



Department of  
Environmental  
Conservation

# **Brownfield Cleanup Program**

## **Citizen Participation Plan**

for

## **Kensico Drive & Kisco Avenue Properties**

April 2024

BCP Site No. C360243  
15 Kensico Drive, 19 Kensico Drive, & 275 Kisco Avenue  
Village of Mount Kisco  
Westchester County, New York 10549

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**Note:** The information presented in this Citizen Participation Plan was current as of the date of its approval by the New York State Department of Environmental Conservation. Portions of this Citizen Participation Plan may be revised during the site's investigation and cleanup process.

Applicant: **15 Kensico, LLC; 19 Kensico Drive, LLC; & 275 Kisco, LLC**  
Site Name: **Kensico Drive & Kisco Avenue Properties (“Site”)**  
Site Address: **15 Kensico Drive, 19 Kensico Drive, & 275 Kisco Drive, Village of Mount Kisco**  
Site County: **Westchester County**  
Site Number: **C360243**

## **1. What is New York’s Brownfield Cleanup Program?**

New York’s Brownfield Cleanup Program (BCP) works with private developers to encourage the voluntary cleanup of contaminated properties known as “brownfields” so that they can be reused and developed. These uses include recreation, housing, and business.

A *brownfield* is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination. A brownfield typically is a former industrial or commercial property where operations may have resulted in environmental contamination. A brownfield can pose environmental, legal, and financial burdens on a community. If a brownfield is not addressed, it can reduce property values in the area and affect economic development of nearby properties.

The BCP is administered by the New York State Department of Environmental Conservation (NYSDEC) which oversees Applicants who conduct brownfield site investigation and cleanup activities. An Applicant is a person who has requested to participate in the BCP and has been accepted by NYSDEC. The BCP contains investigation and cleanup requirements, ensuring that cleanups protect public health and the environment. When NYSDEC certifies that these requirements have been met, the property can be reused or redeveloped for the intended use.

For more information about the BCP, go online at:  
<http://www.dec.ny.gov/chemical/8450.html>

## **2. Citizen Participation Activities**

### *Why NYSDEC Involves the Public and Why It Is Important*

NYSDEC involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social well-being. NYSDEC provides opportunities for citizen involvement and encourages early two-way communication with citizens before decision makers form or adopt final positions.

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Involving citizens affected and interested in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment;
- Improving public access to, and understanding of, issues and information related to a particular site and that site's investigation and cleanup process;
- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process;
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community;
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision making.

This Citizen Participation (CP) Plan provides information about how NYSDEC will inform and involve the public during the investigation and cleanup of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the Applicant.

### *Project Contacts*

Appendix A identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's investigation and cleanup program. The public's suggestions about this CP Plan and the CP program for the site are always welcome. Interested people are encouraged to share their ideas and suggestions with the project contacts at any time.

### *Locations of Reports and Information*

The locations of the reports and information related to the site's investigation and cleanup program also are identified in Appendix A. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC web site. If this occurs, NYSDEC will inform the public in fact sheets distributed about the site and by other means, as appropriate.



### *Site Contact List*

Appendix B contains the site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and cleanup process. The site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These will include notifications of upcoming activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The site contact list includes, at a minimum:

- Chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;
- Residents, owners, and occupants of the site and properties adjacent to the site;
- The public water supplier which services the area in which the site is located;
- Any person who has requested to be placed on the site contact list;
- The administrator of any school or day care facility located on or near the site for purposes of posting and/or dissemination of information at the facility;
- Location(s) of reports and information.

The site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in Appendix A. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

**Note:** The first site fact sheet (usually related to the draft Remedial Investigation Work Plan) is distributed both by paper mailing through the postal service and through DEC Delivers, its email listserv service. The fact sheet includes instructions for signing up with the appropriate county listserv to receive future notifications about the site. See <http://www.dec.ny.gov/chemical/61092.html> .

Subsequent fact sheets about the site will be distributed exclusively through the listserv, except for households without internet access that have indicated the need to continue to receive site information in paper form. Please advise the NYSDEC site project manager identified in Appendix A if that is the case. Paper mailings may continue during the investigation and cleanup process for some sites, based on public interest and need.

### *CP Activities*

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The table at the end of this section identifies the CP activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The flowchart in Appendix D shows how these CP activities integrate with the site investigation and cleanup process. The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 5.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a site.
- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a site's investigation and cleanup.

The public is encouraged to contact project staff at any time during the site's investigation and cleanup process with questions, comments, or requests for information.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of investigation and cleanup activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

#### *Technical Assistance Grant*

NYSDEC must determine if the site poses a significant threat to public health or the environment. This determination generally is made using information developed during the investigation of the site, as described in Section 5.

If the site is determined to be a significant threat, a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members' health, economic well-being or enjoyment of the environment may be affected by a release or threatened release of contamination at the site.

As of the date the declaration (page 2) was signed by the NYSDEC project manager, **the significant threat determination for the site had not yet been made.**

To verify the significant threat status of the site, the interested public may contact the NYSDEC project manager identified in Appendix A.

For more information about TAGs, go online at <https://dec.ny.gov/regulatory/regulations/technical-assistance-grant-tag-guidance-handbook-der-14> .

Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program follows on the next page:

| Citizen Participation Activities   | Timing of CP Activity(ies)  |   |  |   |   |
|--|---|---|--|---|---|
| <p align="center"><b>Application Process:</b></p> <table border="1"> <tr> <td data-bbox="198 296 813 363"> <ul style="list-style-type: none"> <li>• Prepare site contact list</li> <li>• Establish document repository(ies)</li> </ul> </td><td data-bbox="813 296 1427 363">At time of preparation of application to participate in the BCP.</td></tr> <tr> <td data-bbox="198 363 813 569"> <ul style="list-style-type: none"> <li>• Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period</li> <li>• Publish above ENB content in local newspaper</li> <li>• Mail above ENB content to site contact list</li> <li>• Conduct 30-day public comment period</li> </ul> </td><td data-bbox="813 363 1427 569">When NYSDEC determines that BCP application is complete. The 30-day public comment period begins on date of publication of notice in ENB. End date of public comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice, and notice to the site contact list should be provided to the public at the same time.</td></tr> </table> |   | <ul style="list-style-type: none"> <li>• Prepare site contact list</li> <li>• Establish document repository(ies)</li> </ul>   | At time of preparation of application to participate in the BCP.   | <ul style="list-style-type: none"> <li>• Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period</li> <li>• Publish above ENB content in local newspaper</li> <li>• Mail above ENB content to site contact list</li> <li>• Conduct 30-day public comment period</li> </ul> | When NYSDEC determines that BCP application is complete. The 30-day public comment period begins on date of publication of notice in ENB. End date of public comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice, and notice to the site contact list should be provided to the public at the same time. |
| <ul style="list-style-type: none"> <li>• Prepare site contact list</li> <li>• Establish document repository(ies)</li> </ul>  | At time of preparation of application to participate in the BCP.  |   |  |   |   |
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| <p align="center"><b>After Execution of Brownfield Site Cleanup Agreement (BCA):</b></p> <table border="1"> <tr> <td data-bbox="198 634 813 667"> <ul style="list-style-type: none"> <li>• Prepare Citizen Participation (CP) Plan</li> </ul> </td><td data-bbox="813 634 1427 745">           Before start of Remedial Investigation<br/> <b>Note:</b> Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA.         </td></tr> </table>   |   | <ul style="list-style-type: none"> <li>• Prepare Citizen Participation (CP) Plan</li> </ul>   | Before start of Remedial Investigation<br><b>Note:</b> Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA.  |   |   |
| <ul style="list-style-type: none"> <li>• Prepare Citizen Participation (CP) Plan</li> </ul>  | Before start of Remedial Investigation<br><b>Note:</b> Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA.   |   |  |   |   |
| <p align="center"><b>Before NYSDEC Approves Remedial Investigation (RI) Work Plan:</b></p> <table border="1"> <tr> <td data-bbox="198 810 813 930"> <ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan</li> <li>• Conduct 30-day public comment period</li> </ul> </td><td data-bbox="813 810 1427 947">Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet.</td></tr> </table>   |   | <ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan</li> <li>• Conduct 30-day public comment period</li> </ul>  | Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet. |   |   |
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| <p align="center"><b>After Applicant Completes Remedial Investigation:</b></p> <table border="1"> <tr> <td data-bbox="198 1010 813 1064"> <ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes RI results</li> </ul> </td><td data-bbox="813 1010 1427 1043">Before NYSDEC approves RI Report</td></tr> </table>   |   | <ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes RI results</li> </ul>  | Before NYSDEC approves RI Report   |   |   |
| <ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes RI results</li> </ul>   | Before NYSDEC approves RI Report  |   |  |   |   |
| <p align="center"><b>Before NYSDEC Approves Remedial Work Plan (RWP):</b></p> <table border="1"> <tr> <td data-bbox="198 1129 813 1308"> <ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list about draft RWP and announcing 45-day public comment period</li> <li>• Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager)</li> <li>• Conduct 45-day public comment period</li> </ul> </td><td data-bbox="813 1129 1427 1239">Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day public comment period.</td></tr> </table>  |   | <ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list about draft RWP and announcing 45-day public comment period</li> <li>• Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager)</li> <li>• Conduct 45-day public comment period</li> </ul>                           | Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day public comment period.  |   |   |
| <ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list about draft RWP and announcing 45-day public comment period</li> <li>• Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager)</li> <li>• Conduct 45-day public comment period</li> </ul>  | Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day public comment period.   |   |  |   |   |
| <p align="center"><b>Before Applicant Starts Cleanup Action:</b></p> <table border="1"> <tr> <td data-bbox="198 1373 813 1428"> <ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes upcoming cleanup action</li> </ul> </td><td data-bbox="813 1373 1427 1398">Before the start of cleanup action.</td></tr> </table>   |   | <ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes upcoming cleanup action</li> </ul>   | Before the start of cleanup action.  |   |   |
| <ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes upcoming cleanup action</li> </ul>  | Before the start of cleanup action.   |   |  |   |   |
| <p align="center"><b>After Applicant Completes Cleanup Action:</b></p> <table border="1"> <tr> <td data-bbox="198 1493 813 1686"> <ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that announces that cleanup action has been completed and that NYSDEC is reviewing the Final Engineering Report</li> <li>• Distribute fact sheet to site contact list announcing NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC)</li> </ul> </td><td data-bbox="813 1493 1427 1577">           At the time the cleanup action has been completed.<br/> <b>Note:</b> The two fact sheets are combined when possible if there is not a delay in issuing the COC.         </td></tr> </table>   |   | <ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that announces that cleanup action has been completed and that NYSDEC is reviewing the Final Engineering Report</li> <li>• Distribute fact sheet to site contact list announcing NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC)</li> </ul> | At the time the cleanup action has been completed.<br><b>Note:</b> The two fact sheets are combined when possible if there is not a delay in issuing the COC.  |   |   |
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### 3. Major Issues of Public Concern

This section of the CP Plan identifies major issues of public concern that relate to the site. Additional major issues of public concern may be identified during the course of the site's investigation and cleanup process. This information will be updated in the future if such issues are identified.

Based on the nature of site contaminants, direct contact with contaminated soil and/or inhalation of airborne dust from areas known to be contaminated is unlikely, except during ground intrusive activities.

