

**Irving Owner LLC**  
**Brownfield Cleanup Program Application**  
**157 Irving Gas Station and Lab Site**  
**157 Irving Avenue, Port Chester, New York 10573**



**Legal & Consulting Team:**  
**Knauf Shaw LLP & SESI Consulting Engineers.**  
**March 2024**

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ATTORNEY AT LAW

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March 4, 2024

**VIA ELECTRONIC MAIL**  
**[Jennifer.Hathaway@dec.ny.gov](mailto:Jennifer.Hathaway@dec.ny.gov)**

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

**RE: Brownfield Cleanup Program Application – REVISED  
157 Irving Gas Station and Lab Site No. C360250**

Dear Ms. Hathaway:

Our office is in receipt of your Letter of Incompleteness received February 20, 2024, for the above-referenced BCP Site. The requested revisions have been made to the application. Please see below for responses to your comments.

Section I: Property Information

- Item 8 – Please provide supporting documentation regarding previous remediation. I see this information is in Section IV, but it should also be included in Section I with reference to the item number.

**RESPONSE: Section I of the support narrative has been updated to include information regarding previous on-Site closed spills in correlation with question 8 of the application. The Spill Report Forms and Spill Incident Database Searches for each known on Site spill have been added to Exhibit G..**

Section XII: Statement of Certification and Signatures

- The signature page does not include the applicant entity name in its entirety. It is cut off due to the large amount of text. Please revise so full name is present.

**RESPONSE: The signature page has been revised to include the entire applicant entity name.**

Additional Comments

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



Jennifer Hathaway  
March 4March 4, 2024  
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**RESPONSE: “Yes” has been selected to indicate that the submittal is a revised application and the NYSDEC site code has been included on the subject line.**

Project Manager Comments

- Site location section is missing the site acreage

**RESPONSE: The Site acreage of 0.38-acres has been added to the Site location section (Section I – Question 14 – A. Site Location) of the support document.**

- Site location should include boundary features

**RESPONSE: A more detailed description of the adjacent properties of the Site has been added in the Site location section.**

Thank you and please let me know if you have any questions.

Sincerely,

**KNAUF SHAW LLP**

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

LINDA R. SHAW, ESQ.

Enclosure

cc: Mark Domaracki, Project Manager  
Michael Murphy, Project Attorney  
Sarah Saucier  
David Pollock  
Daniel Bendell  
Kevin Maloney  
Ashley Johnson  
Kelly Lewandowski  
Gaston Navarro  
Fuad Dahan





**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](mailto: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, 11<sup>th</sup> Floor  
Albany, NY 12233-7020

**PROPOSED SITE NAME:** 157 Irving Gas Station and Lab Site

**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: C360250

☒

Yes

☐

No



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME **157 Irving Gas Station and Lab Site**

ADDRESS/LOCATION **157 Irving Avenue**

CITY/TOWN **Port Chester**

ZIP CODE **10573**

MUNICIPALITY (LIST ALL IF MORE THAN ONE) **Town of Rye, Village of Port Chester**

COUNTY **Westchester**

SITE SIZE (ACRES) **0.38**

LATITUDE

LONGITUDE

41° 00' 09" N 73° 39' 55" W

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
157 Irving Avenue	142.22	2	80	0.38

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"/> Y	<input type="radio"/> N
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) If yes, identify census tract: 008000 Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input checked="" type="radio"/>	<input checked="" type="radio"/> Y	<input type="radio"/> N
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input checked="" type="radio"/> Y	<input type="radio"/> N
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/> Y	<input checked="" type="radio"/> N
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications:	<input type="radio"/> Y	<input checked="" type="radio"/> N

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 checked="" type="radio"/>	<input 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: _____		<input type="radio"/>	<input checked="" type="radio"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information.  <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>		<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"/>
<b>Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.</b>			
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.		<input type="radio"/>	<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"/>
<b>NOTE:</b> 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.			
<b>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.</b>			
<b>Initials of each Requestor:</b> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>			

## SECTION II: Project Description

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

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

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?

☐ Yes ☐ No ☒ N/A

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

☒ RIWP ☐ RAWP ☐ IRM ☐ No

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

Is this information attached? ☒ Yes ☐ No

## SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? CD-6 Urban Core Character 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 checked="" type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input checked="" 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 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:

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

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

Are the required drawings included with this application? ☒ YES ☐ NO

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

<input type="checkbox"/> Coal Gas Manufacturing	<input 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: Laboratory handling hazardous wastes

**SECTION V: Requestor Information**

NAME Irving Owner LLC Attn: Gaston Navarro, Project Manager

ADDRESS 146 E 37th Street

CITY/TOWN New York

STATE NY

ZIP CODE 10016

PHONE (212) 229-0538

EMAIL gnavarro@titaniumrg.com

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a> . 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 <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? <b>Documents that are not properly certified will not be approved under the BCP.</b>	<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:		
<b>PARTICIPANT</b> <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>	<b>VOLUNTEER</b> <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><b>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.</b></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: \_\_\_\_\_

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 Gaston Navarro, Project Manager

ADDRESS c/o Titanium Realty Group, 146 E. 37th Street

CITY New York

STATE NY

ZIP CODE 10016

PHONE (212) 229-0536

EMAIL gnavarro@titaniumrg.com

REQUESTOR'S CONSULTANT (CONTACT NAME) Fuad Dahan

COMPANY SESI Consulting Engineers

ADDRESS 959 Route 46F, Floor 3, Suite 300

CITY Parsippany

STATE NJ

ZIP CODE 07054

PHONE (862) 702-5719

EMAIL fd@sesi.org

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

COMPANY Knauf Shaw LLP

ADDRESS 2600 Innovation Square, 100 S. Clinton Avenue

CITY Rochester

STATE NY

ZIP CODE 14604

PHONE (585) 546-8430

EMAIL lshaw@nyenvlaw.com

**SECTION VIII: Program Fee**

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

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

**SECTION IX: Current Property Owner and Operator Information**

CURRENT OWNER Irving Owner LLC		
CONTACT NAME Gaston Navarro, Project Manager		
ADDRESS c/o Titanium Realty Group, 146 E. 37th Street		
CITY New York	STATE NY	ZIP CODE 10016
PHONE (212) 229-0536	EMAIL gnavarro@titaniumrg.com	
OWNERSHIP START DATE 12/23/2022 and 3/13/2023		
CURRENT OPERATOR Food Universe Market Place		
CONTACT NAME Rafael Torres		
ADDRESS 157 Irving Avenue		
CITY Port Chester	STATE NY	ZIP CODE 10573
PHONE (917) 660-2983	EMAIL comparefood155@hotmail.com	
OPERATION START DATE 2014		

**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)**

	Y	N
3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____  Date Permit Issued: _____ Permit Expiration Date: _____	<input type="radio"/>	<input checked="" type="radio"/>
4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents.  <div style="text-align: right;">N/A <input checked="" type="radio"/></div>	<input type="radio"/>	<input type="radio"/>
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____	<input type="radio"/>	<input checked="" type="radio"/>
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information as an attachment.	<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)

Irving Avenue Manager LLC,  
which is Managing Member of  
Irving Owner LLC

I hereby affirm that I am **Managing Member** (title) of \_\_\_\_\_ (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: 02/08/2024

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

Print Name: Diego Hodara

**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 checked="" type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down or underutilized as defined below?		
Upside down	<input type="radio"/>	<input type="radio"/>
Underutilized	<input type="radio"/>	<input type="radio"/>

**From ECL 27-1405(31):**

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

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

375-3.2:

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

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



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

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

**Check appropriate box below:**

- ☐ Project is an Affordable Housing Project – regulatory agreement attached
- ☐ Project is planned as Affordable Housing, but agreement is not yet available\*
- \*Selecting this option will result in a “pending” status. The regulatory agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.
- ☐ This is not an Affordable Housing Project

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

- (a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.
- (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ household’s annual gross income.
- (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.
- (3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

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

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

☐ Yes – planned renewable energy facility site with documentation

☐ Pending – planned renewable energy facility awaiting documentation

\*Selecting this option will result in a “pending” status. The appropriate documentation will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☐ No – not a planned renewable energy facility site

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

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

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

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

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

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

☐ Yes - \*Selecting this option will result in a “pending” status, as a BOA conformance determination has not yet been made. Proof of conformance will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☐ No

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

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

# **BCP APPLICATION SUPPORT DOCUMENT**

## **BCP APPLICATION SUPPORT DOCUMENT**

### **Exhibit List**

<b>Exhibit A</b>	Site Location, Base Property Map, Street Location Map
<b>Exhibit B</b>	Survey, Tax Map, and Tax Lot Merger Information
<b>Exhibit C</b>	BOA, Disadvantaged Communities, Environmental Justice and En-Zone Maps
<b>Exhibit D</b>	Flood Map
<b>Exhibit E</b>	Zoning Map and Site Plan Approval Dated October 30 2023
<b>Exhibit F</b>	Previous Owners and Operators
<b>Exhibit G</b>	Site Drawing Spider Maps and Spill Documentation
<b>Exhibit H</b>	DOS Entity Information and Organization Chart
<b>Exhibit I</b>	Corporate Consent
<b>Exhibit J</b>	Deeds
<b>Exhibit K</b>	Site Contact List
<b>Exhibit L</b>	Repository Letter

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

1. November 2022/Revised January 2024 Phase I Environmental Site Assessment Prepared by SESI Consulting Engineers for Titanium Realty Group and Irving Owner LLC;
2. January 2024 Phase II Environmental Site Assessment Prepared by SESI Consulting Engineers for Irving Owner LLC, including:
  - a. December 2022 Phase II Environmental Site Assessment
  - b. May 2023 Supplemental Phase II Environmental Site Assessment Prepared by SESI Consulting Engineers for Titanium Realty Group and Irving Owner LLC;and
3. February 2024 Remedial Investigation Work Plan Prepared by SESI Consulting Engineers for Requestor Irving Owner LLC.

## SECTION I – PROPERTY INFORMATION

The 0.38-acre Site is located at 157 Irving Avenue, a newly consolidated Tax Lot 142.22-2-80. The former parcels that made up this Site are as follows:

Former Parcel Addresses	Former Tax Parcel Identification No.	Acreage <sup>1</sup>
N/A Palace Place	142.22-2-57	0.05
9 Palace Place	142.22-2-58	0.06
155 Irving Ave	142.22-2-59	0.17
N/A North Pearl Street	142.22-2-60	0.10

The Site located in Port Chester, New York 10573 (“Site” or “BCP Site”). The Site Location and Base Property Map are in Exhibit A. The Tax Lot Maps and Merger Approval and Documentation is in Exhibit B.

### 1. Site Boundary and Tax Parcel Information

The Site boundary does correspond to the new Tax Lot boundary. The Tax Boundary Map, Survey Map and Parcel Merger Approval and Documentation are provided in Exhibit B.

### 2. Property Map

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

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

The Site BOA, Disadvantaged Communities, Environmental Justice, and En-Zone Maps are in Exhibit C. The Site is not located in a BOA but is located in an EnZone Type B, Census Tract 008000. The Site is also located in a Potential Environmental Justice Area. The EPA ArcGIS map indicates that approximately 70% of the population surrounding this Site is a minority population. Approximately 62 % of the area surrounding the Site is linguistically isolated, so the BCP documents will need to be translated into Spanish. The Site is also located in a disadvantaged community area. According to the New York State Disadvantaged Communities Map, the Site is located on Census Tract 36119007800, which has an environmental burden higher than 92% of Census Tracts statewide and a population vulnerability higher than 76% percent of Census Tracts statewide.

### 6-7. Please refer to BCP Application Form.

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<sup>1</sup> Total site acreage was stated in the November 2022 Phase I Environmental Site Assessment Report prepared by SESI as 0.38 acres, which was confirmed adding up the former individual lots acreage numbers provided in the Town of Rye 2023 Final Assessment Roll.

## **8. Previous Remediation Pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law**

Three spills have been reported and closed on the Site. The first spill of record occurred on December 08, 1990. This spill, assigned number 9010372, was reported by Roscoe<sup>2</sup> Labs Inc., and was caused by a leaking gasket that was found when testing an excavated tank. An unknown amount of fuel oil was spilled onto the soil of the Site. A 1950 Sanborn map shows the four underground storage tanks clustered in the upper right corner of the Site. *See* Phase I at page 153. The Phase I notes that this was former Lot 60. The spill was closed by the NYS Department of Environmental Conservation (“NYSDEC”) on January 22, 1991. The second spill, assigned number 9607875, occurred on September 23, 1996, and was also reported by Roscoe Labs Inc. Sixty gallons of unknown non-petroleum and non-hazardous material known as “Roscoe Fog Fluid” was spilled onto the soil when the company was rising out chemical vats on the Site. The spill was closed by the NYSDEC on September 24, 1996. The third spill, assigned number 0608011, occurred on October 13, 2006, and was reported by the Westchester Health Department. During excavation of the underground oil tanks<sup>3</sup> some contaminated soil was discovered. An unknown amount of fuel oil was spilled. The spill was closed by the NYSDEC on November 5, 2009. Please see Exhibit G for the Spill Report Forms and the Spill Incident Database Search. The Phase I does state that semi-volatile organic compounds (SVOCs) contamination was still present above the applicable standards at the time in two post excavation samples. Therefore, this area of the Site was not fully remediated.

### **9-11. Please refer to BCP Application Form.**

### **12. Easements and Existing Rights of Way**

There are no known remaining Easements or Existing Right-of-Ways located on the Site. *See* deeds in Exhibit J. Prior access easements existed between prior lot property owners, which appear to be extinguished based on the lot consolidation and joint acquisition by the Requestor.

### **13. Please refer to BCP Application Form.**

### **14. Property Description Narrative**

#### **A. Site Location**

The Site is a 0.38-acre parcel located at 157 Irving Avenue Port Chester, New York 10573 on Tax Lot 142.22-2-80. The Site is located in an urban downtown area. The Site is located at the end of a block/on a corner with Palace Place to the west, North Pearl Street to the east and Irving Avenue to the south. The surrounding area is occupied by commercial and residential properties. Approximately 65 feet from the Site to the northeast is a Sinclair gas station and approximately 145 feet northeast is an apartment building. A little further northeast of the Site are two additional gas stations that are approximately 390 feet from the Site, both being located on the

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<sup>2</sup> Sometimes in the reports Roscoe is spelled with an “e” on the end and other times there is no “e”.

<sup>3</sup> The spill report also references “ground” tanks; presumably this may have meant above ground tanks but this is not clear from the record.



intersection of North Pearl Street and King Street. The parcel directly north of the Site is a two-story residential house. Directly to the west of the Site, across Palace Place is a two-story residential house, a parking lot and a commercial building, which is currently occupied by Evermist Lawn Sprinklers. Directly to the east of the Site, across North Pearl Street are multiple mixed-use parcels, which are currently in the Brownfield Cleanup Program, which are planned for a mixed-use apartment building. There is also a parcel to the east, which is not a part of the adjacent BCP Site, that is occupied by an auto garage. To the south of the Site, across Irving Avenue, is a parking lot and a mixed-use building. A commercial tenant previously listed at the parcel is Westchester Design & Upholstery, however, they are listed as being temporarily closed. A sign on the building indicates that there is available office and loft space. To the southeast of the Site across the intersection of Irving Avenue and North Pearl Street is another mixed-use building. The two listed commercial tenants are a church and a restaurant called Pio's Chicken. Next to the previously mentioned mixed-use building to the east is a construction site, located approximately 190 feet from the Site, though not immediately adjacent. There are railroad tracks located approximately 200 feet southeast of the site.

#### B. Site Features

The Site is located on one Tax Lot (Lot 80) which is approximately 0.38 acres in size. Lot 80 was formerly made up of four separate lots, known as Lot 57, Lot 58, Lot 59 and Lot 60, which have merged into the current Lot 80. Former Lot 57 is covered with a gravel parking lot, and Former Lot 60 is paved over with an asphalt parking lot. Former Lot 58 is home to a two-story residential house. The Former Lot 59 is occupied by a two-story commercial building, with a grocery store occupying the first floor and the second floor remaining vacant. The grocery store should be vacated by the fall of 2024 and demolition of the building is planned to begin at that time or in early 2025.

The closest water body, the Byram River, is located approximately 0.27 miles east of the Site. The Site is not in a Flood Zone. See Exhibit D, Flood Map.

#### C. Current Zoning and Land Use

The Site is currently located in the CD-6 District. *See Exhibit E, Zoning Map.* Former Lot 59 is currently used as a grocery store with an unused upper floor. The parking lots on Former Lots 57 and 60 are used for the store. The residential home on Former Lot 58 is vacant. The surrounding properties to the south, east, and west are a mix of residential and commercial properties. To the north of the Site is a gas station and more residential properties. The closest residential property is adjacent to the site. The Village of Port Chester approved the Site Plan for the project pursuant to the current zoning on October 30, 2023. *See Exhibit E, Site Plan Approval dated October 30, 2023.*

#### D. Past Use of the Site

*See Section IV.4 for a full description of past land uses.* The Site has been most recently used as a grocery store with associated parking and a residential house, but historically the Site was a gas station and auto service facility. There is also some Site history in the Phase I report indicating

that there was a lab present at the facility, which handled hazardous waste. The historical owners and uses associated with the Site are further described below and in Exhibit F, the Previous Owners and Operators List.

E. Site Geology and Hydrogeology

The Site is relatively level, but the regional topography does decrease to the northeast. Based on the United States Geological Survey (USGS) 2018/2019 Mamaroneck/Glenville New York, 7.5-minute Series topographic map, the Site is approximately 48.33 feet above mean sea level (msl), and it slopes downward from the west to the east. According to the USDA National Cooperative Soil Survey, the soils on-Site are characterized as Uf (urban land) and UIC (Urban land, Charlton-Chatfield complex, rolling, very rocky). Groundwater was not encountered on-Site, and it is unknown to date which direction groundwater flows at the Site.

F. Environmental Assessment

Based on the investigations conducted to date, the primary contaminants of concern are SVOCs and metals in soil, SVOCs and metals in groundwater, and VOCs in soil vapor. *See* Exhibit G Site Drawing Spider Maps.

Soil laboratory results show that SVOCs and metals were detected above their respective 6 NYCRR § 375-6.8(b) Residential Restricted Use Soil Cleanup Objectives (RRUSCOs). Metals detected above their RRUSCOs were cadmium, lead, and mercury; additionally, copper and zinc were also detected above laboratory method detection limits (MDLs). Benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene all exceeded their respective SVOC RRUSCOs.

Groundwater results revealed that SVOCs and metals were detected above their NYSDEC Ambient Water Quality Standards (AWQSs ). Metals found exceeding their respective AWQSs included beryllium, chromium, copper, iron, lead, manganese, selenium, sodium, and thallium. The SVOC exceedances were benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, and indeno(1,2,3-cd)pyrene.

A number of VOCs, which can be linked to the historic gasoline station / auto repair uses were detected in soil vapor samples taken in December 2022 and April 2023. These VOCs included: dichlorodifluoromethane, chloromethane, 1,3-butadiene, ethanol, acetol, trichlorofluoromethane, isopropanol, tertiary butyl alcohol, carbon disulfide, 2-butanone, ethyl acetate, chloroform, tetrahydrofuran, n-hexane, benzene, carbon tetrachloride, cyclohexane, trichloroethane, heptane, 4-methyl-2-pentaone, toluene, tetrachloroethene, ethylbenzene, p/m-xylene, o-xylene, 1,2,4-trimethylbenzene, and 1,3-dichlorobenzene. Tetrachloroethene was detected at an elevated level.

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

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

## SECTION II – PROJECT DESCRIPTION

### **1-3. Please refer to BCP Application Form.**

The project will be commencing that the investigation stage and a Remedial Investigation (“RI”) Work Plan (“RIWP”) has been submitted with this application.

### **4. Short Project Description**

The planned redevelopment of the Site entails a mixed-use commercial/ residential building that will include 181 apartments, 1 retail space, amenities, and 124 parking spaces.

#### Schedule – Commencement through COC

Since the BCP Application has been submitted in early February 2024, and it takes approximately 4 months to receive a Brownfield Cleanup Agreement (“BCA”), and given that a RIWP has been submitted with this application, the execution of the BCA is expected in May 2024, and Department approval of the RIWP is assumed sometime thereafter in late May or early summer of 2024. The Site Preparation demolition activities and Remedial Investigation (“RI”) work may commence by the early fall 2024. The RI Report (“RIR”) and the Remedial Action Work Plan (“RAWP”) will be submitted at the same time in the fall of 2024, and any required remediation should commence by the end of 2024. The Certificate of Completion is anticipated to be issued before December 31, 2025.

## SECTION III – LAND USE FACTORS

### **1. Current Zoning**

The Site is within the CD-6 Urban Core Character District. *See Exhibit E, Zoning Map.*

### **2. Allowed Uses**

The CD-6 zoning district allows for a variety of uses and has been designed to promote the type of transit-oriented development near the Metro North Port Chester Train Station, which is consistent with the planned project. The CD-6 Urban Core Character District consists of higher density and height with a wide variety of uses, located near and with connections and access to Public Transit. This District may be adjacent to Civic Districts with significant civic spaces and important civic buildings. The district’s blocks are defined by thoroughfares with curbs, street trees, and wide sidewalks, with narrow or no front setback and no side setbacks. Multifamily dwellings and mixed-use buildings are permitted for residential uses, and the CD-6 also permits bed & breakfasts, inns, hostels, and hotels. The CD-6 District also permits medical office and general office uses. Retail uses are permitted, as well as most civic uses. The CD-6 District allows for recreational uses like athletic training facilities. Hospitals, social clubs, and rehabilitation facilities are allowed uses. The CD-6 District allows schools and children’s day camps. It also permits microbrewing and micro-distilling uses. Site Plan approval for the project has been received from the Village of Port Chester. *See Exhibit E – Site Plan Approval.*

### **3-4. Current Use**

This Site is currently used as a grocery store on the Former Lot 59, with associated parking lots on Former Lots 57 and 60, and a vacant residential home on the Former Lot 58.

