



SUBMITTAL INSTRUCTIONS:

1. Compile the application package in the following manner:
 - a. one file in non-fillable PDF of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
 - b. one individual file (PDF) of each previous environmental report; and,
 - c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. Compress all files (PDFs) into one zipped/compressed folder.
3. Submit the application to the Site Control Section either via email or ground mail, as described below.

Please select only ONE submittal method – do NOT submit both email and ground mail.

a. VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service. (<http://fts.dec.state.ny.us/fts>) or another file-sharing service.
- Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
- Subject line of the email: “*BCP Application NEW - *Proposed Site Name**”
- Email your submission to DESiteControl@dec.ny.gov – do NOT copy Site Control staff.

b. VIA GROUND MAIL:

- Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
- Mail the external storage device to the following address:
Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PROPOSED SITE NAME: KENSICO DRIVE & KISCO AVENUE PROPERTIES

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: C360243

☒

Yes

☐

No



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME **KENSICO DRIVE & KISCO AVENUE PROPERTIES**

ADDRESS/LOCATION 15 Kensico Drive, 19 Kensico Drive, & 275 Kisco Avenue, Village of Mount Kisco, Westchester County, NY 10549

CITY/TOWN **Village of Mount Kisco**

ZIP CODE **10549**

MUNICIPALITY (LIST ALL IF MORE THAN ONE) **Village of Mount Kisco**

COUNTY **Westchester**

SITE SIZE (ACRES) **7.406 (Total)**

LATITUDE

LONGITUDE

41°	13'	3.734"	-73°	43'	26.679"
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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
15 Kensico Drive	69.50	1	6	0.78
19 Kensico Drive & Kensico Drive	69.50	1	5 & 4	0.243 & 0.183
275 Kisco Avenue	69.49	3	1	6.2

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 included with the application? (Application will not be processed without a map)	<input checked="" type="radio"/>	<input type="radio"/>
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"/>	<input checked="" type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
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"/>	<input checked="" type="radio"/>
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"/>	<input checked="" type="radio"/>

SECTION I: Property Information (CONTINUED)		Y	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"/>	<input checked="" type="radio"/>
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"/>	<input checked="" type="radio"/>
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input type="radio"/>	<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: C360242, C360243, & C360244		<input checked="" type="radio"/>	<input 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: 360203 Class: P		<input checked="" type="radio"/>	<input 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>		<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>		<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 11-13 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><u>SM</u></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? GC: General Commercial District

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. Include 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. Include 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:

- 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 type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SVOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input 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:

- 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

- Indicate Past Land Uses (check all that apply):

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

Other: See attached Supplemental Information.

SECTION V: Requestor Information

NAME See Attached Supplemental Information

ADDRESS

CITY/TOWN

STATE

ZIP CODE

PHONE

EMAIL

	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 the 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, a list of the names of the members/owners is required 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"/>

SECTION VI: Requestor Eligibility (CONTINUED)

7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting or 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"/> Y	<input checked="" type="radio"/> N
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"/>
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?	<input type="radio"/>	<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"/> <p>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.</p>	VOLUNTEER <input checked="" type="checkbox"/> <p>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.</p> <p>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.</p> <p>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.</p>	
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"/>		

SECTION VI: Requestor Eligibility (CONTINUED)

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

☐ Previous Owner ☒ Current Owner ☐ Potential/Future Purchaser ☒ Other: Affiliate of Owner

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?



Yes



No



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 Samantha Morash

ADDRESS 15401 Frederick Road

CITY Rockville

STATE MD

ZIP CODE 20855

PHONE (240) 800-5621

EMAIL smorash@darcars.com

REQUESTOR'S CONSULTANT (CONTACT NAME) Conor Tarbell

COMPANY PVE Engineering

ADDRESS 48 Springside Avenue

CITY Poughkeepsie

STATE NY

ZIP CODE 12603

PHONE (845) 454-2544

EMAIL ctarbell@pve-llc.com

REQUESTOR'S ATTORNEY (CONTACT NAME) Christine Leas

COMPANY Sive, Paget, & Riesel P.C.

ADDRESS 560 Lexington Avenue, 15th Floor

CITY New York

STATE NY

ZIP CODE 10022

PHONE (646) 378-7267

EMAIL cleas@sprlaw.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 15 Kensico, LLC; 19 Kensico Drive, LLC; & 275 Kisco, LLC

CONTACT NAME Samantha Morash

ADDRESS 15401 Frederick Road

CITY Rockville

STATE MD

ZIP CODE 20855

PHONE (240) 800-5621

EMAIL smorash@darcars.com

OWNERSHIP START DATE 15 Kensico Drive: 12/15/2022; 19 Kensico Drive: 07/16/2021; & 275 Kisco Avenue: 08/03/2020

CURRENT OPERATOR See attached Supplemental Information

CONTACT NAME

ADDRESS

CITY

STATE

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 as an attachment.	<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"/>

SECTION X: Property Eligibility Information (continued)

<p>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: _____</p>	<p>Y</p> <input type="radio"/>	<p>N</p> <input checked="" type="radio"/>
<p>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</div></p>	<input checked="" type="radio"/>	<input type="radio"/>
<p>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: _____</p>	<input type="radio"/>	<input checked="" type="radio"/>
<p>6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information as an attachment.</p>	<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 15 Kensico, 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: 7-13-23

Signature:  _____

Print Name: John Darvish

PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.

SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

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Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Manager (title) of 19 Kensico Drive, 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: 7.13.23 Signature:  _____

Print Name: John Darvish _____

PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR
DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.

SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

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Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Manager (title) of 275 Kisco, 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: 7.13.23

Signature: _____

Print Name: John Darvish

PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.

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 15

Please respond to the questions below and provide additional information and/or documentation as required. <i>Please refer to the application instructions.</i>	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.

**NYSDEC BROWNFIELD CLEANUP PROGRAM
APPLICATION – SUPPLEMENTAL INFORMATION**

**KENSICO DRIVE & KISCO AVENUE PROPERTIES
15 KENSICO DRIVE; 19 KENSICO DRIVE; & 275 KISCO AVENUE
VILLAGE OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK
BCP SITE #C360243**

PREPARED FOR:

15 Kensico, LLC
15 Kensico Drive
Mount Kisco, New York 10549

19 Kensico Drive, LLC
19 Kensico Drive
Mount Kisco, New York 10549

275 Kisco, LLC
275 Kisco Avenue
Mount Kisco, New York 10549

PREPARED BY:



PVE Engineering
48 Springside Avenue
Poughkeepsie, New York 12603
Phone: 845-454-2544 – Fax: 845-454-2655

October 4, 2023
PVE File #20230407

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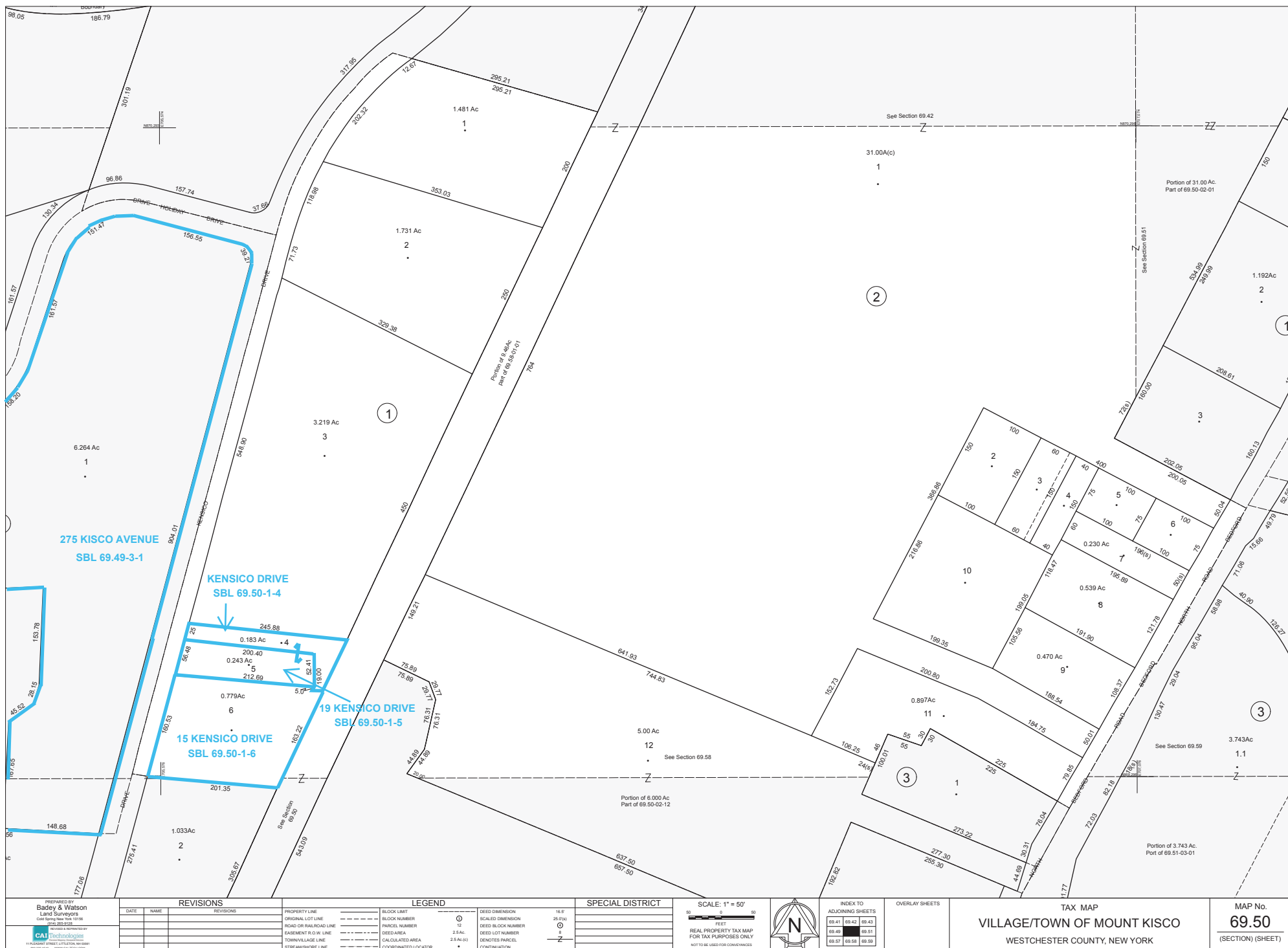
SEPARATE ATTACHMENTS

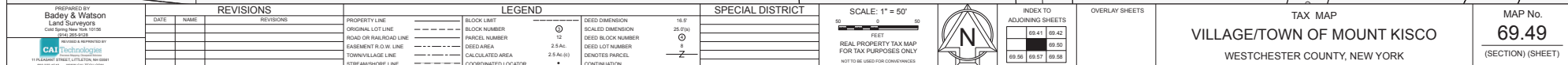
Attachment IV-1A	Phase I Environmental Site Assessment, by ECS Mid- Atlantic, LLC, dated June 15, 2022
Attachment IV-1B	Environmental Subsurface Evaluation, by ECS Mid-Atlantic, LLC, dated August 24, 2022
Attachment IV-1C	Subsurface Investigation Report, by PVE Engineering, dated November 15, 2022
Attachment IV-1D	Phase I Environmental Site Assessment, by ECS Mid-Atlantic, LLC, dated March 2, 2021
Attachment IV-1E	Environmental Sub-Surface Evaluation, by ECS Mid-Atlantic, LLC, dated August 30, 2022
Attachment IV-1FA	Phase I ESA, by Leggette, Brashears & Graham, Inc, dated August/September 2005 (Part I)
Attachment IV-1FB	Phase I ESA, by Leggette, Brashears & Graham, Inc, dated August/September 2005 (Part II)
Attachment IV-1G	Tank Closure Report, by Elite Environmental Services, Inc, dated January 2, 2005
Attachment IV-1H	Asbestos Pre-Demolition Report, by S&B Environmental, LLC, dated January 22, 2007
Attachment IV-1I	Phase I ESA, by ECS Mid-Atlantic, LLC, dated February 28, 2020



SECTION I – PROPERTY INFORMATION

I.1 – Tax Maps, Village of Mount Kisco City Assessor’s Office

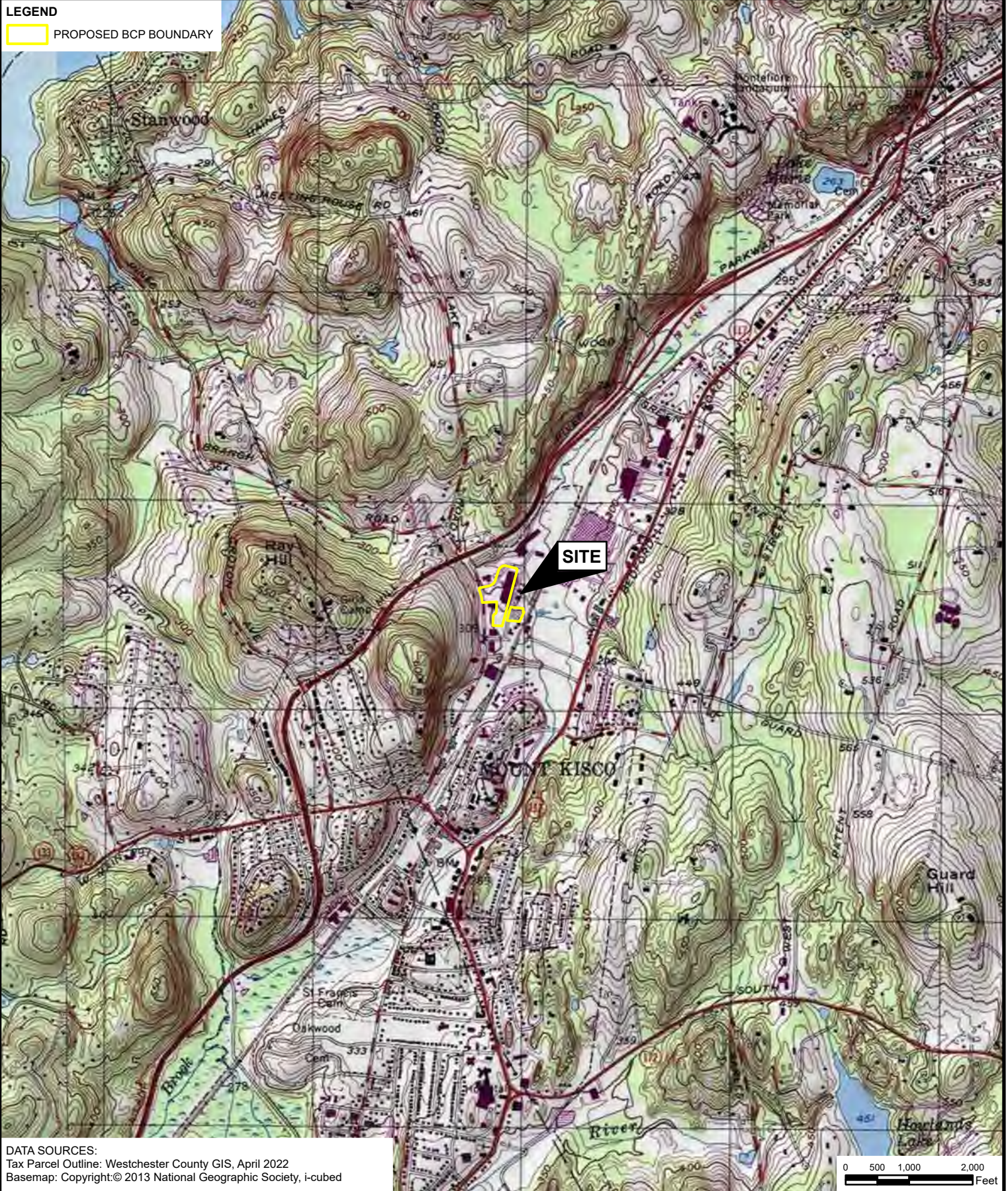




Kensico Drive & Kisco Avenue Properties
15 Kensico Drive; 19 Kensico Drive; & 275 Kisco Avenue
October 4, 2023
PVE File #20230407



I.1 – Property Map (USGS 7.5 Quadrangle)



48 Springside Avenue
 Poughkeepsie, NY 12603
 Office: 845.454.2544
 Fax: 845.454.2655

PROPERTY MAP (USGS 7.5 QUADRANGLE)

15 KENSICO DRIVE; 19 KENSICO DRIVE; & 275 KISCO AVENUE
 VILLAGE OF MOUNT KISCO
 WESTCHESTER COUNTY, NEW YORK

PROJECT NO.
 20230407



FIGURE 1A

DATE: 09/21/2023

SCALE: AS INDICATED

PROJECTION: STATE PLANE NAD83 NY EAST

ALL LOCATIONS APPROXIMATE



I.2 – Property Map (Aerial)

LEGEND

- PROPOSED BCP BOUNDARY
- ADJOINING / NEARBY TAX PARCEL OUTLINE



DATA SOURCES:

Tax Parcel Outline, Adjoining Properties: Westchester County GIS, April 2022
 Basemap: New York State, Maxar, Microsoft, Copyright: © 2013 National Geographic Society, i-cubed, Esri Community Maps Contributors, County of Westchester, UConn/CTDEEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



48 Springside Avenue
 Poughkeepsie, NY 12603
 Office: 845.454.2544
 Fax: 845.454.2655

**PROPERTY MAP (AERIAL) /
 PROPOSED BCP BOUNDARY**

15 KENSICO DRIVE; 19 KENSICO DRIVE; & 275 KISCO AVENUE
 VILLAGE OF MOUNT KISCO
 WESTCHESTER COUNTY, NEW YORK

PROJECT NO.
 20230407



FIGURE 1B

DATE: 09/21/2023

SCALE: AS INDICATED

PROJECTION: STATE PLANE NAD83 NY EAST

ALL LOCATIONS APPROXIMATE



I.10 – Previous BCP Application(s)



Yes. The applicant recently submitted separate applications for each of the property addresses listed below. DEC site numbers and property names are provided below. At the request of the NYSDEC, the Requestors have withdrawn the applications for 15 and 19 Kensico Drive and merged them into this revised application for Site Number C360243, with a revised site name covering all of these properties.

- C360244 - 15 Kensico Drive– application withdrawn and merged into this application
- C360242 - 19 Kensico Drive – application withdrawn and merged into this application
- C360243 - 275 Kisco Avenue

I.11 – DECinfo Locator – NYSDEC P-Site



DATA SOURCES:
 Tax Parcel Outline, Adjoining Properties: Westchester County GIS, April 2022
 Basemap: New York State, Maxar, Microsoft, Copyright:© 2013 National Geographic Society, i-cubed, Esri Community
 Maps Contributors, County of Westchester, UConn/CTDEEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin,
 SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

<div> 48 Springside Avenue Poughkeepsie, NY 12603 Office: 845.454.2544 Fax: 845.454.2655</div>	<div>NYSDEC P-SITE #360203 BOUNDARY 15 KENSICO DRIVE; 19 KENSICO DRIVE; & 275 KISCO AVENUE VILLAGE OF MOUNT KISCO WESTCHESTER COUNTY, NEW YORK</div>	PROJECT NO.	FIGURE 2
		20230407	DATE: 09/21/2023
			SCALE: AS INDICED
			PROJECTION: STATE PLANE NAD83 NY EAST
			ALL LOCATIONS APPROXIMATE



I.12 – Existing Easements

No.

15 Kensico Drive:

There is a grant of easement for a Spur Track (contained in indenture recorded March 6, 1912, in (as) Liber 1979 Cp 75 and recalled in Volume 36 Page 23), but that easement will not preclude or interfere with remediation.

19 Kensico Drive:

There is an access easement, but that easement will not preclude or interfere with remediation because the dominant and servient properties associated with that access easement are under common ownership by the Requestor owner of 19 Kensico Drive, 19 Kensico Drive, LLC.

275 Kisco Avenue:

There is a 10-foot-wide drainage easement (Control #482420131 W.C.L.R), but that easement will not preclude or interfere with remediation.

I.14 – Property Description and Environmental Assessment

Location

The Site is comprised of three (3) properties located in the Village of Mount Kisco, Westchester County, New York in a commercial and industrial area:

15 Kensico Drive:

15 Kensico Drive is bordered to the north by 19 Kensico Drive (automobile storage facility), to the east by Metro North Harlem Line (railroad), to the south by Halstead Quinn Terminal Corporation (propane/heating oil storage facility) at 33 Hubbels Drive, and to the west by Kensico Drive. Adjoining to the west of Kensico Drive is DARCARS Lexus of Mt. Kisco (automobile dealership and service center) at 275 Kisco Avenue.

19 Kensico Drive:

19 Kensico Drive (includes 2 lots: Lot 5 is addressed as 19 Kensico Drive, and Lot 4 is addressed as just Kensico Drive) is bordered to the north by Suburban Propane at 25 Kensico Drive, to the east by Metro North Harlem Line (railroad), to the south by 15 Kensico, currently occupied by Brooks Custom (Cabinetry Shop), and to the west by Kensico Drive. Adjoining to the west of Kensico Drive is DARCARS Lexus of Mt. Kisco at 275 Kisco Avenue.

275 Kisco Avenue:

275 Kisco Avenue is bordered to the north by Holiday Inn Drive and adjoining to the north and west of Holiday Inn Drive is Land Rover Mt. Kisco (automotive sales) at 299 Kensico Drive, to the north of Holiday Inn Drive is Hotel MTK Mount Kisco at One Pat Reilly Way. 275 Kisco Avenue is bordered to the east by Kensico Drive and adjoining to the east of Kensico Drive is Suburban Propane, L.P. at 25 Kensico Drive, 15 Kensico Drive and 19 Kensico Drive, and Halstead-Quinn Terminal Corporation



(propane/heating oil storage facility) at 33 Hubbels Drive. 275 Kisco Avenue is bordered to the south by Rivera Toyota (automotive service center) at 255 Kisco Avenue and to the west by Kisco Avenue. Adjoining to the west of Kisco Avenue and the adjoining Rivera Toyota property is DARCARS BMW of Mt. Kisco (automotive sales and service center) at 250 Kisco Avenue and a vacant parcel owned by the Village of Mount Kisco.