Users of local groundwater may be exposed to contaminants in groundwater if relying on groundwater for potable purposes. Groundwater use is not anticipated at the site nor have any potable groundwater supply wells been observed on adjoining properties.

When remediation commences, excavation activities may create dust, noise, and/or truck traffic at the site during typical business hours. The remedial program will eliminate or reduce the potential for exposure.

### 4. Site Information

Appendix C contains a map identifying the location of the site.

#### *Site Description*

**Location:** 15 Kensico Drive, 19 Kensico Drive, & 275 Kisco Avenue, Village of Mount Kisco, Westchester County, New York 10549

**Setting:** General Commercial District

**Site size:** 7.406-acres (total)

- 15 Kensico Drive: 0.78-acres
- 19 Kensico Drive & Kensico Drive (2 parcels): 0.243 & 0.183-acres
- 275 Kisco Avenue: 6.2-acres

#### **Adjacent Properties:**

##### 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 only "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.

*History of Site Use, Investigation, and Cleanup*

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 (CVOCs) 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. The likely contaminants of concern associated with this site include volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), CVOCs, and metals.

19 Kensico Drive:

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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. The likely contaminants of concern associated with this site include VOCs, SVOCs, and CVOCs.

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. The likely contaminants of concern associated with this site include VOCs, SVOCs, and CVOCs.

Information regarding the nature and condition of soil and groundwater beneath the site was collected during Phase II Environmental Site Assessment(s) (ESA) and subsequent Supplemental Phase II ESA(s). These investigations are a form of limited subsurface investigation where soil, groundwater and soil vapor samples are collected and analyzed for suspected potential contaminants. The results of these investigations, conducted at the site, are summarized below.

Based upon investigations conducted to date, the primary contaminants of concern for the Site include VOCs, SVOCs, CVOCs, 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).

The following investigations have been conducted on the BCP Site, to date:

- Subsurface Investigation Report, November 15, 2022, by Partridge Venture Engineering, PC, dba PVE Engineering (PVE) (15 Kensico Drive)
- Environmental Subsurface Evaluation, August 30, 2022, by ECS Mid-Atlantic, LLC (ECS) (19 Kensico Drive & 275 Kisco Avenue)
- Environmental Subsurface Evaluation, August 24, 2022, by ECS (15 Kensico Drive)

These assessments present the following findings:

- **Soil:** One (1) VOC was detected in one soil sample at a concentration exceeding NYSDEC Protection of Groundwater Soil Cleanup Objectives (SCOs). PCBs in soil and SVOCs and metals in soil are likely attributed to fill at the Site. The fill includes burnt debris in the eastern portion of the Site at 15 Kensico that may be related to a

former fire on the adjoining property that reportedly occurred in the mid to late 2000s.

- **Groundwater:** CVOCs were detected in groundwater samples at concentrations exceeding Class GA Groundwater Quality Standards (GQS). The subject property cannot be ruled out as a potential source of contaminants. However, the site is not likely to be a significant contributor to CVOCs present in regional groundwater. Impacts to groundwater on the northeastern portion of the Site are attributed to the area-wide TCE groundwater plume that is currently under investigation pursuant to the Class P listing (360203). Additionally, SVOCs, and metals were detected in groundwater samples at concentrations exceeding GQS.
- **Soil Vapor:** Soil vapor and indoor air samples collected from each physical address of the BCP site contained concentrations of CVOCs warranting action in accordance with NYSDOH Decision Matrix Criteria; based on the decision matrix, mitigation is recommended..
- **Conclusions/Recommendations:** TCE is the main component of the CVOC plume attributed to off-site sources at the 41 Kensico property. While sources within the subject properties cannot be ruled out at this time, no source(s) of the CVOC impacts to groundwater were identified in the soil samples collected at 275 Kisco Avenue, 15 Kensico Drive, and 19 Kensico Drive. A vapor mitigation system should be designed and incorporated into the existing building foundations and/or site redevelopment plans. Excavation or redevelopment activities at the Site will require special handling, testing and potentially off-site disposal of contaminated soils and/or groundwater.

## 5. Investigation and Cleanup Process

### *Application*

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Volunteer. This means that the Applicant was not responsible for the disposal or discharge of the contaminants or whose ownership or operation of the site took place after the discharge or disposal of contaminants. The Volunteer must fully characterize the nature and extent of contamination onsite, and must conduct a "qualitative exposure assessment," a process that characterizes the actual or potential exposures of people, fish and wildlife to contaminants on the site and to contamination that has migrated from the site.

The Applicant in its Application proposes that the site will be used for restricted purposes.

To achieve this goal, the Applicant will conduct investigation activities at the site with oversight provided by NYSDEC. The Brownfield Cleanup Agreement executed by

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NYSDEC, and the Applicant sets forth the responsibilities of each party in conducting these activities at the site.

### *Investigation*

The Applicant will conduct an investigation of the site officially called a “remedial investigation” (RI). This investigation will be performed with NYSDEC oversight. The Applicant must develop a remedial investigation workplan, which is subject to public comment.

The site investigation has several goals:

- 1) Define the nature and extent of contamination in soil, surface water, groundwater and any other parts of the environment that may be affected;
- 2) Identify the source(s) of the contamination;
- 3) Assess the impact of the contamination on public health and the environment; and
- 4) Provide information to support the development of a proposed remedy to address the contamination or the determination that cleanup is not necessary.

The Applicant submits a draft “Remedial Investigation Work Plan” to NYSDEC for review and approval. NYSDEC makes the draft plan available to the public review during a 30-day public comment period.