### **5. Intended Use Post Remediation**

After the remediation, the Site will be used for a mix of residential and commercial purposes.

### **6. Post Remediation Use**

Post remediation use of the Site entails a mixed-use building, which will include 181 apartments, 1 retail space, amenities, and 124 parking spaces.

### **7. Renewable Energy Facility**

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

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

Yes, current, historical and/or recent development patterns support the proposed use since transit-oriented development is being encouraged in the Village of Port Chester.

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

Yes, the project is consistent with the Village of Port Chester zoning laws and map.

### **10. Consistent with the Master Plan?**

Yes, the project is consistent with the Village of Port Chester Master Plan, which intends to upzone existing multi-family residential neighborhoods and channel development towards the downtown area, specifically around the train station. Therefore, this transit-oriented multi-family housing/commercial project is consistent with the Master Plan and local zoning.

## **SECTION IV – PROPERTY’S ENVIRONMENTAL HISTORY**

### **1. List of Environmental Reports**

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

- a. November 2022/Revised January 2024 Phase I Environmental Site Assessment Prepared by SESI Consulting Engineers for Irving Owner LLC;
- b. Reissued January 2024 Phase II Environmental Site Assessment Prepared by SESI Consulting Engineers for Irving Owner LLC, including:

- a. December 2022 Phase II Environmental Site Assessment
- b. May 2023 Supplemental Phase II Environmental Site Assessment and
- c. February 2024 Remedial Investigation Work Plan Prepared by SESI Consulting Engineers for Requestor Irving Owner LLC.

## 2. Sampling Data

See Exhibit G Spider Maps which include sampling data summaries, and Section IV.3.

## 3. Environmental Assessment

### Soil:

Analytes > RRSCOs	Detections > RRSCOs	Maximum Detection (mg/kg)	RRSCO (mg/kg)	Depth (ft-bgs)	Sample ID	Max Detection Date
<b>SVOCs</b>						
Benzo(a)anthracene	2	28	1	0.5-1	ESB-102	04/11/23
Benzo(a)pyrene	2	29	1	0.5-1	ESB-102	04/11/23
Benzo(b)fluoranthene	2	33	1	0.5-1	ESB-102	04/11/23
Benzo(k)fluoranthene	1	9.1	1	0.5-1	ESB-102	04/11/23
Chrysene	1	32	1	0.5-1	ESB-102	04/11/23
Dibenzo(a,h)anthracene	1	3.6	0.33	0.5-1	ESB-102	04/11/23
Indeno(1,2,3-cd)pyrene	1	18	0.5	0.5-1	ESB-102	04/11/23
<b>Metals</b>						
Cadmium	1	5.49	2.5	3-3.5	ESB-1E	12/06/22
Lead	5	910	400	2-2.5	ESB-104	04/11/23
Mercury	4	2.91	0.81	0.5-1	ESB-5	12/07/22

### Groundwater:

Analyte > AWQS	Detections > AWQS	Max Detection (µg/L)	AWQS (µg/L)	Sample ID	Max Detection Date
<b>SVOCs</b>					
Benzo(a)anthracene	2	0.12	0.002	TW-9S	12/07/22
Benzo(a)pyrene	1	0.04	0.002	TW-2	12/07/22
Benzo(b)fluoranthene	1	0.05	0.002	TW-2	12/07/22
Benzo(k)fluoranthene	1	0.02	0.002	TW-2	12/07/22
Chrysene	1	0.02	0.002	TW-2	12/07/22
Indeno(1,2,3-cd)pyrene	1	0.03	0.002	TW-2	12/07/22
<b>Metals</b>					
Beryllium	1	4.51	3	TW-2	12/07/22
Chromium	1	258.2	50	TW-2	12/07/22
Copper	1	520.6	200	TW-2	12/07/22

Iron	2	57600	300	TW-9S	12/07/22
Lead	2	177	25	TW-9S	12/07/22
Manganese	1	4463	300	TW-2	12/07/22
Selenium	1	15.8	10	TW-2	12/07/22
Sodium	2	142000	20000	TW-2	12/07/22
Thallium	1	0.76	0.5	TW-2	12/07/22

#### Soil Vapor:

Analytes	Total Detections	Max Detection ( $\mu\text{g}/\text{m}^3$ )	Sample ID	Max Collection Date	Type
<b>VOCs</b>					
Dichlorodifluoromethane	3	2.98	ESV-101	04/11/23	
Chloromethane	2	0.894	ESV-102	04/11/23	
1,3-butadiene	3	7.57	ESV-101	04/11/23	
Ethanol	2	84.6	ESV-101	04/11/23	
Acetol	3	855	ESV-101	04/11/23	
Trichlorofluoromethane	2	3.03	ESV-101	04/11/23	
Isopropanol	2	29.3	ESV-101	04/11/23	
Tertiary butyl alcohol	2	5.67	ESV-102	04/11/23	
Carbon disulfide	3	10.7	ESV-102	04/11/23	
2-butanone	2	74	ESV-101	04/11/23	
Ethyl acetate	1	1.8	ESV-101	04/11/23	
Chloroform	2	4.04	ESV-101	04/11/23	
Tetrahydrofuran	2	7.58	ESV-101	04/11/23	
n-hexane	3	9.34	ESV-102	04/11/23	
Benzene	3	5.88	ESV-101	04/11/23	
Carbon tetrachloride	1	1.3	ESV-101	04/11/23	
Cyclohexane	3	3.39	ESV-102	04/11/23	
Trichloroethane	1	3.07	ESV-101	04/11/23	
Heptane	3	14.5	ESV-101	04/11/23	
4-methyl-2-pentaone	2	4.18	ESV-102	04/11/23	
Toluene	3	62.6	SV-2	12/07/22	
Tetrachloroethene	3	45.6	ESV-102	04/11/23	
Ethylbenzene	3	4.14	SV-2	12/07/22	
p/m-xylene	3	13.6	SV-2	12/07/22	
o-xylene	3	5.13	SV-2	12/07/22	
1,2,4-trimethylbenzene	3	2.91	SV-2	12/07/22	
1,3-dichlorobenzene	1	2.02	ESV-102	04/11/23	

#### **4. Past Land Use**

##### **A. Past Use of the Site**

The Site was first listed on a Sanborn map in 1885, at which time it was undeveloped, and it remained undeveloped until 1915. By 1919 however, four dwellings and two auto garages were present on the site. In 1934, the Sanborn map shows an 86-car garage on Lot 59, with three stores along the southern end of the lot. A gas station with four USTs was located on the Former Lot 60, while Former Lots 57 and 58 were being used for residential purposes. In 1950, this Site composition remained largely unchanged, but one of the three stores in the south of the Former Lot 59 had become a restaurant. Aerial photography reveals that the gas station was demolished in 1951 and thereafter became a parking lot, and the home on Former Lot 57 disappeared sometime between 1974 and 1985. The next Sanborn map reviewed was from 1990. A loading dock can be seen in the northeastern corner of the Site, and a structure sits in the center of the Site, although its use is unidentified.

Former Lots 57 and 58 appear to have only been used for residential purposes and Lot 57 for parking. Former Lot 59 was used as a dwelling from 1919-1934, but then as an auto garage from 1934-1950, for commercial uses from 1950 to the present. Roscoe Labs began operating on Former Lot 59 in 1986. Roscoe Labs's operation included receiving hazardous materials. In December 1990, Roscoe Labs reported a spill when a leaking gasket was found while testing an excavated tank, and the spill was closed reported as closed by the DEC in January 1991. In September 1996, Roscoe Labs had a documented spill of non-hazardous material, and this spill was reported closed the same month. The building was converted to its current use as a grocery store in 2006. The Former Lot 60 was first developed in 1934 when it began operating as a gas station that operated until 1950, and it has been used for parking since 1950. At least two of the USTs appear to have been removed in relation to a third spill in 2006.

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

In November 2022, SESI Consulting Engineers completed a Phase I Environmental Site Assessment (ESA) report for the Site for the Requestor and the Requestor's parent company before initial acquisition of the Former Lots 57, 59 and 60 in December 2022. SESI identified nine Recognized Environmental Concerns (RECs). First, SESI found evidence of four historic underground storage tanks (USTs) on the Former Lot 60 of the Site, two of which had been removed, but the other two, which may remain on the Site. Second, SESI suspected the presence of USTs on Former Lots 58 and 57. Third, a UST on Former Lot 59 was abandoned in place on August 15, 2002. Fourth, a loading dock was operated by Roscoe Labs on Former Lot 59, which received hazardous materials as part of their operation, and spills may have occurred. Fifth, a trash compactor was observed on-Site during the Phase I site visit, which used hydraulic oils that may have leaked in the past. Sixth, a French drain located near the trash compactor likely would have received any spilled oils from the compactor. Seventh, an oil burner was observed in a flooded partial basement of the grocery store on-Site, and this flooding may have washed residual oil into the nearby exposed subsurface soils. Eighth, the slab in the partial basement was breached and soil could be observed; additionally, a sump pump cut out in the slab was present.

Ninth, a tank field was present north of Former Lot 60, and these tanks may have leaked.

During this November 2022 Phase I ESA, SESI also identified three Business Environmental Risks (BERs). First, based on the age of the structures located on-Site, SESI believed that asbestos containing material may be present. Second, based on the age of buildings on-Site, SESI also believed that lead-based paint may have been used on the buildings. Third, as aforementioned, the partial basement of one of the structures is flooded with about 1.5 feet of water.

SESI also completed a Phase II ESA for the Site in April 2023, which evaluated the aforementioned RECs. This evaluation included utility clearance and geophysical survey; soil borings, soil sampling, and testing; installation of temporary groundwater monitoring wells and collection and testing of groundwater samples; and the installation, sampling, and testing of soil vapor points. The investigation could not conclusively determine whether USTs were still present on the Site. As a result, the answer to Section V question #11. “Are there any unregistered bulk storage tanks on-site which require registration?” is “no” because the GPR survey was inconclusive. The soil investigation identified fairly high RRUSCO SVOC and Metals exceedances throughout the Site in soil and also AWQS exceedances in the groundwater. Soil vapor testing also detected the presence of petroleum-related and various VOC compounds, including a fairly high detection of tetrachloroethene of PCE.

SESI has prepared a Draft RIWP for the Site, which summarized the additional investigation that it has determined should be conducted on the Site to further delineate the contamination. The RIWP anticipates the drilling of ten soil borings on-Site to further evaluate soil contamination. Additional groundwater samples will be achieved by installing seven permanent monitoring wells. Soil vapor will be assessed using six sub-slab soil vapor samples from six soil vapor locations, and one ambient air sample taken outdoors on-Site.

## **SECTION V – REQUESTOR INFORMATION**

The Requestor is Irving Owner LLC, a New York limited liability company, located at 146 E 37<sup>th</sup> Street, New York, NY 10016. Irving Owner LLC is authorized to do business in the State of New York. *See* Exhibit H, NYSDOS Entity Information. The members are as follows:

1. Irving Avenue Manager LLC Managing Member of Irving Owner LLC;
  - a. Diego Hodara, Managing Member Authorized Signatory
2. TRG Oz Fund LLC- Member;
3. TRG Irving LLC - Member;
4. Rattner Oz 1 LLC - Member; and
5. Gnivri 551 LLC - Member

*See* Exhibit H - Organizational Chart. The Written Consent provides Diego Hodara with authority to sign all Brownfield Cleanup Program (“BCP”) documents on behalf of the Requestor Irving Owner LLC. *See* Exhibit I, Corporate Consent.

As further described above in Section IV, the Site is located at 157 Irving Avenue, Port Chester, NY 10573 on Tax Lot #142.22-2-80 (“Site” or “BCP Site”). Requestor is the recent owner of the Site.



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

## **SECTION VI – REQUESTOR ELIGIBILITY INFORMATION**

**1-10. Please refer to BCP Application Form.**

**11. Unregistered bulk storage tanks**

There are no known unregistered bulk storage tanks on the Site. The Phase I suggested that there may still be tanks present, but the Phase II geophysical survey did not find any evidence of tanks still present at the Site. Therefore, after performing the requisite geophysical survey due diligence, no known tanks remain present at the Site and the answer to this question on the application is "No".

### **REQUESTOR CERTIFICATION**

The Requestor certifies it is a Volunteer, since it does not have nor has ever had a relationship with any of the past owners or operators of the Site that caused the contamination other than it purchased the Site from previous owners. Requestor did not have involvement with the Site at the time of disposal. The Requestor performed all required environmental due diligence prior to acquiring the Site and has implemented due care of the Site since its ownership by performing a Phase II geophysical survey to find if any tanks remained that could have still been leaking and is now entering the Site into the BCP to address the recently discovered contamination.

## **SECTION VII- REQUESTOR CONTACT INFORMATION**

**Please refer to the BCP Application Form.**

## **SECTION VIII – PROGRAM FEE**

**Please refer to responses on the BCP Application Form.**

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

The owner of the Site is Requestor - Irving Owner LLC. The Site was acquired by Irving Owner LLC on the dates listed below:

Former Parcel Address	Owner	Deed Recorded
Former N/A Palace Place (Former Lot 57)	Irving Owner LLC	12/23/2022
Former 9 Palace Place (Former Lot 58)	Irving Owner LLC	3/13/2023
Former 155 Irving Avenue (Former Lot 59)	Irving Owner LLC	12/23/2022
Former N/A North Pearl Street (Former Lot 60)	Irving Owner LLC	12/23/2022

*See Exhibit J - Deeds for additional information.*

The Previous Owner and Operator list is attached in Exhibit F. This Exhibit includes both current and previous property owners and operators by name, last known address, telephone number, and the Requestor's relationship to each owner and operator (all of which are "None"). Exhibit F also includes the prior operators' use of the Site.

## **SECTION X - PROPERTY ELIGIBILITY INFORMATION**

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

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

The Site meets the definition of an eligible "brownfield site" in Environmental Conservation Law § 27-1405(2) as "any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations." Environmental investigation results show evidence of impact from the Site's previous commercial and industrial uses, which can be linked to and caused Site contamination above the applicable cleanup standards. See Environmental Reports separately attached and the Spider Maps in Exhibit F, providing the data demonstrating exceedances of the cleanup standards for this Site. As a result, the Site meets the definition of a brownfield site pursuant to Environmental Conservation Law §27-1405(2).

## **SECTION XI - CONTACT LIST INFORMATION**

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

# **EXHIBIT A**

# BASE MAP

157 Irving Gas Station and Lab Site  
157 Irving Avenue  
Port Chester, New York 10573  
(142.22-2-80)

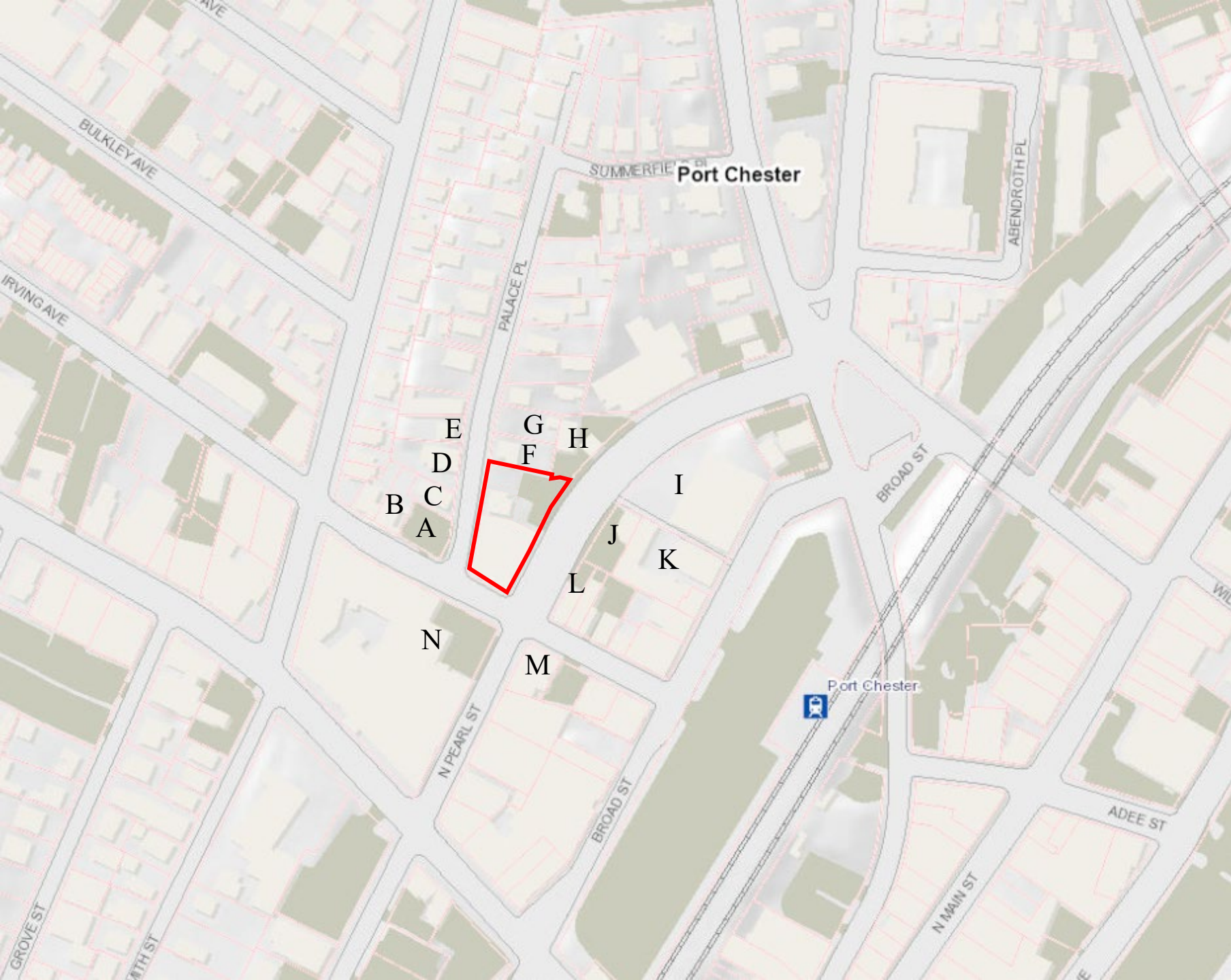
**Legend:**  
 Site Property Boundary

Corresponding page  
lists adjacent property owners by  
letter A – N



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

**July 2023**  
**Source: Westchester County GIS**  
**Scale: 1" = 100' approximately**



<b>Letter</b>	<b>Adjacent Property Owner(s) Name(s)</b>	<b>Property Address</b>	<b>Section-Block-Lot</b>
<b>A</b>	181 Westchester Ave LLC	N/A Irving Avenue	142.22-2-26
<b>B</b>	167 Irving Owners LLC	167 Irving Avenue	142.22-2-25
<b>C</b>	Black Diamond Group LLC	8 Palace Place	142.22-2-27
<b>D</b>	16 Palace Place Holdings LLC	16 Palace Place	142.22-2-28.1
<b>E</b>	Richard and April Gasparino	18 Palace Place	142.22-2-28
<b>F</b>	Jose and Andrea Garcia	17 Palace Place	142.22-2-56
<b>G</b>	Iron Ridge Associates LLC	N/A Palace Place	142.22-2-55
<b>H</b>	110 Pearl Real Estate Corp.	110 North Pearl Street	142.22-2-61
<b>I</b>	Verizon New York Inc.	50 Broad Street	142.22-2-77
<b>J</b>	Bucci Irrevocable Trust	115 North Pearl Street	142.22-2-68
<b>K</b>	Broad Street Owners LLC	46 Broad Street	142.22-2-76
<b>L</b>	Broad Street Owners LLC	147 Irving Avenue	142.22-2-69
<b>M</b>	Belos Broad LLC	146-148 Irving Avenue	142.22-2-5
<b>N</b>	181 Westchester Ave LLC	181 Westchester Avenue	142.22-2-6