Site Features

15 Kensico Drive:

15 Kensico Drive is improved with a 24,387-square foot two-story commercial woodworking and cabinetry structure with paved parking areas.

19 Kensico Drive:

A single-story rectangular shaped building covers most of 19 Kensico Drive, with a paved driveway along the northerly side of the building. The driveway connects to a paved parking area immediately east of the on-site building.

275 Kisco Avenue:

Site features at 275 Kisco Avenue include a 48,713-square foot single-story commercial structure (automotive dealership) with paved parking areas and landscaping.

Current Zoning and Land Use

The Site is currently zoned by the Village of Mount Kisco as “GC - General Commercial”. The proposed project area is adjacent to other commercial properties.

15 Kensico Drive:

15 Kensico Drive is currently used as a commercial woodworking and cabinetry facility, operated by Brooks Woodworking, Inc.

19 Kensico Drive:

19 Kensico Drive is currently used to store vehicles for Lexus of MT. Kisco automotive dealership and operated by DARCARS of Railroad Ave., Inc.

275 Kisco Avenue:

275 Kisco Avenue is currently occupied by Lexus of Mt. Kisco automotive dealership and service center, operated by DARCARS of Railroad Ave. Inc.

Past Uses of the Site

The Site was recently included within the boundary of NYSDEC P-Site #360203 that was established to determine whether sources of chlorinated volatile organic compounds (VOCs) detected in groundwater at the Former Designs for Leisure BCP Site #C360163 at 41 Kensico Drive exist within the boundary of the P-Site.

15 Kensico Drive:

15 Kensico Drive was undeveloped land from at least 1892 until at least 1899, used as a cider and vinegar mill with a gasoline tank and oil storage from at least 1916 until at least 1942, used as a copper tubing manufacturing and painting facility for the NYS Highway Department from at least 1949 until at least 1971, used as a farm machine manufacturing facility from at least 1971 until an unknown date, used as an automotive service station center from at least 1981 until 2004, and a commercial woodworking and cabinetry facility from at least 1992 to present day.

19 Kensico Drive:

19 Kensico Drive was undeveloped land from at least 1892 until at least 1916, used as a cider and vinegar mill in 1925, used as a copper tubing storage facility from at least 1949 until at least 1971, used as commercial beverage and bottling facility between 1972 and 2005, an equipment repair facility in 2005 and most recently for automotive dealership vehicle storage and washing. Vehicle washing was discontinued and has not occurred during ownership by the Requestor and current owner of 19 Kensico Drive, 19 Kensico Drive, LLC.

275 Kisco Avenue:

275 Kisco Avenue was undeveloped land from 1910 to 1949, utilized as agricultural land from 1949 until circa 1958, utilized for manufacturing of copper pipe from circa 1953 to 1970, utilized as a commercial warehouse from 1958 to 2006, and a car dealership/service center from at least 2011 to the present.

Site Geology and Hydrogeology

According to the Mineral Resources Online Spatial Data: Geologic maps (usgs.gov), bedrock underlying the Site consists of the Inwood Marble, Fordham Gneiss – undivided, and the Fordham Gneiss – C and D member sequences. These formations are Early Cambrian to Lower Ordovician and Precambrian to Middle Proterozoic in age and composed majorly of Marble and Gneiss. The direction of groundwater flow is inferred to be to the east, based on local topography and proximity to surface water to the east of the Site.

Additional details generated during subsurface investigations at each address are presented below.

15 Kensico Drive:

Soil borings completed by ECS during a subsurface investigation (See Section IV.1) encountered groundwater in overburden soils at depths ranging from approximately 3 to 15-feet below ground surface (bgs). Refusal was encountered at depths ranging from approximately 5 to 15-feet bgs. Conventional hollow stem auger drilling for the installation of monitoring wells encountered bedrock



at depths ranging from 43 to 52-feet bgs and water bearing fractures at depths ranging from 46 to 68-feet bgs.

19 Kensico Drive:

Soil borings completed by ECS as part of an Environmental Subsurface Evaluation (See Section IV.1) demonstrated the subsurface soils consist of clays and sands. Groundwater was encountered at depths ranging from approximately 4 to 4.5-feet bgs. Refusal was not encountered during drilling activities, and the depth to bedrock is not known.

275 Kisco Avenue:

Soil borings completed by ECS during a subsurface investigation (See Section IV.1) encountered groundwater in overburden soils at depths ranging from approximately 3 to 15-feet bgs. Refusal was encountered at depths ranging from approximately 5 to 15-feet bgs.

The direction of groundwater flow in unconsolidated sediments is inferred to be to the east, based on local topography and proximity to surface water to the east of the Site.

Environmental Assessment

Based upon investigations conducted to date, the primary contaminants of concern for the Site include VOCs, semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), and metals. Below is a summary of analytical results from soil, groundwater, soil vapor and indoor air samples with contaminants at concentrations exceeding applicable rules, regulations and standards, criteria, and guidance (ARARs and SCGs).

15 Kensico Drive:

Groundwater:

- VOCs (cis-1,2-dichloroethene [cis-1,2 DCE], chloroform, isopropylbenzene [cumene], n-butylbenzene, n-propylbenzene, sec-butylbenzene, t-butylbenzene, tert-butyl methyl ether, and/or trans-1,2-dichloroethene)) and/or chlorinated solvents (trichloroethene [TCE], vinyl chloride), SVOCs (benzo[a]anthracene, benzo[b]fluoranthene, benzo[k]fluoranthene, and/or chrysene), and Metals (arsenic, barium, beryllium, cadmium, chromium, copper, iron, lead, magnesium, manganese, nickel, selenium, sodium, thallium, and zinc – total) were detected in eight (8) of the twelve (12) groundwater samples exceeding Class GA Groundwater Standards in accordance with 6 NYCRR Part 700-705. These samples were collected from six (6) temporary monitoring wells (16-TW-01, TMW-3D, 16-TW-02, TMW-1D, 16-TW-03, TMW-2D, TMW-2S) and one (1) permanent monitoring well (MW-2) located along the westerly and easterly portions of the Site (See Section IV).

Soil:

- One (1) VOC (acetone), one (1) SVOC (chrysene), and one (1) metal (lead) were detected in soil samples at concentrations exceeding NYSDEC Protection of Groundwater (PGW) Soil Cleanup Objectives (SCOs). One (1) metal (copper) and PCBs were detected in soil samples at concentrations exceeding their respective Commercial Soil Cleanup Objectives (CSCOs) as defined in 6 NYCRR Part 375 (See Section IV).

Indoor Air & Soil Vapor:

- VOCs (carbon tetrachloride, methylene chloride, 1,1-dichloroethene (1,1-DCE), tetrachloroethylene (PCE), vinyl chloride, and TCE) were detected in indoor air and soil vapor samples at concentrations warranting mitigation in accordance with NYSDOH Guidance (October 2006). Carbon Tetrachloride was detected at concentrations ranging from 0.447 to 0.484 $\mu\text{g}/\text{m}^3$, methylene chloride was detected at concentrations ranging from 3.1 to 73 $\mu\text{g}/\text{m}^3$, 1,1-DCE was detected at concentration ranging from 4.4 to 7.3 $\mu\text{g}/\text{m}^3$, PCE was detected at concentrations ranging from 5.5 to 9,100 $\mu\text{g}/\text{m}^3$, vinyl chloride was detected at concentrations ranging from 20 to 310 $\mu\text{g}/\text{m}^3$, and TCE was detected at concentrations ranging from 2.5 to 190,000 $\mu\text{g}/\text{m}^3$ (See Section IV).

19 Kensico Drive:

Groundwater:

- TCE and its associated degradation products, including cis-1,2 DCE and vinyl chloride were detected in one (1) of two (2) groundwater samples at, 100 $\mu\text{g}/\text{L}$, 22 $\mu\text{g}/\text{L}$ and 14 $\mu\text{g}/\text{L}$, respectively exceeding Class GA Groundwater Standards of 5, 5, & 2 $\mu\text{g}/\text{L}$, respectively in accordance with 6 NYCRR Part 700-705. This sample was collected from a temporary



monitoring well (19-TW-02) located in the driveway along the northerly portion of the Site (See Section IV).

Soil:

- No contaminants were detected in the soil samples analyzed at concentrations exceeding Unrestricted Use Soil Cleanup Objectives (UUSCOs), PGW SCOs or CSCOs (See Section IV).

Indoor Air & Soil Vapor:

- Carbon tetrachloride, cis-1,2 DCE, and TCE were detected in indoor air and soil vapor samples at concentrations warranting mitigation in accordance with NYSDOH Guidance (October 2006). Carbon tetrachloride was detected at $0.384 \mu\text{g}/\text{m}^3$, cis-1,2 DCE was detected at $72.2 \mu\text{g}/\text{m}^3$, and TCE was detected at concentrations ranging from 1.27 to $1.46 \mu\text{g}/\text{m}^3$ in indoor air and $7,790 \mu\text{g}/\text{m}^3$ in soil vapor. (See Section IV).

275 Kisco Avenue

Groundwater:

- TCE was detected in one (1) of six (6) groundwater samples at $9,500 \text{ ug}/\text{L}$ exceeding Class GA Groundwater Standards of $5 \text{ ug}/\text{L}$ as defined in 6 NYCRR Part 700-705. This sample was collected from a temporary monitoring well (275-TW-04) located in the northeasterly corner of the Site (See Section IV).

Soils:

- One (1) VOC (acetone) was detected in one (1) of eight (8) soil samples at $0.11 \text{ mg}/\text{kg}$ exceeding PGW SCO of $0.05 \text{ mg}/\text{kg}$ (See Section IV).

Indoor Air & Soil Vapor:

- Carbon tetrachloride, PCE, cis-1,2 DCE, and TCE were detected in indoor air and soil vapor samples at concentrations warranting mitigation in accordance with NYSDOH Guidance (October 2006). Carbon tetrachloride was detected at concentrations ranging from 0.377 to $.0415 \mu\text{g}/\text{m}^3$ in indoor air, PCE was detected at concentrations ranging from 67.8 to $201 \mu\text{g}/\text{m}^3$ in indoor air and at $692 \mu\text{g}/\text{m}^3$ in soil vapor, cis-1,2 DCE was detected at $151 \mu\text{g}/\text{m}^3$ in soil vapor, and TCE was detected at concentrations ranging from 14.9 to $2,120 \mu\text{g}/\text{m}^3$ in soil vapor (See Section IV).



SECTION II – PROJECT DESCRIPTION

II.4 – Short description of the overall project development.

The Site includes four (4) of several parcels that were recently acquired by the Requestors and other affiliates, to support their local automotive dealership operations. Summarized below is the intended schedule for the remedial program and anticipated date to receive the Certificate of Completion. If plans change to involve demolition and reconstruction, that would be conducted during remedial construction, likely with a different schedule for each parcel, and the overall project schedule would be extended by approximately 6-months to a year.

15 Kensico Drive:

15 Kensico Drive is currently utilized as a commercial woodworking and cabinetry facility, operated by Brooks Woodworking, Inc., a tenant of the Requestor 15 Kensico, LLC. The Requestor anticipates undertaking major remodeling of existing buildings or demolition of existing buildings and construction of new multi-story auto storage facilities after the current lease term ends June 30, 2024 (with an anticipated extension to June 30, 2025). Note that the project schedule provided below contemplates remodeling following BCP remediation.

19 Kensico Drive:

19 Kensico Drive (includes 2 lots: Lot 5 is addressed as 19 Kensico Drive, and Lot 4 is addressed as just Kensico Drive) is currently utilized for storage of vehicles from other nearby properties, owned and operated by affiliated entities. The Requestor anticipates undertaking major remodeling of existing buildings or demolition of existing buildings and construction of new multi-story auto storage facilities. Note that the project schedule contemplates remodeling following BCP remediation.

275 Kisco Avenue:

275 Kisco Avenue is currently utilized as a commercial automotive dealership, operated by DARCARS of Railroad Avenue, Inc., an affiliate of the Requestor/owner 275 Kisco, LLC. The Requestor anticipates renovations of the existing building, including modification of the HVAC system.



TASK	DATE COMPLETED
-------------	-----------------------

APPLICATION and CITIZEN PARTICIPATION PLAN (CPP)

BCP Application	October 2023
Application Accepted – Released for Public Comment	November 2023
30-Day Public Comment Period Ends	December 2023
Brownfield Cleanup Agreement (BCA) Fully Executed	February 2024
CPP Submitted	March 2024

REMEDIAL INVESTIGATION

Draft Remedial Investigation Work Plan (RIWP) Submitted	March 2024
RIWP - Released for Public Comment	May 2024
RIWP – Approval	June 2024
RI Field Activities	July - August 2024
Draft RI Report Submittal	October 2024
Final RI Report Submittal	December 2024

REMEDIAL ACTION WORK PLAN (RAWP)

Proposed RAWP with Alternative Analysis Submitted	February 2025
45-Day Comment Period Ends	April 2025
Final RAWP Submitted	June 2025
RAWP Implemented During Construction	June – August 2025

PROJECT COMPLETION

Submit Environmental Easement Package	August 2025
Submit Draft Site Management Plan	September 2025
Construction Completed	October 2025
Submit Final Engineering Report	December 2025
Certificate of Completion	February 2026

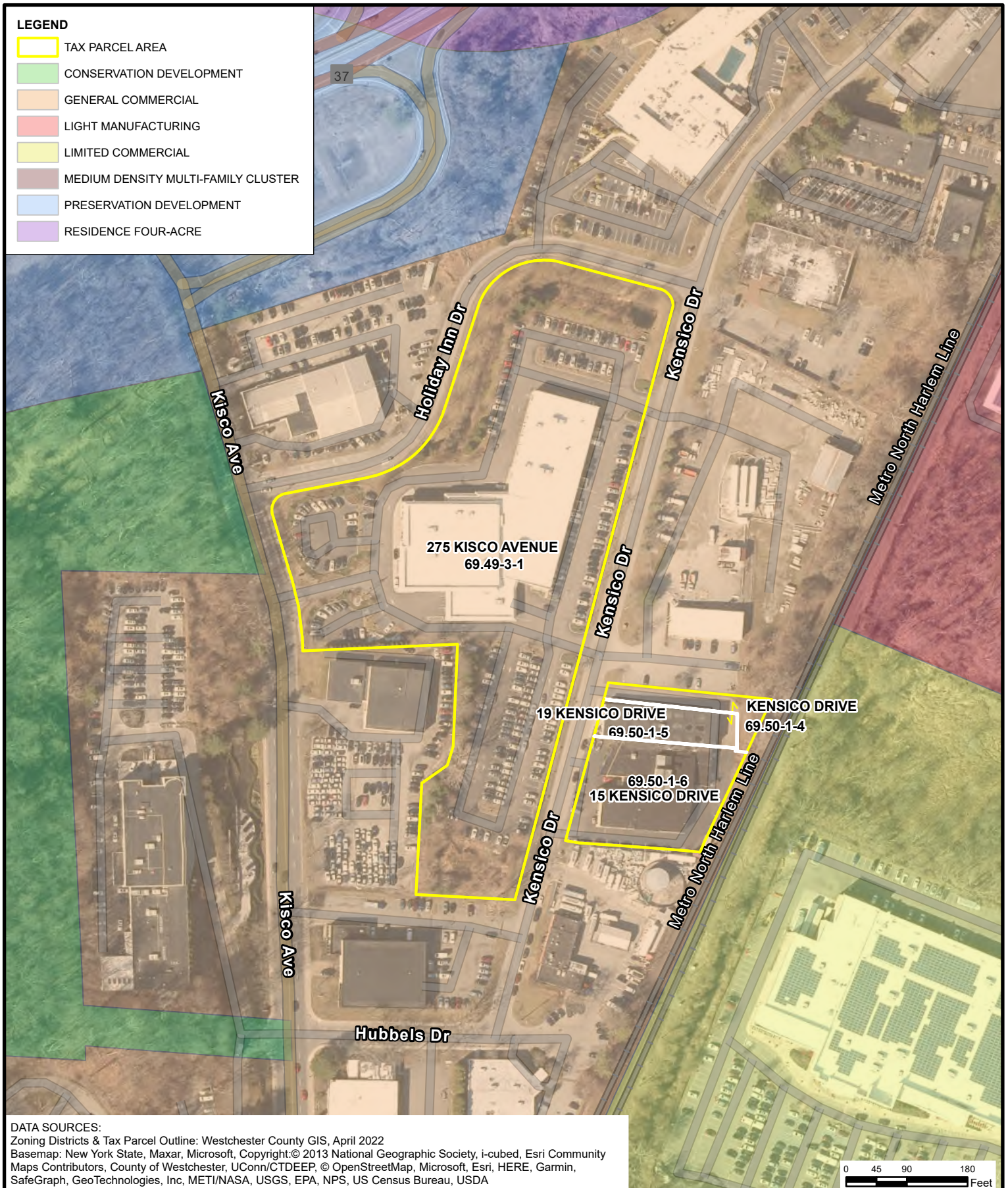


SECTION III – LAND USE FACTORS

III.1A – Nearby Zoning

LEGEND

- TAX PARCEL AREA
- CONSERVATION DEVELOPMENT
- GENERAL COMMERCIAL
- LIGHT MANUFACTURING
- LIMITED COMMERCIAL
- MEDIUM DENSITY MULTI-FAMILY CLUSTER
- PRESERVATION DEVELOPMENT
- RESIDENCE FOUR-ACRE



DATA SOURCES:

Zoning Districts & Tax Parcel Outline: Westchester County GIS, April 2022
 Basemap: New York State, Maxar, Microsoft, Copyright:© 2013 National Geographic Society, i-cubed, Esri Community
 Maps Contributors, County of Westchester, UConn/CTDEEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin,
 SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



48 Springside Avenue
 Poughkeepsie, NY 12603
 Office: 845.454.2544
 Fax: 845.454.2655

VILLAGE/TOWN OF MOUNT KISCO ZONING MAP

15 KENSICO DRIVE; 19 KENSICO DRIVE; & 275 KISCO AVENUE
 VILLAGE OF MOUNT KISCO
 WESTCHESTER COUNTY, NEW YORK

PROJECT NO.
20230407



FIGURE 3

DATE: 09/21/2023

SCALE: AS INDICATED

PROJECTION: STATE PLANE NAD83 NY EAST

ALL LOCATIONS APPROXIMATE

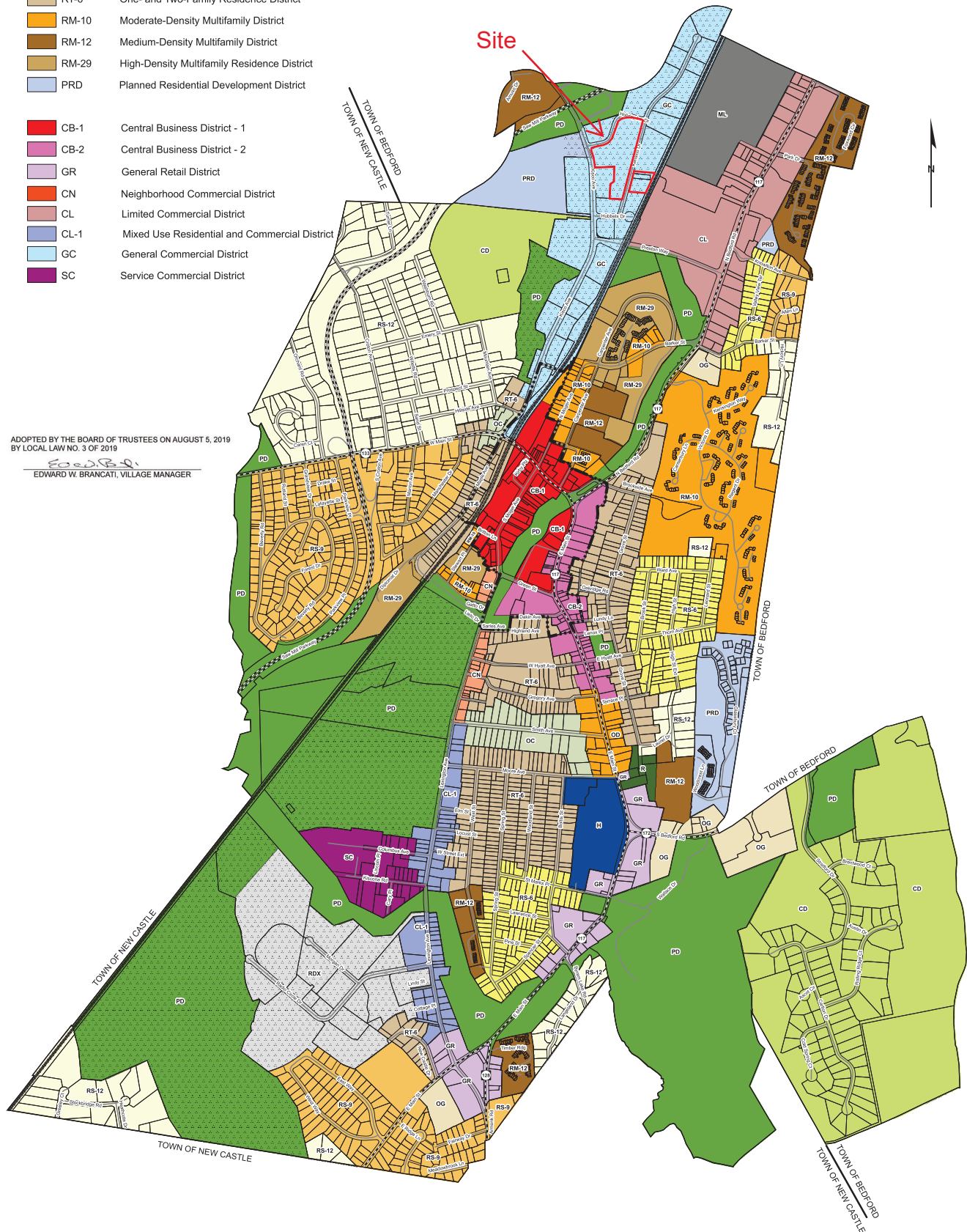


III.1B – Mount Kisco Zoning Map

- | | | | | | |
|-------|------------------------------------------------|----|-------------------------------|------|----------------------------------------------------------------------|
| PD | Preservation District | OD | Low-Intensity Office District | RDX | Research and Development District |
| CD | Conservation Development District | OC | Cottage Office District | ML | Light Manufacturing District |
| RS-12 | Low-Density One-Family Residence District | OG | General Office District | PWSF | Personal Wireless Service Facility Overlay District |
| RS-9 | Moderate-Density One-Family Residence District | H | Hospital District | | Downtown Overlay District
See Section 110-27.4 of the Zoning Code |
| RS-6 | Medium-Density One-Family Residence District | R | Recreation District | | |
| RT-6 | One- and Two-Family Residence District | | | | |
| RM-10 | Moderate-Density Multifamily District | | | | |
| RM-12 | Medium-Density Multifamily District | | | | |
| RM-29 | High-Density Multifamily Residence District | | | | |
| PRD | Planned Residential Development District | | | | |
| CB-1 | Central Business District - 1 | | | | |
| CB-2 | Central Business District - 2 | | | | |
| GR | General Retail District | | | | |
| CN | Neighborhood Commercial District | | | | |
| CL | Limited Commercial District | | | | |
| CL-1 | Mixed Use Residential and Commercial District | | | | |
| GC | General Commercial District | | | | |
| SC | Service Commercial District | | | | |

ADOPTED BY THE BOARD OF TRUSTEES ON AUGUST 5, 2019
BY LOCAL LAW NO. 3 OF 2019

Edward W. Brancati
EDWARD W. BRANCATI, VILLAGE MANAGER



ZONING DISTRICT MAP

VILLAGE/TOWN OF MOUNT KISCO

PREPARED BY KELLARD SESSIONS CONSULTING
500 MAIN STREET, ARMONK, N.Y.
(914) 273-2323

JANUARY 8, 2018
REV. AUGUST 5, 2019

NOTE:
MUNICIPAL BOUNDARIES, PARCEL BOUNDARIES, ZONING AND OVERLAY
DISTRICT BOUNDARIES, AND ROADS SHOWN HEREON HAVE BEEN PROVIDED
BY THE VILLAGE/TOWN OF MOUNT KISCO OR BY THE WESTCHESTER COUNTY
GEOGRAPHIC INFORMATION SYSTEMS (GIS).