NYSDEC will use the information in the investigation report to determine if the site poses a significant threat to public health or the environment. If the site is a “significant threat,” it must be cleaned up using a remedy selected by NYSDEC from an analysis of alternatives prepared by the Applicant and approved by NYSDEC. If the site does not pose a significant threat, the Applicant may select the remedy from the approved analysis of alternatives.

### *Interim Remedial Measures*

An Interim Remedial Measure (IRM) is an action that can be undertaken at a site when a source of contamination or exposure pathway can be effectively addressed before the site investigation and analysis of alternatives are completed. If an IRM is likely to represent all or a significant part of the final remedy, NYSDEC will require a 30-day public comment period.

### *Remedy Selection*

When the investigation of the site has been determined to be complete, the project likely would proceed in one of two directions:

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1. The Applicant may recommend in its investigation report that no action is necessary at the site. In this case, NYSDEC would make the investigation report available for public comment for 45 days. NYSDEC then would complete its review, make any necessary revisions, and, if appropriate, approve the investigation report. NYSDEC would then issue a “Certificate of Completion” (described below) to the Applicant.

**or**

2. The Applicant may recommend in its investigation report that action needs to be taken to address site contamination. After NYSDEC approves the investigation report, the Applicant may then develop a cleanup plan, officially called a “Remedial Work Plan”. The Remedial Work Plan describes the Applicant’s proposed remedy for addressing contamination related to the site.

When the Applicant submits a draft Remedial Work Plan for approval, NYSDEC would announce the availability of the draft plan for public review during a 45-day public comment period.

### *Cleanup Action*

NYSDEC will consider public comments, and revise the draft cleanup plan, if necessary, before approving the proposed remedy. The New York State Department of Health (NYSDOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The selected remedy is formalized in the site Decision Document.

The Applicant may then design and perform the cleanup action to address the site contamination. NYSDEC and NYSDOH oversee the activities. When the Applicant completes cleanup activities, it will prepare a final engineering report that certifies that cleanup requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the cleanup is protective of public health and the environment for the intended use of the site.

### *Certificate of Completion*

When NYSDEC is satisfied that cleanup requirements have been achieved or will be achieved for the site, it will approve the final engineering report. NYSDEC then will issue a Certificate of Completion (COC) to the Applicant. The COC states that cleanup goals have been achieved and relieves the Applicant from future liability for site-related contamination, subject to certain conditions. The Applicant would be eligible to redevelop the site after it receives a COC.

### *Site Management*

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The purpose of site management is to ensure the safe reuse of the property if contamination will remain in place. Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management incorporates any institutional and engineering controls required to ensure that the remedy implemented for the site remains protective of public health and the environment. All significant activities are detailed in a Site Management Plan.

An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction that would prevent or restrict certain uses of the property. An institutional control may be used when the cleanup action leaves some contamination that makes the site suitable for some, but not all uses.

An *engineering control* is a physical barrier or method to manage contamination. Examples include: caps, covers, barriers, fences, and treatment of water supplies.

Site management also may include the operation and maintenance of a component of the remedy, such as a system that pumps and treats groundwater. Site management continues until NYSDEC determines that it is no longer needed.

## **Appendix A - Project Contacts and Locations of Reports and Information**

### **Project Contacts**

For information about the site's investigation and cleanup program, the public may contact any of the following project staff:

#### **New York State Department of Environmental Conservation (NYSDEC):**

Michael Squire  
Project Manager  
NYSDEC  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233  
518-402-9546  
[michael.squire@dec.ny.gov](mailto:michael.squire@dec.ny.gov)

Stephanie Mossey  
Regional Public Participation Specialist  
NYSDEC Region 3  
21 S. Putt Corners Road  
New Paltz, NY 12561  
845-256-3154  
[stephanie.mossey@dec.ny.gov](mailto:stephanie.mossey@dec.ny.gov)

#### **New York State Department of Health (NYSDOH):**

Renata Ockerby  
Project Manager  
NYSDOH – Bureau of Environmental  
Exposure Investigation  
Empire State Plaza, Corning Tower,  
Room 1787  
Albany, NY 12237  
518-402-7860  
[bee@health.ny.gov](mailto:bee@health.ny.gov)

### **Locations of Reports and Information**

The facilities identified below are being used to provide the public with convenient access to important project documents:

**Chappaqua Library**  
195 South Greeley Avenue  
Chappaqua, NY 10514  
Attn: Robert J. Conrad  
Phone: 914-238-4779

Hours:  
Sun: 1:00pm-5:00pm  
Mon: 9:00am-8:00pm  
Tue: 9:00am-8:00pm  
Wed: 9:00am-8:00pm  
Thu: 10:00am-8:00pm  
Fri: 9:00am-6:00pm  
Sat: 9:00am-5:00pm

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**NYSDEC Region 3 Headquarters**

Attn: Michael Squire  
21 S Putt Corners Road  
New Paltz, NY 12561  
Phone: 845-256-3000  
Hours: By appointment.