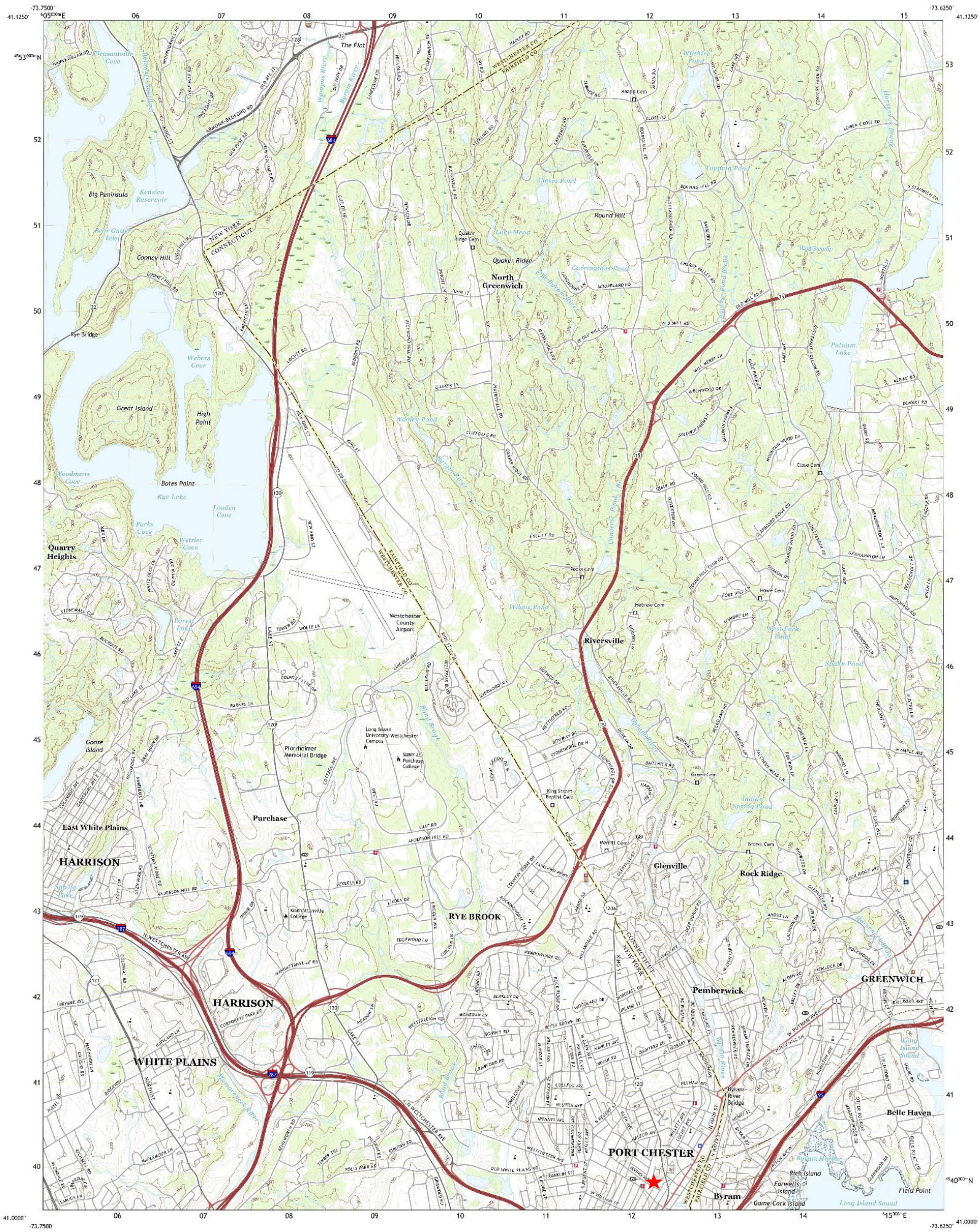
# SITE LOCATION MAP



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

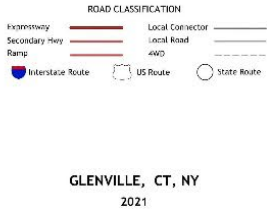
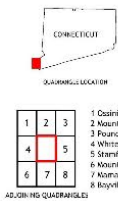
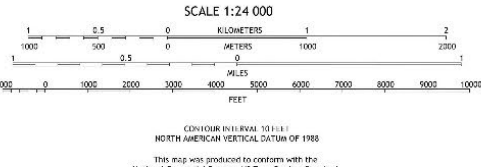
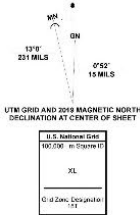


GLENVILLE QUADRANGLE  
CONNECTICUT - NEW YORK  
7.5-MINUTE SERIES



Produced by the United States Geological Survey  
North American Datum of 1983 (NAD83)  
World Geodetic System of 1984 (WGS84), Projection and  
1:250,000-meter Universal Transverse Mercator, Zone 18T  
This map is not a legal document. Boundaries may be  
generalized for this map scale. Private lands within government  
reservations may not be shown. Obtain permission before  
entering private lands.

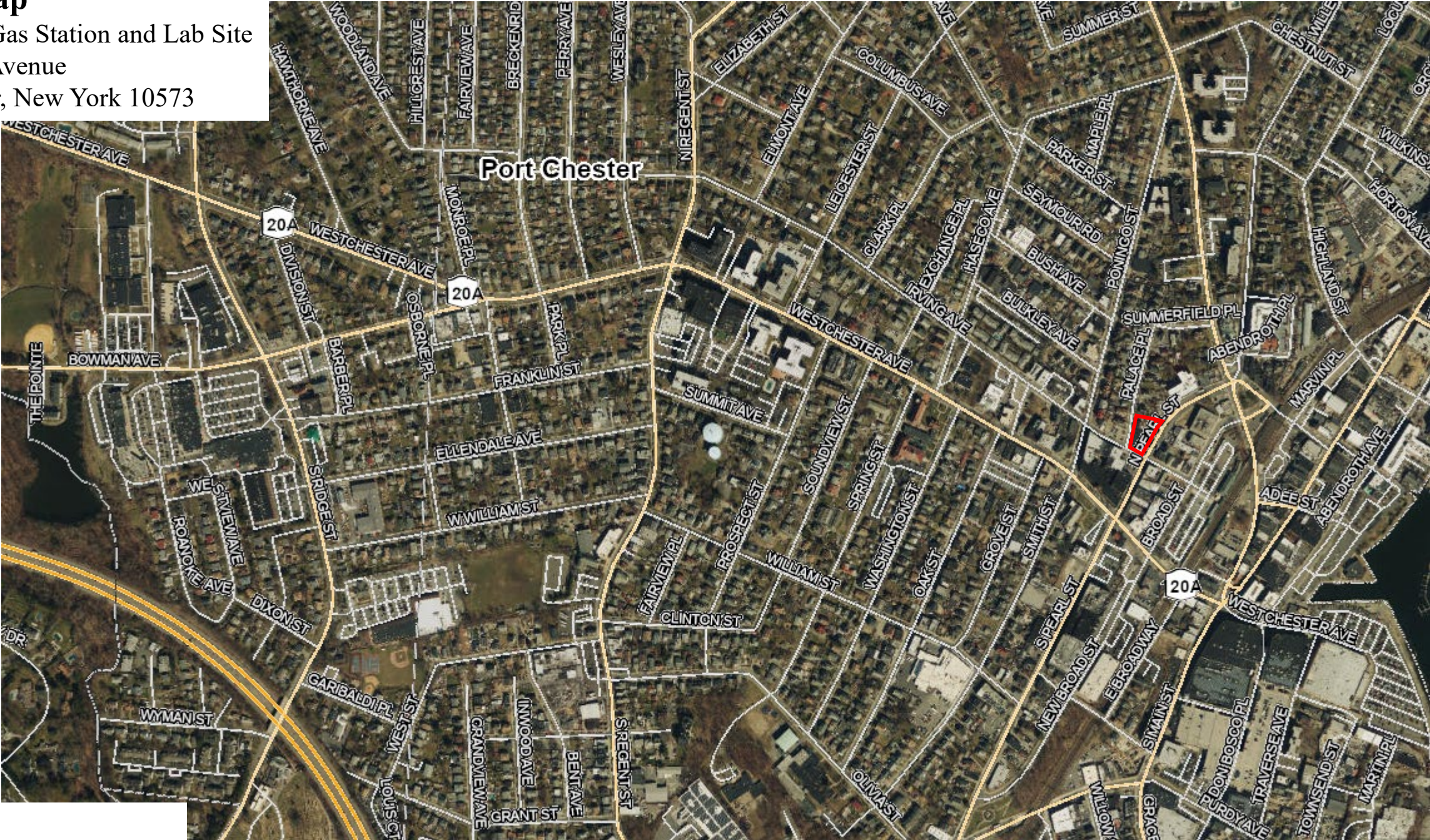
Imagery: NADP, July 2016, December 2017  
Roads: U.S. Census Bureau, 2016  
Names: GNS, 1979-2018  
Hydrography: National Hydrography Dataset, 2016  
Contours: National Elevation Dataset, 2011  
Boundaries: multiple sources, not to scale  
Wetlands: FWS National Wetlands Inventory 1993 - 2011





# Street Map

157 Irving Gas Station and Lab Site  
157 Irving Avenue  
Port Chester, New York 10573



Legend:  
— Site Property Boundary



# **EXHIBIT B**





REVISION TABLE

DATE	MADE BY	CHANGES OR ADDITIONS

REVISION TABLE

DATE	MADE BY	CHANGES OR ADDITIONS

SPECIAL DISTRICTS

SCHOOL	FIRE
SEWER	LIGHT
WATER	REFUSE

LEGEND

PROPERTY LINE	STATE LINE	TAX MAP PARCEL No.
ROAD OR RAIL ROAD BNDY.	RIGHT OF WAY	116.00-1.1
SECTION LINE/BLK LIMIT	STREAM OR RIVER	7.5 AC.
VILLAGE LINE	DENOTES COMMON OWNER	7.5 A.
TOWN LINE	TAX MAP BLOCK No.	300.5
COUNTY LINE	COORDINATE LOCATOR	301.5

SHEET INDEX

136.077	136.078	136.079
142.021	142.022	142.023
142.029	142.030	142.031

TAX MAP

TOWN OF RYE-VILLAGE OF PORT CHESTER  
WESTCHESTER COUNTY, NEW YORK

GRAPHIC SCALE  
1" = 50'  
DATUM = STATE PLANE NAD83E IN FEET

MAP DATE 1\_JUNE\_2021

CAI Technologies

REPRODUCED OR USED FOR SURVEYING OR CONVEYANCING  
MAP CONVERTED TO DIGITAL TAXMAP FORMAT AUGUST 2004 BY





DESIGNED & PREPARED BY  
**CAI Technologies**  
CADD & GIS  
1000 N. 10TH ST., SUITE 200  
ROCKVILLE, MD 20850

THIS MAP WAS PREPARED FOR THE PURPOSES ONLY AND SHALL BE  
REPRODUCED OR USED FOR ANY OTHER PURPOSE WITHOUT THE  
WRITTEN PERMISSION OF CAI TECHNOLOGIES.

REVISION TABLE	
DATE	CHANGES OR ADDITIONS

REVISION TABLE	
DATE	CHANGES OR ADDITIONS

SPECIAL DISTRICTS	
NAME	DATE

PROPERTY USE	
PROPERTY USE	PROPERTY USE

LEGEND	
SYMBOL	DESCRIPTION

TAX MAP SYMBOLS	
SYMBOL	DESCRIPTION

SHEET INDEX	
SHEET	DATE

142.022

TAX MAP  
TOWN OF RYE VILLAGE OF PORT CHESTER  
WESTCHESTER COUNTY, NEW YORK

DATE: 10-10-2011

MAP DATE: JUNE 2011

FW: Lot Merge Request of August 2 on behalf of Irving Owner LLC

1 message

Gioffre III, Anthony B. <AGioffre@cuddyfeder.com>  
To: "gnavarro@titaniumrg.com" <gnavarro@titaniumrg.com>

Wed, Jan 3, 2024 at 11:08 AM

For your files.



Anthony B. Gioffre, III, Esq.  
Managing Partner  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14th Floor  
White Plains, New York 10601  
T 914 761 1300 | F 914 761 5372 | M 203 249 2352  
AGioffre@cuddyfeder.com  
www.cuddyfeder.com

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**From:** Maria Rappoccio <mrappoccio@townofryeny.com>  
**Sent:** Thursday, September 28, 2023 3:33 PM  
**To:** Lavalla, Curt <CLavalla@portchesterny.gov>; Charles Zaba <czaba@townofryeny.com>  
**Cc:** Wilkes, Matthew <MWilkes@portchesterny.gov>; Yvonne Petrillo <YPetrillo@cuddyfeder.com>; Gioffre III, Anthony B. <AGioffre@CUDDYFEDER.COM>; Patrick, Daniel <DPatrick@cuddyfeder.com>  
**Subject:** RE: Lot Merge Request of August 2 on behalf of Irving Owner LLC

Hi Curt,

I will keep your email on file as VPC's approval for the merge of the below lots.

Owner Name	SWIS	Year	Parcel Id	Street Name	Top Class
Irving Owner LLC	554801	2023	142.22-2-60	N Pearl St	311
Irving Owner, LLC	554801	2023	142.22-2-58	9 Palace Pl	220
Irving Owner LLC	554801	2023	142.22-2-57	Palace Pl	311
Irving Owner LLC	554801	2023	142.22-2-59	155 Irving Ave	454

FYI: I started the mapping process, but the official change will not take place until our June 1, 2024 tentative roll is published. That roll prints the following year's taxes. As an example, the parcels go on the 6/1/24 roll for the April 2025-26 tax bills.

Best Regards,

Maria Rappoccio

Cell (914) 417-5105

Maria Rappoccio | Appraisal Technician| Town of Rye | 222 Grace Church St. Port Chester, NY 10573 | 3<sup>rd</sup> Fl.-Suite 303 |  
(914) 939-3566| (914) 939-8926 FAX | Normal Office Hours 8:30 am to 4:00 pm (Monday through Friday)

We Will Remember

Please take a moment to complete our [Customer Service Feedback Form](#). Thank you

**Important Assessment Calendar Dates:**

**May 1<sup>st</sup>** - Tax Status Day & Exemption Application Deadlines

**June 1<sup>st</sup>** - Tentative Assessment Roll--For your Latest Assessment Visit: <https://townofrye.sdgny.com/search.aspx> (and search for your property)

**3<sup>rd</sup> Tuesday in June** - Grievance Day

September 15<sup>th</sup> - Final Assessment Roll

**FORMS & INFORMATION:** <http://www.townofryeny.com/assessment-home.html>

**SENIOR/AGED ALL EXEMPTION RENEWAL DEADLINE:** May 1<sup>st</sup>

**STAR EXEMPTION for New Owners:** To apply contact NYS: (518)-457-2036 / <https://www.tax.ny.gov/>

**TAXES:** For taxes/tax payments contact the Tax Receiver's Office at (914)-939-3558. Copies of tax bill can be found at:

<https://townofrye.sdgny.com/search.aspx> (click on the **[Tax Info]** button on left then **[View Tax Bills]**) or

for the Village of Mamaroneck's Village tax bill go to: <https://www.village.mamaroneck.ny.us/clerk-treasurer/pages/view-or-pay-village-property-taxes>

---

**From:** Lavalla, Curt <[CLavalla@portchesterny.gov](mailto:CLavalla@portchesterny.gov)>

**Sent:** Thursday, September 28, 2023 3:00 PM

**To:** Maria Rappoccio <[mrappoccio@townofryeny.com](mailto:mrappoccio@townofryeny.com)>; Charles Zaba <[czaba@townofryeny.com](mailto:czaba@townofryeny.com)>

**Cc:** Wilkes, Matthew <[MWilkes@portchesterny.gov](mailto:MWilkes@portchesterny.gov)>; Yvonne Petrillo <[YPetrillo@cuddyfeder.com](mailto:YPetrillo@cuddyfeder.com)>; Gioffre III, Anthony B. <[AGioffre@CUDDYFEDER.COM](mailto:AGioffre@CUDDYFEDER.COM)>; Patrick, Daniel <[DPatrick@cuddyfeder.com](mailto:DPatrick@cuddyfeder.com)>

**Subject:** Lot Merge Request of August 2 on behalf of Irving Owner LLC

Dear Charles and Maria,

On behalf of the Village of Port Chester, I write to indicate the Village has *no objection* to merging the lots identified in the attached letter requesting same.

Please let me know if any further is necessary.

Best,

Curt LaValla



**Curt LaValla** *A/CP*

**Director**

**Department of Planning & Economic Development**

T: 914.937.6780

E: [CLavalla@PortChesterNY.gov](mailto:CLavalla@PortChesterNY.gov)

[222 Grace Church St. | Port Chester, NY 10573](#)

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---

**From:** [assessor@townofryeny.com](mailto:assessor@townofryeny.com) <[assessor@townofryeny.com](mailto:assessor@townofryeny.com)>

**Sent:** Friday, January 5, 2024 1:04 PM

**To:** Pedicano, Hailey <[HPedicano@cuddydeder.com](mailto:HPedicano@cuddydeder.com)>; Assessor's Office <[assessor@townofryeny.com](mailto:assessor@townofryeny.com)>

**Subject:** RE: New Tax ID - 9 Palace Pl & 155 Irving Ave - Proposed 2024 New Tax ID#

Hi Hailey,

You're welcome!

As requested, the proposed new parcel ID/section/block/lot will be **142.22-2-80** for the June 1, 2024 tentative roll. Per the Village of Port Chester Building Department the NEW street address for new parcel **142.22-2-80** will be **157 Irving Ave.**

Please note we will assign the new parcel ID/section-block-lots and start the mapping process, but the official change will not take place until our June 1, 2024 tentative roll is published. That roll prints the following year's taxes. As an example, the parcels go on the 6/1/24 roll for the 2025-26 tax bills.

Stay safe, happy, and healthy in the coming year.

Best regards,

*Maria Rappoccio*

Maria Rappoccio | Appraisal Technician | Town of Rye | 222 Grace Church St. Port Chester, NY 10573 | 3<sup>rd</sup> Fl.-Suite 303 |

(914) 939-3566 | (914) 939-8926 FAX | Normal Office Hours 8:30 am to 4:00 pm (Monday through Friday)

We Will Remember





Please take a moment to complete our [Customer Service Feedback Form](#). Thank you

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**June 1<sup>st</sup>** - Tentative Assessment Roll—For your Latest Assessment Visit: <https://townofrye.sdgny.com/search.aspx> (and search for your property)

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**TAXES:** For taxes/tax payments contact the Tax Receiver's Office at (914)-939-3558. Copies of tax bill can be found at:

<https://townofrye.sdgny.com/search.aspx> (click on the [Tax Info] button on left then [View Tax Bills]) or

for the Village of Mamaroneck's Village tax bill go to: <https://www.village.mamaroneck.ny.us/clerk-treasurer/pages/view-or-pay-village-property-taxes>

---

**From:** Pedicano, Hailey <[HPedicano@cuddyfeder.com](mailto:HPedicano@cuddyfeder.com)>

**Sent:** Wednesday, January 3, 2024 3:32 PM

**To:** [assessor@townofryeny.com](mailto:assessor@townofryeny.com)

**Subject:** New Tax ID - 9 Palace Pl & 155 Irving Ave

Hello Maria,

Thank you again for taking my call. Please let us know if you would be able to provide us with the new Tax ID for the four tax parcels (142.22-2-57,58,59, 60) that we discussed.

Thank you,

Hailey Pedicano



**Hailey Pedicano**  
**Law Clerk**  
**Cuddy & Feder LLP**  
445 Hamilton Avenue, 14th Floor  
White Plains, New York 10601  
T 914-872-1887 | F 914 761 5372  
[HPedicano@cuddyfeder.com](mailto:HPedicano@cuddyfeder.com)  
[www.cuddyfeder.com](http://www.cuddyfeder.com)

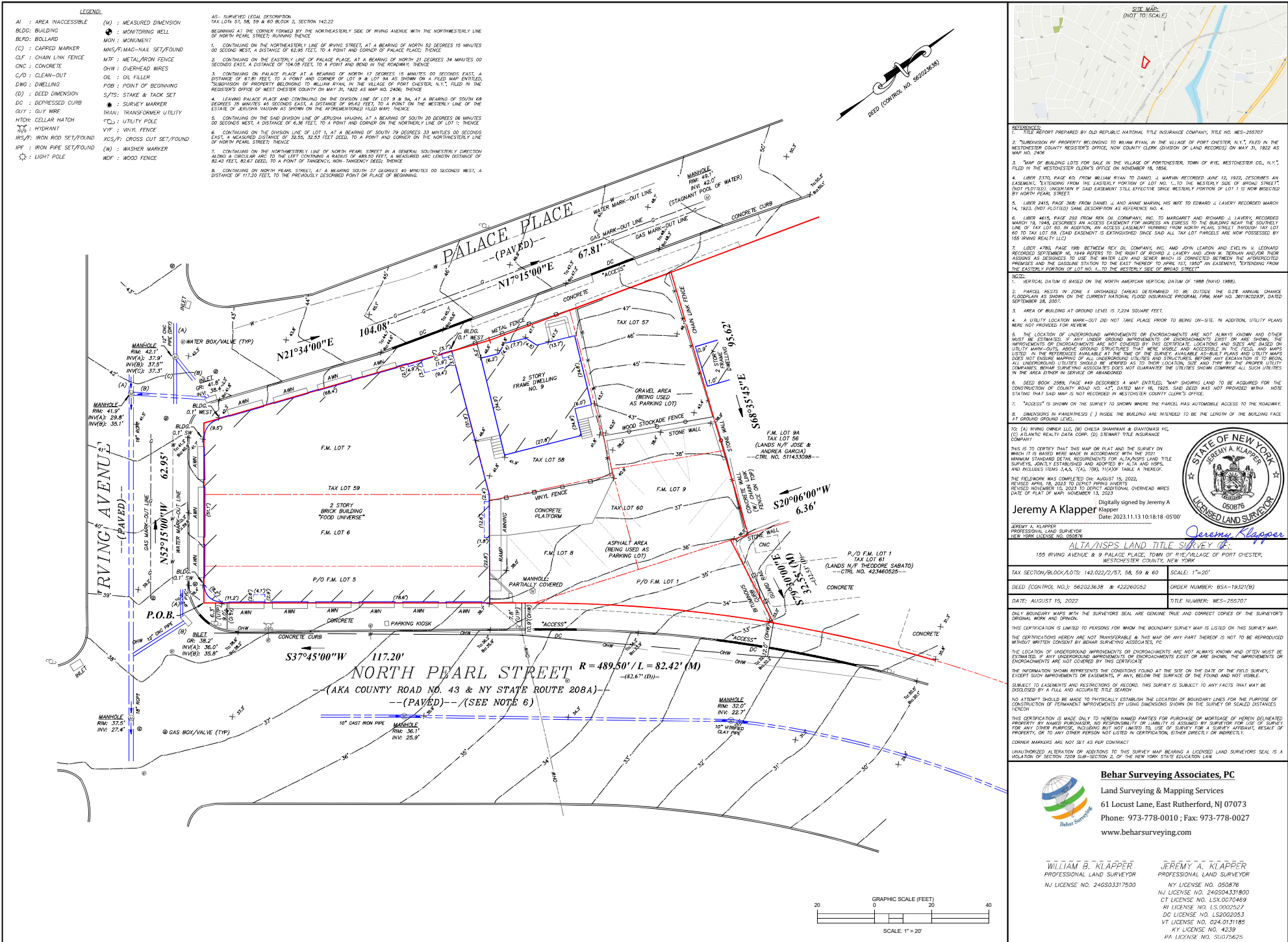
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# **EXHIBIT C**