III.4 – Summary of current business operations or uses, with an emphasis on identifying possible contamination source areas. If operations have ceased, provide the date by which the Site became vacant.

15 Kensico Drive:

Commercial woodworking and cabinetry. Operations utilize wood sealer, lacquer, wood stain, wood oil, paints and a variety of other woodworking chemicals. A paint booth, and associated ventilation system, are also used on-site. No signs of a release, leaks, or poor housekeeping were observed during previous Phase I ESA site reconnaissance.

19 Kensico Drive:

Automotive storage and warehousing. In addition to the use as an automotive storage warehouse, a car wash previously operated inside the warehouse. Car washing operations have not occurred since acquisition by the current owner and Requestor, 19 Kensico Drive, LLC, and appear to have ceased at some point in the last 10 years. Several floor drains are present in the vicinity of the former car washing area, which are reportedly connected to a wash-water containment and recycling system, but this has not been confirmed. Approximately thirty (30) hydraulic lifts are also present in the interior of the building; these lifts were most recently used to lift vehicles for storage in the building, and the hydraulic reservoirs are above-grade.

275 Kisco Avenue:

Commercial automotive dealership and service center. The service center operates a variety of automotive service-related tools and products, including hydraulic lifts, aboveground storage tanks and drums containing used motor oil, new oil, waste antifreeze, new antifreeze, and multiple floor drains (connected to municipal sewer). No signs of release, leaks or poor housekeeping were observed during previous Phase I ESA site reconnaissance. Drains discharge into on-site oil water separators prior to entering the municipal system. The oil water separator is regularly inspected and maintained.

III.6 – Statement detailing the specific proposed post-remediation use.

15 Kensico Drive:

Post-remediation use will convert this portion of the Site from a woodworking and cabinetry shop to auto storage. Long-term plans for demolition and construction are anticipated.

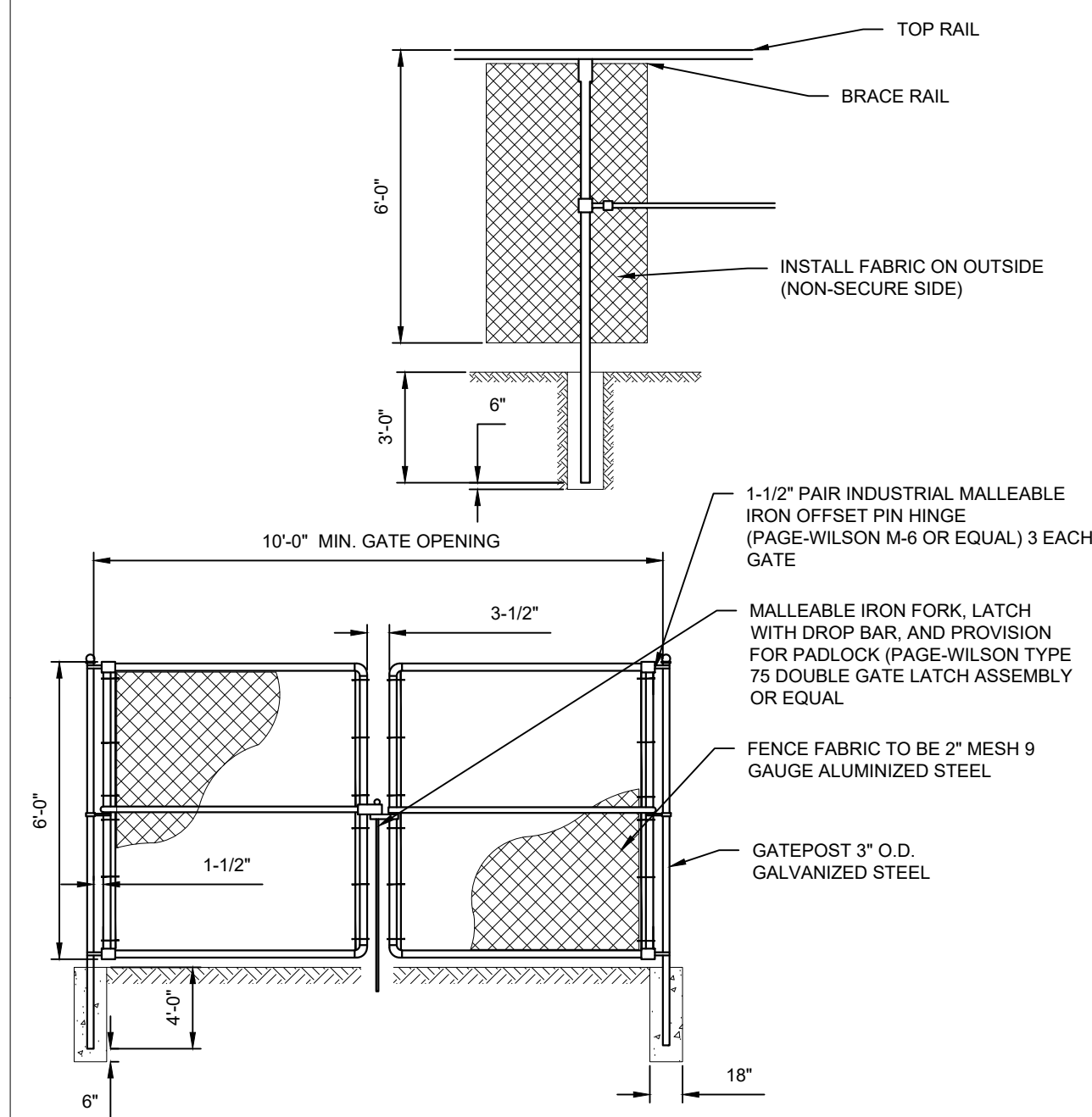
19 Kensico Drive:

Post-remediation use is planned to be similar to current Site use, focusing on car storage including vehicle lifts with possible wash facility. Near-term renovation plans are depicted on the Site Plan presented below. Long-term plans, including possible demolition and construction of a multi-story auto storage and service facility are not yet available.

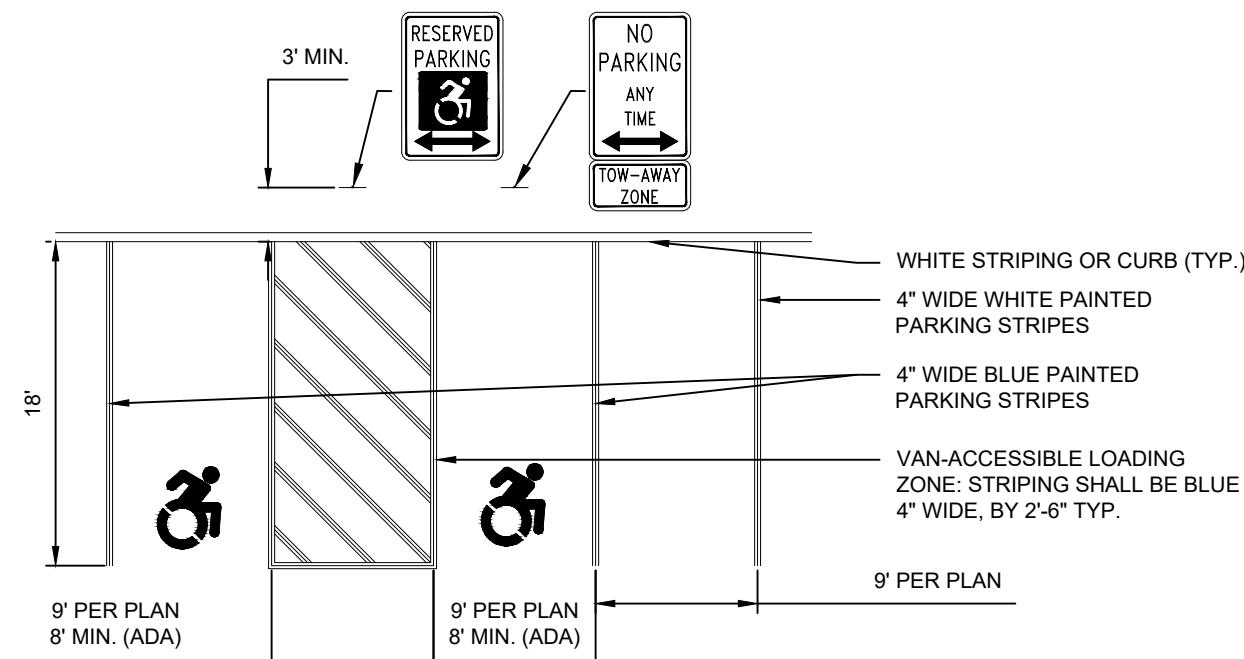
275 Kisco Avenue:

Post-remediation use is planned to be similar to current Site use, focusing as an automotive dealership/service center. Renovations are planned for the Site, including modifications to the HVAC system.

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.

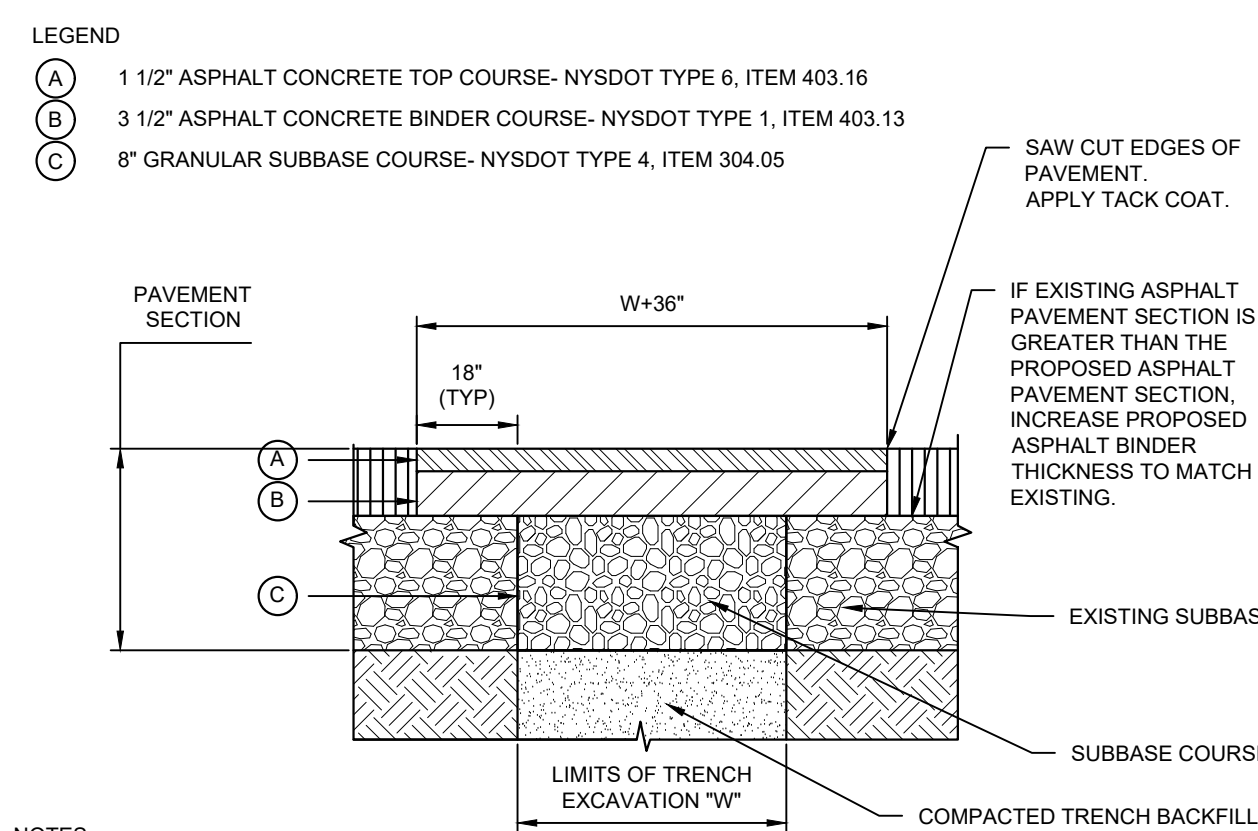
[illegible]

NOTES:
1. PROVIDE BLACK VINYL COATING ON ALL FENCE COMPONENTS



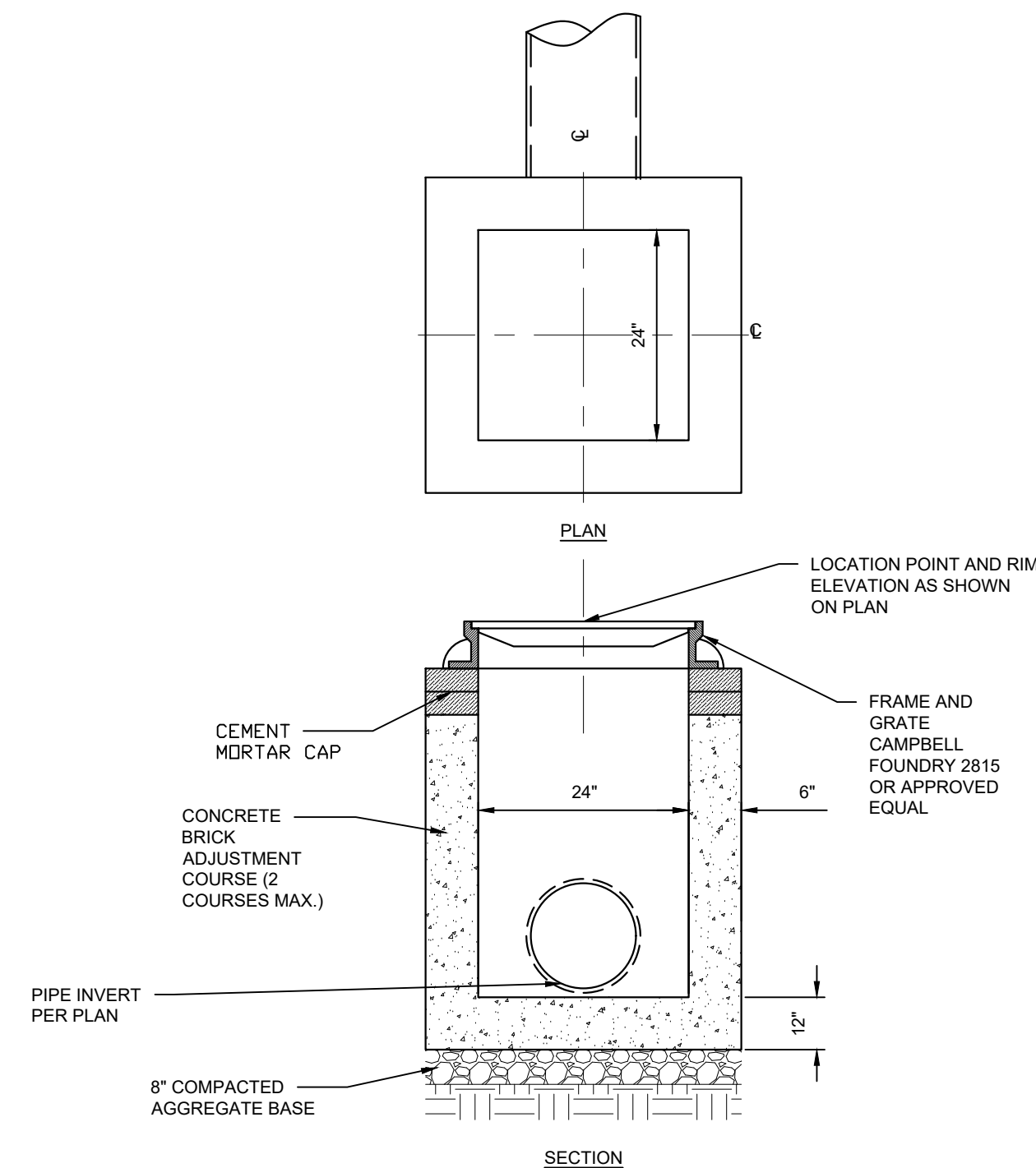
NOTES:

1. ALL DIMENSIONS SUBJECT TO CURRENT MUNICIPALITY ZONING AND SITE REGULATIONS.
2. PAINTED HANDICAP SYMBOL TO BE IN ACCORDANCE WITH NYSDOT AND ADA STANDARDS.
3. IF PARKING ABUTS A SIDEWALK, THEN THE REGULATORY SIGNS SHALL BE PLACED BEHIND THE SIDEWALK.
4. REGULATORY SIGNS MAY BE MOUNTED DIRECTLY TO BUILDING AT SPECIFIED HEIGHT.



NOTES:

1. SAW CUT MIN. 18" BEYOND EXCAVATION
2. FURNISH, PLACE, AND COMPACT SUBBASE.
3. TACK COAT IN ACCORDANCE WITH NYSDOT STANDARD SPEC.
4. FURNISH AND PLACE ASPHALT CONCRETE PAVEMENT AS SPECIFIED.

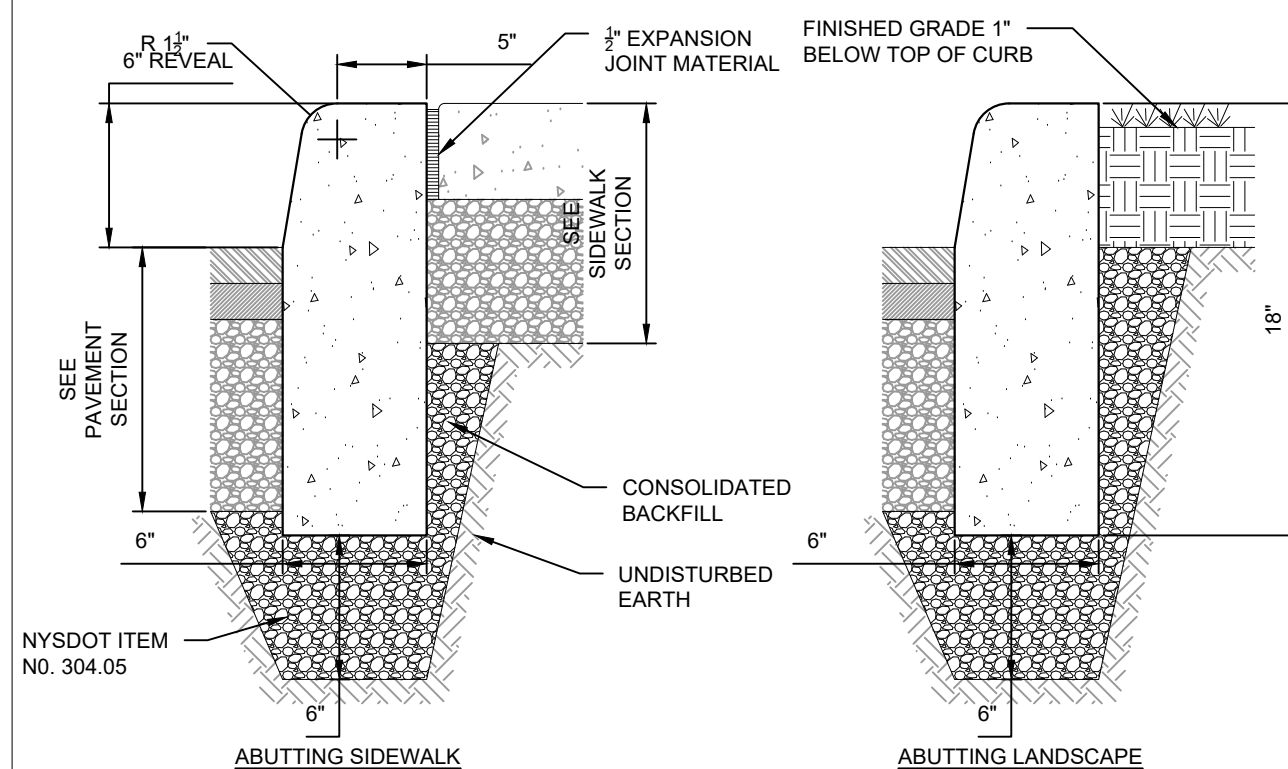


NOTES:

1. YARD SHALL CONFORM TO ASTM C-913.
2. PRECAST CONCRETE SHALL HAVE A MINIMUM COMPRESSION STRENGTH OF 4,000 PSI AT 28 DAYS.
3. STEEL REINFORCEMENT SHALL CONFORM TO ASTM A-185.
4. ALL SECTIONS SHALL BE FABRICATED IN A SINGLE MONOLITHIC CONCRETE POUR.
5. PIPE PENETRATIONS SHALL BE FILLED AND PARGED WITH CEMENT MORTAR FOR A SOIL TIGHT CONNECTION. ALTERNATIVELY, RUBBER BOOTS OR "LINK-SEAL" MAY BE USED.
6. EXCAVATION AND TRENCHING SHALL MEET ALL OSHA REQUIREMENTS.