**DECInfo Locator**

<https://www.dec.ny.gov/data/DecDocs/C360243/>

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## **Appendix B - Site Contact List**

### **Local and State Officials**

#### **Village of Mount Kisco Mayor**

Gina D. Picinich  
104 Main Street  
Mount Kisco, NY 10549

#### **Village of Mount Kisco Planning Board Chairman**

W. Johnson  
104 Main Street  
Mount Kisco, NY 10549

#### **Westchester County Executive**

George Latimer  
Michaelian Building  
148 Martine Avenue  
White Plains, NY 10601

#### **Westchester County Planning Board Chairman**

Richard Hyman  
Michaelian Building  
148 Martine Avenue  
White Plains, NY 10601

#### **New York State Senate**

40<sup>th</sup> District: Pete Harkham  
1 Park Place, Suite 302  
Peekskill, NY 10566

#### **New York State Assembly**

Chris Burdick  
District 93  
100 South Bedford Road, Suite 150  
Mount Kisco, NY 10549

#### **The Karafin School**

Gerardo Pelayo Garcia-Braxton  
272 N. Bedford Road  
Mount Kisco, NY 10549

### **Media Outlet**

#### **MT. Kisco Daily Voice**

P.O. Box 1413  
New York City, NY 10018  
[Mt.Kisco@dailyvoice.com](mailto:Mt.Kisco@dailyvoice.com)

#### **Managing Director, Content**

Joe Lombardi  
[jlombardi@dailyvoice.com](mailto:jlombardi@dailyvoice.com)

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**The Journal News**

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[Lohud.com](http://Lohud.com)

Executive Editor

Carrie Yale  
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**Public Water Supplier**

Village/Town of Mount Kisco  
 Victoria Simoncini  
 104 Main Street

Mount Kisco, NY 10549  
 914-864-0029  
[vsimoncini@mountkisco.ny.gov](mailto:vsimoncini@mountkisco.ny.gov)

**Adjacent Properties**

| Direction            | Address                                       | Owner                          |
|----------------------|---|--------------------------------|
| North                | Croton Lake Road, Mt. Kisco, NY 10549         | NYS Dept of Transportation     |
| North/Northwest      | 299 Kisco Avenue, Mt. Kisco, NY 10549         | HVA Realty                     |
| North/Northeast      | 1 Holiday Drive, Mt. Kisco, NY 10549          | Roedel Partners of Mt Kisco II |
| East/Northeast       | 41 Kensico Drive, Mt. Kisco, NY 10549         | NY Luxury Motors of Mt Kisco I |
| East                 | Mount Kisco (North Bedford Road & Preston Way | Mount Kisco                    |
| East                 | Hubbell Road, Mt. Kisco, NY 10549             | Suburban Propane L.P.          |
| East                 | Kensico Drive, Mt. Kisco, NY 10549            | Charisma Associates LLC        |
| East/Southeast       | Mount Kisco                                   | Metro North Harlem Line        |
| East/Southeast/South | 33 Hubbells Drive, Mt. Kisco NY 10549         | Halstead-Quinn Terminal Corp   |
| South                | 227 Kisco Avenue, Mt. Kisco, NY 10549         | Trinity Investment Properties  |
| West                 | 255 Kisco, Mt. Kisco, NY 10549                | 255 Kisco, LLC                 |
| West                 | 250 Kisco Avenue, Mt. Kisco, NY 10549         | 250 Kisco, LLC                 |

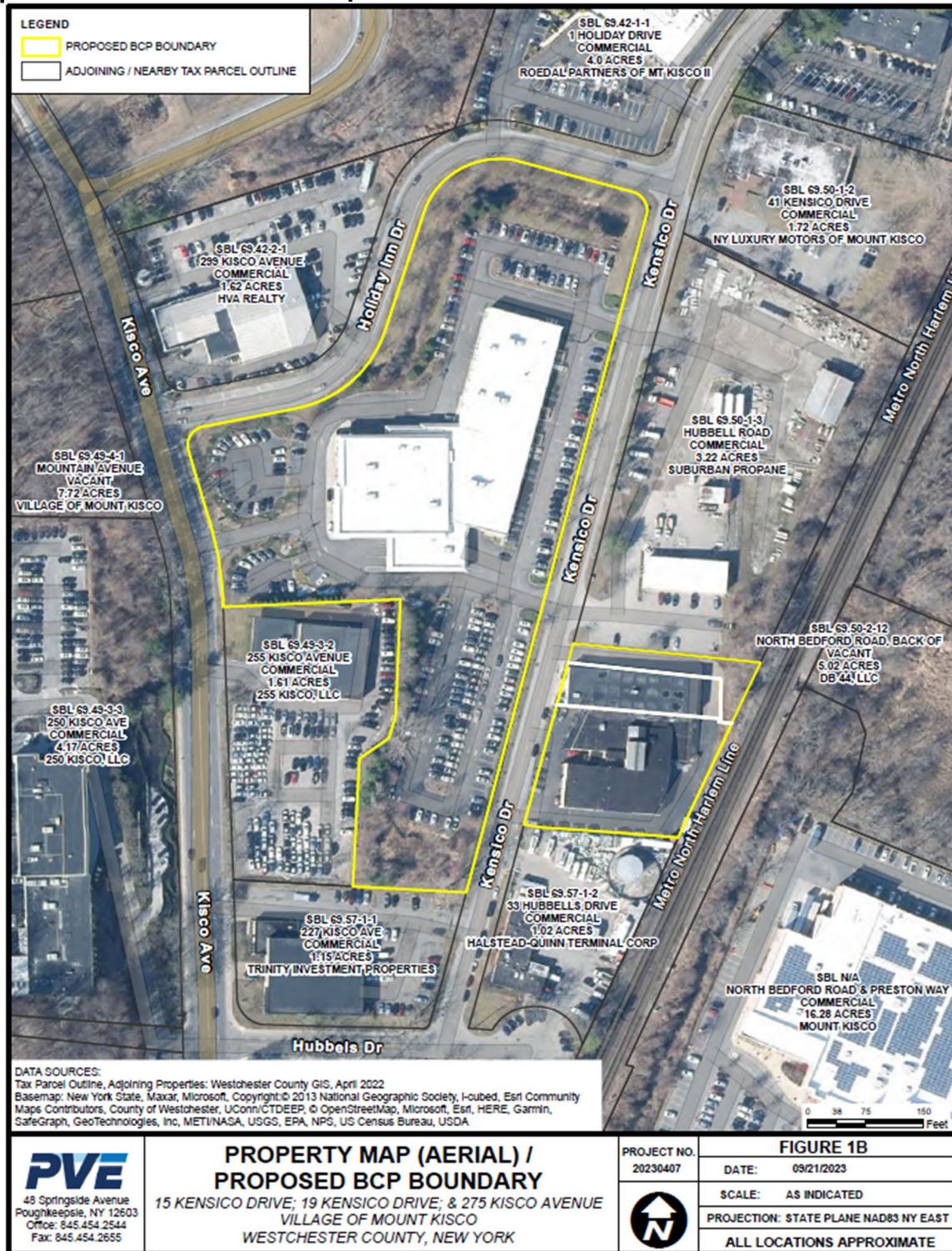
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## Appendix C - Site Location Map