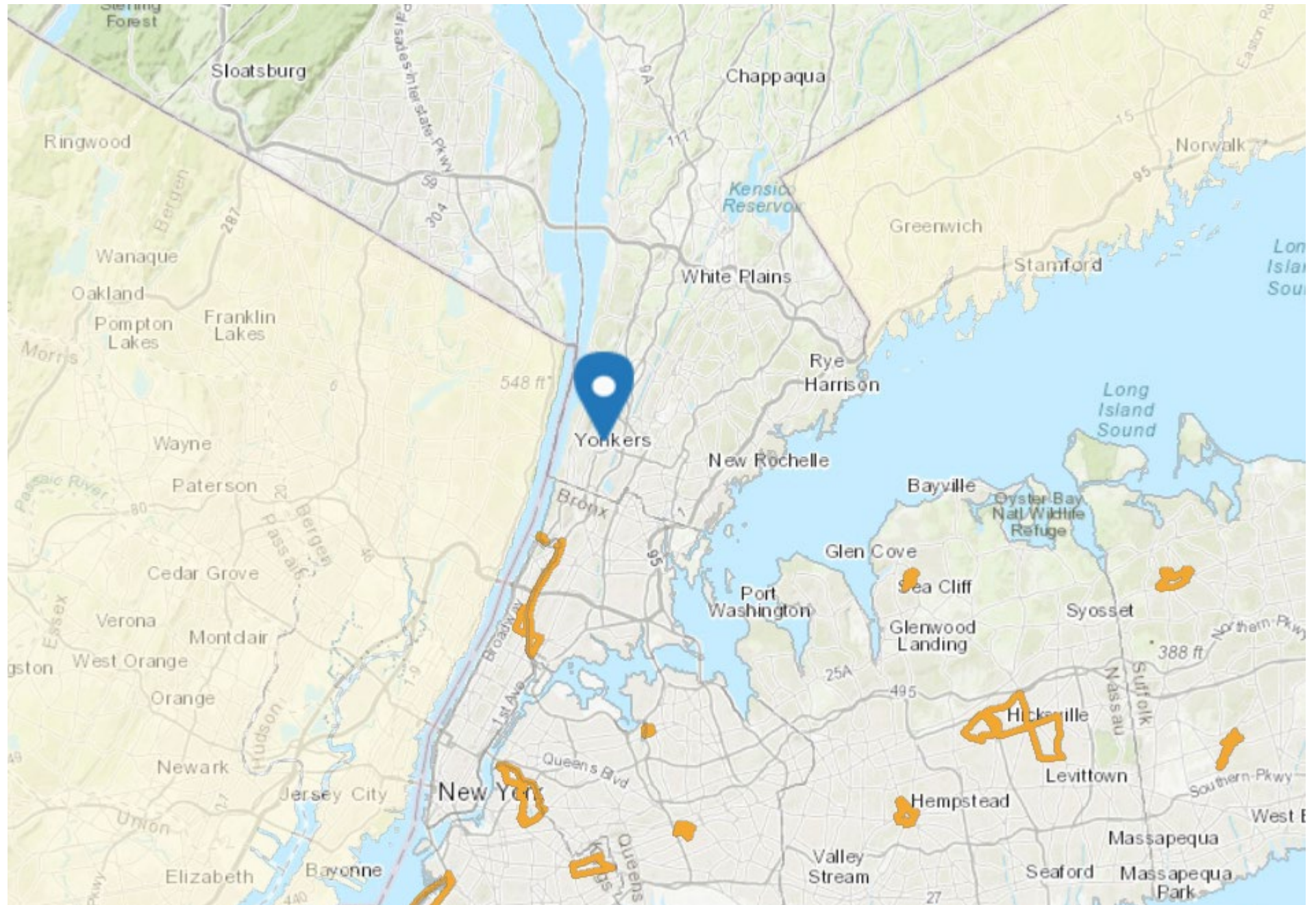
# BOA Map

157 Irving Gas Station and Lab Site  
157 Irving Avenue  
Port Chester, New York 10573

## Legend:

 Site Location

 BOA



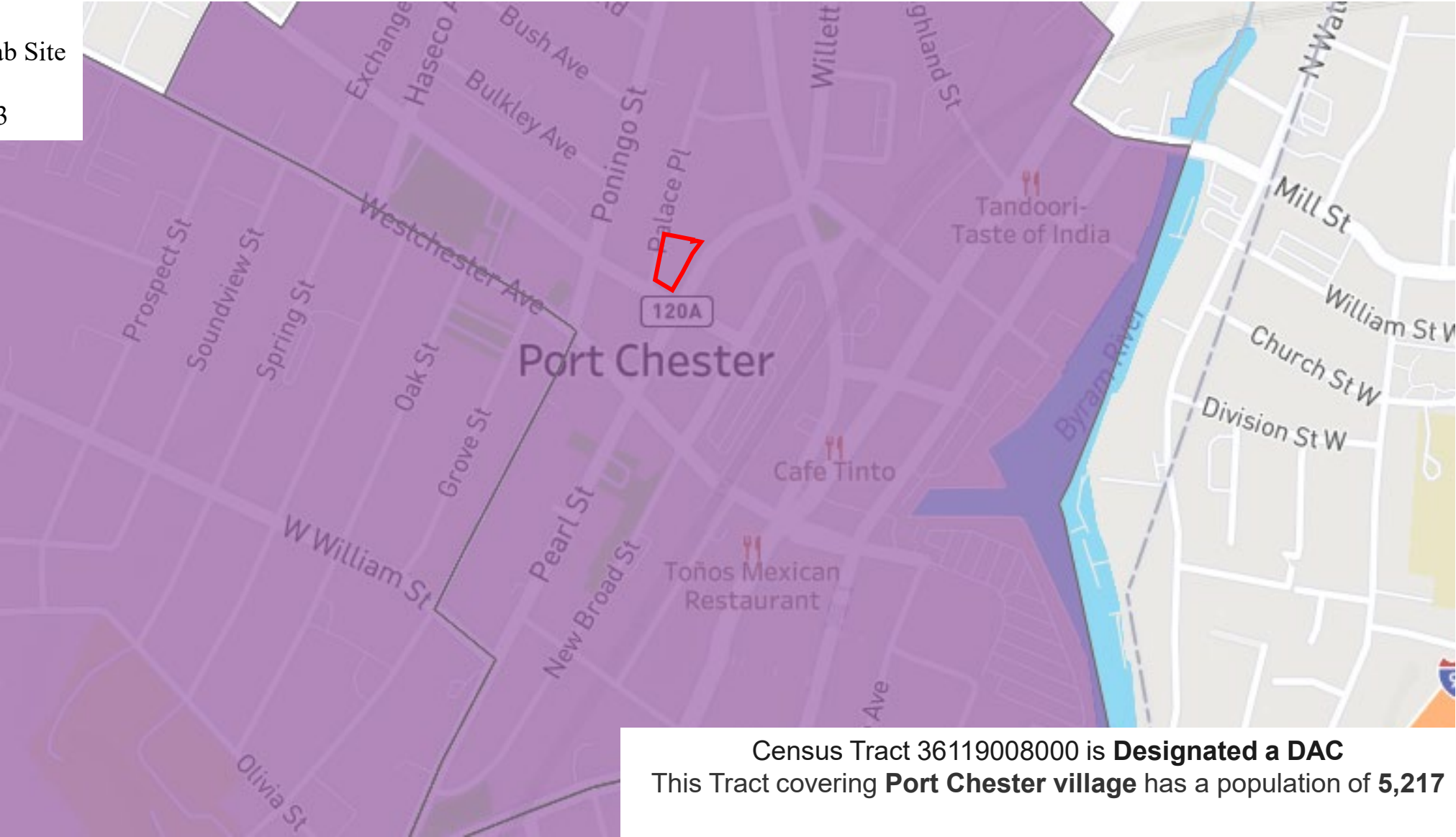
July 2023

Source: NYS Geographic  
Information Gateway

Scale: 1" = 100' approximately

Disadvantage  
Communities Map

157 Irving Gas Station and Lab Site  
157 Irving Avenue  
Port Chester, New York 10573



Census Tract 36119008000 is **Designated a DAC**  
This Tract covering **Port Chester village** has a population of **5,217**

**Legend:**  
— Site Property Boundary  
■ Disadvantaged Community

**Environmental Burden** is higher  
than **92%** of Census Tracts statewide  
**Population Vulnerability** is higher  
than **76%** of Census Tracts statewide



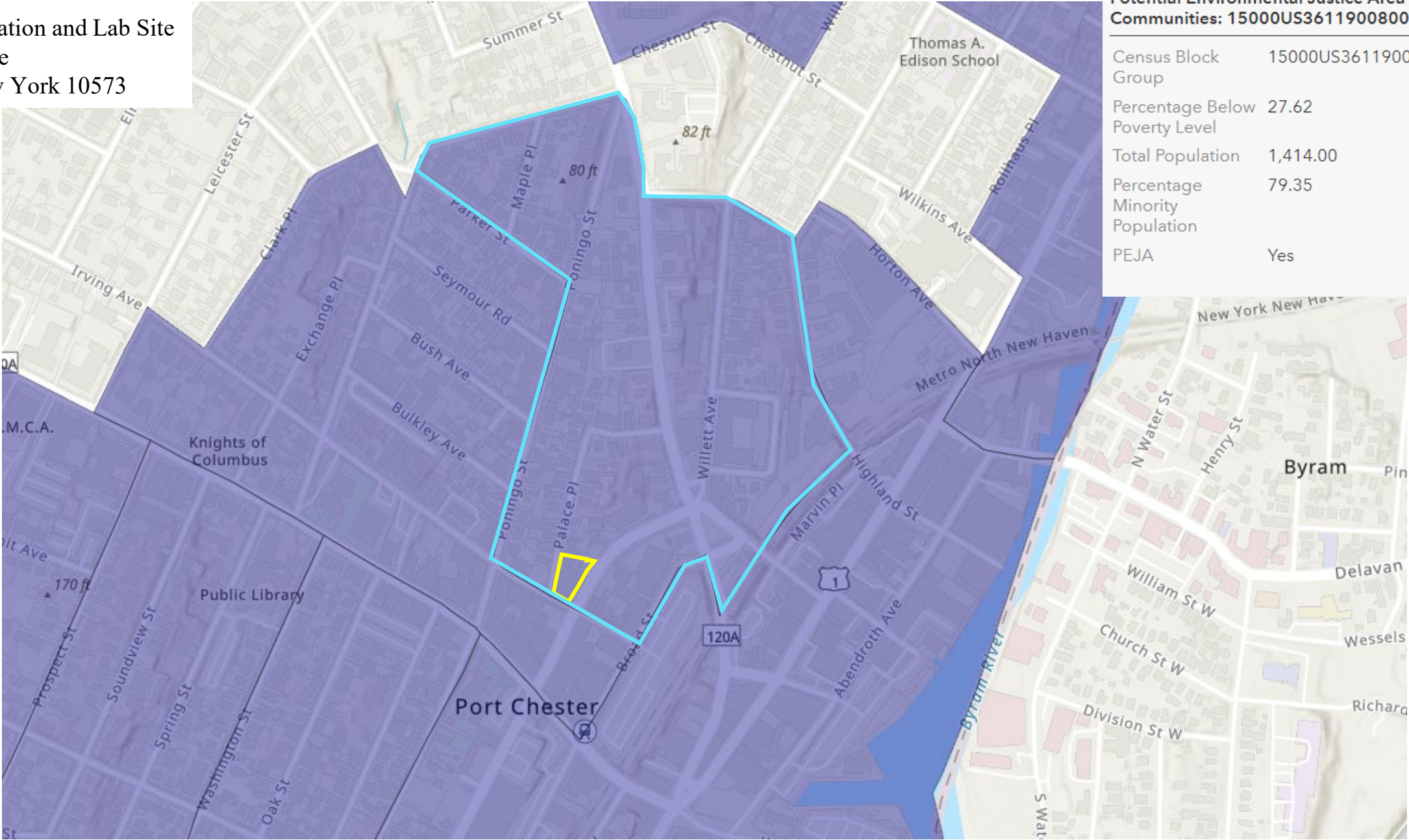
## Population Characteristics & Vulnerability ...

<b>Health Impacts &amp; Burdens</b>	Asthma ED visits	6%
	COPD ED visits	1%
	Heart attack (MI) Hospitalization	1%
	Low Birthweight	34%
	Pct Adults Age 65+	11%
	Pct w/ Disabilities	15%
	Pct w/o Health Insurance	99%
	Premature Deaths	74%
<b>Housing, Mobility, Communications</b>	Energy Poverty / Cost Burden	83%
	Homes Built Before 1960	46%
	Housing Cost Burden (Rental C..	43%
	Manufactured Homes	0%
	Pct Renter-Occupied Homes	89%
	Pct w/o Internet (home or cellul..	72%
<b>Income</b>	Pct <100% of Federal Poverty ..	82%
	Pct <80% Area Median Income	93%
	Pct Single-Parent Households	72%
	Pct w/o Bachelor/Es Degree	75%
	Unemployment Rate	81%
<b>Race/Ethnicity</b>	Limited English Proficiency	95%
	Pct Asian	17%
	Pct Black or African American	56%
	Pct Latino/a or Hispanic	99%
	Pct Native American or Indigen..	76%

## Environmental Burden & Climate Change Risk ...

<b>Land Use &amp; Historic Discrimination</b>	Active Landfills	0%
	Housing Vacancy Rate	38%
	Industrial/Manufacturing/Mining La..	72%
	Major Oil Storage Facilities	74%
	Municipal Waste Combustors	0%
	Power Generation Facilities	0%
	Regulated Management Plan (Ch..	78%
	Remediation Sites	57%
	Scrap Metal Processing	0%
<b>Potential Climate Change Risk</b>	Agricultural Land Use	0%
	Coastal Flooding and Storm Risk ..	63%
	Driving Time to Urgent/Critical Care	51%
	Extreme Heat Projections (>90? d..	64%
	Inland Flooding Risk Areas	0%
	Low Vegetative Land Cover	76%
<b>Potential Pollution Exposure</b>	Benzene Concentration (Modeled)	49%
	Particulate Matter (PM2.5)	44%
	Traffic: Diesel Trucks	41%
	Traffic: Number of Vehicles	71%
	Wastewater Discharge	82%

**EJ MAP**  
157 Irving Gas Station and Lab Site  
157 Irving Avenue  
Port Chester, New York 10573

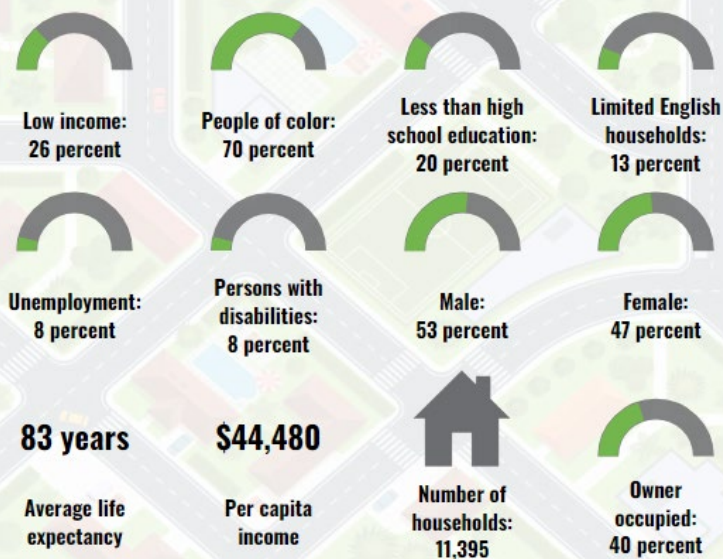


Potential Environmental Justice Area (PEJA) Communities: 15000US361190080001	
Census Block Group	15000US361190080001
Percentage Below Poverty Level	27.62
Total Population	1,414.00
Percentage Minority Population	79.35
PEJA	Yes

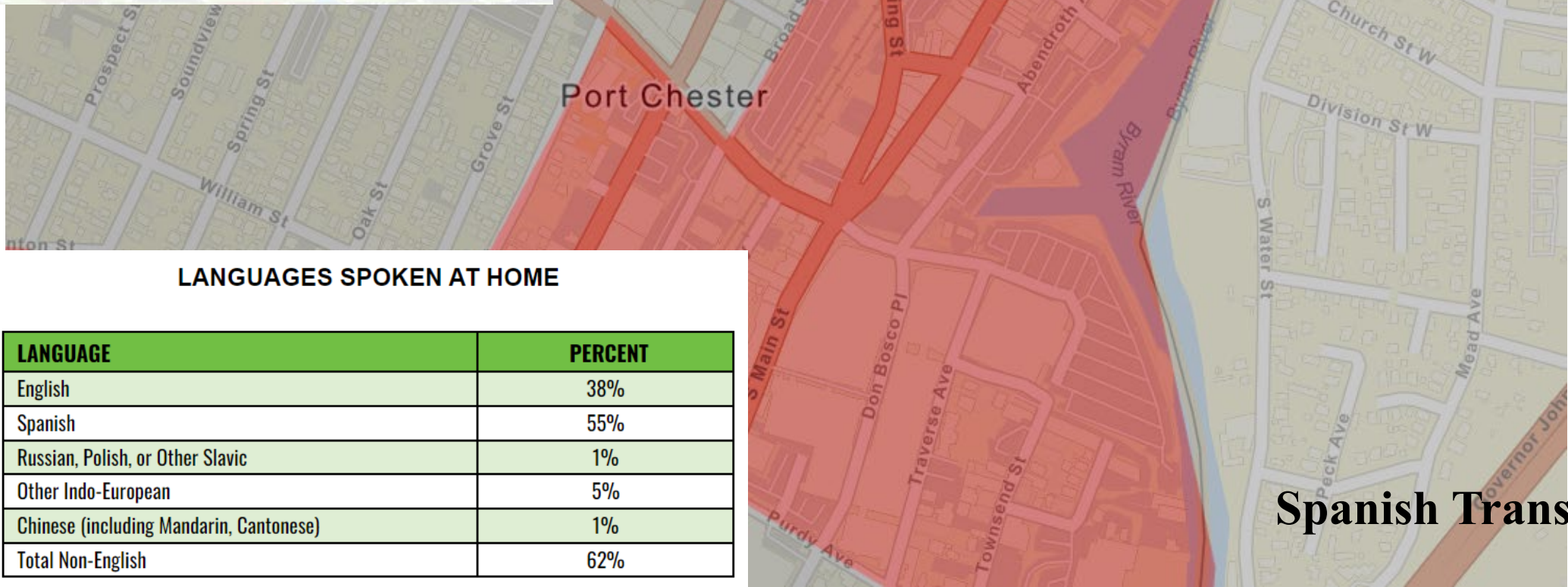
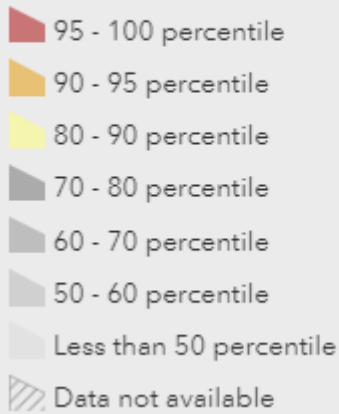
- Legend:**
- Site Property Boundary
  - Census Tract