FENCE, GATE AND ENCLOSURE GATE DETAIL

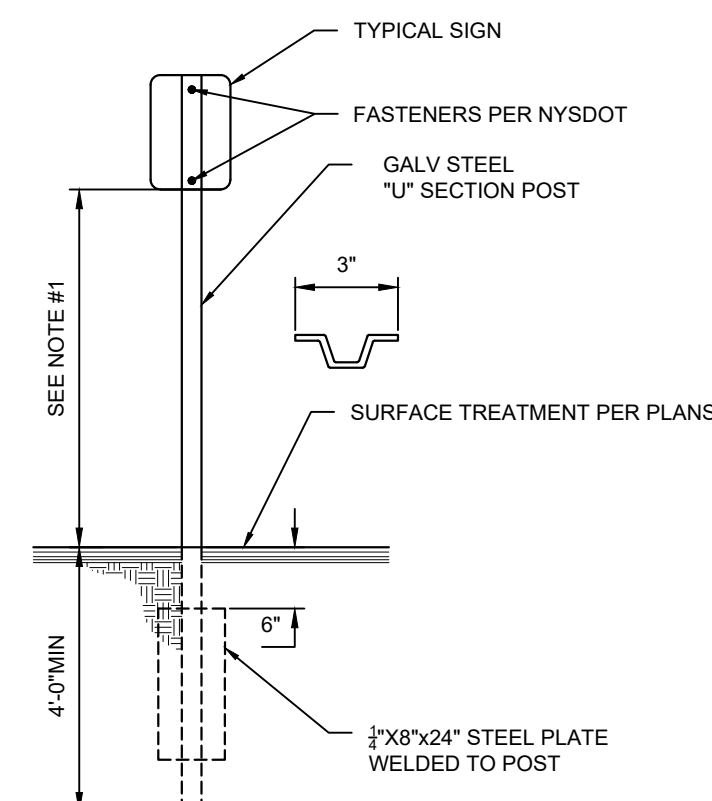
N.T.S



NOTES:

1. SHALL BE 3,500 PSI AND IN ACCORDANCE WITH NYSDOT STANDARD SPECIFICATION SECTION 609.
2. EXPANSION JOINTS OF 1/2" CELLULOSE OR SIMILAR MATERIAL SHALL BE PLACED AT 10 FOOT INTERVALS.

PAVEMENT MARKINGS: PARKING

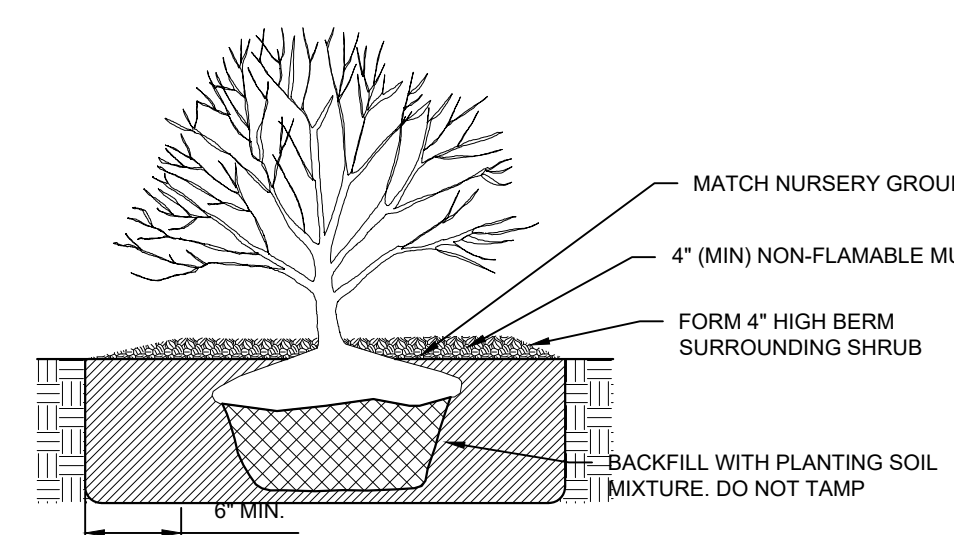
 $\frac{3}{5}^{\circ}=1'$ 

NOTES:

1. SIGN MOUNTING HEIGHT SHALL BE A MINIMUM OF 7'. MINIMUM MOUNTING HEIGHT MAY BE ADJUSTED ONLY IN ACCORDANCE WITH PROVISIONS OUTLINED IN "NYCRR, UNIFORM TRAFFIC CONTROL DEVICES."
2. SIGN POST SHALL BE IN ACCORDANCE W/ NYS DOT STANDARD SPECS SECTION 730.

PAVEMENT RESTORATION

N.T.S

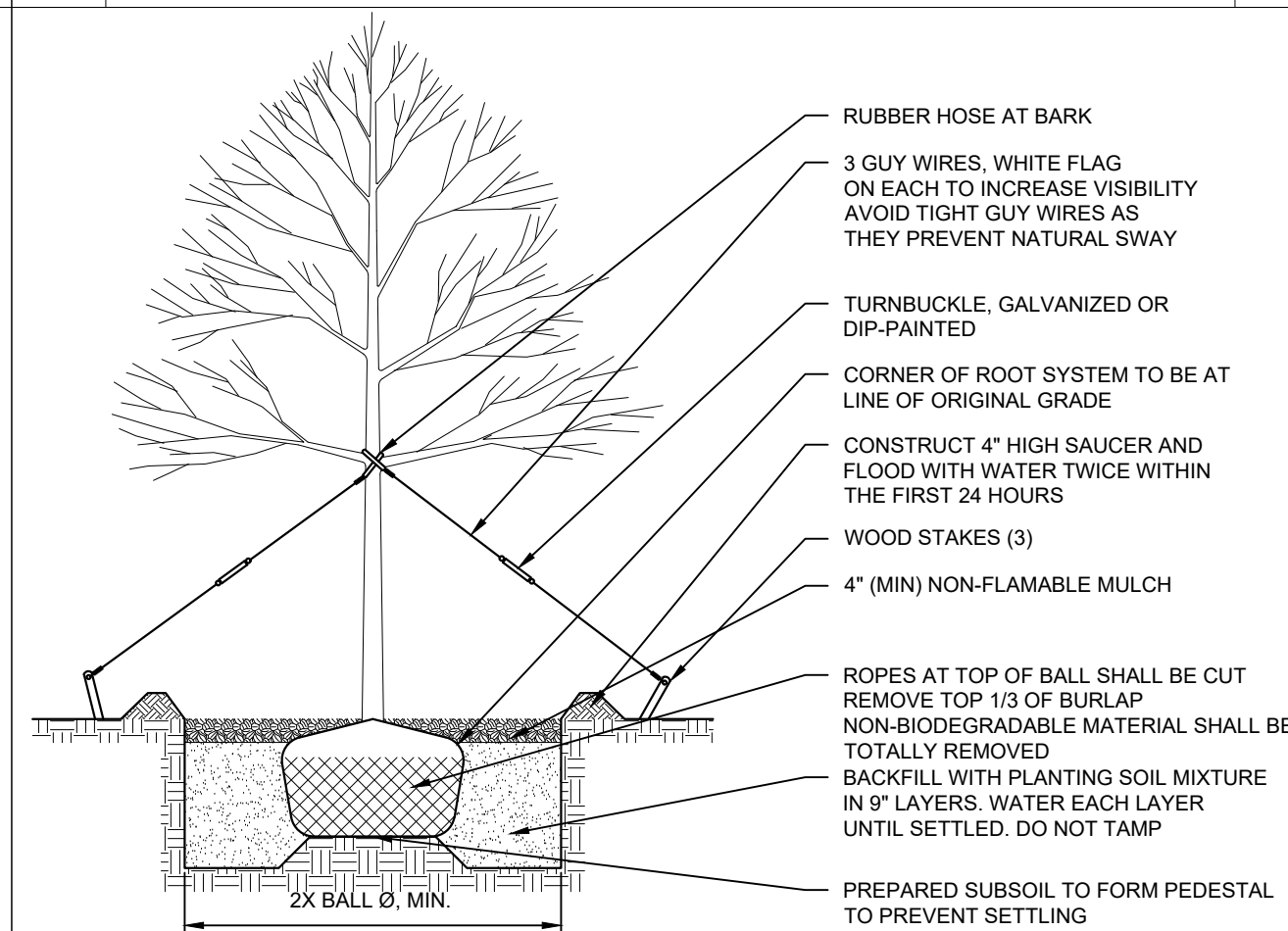


NOTE

1. WATER PER NURSERY SPECIFICATIONS IMMEDIATELY FOLLOWING PLANTING
2. DETAIL IS FOR BOTH BALL & BURLAPPED OR CONTAINERED SHRUBS.

YARD DRAIN (YD)

N.T.S



TYPICAL TREE

CAST-IN-PLACE CONCRETE CURB

 $1\frac{1}{2}^{\circ}=1$

TYPICAL SIGN

 $\frac{1}{2}^n = 1'$

TYPICAL SHRUB PLANTING

N.T.S

TYPICAL TREE

N.T.S

OWNER/APPLICANT:

CHARISMA ASSOCIATES, LLC
PO BOX 324
SOMERS, NY 10589

ENGINEER:



CATIZONE
ENGINEERING, P.C.
Civil Engineering Consultants

One West Avenue, Suite 219, Larchmont, NY 10538
Tel.: (914) 269-8358 · www.catizoneengineering.com

AUTO STORAGE FACILITY
19 KENSICO DRIVE
MOUNT KISCO, NY
TAX ID: 69.50-1-4
69.50-1-5

TITLE:

AMENDED SITE PLAN



SCALE: 1"=10'
DATE: JUNE 8, 2018
DRAWN BY: MAD
CHECKED BY: PAC
PROJECT NO.: 17022

C-2.0



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

Yes, the proposed use is consistent with the purpose and intent of Mount Kisco General Commercial District zoning laws, which state the following:

- “The GC District is intended to provide for a mixture of commercial and light industrial uses. Operations must confine all nuisance characteristics, such as noise and odors, on site and include suitable screening for abutting properties.”

Additionally, the proposed use is consistent with Principal uses including “indoor vehicle storage, service, and repair”, as well as “the sale and rental of motor vehicles in accordance with the provisions for such as set forth in Article V of this chapter” (Chapter 110, Article III, Section B.1.d & Section B.1.f).

Chapter 110. Zoning

Article III. District Regulations

§ 110-25. GC General Commercial District.

[Added 4-21-2003 by L.L. No. 2-2003^[1]]

- A. Purpose and intent. The GC District is intended to provide for a mixture of commercial and light industrial uses. Operations must confine all nuisance characteristics, such as noise and odors, on site and include suitable screening for abutting properties.
- B. Permitted uses. No building or premises shall be used, and no building shall be erected, altered or added to, unless otherwise provided in this chapter, except for the following:
 - (1) Principal uses.
 - (a) Administrative, business and professional offices.
 - (b) Radio or television stations or studios.
 - (c) Printing and publishing.
 - (d) Indoor vehicle storage, service and repair garages, subject to the requirements set forth in Article V of this chapter.
 - (e) Building supply and lumber yards, but excluding secondhand lumber and junkyards, not to exceed 40,000 square feet of gross floor area . Outdoor storage shall comply with the applicable provisions of Article V of this chapter.
 - (f) The sale and rental of motor vehicles in accordance with the provisions for such as set forth in Article V of this chapter.
 - (g) Retail sales of bulk household items related to home improvement and maintenance, not to exceed 40,000 square feet of gross floor area, such as furniture, major appliances, carpeting, rugs, flooring, fireplace equipment, beds and bedding, pianos and organs, garage doors and similar bulk household items.
 - (h) Service establishments, with scheduled and/or restricted customer access, such as major appliance service, carpet and flooring service, garage door service, interior decorating service, cabinetmaking, and similar service uses.
 - (i) Personal service establishments.
 - (j) Hotels and motels.
 - (k) Counter drop-off dry cleaners and laundries, not to exceed 2,500 square feet of gross floor area.
 - (l) Laundromats or wash-and-folds, not to exceed 4,000 square feet of gross floor area.



III.10 – Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plan?

Yes, the proposed use is consistent with the Village/Town of Mount Kisco Development Plan & Vision Plan, dated August 2000. This Plan is a policy document which outlines a vision for the future of the Village/Town of Mount Kisco. It focuses on the current and long-range protection, enhancement and development/redevelopment of the Village/Town of Mount Kisco and consists of three parts: Part One provides an overview of comprehensive planning process; Part Two highlights the Village's existing conditions; and Part Three is the "Vision Plan." Overall, there is a Vision Statement, 9 Goals, 76 Objectives, 236 Implementation Strategies.

The goals and objectives of these Plans include concentrating business activity within the downtown and existing commercial areas as well as enhancing the community image by improving the physical appearance of buildings. The proposed use of the Site is consistent with the immediate surroundings, as the area is currently commercial in nature with existing automotive sales and maintenance operations. Redevelopment of the Site may include renovation, and reconstruction of existing facilities including exterior landscaping. Proposed construction and renovation will be reviewed by the local planning and zoning authorities and are subject to the normal review process of the Town/Village of Mount Kisco. Therefore, any redevelopment activities will be consistent with the Village/Town of Mount Kisco Development Plan and Vision Plan.



SECTION IV – PROPERTY’S ENVIRONMENTAL HISTORY

IV.1 – Relevant Reports

Relevant reports are summarized below, by address, in chronological order. These reports are attached as electronic copies to the submittal, only.

15 Kensico Drive:

Phase I ESA, ECS Mid-Atlantic, LLC, June 15, 2022

ECS completed a Phase I ESA, dated June 15, 2022, of the Site located at 15 Kensico Drive, Mount Kisco, New York (See Attachment IV-1A). This Phase I ESA identified the following conditions and conclusions:

Recognized Environmental Conditions (RECs)

1. Possible subsurface contamination associated with the following:
 - a. Former gasoline tanks depicted on the 1925 Sanborn map;
 - b. Former on-site manufacturing operations;
 - c. On-site fuel oil underground storage tanks (USTs);
 - d. Former underground hydraulic lifts;
 - e. Storage tanks on adjacent and surrounding properties;
 - f. An electric transformer;
 - g. Spills from on-site chemicals use in operations; &
 - h. Adjoining railroad construction materials and activities.
2. Potential for asbestos containing material (ACM), lead based paint (LBP), and lead-soldered pipes.

Environmental Subsurface Evaluation, ECS Mid-Atlantic, LLC, August 24, 2022

Below is a summary of this document, and not necessarily reflective of the opinion of PVE.

ECS completed an Environmental Subsurface Evaluation, dated August 24, 2022, of the Site located at 15 Kensico Drive, Mount Kisco, Westchester County, New York (see Attachment IV-1B) to assess potential impacts to the Site from the RECs detailed in their Phase I ESA, described above. Findings from this investigation include the following:

SOILS: A total of four (4) soil borings were installed to 4 to 16-feet bgs, respectively. Fill material consisting of sand, crushed rock, brick, and burnt debris was encountered at depths from 0.5 to 4-feet bgs. Native soils consisted of brown silty sand and clayey silt. One (1) soil sample was collected from all four (4) soil borings. Soil samples were submitted to a laboratory for analysis of Target Compound List (TCL) VOCs, SVOCs, PCBs, and Total Analyte List (TAL) metals. Soil analytical results were compared to PGW SCOs and CSCOs as defined in 6 NYCRR Part 375. Exceedances



were detected in soil samples 15-SB-03 and 15-SB-04, these samples are located on the eastern portion of the Site. One (1) VOC (acetone) was detected in sample 15-SB-04 at the 2 to 4-foot interval exceeding its PGW SCO but below its CSCO. One (1) SVOC (chrysene) was detected in sample 15-SB-04 at the 2 to 4-foot interval exceeding its PGW SCO but below its CSCO. PCBs were detected in sample 15-SB-03 and 15-SB-04 at the 2 to 4-foot and 1 to 3-foot intervals exceeding its CSCO. Lead was detected in sample 15-SB-04 at the 2 to 4-foot interval exceeding its PGW SCO; copper was detected in the same sample exceeding its CSCO.

GROUNDWATER: A total of three (3) temporary monitoring wells were installed to depths ranging from 4 to 16-feet bgs. A total of three (3) groundwater samples were collected for analysis. Groundwater samples were submitted to a laboratory for analysis of TCL VOCs, SVOCs, PCBs, and TAL Metals. Groundwater analytical results were compared to NYSDEC AWQS for Class GA water. Two (2) VOCs (TCE & cis-1,2-DCE) were detected in one (1) groundwater sample exceeding AWQS. Four (4) SVOCs (chrysene, benzo(a)anthracene, benzo(b)fluoranthene, and/or benzo(k)fluoranthene) were detected in all three (3) groundwater samples exceeding AWQS. Multiple metals (arsenic, barium, beryllium, cadmium, chromium, copper, iron, lead, magnesium, manganese, nickel, selenium, sodium, thallium and zinc) were detected in all three (3) groundwater samples at concentrations exceeding AWQS.

SOIL VAPOR: A total of one (1) sub-slab soil vapor sample, two (2) indoor ambient air samples, and one (1) outdoor ambient air were collected from the Site. Vapor/air samples were submitted to a laboratory for analysis of VOCs via EPA Method TO-15. Analytical results were compared to Occupational and Health Administration's (OSHA's) Permissible Exposure Limits, and the American Conference of Governmental Industrial Hygienists' (ACGIH) Threshold Level Values (LVs), and the NYSDOH Guidance (2006). None of the indoor air samples exceeded PSHA PELs or ACGIH TLVs. Carbon tetrachloride was detected at concentrations requiring monitoring when comparing soil vapor and co-located ambient indoor air sample results in accordance with NYSDOH Guidance (2006). TCE was detected at concentrations requiring mitigation when comparing soil vapor samples and co-located ambient indoor air sample results in accordance with NYSDOH Guidance (2006).

Subsurface Investigation Report, PVE Engineering, November 15, 2022

PVE Engineering completed a Subsurface Investigation Report, dated November 15, 2022, at the Site located at 15 Kensico Drive, Mount Kisco, Westchester County, New York (see Attachment IV-1C) to assess potential impacts to the Site from the Chlorinated VOCs (CVOCs) plume associated with the State Superfund P-Site #360203. Findings from this investigation include the following:

GROUNDWATER: A total of four (4) temporary monitoring wells and two (2) permanent bedrock monitoring wells were installed at depths ranging from 20 to 68-feet bgs. A total of nine (9) groundwater samples were collected for analysis. Groundwater samples were submitted to a laboratory for analysis of TCL VOCs. Groundwater analytical results were compared to NYSDEC AWQS for Class GA water. Eleven (11) VOCs (chloroform, cis-1,2-DCE, TCE, isopropylbenzene [cumene], n-butylbenzene, n-propylbenzene, sec-butylbenzene, t-butylbenzene, tert-butyl methyl ether, trans-1,2-dichloroethene, and vinyl chloride) were detected in five (5) of the nine (9) groundwater samples exceeding AWQS.



SOIL VAPOR: A total of ten (10) soil vapor samples were collected from the Site. No additional indoor or outdoor air samples were collected during this supplemental investigation. Vapor samples were submitted to a laboratory for analysis of VOCs via EPA Method TO-15. Analytical results were compared to NYSDOH Guidance (2006). Eight (8) VOCs (1,1,1-TCA, 1,1-DCE, carbon tetrachloride, cis-1,2-DCE, methyl chloride, PCE, and/or TCE) were detected at concentrations requiring monitoring and/or mitigation when comparing soil vapor samples to previously collected ambient indoor air results in accordance with NYSDOH Guidance (2006).

19 Kensico Drive:

Phase I ESA, ECS Mid-Atlantic, LLC, March 2, 2021

ECS prepared a Phase I Environmental Site Assessment (ESA), dated March 2, 2021, of the Site (See Attachment IV-1A). This Phase I ESA identified the following conditions and conclusions:

1. ECS did not identify any RECs in connection with the property, resulting from environmental issues associated with adjoining or nearby properties.
2. ECS identified that historical and present records, at the time of their assessment, indicated that the Site remained commercial.