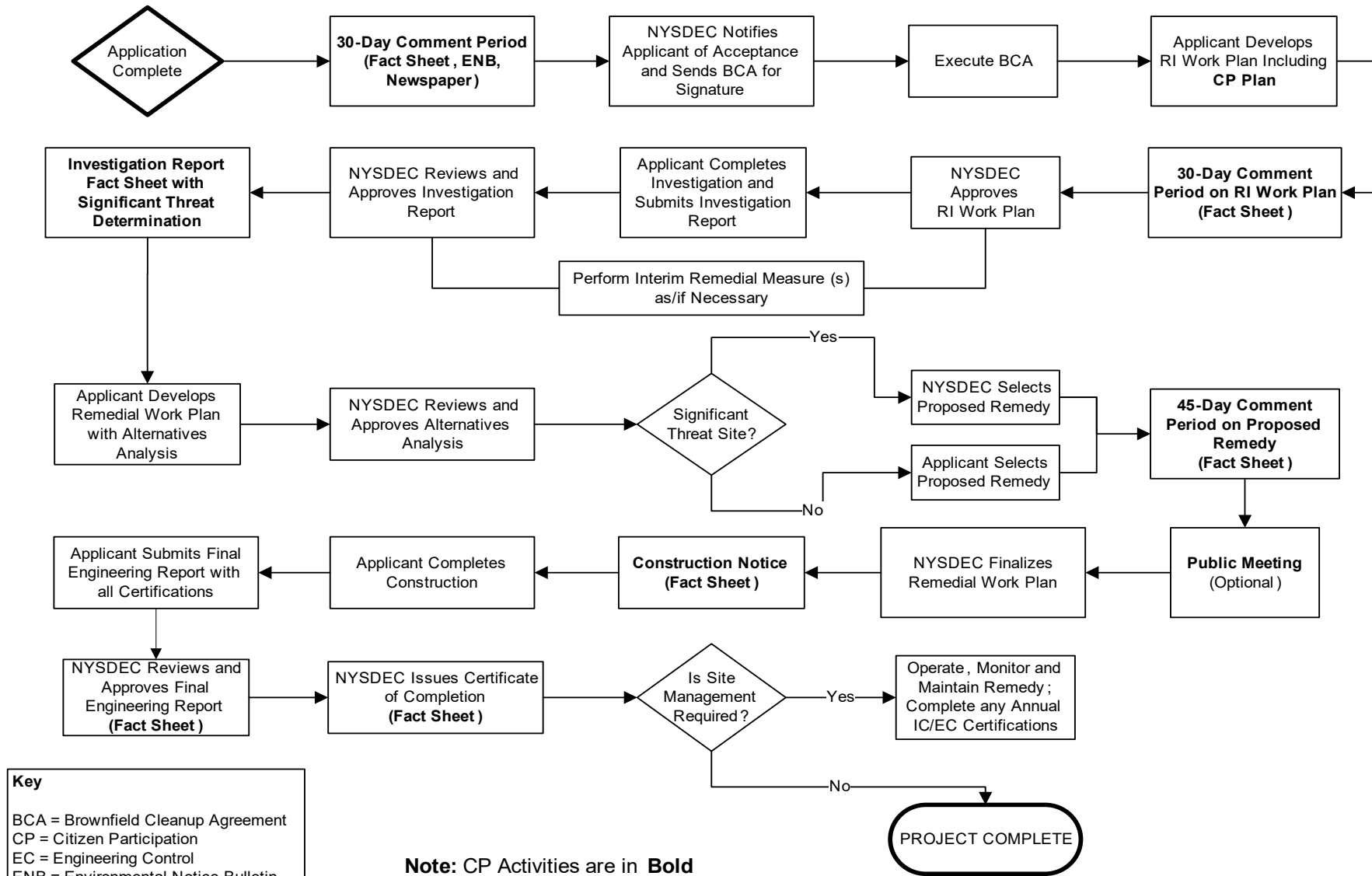
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## Appendix D– Brownfield Cleanup Program Process







Division of Environmental Remediation

## Remedial Programs Scoping Sheet for Major Issues of Public Concern

### Instructions

This Scoping Sheet assesses major issues of public concern; impacts of the site and its remedial program on the community; community interest in the site; information the public needs; and information needed from the public.

The information generated helps to plan and conduct required citizen participation (CP) activities, and to choose and conduct additional CP activities, if appropriate. The scoping sheet can be revisited and updated as appropriate during the site's remedial process to more effectively implement the site's CP program.

**Note: Use the information as an aid to prepare and update the Major Issues of Public Concern section of the site CP Plan.**

### General Instructions

- When to prepare: During preparation of the CP Plan for the site. It can be revisited and updated anytime during the site remedial process.
- Fill in site name and other information as appropriate.
- The Scoping Sheet may be prepared by DEC or a remedial party, but must be reviewed and approved by the DER site project manager or his/her designee.

