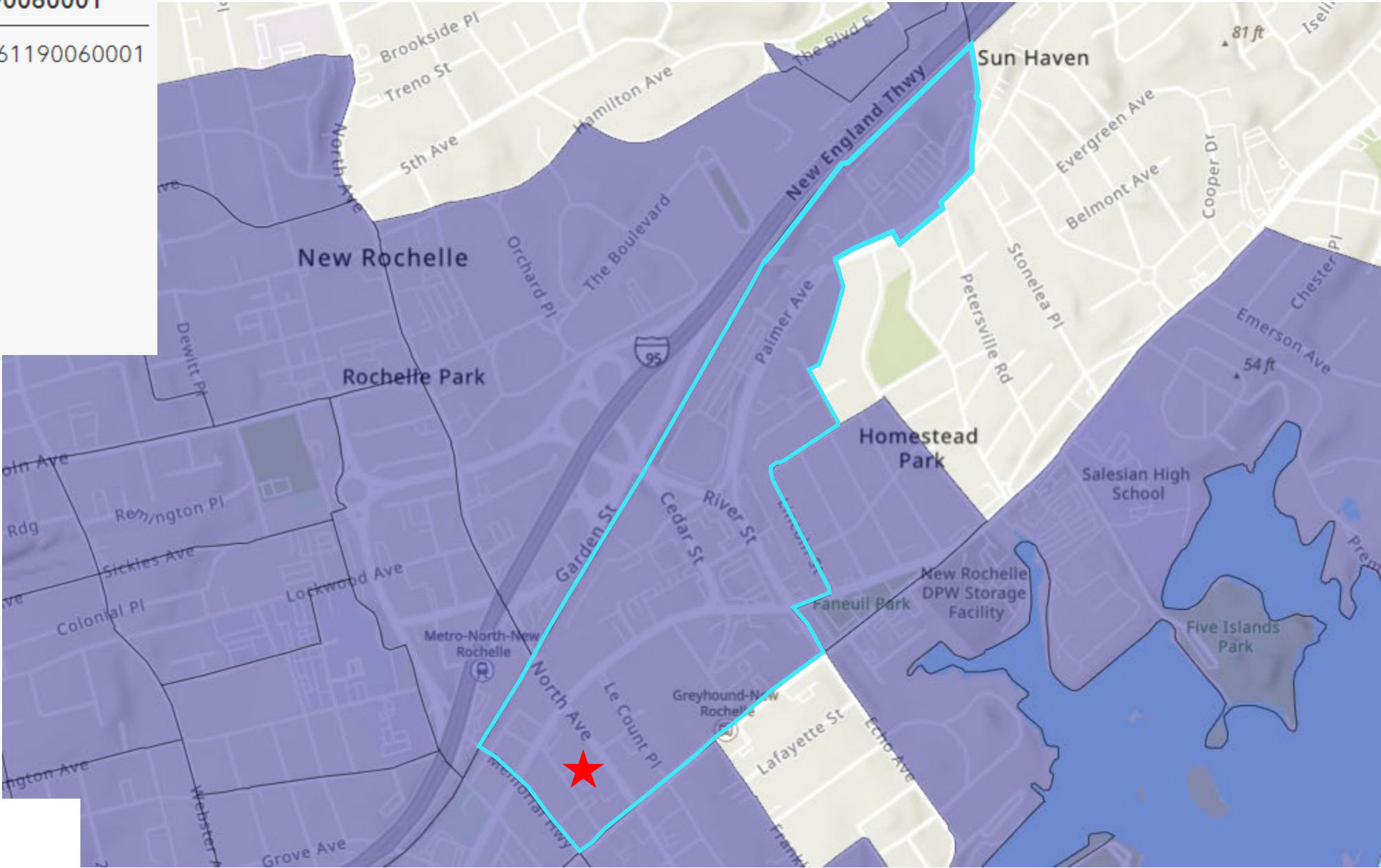


Potential Environmental Justice Area (PEJA)
Communities: 15000US361190060001

Census Block Group	15000US361190060001
Percentage Below Poverty Level	8.65
Total Population	1,199.00
Percentage Minority Population	62.51
PEJA	Yes

 Potential Environmental Justice Area
 Site Location

September 2022
Source: ArcGIS
Scale: 1" = 100' approximately

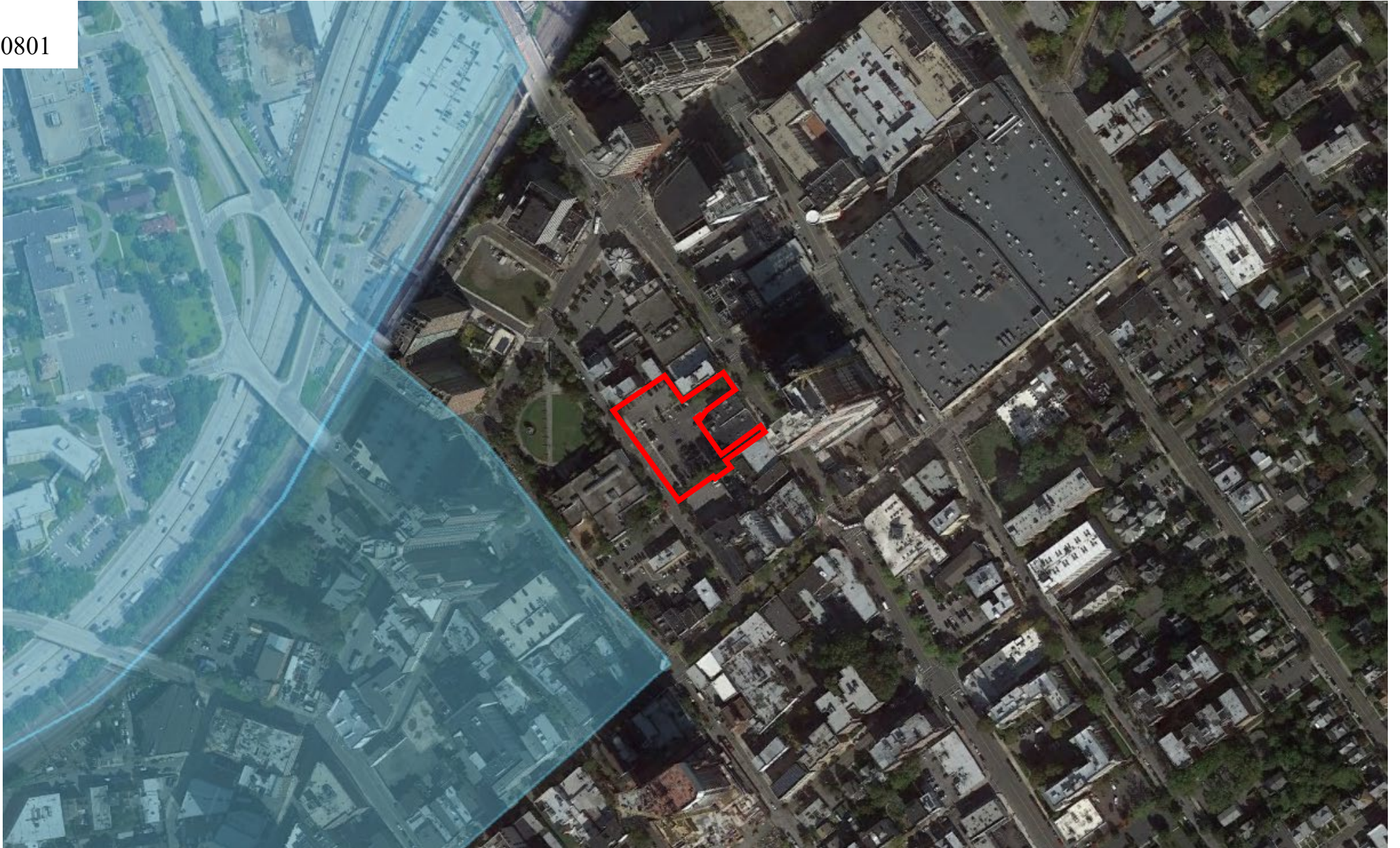


En-Zone Map

J&L Cleaners Lawton St. Site
35 and 39 Lawton Street
New Rochelle, New York 10801

Legend:

 Site Property
Boundary



September 2022

Source: Google Earth

Scale: 1" = 100' approximately

EXHIBIT D

J&L Cleaners Lawton St. Site
35 and 39 Lawton Street
New Rochelle, New York 10801

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.

September 2022
Source: FEMA Flood Map
 Scale: 1" = 100" approximately

If you have questions about this map or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov>.

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0341F

FIRM

FLOOD INSURANCE RATE MAP

for WESTCHESTER COUNTY, NEW YORK
(ALL JURISDICTIONS)

CONTAINS:

COMMUNITY

EASTCHESTER, TOWN OF

MOUNT VERNON, CITY OF

NEW ROCHELLE, CITY OF

PELHAM, VILLAGE OF

NUMBER

360909

360920

360922


360925

PANEL 341 OF 426

MAP SUFFIX: F

(LEFT LEAF - 1/2 OF PANEL NUMBER - 1/2 OF 1/2)

How to Use: The New York Number above indicates which panel, page, and map series to use. Community Number refers to the 1976 flood zone or insurance designation for the subject community.