## COMMUNITY INFORMATION



## Demographic Index (National Percentiles)



## LANGUAGES SPOKEN AT HOME

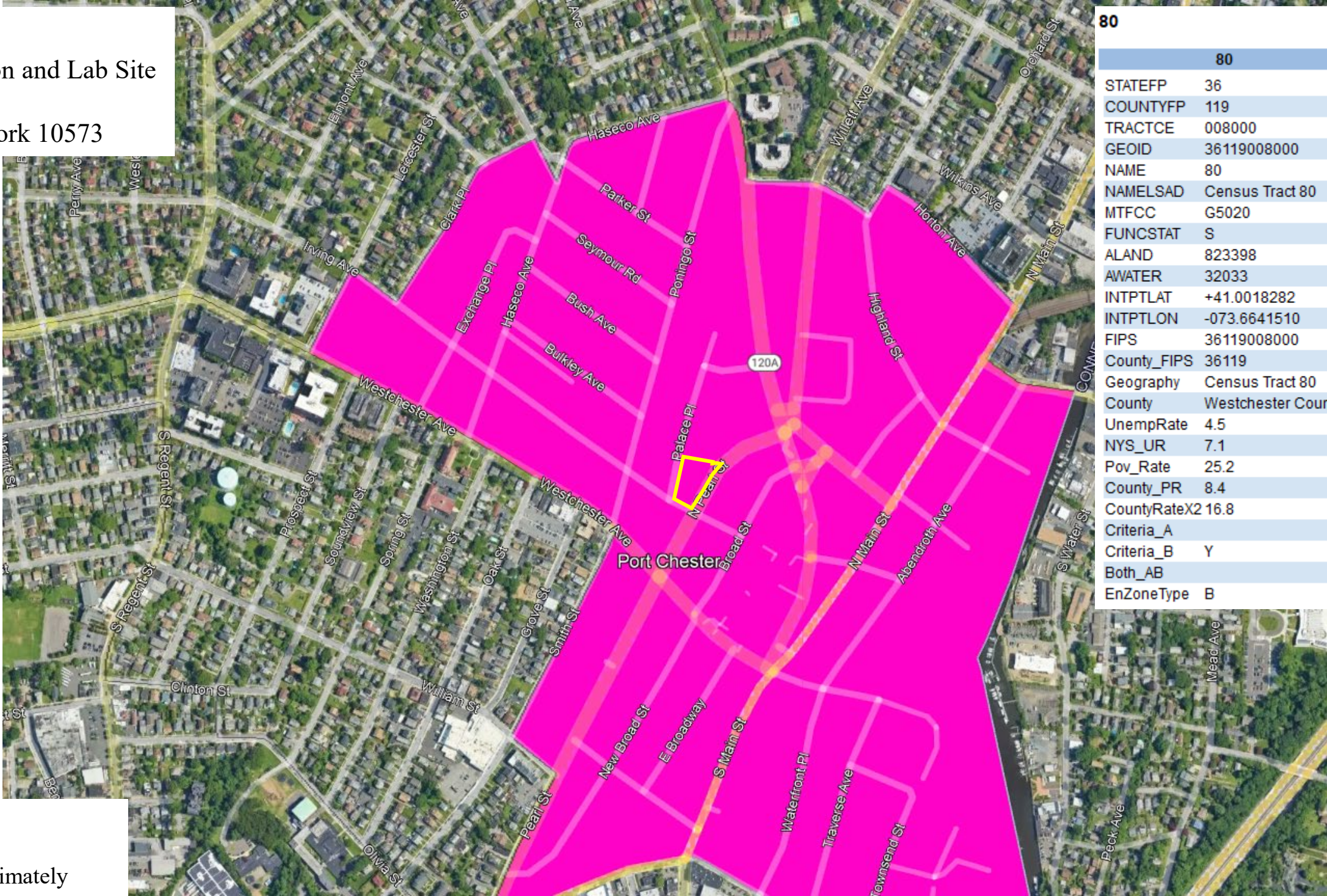
LANGUAGE	PERCENT
English	38%
Spanish	55%
Russian, Polish, or Other Slavic	1%
Other Indo-European	5%
Chinese (including Mandarin, Cantonese)	1%
Total Non-English	62%

Spanish Translation



**En-Zone Map**  
157 Irving Gas Station and Lab Site  
157 Irving Avenue  
Port Chester, New York 10573

**Legend:**  
Site Property  
Boundary



80	
STATEFP	36
COUNTYFP	119
TRACTCE	008000
GEOID	36119008000
NAME	80
NAMLSAD	Census Tract 80
MTFCC	G5020
FUNCSTAT	S
ALAND	823398
AWATER	32033
INTPTLAT	+41.0018282
INTPTLON	-073.6641510
FIPS	36119008000
County_FIPS	36119
Geography	Census Tract 80
County	Westchester County
UnempRate	4.5
NYS_UR	7.1
Pov_Rate	25.2
County_PR	8.4
CountyRateX2	16.8
Criteria_A	
Criteria_B	Y
Both_AB	
EnZoneType	B

**January 2024**  
**Source: Google Earth**  
**Scale: 1" = 100' approximately**



# **EXHIBIT D**



# FLOOD MAP

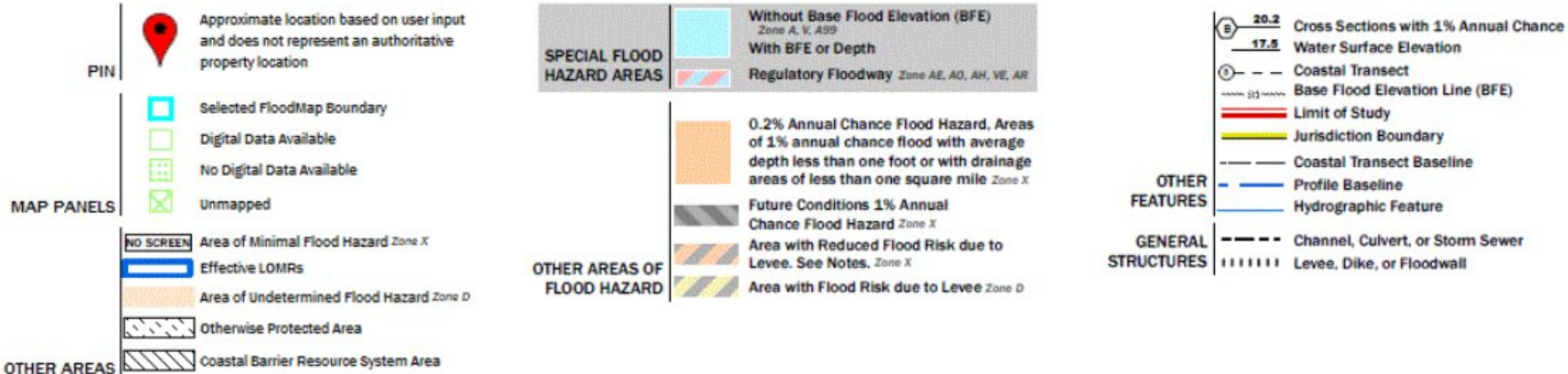
157 Irving Gas Station and Lab Site  
157 Irving Avenue  
Port Chester, New York 10573

## Legend:

 Site Location

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

[Date]  
Source: FEMA Flood Map  
Scale: 1" = 100" approximately



# **EXHIBIT E**

**SITE PLAN APPROVAL**  
**RESOLUTION OF THE VILLAGE OF PORT CHESTER PLANNING COMMISSION**

**October 30, 2023**

**Irving Owner LLC (c/o Titanium Realty Group)**  
**155 Irving Avenue & 9 Palace Place**  
**Section 142.22, Block 2, Lots 57, 58, 59 & 60**  
**Case # 2023-0243**



**WHEREAS**, the Village of Port Chester Planning Commission (the “Planning Commission”) is in receipt of a Site Plan application (the “Application” or “Site Plan”) submitted by Cuddy & Feder LLP, on behalf of Irving Owner LLC (c/o Titanium Realty Group) (the “Applicant”) for the site located at 155 Irving Avenue & 9 Palace Place, specifically known and designated as Section 142.22, Block 2, Lots 57, 58, 59, 60 (the “Site” or “Project Site”); and

**WHEREAS**, the Site is located in the CD-6 Urban Core Character District (the “CD-6 District”); and

**WHEREAS**, the Applicant proposes the demolition of the existing buildings at the above addresses to develop a 12-story, approximately 205,000 gsf mixed-use building (the “Proposed Action” or “Proposed Development” or “Proposed Project” or “Project”). The Proposed Development includes 181 residential units (54 studios, 106 one-bedroom, 21 two-bedroom) throughout twelve residential stories, residential amenities, 2,190 sf of commercial space along the North Pearl Street, Irving Avenue, and Palace Place frontages, and 124 structured parking spaces; and

**WHEREAS**, the Applicant is seeking Site Plan approval from the Planning Commission under the Village Character-Based Code adopted May 20, 2020, as amended; and

**WHEREAS**, the Application includes the following technical drawings and plans, which are hereby incorporated with to this resolution:

- Architectural Site Plans prepared by Sarrazin Architecture, last revised September 14, 2023; and
- Engineering Site Plans prepared by Hudson Engineering & Consulting, P.C., last revised September 5, 2023; and
- Shadows Assessment prepared by Sarrazin Architecture, last revised May 4, 2023; and
- Stormwater Pollution Prevention Plan prepared by Hudson Engineering & Consulting, P.C., last revised March 6, 2023; and
- Traffic Impact Study (TIS) prepared by DTS Provident Design Engineering, LLP, dated March 7, 2023, last updated April 4, 2023, and supplemented by a Parking Plan dated June 6, 2023 prepared by LAZ Parking.

**WHEREAS**, the Proposed Project is designated as a Type 1 under Part 617 of the regulations implementing the State Environmental Quality Review Act (“SEQRA”), Article 8 of the Environmental Conservation Law; and



**WHEREAS**, in furtherance of the Proposed Action, the Applicant submitted a Full Environmental Assessment Form (“FEAF”), Part 1, together with supporting materials; and

**WHEREAS**, the Village’s Consulting Planning and Traffic Engineer, AKRF, issued several comment memoranda in response to the Applicant’s submissions; and

**WHEREAS**, the Village’s Consulting Civil Engineer, Delaware, issued several comment memoranda in response to the Applicant’s submissions; and

**WHEREAS**, the Planning Commission referred the Application to the Westchester County Planning Board as required under the provisions of Sections 239-l, m, and n of New York General Municipal Law and Section 277.61 of the County Administrative Code; and

**WHEREAS**, on April 27, 2023, the Westchester County Planning Board provided comments and commented on affordable housing (which the Project includes), building mass (which the Planning Commission has considered), historic impacts (which the Project considers), streetfront activation (which the Project achieves), parking (which the Project includes), potential commercial displacement (the Project includes commercial space), long-term sewer impacts (which are being mitigated), recycling (which was included in the Site Plan), bicycle parking (which the Project includes), and green building technology (which the Project incorporates); and

**WHEREAS**, the Planning Commission held public hearings on the matter, as required by Village Law concerning the Application, and all persons wishing to speak on the Application at the public hearing and at meetings of the Planning Commission held subsequent to said hearing were given an opportunity to be heard; and

**WHEREAS**, on October 30, 2023, pursuant to SEQRA, the Planning Commission, as Lead Agency, issued a SEQR Determination of Non-Significance, having concluded the Proposed Project would not result in any significant adverse impacts; and

**WHEREAS**, the Planning Commission has reviewed the Application against the review criteria promulgated in §345.805.G.4 of the Village of Port Chester Zoning Code; and

**WHEREAS**, the Planning Commission has considered the site plan, all other materials submitted by the Applicant, the comments of Village staff and consultants made via memoranda to the Planning Commission - which memoranda are incorporated herein by reference, the commentary made in the course of Planning Commission’s meetings pertaining to the review for site plan approval, and the comments of the public; and

**WHEREAS**, the requirements for Site Plan approval contained in Article 8, Section 345.805.G of the Village of Port Chester Zoning Code have been met by said Application.

**NOW, THEREFORE**, be it

**RESOLVED**, that the Application for Site Plan approval submitted by Cuddy & Feder LLP, on behalf of Irving Owner LLC (c/o Titanium Realty Group) as depicted on the plans identified above is hereby approved subject to the conditions on the attached sheets, which conditions shall be

printed on the final site plan sheets presented for signature and which conditions must be satisfied prior to the milestone listed therein; and be it further

**RESOLVED**, the Applicant shall furnish the Planning Commission with four (4) copies of the Site Plan as described above for the endorsement by the Planning Commission Chairperson and Planning & Economic Development Zoning Administrator **within 45 calendar days of this resolution or this resolution shall be null and void**, and the signed Site Plan be recorded as the approved Site Plan; and be it further

**RESOLVED**, that this Site Plan approval shall have an effective date of October 30, 2023 and an expiration date October 30, 2026; and be it finally

**RESOLVED**, that this Site Plan approval, including all conditions imposed, authorizes the Applicant to undertake only the activities specifically set forth herein, in accordance with this resolution of approval and as delineated on the Site Plan as endorsed by the Planning Commission Chairman and Director of Planning & Economic Development or his/her designee. Any material change in use, alteration, or modification to the Site Plan or to the existing or approved facilities and site shall require review and may be subject to an enforcement action by the Village, which may result in termination and revocation of this resolution or approval. Any such change would then require a new review and approval by the Planning Commission of the Village of Port Chester.

On a motion of Commissioner Hoge, Seconded by Commissioner Berkowitz, this resolution was approved by the following vote:

AYES:	<u>  4  </u>
NAYES:	<u>  2  </u>
ABSTAINED:	<u>  0  </u>
ABSENT:	<u>  2  </u>



Chair

Date: October 30, 2023

# PORT CHESTER ZONING MAP

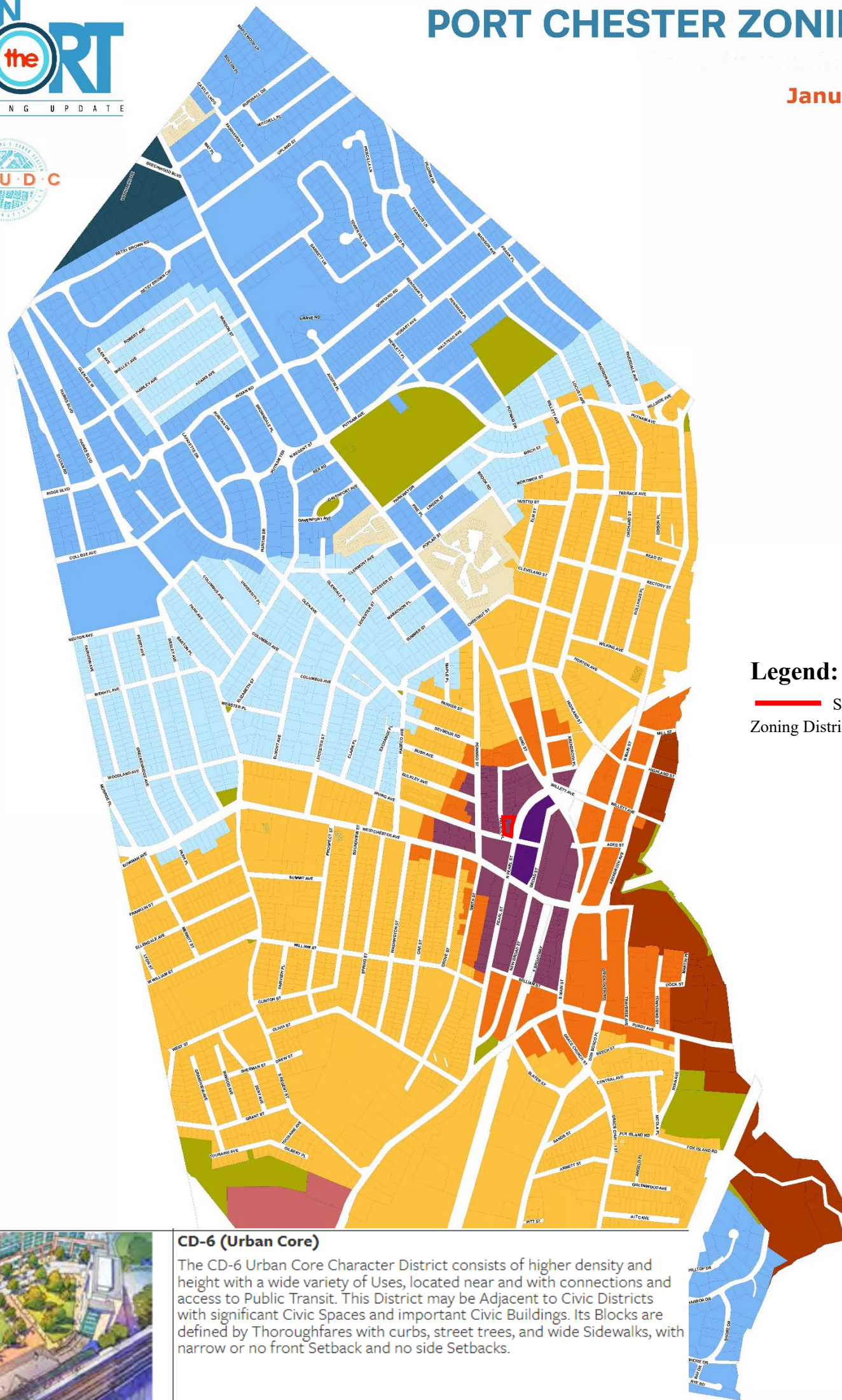
Adopted  
January 19, 2021

## Legend

- CD-3
- CD-3.R20
- CD-3.R7
- CD-3.R5
- CD-4
- CD-5
- CD-5W
- CD-6
- CV
- SD-PMU
- SD-PRD
- CD-6T

## Legend:

- Site property boundary
- Zoning Districts: CD-6



### CD-6 (Urban Core)

The CD-6 Urban Core Character District consists of higher density and height with a wide variety of Uses, located near and with connections and access to Public Transit. This District may be Adjacent to Civic Districts with significant Civic Spaces and important Civic Buildings. Its Blocks are defined by Thoroughfares with curbs, street trees, and wide Sidewalks, with narrow or no front Setback and no side Setbacks.



# **EXHIBIT F**



**PREVIOUS OWNERS & OPERATORS LIST**  
**157 Irving Gas Station and Lab Site**  
**157 Irving Avenue, Port Chester, New York 10573**

<b>Year</b>	<b>Contact Information</b> <b>Portion of 157 Irving Avenue (142.22-2-80)</b> <b>Former N/A Palace Place (142.22-2-57)</b>	<b>Status</b>	<b>Relation to Requestor</b>
Unknown - 1925	Elizabeth M. Ryan (Portion F/K/A 18IA) Address: N/A Phone: N/A	Deceased	None
Unknown – 1951	Lavery-Tiernan Auto Sales, Inc., Richard J. Lavery, Marjorie M. Lavery Tiernan, Jean H. Lavery and Edward J. Lavery (Last Will and Testament) (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: Unknown Phone: Unknown	Inactive	None
1951 - 1963	Sonotone Corporation (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: Unknown Phone: Unknown	Inactive	None
1963 - 1970	James M. Fetherolf and Eloise C. Fetherolf (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: N/A Phone: N/A	Deceased	None
1970 – 1970	Greenwillow Equities, Inc. (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: 540 Madison Avenue New York, New York 10022 Phone: Unknown	Inactive	None
1970 - 1974	Julian L. Marwell (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: N/A Phone: N/A	Deceased	None
1974 - 1986	Cornelia Properties, Inc. (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: c/o Simon J. Hauser 41 East 57th Street New York, New York 10022 Phone: Unknown	Inactive	None
1925 - 1987	The Village of Port Chester (Portion F/K/A 18IA) Address: 222 Grace Church Street Port Chester, New York 10573 Phone: (914) 939-5200	Active	None
1987 – 1987	Cornelia Properties, Inc (Portion F/K/A 18IA) Address: c/o Simon J. Hauser 41 East 57 <sup>th</sup> Street New York, New York 10022 Phone: Unknown	Inactive	None
1986/1987 - 1996	Stanford Miller Address: c/o Rosco (Chairman of the Board) 52 Harbor View Stamford, CT 06902 Phone: (203) 708-8900	Active	None
1996 - 2016	155 Irving Avenue LLC (F/K/A 155 Irving, LLC, name change in 2010) Address: c/o Games Sportswear LTD 1401 Front Street Yorktown Heights, New York 10598 Phone: (914) 962-1701	Active	None
2016 - 2022	155 Irving Realty LLC Address: 155 Irving Avenue Port Chester, New York 10573 Phone: Unknown	Active	None
12/21/2022 – Present	Irving Owner LLC Address: 146 East 37 Street New York, New York 10016 Phone: (212) 229-0538	Active	None
<b>Operators</b>			
1915 - 1950	Dwelling	N/A	None
1990 - 2009	Vacant	N/A	None



**PREVIOUS OWNERS & OPERATORS LIST**  
**157 Irving Gas Station and Lab Site**  
**157 Irving Avenue, Port Chester, New York 10573**

2010 – 2014	Parking	N/A	None
2014 - Present	Food Universe Marketplace (Parking Lot) Address: c/o Irving Food Corp. 155 Irving Avenue Port Chester, New York 10573 Phone: (917) 660-2983	Active	Current Tenant/ None

**PREVIOUS OWNERS & OPERATORS LIST**  
**157 Irving Gas Station and Lab Site**  
**157 Irving Avenue, Port Chester, New York 10573**

<b>Year</b>	<b>Contact Information</b> <b>Portion of 157 Irving Avenue (142.22-2-80)</b> <b>Former 9 Palace Place (142.22-2-58)</b>	<b>Status</b>	<b>Relation to Requestor</b>
Unknown – 1943	Thomas J. Cullen Address: N/A Phone: N/A	Deceased	None
1943 – 1944	Maria Tartaglia Address: N/A Phone: N/A	Deceased	None
1944 – 1946	Paul Tartaglia and Maria Tartaglia Address: N/A Phone: N/A	Deceased	None
1946 – 1947	Morton B. Kohn Address: Unknown Phone: Unknown	Unknown	None
1947 – 1949	Rex Oil Company, Inc. Address: c/o 271 North Avenue, Room 110 New Rochelle, New York 10801 Phone: Unknown	Active	None
1949 – 1954	John M. Leonard and Evelyn V. Leonard Address: Unknown Phone: Unknown	Unknown	None
1954 – 2002	Edward L. Keeler Address: N/A Phone: N/A	Deceased	None
2002 – 2003	Carrie L. Keeler Address: N/A Phone: N/A	Deceased	None
2003 – 2023	Jorge Rivera and Juana Rivera Address: 47 E. Broadway Port Chester, New York 10573 Phone: (914) 934-7695	Active	None
2/27/2023 – Present	Irving Owner, LLC Address: 146 East 37 Street New York, New York 10016 Phone: (212) 229-0538	Active	None
<b>Operator</b>			
1915 – Present	Dwelling	N/A	None
1962	Mark Luella Address: Unknown Phone: Unknown	Unknown	None
1962 - 2009	Edward Keeler Address: N/A Phone: N/A	Deceased	None
1972	Mary Daniels Address: Unknown Phone: Unknown	Unknown	None
1982 - 1992	Susan Hodges Address: Unknown Phone: Unknown	Unknown	None
2005	Jose Alvarez Address: Unknown Phone: Unknown	Unknown	None
2005	Carlos Ventura Address: Unknown Phone: Unknown	Unknown	None
2005 – 2010	Evelyn Armstrong Address: Unknown Phone: Unknown	Unknown	None
2005 - 2010	Jose Reyes Address: N/A Phone: N/A	Deceased	None
2005 - 2017	Jorge Rivera Address: 47 E. Broadway Port Chester, New York 10573 Phone: (914) 934-7695		