Environmental Subsurface Evaluation, ECS Mid-Atlantic, LLC, August 30, 2022

Below is a summary of this document, and not necessarily reflective of the opinion of PVE.

ECS completed an Environmental Subsurface Evaluation, dated August 30, 2022, of the Site (see Attachment IV-1B) to assess potential impacts to the Site from the CVOCs plume associated with the State Superfund Site #360203. It should be noted, due to slab thickness ECS was unable to install and collect all subsurface samples originally proposed. Findings from this investigation include the following:

SOILS: A total of two (2) soil borings were installed to 8 and 10-feet bgs, respectively. Fill material consisting of clay, crushed rock, and stone debris were encountered at depths from 0.5 to 5.5-feet below surface. Native soils consisted of brown silty sand. One (1) soil sample was collected from each of the two (2) soil borings. Soil samples were submitted to a laboratory for analysis of Target Compound List (TCL) VOCs and SVOCs. Soil results were compared to CSCOs and PGW SCOs as defined in 6 NYCRR Part 375. No VOCs Were detected in soil samples exceeding their respective CSCOs or PGW SCOs.

GROUNDWATER: Two (2) temporary monitoring wells were installed to 8 and 10-feet, respectively. A total of two (2) groundwater samples were collected for analysis. Groundwater samples were submitted to a laboratory for analysis of TCL VOCs. Groundwater analytical results were compared to NYSDEC AWQS for Class GA water. Three (3) VOCs (cis-1,2-DCE, TCE, and

vinyl chloride) were detected in one (1) groundwater sample at concentrations exceeding their respective AWQS (6 NYCRR Part 703.5).

SOIL VAPOR: A total of one (1) soil vapor sample and two (2) indoor ambient air samples were collected from the Site. Vapor/air samples were submitted to a laboratory for analysis of VOCs via Environmental Protection Agency (EPA) Method TO-15. Analytical results were compared to Occupational and Health Administration's (OSHA's) Permissible Exposure Limits, the American Conference of Governmental Industrial Hygienists' (ACGIH) Threshold Level Values (LVs), and the NYSDOH Guidance (2006). None of the indoor air results exceeded OSHA PELs or ACGIH TLVs. However, cis-1,2-DCE and TCE were detected at concentrations requiring mitigation when comparing sub-slab and co located ambient indoor air sample results in accordance with NYSDOH Guidance (2006).

275 Kisco Avenue:

Closure Report, *Elite Environmental Services, Inc., January 2, 2005*

Elite Environmental Services, Inc. (Elite) prepared a Closure Report, dated January 2, 2005, describing tank removal and replacement, with associated remedial action, after a tank failed a tightness test, at the Site. (See Attachment IV-1G).

This Closure Report discussed the following:

- a. A tank tightness test (TTT) was performed August 4, 2004, on a 10,000-gallon underground storage tank (UST) and resulted in a failure, due to a loss of vacuum. NYSDDEC Spill #04-04904 was assigned.
- b. Elite commenced excavation and UST removal on October 20, 2004.
- c. Approximately 55-gallons of used oil and 400-gallons of oily water were vacuumed out from the UST and transported off-site for disposal.
- d. The UST was cut, cleaned, and removed from the tank grave; several holes were observed in the bottom of the tank.
- e. Five (5) soil samples (one [1] from each sidewall and one [1] bottom sample) were collected and analyzed via USEPA Method 418.1; contaminated soil was excavated from the tank grave and stockpiled on 6-mil poly plastic adjacent to the excavation.
- f. Approximately 95.04-tons of petroleum contaminated soil (PCS) were transported off-site for disposal.
- g. Seven (7) post-excavation soil samples were collected from the excavation and analyzed for VOCs via USEPA Method 8021 and SVOCs via USEPA Method 8270; no exceedances were detected.
- h. One (1), 5,000-gallon double walled UST was installed in the excavation following the removal of all PCS.

This Closure Report provided the following recommendation/conclusion:

- a. Based on field activities and all field observations, soil sample analytical results, Elite recommended spill closure of NYSDDEC Spill #04-0494.



Phase I ESA, Leggette, Brashears & Graham, Inc., August 2005 & September 2005

Leggette, Brashears & Graham, Inc. (LB&G) prepared a Phase I Environmental Site Assessment (ESA), dated August 2005 & September 2005, of the Site (See Attachment IV-1FA & IV-1FB), and identified the following conditions and conclusions:

RECs

1. Present uses of the Site/possible subsurface contamination associated with the following:
 - a. Former on-site industrial or manufacturing operations (including the manufacturing of copper pipe from circa 1953 to 1970);
 - b. Concrete floor was cracked and stained; several depressions in the concrete floor (formerly utilized for machinery) were filled, a few pits were not filled;
 - c. Two (2), in-service, 330-gallon #2 fuel oil ASTs located within the building;
 - d. Two (2), removed USTs, one (1) unknown capacity and one (1) 10,000-gallon tank with two (2) affiliated (but closed) spill files (NYSDEC Spill #0111676 and NYSDEC Spill #0404904);
 - e. One (1), closed-in place UST;
 - f. One (1), in-service, 5,000-gallon fuel oil UST, installed on November 19, 2004, located on the east side of the building;
 - g. An electrical pad-mounted transformer observed on the west side of the building;
 - h. Storage tanks on adjoining properties; &
 - i. Adjoining properties including automobile dealership/service facilities, kitchen cabinet maker, propane/residential fuel supply companies.
2. Asbestos-containing materials (ACM) such as floor tiles, located in the small office, potential lead-based paint (LBP), and lead-soldered pipes due to the age of the building.

Phase I ESA, ECS Mid-Atlantic, LLC, February 28, 2020

ECS Mid-Atlantic, LLC (ECS) completed a Phase I ESA, dated February 28, 2022, of the Site (See Attachment IV-1D), and identified the following conditions and conclusions:

RECs

1. No RECs were listed during the completion of this Phase I ESA.

Conclusions

1. ECS identified one (1) Historical Recognized Environmental Condition (HREC) during the assessment. The regulatory database indicates that on March 11, 2002, a tank failure occurred at the Site which impacted soil; NYDEC hired Tri-State to complete the excavation and removal of contaminated soil after the Site owner claimed he was financially unable to continue the remediation. The database indicated on September 6, 2002, Tri-State completed



the disposal of contaminated soil that was stockpiled on the Site and backfilled the excavation to existing grade. The database indicated that on August 4, 2004, a tank failure occurred during a tank test with the Westchester County Department of Health (WCDOH) and recommended no further action. ECS considered the documentation of former contamination on the Site to represent a HREC.

2. ECS identified the following Business Environmental Risks (BERs) and/or additional considerations:

- A lien was placed on the Site for the amount of \$43,316.02 in relation to spill 01-11676. ECS was provided with documentation from the Office of the Attorney General related to this spill, but with no affirmation of a release from the associated lien (and date of this lien is unclear). ECS recommends a lien search to confirm that the lien is no longer associated with the Site (since confirmed to not exist).
- ECS observed a groundwater supply well on the Site reportedly used for irrigation purposes (since confirmed to be non-operational). ECS considered the presence of [this] well to represent a BER and recommends periodic water quality sampling.
- ECS observed an oil-water separator on -site, that reportedly discharges to the municipal sewer system. ECS recommended the oil-water separator to be frequently maintained.

Environmental Subsurface Evaluation, ECS Mid-Atlantic, LLC, August 30, 2022

ECS completed an Environmental Subsurface Evaluation, dated August 30, 2022, for the Site (see Attachment IV-1E) to assess indoor and outdoor air quality at the Site. Findings from this investigation include the following:

GEOLOGICAL: Fill material consisting of clay, crushed rock and stone debris was encountered at depths from 0.5 to 5.5-feet bgs. Native soils consisted of brown silty sand.

SOILS: A total of eight (8) soil borings were installed throughout the Site located at 275 Kisco Avenue, ranging from 5 to 16-feet bgs. One (1) soil sample was collected from each of the four (4) soil borings ranging from 2 to 12-feet bgs for laboratory analysis. Soil samples were analyzed for TCL VOCs. Results were compared to Commercial Soil Cleanup Objectives (CSCOs) and PGW SCOs as defined in 6 NYCRR Part 375. One (1) VOC (acetone) exceeded its PGW SCO in sample 275-SB-08 from the 6.5 to 7-foot interval. No VOCs were detected exceeding CSCOs.

GROUNDWATER: Eight (8) temporary monitoring wells were installed throughout the Site. A total of six (6) groundwater samples were collected for analysis; one (1) monitoring well was not installed in boring 275-SB-5 due to shallow refusal; and one (1) monitoring well (275-TW-03) could not yield sufficient groundwater for sample collection. Groundwater samples were submitted to a laboratory for analysis of TCL VOCs. Groundwater results were compared to NYSDEC Groundwater Ambient Water Quality Standard (AWQS) for Class GA water (6 NYCRR Part 703.5). One (1) VOC (TCE) was detected in one (1) groundwater sample at a concentration exceeding its AWQS (5 ug/L).



SOIL VAPOR: A total of three (3) soil vapor samples, three (3) indoor ambient air samples, and one (1) outdoor ambient air sample were collected from the Site for analysis. Vapor/air samples were submitted for analysis of VOCs via Environmental Protection Agency (EPA) Method TO-15. Analytical results were compared to Occupational and Health Administration's (OSHAs) Permissible Exposure Limits, the American Conference of Governmental Industrial Hygienists' (ACGIH) Threshold Level Values (LVs), and the NYSDOH Guidance (2006). None of the indoor air results exceeded OSHA PELs or ACGIH TLVs. Carbon tetrachloride was detected at concentrations requiring no further action when comparing soil vapor and co-located ambient indoor air sample results in accordance with NYSDOH Guidance (2006). PCE, cis-1,2-DCE, and TCE were detected at concentrations requiring mitigation when comparing soil vapor and co-located ambient indoor air sample results in accordance with NYSDOH Guidance.

IV.2 – Sampling data

The nature and extent of contamination and environmental media requiring action are summarized below.

The contaminants of concern detected at this Site are:

- VOCs
 - Acetone
 - Chloroform
 - Isopropylbenzene (Cumene)
 - n-Butylbenzene
 - n-Propylbenzene
 - sec-Butylbenzene
 - t-Butyl Alcohol
 - t-Butyl methyl ether
 - trans-1,2-Dichloroethene
- CVOCs
 - 1,1-DCE
 - cis-1,2-DCE
 - PCE
 - TCE
 - Carbon tetrachloride
 - 1,1,1-TCA
 - Methylene chloride
 - Vinyl chloride
- SVOCs
 - Benzo(a)anthracene
 - Benzo(b)fluoranthene
 - Benzo(k)fluoranthene
 - Chrysene



- Metals
 - Lead
 - Copper
 - Arsenic
 - Barium
 - Beryllium
 - Cadmium
 - Chromium
 - Iron
 - Magnesium
 - Manganese
 - Nickel
 - Selenium
 - Sodium
 - Thallium
 - Zinc

- PCBs

The contaminants of concern exceed the applicable Standards, Criteria and Guidance (SCGs) for:

- Soil
- Groundwater
- Soil Vapor
- Indoor Air

Not all Contaminants of Concern exceed SCGs in each of these media, but we consider them to be contaminants that demonstrate the Site has been impacted by past Site operations. Summary data tables for each Site media are presented below. Analytical reports are appended to the electronic copy of Environmental Subsurface Evaluation reports dated August 2022 (Attachment IV-1B & Attachment IV-1B), Subsurface Investigation Report dated November 2022 (Attachment IV-1C), and the Tank Closure Report dated January 2005 (Attachment IV-1G).

INDOOR AIR & SOIL VAPOR TABLE:

15 Kensico Drive

Source: Environmental Subsurface Evaluation, by ECS, dated August 24, 2022

Analytes	Total Detections	Max. Detection (ug/m3)	Type
Acetone	2	119,000	Indoor Air
Acetone	1	801	Ambient Outdoor Air
Acetone	1	1,290	Sub-Slab Soil Vapor
Chloroform	1	3.77	Indoor Air
Carbon Tetrachloride	2	0.484	Indoor Air
Carbon Tetrachloride	1	0.447	Ambient Outdoor Air
Methylene Chloride	1	7.5	Indoor Air
1,2,4-Trimethylbenzene	2	96.8	Indoor Air
1,2,4-Trimethylbenzene	1	2.46	Ambient Outdoor Air
1,3,5-Trimethylbenzene	2	45.5	Indoor Air
2,2,4-Trimethylpentane	2	28.9	Indoor Air
2,2,4-Trimethylpentane	1	1.02	Ambient Outdoor Air
2-Butanone	2	7,080	Indoor Air
2-Butanone	1	58.7	Ambient Outdoor Air
4-Ethyltoluene	2	20.4	Indoor Air
4-Methyl-2-pentanone	2	44.7	Indoor Air
4-Methyl-2-pentanone	1	2.33	Ambient Outdoor Air
Benzene	2	14.7	Indoor Air
Benzene	1	0.658	Ambient Outdoor Air
Chloromethane	2	1.48	Indoor Air
Chloromethane	1	1.2	Ambient Outdoor Air

(cont.)

Analytes	Total Detections	Max. Detection (ug/m3)	Type
Cyclohexane	2	15.7	Indoor Air
Dichlorodifluoromethane	2	2.2	Indoor Air
Dichlorodifluoromethane	1	2.3	Ambient Outdoor Air
Ethanol	1	1,260	Indoor Air
Ethanol	1	136	Ambient Outdoor Air
Ethyl Acetate	2	28.8	Indoor Air
Ethylbenzene	2	289	Indoor Air
Ethylbenzene	1	3.04	Ambient Outdoor Air
Heptane	2	34.3	Indoor Air
Isopropanol	1	35.2	Ambient Outdoor Air
Isopropanol	1	50.9	Sub-Slab Soil Vapor
n-Hexane	2	56.7	Indoor Air
n-Hexane	1	1.17	Ambient Outdoor Air
o-Xylene	2	314	Indoor Air
o-Xylene	1	3.4	Ambient Outdoor Air
p/m-Xylene	2	856	Indoor Air
p/m-Xylene	1	11.7	Ambient Outdoor Air
Styrene	2	72	Indoor Air
Styrene	1	8.94	Ambient Outdoor Air

INDOOR AIR & SOIL VAPOR TABLE (cont.):

15 Kensico Drive

Source: Subsurface Investigation Report, by PVE, dated November 15, 2022

Analytes	Total Detections	Max. Detection (ug/m3)	Type
Acetone	10	1,400	Soil Vapor
Chloroform	5	57	Soil Vapor
Tetrachloroethene	2	0.285	Indoor Air
Trans-1,2-Dichloroethene	3	160	Soil Vapor
1,1-Dichloroethene (1,1-DCE)	2	7.3	Soil Vapor
Cis-1,2-DCE	6	2,800	Soil Vapor
Tetrachloroethylene (PCE)	7	9,100	Soil Vapor
Tetrahydrofuran	1	3.42	Indoor Air
TCE	2	0.973	Indoor Air
TCE	1	6,180	Sub-Slab Soil Vapor
TCE	8	190,000	Soil Vapor
1,1,1-Trichloroethane (TCA)	2	9.6	Soil Vapor
Methylene Chloride	2	73	Soil Vapor
Vinyl Chloride	2	310	Soil Vapor
1,2,4-Trimethylbenzene	10	83	Soil Vapor
1,3,5-Trimethylbenzene (Mesitylene)	9	23	Soil Vapor
Benzene	10	15	Soil Vapor
Cyclohexane	5	30	Soil Vapor
Toluene	2	3,770	Indoor Air
Toluene	1	37.6	Ambient Outdoor Air
Toluene	10	68	Soil Vapor

(cont.)

Analytes	Total Detections	Max. Detection (ug/m3)	Type
Dichlorodifluoromethane	3	2.3	Soil Vapor
Ethylbenzene	10	82	Soil Vapor
Isopropanol	10	130	Soil Vapor
N-Hexane	10	36	Soil Vapor
O-Xylene (1,2-Dimethylbenzene)	10	37	Soil Vapor
M-P-Xylene	10	90	Soil Vapor
Total Xylenes	2	1,170	Indoor Air
Total Xylenes	1	15.1	Ambient Outdoor Air
N-Heptane	10	24	Soil Vapor
Propylene	10	540	Soil Vapor
Tetrahydrofuran	2	5.2	Soil Vapor
Trichlorofluoromethane	1	1	Soil Vapor
1,3-Butadiene	5	26	Soil Vapor
2-Hexanone	1	16	Soil Vapor
4-Ethyltoluene	10	70	Soil Vapor
Carbon Disulfide	7	150	Soil Vapor
Chloromethane	1	1.4	Soil Vapor
Methyl Ethyl Ketone (2-Butanone)	9	93	Soil Vapor
Methyl Isobutyl Ketone (4-Methyl-2-Pentanone)	9	10	Soil Vapor

INDOOR AIR & SOIL VAPOR TABLE (cont.):

19 Kensico Drive

Source: Environmental Subsurface Evaluation, by ECS, Dated August 30, 2022

Analytes	Total Detections	Max. Detection (ug/m3)	Type
Acetone	2	76.7	Indoor Air
Acetone	1	6,390	Sub-Slab Soil Vapor
cis-1,2-DCE	2	0.083	Indoor Air
cis-1,2-DCE	1	72.2	Sub-Slab Soil Vapor
PCE	2	0.542	Indoor Air
TCE	2	1.46	Indoor Air
TCE	1	7,790	Sub-Slab Soil Vapor
Carbon Tetrachloride	1	0.384	Indoor Air
Toulene	2	5.16	Indoor Air
Dichlorodifluoromethane	2	2.07	Indoor Air
Ethylbenzene	2	1.22	Indoor Air
Isopropanol	1	261	Sub-Slab Soil Vapor
Isopropanol	2	2.68	Indoor Air
o-Xylene	2	1.27	Indoor Air
p/m-Xylene	2	4.43	Indoor Air
Total Xylenes	2	5.7	Indoor Air
Heptane	1	0.967	Indoor Air
Chloromethane	2	1.37	Indoor Air
Bromomethane	2	1.77	Indoor Air
Styrene	2	8.77	Indoor Air
2-Butanone	2	4.28	Indoor Air
Ethanol	1	1150	Sub-Slab Soil Vapor

INDOOR AIR & SOIL VAPOR TABLE (cont.):

275 Kisco Avenue

Source: Environmental Subsurface Evaluation, by ECS, dated August 30, 2022

Analytes	Total Detections	Max. Detection (ug/m3)	Type
Acetone	3	8,840	Indoor Air
Acetone	1	23.7	Ambient Outdoor Air
Acetone	3	2,590	Sub-Slab Soil Vapor
Chloroform	3	207	Sub-Slab Soil Vapor
Tertiary butyl Alcohol	2	54.3	Sub-Slab Soil Vapor
1,1-Dichloroethane (1,1-DCE)	1	4.74	Sub-Slab Soil Vapor
cis-1,2-DCE	2	151	Sub-Slab Soil Vapor
cis-1,2-DCE	2	3.37	Indoor Air
PCE	3	201	Indoor Air
PCE	1	0.515	Ambient Outdoor Air
PCE	3	692	Sub-Slab Soil Vapor
TCE	1	0.231	Ambient Outdoor Air
TCE	3	2120	Sub-Slab Soil Vapor
Carbon Tetrachloride	3	0.415	Indoor Air
Carbon Tetrachloride	1	0.465	Ambient Outdoor Air
Vinyl Chloride	1	0.061	Indoor Air
Toluene	3	833	Indoor Air
Toluene	1	5.95	Ambient Outdoor Air
Toluene	3	184	Sub-Slab Soil Vapor
1,2,4-Trimethylbenzene	3	34	Indoor Air
1,2,4-Trimethylbenzene	1	1.36	Ambient Outdoor Air
1,2,4-Trimethylbenzene	2	11.5	Sub-Slab Soil Vapor
1,3,5-Trimethylbenzene	3	8.6	Indoor Air
1,3,5-Trimethylbenzene	2	2.94	Sub-Slab Soil Vapor
Benzene	3	21.3	Indoor Air
Benzene	1	1.72	Ambient Outdoor Air
Benzene	2	75.4	Sub-Slab Soil Vapor
Cyclohexane	2	12	Indoor Air
Cyclohexane	2	5.06	Sub-Slab Soil Vapor
Dichlorodifluoromethane	3	2.11	Indoor Air
Dichlorodifluoromethane	1	2.33	Ambient Outdoor Air
Ethylbenzene	3	419	Indoor Air
Ethylbenzene	1	1.06	Ambient Outdoor Air
Ethylbenzene	2	134	Sub-Slab Soil Vapor
Isopropanol	3	514	Indoor Air
Isopropanol	3	158	Sub-Slab Soil Vapor
n-Hexane	3	22.9	Indoor Air
n-Hexane	1	1.04	Ambient Outdoor Air
n-Hexane	2	3.5	Sub-Slab Soil Vapor
o-Xylene	3	424	Indoor Air

(cont.)