MAP NUMBER

36115C0341

EFFECTIVE DATE

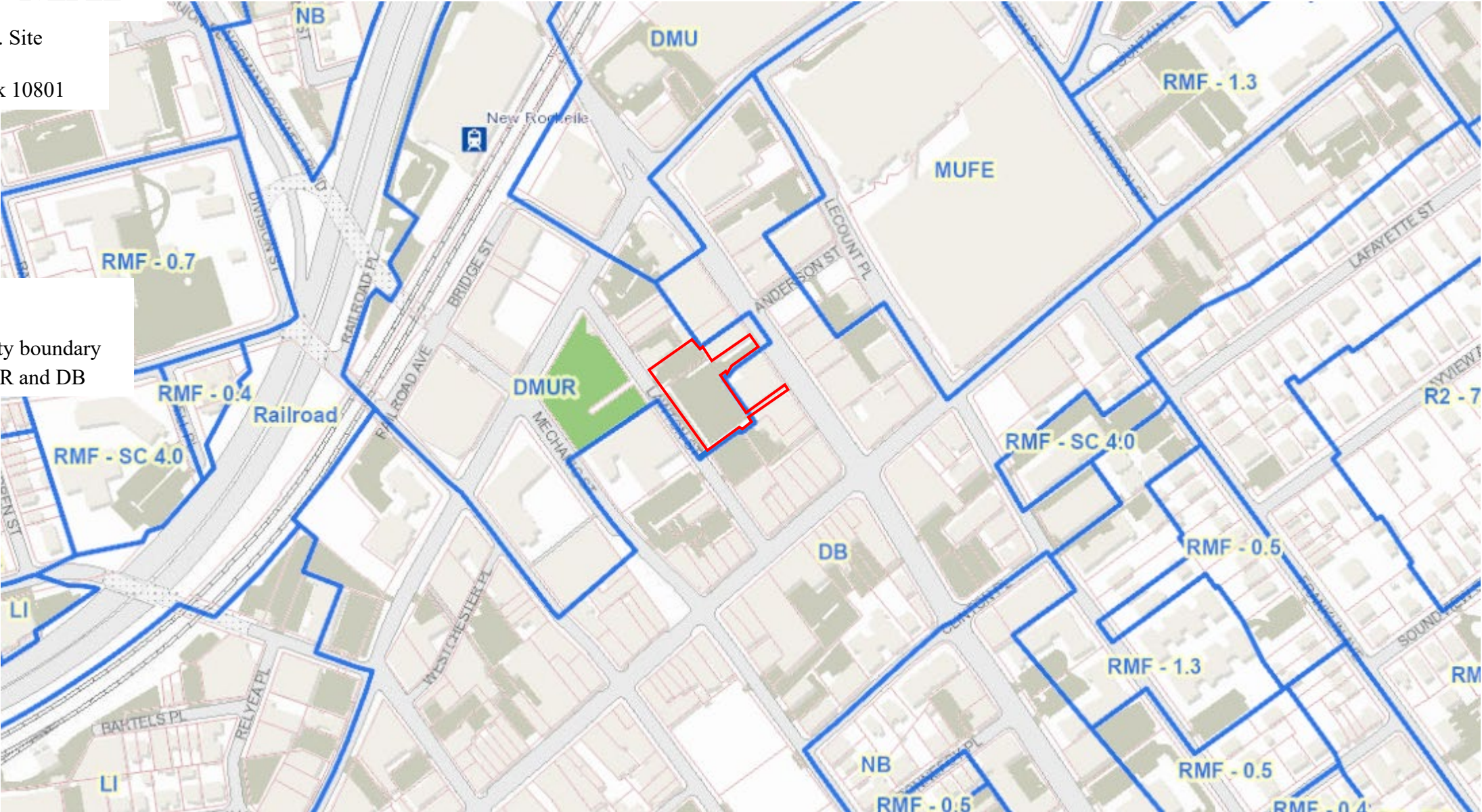
SEPTEMBER 28, 2001

Federal Emergency Management Agency

EXHIBIT E

ZONING MAP

J&L Cleaners Lawton St. Site
35 and 39 Lawton Street
New Rochelle, New York 10801



Legend:
— Site property boundary
Zoning Districts: DMUR and DB

September 2022
Source: Westchester County GIS
Scale: 1" = 100' approximately

Zoning District: DUMR (Downtown Mixed-Use Urban Renewal)

For the DMUR Downtown Mixed-Use Urban Renewal District, to encourage mixed-use residential and commercial development located in downtown New Rochelle, within an area officially designated by the City Council for urban renewal

A. Permitted principal uses.

- (1) Multifamily dwellings.
- (2) Business, professional, and/or governmental offices.
- (3) Stores and shops for sales at retail, or the performance of customary personal services.
- (4) Hotels.
- (5) Restaurants.
- (6) Health clubs.
- (7) Banks.
- (8) Libraries and museums.
- (9) Railroad stations.
- (10) Off-street parking facilities as regulated by Article **XIV** of this chapter.
- (11) Houses of worship.
- (12) Manufacture of products for retail sale, provided that a minimum of 30% of the gross floor area be dedicated to retail sales of the product, with such retail space located on the street level at the building's street frontage.
[Added 7-18-2017 by Ord. No. 152-2017]

B. Permitted accessory uses.

- (1) Uses and structures which are clearly incidental and customarily accessory to the permitted principal use on the lot on which they are located.
- (2) Satellite earth station or dish antennas as regulated by § **331-24**, but only when accessory to a permitted principal use on the lot on which it is located.
- (3) Sports courts.
[Amended 9-21-2004 by Ord. No. 198-2004]
- (4) The keeping of household pets as defined by § **331-4**.
- (5) Light manufacturing of products for retail sale on the premises only, provided that not more than five persons shall be so employed at any one time, and provided further that not more than 30% of the gross floor area of any establishment be so used.

C. Uses allowed by special permit.

[Amended 7-16-2002 by Ord. No. 139-2002]

- (1) Day-care centers, as regulated by § **331-113.6**.
[Amended 2-13-2007 by Ord. No. 48-2007; 9-19-2017 by Ord. No. 187-2017]
- (2) (Reserved)^[1]
[1] *Editor's Note: Former Subsection C(2), Day-care centers located on dead-end streets, added 2-13-2007 by Ord. No. 48-2007, was repealed 9-19-2017 by Ord. No. 187-2017.*
- (3) Schools located only on the second floor and above.
- (4) Outdoor dining as regulated by § **331-95**.
- (5) Outdoor swimming pools as regulated by § **331-109**.
- (6) Public utility uses and structures as regulated by § **331-106**.
- (7) Cellular antennas and associated facilities as regulated by § **331-99** of this chapter.
- (8) Motor vehicle rental agency as regulated by § **331-103**.
[Added 5-21-2003 by Ord. No. 106-2003]
- (9) Tattoo Studios, as regulated by § **331-110**.
[Added 3-23-2010 by Ord. No. 55-2010]
- (10) Cabarets accessory to a restaurant use as regulated by § **331-113.2**.
[Added 3-20-2012 by Ord. No. 50-2012]
- (11) Craft beverage production facilities as regulated by § **331-113.10**.
[Added 7-18-2017 by Ord. No. 152-2017]
- (12) eSports.
[Added 10-18-2017 by Ord. No. 205-2017]
- (13) Tasting rooms as regulated by § **331-113.12**.
[Added 2-12-2019 by Ord. No. 2019-42]
- (14) Discount variety stores as regulated by § **331-113.13**.
[Added 5-21-2019 by Ord. No. 2019-105]
- (15) Commercial EV Charging Stations as regulated by § **331-115.4**.
[Added 2-11-2020 by Ord. No. 2020-29]

Zoning District: DB (Downtown Business)

For the DB Downtown Business District, to allow the future growth and orderly development of the primary downtown area in the City with a wide variety of retail, office, service business and residential uses.

A. Permitted principal uses.

- (1) Stores and shops for sales at retail or the performance of customary personal services, excluding the sale of building materials, stone, lumber, coal, other fuels or other materials or products.
[Amended 6-16-2015 by Ord. No. 135-2015]
- (2) Dwelling units located on the second floor and above only, including living/loft or office arrangements as regulated by § **331-72C** of this chapter.
- (3) Business, professional, or governmental offices, to be located above first floor.
- (4) Banks.
- (5) Business or trade schools, to be located above first floor.
- (6) Restaurants.
- (7) Restaurants, carry-out.
- (8) Catering halls.
- (9) Dance studios, martial arts studios, aerobic exercise studios, and health clubs.
[Amended 1-21-2020 by Ord. No. 2020-11]
- (10) (Reserved)^[1]
[1] *Editor's Note: Former Subsection A(10), allowing supper theaters, cabarets and nightclubs as permitted principal uses, was repealed 7-15-2003 by Ord. No. 167-2003; former Subsections A(11), (12), (13), (14) and (15) were renumbered as Subsection A(10), (11), (12), (13) and (14).*
- (11) Theaters, bowling alleys, skating rinks, indoor tennis courts.
- (12) (Reserved)^[2]
[2] *Editor's Note: Former Subsection A(12), Health clubs, was repealed 1-21-2020 by Ord. No. 2020-11. See now Subsection A(9).*
- (13) Medical care facilities, to be located above first floor.
- (14) Off-street parking facilities as regulated by Article **XIV** of this chapter.
- (15) Houses of worship.
- (16) College-related uses.
[Added 2-19-2013 by Ord. No. 39-2013; amended 6-18-2013 by Ord. No. 121-2013]
- (17) Hotels.
[Added 2-24-2015 by Ord. No. 41-2015]
- (18) Manufacture of products for retail sale, provided that a minimum of 30% of the gross floor area be dedicated to retail sales of the product, with such retail space located on the street level at the building's street frontage.
[Added 7-18-2017 by Ord. No. 152-2017]

B. Permitted accessory uses.

- (1) Uses and structures which are clearly incidental and customarily accessory to the permitted principal use on the lot on which they are located.
- (2) Amusement devices as regulated by Chapter **86** of the City Code.
- (3) Satellite earth station or dish antennas as regulated by § **331-24**, but only when accessory to a permitted principal use on the lot on which it is located.

C. Uses allowed by special permit. (See Article **XII** for body having jurisdiction to issue special permit.) [Amended 7-16-2002 by Ord. No. 139-2002]

- (1) (Reserved)^[3]
[3] *Editor's Note: Former Subsection C(1), Day-care centers located on through streets, as amended, was repealed 9-19-2017 by Ord. No. 187-2017.*
- (2) (Reserved)^[4]
[4] *Editor's Note: Former Subsection C(2), Day-care centers located on dead-end streets, added 2-13-2007 by Ord. No. 48-2007, was repealed 9-19-2017 by Ord. No. 187-2017.*
- (3) (Reserved)^[5]
[5] *Editor's Note: Former Subsection C(3), which set forth colleges, universities, and private schools as regulated by § **331-113.1**, as a use allowed by special permit, was repealed 2-19-2013 by Ord. No. 39-2013.*
- (4) Outdoor dining as regulated by § **331-95**.
- (5) Public utility uses as regulated by § **331-106**.
- (6) Cellular antennas and associated facilities as regulated by § **331-99** of this chapter.
- (7) Businesses which store, package and ship products to wholesale or catalog retail establishments which utilize the internet.
- (8) Craft beverage production facilities as regulated by § **331-113.10**.
[Amended 7-18-2017 by Ord. No. 152-2017]
- (9) Billiard halls as regulated by § **331-113**.
- (10) Clubs as regulated by § **331-94**.
- (11) Funeral parlors.
- (12) Cabarets, as accessory to a restaurant, with a public assembly occupancy limit not to exceed 250 persons as regulated by § **331-113.2**, when located within the Cabaret Overlay Zone.
[Added 7-15-2003 by Ord. No. 167-2003; amended 9-17-2014 by Ord. No. 124-2014]
- (13) Tattoo Studios, as regulated by § **331-110**.
[Added 3-23-2010 by Ord. No. 55-2010]
- (14) eSports.
[Added 10-18-2017 by Ord. No. 205-2017]
- (15) Tasting rooms as regulated by § **331-113.12**.
[Added 2-12-2019 by Ord. No. 2019-42]
- (16) Discount variety stores as regulated by § **331-113.13**.
[Added 5-21-2019 by Ord. No. 2019-105]
- (17) Commercial EV Charging Stations as regulated by § **331-115.4**.
[Added 2-11-2020 by Ord. No. 2020-29]

EXHIBIT F

PREVIOUS OWNERS & OPERATORS LIST

J&L Cleaners Lawton St. Site

35 and 39 Lawton Street

New Rochelle, New York 10801

Year	Contact Information 35 Lawton Street 1-229-0056	Status	Relation to Requestor
Unknown – 1941	North Avenue Building, Inc. Last Known Address: 342 Madison Avenue Manhattan, New York Phone: Unknown	Unknown	None
1941 - 1962	North Realty Corp. Last Known Address: 22 East 40 th Street New York, New York Phone: Unknown	Unknown	None
1961 - 1977	Millard F. Biber Last Known Address: 315 East 65 th Street New York, New York Phone: Unknown	Unknown	None
1977 – Present	City of New Rochelle Address: 515 North Avenue New Rochelle, New York 10801 Phone: (914) 654-2000	Active	None
Operator			
1887 -1892	Huguenot Engine Co. Address: C/O New Rochelle Fire Department 90 Beaufort Place, #90 New Rochelle, New York 10801 Phone: (914) 654-2211	Inactive	None
1887 -1892	Washington Hotel	N/A	None
1887 - 1892	Justice's Office	N/A	None
1887 -1911	Glass Green House	N/A	None
1892	J.M.S. Namara Florist (with lumber shed) Address: Unknown Phone: Unknown	Unknown	None
1892 - 1911	N.B. Kershow's and Sons Wagon Manufacturing (Carriage Mall) – Woodwork and painting Address: Unknown Phone: Unknown	Unknown	None
1896 – 1903	Wagon Storage	N/A	None
1896 - 1903	Fire Engine & Fire Patrol Address: C/O New Rochelle Fire Department 90 Beaufort Place, #90 New Rochelle, New York 10801 Phone: (914) 654-2211	Active	None
1903	Plumbing	N/A	None
1911	Open Shed Storage	N/A	None
1911	Lawton Café Address: Unknown Phone: Unknown	Unknown	None
1911	Livery	N/A	None
1931	Electric Motor Machine & Repair Shop Address: Unknown Phone: Unknown	Unknown	None
1942	Police Headquarters Address: City Hall, 475 North Avenue, #2 New Rochelle, New York 10801 Phone: (914) 654-2300	Active	None
1951	Hugh Westlink – Upholstery Shop Address: Unknown Phone: Unknown	Unknown	None
1951	Auto	N/A	None
1964	J&L Tailors and Cleaners Address: Unknown Phone: Unknown	Unknown	None

PREVIOUS OWNERS & OPERATORS LIST

J&L Cleaners Lawton St. Site

35 and 39 Lawton Street

New Rochelle, New York 10801

1977 – Present	City of New Rochelle Parking (With Pedestrian Walkway) Address: 515 North Avenue New Rochelle, New York 10801	Phone: (914) 654-2000	Active	None
----------------	---------------------------------------------------------------------------------------------------------------------	-----------------------	--------	------

Year	Contact Information 39 Lawton Street 1-229-0023	Status	Relation to Requestor
Unknown – 1959	39 Lawton Street Corp. Last Known Address: c/o Louis Perlman 570 7 th Avenue New York, New York	Phone: Unknown	Inactive None
1959 - 1986	Lawton-Edman Inc. Address: c/o French, Fink & Markle 110 East 42 nd Street New York, New York 10017	Phone: Unknown	Inactive None
1986 - 1990	Edgar J. Roedelhimer and Lillian M. Steinman Last Known Address: 444 Ravina Street LaJolla, California 92037	Phone: Unknown	Unknown None
1990 – Present	City of New Rochelle (Acquired by Eminent Domain) Address: 515 North Avenue New Rochelle, New York 10801	Phone: (914) 654-2000	Active None
Operator			
1896 – 1911	The Tavern Hotel Address: Unknown	Phone: Unknown	Unknown None
1903	Furniture		N/A None
1931	Various unknown stores		N/A None
1951 - 1955	Laundry & Dry-Cleaning Plant Address: Unknown	Phone: Unknown	Unknown None
1972 - 1977	Kenwood Laboratories Inc. Address: C/O Tenzer, Greenblatt, Fallon & Kaplan 1501 Broadway New York, New York 10036		Inactive None
1990 - 1996	Vacant Store		N/A None
1990 – Present	City of New Rochelle Parking Address: 515 North Avenue New Rochelle, New York 10801	Phone: (914) 654-2000	Active None

EXHIBIT G

NOTE:
THIS PLAN IS FOR LOCATING BORING ONLY.
OTHER SITE WORK SHOWN HERE IS NOT INTENDED FOR CONSTRUCTION.

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LEGEND:



TW-1. PROPOSED GROUNDWATER SAMPLE NUMBER AND APPROX. LOCATION

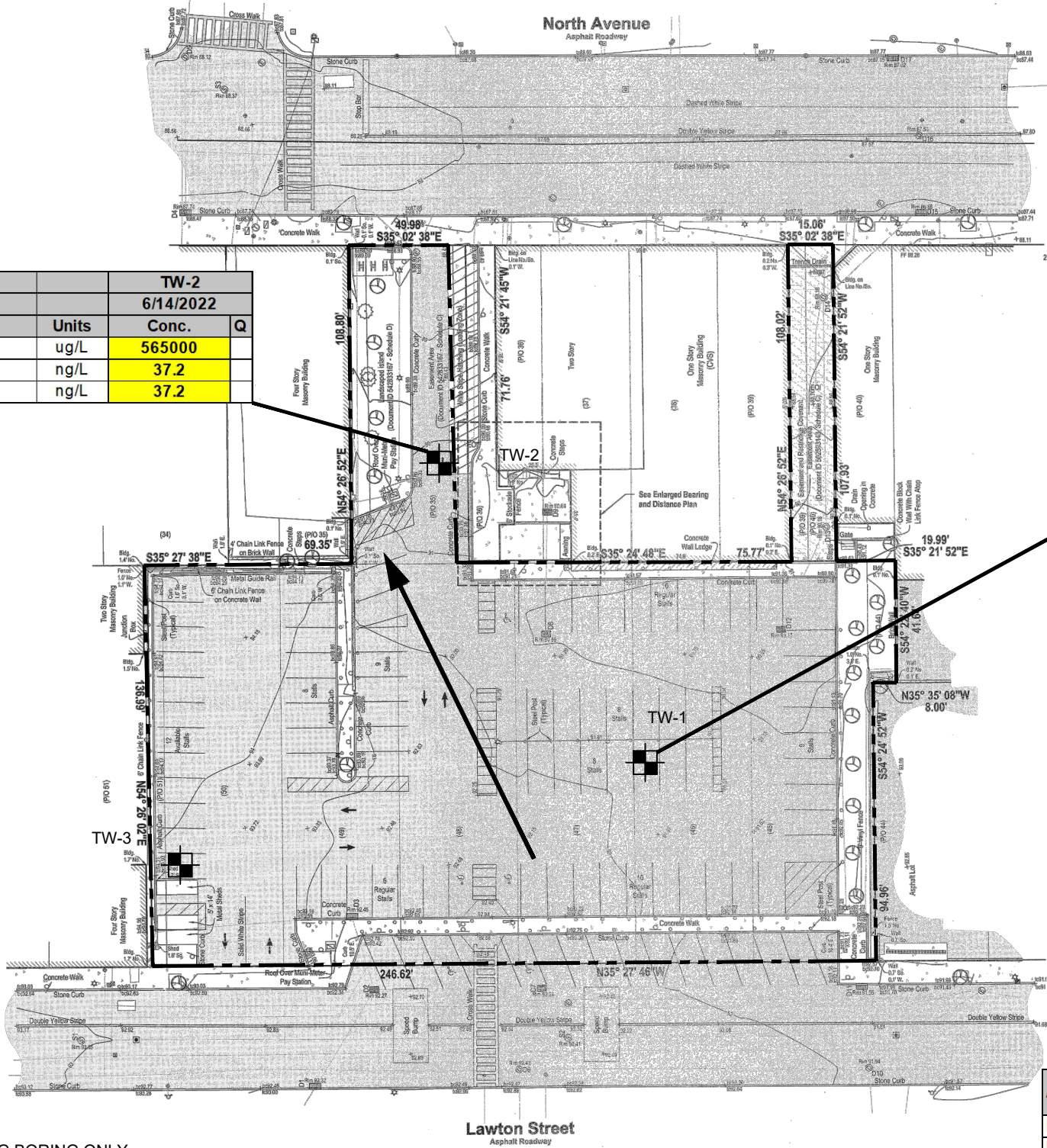
--- PROPERTY BOUNDARY



ANTICIPATED DIRECTION OF GROUNDWATER FLOW

REFERENCE

1. EXIST CONDITIONS & BOUNDARY ARE TAKEN FROM "BOUNDARY SURVEY FOR RENNAISANCE DOWNTOWNS" PREPARED BY H2M ARCHITECT + ENGINEERS, DAVED 5/2/2017.