**PREVIOUS OWNERS & OPERATORS LIST**  
**157 Irving Gas Station and Lab Site**  
**157 Irving Avenue, Port Chester, New York 10573**

2010	Sergio Delacruz Address: Unknown Phone: Unknown	Unknown	None
2010	Jose Garcia Address: Unknown Phone: Unknown	Unknown	None
2010	Maria Ventura Address: Unknown Phone: Unknown	Unknown	None
2014	Heidi Guevara Address: Unknown Phone: Unknown	Unknown	None
2017	Jason Keeler Address: Unknown Phone: Unknown	Unknown	None
2023 – Present	Vacant (two-story residential home)	N/A	None

**PREVIOUS OWNERS & OPERATORS LIST**  
**157 Irving Gas Station and Lab Site**  
**157 Irving Avenue, Port Chester, New York 10573**

<b>Year</b>	<b>Contact Information</b> <b>Portion of 157 Irving Avenue (142.22-2-80)</b> <b>Former 155 Irving Avenue (142.22-2-59)</b>	<b>Status</b>	<b>Relation to Requestor</b>
Unknown - 1925	Elizabeth M. Ryan (Portion F/K/A 18IA) Address: N/A Phone: N/A	Deceased	None
Unknown – 1951	Lavery-Tiernan Auto Sales, Inc., Richard J. Lavery, Marjorie M. Lavery Tiernan, Jean H. Lavery and Edward J. Lavery (Last Will and Testament) (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: Unknown Phone: Unknown	Inactive	None
1951 - 1963	Sonotone Corporation (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: Unknown Phone: Unknown	Inactive	None
1963 - 1970	James M. Fetherolf and Elosie C. Fetherolf (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: N/A Phone: N/A	Deceased	None
1970 – 1970	Greenwillow Equities, Inc. (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: 540 Madison Avenue Phone: Unknown New York, New York 10022	Inactive	None
1970 - 1974	Julian L. Marwell (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: N/A Phone: N/A	Deceased	None
1974 - 1986	Cornelia Properties, Inc. (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: c/o Simon J. Hauser Phone: Unknown 41 East 57 <sup>th</sup> Street New York, New York 10022	Inactive	None
1925 - 1987	The Village of Port Chester (Portion F/K/A 18IA) Address: 222 Grace Church Street Phone: (914) 939-5200 Port Chester, New York 10573	Active	None
1987 – 1987	Cornelia Properties, Inc (Portion F/K/A 18IA) Address: c/o Simon J. Hauser Phone: Unknown 41 East 57 <sup>th</sup> Street New York, New York 10022	Inactive	None
1986/1987 - 1996	Stanford Miller Address: c/o Rosco (Chairman of the Board) Phone: (203) 708-8900 52 Harbor View Stamford, CT 06902	Active	None
1996 - 2016	155 Irving Avenue LLC (F/K/A 155 Irving, LLC, name change in 2010) Address: c/o Games Sportswear LTD Phone: (914) 962-1701 1401 Front Street Yorktown Heights, New York 10598	Active	None
2016 - 2022	155 Irving Realty LLC Address: 155 Irving Avenue Phone: Unknown Port Chester, New York 10573	Active	None
12/21/2022 – Present	Irving Owner LLC Address: 146 East 37 Street Phone: (212) 229-0538 New York, New York 10016	Active	None
<b>Operator</b>			
1919	Vacant	N/A	None
1934	Garage (Capacity 86 Cars)	N/A	None

**PREVIOUS OWNERS & OPERATORS LIST**  
**157 Irving Gas Station and Lab Site**  
**157 Irving Avenue, Port Chester, New York 10573**

1942 - 1950	Lavery Garage Address: Unknown Phone: Unknown	Inactive	None
1962	Sonotone Crop. Address: Unknown Phone: Unknown	Inactive	None
1972 - 1982	Marline Displays Address: Unknown Phone: Unknown	Inactive	None
1990 – 1996	Rosco Acquisition Corporation/ Rosco Laboratories Inc. Address: 52 Harbor View Avenue Stamford, CT 06902 Phone: (203) 708-8900	Active	None
2000 - 2005	Michael Brent Publications Inc. Address: c/o Ruth Roberts 70 Winding Wood Road South Port Chester, New York 10573 Phone: Unknown	Active	None
2014	That Discount Place Address: Unknown Phone: (914) 305-6750	Inactive	None
2005 - 2017	Game Sportswear LTD Address: c/o Andrea Cancellieri 1401 Front Street Yorktown Heights, New York 10598 Phone: (914) 96201701	Active	None
2014 - Present	Food Universe Marketplace Address: c/o Irving Food Corp. 155 Irving Avenue Port Chester, New York 10573 Phone: (917) 660-2983	Active	Current Tenant/ None



**PREVIOUS OWNERS & OPERATORS LIST**  
**157 Irving Gas Station and Lab Site**  
**157 Irving Avenue, Port Chester, New York 10573**

<b>Year</b>	<b>Contact Information</b> <b>Portion of 157 Irving Avenue (142.22-2-80)</b> <b>Former N/A North Pearl Street (142.22-2-60)</b>	<b>Status</b>	<b>Relation to Requestor</b>
Unknown - 1925	Elizabeth M. Ryan (Portion F/K/A 18IA) Address: N/A Phone: N/A	Deceased	None
Unknown – 1951	Lavery-Tiernan Auto Sales, Inc., Richard J. Lavery, Marjorie M. Lavery Tiernan, Jean H. Lavery and Edward J. Lavery (Last Will and Testament) (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: Unknown Phone: Unknown	Inactive	None
1951 - 1963	Sonotone Corporation (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: Unknown Phone: Unknown	Inactive	None
1963 - 1970	James M. Fetherolf and Elosie C. Fetherolf (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: N/A Phone: N/A	Deceased	None
1970 – 1970	Greenwillow Equities, Inc. (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: 540 Madison Avenue Phone: Unknown New York, New York 10022	Inactive	None
1970 - 1974	Julian L. Marwell (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: N/A Phone: N/A	Deceased	None
1974 - 1986	Cornelia Properties Inc. (Portion F/K/A 18E, 18F, 18G, 18H2, 18IB, and 18M-2) Address: c/o Simon J. Hauser 41 East 57th Street Phone: Unknown New York, New York 10022	Inactive	None
1925 - 1987	The Village of Port Chester (Portion F/K/A 18IA) Address: 222 Grace Church Street Phone: (914) 939-5200 Port Chester, New York 10573	Active	None
1987 – 1987	Cornelia Properties Inc. (Portion F/K/A 18IA) Address: c/o Simon J. Hauser 41 East 57 <sup>th</sup> Street Phone: Unknown New York, New York 10022	Inactive	None
1986/1987 - 1996	Stanford Miller Address: c/o Rosco (Chairman of the Board) 52 Harbor View Phone: (203) 708-8900 Stamford, CT 06902	Active	None
1996 - 2016	155 Irving Avenue LLC (F/K/A 155 Irving, LLC, name change in 2010) Address: c/o Game Sportswear LTD 1401 Front Street Phone: (914) 962-1701 Yorktown Heights, New York 10598	Active	None
2016 - 2022	155 Irving Realty LLC Address: 155 Irving Avenue Phone: Unknown Port Chester, New York 10573	Active	None
12/21/2022 – Present	Irving Owner LLC Address: 146 East 37 Street Phone: (212) 229-0538 New York, New York 10016	Active	None
<b>Operator</b>			
1919	Auto	N/A	None
1919 – 1934	Vacant	N/A	None

**PREVIOUS OWNERS & OPERATORS LIST**  
**157 Irving Gas Station and Lab Site**  
**157 Irving Avenue, Port Chester, New York 10573**

1934 – 1950	Gas Station Address: Unknown Phone: Unknown	Unknown	None
1990 – 2014	Parking	N/A	None
2014 - Present	Food Universe Marketplace (Parking Lot) Address: c/o Irving Food Corp. 155 Irving Avenue Port Chester, New York 10573 Phone: (917) 660-2983	Active	Current Tenant/ None

# **EXHIBIT G**



Department of  
Environmental  
Conservation

## Spill Incidents Database Search Details

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### Spill Record

#### Administrative Information

**DEC Region:** 3

**Spill Number:** 0608011

#### Spill Date/Time

**Spill Date:** 10/13/2006 **Spill Time:** 12:00:00 PM

**Call Received Date:** 10/13/2006 **Call Received Time:** 03:55:00 PM

#### Location

**Spill Name:** COMMERCIAL PROPERTY

**Address:** 155 IRVING AVE

**City:** PORT CHESTER **County:** Westchester

#### Spill Description

**Material Spilled** Amount Spilled Resource Affected

#2 fuel oil UNKNOWN Soil

**Cause:** Other

**Source:** Commercial/Industrial

**Waterbody:**

#### Record Close

**Date Spill Closed:** 11/05/2009

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Refine This Search](#)

---





# NYSDEC SPILL REPORT FORM



DEC REGION: 3 SPILL NUMBER: 0608011  
SPILL NAME: COMMERCIAL PROPERTY DEC LEAD: jkomara  
SPILL DATE: 10/13/2006 SPILL TIME: 12:00 pm  
CALL RECEIVED DATE: 10/13/2006 RECEIVED TIME: 3:55 pm

## SPILL LOCATION

PLACE: COMMERCIAL PROPERTY COUNTY: Westchester  
STREET: 155 IRVING AVE TOWN/CITY: Rye  
COMMUNITY: PORT CHESTER  
CONTACT: ENRICO GENOVEVE CONTACT PHONE: (914) 347-3356

CONT. FACTOR: Other SPILL REPORTED BY: Local Agency  
FACILITY TYPE: Commercial/Industrial WATERBODY:

## CALLER REMARKS:

DURING EXCAVATION OF GROUND, UNDERGROUND OIL TANKS WERE DICOVERD ALONG WITH CONTAMINATE SOIL:

MATERIAL	CLASS	SPILLED	RECOVERED	RESOURCES AFFECTED
#2 fuel oil	Petroleum		0 G	Soil,

## POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
COMMERCIAL PROPERTY	155 IRVING AVE PORT CHESTER NY 10573	ENRICO GENOVEVE (914) 347-3356

Tank No.	Tank Size	Material	Cause	Source	Test Method	Leak Rate	Gross Failure
----------	-----------	----------	-------	--------	-------------	-----------	---------------

## DEC REMARKS:

Inactive PBS site: 3-515310

11/05/09 reviewed TCR by WCHD NFA JO'M

PIN

T & A

COST CENTER

CLASS: C3 CLOSE DATE: 11/05/2009 MEETS STANDARDS: False



Department of  
Environmental  
Conservation

## Spill Incidents Database Search Details

---

### Spill Record

#### Administrative Information

**DEC Region:** 3

**Spill Number:** 9010372

#### Spill Date/Time

**Spill Date:** 12/08/1990 **Spill Time:** 12:00:00 PM

**Call Received Date:** 12/26/1990 **Call Received Time:** 11:42:00 AM

#### Location

**Spill Name:** ROSCOE LABS INC

**Address:** 155 IRVING AVE

**City:** PORT CHESTER **County:** Westchester

#### Spill Description

**Material Spilled** Amount Spilled Resource Affected

#2 fuel oil UNKNOWN Soil

**Cause:** Tank Test Failure

**Source:** Commercial/Industrial

**Waterbody:**

#### Record Close

**Date Spill Closed:** 01/22/1991

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Refine This Search](#)

---



# NYSDEC SPILL REPORT FORM



DEC REGION:	3	SPILL NUMBER:	9010372
SPILL NAME:	ROSCOE LABS INC	DEC LEAD:	WXWADSWO
SPILL DATE:	12/08/1990	SPILL TIME:	12:00 pm
CALL RECEIVED DATE:	12/26/1990	RECEIVED TIME:	11:42 am

## SPILL LOCATION

PLACE:	ROSCOE LABS INC	COUNTY:	Westchester
STREET:	155 IRVING AVE	TOWN/CITY:	**** Unknown ****
		COMMUNITY:	PORT CHESTER
CONTACT:		CONTACT PHONE:	

CONT. FACTOR:	Tank Test Failure	SPILL REPORTED BY:	Responsible Party
FACILITY TYPE:	Commercial/Industrial	WATERBODY:	

### CALLER REMARKS:

ERM USED "PROTEST" CO.TO TEST TANK TOP OF TANK WAS EXCAVATED LEAK FOUND IN MANHOLE COVER GASKET WILL CLEAN REPAIR AND RETEST TANK WILL CAL BACK WITH RETEST RESULTS

MATERIAL	CLASS	SPILLED	RECOVERED	RESOURCES AFFECTED
#2 fuel oil	Petroleum	0 L	0 L	Soil,

## POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
SAME	NY	

Tank No.	Tank Size	Material	Cause	Source	Test Method	Leak Rate	Gross Failure
	0	#2 fuel oil (on-site )			00	0.00	

### DEC REMARKS:

Prior to Sept, 2004 data translation this spill Lead\_DEC Field was "WADSWORTH"  
01/22/91: TANK PASSED RETEST.

09/27/95: This is additional information about material spilled from the translation of the old spill file: TANK TEST.

<u>PIN</u>	<u>T &amp; A</u>	<u>COST CENTER</u>
------------	------------------	--------------------

CLASS:	D4	CLOSE DATE:	01/22/1991	MEETS STANDARDS:	True
--------	----	-------------	------------	------------------	------



Department of  
Environmental  
Conservation

## Spill Incidents Database Search Details

---

### Spill Record

#### Administrative Information

**DEC Region:** 3

**Spill Number:** 9607875

#### Spill Date/Time

**Spill Date:** 09/23/1996 **Spill Time:** 06:00:00 PM

**Call Received Date:** 09/24/1996 **Call Received Time:** 09:46:00 AM

#### Location

**Spill Name:** ROSCO LAB INC

**Address:** 155 IRVING AVE

**City:** PORT CHESTER **County:** Westchester

#### Spill Description

Material Spilled	Amount Spilled	Resource Affected
unknown non-petro/non-haz material	60 Gal.	Soil

**Cause:** Housekeeping

**Source:** Non Major Facility > 1,100 gal

**Waterbody:**

#### Record Close

**Date Spill Closed:** 09/24/1996

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Refine This Search](#)

---





# NYSDEC SPILL REPORT FORM



DEC REGION: 3 SPILL NUMBER: 9607875  
SPILL NAME: ROSCO LAB INC DEC LEAD: tdghiosa  
SPILL DATE: 09/23/1996 SPILL TIME: 6:00 pm  
CALL RECEIVED DATE: 09/24/1996 RECEIVED TIME: 9:46 am

## SPILL LOCATION

PLACE: ROSCO LAB INC COUNTY: Westchester  
STREET: 155 IRVING AVE TOWN/CITY: \*\*\*\*\* Unknown \*\*\*\*\*  
CONTACT: MARK ENGEL COMMUNITY: PORT CHESTER  
CONTACT PHONE: (914) 937-1300 212

CONT. FACTOR: Housekeeping SPILL REPORTED BY: Health Department  
FACILITY TYPE: Non Major Facility > 1,100 gal WATERBODY:

### CALLER REMARKS:

company was rinsing out chemical vats and residue in vat caused  
spill - spill of "roscoe fog fluid" - spill area sanded - this  
is a non haz. material used in theaters to create fog- product  
not recoverable

MATERIAL	CLASS	SPILLED	RECOVERED	RESOURCES AFFECTED
unknown non-petro/non-haz material	Other	60 G	0 G	Soil,

## POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
ROSCO LAB INC	155 IRVING AVE PORT CHESTER NY 13207-	MARK ENGEL
		(914) 937-1300 212

Tank No.	Tank Size	Material	Cause	Source	Test Method	Leak Rate	Gross Failure
----------	-----------	----------	-------	--------	-------------	-----------	---------------

### DEC REMARKS:

Prior to Sept, 2004 data translation this spill Lead\_DEC Field was "GHIOSAY"

PIN

T & A

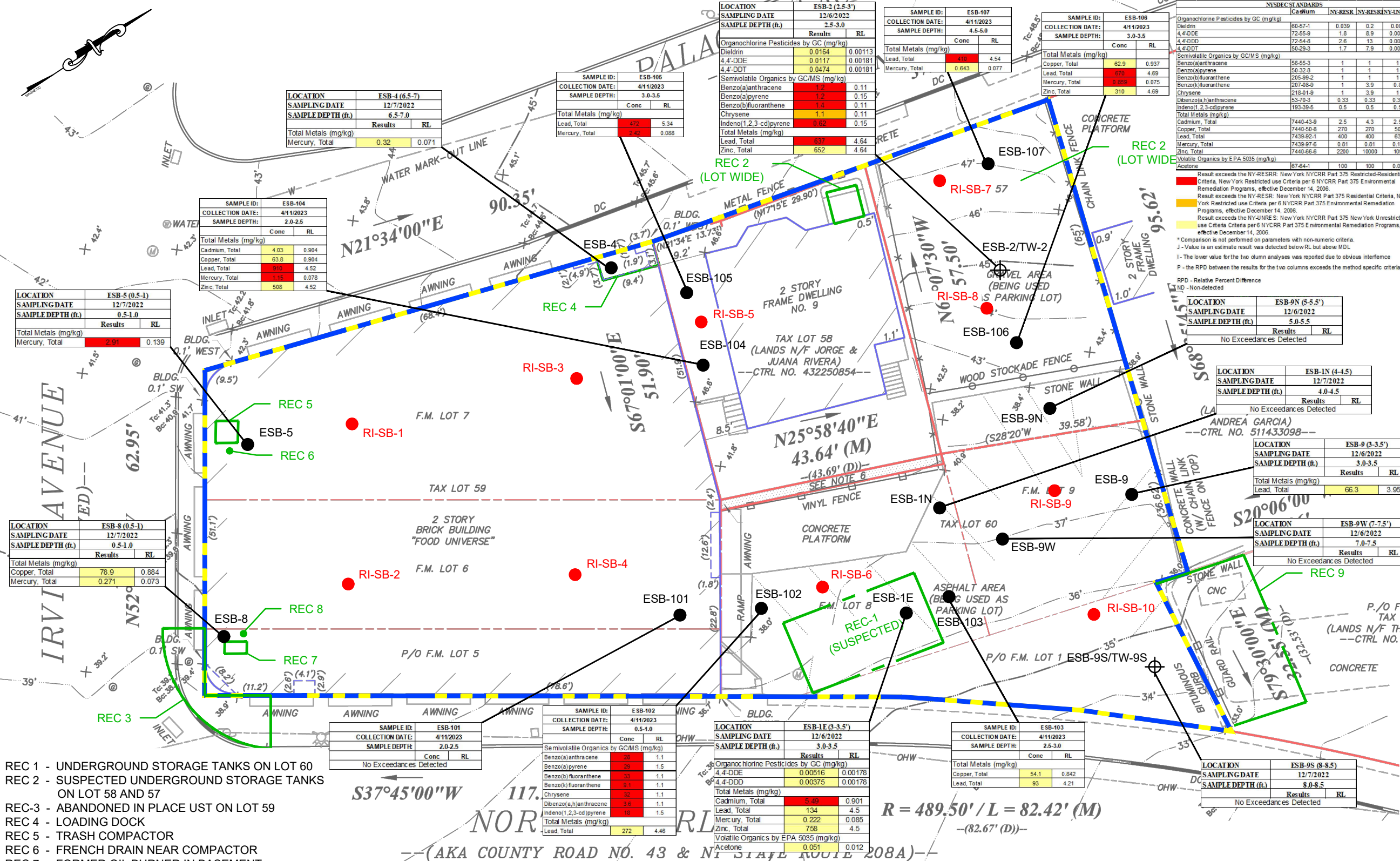
COST CENTER

CLASS: C4 CLOSE DATE: 09/24/1996 MEETS STANDARDS: True

Created On: 09/24/1996

Date Printed: 11/1/2022

Last Updated: 01/22/2001



- REC 1 - UNDERGROUND STORAGE TANKS ON LOT 60  
REC 2 - SUSPECTED UNDERGROUND STORAGE TANKS  
ON LOT 58 AND 57  
REC-3 - ABANDONED IN PLACE UST ON LOT 59  
REC 4 - LOADING DOCK  
REC 5 - TRASH COMPACTOR  
REC 6 - FRENCH DRAIN NEAR COMPACTOR  
REC 7 - FORMER OIL BURNER IN BASEMENT  
REC 8 - BREACHED SLAB IN BASEMENT  
REC 9 - ADJACENT UST FIELD

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

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

## REFERENCE

1. EXIST CONDITIONS & BOUNDARY ARE TAKEN FROM "ALTA/ACSM LAND TITLE SURVEY" PREPARED BY BEHAR SURVEYING ASSOCIATES, PC. DATED AUG. 15, 2022.