### Instructions for Numbered Parts

Consider the bulleted issues and questions below and any others that may be unique or appropriate to the site and the community to help complete the five Parts of this Scoping Sheet. Identify the issue stakeholders in Parts 1 through 3 and adjust the site's contact list accordingly.

### **Part 1. List Major Issues of Public Concern and Information the Community Wants.**

- Is our health being impacted? (e.g. Are there problems with our drinking water or air? Are you going to test our water, yards, sums, basements? Have health studies been done?)
- There are odors in the neighborhood. Do they come from the site and are they hazardous?
- Are there restrictions on what we may do (e.g. Can our children play outside? Can we garden? Must we avoid certain areas? Can we recreate (fish, hunt, hike, etc. on/around the site?)
- How and when were the site's contamination problems created?
- What contaminants are of concern and why? How will you look for contamination and find out where it is going? What is the schedule for doing that?
- The site is affecting our property values!
- How can we get more information (e.g. who are the project contacts?)
- How will we be kept informed and involved during the site remedial process?
- Who has been contacted in the community about site remedial activities?
- What has been done to this point? What happens next and when?
- The site is going to be cleaned up for restricted use. What does that mean? We don't want redevelopment on a "dirty" site.

## Part 2. List Important Information Needed From the Community, if Applicable.

- Can the community supplement knowledge about past/current uses of the site?
- Does the community have knowledge that the site may be significantly impacting nearby people, properties, natural resources, etc.?
- Are activities currently taking place at the site or at nearby properties that may need to be restricted?
- Who may be interested or affected by the site that has not yet been identified?
- Are there unique community characteristics that could affect how information is exchanged?
- Does the community and/or individuals have any concerns they want monitored?
- Does the community have information about other sources in the area for the contamination?

## Part 3. List Major Issues and Information That Need to be Communicated to the Community.

- Specific site investigation or remediation activities currently underway, or that will begin in the near future.
- The process and general schedule to investigate, remediate and, if applicable, redevelop the site.
- Current understanding about the site contamination and effects, if any, on public health and the environment.
- Site impacts on the community and any restrictions on the public's use of the site and/or nearby properties.
- Planned CP activities, their schedule, and how they relate to the site's remedial process.
- Ways for the community to obtain/provide information (document repositories, contacts, etc.).

## Part 4. Community Characteristics

**a. - e.** Obtain information from local officials, property owners and residents, site reports, site visits, "windshield surveys," other staff, etc.

**f.** Has the affected community experienced other **significant** present or past environmental problems unrelated to this site? Such experiences could significantly affect public concerns and perspectives about the site; how the community will relate to project staff; the image and credibility of project staff within the community; and the ways in which project staff communicate with the community.

**g.** In its remedial programs, DER seeks to integrate, and be consistent with, environmental justice principles set forth in *DEC Commissioner Policy 29 on Environmental Justice* and *DER 23 – Citizen Participation Handbook for Remedial Programs*. Is the site and/or affected community wholly or partly in an Environmental Justice (EJ) Area? Use the Search feature on DEC's public web site for "environmental justice". DEC's EJ pages define an EJ area, and link to county maps to help determine if the site and/or community are in an EJ area.

**h.** Consider factors such as:

- Is English the primary language of the affected community? If not, provisions should be considered regarding public outreach activities such as fact sheets, meetings, door-to-door visits and other activities to ensure their effectiveness.
- The age demographics of the community. For example, is there a significant number of senior citizens in the community? It may be difficult for some to attend public meetings and use document repositories. This may suggest adopting more direct interaction with the community with activities such as door-to-door visits, additional fact sheets, visits to community and church centers, nursing homes, etc.
- How do people travel about the community? Would most people drive to a public meeting or document repository? Is there adequate public transportation?

## Part 5. Affected/Interested Public.

Individuals and organizations who need or want information and input can change during the site's remedial process. This need is influenced by real, potential, or perceived impacts of the site or the remedial process. Some people may want information and input throughout the remedial process. Others may participate only during specific remedial stages or may only be interested in particular issues.

It is important to revisit this question when reviewing this scoping sheet. Knowing who is interested in the site – and the issues that are important to them – will help to select and conduct appropriate outreach activities, and to identify their timing and the information to be exchanged.

Check all affected/interested parties that apply to the site. **Note: Adjust the site's contact list appropriately.** The following are some ways to identify affected/interested parties:

- Tax maps of adjacent property owners
- Attendees at public meetings
- Telephone discussions
- Letters and e-mails to DER, the remedial party, and other agencies
- Political jurisdictions and boundaries
- Media coverage
- Current/proposed uses of site and/or nearby properties (recreational, commercial, industrial)
- Discussions with community organizations: grass roots organizations, local environmental groups, environmental justice groups, churches, and neighborhood advisory groups



Division of Environmental Remediation

**Remedial Programs**  
**Scoping Sheet for Major Issues of Public Concern** (see instructions)

**Site Name:** Kensico Drive & Kisco Avenue Properties

**Site Number:** C360243

**Site Address and County:** 15 Kensico Drive, 19 Kensico Drive, & 275 Kisco Avenue, Village of Mount Kisco, Westchester County, New York 10549

**Remedial Party(ies):** 15 Kensico, LLC; 19 Kensico Drive, LLC; & 275 Kisco, LLC

**Note: For Parts 1. – 3. the individuals, groups, organizations, businesses and units of government identified should be added to the site contact list as appropriate.**

**Part 1.** List major issues of public concern and information the community wants. Identify individuals, groups, organizations, businesses and/or units of government related to the issue(s) and information needs. **Use this information as an aid to prepare or update the Major Issues of Public Concern section of the site Citizen Participation Plan.**

Based on the nature of site contaminants, direct contact with contaminated soil and/or inhalation of airborne dust originating from contamination areas of the site, and any users of local groundwater pose the primary exposure risks to the local public. However, known soil contaminants are currently covered by hardscapes; therefore, the only likely direct exposure risk to the local public would be via dust generation during any ground-invasive work. When remediation commences, excavation activities may create dust, noise, and/or truck traffic at the site during typical business hours. The remedial program will eliminate or reduce the potential for exposure. No groundwater use is anticipated at the site nor have any potable groundwater wells been observed on adjoining properties nearby.