Analytes	Total Detections	Max. Detection (ug/m3)	Type
o-Xylene	1	1.21	Ambient Outdoor Air
o-Xylene	2	25.3	Sub-Slab Soil Vapor
p/m-Xylene	3	1,320	Indoor Air
p/m-Xylene	1	3.32	Ambient Outdoor Air
p/m-Xylene	2	72.1	Sub-Slab Soil Vapor
Total Xylenes	3	1,744	Indoor Air
Total Xylenes	1	4.53	Ambient Outdoor Air
Total Xylenes	2	97.4	Sub-Slab Soil Vapor
Heptane	3	1,860	Indoor Air
Heptane	1	2.57	Ambient Outdoor Air
Heptane	3	40.9	Sub-Slab Soil Vapor
Trichlorofluoromethane	1	1.16	Indoor Air
Trichlorofluoromethane	2	70.8	Sub-Slab Soil Vapor
1,3-Butadiene	2	0.892	Indoor Air
2-Hexanone	2	4.55	Sub-Slab Soil Vapor
4-Ethyltoluene	3	7.18	Indoor Air
4-Ethyltoluene	2	1.5	Sub-Slab Soil Vapor
Carbon disulfide	2	1.73	Sub-Slab Soil Vapor
Chloromethane	3	1.27	Indoor Air
Chloromethane	1	1.07	Ambient Outdoor Air
Chloromethane	1	9.24	Sub-Slab Soil Vapor
Styrene	3	2.63	Indoor Air
Styrene	3	711	Sub-Slab Soil Vapor
2-Butanone	3	4.81	Indoor Air
2-Butanone	2	22.3	Sub-Slab Soil Vapor
Ethanol	3	411	Indoor Air
Ethanol	3	1,270	Sub-Slab Soil Vapor
1,4-Dioxane	1	2.23	Sub-Slab Soil Vapor
2,2,4-Trimethylpentane	1	2.27	Ambient Outdoor Air
4-Methyl-2-pentanone	2	13	Sub-Slab Soil Vapor
Ethyl Acetate	2	6.92	Indoor Air
Tetrahydrofuran	1	6.19	Sub-Slab Soil Vapor

GROUNDWATER TABLE:

15 Kensico Drive

Source: Environmental Subsurface Evaluation, by ECS, dated August 24, 2022

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
Cis-1,2-Dichloroethene (cis-1,2-DCE)	1	13	5
Trichloroethene (TCE)	1	16	5
Benzo(a)anthracene	1	0.02	0.002
Benzo(b)fluoranthene	1	0.02	0.002
Benzo(k)fluoranthene	1	0.01	0.002
Chrysene	2	0.02	0.002
Arsenic, Total	3	436.7	25
Barium, Total	3	35,470	1,000
Beryllium, Total	3	58.62	3
Cadmium, Total	2	29.62	5
Chromium, Total	3	5,044	50
Copper, Total	3	6,602	200
Iron, Total	3	4,240,000	300
Lead, Total	3	1,770	25
Magnesium, Total	3	7,440,000	35,000
Manganese, Total	3	134,500	300
Nickel, Total	3	4,177	100
Selenium, Total	3	430	10
Sodium, Total	3	250,000	20,000
Thallium, Total	3	63.18	0.5
Zinc, Total	2	9,531	2,000

SOIL TABLE:

15 Kensico Drive

Source: Environmental Subsurface Evaluation, by ECS, dated August 24, 2022				
Analytes > CSCOs	Detections > CSCOs	(ppm)	CSCOs (ppm)	Depth (ft bgs)
Copper, Total	1	3,370	270	2-4
Analytes > PGW SCOs	PGW SCOs	(ppm)	PGW SCOs (ppm)	Depth (ft bgs)
Acetone	1	0.067	0.05	2-4
Chrysene	1	1.6	1	2-4
Lead, Total	1	643	450	2-4
Copper, Total	1	3,370	1,720	2-4
PCBs, Total	1	2.94	1	2-4
Source: Subsurface Investigation Report, by PVE, dated November 15, 2022				
Analytes > CSCOs	Detections > CSCOs	(ppm)	CSCOs (ppm)	Depth (ft bgs)
N/A	N/A	N/A	N/A	N/A
Analytes > PGW SCOs	PGW SCOs	(ppm)	PGW SCOs (ppm)	Depth (ft bgs)
N/A	N/A	N/A	N/A	N/A

19 Kensico Drive

Source: Environmental Subsurface Evaluation, by ECS, Dated August 30, 2022				
Analytes > CSCOs	Detections > CSCOs	(ppm)	CSCOs (ppm)	Depth (ft bgs)
N/A	N/A	N/A	N/A	N/A
Analytes > PGW SCOs	PGW SCOs	(ppm)	PGW SCOs (ppm)	Depth (ft bgs)
N/A	N/A	N/A	N/A	N/A

275 Kisco Avenue

Source: Environmental Subsurface Evaluation, by ECS, dated August 30, 2022				
Analytes > CSCOs	Detections > CSCOs	Max. Detection (ppm)	CSCOs (ppm)	Depth (ft bgs)
N/A	N/A	N/A	N/A	N/A
Analytes > PGW SCOs	Detections > PGW SCOs	Max. Detection (ppm)	PGW SCOs (ppm)	Depth (ft bgs)
Acetone	1	0.11	0.05	6-7.5



IV.2 – Impacted Site Media

May 2017

	INDOOR AIR CONCENTRATION of COMPOUND (mcg/m³)		
SUB-SLAB VAPOR CONCENTRATION of COMPOUND (mcg/m³)	< 0.2	0.2 to < 1	1 and above
< 6	1. No further action	2. No Further Action	3. IDENTIFY SOURCE(S) and RESAMPLE or MITIGATE
6 to < 60	4. No further action	5. MONITOR	6. MITIGATE
60 and above	7. MITIGATE	8. MITIGATE	9. MITIGATE

May 2017

	INDOOR AIR CONCENTRATION of COMPOUND (mcg/m ³)		
SUB-SLAB VAPOR CONCENTRATION of COMPOUND (mcg/m ³)	< 3	3 to < 10	10 and above
< 100	1. No further action	2. No Further Action	3. IDENTIFY SOURCE(S) and RESAMPLE or MITIGATE
100 to < 1,000	4. No further action	5. MONITOR	6. MITIGATE
1,000 and above	7. MITIGATE	8. MITIGATE	9. MITIGATE



DATA SOURCES:
 Soil Vapor/Ambient Air Sample Locations/Results: Environmental Subsurface Evaluation Reports, ECS, 8/30/2022 & 8/24/2022
 Soil Vapor/Indoor Air Matrices: health.ny.gov, 05/2023
 Zoning Districts & Tax Parcel Outline: Westchester County GIS, April 2022
 Basemap: New York State, Maxar, Microsoft, Copyright:© 2013 National Geographic Society, i-cubed, Esri Community Maps Contributors, County of Westchester, UConn/CTDEEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



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SAMPLE LOCATIONS EXCEEDING SOIL VAPOR/AMBIENT INDOOR AIR GUIDANCE

15 KENSICO DRIVE; 19 KENSICO DRIVE; & 275 KISCO AVENUE
VILLAGE OF MOUNT KISCO, WESTCHESTER COUNTY, NEW YORK

PROJECT NO.
20230407



FIGURE 4

DATE: 09/22/2023

SCALE: AS INDICATED

PROJECTION: STATE PLANE NAD83 NY EAST

ALL LOCATIONS APPROXIMATE

LEGEND

15 KENSICO DRIVE

19 KENSICO DRIVE

275 KISCO AVENUE

MONITORING WELL

TEMPORARY MONITORING WELL

TAX PARCEL AREA

15-TW-01

Cis-1,2-Dichloroethene: 13 ug/L
Trichloroethene: 16 ug/L
Arsenic: 437 ug/L
Barium: 35,470 ug/L
Beryllium: 58.62 ug/L
Cadmium: 30 ug/L
Chromium: 5,044 ug/L
Copper: 6,602 ug/L
Iron: 4,240,000 ug/L
Lead: 1,770 ug/L
Magnesium: 7,440,000 ug/L
Manganese: 134,500 ug/L
Nickel: 4,177 ug/L
Sodium: 255,000 ug/L
Thallium: 9,531 ug/L
Zinc: 9,531 ug/L

MW-2

Chloroform: 14.5 ug/l

15-TW-02

Benzo(A)Anthracene: 0.02 ug/L
Benzo(B)Fluoranthene: 0.02 ug/L
Benzo(K)Fluoranthene: 0.01 ug/L
Chrysene: 0.02 ug/L
Arsenic: 254.2 ug/L
Barium: 22,930 ug/L
Beryllium: 36.89 ug/L
Chromium: 3,500 ug/L
Copper: 3,790 ug/L
Iron: 2,670,000 ug/L
Lead: 896 ug/L
Magnesium: 3,090,000 ug/L
Manganese: 88,730 ug/L
Nickel: 2,709 ug/L
Sodium: 181,000 ug/L
Thallium: 39,041 ug/L
Zinc: 6,364 ug/L

TMW-3D 20221027

Tert-Butyl Methyl Ether: 23.6 ug/l

TMW-1D 20221027

Cis-1,2-Dichloroethylene: 304 ug/l
Trans-1,2-Dichloroethylene: 481 ug/l
Trichloroethylene (TCE): 449 ug/l
Vinyl Chloride: 92.9 ug/l

NYSDEC Class GA Ambient Groundwater Quality Standards

Parameter	AWQS (ug/L)
Cis-1,2-Dichloroethene	5
Trichloroethene	5
Benzo(a)anthracene	0.002
Benzo(b)fluoranthene	0.002
Benzo(k)fluoranthene	0.002
Chrysene	0.002
Arsenic	25
Barium	1,000
Beryllium	3
Cadmium	5
Chromium	50
Copper	200
Iron	300
Lead, Total	25
Magnesium	35,000
Manganese	300
Nickel	100
Selenium	10
Sodium	20,000
Thallium	0.5
Zinc	2,000
Chloroform	7
Isopropylbenzene	5
N-butylbenzene	5
N-propylbenzene	5
Sec-butylbenzene	5
T-butylbenzene	5
Tert-butyl Methyl Ether	10
Trans-1,2-dichloroethene	5
Trichloroethene	5
Vinyl Chloride	2

19-TW-02 07/21/2022

Cis-1,2-Dichloroethene: 22 ug/L
Trichloroethene: 100 ug/L
Vinyl Chloride: 14 ug/L

TMW-2D 20221027

Cis-1,2-Dichloroethylene: 278 ug/l
Trans-1,2-Dichloroethylene: 398 ug/l
Vinyl Chloride: 4.02 ug/l

TMW-2S 20221027

Isopropylbenzene (Cumene): 13.7 ug/l
N-Butylbenzene: 17.8 ug/l
N-Propylbenzene: 10.0 ug/l
Sec-Butylbenzene: 50.5 ug/l
T-Butylbenzene: 8.13 ug/l

15-TW-03

Chrysene: 0.01 ug/L
Arsenic: 55.01 ug/L
Barium: 1,623 ug/L
Beryllium: 8.531 ug/L
Chromium: 333.7 ug/L
Copper: 326 ug/L
Iron: 307,000 ug/L
Lead: 294.9 ug/L
Magnesium: 88,800 ug/L
Manganese: 3,748 ug/L
Nickel: 221 ug/L
Sodium: 69,500 ug/L
Thallium: 2.023 ug/L

DATA SOURCES:

Groundwater Sample Locations/Results: Environmental Subsurface Evaluation Reports, ECS, 8/30/2022

NYSDEC Class GA Standards: health.ny.gov, 05/2023

Zoning Districts & Tax Parcel Outline: Westchester County GIS, April 2022

Basemap: Copyright: © 2013 National Geographic Society, i-cubed, Esri Community Maps Contributors, County of Westchester, UConn/CTDEEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, New York State, State of Connecticut, Maxar, Microsoft



48 Springside Avenue
Poughkeepsie, NY 12603
Office: 845.454.2544
Fax: 845.454.2655

SAMPLE LOCATIONS EXCEEDING GROUNDWATER STANDARDS (6 NYCRR PART 703.5)

15 KENSICO DRIVE; 19 KENSICO DRIVE; & 275 KISCO AVENUE
VILLAGE OF MOUNT KISCO, WESTCHESTER COUNTY, NEW YORK

PROJECT NO.

20230407



FIGURE 5

DATE: 09/22/2023

SCALE: AS INDICATED

PROJECTION: STATE PLANE NAD83 NY EAST

ALL LOCATIONS APPROXIMATE

LEGEND

15 KENSICO DRIVE

19 KENSICO DRIVE

275 KISCO AVENUE

SOIL BORING

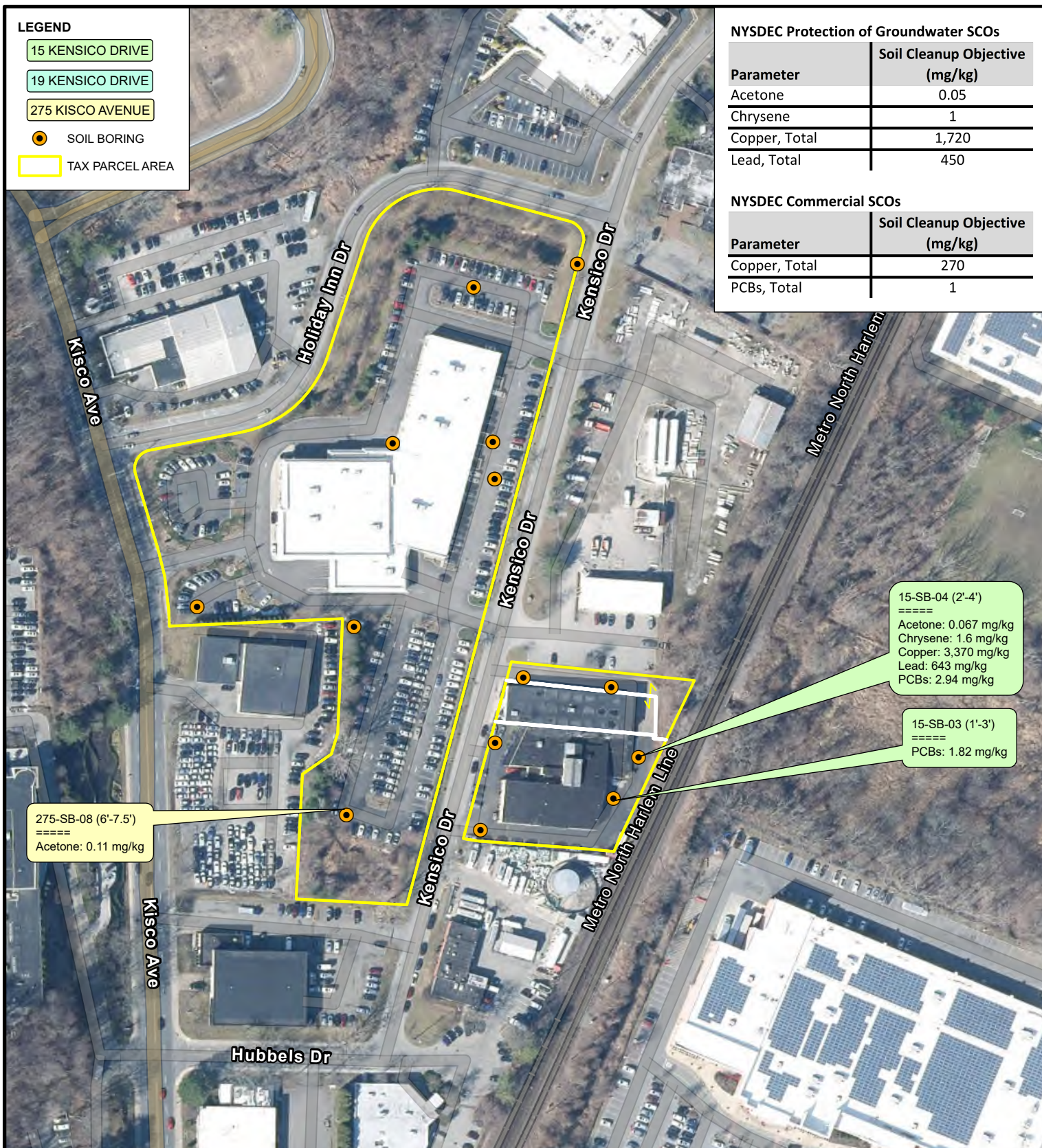
TAX PARCEL AREA

NYSDEC Protection of Groundwater SCOs

Parameter	Soil Cleanup Objective (mg/kg)
Acetone	0.05
Chrysene	1
Copper, Total	1,720
Lead, Total	450

NYSDEC Commercial SCOs

Parameter	Soil Cleanup Objective (mg/kg)
Copper, Total	270
PCBs, Total	1



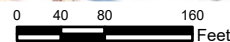
DATA SOURCES:

Soil Sample Locations/Results: Environmental Subsurface Evaluation Reports, ECS, 8/30/2022 & 8/24/2023; Subsurface Investigation Report, PVE, 11/15/2022

NYSDEC Protection of Groundwater Standards: health.ny.gov, 05/2023

Zoning Districts & Tax Parcel Outline: Westchester County GIS, April 2022

Basemap: Copyright: © 2013 National Geographic Society, i-cubed, Esri Community Maps Contributors, County of Westchester, UConn/CTDEEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, New York State, State of Connecticut, Maxar, Microsoft



48 Springside Avenue
Poughkeepsie, NY 12603
Office: 845.454.2544
Fax: 845.454.2655

**SAMPLE LOCATIONS EXCEEDING
SOIL CLEANUP OBJECTIVES
(6 NYCRR PART 375)**

15 KENSICO DRIVE; 19 KENSICO DRIVE; & 275 KISCO AVENUE
VILLAGE OF MOUNT KISCO, WESTCHESTER COUNTY, NEW YORK

PROJECT NO.
20230407



FIGURE 6

DATE: 09/22/2023

SCALE: AS INDICATED

PROJECTION: STATE PLANE NAD83 NY EAST

ALL LOCATIONS APPROXIMATE



IV.4 – Past Land Uses

15 Kensico Drive:

15 Kensico Drive was undeveloped land from at least 1892 until at least 1899, used as a cider and vinegar mill with a gasoline tank and oil storage from at least 1916 until at least 1942, used as a copper tubing manufacturing and painting facility for the NYS Highway Department from at least 1949 until at least 1971, used as a farm machine manufacturing facility from at least 1971 until an unknown date, used as an automotive service station center from at least 1981 until 2004, and a commercial woodworking and cabinetry facility from at least 1992 to present day.

19 Kensico Drive:

19 Kensico Drive was undeveloped land from at least 1892 until at least 1916, used as a cider and vinegar mill in 1925, used as a copper tubing storage facility from at least 1949 until at least 1971, used as commercial beverage and bottling facility between 1972 and 2005, an equipment repair facility in 2005 and most recently for automotive dealership vehicle storage and washing. Vehicle washing was discontinued and has not occurred during ownership by the Requestor and current owner of 19 Kensico Drive, 19 Kensico Drive, LLC.

275 Kisco Avenue:

275 Kisco Avenue was undeveloped land from 1910 to 1949, utilized as agricultural land from 1949 until circa 1958, utilized for manufacturing of copper pipe from circa 1953 to 1970, utilized as a commercial warehouse from 1958 to 2006, and a car dealership/service center from at least 2011 to the present.



SECTION V – REQUESTOR INFORMATION

15 Kensico Drive		
Name: 15 Kensico, LLC		
Address: 15 Kensico Drive		
City/Town: Village of Mount Kisco	State: NY	Zip Code: 10549
Phone: (240) 800-5621	Email: smorash@darcars.com	
19 Kensico Drive		
Name: 19 Kensico Drive, LLC		
Address: 19 Kensico Drive		
City/Town: Village of Mount Kisco	State: NY	Zip Code: 10549
Phone: (240) 800-5621	Email: smorash@darcars.com	
275 Kisco Avenue		
Name: 275 Kisco, LLC		
Address: 275 Kisco Avenue		
City/Town: Village of Mount Kisco	State: NY	Zip Code: 10549
Phone: (240) 800-5621	Email: smorash@darcars.com	

V.2 – NYS DOS Entity Information

Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details



ENTITY NAME: 15 KENSICO, LLC	DOS ID: 6645380
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTIONOF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW	ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 11/17/2022	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 11/17/2022	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: WESTCHESTER	NEXT STATEMENT DUE DATE: 11/30/2024
JURISDICTION: NEW YORK, UNITED STATES	NFP CATEGORY:

- ENTITY DISPLAY
- NAME HISTORY
- FILING HISTORY
- MERGER HISTORY
- ASSUMED NAME HISTORY

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: C T CORPORATION SYSTEM

Address: 28 LIBERTY STREET, NEW YORK, NY, UNITED STATES, 10005

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name: C T CORPORATION SYSTEM

Address: 28 LIBERTY STREET, NEW YORK, NY, 10005

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

Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details



ENTITY NAME: 19 KENSICO DRIVE, LLC	DOS ID: 6005645
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTIONOF LAW: 203 LLC - LIMITED LIABILITY COMPANY LAW	ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 05/05/2021	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 05/05/2021	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: WESTCHESTER	NEXT STATEMENT DUE DATE: 05/31/2023
JURISDICTION: NEW YORK, UNITED STATES	NFP CATEGORY:

- ENTITY DISPLAY
- NAME HISTORY
- FILING HISTORY
- MERGER HISTORY
- ASSUMED NAME HISTORY

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: C T CORPORATION SYSTEM

Address: 28 LIBERTY STREET, NEW YORK, NY, UNITED STATES, 10005

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name: C T CORPORATION SYSTEM

Address: 28 LIBERTY STREET, NEW YORK, NY, 10005

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

Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details



ENTITY NAME: 275 KISCO, LLC	DOS ID: 5723371
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTIONOF LAW: 203 LLC - LIMITED LIABILITY COMPANY LAW	ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 03/06/2020	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 03/06/2020	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: WESTCHESTER	NEXT STATEMENT DUE DATE: 03/31/2022
JURISDICTION: NEW YORK, UNITED STATES	NFP CATEGORY:

- ENTITY DISPLAY
- NAME HISTORY
- FILING HISTORY
- MERGER HISTORY
- ASSUMED NAME HISTORY

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: C T CORPORATION SYSTEM

Address: 28 LIBERTY STREET, NEW YORK, NY, UNITED STATES, 10005

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name: C T CORPORATION SYSTEM

Address: 28 LIBERTY STREET, NEW YORK, NY, 10005

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



V.3 – LLC Members/Owners

15 Kensico, LLC, 19 Kensico Drive, LLC, & 275 Kisco, LLC are each owned by their sole member Glen Mill Properties, LLC.

SECTION VI – REQUESTOR ELIGIBILITY

VI.12 – The requestor must certify that he/she is either a participant or volunteer.