LEGEND:

- 
- SITE BOUNDARY
  - BUILDING OUTLINE
  - LOT LINE
  - REC AREA

- ESB-1E - PHASE II SOIL BORING LOCATION  
 ESB-2/TW-2 - PHASE II SOIL BORING & TEMP. WELL LOCATION  
 RI-SB-10 - PROPOSED RI SOIL BORING LOCATION

**project:**

job no: 12653A  
drawing no:

# FIG 3.1

**SESI** CONSULTING ENGINEERS

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

## PROPOSED SOIL SAMPLE LOCATION PLAN WITH PREVIOUS RESULTS

title:

157 IRVING AVENUE  
PORT CHESTER, NY

dwg by: AW

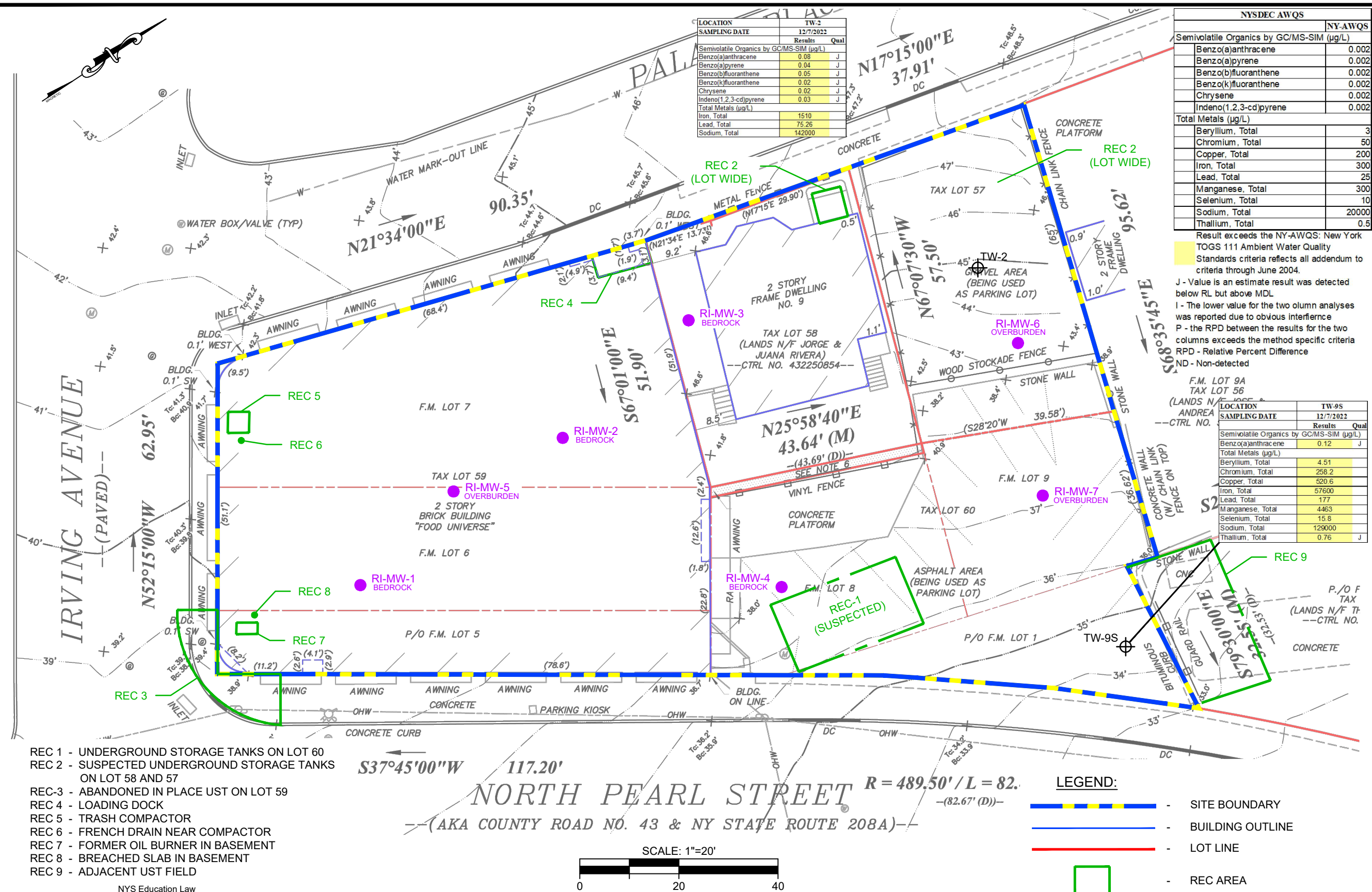
chk by: NG

scale: AS NOTED

date: 01/12/2023



N:\ACAD\12653\CAD\12653A.DWG.TAX MAP-SITE PLAN.DWG 01/18/24 08:15:12AM, plan.ward, LAYOUT:FIG 3.2 PROPOSED GW SAMPLE LOC PLAN & RESULTS



- REC 1 - UNDERGROUND STORAGE TANKS ON LOT 60  
REC 2 - SUSPECTED UNDERGROUND STORAGE TANKS ON LOT 58 AND 57  
REC 3 - ABANDONED IN PLACE UST ON LOT 59  
REC 4 - LOADING DOCK  
REC 5 - TRASH COMPACTOR  
REC 6 - FRENCH DRAIN NEAR COMPACTOR  
REC 7 - FORMER OIL BURNER IN BASEMENT  
REC 8 - BREACHED SLAB IN BASEMENT  
REC 9 - ADJACENT UST FIELD

**NYS Education Law**  
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**NOTE:**  
THIS PLAN IS FOR LOCATING SITE BOUNDARY ONLY.  
OTHER SITE WORK SHOWN HERE IS NOT INTENDED FOR CONSTRUCTION.

**REFERENCE**  
1. EXIST CONDITIONS & BOUNDARY ARE TAKEN FROM "ALTA/ACSM LAND TITLE SURVEY" PREPARED BY BEHAR SURVEYING ASSOCIATES, PC. DATED AUG. 15, 2022.

dwg by: AW

chk by: NG

scale: AS NOTED

date: 01/12/2024

**SESI CONSULTING ENGINEERS**

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

157 IRVING AVENUE  
PORT CHESTER, NY

**PROPOSED MONITORING WELL LOCATION PLAN WITH PREVIOUS RESULTS**

project:

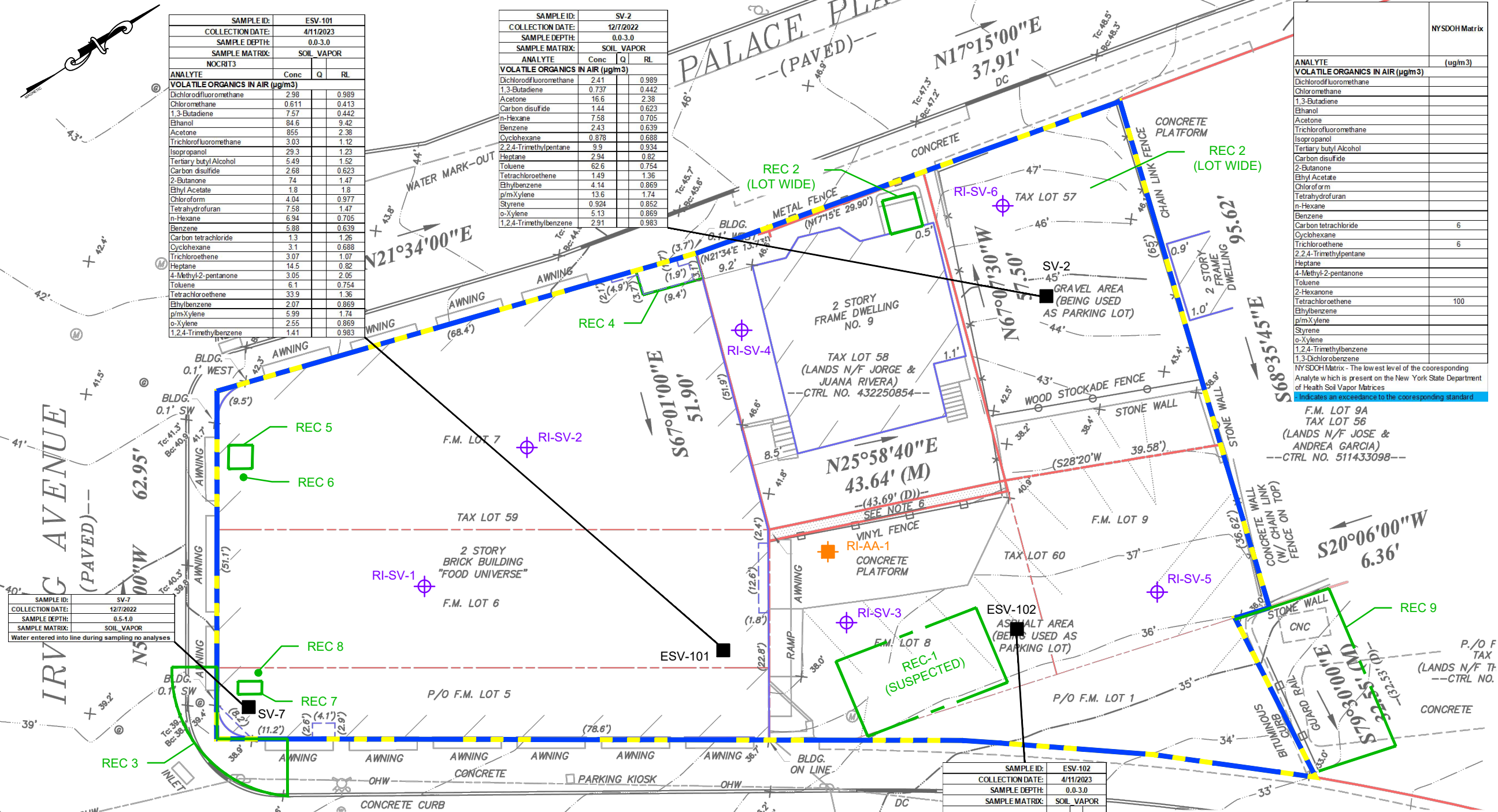
title:

job no: 12653A  
drawing no:

**FIG 3.2**



N:\ACAD\12653\CAD\12653A.DWG.TAX MAP-SITE PLAN.DWG 01/18/24 10:00:51AM, plan.ward, LAYOUT:FIG 3.3 SV SAMPLE AND CONCENTRATION PLAN



- REC 1 - UNDERGROUND STORAGE TANKS ON LOT 60  
REC 2 - SUSPECTED UNDERGROUND STORAGE TANKS ON LOT 58 AND 57  
REC 3 - ABANDONED IN PLACE UST ON LOT 59  
REC 4 - LOADING DOCK  
REC 5 - TRASH COMPACTOR  
REC 6 - FRENCH DRAIN NEAR COMPACTOR  
REC 7 - FORMER OIL BURNER IN BASEMENT  
REC 8 - BREACHED SLAB IN BASEMENT  
REC 9 - ADJACENT UST FIELD

NYS Education Law  
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NOTE:  
THIS PLAN IS FOR LOCATING SITE BOUNDARY ONLY.  
OTHER SITE WORK SHOWN HERE IS NOT INTENDED FOR CONSTRUCTION.

REFERENCE

1. EXIST CONDITIONS & BOUNDARY ARE TAKEN FROM "ALTA/ACSM LAND TITLE SURVEY" PREPARED BY BEHAR SURVEYING ASSOCIATES, PC. DATED AUG. 15, 2022.

SAMPLE ID:		SV-2	
COLLECTION DATE:		12/7/2022	
SAMPLE DEPTH:		0.0-3.0	
SAMPLE MATRIX:		SOIL VAPOR	
ANALYTE	Conc	Q	RL
VOLATILE ORGANICS IN AIR (µg/m3)			
Dichlorodifluoromethane	2.41	0.989	
1,3-Butadiene	0.737	0.442	
Acetone	16.6	2.38	
Carbon disulfide	1.44	0.623	
n-Hexane	7.58	0.705	
Benzene	2.43	0.639	
Cyclohexane	0.878	0.688	
2,2,4-Trimethylpentane	9.9	0.934	
Heptane	2.94	0.82	
Toluene	62.6	0.754	
Tetrachloroethene	1.49	1.36	
Ethylbenzene	4.14	0.869	
p/m-Xylene	13.6	1.74	
Styrene	0.924	0.852	
o-Xylene	5.13	0.869	
1,2,4-Trimethylbenzene	2.91	0.983	

SAMPLE ID:		ESV-101	
COLLECTION DATE:		4/11/2023	
SAMPLE DEPTH:		0.0-3.0	
SAMPLE MATRIX:		SOIL VAPOR	
NOCRT3			
ANALYTE	Conc	Q	RL
VOLATILE ORGANICS IN AIR (ug/m3)			
Dichlorodifluoromethane	2.98		0.989
Chloromethane	0.611		0.413
1,3-Butadiene	7.57		0.442
Ethanol	84.6		9.42
Acetone	855		2.38
Trichlorofluoromethane	3.03		1.12
Isopropanol	29.3		1.23
Tertiary butyl Alcohol	5.49		1.52
Carbon disulfide	2.68		0.623
2-Butanone	74		1.47
Ethyl Acetate	1.8		1.8
Chloroform	4.04		0.977
Tetrahydrofuran	7.58		1.47
n-Hexane	6.94		0.705
Benzene	5.88		0.639
Carbon tetrachloride	1.3		1.26
Cyclohexane	3.1		0.688
Trichloroethene	3.07		1.07
Heptane	14.5		0.82
4-Methyl-2-pentanone	3.05		2.05
Toluene	6.1		0.754
Tetrachloroethene	33.9		1.36
Ethylbenzene	2.07		0.869
p/m-Xylene	5.99		1.74
o-Xylene	2.55		0.869
1,2,4-Trimethylbenzene	1.41		0.983

SAMPLE ID:		ESV-102	
COLLECTION DATE:		4/11/2023	
SAMPLE DEPTH:		0.0-3.0	
SAMPLE MATRIX:		SOIL VAPOR	
ANALYTE	Conc	Q	RL
VOLATILE ORGANICS IN AIR (ug/m3)			
Dichlorodifluoromethane	2.36	0.989	
Chloromethane	0.894	0.413	
1,3-Butadiene	7.19	0.442	
Ethanol	74.2	9.42	
Acetone	653	2.38	
Trichlorofluoromethane	1.19	1.12	
Isopropanol	16.9	1.23	
Tertiary butyl Alcohol	5.67	1.52	
Carbon disulfide	10.7	0.623	
2-Butanone	67.2	1.47	
Chloroform	1.32	0.977	
Tetrahydrofuran	3.78	1.47	
n-Hexane	9.34	0.705	
Benzene	3.96	0.639	
Cyclohexane	3.39	0.688	
2,2,4-Trimethylpentane	3.19	0.934	
Heptane	7.25	0.82	
4-Methyl-2-pentanone	4.18	2.05	
Toluene	7.16	0.754	
2-Hexanone	6.11	0.82	
Tetrachloroethene	45.6	1.36	
Ethylbenzene	1.55	0.869	
p-m-Xylene	5.82	1.74	
o-Xylene	2.28	0.869	
1,2,4-Trimethylbenzene	2.05	0.983	
1,3-Dichlorobenzene	2.02	1.2	

ANALYTE		NYSDOH Matrix
VOLATILE ORGANICS IN AIR (ug/m3)		(ug/m3)
Dichlorodifluoromethane		
Chloromethane		
1,3-Butadiene		
Ethanol		
Acetone		
Trichlorofluoromethane		
Isopropanol		
Tertiary butyl Alcohol		
Carbon disulfide		
2-Butanone		
Ethyl Acetate		
Chloroform		
Tetrahydrofuran		
n-Hexane		
Benzene		
Carbon tetrachloride		6
Cyclohexane		
Trichloroethene		6
2,2,4-Trimethylpentane		
Heptane		
4-Methyl-2-pentanone		
Toluene		
2-Hexanone		
Tetrachloroethene		100
Ethylbenzene		
p/m-Xylene		
Styrene		
o-Xylene		
1,2,4-Trimethylbenzene		
1,3-Dichlorobenzene		
NYSDOH Matrix - The lowest level of the corresponding Analyte which is present on the New York State Department of Health Soil Vapor Matrices		
Indicates an exceedance to the corresponding standard		

F.M. LOT 9A  
TAX LOT 56  
(LANDS N/F JOSE &  
ANDREA GARCIA)  
---CTRL NO. 511433098---

dwg by: AW  
chk by: NG  
scale: AS NOTED  
date: 01/12/2024

SESI CONSULTING ENGINEERS

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

157 IRVING AVENUE  
PORT CHESTER, NY

PROPOSED SOIL VAPOR SAMPLE  
LOCATION PLAN WITH PREVIOUS  
RESULTS

project:

title:

job no: 12653A  
drawing no:

FIG 3.3



# **EXHIBIT H**

# Department of State

## Division of Corporations

### Entity Information

Return to Results

Return to Search

Entity Details



**ENTITY NAME:** IRVING OWNER LLC  
**DOS ID:** 6616772  
**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:** 10/17/2022  
**REASON FOR STATUS:**  
**EFFECTIVE DATE INITIAL FILING:** 10/17/2022  
**INACTIVE DATE:**  
**FOREIGN FORMATION DATE:**  
**STATEMENT STATUS:** CURRENT  
**COUNTY:** WESTCHESTER  
**NEXT STATEMENT DUE DATE:** 10/31/2024  
**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/O TITANIUM REALTY GROUP  
**Address:** 146 E 37TH STREET, NEW YORK, NY, UNITED STATES, 10016

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:**

Address:

Entity Primary Location Name and Address

Name:

Address:

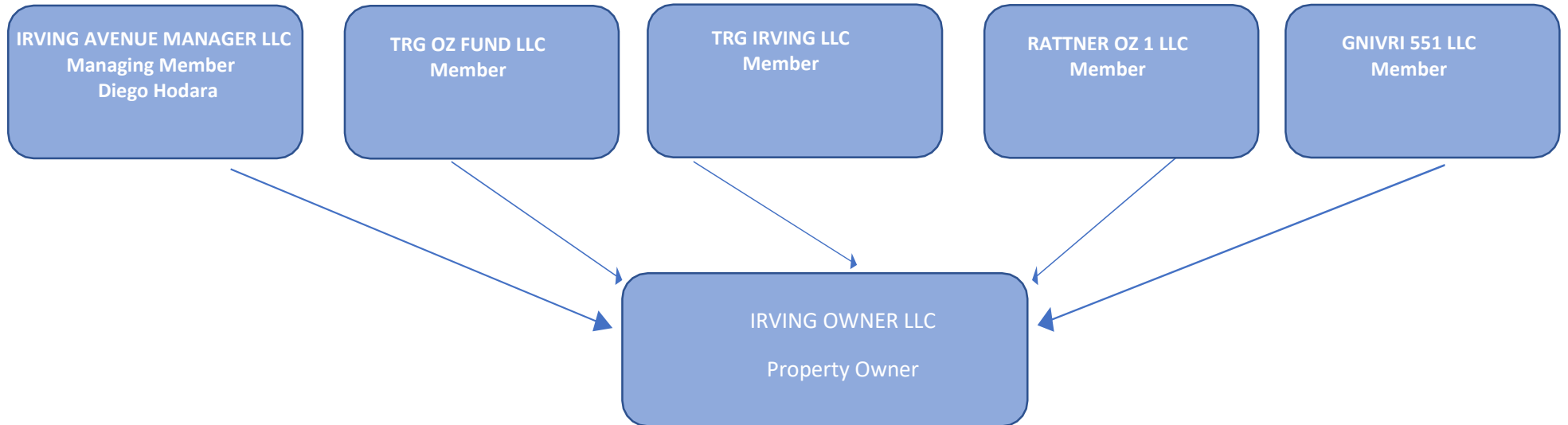
Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share

Irving Owner LLC  
Organizational Chart  
12-19-2023



# **Exhibit I**



## WRITTEN CONSENT

The undersigned, being a Member of Irving Owner LLC, does hereby certify as follows:

1. Irving Owner LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at 155 Irving Avenue, Port Chester, New York 10573 (142.22-2-57, 142.22-2-58, 142.22-2-59 and 142.22-2-60 (collectively the “BCP Site”).

2. The following person, Diego Hodara, the Managing Member of Irving Avenue Manager LLC, which is the Managing Member of Irving Owner LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer Irving Owner LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 8th day of February, 2024.

Irving Owner LLC

A handwritten signature in black ink, appearing to read 'RCM', is written over a horizontal line.

Name: Rosemarie Caiola Musacchia

Title: Member

# **Exhibit J**

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.



\*630523006DED001P\*

## Westchester County Recording & Endorsement Page

### Submitter Information

Name: DATA TRACE TITLE Phone: 718-797-5444  
Address 1: 3000 MARCUS AVENUE, STE 2W02 Fax: 718-766-1156  
Address 2: Email: nyrecordingdept@redvision.com  
City/State/Zip: LAKE SUCCESS NY 11241 Reference for Submitter: ATLANTIC REALTY #9299W

### Document Details

Control Number: **630523006** Document Type: **Deed (DED)**  
Package ID: 2023022100003001002 Document Page Count: **3** Total Page Count: **4**

### Parties

☐ Additional Parties on Continuation page

#### 1st PARTY

1: RIVERA JORGE  
2: RIVERA JUANA

- Individual  
- Individual

1: IRVING OWNER LLC  
2:

- Other

#### 2nd PARTY

### Property

☐ Additional Properties on Continuation page

Street Address: 9 PALACE PLACE  
City/Town: RYE TOWN

Tax Designation: 142.22-2-58  
Village: PORT CHESTER

### 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: \$20.00  
Cross-Reference Fee: \$0.00  
Mortgage Affidavit Filing Fee: \$0.00  
RP-5217 Filing Fee: \$125.00  
TP-584 Filing Fee: \$5.00  
RPL 291 Notice Fee: \$10.00  
Total Recording Fees Paid: **\$200.00**

### Transfer Taxes

Consideration: \$1,200,000.00  
Transfer Tax: \$4,800.00  
Mansion Tax: \$12,000.00  
Transfer Tax Number: 9750

### 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: 03/13/2023 at 02:20 PM  
Control Number: **630523006**  
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

CHIESA SHAHINIAN & GIANTOMASI PC  
105 EISENHOWER PARKWAY

ROSELAND, NY 07068  
Attn: ATTN: PHILIP A MARKOWITZ, ESQ

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

THIS INDENTURE, made the 27<sup>th</sup> day of February, in the year 2023

BETWEEN Jorge Rivera and Juana Rivera, residing at 9 Palace Place, Port Chester, NY 10573

party of the first part, and Irving Owner, LLC, located at 146 E 37<sup>th</sup> Street, New York, NY 10016  
party of the second part,

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

ten (\$10.00) dollars

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

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village of Port Chester, Town of Rye, County of Westchester and State of New York, as is more particularly described in Schedule "A" attached hereto and made part hereof.