Sample ID		TW-2	
Date Sampled		6/14/2022	
	Units	Conc.	Q
Sodium	ug/L	565000	
Perfluorooctanoic acid (PFOA)	ng/L	37.2	
Perfluorooctanesulfonic acid	ng/L	37.2	

Sample ID		TW-1	
Date Sampled		6/14/2022	
	Units	Conc.	Q
Iron	ug/L	694	
Manganese	ug/L	701	
Sodium	ug/L	788000	
Perfluorooctanesulfonic acid	ng/L	24.2	

Analyte	Units	NYSDEC AWQS
Iron	ug/L	300
Manganese	ug/L	300
Sodium	ug/L	20000
Perfluorooctanoic acid (PFOA)	ng/L	10
Perfluorooctanesulfonic acid (PFOS)	ng/L	10

NYSDEC - New York State Department of Environmental Conservation

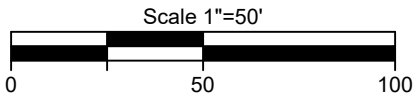
AWQS - Ambient Water Quality Standards

ND - Compound not detected

ug/l - Micrograms per liter

ng/L Nanograms per liter

- Concentration of compound exceeds the AWQS



dwg by: AG

chk by: SG

scale: AS NOTED

date: 07/13/2022

Cert of Auth #24GA27934700

SESI CONSULTING ENGINEERS

GEOTECHNICAL | ENVIRONMENTAL | SITE CIVIL
959 route 46e, 3rd floor, parsippany, nj 07054 ph: 973.808.9050

project:

PROPERTY OF BENJAMIN SEACORD
P/O LOTS 35, 36, 39, 40, 44, & 51
AND LOTS 45 THRU 50

title:

GROUNDWATER SAMPLE
LOCATIONS AND RESULTS

job no: 12529
drawing no:

FIG-3.2

N:\ACAD\12529\CAD\12529 SAMPLE LOCATIONS AND RESULTS PLANS.DWG 04/06/23 02:24:02PM, alan.ward, LAYOUT:FIG-3.1



ANALYTE	RRSCO
Benzo(a)anthracene	1
Benzo(a)pyrene	1
Benzo(b)fluoranthene	1
Benzo(k)fluoranthene	3.9
Chrysene	3.9
Dibenzo(a,h)anthracene	0.33
Indeno(1,2,3-cd)pyrene	0.5
4,4'-DDD	13
4,4'-DDE	8.9
4,4'-DDT	7.9
Arsenic	16
Copper	270
Iron	
Lead	400
Mercury	0.81
Silver	180
Zinc	10000

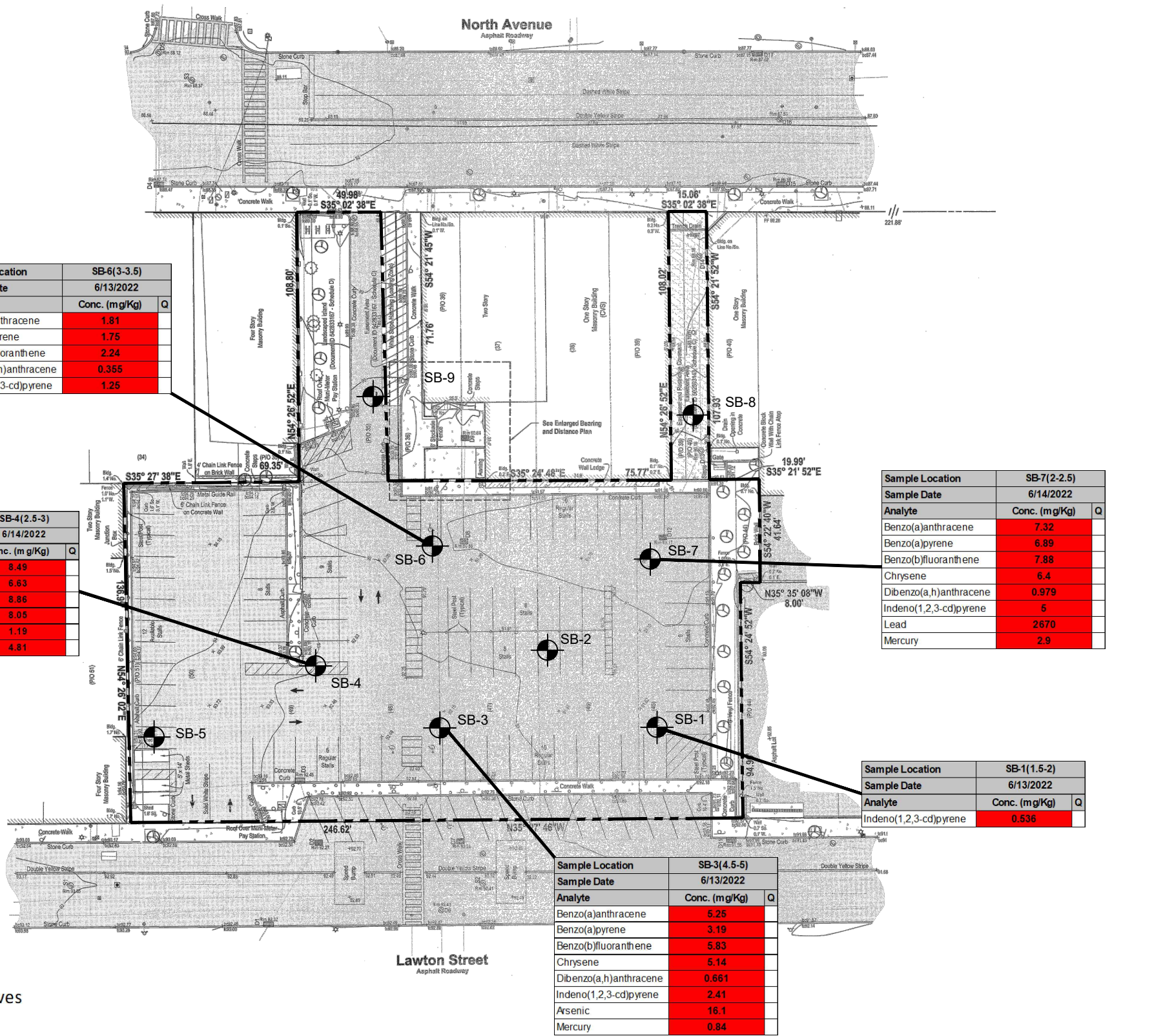
Exceeds the NYSDEC Restricted Residential Soil Celanup Objectives

NOTE:
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REFERENCE
1. EXIST CONDITIONS & BOUNDARY ARE TAKEN FROM "BOUNDARY SURVEY FOR
RENNAISSANCE DOWNTOWNS" PREPARED BY H2M ARCHITECT + ENGINEERS, DATED 5/2/2017.

LEGEND:
 SB-1 - PROPOSED SOIL BORING SAMPLE NUMBER AND APPROX. LOCATION
 - PROPERTY BOUNDARY



dwg by: AG
chk by: SG
scale: AS NOTED
date: 07/20/2022

Cert of Auth #24GA27934700
SESI CONSULTING ENGINEERS
GEOTECHNICAL | ENVIRONMENTAL | SITE CIVIL
959 route 46e, 3rd floor, parsippany, nj 07054 ph: 973.808.9050

project:
PROPERTY OF BENJAMIN SEACORD
P/O LOTS 35, 36, 39, 40, 44, & 51
AND LOTS 45 THRU 50

title:
SOIL SAMPLE LOCATIONS
AND RESULTS

job no: 12529
drawing no:

FIG-3.1

Client Sample ID	SV-3
SAMPLING DATE	6/13/2022
SAMPLE TYPE	SOIL VAPOR
ANALYTE	Conc. (ug/m ³)
1,2,4-Trimethylbenzene	3.2 J
2,2,4-Trimethylpentane	7.5
2-Hexanone	4.5
Acetone (2-Propanone)	280
Benzene	5.4
Carbon disulfide	37.7
Chloroform	3.5 J
Chloromethane	1.1 J
Cyclohexane	5.2
Dichlorodifluoromethane	1.9 J
Ethanol	43.3
Ethyl Acetate	4.3
Ethylbenzene	5.2
Heptane	8.2
Hexane	10
Isopropyl Alcohol	10
m,p-Xylene	23
Methyl ethyl ketone	20
Methyl Isobutyl Ketone	2.0 J
Methylene chloride	3.5
o-Xylene	10
Propylene	82.1
Tertiary Butyl Alcohol	142
Tetrachloroethylene	3.1
Toluene	57.3
Trichloroethylene	3.4
Vinyl Acetate	7.7
Xylenes (total)	33

Client Sample ID	SV-2
SAMPLING DATE	6/13/2022
SAMPLE TYPE	SOIL VAPOR
ANALYTE	Conc. (ug/m ³)
1,2,4-Trimethylbenzene	9.3
1,3,5-Trimethylbenzene	3.6 J
2,2,4-Trimethylpentane	4.4
2-Hexanone	17
4-Ethyltoluene	2.3 J
Acetone (2-Propanone)	354
Benzene	16
Carbon disulfide	22
Chloroform	2.6 J
Cyclohexane	13
Dichlorodifluoromethane	2.4 J
Ethanol	22.4
Ethyl Acetate	5.8
Ethylbenzene	217
Heptane	14
Hexane	49.7
Isopropyl Alcohol	7.4
m,p-Xylene	1120
Methyl ethyl ketone	42.2
Methyl Isobutyl Ketone	15
Methylene chloride	4.5
o-Xylene	630
Propylene	46.6
Tertiary Butyl Alcohol	25
Tetrachloroethylene	2.4
Toluene	731
Vinyl Acetate	9.8
Xylenes (total)	1750

LOCATION	SV-1
SAMPLING DATE	6/13/2022
SAMPLE TYPE	SOIL VAPOR
ANALYTE	Conc. (ug/m ³)
1,2,4-Trimethylbenzene	22
1,3,5-Trimethylbenzene	7.4
2,2,4-Trimethylpentane	6.1
2-Hexanone	11
4-Ethyltoluene	4.6 J
Acetone (2-Propanone)	118
Benzene	29
Carbon disulfide	52.6
Chloromethane	2.1
Cyclohexane	20
Dichlorodifluoromethane	6.9
Ethanol	15
Ethyl Acetate	4.3
Ethylbenzene	250
Heptane	12
Hexane	52.5
Isopropyl Alcohol	3.9
m,p-Xylene	1420
Methyl ethyl ketone	14
Methyl Isobutyl Ketone	11
Methylene chloride	6.3
o-Xylene	856
Propylene	247
Tertiary Butyl Alcohol	22
Tetrachloroethylene	2.1
Toluene	693
Trichlorofluoromethane	3.1
Vinyl chloride	2.3
Xylenes (total)	2280

Client Sample ID	AA-1
SAMPLING DATE	6/13/2022
SAMPLE TYPE	SOIL VAPOR
ANALYTE	Conc. (ug/m ³)
Acetone (2-Propanone)	14
Benzene	0.48 J
Chloromethane	1.2
Dichlorodifluoromethane	1.7
Ethanol	9
Ethyl Acetate	4.7
Ethylbenzene	0.43 J
Hexane	0.63
Isopropyl Alcohol	1.8
m,p-Xylene	1.6
Methyl ethyl ketone	1.4
Methyl Isobutyl Ketone	0.57 J
Methylene chloride	3.4
o-Xylene	0.61 J
Tertiary Butyl Alcohol	0.28 J
Tetrachloroethylene	0.44
Toluene	1.2
Trichlorofluoromethane	1.3
Vinyl Acetate	0.91
Xylenes (total)	2.2

	NY-SSC-A	NY-SSC-B	NY-SSC-C
ANALYTE	(ug/m ³)	(ug/m ³)	(ug/m ³)
VOLATILE ORGANICS IN AIR			
Methylene chloride		100	
Tetrachloroethylene		100	
Trichloroethylene	6		
Vinyl chloride			6

LEGEND:

- ▲ SV-1 - PROPOSED SOIL VAPOER SAMPLE NUMBER AND APPROX. LOCATION
- ▲ AA-1 - PROPOSED AMBIENT AIR SAMPLE NUMBER AND APPROX. LOCATION
- - PROPERTY BOUNDARY

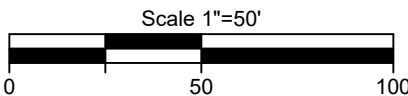
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REFERENCE

1. EXIST CONDITIONS & BOUNDARY ARE TAKEN FROM "BOUNDARY SURVEY FOR RENNAISANCE DOWNTOWNS" PREPARED BY H2M ARCHITECT + ENGINEERS, DAVED 5/2/2017.

NY-SSC-A: New York DOH Matrix A Sub-slab Vapor Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2006, and updated May 2017.
NY-SSC-B: New York DOH Matrix B Sub-slab Vapor Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2006, and updated May 2017.
NY-SSC-C: New York DOH Matrix C Sub-slab Vapor Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2006, and updated May 2017.



dwg by: AG
chk by: SG
scale: AS NOTED
date: 07/13/2022

Cert of Auth #24GA27934700
SESI CONSULTING ENGINEERS
GEOTECHNICAL | ENVIRONMENTAL | SITE CIVIL
959 route 46e, 3rd floor, parsippany, nj 07054 ph: 973.808.9050

project:
PROPERTY OF BENJAMIN SEACORD
P/O LOTS 35, 36, 39, 40, 44, & 51
AND LOTS 45 THRU 50

title:
SOIL VAPOR SAMPLE
LOCATIONS AND RESULTS

job no: 12529
drawing no:

FIG-3.3

EXHIBIT H

Department of State

Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details



ENTITY NAME: SERENITY MARINA LLC	DOS ID: 6438035
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW	ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 03/23/2022	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 03/23/2022	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: ALBANY	NEXT STATEMENT DUE DATE: 03/31/2024
JURISDICTION: NEW YORK, UNITED STATES	NFP CATEGORY:

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process Name and Address

Name: ALLSTATE CORPORATE SERVICES CORP.
Address: 99 WASHINGTON AVENUE SUITE 1008, ALBANY, NY, UNITED STATES, 12260

Chief Executive Officer's Name and Address

Name:
Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:
Address:

Entity Primary Location Name and Address

Name:
Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share
-------------	------------------	-----------------

Exhibit I


SOLE MEMBER CONSENT

The undersigned, being the Sole Managing Member of Serenity Marina LLC, does hereby certify as follows:

1. Serenity Marina LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at 35 Lawton Street, New Rochelle, NY (Tax Block 229 Lot 56) and 39 Lawton Street, New Rochelle, NY (Tax Block 229 Lot 23) (collectively the "BCP Site").

2. The following person, Mark Stagg as the Sole Managing Member of Serenity Marina LLC has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer Mark Stagg, a member of Serenity Marina LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 17 day of October, 2022.



Mark Stagg Sole Managing Member
Sole Member of Serenity Marina LLC

Exhibit J

29.50

05159

TAX STAMPS
ATTACHED \$29.50 MAY - 3 1977

LIBER 7389 PAGE 278

Standard N. Y. B. T. U. Form 8007* 11-73-20M - Bargain and Sale Deed, with Covenant against Grantor's Acts - Individual or Corporation

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

THIS INDENTURE, made the 2nd day of May, nineteen hundred and seventy-seven.
BETWEEN MILLARD F. BIBER, residing at 315 East 65th Street, New York, New York

party of the first part, and CITY OF NEW ROCHELLE, a Municipal Corporation with its
principal place of business at 515 North Avenue, New Rochelle, New York.

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

One (\$1.00) ----- dollars,

lawful money of the United States, and other good and valuable considerations paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

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

BEGINNING at a point on the westerly side of North Avenue distant 337.10 feet
northerly as measured along the same from the northerly end of a curve, having
a radius of 20 feet connecting the westerly side of North Avenue and the northerly
side of Main Street; running thence the following courses and distances:
South 62° 52' 53" West 71.76 feet, South 26° 57' East 0.60 feet, South 63° 03'
West 10.73 feet, South 26° 57' East 5.10 feet, South 63° 03' West 13 feet, North
26° 57' West 5.10 feet, South 63° 03' West 12.19 feet, South 26° 57' East 13.59 feet,
South 63° 03' West 45.39 feet, North 26° 57' West 50 feet, North 63° 03' East 44.65
feet, North 26° 57' West 14.23 feet and North 62° 58' East 108.79 feet to the
westerly side of North Avenue; running thence along the same, South 26° 31' 30"
East 50 feet to the point of beginning.

TOGETHER with a permanent easement for ingress and egress to and from the premises
above described and for the parking of motor vehicles on and over the following
described parcel:

BEGINNING at a point on the easterly side of Lawton Street distant 362 feet
northerly as measured along the same from the northerly side of Main Street; and
running thence the following courses and distances: North 63° 03' East 92.35
feet, North 26° 57' West 50 feet, and South 63° 03' West 92.35 feet to the
easterly side of Lawton Street; running thence along the same, South 26° 57'
East 50 feet to the point of beginning.

TOGETHER with an easement of right of way in common with others over the
following described parcel,



008377123

BEGINNING at a point on the easterly side of Lawton Street distant 352 feet northerly as measured along the same from the northerly side of Main Street and running thence the following courses and distances: North $63^{\circ} 03'$ East 168.84 feet, North $26^{\circ} 57'$ West 23.59 feet, South $63^{\circ} 03'$ West 5.91 feet, South $26^{\circ} 57'$ East 5.10 feet, South $63^{\circ} 03'$ West 13 feet, North $26^{\circ} 57'$ West 5.10 feet, South $63^{\circ} 03'$ West 12.19 feet, South $26^{\circ} 57'$ East 13.59 feet and South $63^{\circ} 03'$ West 137.74 feet to the easterly side of Lawton Street and running thence along the same, South $26^{\circ} 57'$ East 10 feet to the point of beginning.

TOGETHER with an easement in and to so much of the northerly wall of the building now known as 218-224 North Avenue, New Rochelle, New York (being the property of North Realty Corp. immediately adjoining on the south the premises hereby conveyed) as is contiguous to and encloses a portion of the premises hereby conveyed on the south, said wall being one foot in width and immediately adjoining and running along the southerly boundary of the premises hereby conveyed a distance of approximately 71.76 feet from North Avenue in a generally westerly direction and presently serving as the southerly enclosure wall of the premises hereby conveyed.

Said premises are known on the official Tax Map of the City of New Rochelle as Section 1 Block 229 Lot 56.

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

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

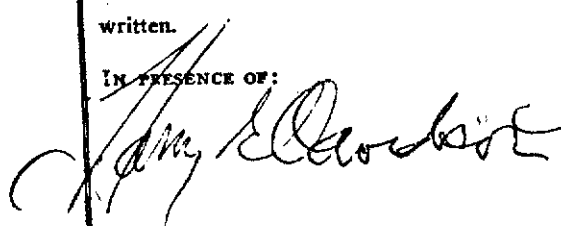
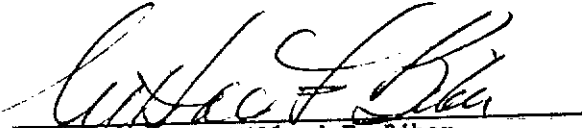
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

 
Millard F. Biber

STATE OF NEW YORK, COUNTY OF WESTCHESTER

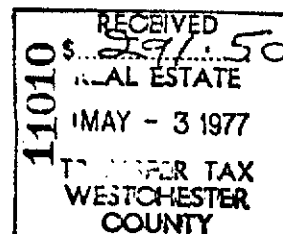
STATE OF NEW YORK, COUNTY OF

On the 24th day of May 1977, before me personally came MILLARD F. BIBER

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

DOMINIC J. YACOLUCCI
Notary Public, State of New YorkQualified in Westchester County
Commission Expires March 30, 1979

Bargain and Sale Deed
WITH COVENANT AGAINST GRANOR'S ACTS
Title No. 655736-Per I

MILLARD F. BIBER

SECTION 1

BLOCK 229

LOT 56, City of New Rochelle

COUNTY OF WESTCHESTER, N.Y.

TO

CITY OF NEW ROCHELLE

Recorded At Request of The Title Guarantee Company

RETURN BY MAIL TO:



CORPORATION COUNSEL
CITY OF NEW ROCHELLE
515 NORTH AVENUE
NEW ROCHELLE, N.Y. Zip No. 10801

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

7.00 B - Cpa

00145 5-377

The Title Guarantee Company

RECEIVED
MAY - 3 1977

MAY - 3 1977

Study Chg.	Rec'd Chg.	Filing Chg.	Gross Refine	Cart. Recept.	Total	Exch	#	Returned
							16419	

RECORDED BY THE COUNTY CLERK
COUNTY OF WESTCHESTER

The foregoing instrument was endorsed for record as follows: The property affected by this instrument is situate in the CITY OF NEW ROCHELLE County of Westchester, N. Y. A true copy of the original DEED

recorded MAY 3, 1977 at 12:46 PM

GEORGE R. MORROW, County Clerk.



W02287026

Standard N.Y.B.T.U. Form 8002- 3-78 - 7031 - Bargain and Sale Deed, with Covenant against Grantor's Acts - Individual for Co-ownership. Single sheet.
LIBER 8712 PAGE 313
CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

SA23291WC

R.S.
1000.00

THIS INDENTURE, made the 22nd day of December, nineteen hundred and eighty-six
BETWEEN Lawton Edman, Inc., a domestic corporation doing business at 48
Lawton Street, New Rochelle, New York 10801

party of the first part, and Edgar J. Roedelheimer and Lillian M. Steirman
residing at 444 Ravina Street, LaJolla, California

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Parcel 1
Section 1, Block 229, Lot 23

Parcel 2
Section 1, Block 230, Lot 38

Parcel 3
Section 1, Block 230, Lot 32

(See Schedule A's Annexed)

TAX MAP
DESIGNATION

Dist.
Sec.
Blk.
Lot(s):

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Neddy Muller

Lawton Edman, Inc.
Lillian M. Steirman
By: Lillian M. Steirman Sec.

STATE OF NEW YORK, COUNTY OF

On the 19 day of 1986, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the 19 day of 1986, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF WESTCHESTER

On the 29 day of Dec 1986, before me personally came LILLIAN M. STEINMAN to me known, who, being by me duly sworn, did depose and say that she resides at No. 48 LAUREN ST New Rochelle;

that she is the Secretary of Lawton Edison Inc., the corporation described in and which executed the foregoing instrument; that she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that she signed her name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the 19 day of 1986, before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

JOHN A. VASILE
Notary Public, State of New York
No. 62 3558427
Qualified in Westchester County
Commission Expires March 30, 1987

[Signature]

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS
TITLE NO. SA - 23291-WL

TO

SECTION 1
BLOCK 230
LOT 32
COUNTY OR TOWN New Rochelle
TAX BILLING ADDRESS

Recorded At Request
RETURN BY MAIL TO:

Statewide Abstract Corp.
19 COURT STREET
WHITE PLAINS, NEW YORK 10601

WALTER GRUBMAN, Esq.
REAR, ROLAND AND SMITH
461 MAIN STREET
New Rochelle, NY

Zip No. 10801

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

SCHEDULE A

PARCEL 1:

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of New Rochelle, County of Westchester, State of New York, consisting of part of Lot Number 49, all of Lot Number 50, and part of lot number 51, on a certain map entitled "Map of property belonging to Benjamin Seacord, situate in the Town of New Rochelle", surveyed by William Bryson, Architect and Civil Engineer, dated August 31, 1852, filed in the Office of the Register (now Clerk) of the County of Westchester on November 2, 1853 in Volume 2 of Maps at page 7, which said plot is bounded and described as follows:

BEGINNING at a point on the Easterly said of Lawton Street, as laid down on said map, distant 30 feet northerly from the point where Lot Number 49 adjoins Lot Number 48;

RUNNING THENCE Easterly parallel with Lot Number 48, one hundred thirty-seven feet to Lot Number 35;

THENCE Northerly along Lot Number 35 and Lot Number 34 and parallel with Lawton Street aforesaid 55 feet;

THENCE Westerly parallel with Lot Number 48 one hundred thirty-seven feet to the Easterly side of Lawton Street aforesaid;

THENCE Southerly along the easterly side of Lawton Street, fifty-five feet to the point or place of **BEGINNING**.

SCHEDULE "A"

PARCEL 1:

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of New Rochelle, County of Westchester and State of New York, known and designated as Lot No. 4 on a certain map entitled, "Map of land of Frederick H. Seacord, and also adjacent land of Henry B. Downey on Huguenot and Lawton Streets in the City of New Rochelle, in Westchester County, New York", made by L.E. Van Etten, C.E. February, 1906 and filed in the County Clerk's Office, Division of Land Records, formerly Register's Office of Westchester County, New York, on March 20, 1906 as Map No. 1604, which said lot is more particularly bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Southwesterly side of Lawton Street with the Northwesterly side of "Main Right of Way" shown on said map;

THENCE RUNNING South 64 degrees 54' 20" West along said "Main Right of Way" 80 feet;

THENCE RUNNING North 70 degrees 03' 40" West 14.14 feet to the Easterly side of "North Right of Way" shown on said map;

THENCE RUNNING North 25 degrees 01' 40" West 34 feet to the southwest-erly line of Lot No. 3 on said map;

THENCE RUNNING North 64 degrees 54' 20" East along Lot No. 3 and parallel with the first line, 90 feet to Lawton Street, and

THENCE RUNNING along said Lawton Street, South 25 degrees 01' 40" East 44 feet to the point or place of BEGINNING.

AMENDED SCHEDULE "A"

PARCEL 3:

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of New Rochelle, Westchester County, New York, being land formerly of Sarah A. Tiernez and a portion of Lot No. 5 on a certain map entitled "Map of Land of Frederick H. Seacord and also adjacent land of Henry B. Downey, on Huguenot and Lawton Streets, in the City of New Rochelle, Westchester County, New York", made by L.E. Van Etten, C.E., February 1906 and filed in the Office of the County Clerk, Division of Land Records, formerly Register's Office of Westchester County, New York, March 20, 1906, as Map No. 1604, and more particularly bounded and described, according to said map, as follows:

BEGINNING at a point on the southeasterly side of Huguenot Street; distant 110.60 feet southwesterly from the corner formed by the intersection of said of Huguenot Street with the southwesterly side of Lawton Street;

RUNNING THENCE South 25 degrees 01' 40" East a distance of 156.79 feet to a point;

THENCE South 64 degrees 54' 20" West along said "Main Right of Way" 29.1 feet to the southerly corner of Lot No. 5, adjoining land of Mary Ann Kennedy, as shown said map; and

THENCE North 25 degrees 01' 40" West along said land of Mary Ann Kennedy 78 feet to an angle;

THENCE North 64 degrees 54' 20" East along land of said Mary Ann Kennedy and along land of Sarah A. Tierney, also shown on said map 1.74 feet to a point;

THENCE in a northwesterly direction and along the land of said Kenedy, North 25 degrees 01' 40" West 66.53 feet to the southeasterly side of Huguenot Street;

RUNNING THENCE along the said southeasterly side of Huguenot street in a northeasterly direction North 40 degrees 46' 50" East 30 feet to the point of BEGINNING.

LIB 8712 PAGE 313



WESTCHESTER COUNTY CLERK RECORDING PAGE
(THIS PAGE IS PART OF THE INSTRUMENT)

TYPE OF INSTRUMENT DED DATE _____
 STATUTORY CHARGE 5- MTGE AMT _____
 RECORDING CHARGE 15- EXEMPT YES _____ NO _____
 FILING CHARGE 1- REC'D TAX ON ABOVE MTGE _____
 CROSS REFERENCE _____ BASIC \$ _____
 CERT/RECEIPT _____ ADDITIONAL \$ _____
 SUBTOTAL \$ _____
 SPECIAL \$ _____
 TOTAL \$ _____
 SERIAL NO _____

RECORDED
 JAN 26 5 35 AM '87

- 02 BEDFORD
- 06 CORTLANDT
- 09 EASTCHESTER
- 11 GREENBURGH
- 12 HARRISON
- 16 LEWISBORO
- 17 MAMARONECK
- 19 MT KISCO
- 20 MT PLEASANT
- 21 MT VERNON
- 22 NEW CASTLE
- 23 NEW ROCHELLE
- 24 NORTH CASTLE
- 26 NORTH SALEM
- 28 OSSINING
- 30 PEEKSKILL
- 31 PELHAM
- 35 POUND RIDGE
- 36 RYE CITY
- 37 RYE TOWN
- 38 SCARSDALE
- 39 SOMERS
- 42 WHITE PLAINS
- 43 YONKERS
- 44 YORKTOWN

CONSID 250000.00

RECEIVED
 \$ 1000.00
 REAL ESTATE
 JAN 26 1987
 TRANSFER TAX
 WESTCHESTER
 COUNTY

11255

ANDREW J. SPANO
 WESTCHESTER COUNTY CLERK

TERMINAL NO 8704002 TRANSFER FEES NO

DATE RET'D

1390B001 01/26/87CPA

21300

		SECTION	BLOCK	LOT	VILLAGE	TOWN	COUNTY
		RECORD AND RETURN TO:					

THE FOREGOING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:
 THE PROPERTY AFFECTED BY THIS INSTRUMENT IS SITUATE IN THE
☐ TOWN ☒ CITY OF NEW ROCHELLE, COUNTY OF WESTCHESTER
 N.Y. A TRUE COPY OF THE ORIGINAL DEED RECORDED
 IN THE DIVISION OF LAND RECORDS OF THE COUNTY CLERK'S OFFICE OF
 WESTCHESTER COUNTY ON JAN. 26, 1987 AT 8:25A M. IN
 LIBER 8712 PAGE 313 IN THE BOOK OF Deeds

WITNESS MY HAND AND OFFICIAL SEAL:

Andrew J. Spano
 ANDREW J. SPANO, COUNTY CLERK

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
CITY OF NEW ROCHELLE,

Petitioner,

-against-

LILLIAN M. STEINMAN and STEINMAN
AND STEINMAN, a New York Partnership,

Respondents.
-----X

Filed June 15,
1990

ORDER

Index No.

06987/90

The parties in the above-entitled proceeding, having stipulated and agreed that the Petitioner has completed all of the proceedings required of it under Chapters 2 and 3 of the Eminent Domain Procedure Law, and the Respondents having waived notice of petition and all proceedings for acquisition under Article 4 of the Eminent Domain Procedure Law, and having received and accepted the offer of the Petitioner in the sum of \$210,000.00 for premises known as Block 229, Lot 23, 39 Lawton Street, New Rochelle, New York and the sum of \$710,000.00 for premises known as Block 230, Lots 32, 37 and 38, 264 Huguenot Street and 44-46 Lawton Street, as partial payment of compensation, pursuant to Section 303 and 304 of the Eminent Domain Procedure Law, and the parties having agreed that title be conveyed by Respondents to Petitioner upon payment of the sum offered, either by deed or upon the filing of the proposed acquisition map submitted herewith, with the issue of just compensation to survive the conveyance of title, and the parties having agreed to submit to the jurisdiction of this Court and to the procedures provided in Article 5 of the Eminent Domain

Procedure Law, waiving however notice of acquisition, service of claim and demand or notice of appearance under Sections 502, 503 and 504 of Article 5 of the Eminent Domain Procedure Law, and the parties having agreed to exchange all appraisal reports intended to be used upon the trial of the issue of just compensation and to file a note of issue and statement of readiness and the appraisal reports, as set forth in said Stipulation;

Now, on reading and filing the Stipulation of the parties herein dated *May 29*, 1990 and upon motion of Reich and Reich, Attorneys for Petitioner, it is

ORDERED AND DIRECTED that the Petitioner, if it should so elect, may file a copy of this Order, together with the acquisition map presented herewith, in the Office of the Westchester County Clerk and upon such filing, title to the property described therein shall vest in Petitioner; and it is further

ORDERED AND DIRECTED, that all appraisal reports intended to be used upon the trial of the issue of just compensation for the acquisition of Respondents' property, described in Schedule "A" and Schedule "B", the filing of a note of issue and statement of readiness by Petitioner and the filing of said appraisal reports with the Clerk of the Court proceed as set forth in the annexed Stipulation, and that the issue of just compensation proceed to trial in due course and be determined by this Court.

Signed this 14th day of June, 1990 at White
Plains, New York.

s/ Louis C. Palella
JUSTICE OF THE SUPREME COURT

Exhibit K

BROWNFIELD SITE ACCESS AGREEMENT

THIS SITE ACCESS AGREEMENT ("Agreement") is made and entered into as of the date of the last signature below ("Effective Date"), by and between the **CITY OF NEW ROCHELLE**, a municipal corporation, having an address at 515 North Avenue, New Rochelle, New York 10801 (the "City"), and **SERENITY MARINA LLC**, a New York limited liability company, having an address at P.O. Box 9, Purchase, New York 15077 ("Serenity").

WHEREAS, Serenity is submitting a Brownfield Cleanup Program ("BCP") Application to the New York State Department of Environmental Conservation ("NYSDEC") to voluntarily investigate and remediate the following parcels: 35-39 Lawton Street, New Rochelle, New York, designated as Section 1, Block 229, Lots 0023 and 0056 on the Land and Tax Map of the City of New Rochelle (the "Parcels"); and

WHEREAS, the City is the owner of the aforementioned Parcels that make up the prospective BCP sites; and

WHEREAS, Serenity has requested, and the City is willing to grant, access to the Parcels for the purpose of performing environmental investigation and remediation work pursuant to applicable BCP requirements that will be required by the NYSDEC.

NOW, THEREFORE, in consideration of One Dollar (\$1.00), and other good and valuable consideration the receipt and sufficiency of which is acknowledged by the undersigned, the parties agree as follows:

1. The City hereby gives permission to Serenity, its employees, agents, representatives and contractors (the "Authorized Parties"), to enter on the Parcels to perform the following activities required for BCP investigation and/or remediation work:

- a. Investigation of soil and groundwater, including, but not limited to, the installation of soil borings, test pits and/or groundwater monitoring wells, the use of geophysical equipment, the use of drilling equipment for collection of soil and sediment samples, the logging, gauging and sampling of existing wells, videotaping, preparation of site sketches, taking photographs, any testing or sampling of groundwater, soil, surface water, sediments, air, soil vapor or other material deemed appropriate by the Program and the like;
- b. Survey of asbestos-containing material and lead-based paint conditions;
- c. Limited demolition activities.
- d. Measures to control site access/site security.
- e. On-Site observation and oversight of environmental investigation activities.
- f. Disclosure of environmental information as required by law.

~~2. Upon completion of the above activities, the Authorized Parties will restore the Parcels as near as practicable to its condition immediately prior to the commencement of such activities.~~ 2. Upon completion of the above activities, the Authorized Parties will restore the Parcels as near as practicable to its condition immediately prior to the commencement of such activities to the extent remediation and redevelopment of the Site has not yet commenced.

3. The granting of this permission by the City is not intended, nor should it be construed, as an admission of liability on the part of the City or the City's successors and assigns of any contamination discovered on the Parcels.

4. The Authorized Parties may enter the Parcels during normal business hours and may also make special arrangements to enter the Parcels at other times after agreement of City.

5. The Authorized Parties shall enter the Parcels at their own risk, and the City shall not be held responsible or liable for injury, damage, or loss incurred by the Authorized Parties arising out of or in connection with activities under this Agreement. Serenity agrees to defend, indemnify and hold the City harmless for any all claims, suits, injury, damages, losses and fees, including reasonable attorneys, fees, allegedly arising out of or in connection with the activities under this Agreement, to the fullest extent permitted by law. This provision shall survive the expiration of earlier termination of this Agreement.

6. In exercising its access privileges, the Authorized Parties will take reasonable steps not to interfere with the City's operations on the Parcels.

7. The Authorized Parties will give notice to the City at least one (1) week in advance of the start of field activities on the Parcels.

8. The City ensures that it (and any of the City's site operators) will give the Authorized Parties access to the entire Parcels for the purposes set forth in this Agreement.

9. Serenity shall ensure that its contactor(s) maintain insurance covering any accidents on the Parcels.

10. Any party to this Agreement may terminate this Agreement by giving thirty (30) days advanced written notice, or all parties may terminate the Agreement at any time by written agreement.

11. This Agreement shall expire upon the completion of aforementioned project activities.

12. The City agrees that in the unlikely event the City still own the BCP Site when the remediation is complete and the Certificate of Completion is about to be obtained, and a Track 1 remediation level is not achieved, the City agrees to impose an environmental easement on the BCP Site to the extent required by law and the New York State Department of Environmental Conservation.

13. This instrument shall be construed and enforced in accordance with the laws of the State of New York and shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns. All claims, actions, proceedings and lawsuits brought in connection with, arising out of, related to or seeking enforcement of this Agreement shall be brought in the courts of the State of New York, Westchester County.

14. Nothing contained in this instrument shall constitute a partnership or joint venture by the parties.

15. This instrument may be signed in more than one counterpart, in which case each counterpart shall constitute an original of this instrument. An executed email or facsimile copy of this Agreement shall be considered for all purposes an Original.

CITY OF NEW ROCHELLE

By: 
Kathleen E. Gill, City Manager

Date: 4-4-23

SERENITY MARINA LLC

By: 
Mark Stagg
Managing Member

Date: 3/23/23

Exhibit L

Site Contact List

J & L Cleaners Lawton St. Site

35 and 39 Lawton Street, New Rochelle, New York 10801

Name	Title	Address	City	State	Zip
Kirsten Gillibrand	U.S. Senator	780 Third Avenue, Suite 2601	New York	NY	10017
Charles Schumer	U.S. Senator	780 Third Avenue, Suite 2301	New York	NY	10017
Jamaal Bowman	U.S. House of Representatives	6 Gramatan Ave., Suite 205	Mt. Vernon	NY	10550
Andrea Stewart-Cousins	New York State Senator	28 Wells Avenue, Building #3, 5th Floor	Yonkers	NY	10701
Steven Otis	NYS Assemnly Member, 91st District	222 Grace Church Street	Port Chester	NY	10573
George Latimer	Westchester County Executive	148 Martine Avenue	White Plains	NY	10601
Richard Hyman	County Planning Board Chairperson	148 Martine Avenue	White Plains	NY	10601
Timothy C. Idoni	Westchester County Clerk	110 Dr. Martin Luther King Jr. blvd.	White Plains	NY	10601
Sarah Dodds-Brown	City Planning Board Chairperson	City Hall 515 North Avenue	New Rochelle	NY	10801
Noam Bramson	The City of New Rochelle Mayor	City Hall 515 North Avenue	New Rochelle	NY	10801
Michelle Oliveros	New Rochelle City Clerk	City Hall 515 North Avenue	New Rochelle	NY	10801
The Journal News	Media Outlet	1133 Westchester Avenue, Suite N110	White Plains	NY	10604
Katherine Camargo	Suez Water Westchester Public Water Supplier	2525 Palmer Avenue	New Rochelle	NY	10801
Tom Geoffino	Director of New Rochelle Public Library- Document Repository	1 Library Plaza	New Rochelle	NY	10801
Michael Hilderbrand	Administrator of Trinity Elementary School	180 Pelham Road	New Rochelle	NY	10805
Michael Galland	Administrator of Columbus Elementary School	275 Washinton Ave	New Rochelle	NY	10901
Andrea Schwach	Administrator of Huguenot Elementary School	265 Clove Road	New Rochelle	NY	10801
Kim Nieves	Administrator of Jefferson Elementary School	131 Weyman Avenue	New Rochelle	NY	10805
Dr. Pushpa R. Jagoda	Administrator of Liberty Montessori School	155 Beechmont Drive	New Rochelle	NY	10804
Nadine Spencer-Elysee	Administrator of Westchester Area School	456 Webster Ave	New Rochelle	NY	10801
Melissa Passarelli	Administrator of Daniel Webster Elementary School	95 Glenmore Drive	New Rochelle	NY	10801
Carol Ligotino	Administrator of Discovering Me Nursery School	2051 Palmer Avenue	Larchmont	NY	10538
Shelli Owens	Administrator of Henry Barnard School	129 Barnard Road	New Rochelle	NY	10801
Dr. Tawanda Robinson	Administrator of Isaac E. Young Middle School	270 Centre Avenue	New Rochelle	NY	10805
Ron Colavito	Creative Learning Center	17 Anderson Street	New Rochelle	NY	10801
Christina Rubicco	Anna & Jack's Treehouse Daycare	138 Centre Avenue	New Rochelle	NY	10801
Jade-Lynn J. Ciraco	The Learning Experience - New Rochelle	1 Bally Place	New Rochelle	NY	10801
Carmen Youngs	Little Rascals Daycare	18 Badeau Place	New Rochelle	NY	10801
Juana Cruz	Sue's Prep	287 Union Avenue	New Rochelle	NY	10801
Deloris and Patrick Hogan	Dee's Tots Childcare	166 Lincoln Avenue	New Rochelle	NY	10801
MKM Equity LLC	Adjacent Property Owner of 230 North Avenue	P.O. Box 1509	White Plains	NY	10602
Mouzakis Realty Company. Inc.	Adjacent Property Owner of 234 North Avenue	324 E. 73rd Street	New York	NY	10021
INostrand Realty LLC	Adjacent Property Owner of 240 North Avenue	106-28 Queens Boulevard	Forst Hills	NY	11375
Meeting House Zen Group, Inc.	Adjacent Property Owner of 45 Lawton Street	34 South Broadway	White Plains	NY	10601
Sterling Estates Inc.	Adjacent Property Owner of 47 Lawton Street	38 Stratton Road	New Rochelle	NY	10804
County of Westchester	Adjacent Property Owner of 264 Huguenot Street	148 Martine Avenue	White Plains	NY	10601
New Rochelle Public Library	Adjacent Property Owner/Operator of 1 Library Piazza	1 Library Plaza	New Rochelle	NY	10801
City of New Rochelle	Adjacent Property Owner of Lawton Street, 20 Anderson Street and Site	City Hall 515 North Avenue	New Rochelle	NY	10801
DB Main & Lawton LLC	Adjacent Property Owner of 11 Lawton St., 491 Main St., 210 North Ave., and 212 North Ave.	1345 Avenue of the Americas	New York	NY	10105
Rettner Main Street LLC	Adjacent Property Owner of 481 Main Street	30 Church Street, Suite 4	New Rochelle	NY	10801

479 Main RNR LLC	Adjacent Property Owner of 479 Main Street	30 Church Street, Suite 4	New Rochelle	NY	10801
WBLM 14 LeCount Owner LLC	Adjacent Property Owner of 14 LeCount Place	480 Bedford Road	Chappaqua	NY	10514
215 North RMR LLC	Adjacent Property Owner of 215 North Avenue	30 Church Street, Suite 4	New Rochelle	NY	10801
LJSG Realty Company	Adjacent Property Owner of 227 North Avenue	219-223 North Avenue	New Rochelle	NY	10801
A&F Anderson Realty, Inc.	Adjacent Property Owner of 2 Anderson Street	199 Main Street	White Plains	NY	10601
Anderson Development LLC	Adjacent Property Owner of 4 Anderson Street	1025 Central Avenue	Albany	NY	12205
BeFit Supplements	Adjacent Property Operator of 230 North Avenue	230 North Avenue	New Rochelle	NY	10801
Sabrosa Deli	Adjacent Property Operator of 230 North Avenue	230 North Avenue	New Rochelle	NY	10801
Space Grill	Adjacent Property Operator of 234 North Avenue	234 North Avenue	New Rochelle	NY	10801
New Golden Wok	Adjacent Property Operator of 234 North Avenue	234C North Avenue	New Rochelle	NY	10801
Knockout Boxing Gym	Adjacent Property Operator of 240 North Avenue	236 North Avenue	New Rochelle	NY	10801
Lord & Andra Gallery/Art & Blue Print Inc.	Adjacent Property Operator of 240 North Avenue	240 North Avenue, Suite 215	New Rochelle	NY	10801
M.L. Brueen Co., Inc.	Adjacent Property Operator of 240 North Avenue	240 North Avenue, Suite 200	New Rochelle	NY	10801
Lawton Street Tavern	Adjacent Property Operator of 47 Lawton Street	47 Lawton Street	New Rochelle	NY	10801
Empty Hand Zen Center	Adjacent Property Operator of 45 Lawton Street	45 Lawton Street	New Rochelle	NY	10801
New Rochelle Salon	Adjacent Property Operator of 41 Lawton Street	41 Lawton Street	New Rochelle	NY	10801
Pet Palace	Adjacent Property Operator of 212 North Avenue	216 North Avenue	New Rochelle	NY	10801
CVS	Adjacent Property Operator of 218 North Avenue	222 North Avenue	New Rochelle	NY	10801
Madrag	Adjacent Property Operator of 481 Main Street	481 Main Street	New Rochelle	NY	10801
Town Pizza House Restaurant	Adjacent Property Operator of 2 Anderson Street	2 Anderson Street	New Rochelle	NY	10801
YUM Ice Cream & Bubble Tea	Adjacent Property Operator of 2 Anderson Street	8 Anderson Street	New Rochelle	NY	10801
Spectators Sports Pub & Resturant	Adjacent Property Operator of 227 North Avenue	227 North Avenue	New Rochelle	NY	10801
Hibachi Express	Adjacent Property Operator of 227 North Avenue	221 North Avenue	New Rochelle	NY	10801
Charming Nail	Adjacent Property Operator of 215 North Avenue	215 North Avenue	New Rochelle	NY	10801
On-Demand Luxury Car Spa and Detailing	Adjacent Property Operator of 4 Anderson Street	5 Anderson Street	New Rochelle	NY	10801
Caridad & Louie's Restaurant	Adjacent Property Operator of 4 Anderson Street	241 North Avenue	New Rochelle	NY	10801

Exhibit M



1400 Crossroads Building
2 State Street
Rochester, New York 14614
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October 13, 2022

VIA ELECTRONIC MAIL

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

RE: Brownfield Cleanup Program Application
Site Name: J&L Cleaners Lawton St. Site
Site Address: 35 and 39 Lawton Street, New Rochelle, New York 10801

Dear Mr. Geoffino:

We represent Serenity Marina LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 35 and 39 Lawton Street, in the City of New Rochelle, County of Westchester and State of 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 as an attachment to an email to my paralegal, Rebecca Owten at rowten@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

A handwritten signature in black ink, appearing to read "Linda R. Shaw", written over a horizontal line.

LINDA R. SHAW

Yes, the New Rochelle public Library is willing and able to act as a public repository for documents related to the cleanup of 35 and 39 Lawton Street, New Rochelle, NY 10801 under the NYS Brownfield Cleanup Program.

A handwritten signature in black ink, appearing to read "Tom Geoffino", written over a horizontal line.
Tom Geoffino, Director

10/13/22
Date

Exhibit N

Boring ID	Boring Depth (ft)	Sample ID	Sample Depth (ft)	Sample Matrix	Analysis
SB-1	15	SB-1 (1.5-2)	1.5-2	Soil	TCL+30/TAL
		SB-1 (5.5-6)	5.5-6	Soil	TCL+30/TAL
SB-2	14	SB-2 (4.5-5)	4.5-5	Soil	TCL+30/TAL
		SB-2 (12-12.5)	12-12.5	Soil	TCL+30/TAL
SB-3	17	SB-3 (4-4.5)	4-4.5	Soil	TCL+30/TAL
		SB-3 (9-9.5)	9-9.5	Soil	TCL+30/TAL
SB-4	12	SB-4 (2.5-3)	2.5-3	Soil	TCL+30/TAL
		SB-4 (10-10.5)	10-10.5	Soil	TCL+30/TAL
SB-5	15	SB-5 (4.5-5)	4.5-5	Soil	TCL+30/TAL
		SB-5 (11-11.5)	11-11.5	Soil	TCL+30/TAL
SB-6	15	SB-6 (3-3.5)	3-3.5	Soil	TCL+30/TAL
		SB-6 (13-13.5)	13-13.5	Soil	TCL+30/TAL
SB-7	15	SB-7 (2-2.5)	2-2.5	Soil	TCL+30/TAL
		SB-7 (7-7.5)	7-7.5	Soil	TCL+30/TAL
SB-8	10	SB-8 (1.5-2)	1.5-2	Soil	TCL+30/TAL
		SB-8 (9.5-10)	9.5-10	Soil	TCL+30/TAL
SB-9	15	SB-9 (4-4.5)	1.5-2	Soil	TCL+30/TAL
		SB-9 (11-11.5)	11-11.5	Soil	TCL+30/TAL
TW-1	14	TW-1	9-14	Groundwater	TCL+30/TAL, PFAS, 1-4 dioxane
TW-2	15	TW-2	10-15	Groundwater	TCL+30/TAL, PFAS, 1-4 dioxane
SV-1	5	SV-1	5	Soil Vapor	TO-15
SV-2	5	SV-2	5	Soil Vapor	TO-15
SV-3	5	SV-3	5	Soil Vapor	TO-15
AA-1	NA	AA-1	NA	Ambient Air	TO-15