How were these issues and/or information needs identified?

Previous investigations identified contaminated soil, groundwater, and soil vapor at the site

**Part 2.** List important information needed **from** the community, if applicable. Identify individuals, groups, organizations, businesses and/or units of government related to the information needed.

No information is needed from the community at this time.

How were these information needs identified?

N/A

**Part 3.** List major issues and information that need to be communicated **to** the community. Identify individuals, groups, organizations, businesses and/or units of government related to the issue(s) and/or information.

Information will be communicated to the public as outlined in the Citizen Participation Plan. NYSDEC and NYSDOH contacts will be provided. A repository will exist for the public to review documentation.

How were these issues and/or information needs identified?

Issue identification is the same as Part 1 response. Information communication was established by NYSDEC and NYSDOH as part of the NYS Brownfield Cleanup Program

**Part 4.** Identify the following characteristics of the affected/interested community. This knowledge will help to identify and understand issues and information important to the community, and ways to effectively develop and implement the site citizen participation plan (mark all that apply):

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a. Land use/zoning at and around site:

☒ **Residential**   ☐ **Agricultural**   ☐ **Recreational**   ☒ **Commercial**   ☒ **Industrial**

b. Residential type around site:

☐ **Urban**   ☒ **Suburban**   ☐ **Rural**

c. Population density around site:

☐ **High**   ☒ **Medium**   ☐ **Low**

d. Water supply of nearby residences:

☒ **Public**   ☐ **Private Wells**   ☐ **Mixed**

e. Is part or all of the water supply of the affected/interested community currently impacted by the site?

☐ **Yes**   ☒ **No**

Provide details if appropriate:

[Click here to enter text.](#)

f. Other environmental issues significantly impacted/impacting the affected community?

☐ **Yes**   ☒ **No**

Provide details if appropriate:

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.

g. Is the site and/or the affected/interested community wholly or partly in an Environmental Justice Area?

☐ **Yes**   ☒ **No**

h. Special considerations:

☐ **Language**   ☐ **Age**   ☐ **Transportation**   ☐ **Other**

Explain any marked categories in h:

[Click here to enter text.](#)

**Part 5.** The site contact list must include, at a minimum, the individuals, groups, and organizations identified in Part 2. of the Citizen Participation Plan under 'Site Contact List'. Are *other* individuals, groups, organizations, and units of government affected by, or interested in, the site, or its remedial program? (Mark and identify all that apply, then adjust the site contact list as appropriate.)

☐ **Non-Adjacent Residents/Property Owners:** [Click here to enter text.](#)

☒ **Local Officials:**

Village of Mount Kisco Mayor  
Gina D. Picinich  
104 Main Street  
Mount Kisco, NY 10549  
Phone: 914-241-0500

Village of Mount Kisco City Planning Board Chairman  
W. Johnson  
104 Main Street  
Mount Kisco, NY 10549  
Phone: 914-241-0500

Westchester County Executive

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George Latimer  
Michaelian Building  
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White Plains, NY 10601  
Phone: 914-995-2900

Westchester County Planning Board Chairman  
Richard Hyman  
Michaelian Building  
148 Martine Avenue  
White Plains, NY 10601  
Phone: 914-995-2000

New York State Legislature NYS Assembly  
Chris Burdick  
District 93  
100 South Bedford Road, Suite 150  
Mount Kisco, NY 10549  
Phone: 914-244-4450

New York State Legislature NYS Senate  
40th District: Pete Harkham  
1 Park Place, Suite 302  
Peekskill, NY 10566  
Phone: 914-241-4600

☒ **Media:**  
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P.O. Box 1413, New York City, NY 10018  
Managing Director, Content  
Joe Lombardi  
E-mail: jlombardi@dailyvoice.com

☐ **Business/Commercial Interests:** [Click here to enter text.](#)

☐ **Labor Group(s)/Employees:** [Click here to enter text.](#)

☐ **Indian Nation:** [Click here to enter text.](#)

☐ **Citizens/Community Group(s):** [Click here to enter text.](#)

☐ **Environmental Justice Group(s):** [Click here to enter text.](#)

☐ **Environmental Group(s):** [Click here to enter text.](#)

☐ **Civic Group(s):** [Click here to enter text.](#)

☐ **Recreational Group(s):** [Click here to enter text.](#)

☒ **Other(s):**  
Michael Squire  
Project Manager  
NYSDEC  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233  
518-402-9546  
E-mail: michael.squire@dec.ny.gov

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195 South Greeley Avenue  
Chappaqua, NY 10514  
Attn: Robert J. Conrad  
Phone: 914-238-4779  
Hours: Monday-Thursday 9:00AM-8:00PM; Friday 9:00AM-6:00PM; Saturday 9:00AM-5:00PM; & Sunday  
(during the school year) 1:00PM-5:00PM

Public Water Supplier  
Village of Mount Kisco  
Victoria Simoncini  
104 Main Street  
Mount Kisco, NY 10549  
Phone: 914-864-0029  
E-mail: vsimoncini@mountkiskonny.gov

**Prepared/Updated By:** Samuel Ambrose, Project Manager, PVE

**Date:** 4/25/2024

**Reviewed Approved By:** [Click here to enter text.](#)

**Date:** [Click here to enter text.](#)