SEE SCHEDULE "A" ATTACHED HERTO

BEING and intended to be the same premises described in Deed dated April 28, 2003 and recorded on September 9, 2003 in the Westchester County Clerk's Office in Control # 432250854.

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

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

\_\_\_\_\_

Jorge N Rivera  
JORGE RIVERA

\_\_\_\_\_

Juana Rivera  
JUANA RIVERA

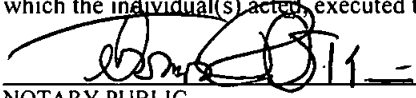


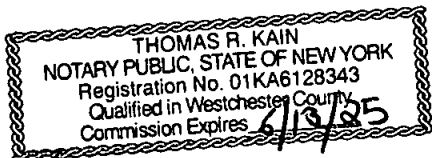


ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Westchester, ss:

On the 23rd day of February in the year 2023, before me, the undersigned, personally appeared JORGE RIVERA and JUANA RIVERA, 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



ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS  
TAKEN IN NEW YORK STATE

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

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in \_\_\_\_\_ (if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s) \_\_\_\_\_ to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said \_\_\_\_\_ execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto.

\_\_\_\_\_  
NOTARY PUBLIC

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Westchester, ss:

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

\_\_\_\_\_  
NOTARY PUBLIC

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK  
STATE

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

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual make such appearance before the undersigned in the \_\_\_\_\_ (add the city or political subdivision and the state or country or other place the acknowledgement was taken).


\_\_\_\_\_  
NOTARY PUBLIC

Bargain & Sale Deed  
With Covenants

RIVERA  
TO  
IRVING OWNER, LLC

Title No. 9299W

DISTRIBUTED BY



JUDICIAL TITLE

T: 800-281-TITLE F: 800-FAX-9396

COUNTY: Westchester  
TOWN/CITY: Rye  
PROPERTY ADDRESS: 9 Palace Place, Port Chester, NY 10573  
SECTION: 142.22  
BLOCK: 2  
LOT: 58

RETURN BY MAIL TO:

Attn.: Philip A. Markowitz, Esq.  
Chiesa Shahinian & Giantomasi PC  
105 Eisenhower Parkway  
Roseland, NY 07068

# ATLANTIC REALTY DATA CORPORATION

Agent for Stewart Title Insurance Company

TITLE No.: 9299W

February 13, 2023

## SCHEDULE A (Description)

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE VILLAGE OF PORT CHESTER, TOWN OF RYE, COUNTY OF WESTCHESTER AND STATE OF NEW YORK, AND BEING KNOWN AS A PORTION OF LOT NUMBER 8 ON A CERTAIN MAP FILED IN THE OFFICE OF THE REGISTER OF THE COUNTY OF WESTCHESTER (NOW DIVISION OF LAND RECORDS) MAY 31, 1922, AS MAP NUMBER 2406, ENTITLED, SUBDIVISION OF PROPERTY BELONGING TO WILLIAM RYAN, IN THE VILLAGE OF PORT CHESTER, NEW YORK" MADE BY F.S. ODELL ENGINEERING CORPORATION, AND WHICH SAID PORTION OF SAID LOT IS MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF PALACE PLACE AND WHICH POINT OF BEGINNING IS DISTANT 90.35 FEET AT A BEARING OF NORTH 21 DEGREES 34 MINUTES 00 SECONDS EAST FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHEASTERLY LINE OF PALACE PLACE WITH THE NORTHEASTERLY LINE OF IRVING AVENUE;

RUNNING THENCE ALONG THE EASTERLY LINE OF PALACE PLACE, AT A BEARING OF NORTH 21 DEGREES 34 MINUTES EAST, A DISTANCE OF 13.73 FEET, TO A BEND IN THE ROADWAY;

THENCE CONTINUING ON SAID ROADWAY, AT A BEARING OF NORTH 17 DEGREES 15 MINUTES EAST, A DISTANCE OF 29.90 FEET, TO A POINT AND CORNER ON THE DIVISION LINE BETWEEN LOTS 8 AND 9 ON THE AFOREMENTIONED FILED MAP (MAP NO. 2406);

THENCE LEAVING PALACE PLACE AND CONTINUING ON SAID DIVISION LINE, AT A BEARING OF SOUTH 67 DEGREES 07 MINUTES 30 SECONDS EAST, A MEASURED DISTANCE OF 59.50 FEET, TO A POINT AT A CONCRETE BANK WALL;

THENCE CONTINUING ON SAID CONCRETE BANK WALL, AT A BEARING OF SOUTH 25 DEGREES 58 MINUTES 40 SECONDS WEST, A MEASURED DISTANCE OF 44.17 FEET, TO A POINT ON THE DIVISION LINE OF LOT 6 & LOT 8 AS SHOWN ON SAID FILED MAP;

THENCE CONTINUING ON SAID DIVISION LINE, AT A BEARING OF NORTH 52 DEGREES 15 MINUTES 00 SECONDS WEST, A DISTANCE OF 2.00 FEET, TO A POINT AND CORNER OF LOTS 6, 7 & 8;

THENCE CONTINUING ON THE DIVISOIN LINE OF LOT 7 & LOT 8 ON SAID FILED MAP, AT A BEARING OF NORTH 67 DEGREES 01 MINUTES 00 SECONDS WEST, A DISTANCE OF 51.90 FEET, TO THE POINT AND PLACE OF BEGINNING.

THE POLICY TO BE ISSUED under this Commitment will insure the title to such buildings and improvements on the premises which by law constitute real property.

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

SCHEDULE A (Description)

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.



\*623393306DED002Z\*

## Westchester County Recording & Endorsement Page

### Submitter Information

Name: MIT National Land Services Phone: (212) 239-1000  
Address 1: One Penn Plaza, Suite 3406 Fax: (555) 555-5555  
Address 2: Email: gthorsen@mitnational.com  
City/State/Zip: New York NY 10119 Reference for Submitter: 6244659-MIT National Land Services

### Document Details

Control Number: **623393306** Document Type: **Deed (DED)**  
Package ID: 2022122200257001000 Document Page Count: **3** Total Page Count: **5**

### Parties

☐ Additional Parties on Continuation page

#### 1st PARTY

1: 155 IRVING REALTY LLC - Other  
2:

#### 2nd PARTY

1: IRVING OWNER LLC - Other  
2:

### Property

☒ Additional Properties on Continuation page

Street Address: 155 IRVING AVENUE Tax Designation: 142.22-2-59  
City/Town: RYE TOWN Village: PORT CHESTER

### 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: \$20.00  
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: **\$315.00**

### Transfer Taxes

Consideration: \$6,700,000.00  
Transfer Tax: \$26,800.00  
Mansion Tax: \$0.00  
Transfer Tax Number: 6862

### 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: 12/23/2022 at 09:40 AM  
Control Number: **623393306**  
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

Philip Markowitz, Esq.  
One Boland Drive

West Orange, NJ 07052

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.

\*623393306DED002Z\*

Westchester County Recording & Endorsement Page

Document Details

Control Number: <b>623393306</b>	Document Type: <b>Deed (DED)</b>
Package ID: 2022122200257001000	Document Page Count: 3      Total Page Count: 5

Properties Addendum

0 NORTH PEARL STREET 10573	RYE TOWN	PORT CHESTER	142.22 2 60
0 PALACE PL 10573	RYE TOWN	PORT CHESTER	142.22-2-57



THIS INDENTURE, made the 21<sup>st</sup> day of December, 2022

BETWEEN

155 IRVING REALTY LLC, with offices at 155 Irving Avenue, Port Chester, New York 10573

party of the first part, and

IRVING OWNER LLC, with offices at 146 East 37<sup>th</sup> Street, New York, New York 10016

party of the second part,

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

**SEE SCHEDULE "A" ANNEXED HERETO  
AND MADE A PART HEREOF.**

**BEING** and intended to be the same premises as conveyed to the party of the first part herein by deed dated August 4, 2016, and recorded on September 20, 2016 in Control Number 56202363.

**SAID PREMISES** being known and designated by the street address  
155 Irving Avenue, Port Chester, New York 10573

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

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


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

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

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

IN PRESENCE OF

155 IRVING REALTY LLC


  
BY: RAMON TORRES

*Moneys Mader*

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

On the 21<sup>st</sup> day of December, in the year 2022 before me, the undersigned personally appeared, **Ramon Torres**, 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.

ANDREW MERCADO  
Notary Public - State of New York  
No. 01ME6332841  
Qualified in Queens County  
My Commission Expires 11/09/2019

  
NOTARY PUBLIC

**BARGAIN AND SALE DEED**  
WITH COVENANT AGAINST GRANTOR'S ACTS  
TITLE NO.

155 IRVING REALTY LLC  
TO  
IRVING OWNER LLC

Section 142.22

Block 2

Lot 57, 59 and 60

County Westchester/Rye  
155 Irving Avenue  
Port Chester, NY 10573

RETURN BY MAIL TO

PHILIP A. MARKOWITZ  
ONE BOLAND DRIVE  
WEST ORANGE, NJ 07052

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

**First American Title Insurance Company**

**SCHEDULE A  
DESCRIPTION OF PREMISES**

**Title No.: NTS-500159-W-1**

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

BEGINNING at the corner formed by the northeasterly side of Irving Avenue with the northwesterly line of North Pearl Street;

THENCE from said point or place of beginning and along the northeasterly line of Irving Street and partially along the face of the building, North 52 degrees 15 minutes 00 seconds West a distance of 62.95 feet to a point;

THENCE along the southeasterly line of Palace Place and partially along the face of a building, North 21 degrees 34 minutes 00 seconds East a distance of 90.35 feet to the corner of the building that is located on the herein described parcel;

THENCE along the lands reputedly of Rivera the following four courses and distances:

- 1) Along the face of the building on the herein described property, South 67 degrees 01 minutes 00 seconds East a distance of 51.90 feet to a point;
- 2) South 52 degrees 15 minutes 00 seconds East a distance of 2.00 feet to a point;
- 3) North 25 degrees 58 minutes 40 seconds East a distance of 43.69 feet to a point;
- 4) North 67 degrees 07 minutes 30 seconds West a distance of 57.50 feet to a point;

THENCE along the southeasterly line of Palace Place, North 17 degrees 15 minutes 00 seconds East a distance of 37.91 feet to a point;

THENCE along the lands reputedly of Garcia, South 68 degrees 35 minutes 45 seconds East a distance of 95.62 feet to a point;

THENCE along the lands reputedly of Sebato, South 20 degrees 06 minutes 00 seconds West a distance of 6.36 feet to a point;

THENCE continuing along the lands of Sebato, South 79 degrees 33 minutes 00 seconds East a distance of 32.53 feet to a point;

THENCE along the northwesterly line of North Pearl Street and along a non-tangent curve and having a radius of 489.50 feet for an arc length of 82.67 and having a chord bearing of South 43 degrees 57 minutes 53 seconds West a distance of 82.57 to a point;

THENCE continuing along the same and partially along the face of the building that is located on the herein described property, South 37 degrees 45 minutes 00 seconds West a distance of 117.20 feet to said point or place beginning and containing 0.318 acres of land more or less as surveyed by Fusco Engineering and Land Surveying on May 16, 2016.

# **Exhibit K**



# Site Contact List

157 Irving Gas Station and Lab Site  
157 Irving Avenue, Port Chester, New York 10573

Name	Title	Address	City	State	Zip
Charles Schumer	U.S. Senator	Leo O' Brien Building, 11A Clinton Ave, Room 827	Albany	NY	12207
Kirsten Gillibrand	U.S. Senator	Leo O' Brien Building, 11A Clinton Ave, Room 821	Albany	NY	12207
Jamaal Bowman	U.S. House of Representatives, 16th District	6 Gramatan Avenue, Suite 205	Mt. Vernon	NY	10550
Shelley B. Mayer	New York State Senator, 37th District	Legislative Office Building, Room 509	Albany	NY	12247
George Latimer	Westchester County Executive	148 Martine Avenue	White Plains	NY	10601
Richard Hyman	Westchester County Planning Board, Chair	148 Martine Avenue	White Plains	NY	10601
Gary J. Zuckerman	Supervisor, Town of Rye	222 Grace Church Street, 3rd Floor	Port Chester	NY	10573
Hope Vespia	Town of Rye, Town Clerk	222 Grace Church Street, 3rd Floor	Port Chester	NY	10573
Luis A. Marino	Mayor, Village of Port Chester	222 Grace Church Street	Port Chester	NY	10573
Michael Scarola	Village of Port Chester Department of Planning and Development	222 Grace Church Street, Suite 202	Port Chester	NY	10573
Janusz Richards	Village of Port Chester, Village Clerk	222 Grace Church Street, Suite 120	Port Chester	NY	10573
Stuart L. Rabin	Village of Port Chester, Village Manager	222 Grace Church Street	Port Chester	NY	10573
The Journal News	Media Outlet	1133 Westchester Avenue, Suite N110	White Plains	NY	10604
United Water Westchester Rate 2 District	Town of Rye Public Water Supplier	148 Martine Avenue	White Plains	NY	10601
Robin Lettieri	Port Chester - Rye Brook Public Library	1 Haseco Avenue	Port Chester	NY	10573
Judy Diaz	John F. Kennedy Elementary School, Principal	40 Olivia Street	Port Chester	NY	10573
Paul Roncagliolo	Thomas A. Edison School, Principal	132 Rectory Street	Port Chester	NY	10573
Deirdre McDermott	Corpus Christi-Holy Rosary School - Father Rinaldi Campus, Principal	135 S. Regent Street	Port Chester	NY	10573
Gloria Guerra	Corpus Christi-Holy Rosary School - Laura Vicuna Campus	18 Central Avenue	Port Chester	NY	10573
Rosa A. Delgado	Rossy's Little Angels	43 Soundview Street	Port Chester	NY	10573
Marcela Arismendi	Ladybug Family Preschool	141 William Street	Port Chester	NY	10573
Flora Tacuri	Magic Cloud Day Care	18 Parker Street	Port Chester	NY	10573
Yensy Salazar	My Garden Family Day Care	394 Irving Avenue	Port Chester	NY	10573
Paula Belli	Port Chester Children's Place	400 Westchester Avenue	Port Chester	NY	10573
Zoila Garzon	Happy Corner Day Care Center Inc.	80 S. Regent Street	Port Chester	NY	10573
Tetyana Palmisano	Tots Place	8 Bent Avenue	Port Chester	NY	10573
181 Westchester Ave LLC	Adjacent Property Owner of N/A Irving Ave and 181 Westchester Place	PO Box 1068	Larchmont	NY	10538
167 Irving Owners LLC	Adjacent Property Owner of 167 Irving Ave	130 Harold Road	Woodmere	NY	11598
Black Diamond Group LLC	Adjacent Property Owner of 8 Palace Place	9 Tashua Parkway	Trumbull	CT	06611
16 Palace Place Holdings LLC	Adjacent Property Owner of 16 Palace Place	16 Palace Place	Port Chester	NY	10573
Richard and April Gasparino	Adjacent Property Owner of 18 Palace Place	16 Palace Place	Port Chester	NY	10573
Jose and Andrea Garcia	Adjacent Property Owner of 17 Palace Place	17 Palace Pace	Port Chester	NY	10573
Iron Ridge Associates LLC	Adjacent Property Owner of N/A Palace Place	84 Northfield Street	Greenwich	CT	06830
110 Pearl Real Estate Corp.	Adjacent Property Owner of 110 North Pearl Street	8103 267th Street	Floral	NY	11004
Verizon New York Inc.	Adjacent Property Owner of 50 Broad Street	PO Box 2749	Addison	TX	75001
Bucci Irrevocable Trust	Adjacent Property Owner of 115 North Pearl Street	20 Priscilla Lane	Port Chester	NY	10573
Broad Street Owners LLC	Adjacent Property Owner of 46 Broad St and 147 Irving Ave	147 Irving Avenue	Port Chester	NY	10573
Belos Broad LLC	Adjacent Property Owner of 146-148 Irving Avenue	144 Langdon Avenue	Dobbs Ferry	NY	10522

Evermist Lawn Sprinklers	Adjacent Property Operator of 16 Palace Place	16 Palace Place	Port Chester	NY	10573
Sinclair Gas Station	Adjacent Property Operator of 110 N Pearl Street	110 North Pearl Street	Port Chester	NY	10573
JM Electronecanica	Adjacent Property Operator of 115 N Pearl Street	115 North Pearl Street	Port Chester	NY	10573
Ficcinones Media	Adjacent Property Operator of 46 Broad Street	46 Broad Street	Port Chester	NY	10573
Salon Image	Adjacent Property Operator of 46 Broad Street	46 Broad Street	Port Chester	NY	10573
Angelo's Pizza and Pasta	Adjacent Property Operator of 147 Irving Avenue	147 Irving Avenue	Port Chester	NY	10573
Iglesia Evangelica Apostoles	Adjacent Property Operator of 146-148 Irving Avenue	146 Irving Avenue	Port Chester	NY	10573
Pollo a la Brasa	Adjacent Property Operator of 146-148 Irving Avenue	148 Irving Avenue	Port Chester	NY	10573
Slavin Studios	Adjacent Property Operator of 181 Westchester Avenue	168a Irving Avenue	Port Chester	NY	10573
The Junkluggers	Adjacent Property Operator of 181 Westchester Avenue	168 Irving Avenue, #500f	Port Chester	NY	10573
Fashion Arts Studio of Westchester	Adjacent Property Operator of 181 Westchester Avenue	168a Irving Avenue, Suite 300A	Port Chester	NY	10573
TPR Enterprises Ltd	Adjacent Property Operator of 181 Westchester Avenue	168 Irving Avenue, #303C	Port Chester	NY	10573
BM Ortho Appliances Inc.	Adjacent Property Operator of 181 Westchester Avenue	168a Irving Avenue	Port Chester	NY	10573
The Booth for Business	Adjacent Property Operator of 181 Westchester Avenue	168a Irving Avenue, #500G	Port Chester	NY	10573
The Bare Man LLC	Adjacent Property Operator of 181 Westchester Avenue	168B Irving Avenue, Suite 203-H	Port Chester	NY	10573
La Marqueta Meat & Produce	Adjacent Property Operator of 181 Westchester Avenue	197 Westchester Avenue	Port Chester	NY	10573
Impressive Shades & Upholstery	Adjacent Property Operator of 181 Westchester Avenue	6 North Pearl Street	Port Chester	NY	10573
Quality Ninety Nine Cents Str	Adjacent Property Operator of 181 Westchester Avenue	193 Westchester Avenue	Port Chester	NY	10573
Total by Verizon	Adjacent Property Operator of 181 Westchester Avenue	191 Westchester Avenue	Port Chester	NY	10573
Gentle Touch Lasers Hair Removal	Adjacent Property Operator of 181 Westchester Avenue	6 North Pearl Street, #304a	Port Chester	NY	10573
Heather Tietjen Photography	Adjacent Property Operator of 181 Westchester Avenue	6 North Pearl Street, #204-A	Port Chester	NY	10573
Redemption Community Church	Adjacent Property Operator of 181 Westchester Avenue	181 Westchester Avenue	Port Chester	NY	10573
Panka Peruvian Bistro	Adjacent Property Operator of 181 Westchester Avenue	167 Westchester Avenue	Port Chester	Ny	10573
Vellone Promotions	Adjacent Property Operator of 181 Westchester Avenue	168 Irving Avenue	Port Chester	NY	10573

# **Exhibit L**



2600 Innovation Square  
100 South Clinton Avenue  
Rochester, New York 14604  
nyenvlaw.com

LINDA R. SHAW  
ATTORNEY AT LAW

T 585.546.8430  
C 585.414.3122  
lshaw@nyenvlaw.com

January 25, 2024

VIA ELECTRONIC MAIL  
[rlettieri@wlsmail.org](mailto:rlettieri@wlsmail.org)

Robin Lettieri, Director  
Port Chester – Rye Brook Public Library  
1 Haseco Avenue  
Port Chester, New York 10573

**RE: Brownfield Cleanup Program Application  
157 Irving Gas Station and Lab Site  
157 Irving Avenue, Port Chester, New York 10573**

Dear Ms. Lettieri:

Our office represents Irving Owner LLC in its anticipated Brownfield Cleanup Program Application for the above-referenced site located at 157 Irving Avenue, Port Chester, New York 10573. Your library branch is currently the repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

Please sign below and return the executed letter to my paralegal, Rebecca Owten, by email at [rowten@nyenvlaw.com](mailto:rowten@nyenvlaw.com) if you are able to certify that your library would be willing and able to act as the temporary public repository for this Brownfield Cleanup Program project. Thank you.

Sincerely,

KNAUF SHAW LLP

LINDA R. SHAW, ESQ.

Yes, the Port Chester – Rye Brook Library is willing and able to act as a public repository for the documents related to the cleanup of 157 Irving Avenue, Port Chester, NY 10573 under the NYS Brownfield Cleanup Program.

Robin Lettieri, Director

1/26/24  
Date