Statement describing why the Requestor should be considered a Volunteer:

In accordance with the definitions outlined in ECL § 27-1405(1), each Requestor is considered a Volunteer, as its liability arises solely as a result of its ownership of the Site subsequent to the disposal of contaminants, and it exercises and will exercise appropriate care with respect to contamination found at the facility by taking reasonable steps to stop any continuing release; prevent any threatened future release; and prevent or limited human environmental, or natural resource exposure to any previously released contamination. Each Requestor has performed Phase I ESA diligence before buying each respective portion of the Site and has promptly applied to the Brownfield Cleanup Program. Human, environmental and natural resource exposure to Site contamination that was released prior to taking title is prevented or limited by the following:

- Groundwater is not being used at the Site for potable purposes.
- 15 Kensico Drive:
 - This portion of the Site is covered by buildings and pavement; &
 - Previous investigations revealed elevated concentrations of CVOCs beneath, and within, the on-site structure. The on-site structure is currently utilized by a commercial woodworking tenant. This tenant remained in place after the acquisition of the Site; the applicant has worked with tenant to implement the recommended measures (opening doors when feasible and increasing ventilation with industrial floor fans).
- 19 Kensico Drive:
 - This portion of the Site is mostly covered by buildings and pavement, with a small portion of the Site, bordering the railroad, consisting of vegetated/wooded land. This area is not accessed by employees, guests or the public; &
 - Previous investigations revealed elevated concentrations of chlorinated volatile organic compound beneath, and within, the on-site structure. This structure is solely used for vehicle storage. Garage doors remain open during the times the building is occupied by personnel, which is limited in duration.
- 275 Kisco Avenue:
 - This portion of the Site is mostly covered by buildings and pavement, with limited areas covered by landscaping that is not accessed/used by employees, guests or the public; &
 - Previous investigations revealed elevated concentrations of chlorinated solvents in the garage area of the Site. According to the Site operator, mitigation of indoor air quality is currently being implemented. Occupancy of this area by site-personnel is limited, and high-capacity ventilation.

None of the Requestors are affiliated with the past Site owners or operators or the release of contaminants impacting the Site. As such, each requestor is considered a Volunteer since their liability arises solely based on Site ownership *subsequent* to subsurface impacts and the applicant has and continues to take reasonable steps to investigate Site conditions and limit human, environmental and natural resource exposure to previously release contamination.



VI.14 – Proof of ownership and access (Deed).

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



623333122DED001P

Westchester County Recording & Endorsement Page

Submitter Information

Name: first american Phone: 212-850-0652
Address 1: 666 third avenue Fax:
Address 2: Email: ascarpa@firstam.com
City/State/Zip: new york NY 10017 Reference for Submitter: 1126002*as

Document Details

Control Number: **623333122** Document Type: **Deed (DED)**
Package ID: 2022112900033001001 Document Page Count: **4** Total Page Count: **5**

Parties

☐ Additional Parties on Continuation page

1st PARTY

1: BROOKS REALTY OF MT KISCO LLC
2:

- Other

1: 15 KENSICO LLC
2:

- Other

2nd PARTY

Property

☐ Additional Properties on Continuation page

Street Address: 15 KENSICO DRIVE Tax Designation: 69.50-1-6
City/Town: MOUNT KISCO Village:

Cross- References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

1: RP-5217 2: TP-584

Recording Fees

Statutory Recording Fee: \$40.00
Page Fee: \$25.00
Cross-Reference Fee: \$0.00
Mortgage Affidavit Filing Fee: \$0.00
RP-5217 Filing Fee: \$250.00
TP-584 Filing Fee: \$5.00
RPL 291 Notice Fee: \$0.00
Total Recording Fees Paid: **\$320.00**

Transfer Taxes

Consideration: \$3,550,000.00
Transfer Tax: \$14,200.00
Mansion Tax: \$0.00
Transfer Tax Number: 6769

Mortgage Taxes

Document Date:
Mortgage Amount:

Basic: \$0.00
Westchester: \$0.00
Additional: \$0.00
MTA: \$0.00
Special: \$0.00
Yonkers: \$0.00
Total Mortgage Tax: **\$0.00**

Dwelling Type: Exempt: ☐
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 12/21/2022 at 02:19 PM
Control Number: **623333122**
Witness my hand and official seal

Timothy C. Idoni

Timothy C. Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

MCNAMME HOSEA
6411 IVY LANE, SUITE 200

GREENBELT, MD 20770
Attn: GARTH E BEALL, ESQ

BROOKS REALTY OF MOUNT KISCO, LLC,
a New York limited liability company
(Grantor)

to

15 KENSICO, LLC,
a New York limited liability company
(Grantee)

BARGAIN AND SALE DEED
WITHOUT COVENANTS AGAINST GRANTOR'S ACTS

Dated: December 15, 2022

Property Location: 15 Kensico Drive,
Mount Kisco, New York 10549

Tax Map Designation: Section: 69.50
Block: 1
Lot: 6

Village/Town: Mount Kisco

County: Westchester

WHEN RECORDED, RETURN TO:

McNamee Hosea
6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770
Attention: Garth E. Beall, Esq.

First American Title
Title # 3020-1126002

**BARGAIN AND SALE DEED
WITHOUT COVENANT AGAINST GRANTOR'S ACTS**

THIS INDENTURE, made as of the 15th day of December 2022, between BROOKS REALTY OF MT. KISCO, LLC, a limited liability company organized pursuant to the laws of the State of New York, having an address at 15 Kensico Drive, Mount Kisco, New York 10549 ("Grantor"), and 15 KENSICO, LLC, a limited liability company organized pursuant to the laws of the State of New York, having an address at 7550 Wisconsin Avenue, 6th Floor, Bethesda, Maryland 20814 ("Grantee").

WITNESSETH, that Grantor, in consideration of TEN DOLLARS, lawful money of the United States, paid by Grantee, does hereby grant and release unto Grantee, the heirs or successors and assigns of Grantee forever,

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE TOWN/VILLAGE OF MOUNT KISCO, COUNTY OF WESTCHESTER AND STATE OF NEW YORK, BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY SIDE OF KENSICO DRIVE, BEING DISTANT NORTHERLY 275.41 FEET FROM THE CORNER FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF KENSICO DRIVE WITH THE NORTHERLY SIDE OF HUBBELL'S ROAD; SAID POINT OF BEGINNING BEING AT A POINT WHERE SAID EASTERLY SIDE OF KENSICO DRIVE IS INTERSECTED BY THE DIVISION LINE BETWEEN THE PREMISES HEREIN DESCRIBED AND LANDS NOW OR FORMERLY OF CROSENECA CORP;

Sec: 69.50
Blk: 1
Lot: 6
RUNNING THENCE FROM SAID POINT OF BEGINNING ALONG SAID LAND OF CROSENECA CORP., SOUTH 74° 04' 30" EAST 201.34 FEET TO LAND NOW OR FORMERLY OF PENN CENTRAL RAILROAD;

RUNNING THENCE ALONG THE SAME, NORTH 36° 25' 30" EAST 163.22 FEET TO LAND NOW OR FORMERLY OF SUBURBAN PROPANE GAS CORP.;

RUNNING THENCE ALONG THE DIVISION LINE BETWEEN LANDS HEREIN DESCRIBED AND SAID LAND OF SUBURBAN PROPANE GAS CORP., AND CONTINUING ALONG LAND NOW OR FORMERLY OF EMANUEL SUSSMAN INC., THE FOLLOWING COURSES AND DISTANCES:

NORTH 73° 58' 30" WEST 19.00 FEET;

NORTH 36° 25' 30" EAST 5.00 FEET;

NORTH 73° 58' 30" WEST 212.69 FEET TO THE EASTERLY SIDE OF KENSICO DRIVE;

RUNNING THENCE ALONG THE SAME, SOUTH 26° 10' 30" WEST 160.53 FEET TO THE POINT OR PLACE OF BEGINNING.

Being the same premises conveyed to the Grantor by deed recorded on August 29, 2005 in the Office of the Clerk of Westchester County as Control No. 452350293.

TOGETHER with all right, title and interest, if any, of Grantor 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 Grantor in and to said premises,

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

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor 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 costs 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.

(End of Text – Signature Page Follows)

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

BROOKS REALTY OF MOUNT KISCO, LLC

By: 

Name: Richard Brooks
Title: President

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

On the 5 day of December in the year 2022 before me, the undersigned, a notary public in and for said state, personally appeared Richard Brooks, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

FILOMENA MANGANIELLO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MA4897162
Qualified in Westchester County
My Commission Expires June 01, 2023

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



611313919DED002Y

Westchester County Recording & Endorsement Page

Submitter Information

Name: First American Title Insurance Co Phone: 516-832-3206
Address 1: 333 Earle Ovington Blvd, Room 608 Fax:
Address 2: Email: lwing@firstam.com
City/State/Zip: Uniondale NY 11553 Reference for Submitter: 1049914*lw

Document Details

Control Number: **611313919** Document Type: **Deed (DED)**
Package ID: 2021051100388001003 Document Page Count: **4** Total Page Count: **6**

Parties

☐ Additional Parties on Continuation page

1st PARTY

2nd PARTY

1: CHARISMA ASSOC LLC - Other 1: 19 KENSICO DRIVE LLC - Other
2: 2:

Property

☒ Additional Properties on Continuation page

Street Address: 19 KENSICO DR Tax Designation: 69.50-1-4
City/Town: MOUNT KISCO Village:

Cross- References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

1: RP-5217 2: TP-584

Recording Fees

Statutory Recording Fee: \$40.00
Page Fee: \$25.00
Cross-Reference Fee: \$0.00
Mortgage Affidavit Filing Fee: \$0.00
RP-5217 Filing Fee: \$250.00
TP-584 Filing Fee: \$5.00
RPL 291 Notice Fee: \$0.00
Total Recording Fees Paid: **\$320.00**

Transfer Taxes

Consideration: \$2,100,000.00
Transfer Tax: \$8,400.00
Mansion Tax: \$0.00
Transfer Tax Number: 33566

Mortgage Taxes

Document Date:
Mortgage Amount:

Basic: \$0.00
Westchester: \$0.00
Additional: \$0.00
MTA: \$0.00
Special: \$0.00
Yonkers: \$0.00
Total Mortgage Tax: **\$0.00**

Dwelling Type: Exempt: ☐
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 07/29/2021 at 11:51 AM
Control Number: **611313919**
Witness my hand and official seal

Timothy C. Idoni

Timothy C. Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

McNamee Hosea
6411 Ivy Lane, Suite 200

Greenbelt, MD 20770
Attn: Garth E. Beall Esq

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.

611313919DED002Y

Westchester County Recording & Endorsement Page

Document Details

Control Number: **611313919**

Document Type: **Deed (DED)**

Package ID: 2021051100388001003

Document Page Count: 4

Total Page Count: 6

Properties Addendum

19 HUBBELLS DR 10549

MOUNT KISCO

69.50-1-5

3020-1049914

BARGAIN AND SALE DEED WITHOUT COVENANT AGAINST GRANTOR'S ACTS

Town
Pt. Kisco
THIS DEED, made and dated as of the 16th day of July, 2021, by and between CHARISMA ASSOCIATES, LLC, a New York limited liability company having an address at 46 777 Westchester Ave, White Plains (the "Grantor") and 19 KENSICO DRIVE, LLC, a New York limited liability company, with a mailing address of 6411 Ivy Lane, Suite 200, Greenbelt, Maryland 20770 (the "Grantee"). *NY 10604

Sec
69.50
WITNESSETH: that for and in the consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged, the Grantor does hereby grant and convey to the Grantee, its successors and assigns, in fee simple, all that Property situate in Westchester County, New York, described as follows:

Block
(See the Attached Exhibit "A")

1
Lot
TOGETHER WITH all buildings and improvements located thereon in their present physical condition, and all rights, alleys, ways, waters, privileges, easements, appurtenances and advantages belonging or appertaining thereto;

5, 4
BEING the same property described in the Deed conveyed from P & D Properties LLC (a/k/a P and D Properties, LLC) to CHARISMA ASSOCIATES, LLC, dated June 5, 2007 and recorded among the Land Records of Westchester County, New York as Control No. 471900677.

SUBJECT TO all reservations, exceptions, leases, licenses, easements, restrictions, covenants, encumbrances, and other matters of record;

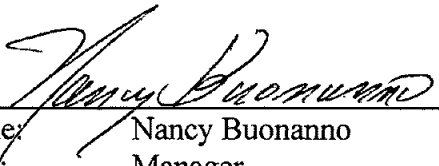
TO HAVE AND TO HOLD the property, with the privileges and appurtenances thereto belonging, unto the Grantee, the Grantee's successors and assigns forever;

AND said Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor 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.

IN WITNESS WHEREOF, Grantor has duly executed this Deed the day and year first above written.

GRANTOR:

CHARISMA ASSOCIATES, LLC

By: 
Name: Nancy Buonanno
Title: Manager

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

On the 14th day of July, 2021, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Nancy Buonanno, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



NOTARY PUBLIC

DOUGLAS ULENE
Notary Public, State of New York
Reg. No. 02UL5022542
Qualified in Westchester County
Commission Expires April 12, 2022

SIGNATURE PAGE TO DEED

SCHEDULE A TO DEED

LEGAL DESCRIPTION¹

PARCEL 1 (Section 69.50, Block 1, Lot 5)

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

BEGINNING at a point on the easterly side of Kensico Drive (formerly Hubbell's Road) which point is distant northerly 435.94 feet from the intersection of the easterly side of Kensico Drive (formerly Hubbell's Road) with the northerly side of Hubbell's Drive (formerly Hubbell's Cross Road) as widened;

RUNNING THENCE along lands now or formerly of Kensico Manufacturing Co., Inc., South 75 degrees 58 minutes 50 seconds East a distance of 212.69 feet to a point on a right of way on lands now or formerly of County Seat Supply Co., White Plains, Inc.;

RUNNING THENCE along the westerly and southerly boundary lines of said right of way North 13 degrees 34 minutes 50 seconds East a distance of 52.98 feet and North 73 degrees 03 minutes 00 seconds West a distance of 200.40 feet to the easterly side of Kensico Drive (formerly Hubbell's Road);

RUNNING THENCE along the same South 26 degrees 10 minutes 30 seconds West a distance of 56.48 feet (57.06 feet per survey) to the point and place of BEGINNING.

TOGETHER with the right to use a proposed or existing road immediately to the north of and adjacent to the property herein described, 25 feet in width running parallel to the land herein described jointly with the said Charles M. Hubbell and Lorancie Potter Hubbell, his wife, and their successors and assigns and together with any other parties that this right may be or have been conveyed to by the said Charles M. Hubbell and Lorancie Potter Hubbell, his wife, their successors and assigns. This use is for driveway purposes and for all ordinary purposes of ingress and egress over the same leading from Hubbell Road on the west over and through the proposed or existing road on the north and around and over the property now or formerly of the said Charles M. Hubbell and Lorancie Potter Hubbell, his wife, in the rear and to the east of the property herein described. It is further understood and agreed that the use of this proposed or existing road on the north and the land in the rear and to the east is exclusively for driveway purposes and no right whatsoever is herewith given to make use of this proposed road for any parking purposes, nor to make use of the railroad siding in the rear of and to the east of the premises herein described.

¹ Subject to confirmation by title search and survey

PARCEL II (Section 69.50, Block 1, Lot 4)

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town/Village of Mount Kisco, County of Westchester and State of New York, being bounded and described as follows:

BEGINNING at a point on the southeasterly side of Kensico Drive where the same is intersected by the southwesterly boundary line of land now or formerly of Suburban Propane Gas Corporation, said point of beginning being the northwest corner of a 25 foot wide Right of Way described in the Deed into County Seat Sales Co. recorded in Liber 9344 cp 185 and corrected by Liber 9680 cp 109;

THENCE RUNNING along said boundary line of land now or formerly of Suburban Propane Gas Corporation South 73 degrees 03 minutes 00 seconds East 245.88 feet to the northwesterly boundary line of land now or formerly of N.Y.C. Railroad Harlem Division;

THENCE RUNNING along same South 36 degrees 25 minutes 30 seconds West 87.29 feet to the northeasterly boundary line of land now or formerly of Kensico Manufacturing Co. Inc.;

THENCE RUNNING along same North 73 degrees 58 minutes 50 seconds West 19 feet and North 36 degrees 25 minutes 30 seconds East 5 feet to the easterly boundary line of land now or formerly of County Seat Sales Co.;

THENCE RUNNING along the easterly and northeasterly boundary line of same North 13 degrees 34 minutes 50 seconds East 52.98 feet and North 73 degrees 03 minutes 00 seconds West 200.40 feet to the southeasterly side of Kensico Drive;

THENCE RUNNING along the southeasterly side of Kensico Drive North 26 degrees 10 minutes 30 seconds East 25.33 feet to the point and place of BEGINNING.

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

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



602133283DED001S

Westchester County Recording & Endorsement Page

Submitter Information

Name: First American Title Insurance Co Phone: 516-832-3206
Address 1: 333 Earle Ovington Blvd, Room 608 Fax:
Address 2: Email: lwing@firstam.com
City/State/Zip: Uniondale NY 11553 Reference for Submitter: 993754ny9*lw

Document Details

Control Number: **602133283** Document Type: **Deed (DED)**
Package ID: 2020073100099001002 Document Page Count: **4** Total Page Count: **5**

Parties

☐ Additional Parties on Continuation page

1st PARTY

1: 275 KISCO AVE LLC - Other
2:

2nd PARTY

1: 275 KISCO LLC - Other
2:

Property

☐ Additional Properties on Continuation page

Street Address: 265-281 KISCO AVE Tax Designation: 69.49-3-1
City/Town: MOUNT KISCO Village:

Cross- References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

1: RP-5217 2: TP-584

Recording Fees

Statutory Recording Fee: \$40.00
Page Fee: \$25.00
Cross-Reference Fee: \$0.00
Mortgage Affidavit Filing Fee: \$0.00
RP-5217 Filing Fee: \$250.00
TP-584 Filing Fee: \$5.00
RPL 291 Notice Fee: \$0.00
Total Recording Fees Paid: **\$320.00**

Transfer Taxes

Consideration: \$16,500,000.00
Transfer Tax: \$66,000.00
Mansion Tax: \$0.00
Transfer Tax Number: 15794

Mortgage Taxes

Document Date:
Mortgage Amount:

Basic: \$0.00
Westchester: \$0.00
Additional: \$0.00
MTA: \$0.00
Special: \$0.00
Yonkers: \$0.00
Total Mortgage Tax: **\$0.00**

Dwelling Type: Exempt: ☐
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 08/24/2020 at 02:48 PM
Control Number: **602133283**
Witness my hand and official seal

Timothy C. Idoni

Timothy C. Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

McNamee Hosea
6411 Ivy Lane, Suite 200

Greenbelt, MD 20770
Attn: Garth E. Beall Esq.

3020-993754 NY9

Town/Village
Mount Kisco

First American Title Insurance Company
333 Earle Ovington Boulevard
Uniondale, N.Y. 11553

Sec 69.49

Block 3

Lot 1

BARGAIN AND SALE DEED

(CONVEYANCE OF FEE SIMPLE REAL PROPERTY)

THIS DEED, (hereinafter this "Deed") is made this 3 day of August, 2020, by and between, **275 KISCO AVE., LLC**, a New York limited liability company with a mailing address of 275 Kisco Avenue, Mt. Kisco, NY (hereinafter the "Grantor") and **275 KISCO, LLC**, a New York limited liability company with a mailing address of 6411 Ivy Lane, Suite 200, Greenbelt, Maryland 20770 (hereinafter the "Grantee").

WITNESSETH: that for and in the consideration of the sum of **TEN AND 00/100 DOLLARS (\$10.00)** and other valuable consideration, receipt of which is hereby acknowledged, the Grantor does hereby grant and convey to the Grantee, its successors and assigns, in fee simple, all that Property situate in Westchester County, New York, described as follows:

(See the Attached Exhibit "A")

TOGETHER WITH all buildings and improvements located thereon in their present physical condition, and all rights, alleys, ways, waters, privileges, easements, appurtenances and advantages belonging or appertaining thereto;

BEING the same property described in the Deed conveyed from Kensico Properties, LLC and Eugenia M. Vecchio, Esq., as Trustee of the Jonathan Brett Schnapp Irrevocable Family Trust III to 275 Kisco Ave., LLC, dated January 18, 2007 and recorded among the Land Records of Westchester County, New York as Control No. 470650487.

SUBJECT TO all reservations, exceptions, leases, licenses, easements, restrictions, covenants, encumbrances, and other matters of record;

TO HAVE AND TO HOLD the property, with the privileges and appurtenances thereto belonging, unto the Grantee, the Grantee's successors and assigns forever;

AND, said Grantor covenants that it will warrant specially the property hereby conveyed; and that it will execute such further assurances of said land as may be requisite or necessary;

AND said Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor 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.

SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed on its behalf by its duly authorized representative as of the day and year first above written.

WITNESS/ATTEST:



GRANTOR:

275 KISCO AVE., LLC, a New York
limited liability company

By:  (SEAL)
Name: SAMUEL SCATTERDAY
Title: MEMBER

Acknowledgment Taken Within New York State (RPL 309(a))

State of New York :

: ss.:

County of :

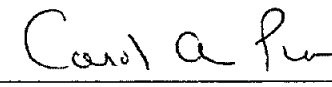
On the _____ day of _____ in the year _____ before me, the undersigned notary public, personally appeared SAMUEL SCATTERDAY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

Acknowledgment Taken Outside New York State (RPL 309(b))

W State of Connecticut :
County Fairfield : ss.:

On the 3 day of August in the year 2020 before me, the undersigned notary public, personally appeared Samuel Scatterday, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary Public

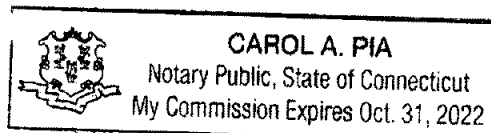


Exhibit "A"

Legal Description of Property

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE VILLAGE AND TOWN OF MOUNT KISCO, COUNTY OF WESTCHESTER AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY SIDE OF KISCO AVENUE AT THE SOUTHERLY END OF A CURVE HAVING A RADIUS OF 25 FEET, CONNECTING THE EASTERLY SIDE OF KISCO AVENUE WITH THE SOUTHERLY SIDE OF HOLIDAY DRIVE;

RUNNING THENCE NORTHEASTERLY ALONG SAID CURVE BEING A CURVE TO THE RIGHT, A DISTANCE OF 41.69 FEET TO THE SOUTHERLY SIDE OF HOLIDAY DRIVE;

THENCE ALONG THE SOUTHERLY SIDE OF HOLIDAY DRIVE THE FOLLOWING COURSES AND DISTANCES: SOUTH 89° 54' 10" EAST 123.51 FEET TO A POINT OF CURVE;

NORTHEASTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 150 FEET A DISTANCE OF 158.20 FEET TO A POINT OF TANGENCY;

NORTH 29° 40' 10" EAST 161.67 FEET TO A POINT OF CURVE;

NORTHEASTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 100 FEET A DISTANCE OF 151.47 FEET TO A POINT OF TANGENCY;

SOUTH 63° 32' 50" EAST 156.55 FEET TO THE WESTERLY END OF A CURVE HAVING A RADIUS OF 25 FEET CONNECTING THE SOUTHERLY SIDE OF HOLIDAY DRIVE WITH THE WESTERLY SIDE OF KENSICO DRIVE;

THENCE SOUTHEASTERLY ALONG SAID CURVE BEING A CURVE TO THE RIGHT A DISTANCE OF 39.27 FEET TO THE WESTERLY SIDE OF KENSICO DRIVE;

THENCE ALONG THE SAME, SOUTH 26° 27' 10" WEST 584.21 FEET;

SOUTH 26° 29' 50" WEST 259.80 FEET; AND

SOUTH 27° 30' 30" WEST 60 FEET TO LANDS NOW OR FORMERLY OF MOUNT KISCO BOTTLING CO., INC.;

THENCE ALONG THE SAME, NORTH 75° 42' 20" WEST 148.68 FEET TO LAND NOW OR FORMERLY OF ELIZABETH L. LONGCOPE;

THENCE ALONG SAID LANDS OF LONGCOPE, NORTH 14° 17' 30" EAST 167.65 FEET;

NORTH 67° 30' 20" EAST 45.52 FEET;

NORTH 30° 13' 10" EAST 28.15 FEET;

NORTH 13° 42' 40" EAST 153.78 FEET;

NORTH 81° 00' 00" WEST 74.58 FEET; AND

NORTH 81° 51' 20" WEST 151.62 FEET TO A MONUMENT AND THE EASTERLY SIDE OF KISCO AVENUE;

THENCE ALONG THE EASTERLY SIDE OF KISCO AVENUE THE FOLLOWING COURSES AND DISTANCES:

NORTH 10° 15' 40" EAST 19.26 FEET;

NORTH 4° 45' 10" EAST 45 FEET;

NORTH 2° 10' 20" WEST 37.20 FEET; AND

NORTH 5° 27' 20" WEST 104.74 FEET TO THE POINT OR PLACE OF BEGINNING.

Property Address: 275 Kisco Avenue, Mt. Kisco, New York 10549

Section: 69.49

Block: 3

Lot: 1

County: Westchester

Record & Return To:

Garth E. Beall, Esq.

McNamee Hosea

6411 Ivy Lane, Suite 200

Greenbelt, Maryland 20770

15 Kensico, LLC; 19 Kensico Drive, LLC; & 275 Kisco, LLC

November 27, 2023

15 Kensico, LLC
15 Kensico Dr.
Mt. Kisco, NY 10549

19 Kensico Drive, LLC
19 Kensico Dr.
Mt. Kisco, NY 10549

275 Kisco, LLC
275 Kisco Ave.
Mt. Kisco, NY 10549

RE: Site Access to Perform Brownfield Cleanup Program Work
KENSICO DRIVE & KISCO AVENUE PROPERTIES
15 Kensico Dr., Mt. Kisco, NY 10549; 19 Kensico Dr., Mt. Kisco, NY 10549;
275 Kisco Ave., Mt. Kisco, NY 10549 (the "Properties")
BCP SITE #C360243


To Whom It May Concern:

As you are aware, 15 Kensico, LLC (owner of 15 Kensico Dr., Mt. Kisco, NY), 19 Kensico Drive, LLC (owner of 19 Kensico Dr., Mt. Kisco, NY), and 275 Kisco, LLC (owner of 275 Kisco Ave., Mt. Kisco, NY) (each, an "Applicant"; together, the "Applicants") have submitted a consolidated application to the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) for the above-referenced properties. This letter confirms that each Applicant has agreed to grant each of the other Applicants and their contractors access to their respective Properties to implement any investigation or remedial work required by NYSDEC pursuant to the BCP, and otherwise comply with all obligations under any Brownfield Cleanup Agreement (BCA), including the recording of an environmental easement, if required, from the date hereof until such time as the BCA is terminated or NYSDEC issues a Certificate of Completion.

By execution of this site access agreement letter, each Applicant hereby acknowledges that it has granted site access for this purpose.

Sincerely,

15 Kensico, LLC

By: 
John Darvish, Manager

19 Kensico Drive, LLC

By: _____
John Darvish, Manager

275 Kisco, LLC

By: _____
John Darvish, Manager



SECTION IX – CURRENT PROPERTY OWNER AND OPERATOR INFORMATION

CURRENT OPERATORS

15 Kensico Drive:

Current Operator	Brooks Woodworking Inc.				
Contact Name	Richard Brooks (President)				
Address	15 Kensico Drive				
City	Mount Kisco	State	New York	Zip Code	10549
Phone	800-244-5432	EMAIL	Richard-brooks@brookscustom.com		
Operation State Date	1992				

19 Kensico Drive:

Current Operator	DARCARS of Railroad Ave, Inc.				
Contact Name	John Darvish (DARCARS, President)				
Address	7550 Wisconsin Avenue, 6th Floor				
City	Bethesda	State	Maryland	Zip Code	20814
Phone	240-800-5621	EMAIL	smorash@darcars.com		
Operation State Date	7/16/2021				

275 Kisco Avenue:

Current Operator	DARCARS of Railroad Ave, Inc.				
Contact Name	John Darvish (DARCARS, President)				
Address	7550 Wisconsin Avenue, 6th Floor				
City	Bethesda	State	Maryland	Zip Code	20814
Phone	240-800-5621	EMAIL	smorash@darcars.com		
Operation State Date	8/3/2020				

PREVIOUS OWNER(S)

15 Kensico Drive:

Section: 69.50		Block:1		Lot: 6
Previous Owner Name	Approximate Dates	Last Known Address	Phone Number	Requestor's Relationship to Owner
Brooks Realty of Mt Kisco, LLC	1992 – 12/15/2022	15 Kensico Drive, Mt. Kisco NY 10549	800-244-5432	None
Tepat Realty Corp	As early as 05/10/1976 – 2002	15 Kensico Drive, Mt. Kisco NY 10549	Unknown	None
Kensico Mfg. Co., Inc. / Emanuel & Ethel Sussman	As early as 06/07/1947 – As late as 07/01/1975	15 Kensico Drive, Mt. Kisco NY 10549	Unknown	None

19 Kensico Drive:

Section: 69.50		Block:1		Lot: 4
Previous Owner Name	Approximate Dates	Last Known Address	Phone Number	Requestor's Relationship to Owner
Charisma Associates, LLC)	6/05/2007-6/16/2021	P.O. Box 324, Somers, New York 10589	Unknown	None
P & D Properties, LLC	Unknown-6/05/2007	Unknown	Unknown	None

Section: 69.50		Block:1		Lot: 4
Previous Owner Name	Approximate Dates	Last Known Address	Phone Number	Requestor's Relationship to Owner
Same as above (69.50-1-5)	Same as above (69.50-1-5)	Same as above (69.50-1-5)	Same as above (69.50-1-5)	Same as above (69.50-1-5)

275 Kisco Avenue:

Section: 69.49		Block:3		Lot: 1
Previous Owner Name	Approximate Dates	Last Known Address	Phone Number	Requestor's Relationship to Owner
275 Kisco Ave., LLC	01/18/2007 – 08/03/2020	19 Railroad Avenue, Greenwich, CT 06830	Unknown	None
Kensico Properties, LLC	04/30/1994 – 01/18/2007	550 Mamaroneck Avenue, Harrison, NY 10528	Unknown	None
Kensico Properties, Inc	Unknown – 04/30/1994	Unknown	Unknown	None
A.B.M International	06/06/1972 - Unknown	Unknown	Unknown	None
Robintech, Inc	11/12/1970 – 06/06/1972	Unknown	Unknown	None
Mt. Kisco Development Corp. c/p E. Monroe O'Flynn	Unknown – 11/12/1970	Unknown	Unknown	None
Kensico Tube Company, Inc	12/21/1959 - Unknown	Unknown	Unknown	None
E. Monroe O'Flynn	12/18/1959 – 12/21/1959	Unknown	Unknown	None
Kensico Tube Company, Inc	Unknown – 12/18/1959	Unknown	Unknown	None

PREVIOUS OPERATOR(S)

15 Kensico Drive:

Section: 69.50		Block: 1		Lot: 6	
Previous Operator Name	Approximate Dates	Last Known Address	Phone Number	Requestor's Relationship to Operator	Use
Brooks Woodworking, Inc.	1992 – 12/15/2022	15 Kensico Drive, Mt. Kisco NY 10549	800-244-5432	None	Commercial wood working
Tepat Realty Corp	As early as 05/10/1976 – 2002	15 Kensico Drive, Mt. Kisco NY 10549	Unknown	None	Unknown
Lee Myles Transmissions	2000	15 Kensico Drive, Mt. Kisco NY 10549	Unknown	None	Service station
Automotivation Unlimited Inc	1982-2000	15 Kensico Drive, Mt. Kisco NY 10549	Unknown	None	Service station
McArthurs Smokehouse	1992	15 Kensico Drive, Mt. Kisco NY 10549	Unknown	None	Unknown
Seba Wood Products	1977	15 Kensico Drive, Mt. Kisco NY 10549	Unknown	None	Commercial wood working
Aaastro Automatic Transmission Inc	As early as 12/8/1975	590 Bedford Road, Mt. Kisco NY 10549	Unknown	None	Service station



19 Kensico Drive:

Section: 69.50		Block:1		Lot: 5	
Previous Operator Name	Approximate Dates	Last Known Address	Phone Number	Requestor's Relationship to Operator	Use
Charisma Associates, LLC	6/05/2007-7/16/2021	P.O. Box 324, Somers, New York 10589	Unknown	None	Unknown
P & D Properties, LLC	At least since 2005 - 6/05/2007	19 Kensico Drive, Mt. Kisco, NY 10549	Unknown	None	Unknown
Eastern Equipment Repair	2005	19 Kensico Drive, Mt. Kisco, NY 10549	Unknown	None	Equipment repair
Kisco Beverages Inc.	1977 - 2005	19 Kensico Drive, Mt. Kisco, NY 10549	Unknown	None	Beverage producer
Dimico Bros. / Mt. Kisco Bottling Company	1972	19 Kensico Drive, Mt. Kisco, NY 10549	Unknown	None	Beverage producer

[illegible]

275 Kisco Avenue:

Section: 69.49		Block:3		Lot: 1	
Previous Operator Name	Approximate Dates	Last Known Address	Phone Number	Requestor's Relationship to Operator	Use
Kensico Properties	1992 – 08/03/2020	Unknown	Unknown	None	Car dealer & service station.
Lexus of Mt. Kisco	2014	275 Kisco Avenue, Mt. Kisco, NY 10549	Unknown	None	Car dealer & service station.
Alpine The Care of Trees	1992 – 2005	275 Kisco Avenue, Mt. Kisco, NY 10549	Unknown	None	Commercial - Unknown
National Stainless Texas	1992	275 Kisco Avenue, Mt. Kisco, NY 10549	Unknown	None	Metal Mfg.
ABM International Corp.	1987 – 2005	275 Kisco Avenue, Mt. Kisco, NY 10549	Unknown	None	Metal Mfg.
All Boro Metal Products Co Inc	1982 – 2000	275 Kisco Avenue, Mt. Kisco, NY 10549	Unknown	None	Metal Mfg.
Lincoln Steel Products	1982	275 Kisco Avenue, Mt. Kisco, NY 10549	Unknown	None	Metal Mfg.



SECTION XI – SITE CONTACT LIST

XI.1 – The Chief Executive Officer and Planning Board Chairperson of each County, City, Town and Village in which the property is located.

Village of Mount Kisco:

Village of Mount Kisco Village Mayor	Planning Board Chairman
Gina D. Picinich 104 Main Street Mount Kisco, New York 10549 914-241-0500	W. Johnson 104 Main Street Mount Kisco, New York 10549 914-241-0500

Westchester County:

Westchester County Executive	Planning Board Chairman
George Latimer Michaelian Building 148 Martine Avenue White Plains, NY 10601 914-995-2900	Richard Hyman Michaelian Building 148 Martine Avenue White Plains, New York 10601 914-995-2000

New York State Legislature:

NYS Assembly	NYS Senate
Chris Burdick District 93 100 South Bedford Road Suite 150, Mount Kisco, New York 10549 Phone: 914-244-4450	40 th District: Pete Harkham 1 Park Place, Suite 302 Peekskill, New York 10566 Phone: 914-241-4600

XI.2 – Residents, Owners, and Occupants of the Property and adjacent properties

See table, below. Adjoining parcels were obtained from the Westchester County Parcel Mapper ([Westchester County Municipal Tax Parcel Viewer \(westchestergov.com\)](https://www.westchestergov.com/parcel-viewer)).

North	Croton Lake Road, Mt. Kisco, NY 10549	NYS Dept of Transportation	4 Burnett Blvd, Poughkeepsie, NY 12603	Saw Mill River Parkway Lands
North/Northwest	299 Kisco Avenue, Mt. Kisco, NY 10549	HVA Realty	10240 York Rd, Cockeysville, MD 21030	Commercial
North/Northeast	1 Holiday Drive, Mt. Kisco, NY 10549	Roedel Partners of Mt Kisco II	7 Kenosia Ave, Ste 2a, Danbury, CT 06810	Commercial
East/Northeast	41 Kensico Drive, Mt. Kisco, NY 10549	NY Luxury Motors of Mt Kisco I	200 SW 1 st Avenue, Fl 14, Fort Lauderdale, FL 33301	Commercial
East	Mount Kisco (North Bedford Road & Preston Way	Mount Kisco	Mount Kisco	Commercial
East	Hubbell Road, Mt. Kisco, NY 10549	Suburban Propane L.P.	P.O. Box 206, Whippany, NJ 07981	Commercial
East	Kensico Drive, Mt. Kisco, NY 10549	Charisma Associates LLC	P.O. Box 324, Somers, New York 10589	Commercial
East/Southeast	Mount Kisco	Metro North Harlem Line	420 Lexington Avenue New York, NY 10017	Railroad
East/ Southeast/ South	33 Hubbells Drive, Mt. Kisco NY 10549	Halstead-Quinn Terminal Corp	33 Hubbells Drive, Mt. Kisco NY 10549	Commercial
South	227 Kisco Avenue, Mt. Kisco, NY 10549	Trinity Investment Properties	21 Lauder Ln, Greenwich, CT 06831	Commercial
West	255 Kisco, Mt. Kisco, NY 10549	255 Kisco, LLC	255 Kisco Avenue, Mt. Kisco, NY 10549	Commercial
West	250 Kisco Avenue, Mt. Kisco, NY 10549	250 Kisco, LLC	250 Kisco Avenue, Mt. Kisco, NY 10549	Commercial

XI.3 – Local news media from which the community typically obtains information.

Village of Mount Kisco

MT. Kisco Daily Voice
P.O. Box 1413, New York City, New York, 10018 Mt.Kisco@dailyvoice.com Managing Director, Content Joe Lombardi jlombardi@dailyvoice.com

XI.4 – The public water supplier which services the area in which the property is located.

Water/Sewer Supply
Village/Town of Mount Kisco 104 Main Street Mount Kisco, New York 10549 Victoria Simoncini 914-864-0029 vsimoncini@mountkiscony.gov

XI.5 – Any person who has been asked to be placed on the contact list and interested parties.

There are no additional interested parties known at this time.



XI.6 – The administrator of any school or day care facility located on or near the property.

West Patent Elementary School (1.2-miles)
80 West Patent Road, Mount Kisco, NY 10549 Principal Judy Brewster jbrewster4520@bcsdny.org 914-241-6000
Mount Kisco Elementary School (1.07-miles)
47 West Hyatt Avenue, Mount Kisco, NY 10549 Administrator Mrs. Inas Morsi-Hogans imorsihogans4368@bcsdny.org 914-666-2677
Kaleidoscope Childcare Center (1.5-miles)
100 South Bedford Rd, Mount Kisco, NY 10549 Director Kristen M. Kelly 914-244-1100; 914-299-0334
Country Childrens Center (1.56-miles)
P.O. Box 91, Katonah, NY 10536 Executive Director Polly Peace 914-242-0520, Ext: 201
Mount Kisco Child Care Center, Inc. (2.04-miles)
95 Radio Circle Drive, Mount Kisco, NY 10549 Executive Director Dawn Meyerski 914-241-2135
Bedford Hills Elementary (2.05-miles)
123 Babbitt Road, Bedford Hills, NY 10507Principal Mr. C. Zbynek Gold cgold2524@bcsdny.org 914-666-2708

XI.7 – The location of a document repository

The document repository for this project is:

Chappaqua Library
Chappaqua Library 195 South Greeley Avenue Chappaqua, New York 10514

Section XI-7 contains letters from the repository acknowledging that it agrees to act as the document repository for the Site.



845.454.2544
PVE-LLC.com

May 9, 2023

Chappaqua Library
195 S Greeley Ave,
Chappaqua, New York 10514

Re: **Document Repository Letter**; 15 Kensico Drive, Village of Mount Kisco, Westchester County, New York 10549
Tax ID: 69.50-1-6

To whom it may concern:

On behalf of our client, a perspective New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) applicant, we are requesting that the Chappaqua Library serve as the document repository for the proposed 15 Kensico Drive site. The BCP application process requires designation of a document repository for documents and reports that can be reviewed by the public. These documents (application, work plans and investigation reports) will be contained in standard sized 3-ring binders.

At your earliest convenience, please sign the acknowledgment below thus authorizing the applicant's use of your facility as the document repository for this BCP site. The signed copy of this letter can be submitted to us via email at ctarbell@pve-llc.com, fax at 845-454-2655, or mailed to 48 Springside Avenue, Poughkeepsie, New York.

Feel free to contact us with any questions.

Sincerely,

PVE ENGINEERING

Conor B. Tarbell, QEP
Principal/Regional Director

Document Repository Acknowledgment

Name: Robert J. Conrad

Title: Library Director III

Signature:



May 9, 2023

Chappaqua Library
195 S Greeley Ave,
Chappaqua, New York 10514

Re: **Document Repository Letter**; 19 Kensico Drive, Village of Mount Kisco, Westchester County, New York 10549
Tax ID: 69.50-1-5 & 69.50-1-4

To whom it may concern:

On behalf of our client, a perspective New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) applicant, we are requesting that the Chappaqua Library serve as the document repository for the proposed 19 Kensico Drive site. The BCP application process requires designation of a document repository for documents and reports that can be reviewed by the public. These documents (application, work plans and investigation reports) will be contained in standard sized 3-ring binders.

At your earliest convenience, please sign the acknowledgment below thus authorizing the applicant's use of your facility as the document repository for this BCP site. The signed copy of this letter can be submitted to us via email at ctarbell@pve-llc.com, fax at 845-454-2655, or mailed to 48 Springside Avenue, Poughkeepsie, New York.

Feel free to contact us with any questions.

Sincerely,

PVE ENGINEERING

Conor B. Tarbell, QEP
Principal/Regional Director

Document Repository Acknowledgment

Name: Robert J Conrad

Title: Library Director III

Signature: [Handwritten Signature]



845.454.2544
PVE-LLC.com

May 9, 2023

Chappaqua Library
195 S Greeley Ave,
Chappaqua, New York 10514

Re: **Document Repository Letter**; 275 Kisco Avenue, Village of Mount Kisco, Westchester County, New York 10549
Tax ID: 69.49-3-1

To whom it may concern:

On behalf of our client, a perspective New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) applicant, we are requesting that the Chappaqua Library serve as the document repository for the proposed 275 Kisco Avenue site. The BCP application process requires designation of a document repository for documents and reports that can be reviewed by the public. These documents (application, work plans and investigation reports) will be contained in standard sized 3-ring binders.

At your earliest convenience, please sign the acknowledgment below thus authorizing the applicant's use of your facility as the document repository for this BCP site. The signed copy of this letter can be submitted to us via email at ctarbell@pve-llc.com, fax at 845-454-2655, or mailed to 48 Springside Avenue, Poughkeepsie, New York.

Feel free to contact us with any questions.

Sincerely,

PVE ENGINEERING

Conor B. Tarbell, QEP
Principal/Regional Director

Document Repository Acknowledgment

Name: Robert J. Conrad

Title: Library Director, III

Signature: