# Armonk Development LLC
# Brownfield Cleanup Program Application
## Former IBM Orchard Pesticide Site
## p/o 3 North Castle Drive
## North Castle, New York 10504

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

**April 2024**

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Environmental Reports

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April 30, 2024

**VIA ELECTRONIC MAIL**
**alexandra.servis-oettinger@dec.ny.gov**

Site Control Section
Attn: Alexandra Servis
New York State Department of Environmental Conservation
Bureau of Technical Support
625 Broadway, 11th Floor
Albany, NY 12233-7020

**RE: Brownfield Cleanup Program – Revised Application**
**Former IBM Orchard Pesticide Site**
**C360251**

Dear Lexy:

Enclosed please find a revised Brownfield Cleanup Program ("BCP") Application in response to your Letter of Incompleteness received via email on April 15, 2024. Responses to your comments are provided below:

Section II: Project Description

- Please modify the schedule to reflect that remedial investigation activities will not be completed in the first quarter of 2024.

**RESPONSE: The Schedule – Commencement through COC section of the support document has been updated to state that the commencement of the remedial investigation is expected to be completed on the Site in the summer of 2024 and all subsequent dates have been updated thereafter.**

Section III: Land Use Factors

- Item 5: Please indicate whether the proposed redevelopment qualifies as single-family housing, as the proposed post-remediation use of the site is residential.

**RESPONSE: The proposed redevelopment does not qualify as single-family housing. The townhouse development will be a condominium project. The application has been updated to reflect this clarification.**

Section X: Property Eligibility Information

- The responses to item 2 and item 3 were both "no"; therefore, please correct the response to item 4.

**RESPONSE: The response to item 4 of this section has been updated to reflect "N/A".**

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 space provided.

**RESPONSE: It has been indicated that this is a revised submission, and the Site Code has been provided.**

Project Manager Comments:

Section I, bullet 12 Easement: A figure in Appendix G to shows two of the property's existing easements (access, sewer). Please also include a figure that shows the approximate locations of the remaining easements in relation to the proposed BCP Site.

**RESPONSE: The support document has been updated to list only the two easements that were previously plotted on the map. However, please note that even these two easements, are not located directly on the BCP Site but are adjacent to it. Based on a review by the surveyor, there are no known easements located directly on the BCP Site. The following easements listed below are included in the title report. However, these easements are either not located on the BCP Site or their locations have not yet been determined such that they can be plotted on a map and are essentially "placeholder" easement for future utilities. Thus, these easements have been removed from the BCP narrative:**

- **Water Easement Liber 11318 page 49 & confirmed by Control # 501243175**
- **Telephone & Power Easements Liber 11318 page 59**
- **Right of Way Agreement Liber 5219 page 218 & page 220.**
- **Easement acquired by the City of New York for an underground aqueduct in Damage Parcel No. 962 Delaware Section No. 3, Delaware Aqueduct Project as recited in Liber 4281 page 355**
- **Telephone Easement Liber 6668 page 353 & Liber 6868 page 343, Liber 6870 page 354 & Filed Map # 15051 & Liber 6583 page 451**
- **Sewer Easement Liber 7757 page 649**
- **Water Line Easement Agreement Control# 441950674**
- **Sewer Line Easement Agreement Control # 441950640 (affects Parcel B on Map 25549)**
- **Water Line Easement Agreement Control# 441950666 (affects Parcel B on Map 25549)**
- **Confirmation of Location and Declaration of Water Line Easement Control # 501243175**
- **Communications Easement (NY Telephone) Liber 11500 page 241.**

**If to the extent any of these utility easements will impact remediation, DEC will be informed. However, it is not anticipated that any of the listed easements will affect the remediation at the BCP Site since utilities will likely be installed after remediation.**

Section IV: Please include a copy of SESI's May 2022 geotechnical report with the application.

**RESPONSE: SESI's May 2022 Geotechnical Report has been included with the application reports separately attached.**

Section IV, bullet 3, paragraph 1: Please edit the second sentence to state that "Groundwater and soil vapor were not investigated." The remainder of the sentence should be removed.

**RESPONSE: This sentence has been updated as requested.**

Section IV, Exhibit G: On Figure 2.1, please update spider map to include the data for location RI-SB22.

**RESPONSE: Figure 2.1 – Soil Spider Map has been revised to include the data for location RI-SB22.**

Please let me know if you have any questions. Thank you.

Sincerely,

**KNAUF SHAW LLP**

LINDA R. SHAW, ESQ.

Enclosure
ec: Sarah Saucier, NYS DEC
John Miller, NYS DEC
Kiera Thompson, NYS DEC
David Pollock, NYS DEC
Ashley Johnson, NYS DEC
Michael Murphy, NYS DEC
Kelly Lewandowski, NYS DEC
Jorge Madruga (jorge@madddequities.com)
Fuad Dahan (fd@sesi.org)

NEW YORK STATE | Department of Environmental Conservation

# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

## 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 DERSiteControl@dec.ny.gov – do NOT copy Site Control staff.
   b. VIA GROUND MAIL:
      - Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
      - Mail the external storage device to the following address:
        Chief, Site Control Section
        Division of Environmental Remediation
        625 Broadway, 11th Floor
        Albany, NY 12233-7020

| | |
|---|---|
| **PROPOSED SITE NAME:** Former IBM Orchard Pesticide 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.<br>If yes, provide existing site number: _____ | ○ **Yes** ◉ **No** |
| **Is this a revised submission of an incomplete application?**<br>If yes, provide existing site number: C360251 | ◉ **Yes** ○ **No** |

NEW YORK STATE | Department of Environmental Conservation

# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

*BCP App Rev 15 – May 2023*

## SECTION I: Property Information

PROPOSED SITE NAME Former IBM Orchard Pesticide Site

ADDRESS/LOCATION p/o 3 North Castle Drive

CITY/TOWN North Castle, NY | ZIP CODE 10504

MUNICIPALITY (LIST ALL IF MORE THAN ONE) Westchester County, Town of North Castle, Hamlet of Armonk

COUNTY Westchester | SITE SIZE (ACRES) 20.672

| LATITUDE | | | LONGITUDE | | |
|---|---|---|---|---|---|
| ° | ‘ | “ | ° | ‘ | “ |
| 41 | 07 | 07.9N | 73 | 42 | 50.9W |

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 |
|---|---|---|---|---|
| p/o 3 North Castle Drive | 108.03 | 1 | 62.1 | 20.672 |
| | | | | |
| | | | | |

| | Y | N |
|---|---|---|
| 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. | ○ | ◉ |
| 2. Is the required property map included with the application? (Application will not be processed without a map) | ◉ | ○ |
| 3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See *DEC’s website* for more information) If yes, identify census tract: _____ Percentage of property in En-zone (check one): 0% ◉ 1-49% ○ 50-99% ○ 100% ○ | ○ | ◉ |
| 4. Is the project located within a disadvantaged community? See application instructions for additional information. | ○ | ◉ |
| 5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information. | ○ | ◉ |
| 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: _____ | ○ | ◉ |

| 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? | ○ | ◉ |
| 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. | ○ | ◉ |
| 9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map. | ○ | ◉ |
| 10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____ | ○ | ◉ |
| 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: ___ | ○ | ◉ |
| 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.<br><br>Easement/Right-of-Way Holder — Description<br>See Support Narrative — There are easements and rights of way but none of which should preclude remediation. | ○ | ◉ |
| 13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information):<br><br>Type — Issuing Agency — Description | ○ | ◉ |
| 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? | ◉ | ○ |

**Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.**

| | Y | N |
|---|---|---|
| 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. | ○ | ○ |
| 16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? | ○ | ○ |
| 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? | ○ | ○ |

**NOTE:** If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

**If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.**
**Initials of each Requestor:**

_____ _____ _____ _____ _____ _____

## 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? R-MF-A District, Multifamily-A Residence 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 [✓]

| | Y | N |
|---|---|---|
| 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? | (●) | ( ) |
| 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 | ☐ | ☐ | ☐ |
| Chlorinated Solvents | ☐ | ☐ | ☐ |
| Other VOCs | ☐ | ☐ | ☐ |
| SVOCs | ☐ | ☐ | ☐ |
| Metals | ☐ | ☐ | ☐ |
| Pesticides | ☑ | ☐ | ☐ |
| PCBs | ☐ | ☐ | ☐ |
| PFAS | ☐ | ☐ | ☐ |
| 1,4-dioxane | ☐ | ☐ | ☐ |
| Other – indicated below | ☐ | ☐ | ☐ |

*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):

| | | | |
|---|---|---|---|
| ☐ Coal Gas Manufacturing | ☐ Manufacturing | ☐ Agricultural Co-Op | ☐ Dry Cleaner |
| ☐ Salvage Yard | ☐ Bulk Plant | ☐ Pipeline | ☐ Service Station |
| ☐ Landfill | ☐ Tannery | ☐ Electroplating | ☐ Unknown |

Other: Site was operated as an apple tree orchard for many years and has high level pesticide contamination in soil.

| SECTION V: Requestor Information | | | |
|---|---|---|---|
| NAME Armonk Development LLC c/o Jorge Madruga | | | |
| ADDRESS 15 Verbena Avenue, Suite 200 | | | |
| CITY/TOWN Floral Park | STATE NY | ZIP CODE 11001 | |
| PHONE (516) 474-3240 | EMAIL jorge@madddequities.com | | |

| | Y | N |
|---|---|---|
| 1. Is the requestor authorized to conduct business in New York State (NYS)? | ◉ | ○ |
| 2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the *NYS Department of State's Corporation & Business Entity Database.* A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached? | ◉ | ○ |
| 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 ○ | ◉ | ○ |
| 4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of *DER-10: Technical Guidance for Site Investigation and Remediation* and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? **Documents that are not properly certified will not be approved under the BCP.** | ◉ | ○ |

| 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? | ○ | ◉ |
| 2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? | ○ | ◉ |
| 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. | ○ | ◉ |
| 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? | ○ | ◉ |
| 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. | ○ | ◉ |
| 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? | ○ | ◉ |

## SECTION VI: Requestor Eligibility (CONTINUED)

| | Y | N |
|---|---|---|
| 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? | ○ | ◉ |
| 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? | ○ | ◉ |
| 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? | ○ | ◉ |
| 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? | ○ | ◉ |
| 11. Are there any unregistered bulk storage tanks on-site which require registration? | ○ | ◉ |

12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:

| | |
|---|---|
| ☐ PARTICIPANT<br>A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. | ☑ VOLUNTEER<br>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.<br><br>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.<br><br>**If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.** |

13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?

Yes ◉ No ○ N/A ○

**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: Owner Affiliate

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 Jorge Madruga | | | |
| ADDRESS 15 Verbena Avenue, Suite 200 | | | |
| CITY Floral Park | | STATE NY | ZIP CODE 11001 |
| PHONE (516) 474-3240 | EMAIL jorge@madddequities.com | | |
| REQUESTOR'S CONSULTANT (CONTACT NAME) Justin Protasiewicz, PE | | | |
| COMPANY SESI Consulting Engineers | | | |
| ADDRESS 959 Route 46E, Floor 3, Suite 300 | | | |
| CITY Parsippany | | STATE NJ | ZIP CODE 07054 |
| PHONE (862) 702-5719 | EMAIL jp@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? | ○ | ◉ |
| 2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.<br>Is the appropriate documentation included with this application? N/A ◉ | ○ | ○ |

## SECTION IX: Current Property Owner and Operator Information

| | | | |
|---|---|---|---|
| CURRENT OWNER Maddd Madonna Armonk LLC | | | |
| CONTACT NAME Jorge Madruga | | | |
| ADDRESS 15 Verbena Avenue, Suite 200 | | | |
| CITY Floral Park | | STATE NY | ZIP CODE 11001 |
| PHONE (516) 474-3240 | EMAIL jorge@madddequities.com | | |
| OWNERSHIP START DATE August 22, 2017 | | | |
| CURRENT OPERATOR Vacant since ownership | | | |
| CONTACT NAME | | | |
| ADDRESS | | | |
| CITY | | STATE | ZIP CODE |
| PHONE | EMAIL | | |
| OPERATION START DATE | | | |

## SECTION X: Property Eligibility Information

| | Y | N |
|---|---|---|
| 1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information as an attachment. | ○ | ◉ |
| 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: _____ | ○ | ◉ |

| 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?<br>If yes, please provide:<br>Permit Type: _____ EPA ID Number: _____<br>Date Permit Issued: _____ Permit Expiration Date: _____ | ○ | ◉ |
| 4. If the answer to question 2 or 3 above is *YES*, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer?<br>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.<br>N/A ◉ | ○ | ○ |
| 5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?<br>If yes, please provide the order number: _____ | ○ | ◉ |
| 6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?<br>If yes, please provide additional information as an attachment. | ○ | ◉ |

## SECTION XI: Site Contact List

To be considered complete, the application must include the Brownfield Site Contact List in accordance with *DER-23: Citizen Participation Handbook for Remedial Programs*. Please attach, at a minimum, the names and mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

## SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Sole Member (title) of Armonk Development LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 9/7/2023 Signature: _____

Print Name: Jorge Madruga

**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.** *Please refer to the application instructions.* | **Y** | **N** |
|---|---|---|
| 1. Is the property located in Bronx, Kings, New York, Queens or Richmond County? | ◯ | ◯ |
| 2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit? | ◯ | ◯ |
| 3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? | ◯ | ◯ |
| 4. Is the property upside down or underutilized as defined below? | | |
| Upside down | ◯ | ◯ |
| Underutilized | ◯ | ◯ |

**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(l) 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:

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

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

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

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

   ◯ Project is an Affordable Housing Project – regulatory agreement attached

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

   ◯ This is not an Affordable Housing Project

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

(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' household's annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.

(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

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

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

   ◯ Yes – planned renewable energy facility site with documentation

   ◯ Pending – planned renewable energy facility awaiting documentation
   *Selecting this option will result in a "pending" status. The appropriate documentation will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

   ◯ No – not a planned renewable energy facility site

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

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

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

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

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

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

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

   ◯ No

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

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

# BCP APPLICATION SUPPORT DOCUMENT

# BCP APPLICATION SUPPORT DOCUMENT
## Exhibit List

**Exhibit A** Site Location, Base Property Map, and Street Map

**Exhibit B** Survey, BCP Site Metes and Bounds Description, Tax Map and Title Report

**Exhibit C** BOA, Disadvantaged Communities, Environmental Justice and En-Zone Maps

**Exhibit D** Flood Map

**Exhibit E** Zoning Map

**Exhibit F** Previous Owners and Operators and North Castle History

**Exhibit G** Site Drawing Spider Map

**Exhibit H** DOS Entity Information

**Exhibit I** Corporate Consent

**Exhibit J** Deed

**Exhibit K** Site Access Agreement

**Exhibit L** Site Contact List

**Exhibit M** Repository Letter

**ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON CD:**

1. August 2016 Phase I Environmental Site Assessment Prepared by ERM, Inc. for IBM relied on in Purchase & Sale Agreement by Purchaser Maddd Madonna Armonk LLC
2. September 2016 Phase I Environmental Site Assessment Prepared by Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. for Madonna Enterprises, LLC
3. May 2022 Geotechnical Investigation and Report Prepared by SESI for Toll Brothers
4. March 2023 Limited Phase II Environmental Site Assessment Report Prepared by SESI Consulting Engineers for Maddd Equities, Requestor's Parent
5. August 2023 DRAFT Supplemental Environmental Site Investigation Report Prepared by Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. for JCAL Development Group LLC
6. January 2024 Phase I Environmental Site Assessment Report prepared by SESI Consulting Engineers for Armonk Development LLC, Requestor
7. January 2024 Phase II Environmental Site Assessment Report prepared by SESI Consulting Engineers for Armonk Development LLC, Requestor
8. February 2024 Remedial Investigation Work Plan

# SECTION I – PROPERTY INFORMATION

The Site is located at the following address:

| Parcel Address | Tax Parcel Identification No. | Acreage[1] |
|---|---|---|
| Portion of 3 North Castle Drive | p/o 108.03-1-62.1 | 20.672 |

The Site is located in North Castle, New York 10504 ("Site" or "BCP Site"). The Site Location and Base Property Map are in Exhibit A. The Survey map and BCP Site Metes and Bounds Description are in Exhibit B.

### 1. Site Boundary and Tax Parcel Information

The Site boundary does not correspond to the tax boundaries. The Tax Boundary Map and a Survey map and metes and bounds description of the BCP Site, which is a 20.672 acre portion of a larger 32.547 acre Tax lot, are provided in Exhibit B. There is a wetland area, a steep side slope area and a drainage retention basin area, which have been excluded from the BCP Site boundary for the following reasons. The wetland area cannot be remediated without destroying the wetland. The planned remediation will be performed within the upland wetland buffer area but not in the delineated wetland to eliminate any future surface soil contamination run off into the wetland. The steep sloped area is heavily wooded with dense vegetation, and is too steep for average excavation equipment. In addition, it is unlikely that most of this area was part of the prior apple orchard due to the slope. The drainage basin area was investigated and there was no documented contamination in exceedance of the applicable soil cleanup objectives. In addition, this area will be constructed for purposes of stormwater runoff.

### 2. Property Map

The Site Location and Base Property Map are in Exhibit A. A Survey map of the BCP Site is in Exhibit B along with the metes and bounds description.

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

The Site BOA, Disadvantaged Communities, Environmental Justice, and En-Zone Maps are in Exhibit C. The Site is not located in an En-Zone, BOA, Potential Environmental Justice Area or a disadvantaged community area.

### 6-11. Please refer to BCP Application Form.

### 12. Easements and Existing Rights of Way

There are easements located on and/or near the property, the presence of which may affect the property, but will not impact the remediation efforts at the Site. The easements, which have not been terminated, are noted in the title report in Exhibit B. Below are two easements located on the

[1] Acreage of the entire lot 62.1 is 32.547, which is stated on the Survey in Exhibit B. The Acreage of the proposed BCP Boundary is 20.672 is also shown on the Survey Map in Exhibit B.

property, however, they are not located on the Site. The locations of these easements are plotted on the BCP Site Area Map included in Exhibit G.

- 20-foot-wide Sewer and Access Easement per Filed Map #28359 and Liber 11731 page 36, and Deed Control # 500153161
- Declaration of Access Easement Control# 500153161

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

**14. Property Description Narrative**

A. Site Location

The Site is located at the follow address:

| Parcel Address | Tax Parcel Identification No. |
|---|---|
| p/o 3 North Castle Drive | p/o 108.03-1-62.1 |

The Site is located in the Hamlet of Armonk, Town of North Castle, New York 10504. The surrounding area is occupied by primarily commercial uses, as well as some residential and undeveloped land. *See* the Base Map and adjacent property owners in Exhibit A.

B. Site Features

The Site is an approximately 20.762-acre portion of an irregular shaped parcel. The Site is undeveloped but improved by one (1) asphalt roadway used to access off-Site athletic fields east of the Site. The closest water body, Wampus River, is located approximately 0.09 miles east, or 490 feet, from the Site. The Site is not in a flood zone but an adjacent wetland is located next to the BCP Site. *See* Exhibit D, Flood Map. Wetlands do exist in the southeast corner of the parcel, but both the wetlands and their buffer are outside of the project's proposed limits of disturbance.

The Site is bound to the north by undeveloped land and Route 22, and commercial properties beyond; to the west by North Castle Road, undeveloped land, and Route 22 beyond; to the south by an International Business Machine ("IBM") headquarters building and parking lots; and to the east by Armonk Indoor Sports and sport fields.

C. Current Zoning and Land Use

The Site is currently located in the R-MF-A District, "Multifamily-A Residence District." *See* Exhibit E, Zoning Map. The Site is a vacant undeveloped property except for an asphalt roadway providing access to adjacent athletic fields located east of the Site. As noted above, the surrounding properties are a mixture of suburban residences, commercial businesses, and a ballpark, bounded by undeveloped wooded land. Route 22 is about 300 feet to the north and North Castle Drive is to the west. IBM's commercial headquarters campus is directly to the south and the North Castle Community Park, which includes Armonk Indoor Sports, is to the east. Restaurants, other commercial businesses, and the Town of North Castle Building Department are

in the north and western sides of the Site across Route 22. The closest residential area is also across Route 22 to the northwest on Alder Way in a residential community with private roads.

D. Past Use of the Site

*See* Section IV.4 for full description of past land uses. The Site was an orchard from 1934-1989. The historical owners and uses associated with the Site are further described below and in Exhibit F, Previous Owners and Operators List and North Castle History. In 1955, IBM purchased 443 acres of the greater North Castle Orchard within which the Site sits. IBM retained rows of apple trees, spraying the trees with pesticides up to fifteen times a year to kill the apples but keep the trees alive. This historic use led to the contamination in the top surface soils on the Site.

The Site was undeveloped beyond as an orchard until 1971, when an asphalt roadway was constructed. The access road is present in the central and southern portions of the Site. The trees remained on the Site until they were removed by IBM within several years before Site acquisition by the current owner in August 2017.

E. Site Geology and Hydrogeology

According to the United States Geological Survey (USGS) Mount Kisco, New York, 2019, 2018, 7.5-minutes Series topographic map, the Site's is about 478 feet above mean sea level ("msl"). As per the USDA National Cooperative Soil Survey (NCSS) map for the area, the soils at the Site are characterized as CrC (Charlton-Chatfield complex) very rocky with 0 to 15 percent slopes. The infiltration rates are moderate. These soils are deep and moderately deep, moderately well and well drained with moderately coarse textures.

The depth of the groundwater at the Site is not known because groundwater was not encountered in any borings. To the best of the applicant's team's knowledge of this area, there is no proposed future groundwater use anticipated at or near the Site. Nevertheless, groundwater samples and flow direction will be installed and documents during the planned remedial investigation.

A wetlands does exist in the southeast corner of the Site. The wetlands is outside of the project's proposed limits of disturbance and BCP Site but the buffer is included in the BCP Site.

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

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

# SECTION II – PROJECT DESCRIPTION

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

### 4. Short Project Description

The planned redevelopment of the Site entails the construction of 88 residential condominium townhouses, 2 open space lots, and 1 lot for a pump house. There will be a pool, community center, walking trails, sidewalks, and private roads. A condominium association will be responsible for all long term site management obligations to the extent required.

Schedule – Commencement through COC

A Remedial Investigation ("RI") Work Plan ("RIWP") has been submitted with the application. As a result, the RIWP will be publicly noticed with the application to save time because the goal is to commence Site remediation and redevelopment as soon as possible. As a result, the commencement of the Remedial Investigation is expected to be completed on the Site in the summer of 2024. The Remedial Investigation Report and Remedial Action Work Plan ("RAWP") will also be submitted to DEC at the same time in or about the early fall of 2024. Any required remediation may commence in the winter of 2024 or early 2025. The Certificate of Completion is anticipated to be issued in early or mid-2025.

# SECTION III – LAND USE FACTORS

### 1. Current Zoning

The Site is within the "R-MF-A" District, or Multifamily- A Residential District." *See* Exhibit E Zoning Map.

### 2. Allowed Uses

The R-MF-A zoning district allows for: (1) Single-family dwellings; (2) Temporary storage of contractor's equipment, provided that the equipment has been in use on the property on which it is stored during the last 30 days; (3) Governmental uses, parks, playgrounds, parkways, firehouses, police stations or other municipal uses; not including incinerators or dumps, garages, or public works yards; and (4) Attached, semidetached, detached or multifamily dwellings subject to the requirements of § 355-24. Subject to conformance to additional standards, the following are also permitted: (5) Churches or other places of worship, including parish houses, church school rooms, convents or rectories; (6) Public elementary or high schools; (7) Private or parochial elementary or high schools which meet the same site standards of the State Department of Education for a public school; (8) Public libraries; (9) Religious or charitable institutions, other than a hospital, sanatorium, camp, correctional institution or institution for the insane, drug addicted or retarded; (10) Membership clubs, not operated for gain; (11) Nurseries or greenhouses; (12) Public telephone booths; (13) Public utility transmission lines, exchanges or substations; (14) Watershed or water supply facilities not part of the Town's water system; (15) Convalescent or nursing homes; (16) Scientific research centers, not operated for gain or owned by any profit-making entity, with incidental educational activities; (17) Private stables; and (18) Day camps.

### 3-4. Current Use

This Site is currently vacant except for an asphalt roadway providing access to adjacent athletic fields built in 1971, and orchards occupied the Site from 1934-1989.

### 5. Intended Use Post Remediation

After the remediation, the Site will be used for townhouse residential use. There will be a homeowners' association to maintain any areas requiring maintenance pursuant to a Site Management Plan, if required.

### 6. Post Remediation Use

Post remediation use of the Site entails 92 lots: 88 townhouse lots, 2 open space lots, and 1 lot for a pump house. Sixty percent of the 88 townhomes (80 at market rate and 8 Affirmatively Furthering Fair Housing (AFFH) units) will be age-targeted with primary bedrooms on the first floor. There will be a pool, community center, walking trails, sidewalks, and private roads.

### 7. Renewable Energy Facility

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

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

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

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

Yes, the project is consistent with the Town of North Castle zoning laws and map.

### 10. Consistent with the Master Plan?

Yes, the project is consistent with the Town of North Castle Master Plan, which intends to remain an attractive residential community and maintain and strengthen the existing hamlet centers such as Armonk.

# SECTION IV – PROPERTY'S ENVIRONMENTAL HISTORY

### 1. List of Environmental Reports

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

1. August 2016 Phase I Environmental Site Assessment Prepared by ERM, Inc. for IBM relied on in Purchase & Sale Agreement by Purchaser Maddd Madonna Armonk LLC

2. September 2016 Phase I Environmental Site Assessment Prepared by Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. for Madonna Enterprises, LLC
3. May 2022 Geotechnical Investigation and Report Prepared by SESI for Toll Brothers
4. March 2023 Limited Phase II Environmental Site Assessment Report Prepared by SESI Consulting Engineers for Maddd Equities, Requestor's Parent
5. August 2023 DRAFT Supplemental Environmental Site Investigation Report Prepared by Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. for JCAL Development Group LLC
6. January 2024 Phase I Environmental Site Assessment Report prepared by SESI Consulting Engineers for Armonk Development LLC, Requestor
7. January 2024 Phase II Environmental Site Assessment Report prepared by SESI Consulting Engineers for Armonk Development LLC, Requestor
8. February 2024 Remedial Investigation Work Plan

**2. Sampling Data**

*See* Exhibit G Spider Map which includes sampling data summaries, and Section IV.3.

**3. Environmental Assessment**

Based on the investigations conducted to date, the primary contaminants of concern are arsenic, lead, and pesticides in soil. Groundwater and soil vapor were not investigated. *See* Exhibit G Site Drawing Spider Map.

Soil laboratory results indicate metals were detected above laboratory method detection limits (MDLs), with lead and arsenic both exceeding their respective 6 NYCRR § 375-6.8(b) Residential Restricted Use Soil Cleanup Objectives (RRUSCOs). Since the RRUSCO and Industrial SCO for arsenic is the same (16 ppm), arsenic also exceeds the Industrial SCO. Pesticides were also detected above their applicable MDLs. Dieldrin and 4,4'-DDE were both present in amounts exceeding their respective RRUSCOs, 4,4'-DDT exceeded its 6 NYCRR § 375-6.8(b) Residential Use Soil Cleanup Objectives (RUSCOs), and 4,4'-DDE surpassed its 6 NYCRR § 375-6.8(b) Unrestricted Use Soils Cleanup Objectives (UUSCOs).

**Soil**:

| Analytes > RRSCOs | Detections > RRSCOs | Maximum Detection (mg/kg) | RRSCO (mg/kg)/ Industrial SCO (mg/kg) | Depth (ft-bgs) |
|---|---|---|---|---|
| **Pesticides** | | | | |
| 4,4'-DDT | 0 | 4.96 | 7.9 | n/a |
| 4,4'-DDE | 1 | 11.2 | 8.9 | 0-0.5 |
| 4,4'-DDD | 0 | 1.01 | 13 | n/a |
| Dieldrin | 3 | 1.35 | 0.2 | 0-1.5 |
| **Metals** | | | | |

| | | | | |
|---|---|---|---|---|
| Arsenic | 35 | 234 | 16/16 | 0-1.5 |
| Lead | 1 | 861 | 400 | 0-0.5 |

## 4. Past Land Use

1. Past Use of the Site

During investigations of the Site to date and during preparation of this application, environmental records, local, county, and state FOIL documents, USGS topographic maps, aerial photographs, site reconnaissance, and Sanborn maps were reviewed. These sources were the primary information sources relied on in the Phase I reports to document the historical uses.

Suspected agricultural tree farming operations were noted between 1934 up through 1989. HAPs were widely used during this time period and their use could have adversely affected soil conditions at the Site. Residues of several pesticides can be found in soils at levels that may pose a human health risk when land use changes from farms to other uses. Suspected HAP was identified as **REC 1.**

IBM took over the Site in 1955, and they retained rows of apple trees from the orchards then on the Site. From 1955 to 1964, IBM solely used the property as an apple orchard: locals believed that IBM was an apple company. However, by the early 1960s IBM found that this was no longer profitable. Thereafter, they began spraying the trees 15 times a year to maintain the trees while killing the apples. It is not known when IBM stopped using chemicals to spray the trees. Aerial photos have revealed that the trees were still present, but were being systematically removed in the years before the sale to the current owner in August 2017. *Please see* Exhibit F North Castle History and aerial photographs SESI obtained during its Phase I ESA preparation. SESI estimates that there were some remnant apple trees from the original orchard present through the 2000s and 2010s but that between 2014-2017, the remainder of the trees that formed the distinct planting pattern of the orchard mostly disappeared. Based on current aerial imagery from Google Earth for the Site, the former trees and the distinct planting pattern is non-existent.[2] This further suggests that IBM knowingly removed the trees right before selling the Site to the Site Owner and further supports that the Site owner could not have been fully aware of the significance of the orchard's impact on the Site given the 2016 ERM Phase I report it was provided by IBM to rely on when it acquired the Site. See more detailed history below.

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

In August 2016, Environmental Resources Management, Inc. ("ERM") prepared a Phase I ESA at the request of IBM. The Phase I did not identify any Historical Recognized Environmental Conditions ("RECs") as defined in the American Standard of Testing and Materials ("ASTM"). The historical agricultural use for apple orchards was identified only as a *de minimis* condition. A de minimis condition generally does not present a threat to human health or the environment and would generally not be the subject of an enforcement action by government agencies. While this

[2] See also link for aerials photographs showing how extensive the orchard was: https://www.dropbox.com/scl/fo/0a9u7rukbomq6ypz0r09p/h?rlkey=buoxccbsw109knr7srfpgp30y&dl=0.

report briefly mentioned the site's history as an apple orchard from 1934 until the early-mid 1960s, it did not mention pesticide use during this time as an active orchard. The report also did not mention the potentially unusual pesticides used by IBM after 1964 to prevent apples from growing on the trees. In fact, the report made no mention of pesticide use at the Site at all, despite its known agricultural history and the fact that knowledgeable longtime employees of IBM were interviewed.

In September 2016, Langan Engineering, Environmental, Surveying and Landscape Architecture. D.P.C. ("Langan") prepared a Phase I ESA for Madonna Enterprises, LLC. Langan's Phase I mostly echoed the ERM's Phase I ESA. It did not identify any RECs and listed the Site's historical agricultural use as only a *de minimis* condition. While it did briefly discuss pesticide use on the Site, Langan's Phase I stated that any residual contaminants associated with pesticide use would only be present in shallow soil. Langan asserted that this would not likely result in any regulatory enforcement action, and it only warned that excavated material should be treated as a regulated solid waste. Like ERM, Langan assumed any pesticide use ended in 1964, and it did not mention IBM's continued use of pesticides after 1964. Langan interviewed an IBM employee who stated that they were unaware of any past uses of the property, environmental liens, chemical storage or spills on-Site, which could have resulted in contamination.

In May 2022, SESI completed a Geotechnical Investigation and Report for Toll Brothers, at the time a potential buyer for the Site. This Report concluded that the soil and subsurface conditions were generally good and stable to support the proposed post-remediation development on-Site.

In March 2023, SESI prepared a Phase II ESA for Madd Equities, parent for one of the principals in the ownership entity, in preparation of trying to sell the Site. This ESA revealed significant pesticide related contamination, as summarized above and as documented in the Spider Map in Exhibit G.

In August 2023, Langan prepared a Supplemental Environmental Site Investigation Report for a prospective purchaser - JCAL Development Group LLC. This report revealed extensive contamination linked to past pesticide use. Not only did this prospective purchaser not proceed with acquisition of this Site, but another prospective purchaser provided with all of the reports described above also failed to proceed with acquisition as a result of the contamination.

In January 2024, SESI prepared a Phase I ESA for the Requestor. This Phase I included a review of historic aerial images between 1934 and 1989 that identified the presence of apparent agricultural operations. SESI determined that the Site's historical agricultural use was REC that covered the vast majority of the Site. Historically Applied Pesticides (HAPs) were widely used during this time period and their use could have adversely affected soil conditions at the Site. SESI also indicated that the apple trees appear to have been systematically removed between 2010 and 2017, before the Site was sold. This ESA noted that the residue of several pesticides and associated heavy metals were present on the Site in levels that could pose a risk to human health when the land use changes from undeveloped former agricultural use to planned residential uses.

In January 2024, SESI completed a Phase II ESA for the Requestor. This Phase II summarized the results of SESI's supplemental investigation of the Site to determine the extent and volume of the soil contamination. SESI estimated that approximately 492,000 square feet of the Site will require

remediation to remove existing contamination exceeding RSCOs. SESI further estimated that about 30,000 cubic yards of in place soil would require remediation and off-Site disposal. SESI concluded that capping the soil and creating an environmental easement would not be a viable option for the Site given the planned townhouse use.

A February Remedial Investigation Work Plan (RIWP) is submitted with this application. The RIWP calls for 23 additional soil boring samples advanced to 15 fbgs or bedrock, whichever is shallower, with samples taken at 5-foot intervals. Six permanent groundwater monitoring wells will be drilled to a depth of 25 fbgs or bedrock, and at least 2 rounds of sampling taken at least 30 days apart will be conducted at each well. Five soil vapor samples will be taken from 5 soil vapor locations on the Site, and collocated ambient air samples will be taken at each location. Following the RI sampling scope, a survey of the Site will be taken. Once this work is completed, an RIR will be drafted and submitted.

# SECTION V – REQUESTOR INFORMATION

The Requestor is Armonk Development LLC, a New York limited liability company, which is authorized to do business in the State of New York. *See* Exhibit H, NYSDOS Entity Information. The sole member is Jorge Madruga.

The Written Consent provides sole member Jorge Madruga with authority to sign all Brownfield Cleanup Program ("BCP") documents on behalf of the Requestor Armonk Development LLC. *See* Exhibit I, Corporate Consent.

As further described below in Section IV, the Site is located on a portion of 3 North Castle Drive, Tax parcel identification no. 108.03-1-62.1 ("Site" or "BCP Site").

Requestor is not the owner of the Site, but the Requestor's sole member is affiliated with the Site owner entity. As more fully described below in Section VI, Maddd Madonna Armonk LLC is the current owner of the Site. *See* Exhibits J Deed, and Exhibit B Survey. The Requestor has received a temporary license from the owner entity to access the property to perform investigation and remediation work required by the BCP. *See* Exhibit K Site Access Agreement.

The Requestor is affiliated with the current Owner but not the past owners or operators of the Site, which caused the contamination. *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 and the Requestor. The affiliated owner entered into a purchase and sale agreement with IBM on August 11 and the closing occurred rapidly on August 22, 2017 because the Owner was provided the August ERM 2016 Phase I ESA and was contractually allowed to rely in this report. The owner entity paid fair market value based on the "clean" Phase I report assuming it could readily be redeveloped for residential use. The Owner did not become aware that the Site had any contamination until Langan performed the August 2023 Phase II investigation. Since this time, principal Jorge Madruga has worked hard to determine a path forward. The only viable option was volunteering for the BCP.

# SECTION VI – REQUESTOR ELIGIBILITY INFORMATION

**1-11. Please refer to BCP Application Form.**

**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. The sole member of the Requestor is affiliated with the current owner of the Site, which had contractually relied on a "Clean" Phase I environmental due diligence report prior to Site acquisition. The due diligence report did not advise the prospective owner that the orchard related contamination was significant before it acquired the Site and prior owner IBM appears to have intentionally withheld this information. The Requestor and the affiliated Owner has implemented due care of the Site by keeping it vacant. Neither the Requestor nor the Owner had any involvement with the Site at the time of disposal.

# 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 listed in the table below.

| Parcel Address | Owner |
|---|---|
| 3 North Castle Drive | Maddd Madonna Armonk LLC |

*See* Exhibit J Deed for additional information.

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

# SECTION X - PROPERTY ELIGIBILITY INFORMATION

**Please refer to the responses to 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 apple orchard pesticide uses, which is linked to and caused Site contamination above the applicable cleanup standards. See Environmental Reports separately attached and the Spider Maps in Exhibit G, providing the data demonstrating exceedances of the cleanup standards for this Site. As a result, the Site meets the definition of a brownfield site pursuant to Environmental Conservation Law §27-1405(2).

# SECTION XI - CONTACT LIST INFORMATION

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

# EXHIBIT A

# BASE MAP

Former IBM Orchard Pesticide Site
p/o 3 North Castle Drive
North Castle, New York 10504

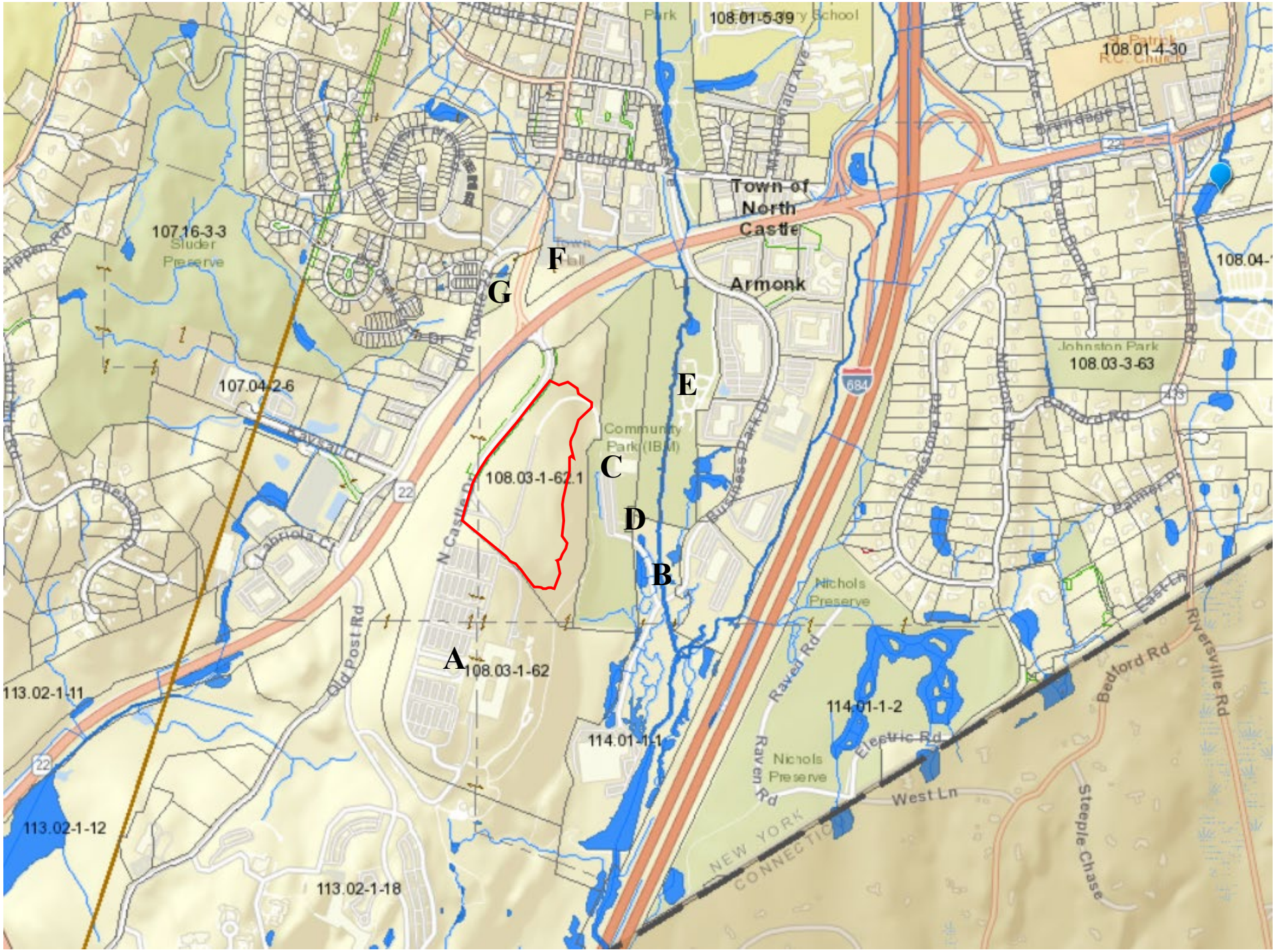
**Legend:**

Site Property Boundary

Corresponding page
lists adjacent property owners by
letter A – G

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

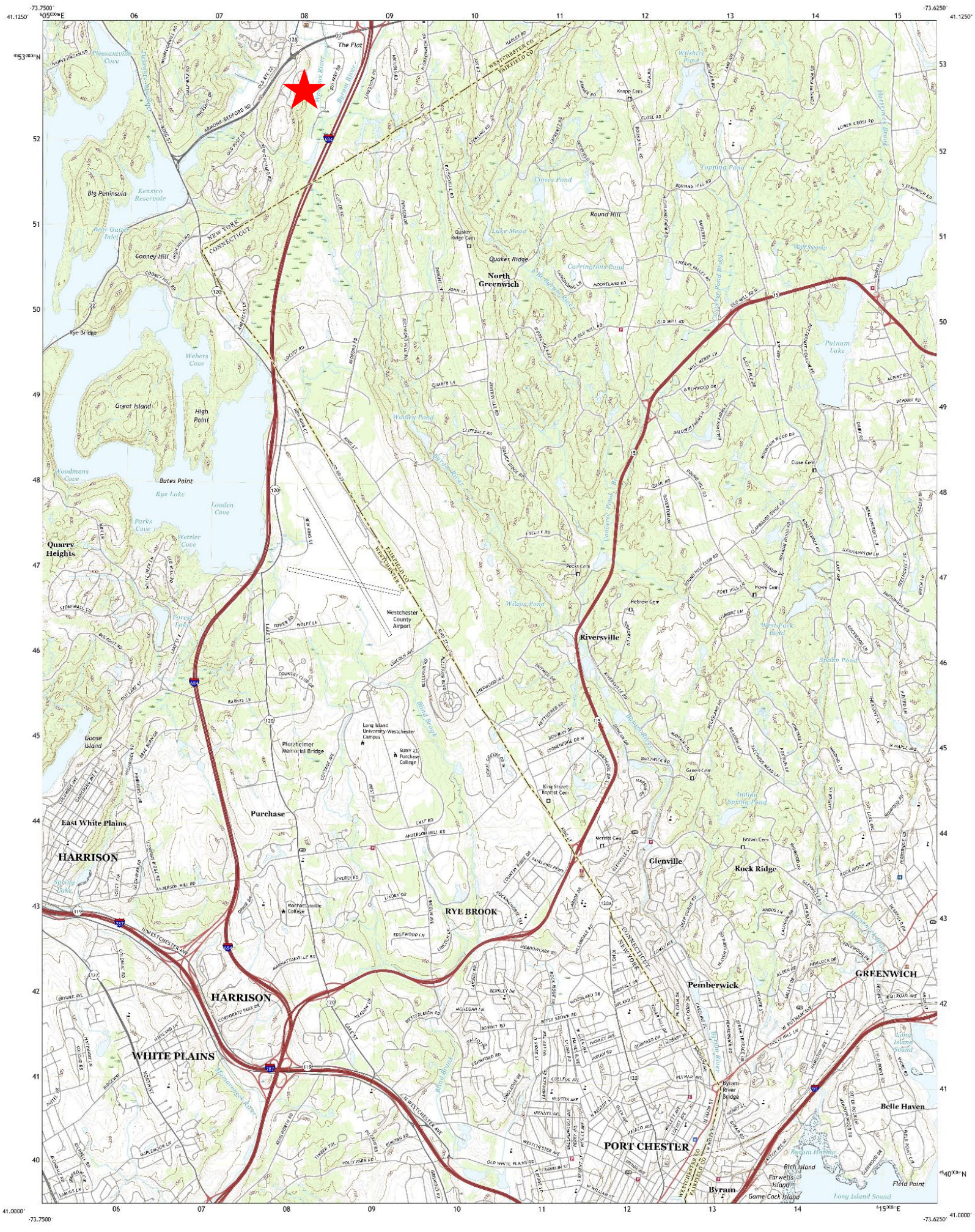
**August 2023**
**Source:**
**Scale:** 1" = 100' approximately



| Letter | Adjacent Property Owner(s) Name(s) | Property Address | Section-Block-Lot |
|---|---|---|---|
| **A** | IBM | 1 North Castle Drive | 108.03-1-62 |
| **B** | RLIF East 5 LLC | 215 Business Park Drive | 114.01-1-1 |
| **C** | Town of North Castle | 205 Business Park Drive | 108.03-1-60 |
| **D** | Town of North Castle Water District No 4 | 197 Business Park Drive | 108.03-1-61 |
| **E** | Town of North Castle Sewer District No 2 | Maple Avenue | 108.03-1-59 |
| **F** | Town of North Castle | 15 Bedford Road | 108.03-1-67 |
| **G** | Town of North Castle | Old Route 22 | 108.03-1-71 |

# SITE LOCATION MAP

★ BCP Site Location




**Produced by the United States Geological Survey**

North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and 1 000-meter grid: 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 | NAIP, | July 2016 - December 2017 |
| Roads | U.S. Census Bureau, | 2016 |
| Names | GNIS, | 1979 - 2018 |
| Hydrography | National Hydrography Dataset, | 2004 - 2016 |
| Contours | National Elevation Dataset, | 2013 |
| Boundaries | multiple sources; see metadata file | 2016 - 2017 |
| Wetlands | FWS National Wetlands Inventory | 1993 - 2011 |

UTM GRID AND 2019 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

SCALE 1:24 000

CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

This map was produced to conform with the National Geospatial Program US Topo Product Standard.

ADJOINING QUADRANGLES
1 Ossining
2 Mount Kisco
3 Pound Ridge
4 White Plains
5 Stamford
6 Mount Vernon
7 Nomaroneck
8 Bayville

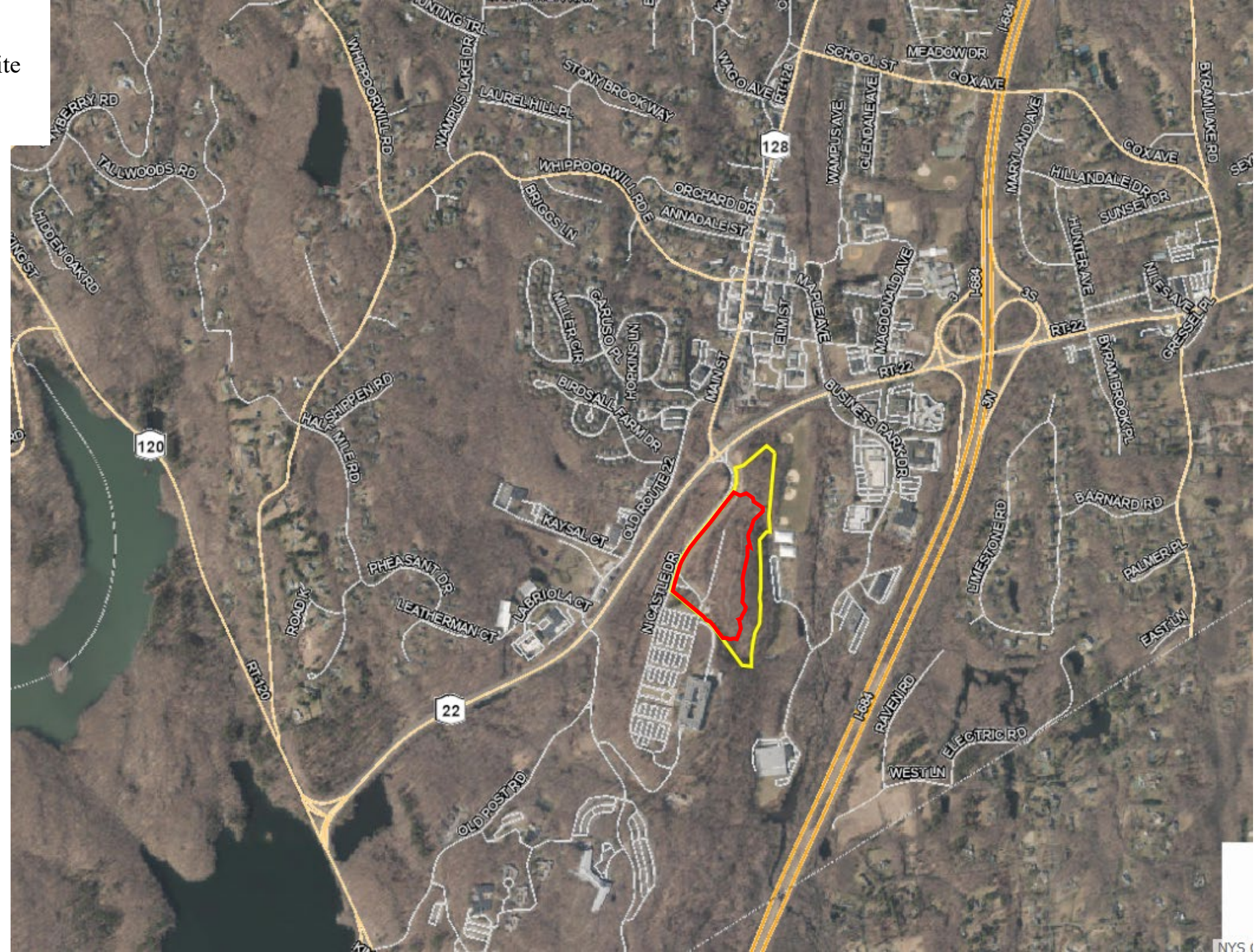
ROAD CLASSIFICATION
Expressway
Secondary Hwy
Ramp
Local Connector
Local Road
4WD
Interstate Route
US Route
State Route

**GLENVILLE, CT, NY**
**2021**

NSN 7643013618117
NGA REF NO. USGS24K17486

# Street Map

Former IBM Orchard Pesticide Site
p/o 3 North Castle Drive
North Castle, New York 10504




**Legend:**

- Tax Lot Boundary
- BCP Site Boundary

# EXHIBIT B

BCP AREA

All that certain plot, piece or parcel of land, situate, lying and being in the Town of North Castle, County of Westchester, State of New York, known and designated as "Proposed Brownfield Cleanup Program Area" through Lot A-4;
Lot A-4 being shown on a certain map entitled "Sheet Two of Four, Final Plat Prepared for International Business Machines Corporation," said map filed in the Westchester County Clerk's Office, Division of Land Records, May 11, 2010 as map number 28359; said "Proposed Brownfield Cleanup Program Area" being more particularly bounded and described as follows;

BEGINNING at a point along the division line between Filed Map Lot A-3 and Filed Map Lot A-4 and being the intersection of the easterly side of Filed Map Lot A-3 with the southwest corner of Filed Map Lot A-4;

Thence from said point of BEGINNING northeasterly along the division line between Filed Map Lot A-3 and Filed Map Lot A-4 the following courses and distances;

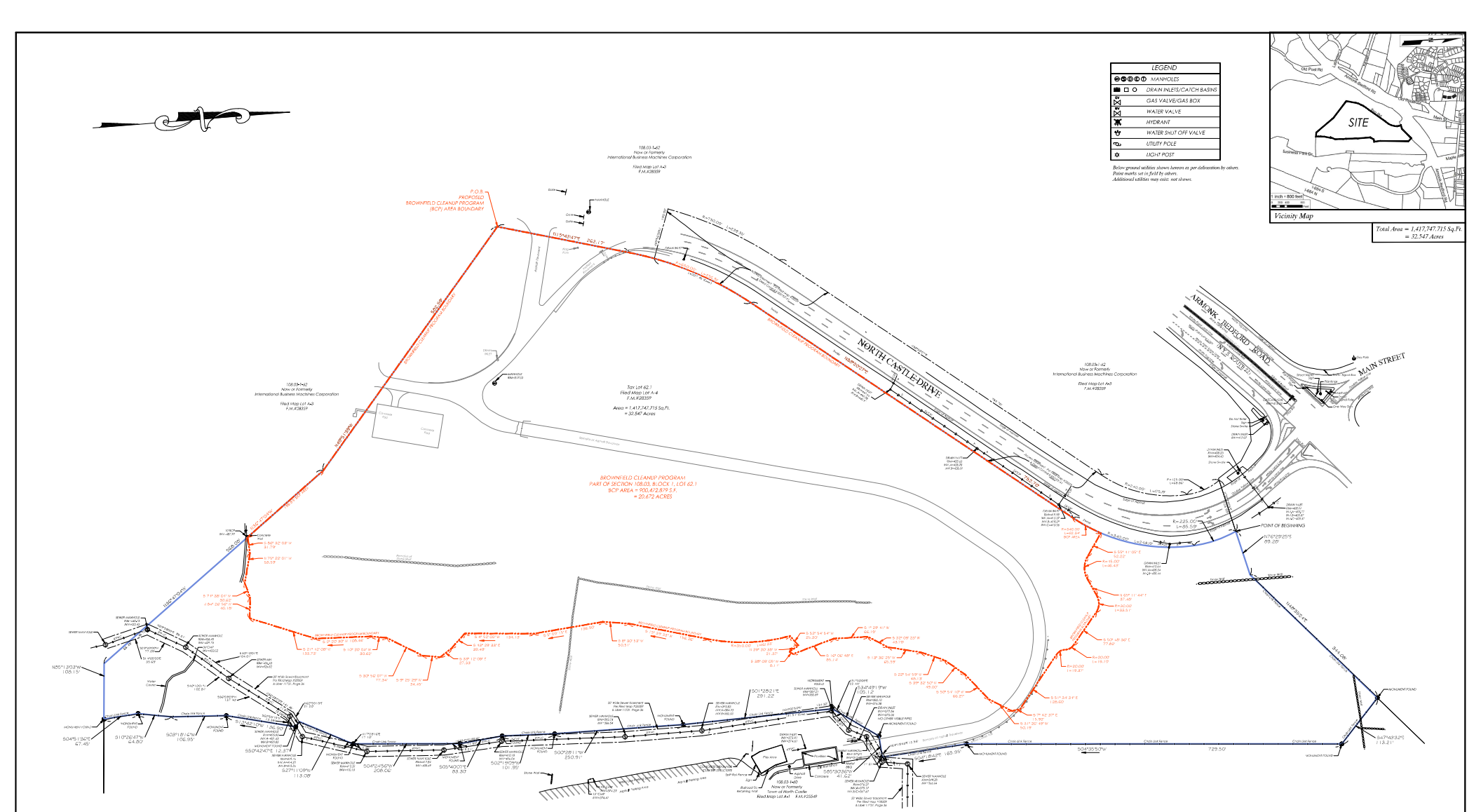
North 15 degrees 43 minutes 47 seconds East, a distance of 262.17 feet to a point of curve to the right having a radius of 650.00 feet and arc length of 256.51 feet;
North 38 degrees 20 minutes 27 seconds East, a distance of 752.70 feet to a point of curve to the left having a radius of 340.00 feet and a arc a length of 62.34 feet;

Thence through Filed Map Lot A-4 the following courses and distances;
South 55 degrees 41 minutes 5 seconds East, a distance of 52.22 feet to a point of curve to the left having a radius of 45.00 feet and a arc length of 46.43 feet;
North 65 degrees 11 minutes 44 seconds East, a distance of 37.48 feet to a point of curve to the right having a radius of 30.00 feet and an arc length of 33.51 feet;
South 50 degrees 48 minutes 36 seconds East, a distance of 77.82 feet to a point of curve to the right having a radius of 20.00 feet and an arc length of 19.10 feet to a point of reverse curve to the left having a radius of 20.00 feet and an arc length of 19.37 feet;
South 51 degrees 34 minutes 34 seconds East, a distance of 128.60 feet;
South 7 degrees 42 minutes 37 seconds East, a distance of 15.92 feet;
South 31 degrees 26 minutes 49 seconds West, a distance of 50.19 feet;
South 50 degrees 54 minutes 10 seconds West, a distance of 66.27 feet;
South 39 degrees 32 minutes 50 seconds West, a distance of 49.00 feet;
South 22 degrees 54 minutes 59 seconds West, a distance of 48.13 feet;
South 13 degrees 36 minutes 25 seconds West, a distance of 65.59 feet;
South 32 degrees 09 minutes 23 seconds West, a distance of 43.78 feet;
South 01 degree 29 minutes 41 seconds West, a distance of 66.19 feet;
South 16 degrees 06 minutes 48 seconds East, a distance of 85.14 feet;
South 38 degrees 09 minutes 05 seconds West, a distance of 8.11 feet;
North 29 degrees 20 minutes 38 seconds West, a distance of 21.37 feet;
South 52 degrees 54 minutes 54 seconds West, a distance of 25.20 feet to the point of

curve of a non tangent curve to the right, of which the radius point lies South 79 degrees 14 minutes 59 seconds West, a radial distance of 350.00 feet; and an arc length of 161.33 feet;
South 15 degrees 39 minutes 33 seconds West, a distance of 156.26 feet;
South 8 degrees 30 minutes 53 seconds West, a distance of 50.51 feet;
South 5 degrees 09 minutes 15 seconds East, a distance of 136.50 feet;
South 4 degrees 52 minutes 05 seconds West, a distance of 134.13 feet;
South 43 degrees 29 minutes 33 seconds East, a distance of 39.49 feet;
South 33 degrees 12 minutes 08 seconds East, a distance of 27.33 feet;
South 9 degrees 25 minutes 29 seconds West, a distance of 34.45 feet;
South 30 degrees 56 minutes 07 seconds West, a distance of 77.34 feet;
South 10 degrees 20 minutes 04 seconds West, a distance of 30.62 feet;
South 2 degrees 20 minutes 30 seconds West, a distance of 108.46 feet;
South 21 degrees 42 minutes 08 seconds West, a distance of 133.73 feet;
North 84 degrees 26 minutes 56 seconds West, a distance of 40.18 feet;
South 74 degrees 38 minutes 04 seconds West, a distance of 30.62 feet;
North 75 degrees 22 minutes 01 second West, a distance of 58.59 feet;
South 86 degrees 32 minutes 03 seconds West, a distance of 31.79 feet to the southerly side of Filed Map Lot A-4 and the division line between Filed Map Lot A-3 and Lot A-4;

Thence northwesterly along the division line between Filed Map Lot A-3 and Filed Map Lot A-4 the following courses and distances;
North 36 degrees 47 minutes 04 seconds West, a distance of 195.83 feet;
North 49 degrees 51 minutes 39 seconds West, a distance of 582.59 feet to the POINT OR PLACE OF BEGINNING.

Containing 900,472.879 square feet or 20.672 acres, more or less.


LEGEND
MANHOLES
DRAIN INLETS/CATCH BASINS
GAS VALVE/GAS BOX
WATER VALVE
HYDRANT
WATER SHUT OFF VALVE
UTILITY POLE
LIGHT POST
Below ground utilities shown hereon as per delineation by others.
Point markers set in field by others.
Additional utilities may exist, not shown.
Vicinity Map
SITE
Old Post Rd
Business Park Dr
Main St
Total Area = 1,417,747.715 Sq.Ft.
= 32.547 Acres
P.O.B.
PROPOSED
BROWNFIELD CLEANUP PROGRAM
(BCP) AREA BOUNDARY
108.03-1-62
Now or Formerly
International Business Machines Corporation
Filed Map Lot A-2
F.M.#28539
Tax Lot 62.1
Filed Map Lot A-4
F.M.#28539
Area = 1,417,747.715 Sq.Ft.
= 32.547 Acres
BROWNFIELD CLEANUP PROGRAM
PART OF SECTION 108.03, BLOCK 1, LOT 62.1
BCP AREA = 902,412.879 S.F.
= 20.672 ACRES
NORTH CASTLE DRIVE
ARMONK - BEDFORD ROAD
NYS ROUTE 22
MAIN STREET
POINT OF BEGINNING
N76°29'25"E
69.28'
HARRIMAN DRIVE
S.A.A. DR.
Crossland Fence
Chain Link Fence
Stone Wall
Retaining Wall
Parking Area
Pier Area
Railroad Tie Retaining Wall
Asphalt Driveway
Concrete Pad
Concrete Pads
Gazebo
Pavilion
Tennis Court
Basketball Court
Swimming Pool
Pool Area
Pool Deck
Pool Equipment
Pool Fence
Pool Gate
Pool Ladder
Pool Steps
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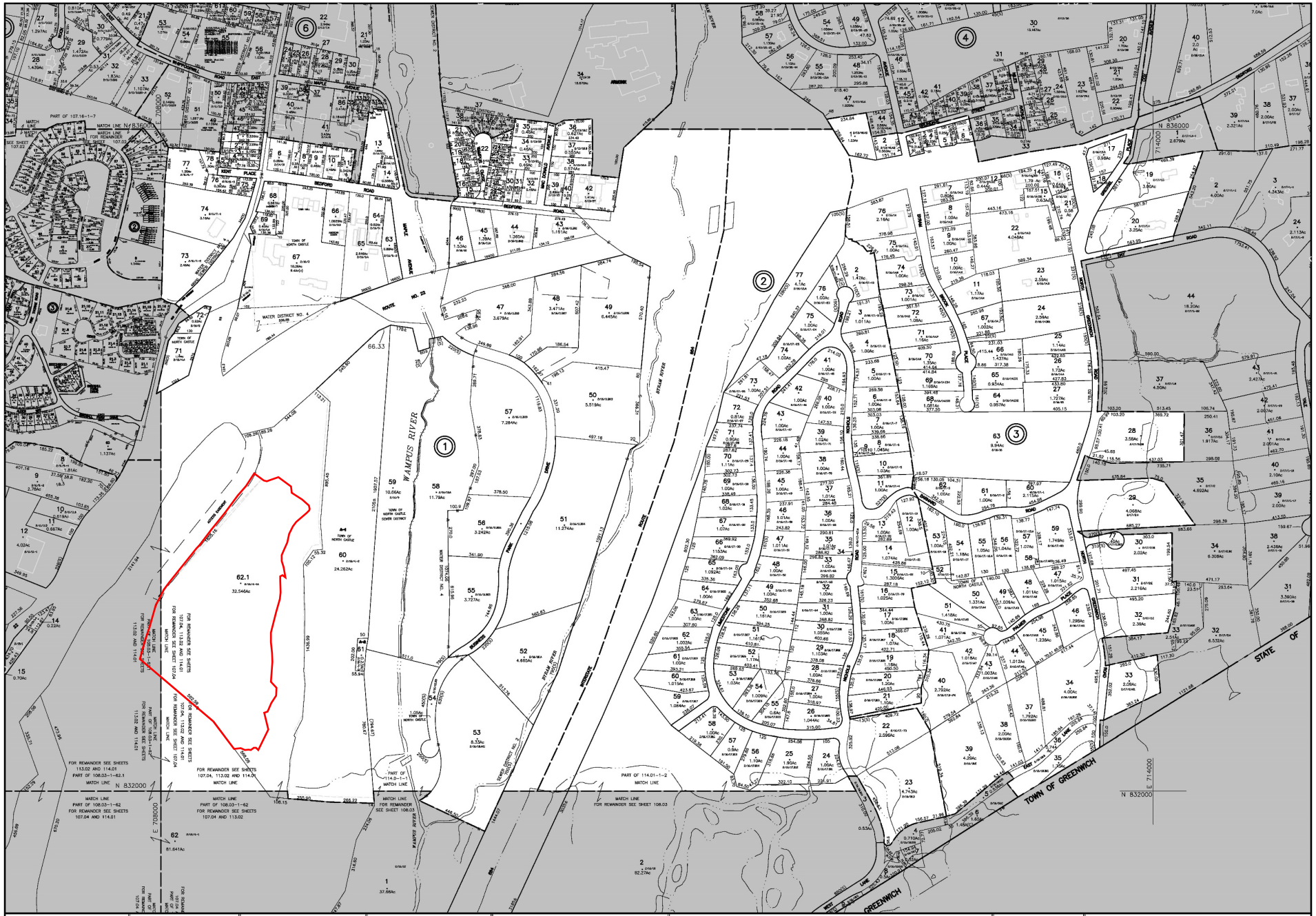


PREPARED FOR
TOWN OF NORTH CASTLE
ASSESSOR'S OFFICE
PREPARED BY
L. ROBERT KIMBALL & ASSOCIATES
GRID BASED ON NEW YORK STATE PLANE COORDINATE SYSTEM
1983 NORTH AMERICAN DATUM IN METERS

REVISED & REPRINTED BY
CAI Technologies
Precision Mapping, Geospatial Solutions

| MAP REVISIONS | | | | | | MAP REVISIONS | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| FORMERLY | | | NEW ASSESSED | | | FORMERLY | | | NEW ASSESSED | | |
| SH | BLOCK | LOT | SH | BLOCK | LOT | SH | BLOCK | LOT | SH | BLOCK | LOT |

SCHOOL DISTRICT AND SPECIAL DISTRICTS
SCHOOL: BYRAM HILLS CENT. SCHOOL DIST. 013801
FIRE: FIRE DISTRICT #1
WATER: WATER DISTRICT NO.4
SEWER: SEWER DISTRICT #1
LIGHTING:

LEGEND
AMBULANCE DIST.
FIRE DIST.
SEWER DIST.
WATER DIST.
SCHOOL DIST.
LIGHTING DIST.
COORDINATE LOCATION
PROPERTY LINE
ROAD BOUNDARY
BLOCK UNIT LINE
ORIGINAL LOT LINE
RAILROAD BOUNDARY
STREAM
DENOTES COMMON OWNER
ROAD ENCROACH
TAX MAP BLOCK NUMBER
SCALED DIMENSION
TOWN LINE
COUNTY LINE
STATE LINE
DEED ACREAGE
CALCULATED ACREAGE
DEED DIMENSION
RIGHT OF WAY/CENT LINE

FOR TAX PURPOSES ONLY
THIS IS A REPRODUCTION CONFORMING TO R.P.T.L. SECTION 308 (9) (a) OF A MAP OR PLAN FILED IN THE COUNTY CLERK'S OFFICE, AND IT IS NOT TO BE USED FOR PURPOSES OF CONVEYANCE.

NORTH
107.02 108.01 108.02
107.04 108.04
113.02 114.01
SHEET INDEX

TAX MAP
# TOWN OF NORTH CASTLE
WESTCHESTER COUNTY, NEW YORK
REVISED TO June 1, 2017
MAP DATE
108.03

Eastern Abstract Corp.

2500 Williamsbridge Road, Bronx N.Y. 10469
Phone: (718) 654-2000 Fax: (718) 654-2221
Email: info@easternabstractny.com
Web: www.easternabstractny.com

# TITLE INSURANCE CLOSING INVOICE

**Title No.:** E-W-24070 **Closing Date:**
**Client:** Kory Salomone, PC **Phone Number: (914) 219-0789**
**Applicant:** Maddd Madonna Armonk, LLC
**Reference:** IBM Corp. / Reissue FG3883
**Premises:** 1 North Castle Drive, Armonk, NY 10504 Sec. 108.03 Block 1 Lot 62(frmly 2/16/4-1.A)
**Owners:** International Business Machines Corporation
**Buyers:** Maddd Madonna Armonk, LLC

| CHARGE DESCRIPTION | BUYER(S) | SELLER(S) | LENDER |
|---|---|---|---|
| **POLICY PREMIUMS** | | | |
| Owners Policy Premium | $46,143.00 | | |
| **ENDORSEMENTS** | | | |
| | | | |
| | | | |
| **RECORDING TAXES** | | | |
| Transfer Tax New York State (TP584) | $54,000.00 | | |
| **RECORDING FEES** | | | |
| Deed - Westchester - Commercial (4pp) | $320.00 | | |
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| **ESCROWS** | | | |
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| **OTHER CHARGES** | | | |
| Bankruptcy Search + | $50.00 | | |
| Patriot Search + | $40.00 | | |
| Service Fee - Record Deed | $60.00 | | |
| Franchise Tax | $35.00 | | |
| Sales Tax Westchester - Non-Specific - 7.375% | $6.64 | | |
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| | | | |
| TOTALS: | $100,654.64 | $0.00 | $0.00 |

**TITLE POLICIES AND INFORMATION**

* Fee Simple Policy for $13,500,000.00 (Premium $46,143.00)
* Property Type is Commercial Vacant Land
* Underwriter: Fidelity National Title Insurance Company of New York
* + items are subject to NYS Sales Tax

| | Totals | Checks |
|---|---|---|
| BUYER(S) | $_____ | $_____ |
| SELLER(S) | $_____ | $_____ |
| LENDER | $_____ | $_____ |
| | | $_____ |
| | | $_____ |
| | | $_____ |
| TOTALS | $_____ | $_____ |

***NOTICE: Title costs for this transaction may include charges for certain services not specified in the state approved Rate Manual and are provided by this Company at the request of your lender or attorney.***

Eastern Abstract Corp.

2500 Williamsbridge Road, Bronx N.Y. 10469
Phone: (718) 654-2000 Fax: (718) 654-2221
Email: info@easternabstractny.com
Web: www.easternabstractny.com

# MEMORANDUM OF ANCILLARY CHARGES

**Title No.:** E-W-24070 **Closing Date:** at
**Client:** Kory Salomone, PC **Phone Number:** (914) 219-0789
**Applicant:** Maddd Madonna Armonk, LLC
**Reference:** IBM Corp. / Reissue FG3883
**Premises:** 1 North Castle Drive, Armonk, NY 10504 Sec. 108.03 Block 1 Lot 62(frmly 2/16/4-1.A)
**Owner(s):** International Business Machines Corporation
**Buyer(s):** Maddd Madonna Armonk, LLC

*The charges noted below are for ancillary service charges not encompassed in the title premiums approved by the Superintendent of the Department of Financial Services. Said services were requested by your lender or your attorney. By signing below you are acknowledging and agreeing to pay said fees.*

| CHARGE DESCRIPTION | BUYER(S) | SELLER(S) |
|---|---|---|
| Bankruptcy Search | $50.00 | |
| Patriot Search | $40.00 | |
| Service Fee - Record Deed | $60.00 | |
| Franchise Tax | $35.00 | |
| | | |
| | | |
| | | |
| TOTALS: | $185.00 | $0.00 |

Seller: International Business Machines Corporation

Buyer: Maddd Madonna Armonk, LLC

*Printed On 8/18/2017*

Eastern Abstract Corp.

2500 Williamsbridge Road, Bronx N.Y. 10469
Phone: (718) 654-2000 Fax: (718) 654-2221
Email: info@easternabstractny.com
Web: www.easternabstractny.com

Kory Salomone, PC
Attorney at Law
1 Hunter Avenue
Suite 3
Armonk, NY 10504

August 21, 2017

RE: Title No. : E-W-24070
Premises : 1 North Castle Drive, Armonk, NY 10504
Owner(s) : International Business Machines Corporation
Buyer(s) : Maddd Madonna Armonk, LLC
Reference: IBM Corp. / Reissue FG3883

Dear Mr. Salomone:

In reference to the above captioned title, attached please find:

Amended Certification Page, Tax Search, Survey Reading and Print

The following exceptions have been added to your report of title:

24) Easement Agreement between International Business Machines Corporation & MADDD Madonna Armonk, LLC to be recorded.

25) Restrictions recited in closing deed.

26) Agreement with respect to Allocation of Reserve Capacity for Lot A-4 between Seller and North Castle Sewer District No. 2 dated May 10, 2017 and to be recorded.

27) Amended and Restated Agreement with respect to Reserve Sewer Capacity and Sewer Charges on Lots A-3 and B-1 between Seller and North Castle Sewer District No. 2, dated May 10, 2017 and to be recorded

Kindly attach to the report of title sent to you previously.

If you have any questions, or if we can be of any further assistance, please do not hesitate to contact the undersigned.

Eastern
Abstract
Corp.

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Email: info@easternabstractny.com
Web: www.easternabstractny.com

Very truly yours,
Eastern Abstract Corp.

By: Laura Sanders

Encl.
cc:
Edward P. Nolan, Esq
Suneet Bawa, Esq.
Windels, Marx, Lane & Mettendorf, LLP
156 West 56th Street
NY, NY 10019

Gary Rosen, Esq.
Attorneys at Law
216 Lakeville Road
Great Neck, NY 11020

Suneet "Neetu" Bawa
Windels, Marx, Lane & Mettendorf, LLP
156 West 56th Street
NY, NY 10019

IBM
Place of Closing
1 New Orchard Road (?)
Armonk, NY 10504

Eastern Abstract Corp.

2500 Williamsbridge Road, Bronx N.Y. 10469
Phone: (718) 654-2000 Fax: (718) 654-2221
Email: info@easternabstractny.com
Web: www.easternabstractny.com



# *Fidelity National Title Insurance Company of New York*

## Certification Page – Amended 8/21/2017

Title Number: **E-W-24070** Effective Date 8/1/2017

| | |
|---|---|
| Premises: | **1 North Castle Drive, Armonk, NY 10504,** |
| County: | **Westchester** |
| Town: | **North Castle** |
| Tax ID: | **Section 108.03 Block 1 Lot 62.1 (frmly 2/16/4-1.A)** |

---

ALTA Owner's Policy 2006 (with N.Y. Endorsement Modifications) **$13,500,000.00**
Proposed Insured: **Maddd Madonna Armonk, LLC**

ALTA Loan Policy 2006 (with Endorsement Modifications)
Proposed Insured: **, its successors and/or assigns**

---

**THIS COMPANY CERTIFIES** that a good and marketable title to premises described in Schedule A, subject to the liens, encumbrances and other matters, if any, set forth in this certificate may be conveyed and/or mortgaged by:

**INTERNATIONAL BUSINESS MACHINES CORPORATION** who acquired title by Deed from:

Cornelius Rea Agnew Jr. Executor and Individual, Alice Agnew Schackleford, Sanford M. Agnew, Donald Agnew & Blanche B. Agnew by deed dated 8/15/1955 recorded 8/24/1955 in Liber 5495 page 466

And

Cornelius R. Agnew Jr. & Dorthea Somers Agnew by deed dated 9/30/1955 recorded 10/5/1955 in Liber 5511 page 439

And

Eastern Abstract Corp.

2500 Williamsbridge Road, Bronx N.Y. 10469
Phone: (718) 654-2000 Fax: (718) 654 2221
Email: info@easternabstractny.com
Web: www.easternabstractny.com



The City of New York by deed dated 5/17/1961 recorded 6/2/1961 in Liber 6109 page 467

And

People of the State of New York by deed dated 6/30/1997 recorded 9/11/1997 in Liber 11809 page 157

And

People of the State of New York by deed dated 5/18/1977 recorded 10/20/1977 in Liber 7427 page 767

And

People of the State of New York by deed dated 11/14/1984 recorded 9/20/1985 in Liber 8218 page 345

And

Macpal Realty Corporation by deed dated 12/17/1969 recorded 1/20/1970 in Liber 6906 page 446

And

Arthur S. Rverson & Bertha A. Rverson, his wife by deed dated 1/2/1973 recorded 1/9/1973 in Liber 7103 page 178

And

Robert W. Sarnoff & Felicia W. Roosevelt a/k/a Felicia Sarnoff by deed dated 3/2/1971 recorded 3/10/1971 Liber 6977 page 144

And

Sandford M. Agnew & Sanford Martin Agnew by deed dated 12/14/1973 recorded 12/18/1973 Liber 7171 page 485

Excepting as much of the above described premises as was conveyed/sold off by the following deeds (which may contain Restrictions or Rights):

Liber 6969 page 532 dated 1/18/1971 recorded 1/18/1971 to Town of North Castle.

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Liber 7142 page 62 dated 5/17/1973 recorded 7/27/1973 to Town of North Castle.

Liber 11731 page 53 dated 12/24/1996 recorded 5/28/1997 to Town of North Castle.

Liber 11309 page 109 dated 12/5/1995 recorded 12/8/1995 to New York Urban Development Corporation d/b/a Empire State Development Corporation.

Liber 11892 page 309 (corrects Liber 11731 page 53) – Deed of Dedication to Town of North Castle dated 8/14/1997 recorded 9/2/1997 Liber 11802 page 309.

Liber 12114 page 52 dated 8/23/1998 recorded 9/18/1998 to Town of North Castle (Deed of Dedication).

Control # 411180071 to Tots and Toddlers LLC dated 3/3/2001 recorded 5/4/2001 .

Control # 453110323 (Notice of Appropriation) recorded 12/22/2005 to New York State Department of Transportation.

Control # 506133367 (Dedication) to Town of North Castle dated 2/1/2010 recorded 6/3/2010 (corrects Liber 11731 page 53)

Control # 512443452 dated 10/27/2011 recorded 11/9/2011 to Empire State Development Corporation.

Recertified Date: ____/____/_____ Title Recertified In:

---

The land referred to in this Certificate is described as follows:

SCHEDULE "A" DESCRIPTION TO FOLLOW

---

ID-9366892-043

# ABSTRACTERS' INFORMATION SERVICE

3000 MARCUS AVE, SUITE 2W02 LAKE SUCCESS NY 11042
PHONE:(516) 918-4600 FAX:(516) 918-4540

## TAX SEARCH

Prepared For: Eastern Abstract

County : WESTCHESTER

TITLE NO. 0200-EW24070

DATE: 8/18/2017

PREMISES: 1 NORTH CASTLE DRIVE, NORTH CASTLE

TOWN OF NORTH CASTLE

ACREAGE: 32.55 LOT SIZE: NA

ASSESSED OWNER: IBM

TAX CLASSIFICATION: 330

ASSESSED VALUE: TOWN 196800/196800

SD: BYRAM HILLS SECTION: 108.3 BLOCK: 1 LOT: 62.1 SWIS CODE: 553800

---

RETURNS

SEC: 108.3 BLOCK: 1 LOT: 62.1

2017 TOWN/COUNTY TAX PERIOD 01/01/17 - 12/31/17
FULL TAX DUE 04/01/17 - $64,079.80 PAID

2016/2017 SCHOOL TAX PERIOD 07/01/16 - 06/30/17
1 1/2 TAX DUE 09/01/16 - $66,882.83 PAID
2 1/2 TAX DUE 01/01/17 - $66,882.82 PAID

WATER - VACANT

NOTE: FINAL READ / UP-TO-DATE BILL OR RECEIPT MUST BE PRODUCED AT CLOSING. SUBJECT TO PRIOR WATER CHARGES NOT ENTERED AND SUBSEQUENT WATER CHARGES SINCE DATE OF LAST READING.

SUBJECT TO CONTINUATION PRIOR TO CLOSING.

**Note: A separate $5.00 check is required for all tax payments to the Town of North Castle Receiver of Taxes if being paid without original bill.**

**FOR TAX PAYMENT INFORMATION GO TO: http://orps1.orpts.ny.gov/cfapps/MuniPro/swis/**

RECOMMEND THAT CUSTOMER CONFIRM AT CLOSING THAT OWNER HAS NOT RECEIVED NOTICE OF SPECIAL ASSESSMENTS (I.E., SIDEWALK REPAIRS, LOT CLEARANCE, OR EMERGENCY REPAIRS). SEARCH MAY NOT INCLUDE EXISTENCE OF SUCH NOTICES. EXEMPT PROPERTY RESTORED FACTORS (IF ANY) SHOWN ABOVE REPRESENT THE DIFFERENCE BETWEEN THE ACTUAL TAX SHOWN AND WHAT THE TAX WOULD HAVE BEEN HAD THERE BEEN NO EXEMPTION. RESTORED TAX IS FIGURED ON A PRO-RATA BASIS FROM DATE OF DEED TO END OF FISCAL YEAR OF EACH TAX SO AFFECTED. METHOD OF COLLECTION OF RESTORED TAX IS NOT UNIFORM FOR ALL MUNICIPALITIES. SEARCH DOES NOT INCLUDE LEVIES OF RESTORED TAXES NOT YET POSTED BY MUNICIPALITY. SOME ITEMS RETURNED MAY HAVE BEEN PAID BUT NOT OFFICIALLY POSTED BY MUNICIPALITY. RECOMMEND THAT CUSTOMER OBTAIN RECEIPTS FOR SUCH ITEMS AT CLOSING. TAX DUE DATES MAY VARY ANNUALLY. RECOMMEND THAT CUSTOMER CONFIRM DUE DATES WITH THE APPROPRIATE MUNICIPALITY. SEARCH MAY NOT INCLUDE ITEMS NOT A LIEN UP TO THE DATE SHOWN. SEARCH DOES NOT INCLUDE ARREARS FILED AGAINST ANY NAME OTHER THAN THE ASSESSED OWNER AS SHOWN ABOVE. THE RETURNS ARE SPECIFIC TO SECTION, BLOCK AND LOT.

IMPORTANT NOTICE ABOUT SEARCH INFORMATION ABOVE

DATA TRACE INFORMATION SERVICES LLC DISCLAIMS ANY AND ALL LIABILITY TO ANY PERSON OR ENTITY FOR THE PROPER PERFORMANCE OF SERVICES REFLECTING THE CONDITION OF TITLE TO REAL PROPERTY. THE SERVICES ARE PROVIDED 'AS IS' WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, OR WARRANTIES BASED ON COURSE OF DEALING OR USAGE IN TRADE OR ERRORS OR OMISSIONS RESULTING FROM NEGLIGENCE. THIS IS NOT AN INSURED SERVICE. THIS DISCLAIMER SUPERSEDES ALL PRIOR AND CONTEMPORANEOUS UNDERSTANDINGS. THE SERVICES ARE EXCLUSIVELY FOR Eastern Abstract AND NOT FOR THE BENEFIT OF ANY THIRD PARTIES.

## Abstracters' Information Service

3000 MARCUS AVENUE - SUITE 2W02 LAKE SUCCESS, N.Y. 11042

PHONE:(516) 918-4600 FAX:(516) 918-4540


# WESTCHESTER MUNICIPAL TAX PAGE

**TITLE NO. 0200-EW24070 Order Date: 8/18/2017**

NORTH CASTLE TOWN*
17 BEDFORD RD/TOWN HALL ANNEX
ARMONK, NY 10504-1803
(914) 273-6620

NORTH CASTLE SCHOOLS_*

17 BEDFORD RD
ARMONK, NY 10504-1803
(914) 273-6620

THE ABOVE IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THERE IS NO LIABILITY ASSUMED.

## Survey Reading

ALTA/NSPS Survey made by Thomas CV. Merritts NY Licensed Land Surveyor dated 10/5/2016 and last revised 11/16/2016 shows vacant land and the following:

Fences vary from record lines.

NYSDEC Wetland Area as shown Southeast portion of premises.

20 foot wide Sewer Easement per Filed Map # 28359 & Liber 11731 page 36.

Notes on survey.

Drain from concrete pad crossing Southerly property line.

Asphalt pavement areas as shown and crossing Southerly property line.

Remains of asphalt travel way crosses premises to premises adjoining on Southeast. – Policy excepts rights of others to use said traveled way.

Access Easement per Filed Map # 28359 & Deed Control # 500153161 as shown (North Castle Drive).

Stone wall as shown Northeasterly portion of premises and extending onto adjoining premises to the East.

Drive and drain cross Southerly property line.

Except all changes from date of survey.

Vicinity Map

NORTH CASTLE DRIVE

ARMONK-BEDFORD ROAD

manhole

concrete pad

LEGEND

| | |
|---|---|
| | MANHOLE |
| | DRAIN INLET/CATCH BASIN |
| | GAS VALVE/GAS BOX |
| | WATER VALVE |
| | HYDRANT |
| | WATER VALVE/GAS VALVE |
| | UTILITY POLE |
| | LIGHT POLE |
| | SANITARY SEWER MAIN |

ALTA/NSPS SURVEY
PREPARED FOR
MADONNA ENTERPRISES, LLC

GRAPHIC SCALE

THOMAS C. MERRITTS LAND SURVEYORS, P.C.

# CERTIFICATE OF TITLE

## *Fidelity National Title Insurance Company of New York*

Agrees to issue its standard form of title insurance policy after the closing of the transaction in conformance with procedures approved by the Company excepting (a) all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth herein that are not disposed of to the satisfaction of the Company prior to such closing or issuance of the policy, and (b) any question or objection coming to the attention of the Company before the date of closing, or if there be no closing, before the issuance of said policy.

This Certificate shall be null and void (1) if the fees therefor are not paid (2) if the prospective insured, his attorney or agent makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact or if any untrue answers are given to material inquiries by or on behalf of the Company (3) upon delivery of the policy. Any claim arising by reason of the issuance hereof shall be restricted to the terms and conditions of the standard form of insurance policy. If the title, interest or lien to be insured was acquired by the prospective insured prior to delivery hereof, the Company assumes no liability except under its policy when issued.

THIS CERTIFICATE IS INTENDED FOR LAWYERS ONLY. SUCH EXCEPTIONS AS MAYBE SET FORTH HEREIN MAY AFFECT MARKETABILITY OF TITLE. YOUR LAWYER SHOULD BE CONSULTED BEFORE TAKING ANY ACTION BASED UPON THE CONTENTS HEREOF. THE COMPANY'S REPRESENTATIVE AT THE CLOSING HEREUNDER MAY NOT ACT AS LEGAL ADVISOR TO ANY OF THE PARTIES OR DRAW LEGAL INSTRUMENTS FOR THEM. SUCH REPRESENTATIVE IS PERMITTED TO BE OF ASSISTANCE ONLY TO AN ATTORNEY. IT IS ADVISABLE TO HAVE YOUR ATTORNEY PRESENT AT THE CLOSING.

IF ANY OF THE CLOSING INSTRUMENTS WILL BE OTHER THAN COMMONLY USED FORMS OR CONTAIN UNUSUAL PROVISIONS, THE CLOSING CAN BE SIMPLIFIED AND EXPEDITED BY FURNISHING THE COMPANY WITH COPIES OF THE PROPOSED DOCUMENTS IN ADVANCE OF CLOSING.

TITLE NO.: **E-W-24070**
PREMISES: **1 North Castle Drive, Armonk, NY 10504**
REFERENCE: **IBM Corp. / Reissue FG3883**

**Dated**: 8/1/2016 – Contin to be received 8/21/2017

*Robert J. Klapper*

*Authorized Signatory*

**Redated:**

**By:**_____

***Will be pleased to confer on any questions concerning this certificate***

Issued by:
**Eastern Abstract Corp.**

**2500 Williamsbridge Road**

**Bronx, NY 10469**

**Tel# 718-654-2000 Fax # 718-654-2221**

***Fidelity National Title Insurance Company***

By: _____ President

ATTEST _____ Secretary

SEAL

**Certificate for Title Insurance**
***(Continued)***

The following matters will be expressly excluded from the coverage of the policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
(i) the occupancy, use, or enjoyment of the Land;
(ii) the character, dimensions, or location of any improvement erected on the Land;
(iii) the subdivision of land; or
(iv) environmental protection;
or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.

2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.

3. Defects, liens, encumbrances, adverse claims, or other matters
(a) created, suffered, assumed, or agreed to by the Insured Claimant;
(b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
(c) resulting in no loss or damage to the Insured Claimant;
(d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10 or loan policy 11, 13 or 14); or
(e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.

4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
(a) a fraudulent conveyance or fraudulent transfer; or
(b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.

5. Any lien on the Title for real estate taxes, assessments, water charges or sewer rents imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records.

Loan Policy additional Exclusions:

6. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.

7. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.

The policy will except from coverage any state of facts which an accurate survey might show, unless a survey is provided or survey coverage is available. When a survey is provided, this certificate will set forth the specific survey exceptions which we will include in the policy. Whenever the word "trim" is used in any survey exceptions from coverage, it shall be deemed to include roof cornices, show window cornices, lintels, sills, window trim, entrance trim, bay window cornices, moldings, belt courses, water tables, keystones, pilasters, porticos, balconies all of which project beyond the street line.

Eastern Abstract Corp.

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# *Fidelity National Title Insurance Company of New York*

## Certification Page – Amended 8/21/2017

Title Number: **E-W-24070** Effective Date 8/1/2017

Premises: **1 North Castle Drive, Armonk, NY 10504,**
County: **Westchester**
Town: **North Castle**
Tax ID: **Section 108.03 Block 1 Lot 62.1 (frmly 2/16/4-1.A)**

---

ALTA Owner's Policy 2006 (with N.Y. Endorsement Modifications) **$13,500,000.00**
Proposed Insured: **Maddd Madonna Armonk, LLC**

ALTA Loan Policy 2006 (with Endorsement Modifications)
Proposed Insured: **, its successors and/or assigns**

---

**THIS COMPANY CERTIFIES** that a good and marketable title to premises described in Schedule A, subject to the liens, encumbrances and other matters, if any, set forth in this certificate may be conveyed and/or mortgaged by:

**INTERNATIONAL BUSINESS MACHINES CORPORATION** who acquired title by Deed from:

Cornelius Rea Agnew Jr. Executor and Individual, Alice Agnew Schackleford, Sanford M. Agnew, Donald Agnew & Blanche B. Agnew by deed dated 8/15/1955 recorded 8/24/1955 in Liber 5495 page 466

And

Cornelius R. Agnew Jr. & Dorthea Somers Agnew by deed dated 9/30/1955 recorded 10/5/1955 in Liber 5511 page 439

And

Eastern Abstract Corp.

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The City of New York by deed dated 5/17/1961 recorded 6/2/1961 in Liber 6109 page 467

And

People of the State of New York by deed dated 6/30/1997 recorded 9/11/1997 in Liber 11809 page 157

And

People of the State of New York by deed dated 5/18/1977 recorded 10/20/1977 in Liber 7427 page 767

And

People of the State of New York by deed dated 11/14/1984 recorded 9/20/1985 in Liber 8218 page 345

And

Macpal Realty Corporation by deed dated 12/17/1969 recorded 1/20/1970 in Liber 6906 page 446

And

Arthur S. Rverson & Bertha A. Rverson, his wife by deed dated 1/2/1973 recorded 1/9/1973 in Liber 7103 page 178

And

Robert W. Sarnoff & Felicia W. Roosevelt a/k/a Felicia Sarnoff by deed dated 3/2/1971 recorded 3/10/1971 Liber 6977 page 144

And

Sandford M. Agnew & Sanford Martin Agnew by deed dated 12/14/1973 recorded 12/18/1973 Liber 7171 page 485

Excepting as much of the above described premises as was conveyed/sold off by the following deeds (which may contain Restrictions or Rights):

Liber 6969 page 532 dated 1/18/1971 recorded 1/18/1971 to Town of North Castle.

Eastern Abstract Corp.

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Phone: (718) 654-2000 Fax: (718) 654-2221
Email: info@easternabstractny.com
Web: www.easternabstractny.com



Liber 7142 page 62 dated 5/17/1973 recorded 7/27/1973 to Town of North Castle.

Liber 11731 page 53 dated 12/24/1996 recorded 5/28/1997 to Town of North Castle.

Liber 11309 page 109 dated 12/5/1995 recorded 12/8/1995 to New York Urban Development Corporation d/b/a Empire State Development Corporation.

Liber 11892 page 309 (corrects Liber 11731 page 53) – Deed of Dedication to Town of North Castle dated 8/14/1997 recorded 9/2/1997 Liber 11802 page 309.

Liber 12114 page 52 dated 8/23/1998 recorded 9/18/1998 to Town of North Castle (Deed of Dedication).

Control # 411180071 to Tots and Toddlers LLC dated 3/3/2001 recorded 5/4/2001 .

Control # 453110323 (Notice of Appropriation) recorded 12/22/2005 to New York State Department of Transportation.

Control # 506133367 (Dedication) to Town of North Castle dated 2/1/2010 recorded 6/3/2010 (corrects Liber 11731 page 53)

Control # 512443452 dated 10/27/2011 recorded 11/9/2011 to Empire State Development Corporation.

Recertified Date: ____/____/_____ Title Recertified In:

---

The land referred to in this Certificate is described as follows:

SCHEDULE "A" DESCRIPTION TO FOLLOW

---

Eastern Abstract Corp.

2500 Williamsbridge Road, Bronx N.Y. 10469
Phone: (718) 654-2000 Fax: (718) 654 2221
Email: info@easternabstractny.com
Web: www.easternabstractny.com



# *FidelityNational Title Insurance Company of New York*

**Schedule B – Amended 8/21/2017** -

Hereinafter set forth are additional matters which will appear in our policy as exceptions from coverage unless disposed of to our satisfaction prior to the closing or delivery of the policy.

**DISPOSITION**

1. Taxes, tax liens, tax sales, water rates, sewer and assessments set forth in schedule herein.

2. Mortgages returned herein ( None ). Detailed statement herein.

3. Covenants, conditions, easements and other matters:
   1) Declaration of Right of Way Liber 11318 page 119 as terminated by Control # 501243166
   2) Declaration of Water Easement Liber 11318 page 49 & confirmed by Control # 501243175
   3) Declaration of Telephone & Power Easements Liber 11318 page 59
   4) Release of Conditions & Restrictions Liber 11347 page 227 (terminates Liber 7142 page 62)
   5) Reservation/ Restriction Liber 7427 page 767 and as set forth on Filed Map # 19281
   6) Covenants & Restrictions Liber 8218 page 345
   7) Water Rights Agreement Liber 1538 page 460
   8) Right of Way Agreement Liber 5219 page 218 & page 220
   9) Subject to Easement acquired by the City of New York for an underground aqueduct in Damage Parcel No. 962 Delaware Section No. 3, Delaware Aqueduct Project as recited in Liber 4281 page 355
   10) Covenants & Restrictions Liber 1725 page 463
   11) Liber 2907 page 182 recital as to possible Telephone or Telegraph Rights
   12) Reservation Liber 1476 page 271
   13) Notes, easements, etc as shown on Filed Map #'s 25549, 25925 & 28354
   14) Sewer Easement as set forth on Filed Map # 28359
   15) Notice of Appropriation Liber 6537 page 106 & Liber 6742 page 681 & Liber 6795 page 230
   16) Telephone Easement Liber 6668 page 353 & Liber 6868 page 343,

Liber 6870 page 354 & Filed Map # 15051 & Liber 6583 page 451
17) Sewer Easement Liber 7757 page 649
18) Drainage/Sewage disposal Liber 6171 page 279
19) Con Edison Agreement Liber 6458 page 211
20) Water Line Easement Agreement Control # 441950674
21) Sewer Line Easement Agreement Control # 441950640 (affects Parcel B on Map 25549)
22) Water Line Easement Agreement Control # 441950666 (affects Parcel B on Map 25549)
23) Declaration of Access Easement Control # 500153161
24) Declaration of Termination of Right of Way Easement Control # 501243166
25) Confirmation of Location and Declaration of Water Line Easement Control # 501243175
26) Communications Easement (NY Telephone) Liber 11500 page 241
27) Agreement with Respect to Reserved Sewer Capacity & Sewer Charges of Lots A & B Liber 11946 page 236
28) Dedication & Sewer Line & Easement Liber 11731 page 36 & Liber 11317 page 329
29) Memo of Agreement Regarding Water & Sewer Liber 11318 page 1
30) Subject to the rights of others to cross said premises set forth in Liber 1147 page 271 and as shown on Filed Map No. 25925 as Bear Gutter Creek Tunnel (affects Old Lot A and now affects proposed Lot A-3)
31) Covenants & Restrictions Liber 3276 page 303 & consents thereto as the same may be in effect.

4. Rights of tenants or persons in possession, of any.

5. Any state of facts an accurate survey might show. Until a guaranteed survey is received, policy will not insure courses, distances and dimensions of subject premises or the bed of any street, road or avenue passing through same and will except any facts such a survey or personal inspection would show.

6. Proof is required of payment of New York State Corporate Franchise Taxes by International Business Machines Corporation to date. – Verbal report from Albany, Missing Returns for 2016 and 1 open Assessment.

Eastern Abstract Corp.

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Email: info@easternabstractny.com
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7. Where a Corporation is to execute a deed, mortgage or lease at or prior to closing of title, the provisions of the Business Corporation Law must be complied with.

8. Judgments and Federal Tax Lien Searches were run against International Business Machines Corporation, the following Judgment (1) & Federal Tax Lien (1) to be satisfied and/or discharged of record or same will be excepted.

9. Memo of Lease between The New York State Urban Development Corporation d/b/a Empire State Development Corporation (landlord) and International Business Machines Corporation (tenant) dated 12/5/1995 recorded 12/8/1995 Liber11309 page 119 as the same may apply. Proof of the status of said Lease.

10. Tax Search reveals premises to be benefitted by a P.I.L.O.T. Agreement. Title subject to terms of said agreement. Additional information available by contacting Kieya Glaze at 914-273-3322.

11. Contract in this transaction must be submitted to the Company for review prior to closing. Possible additional exceptions to follow.

12. The closing deed to be insured must recite that it is made with the unanimous consent of its stockholders or that it was made in the usual course of its business and/or that the property described herein does not constitute all or substantially all of the assets of the grantor corporation (See BCL 909)

13. Subject to rights and easements, if any, acquired by any public utility company to maintain its poles and operate its wires and lines ext., in, to and over the premises and to and over the streets adjacent thereto together with the rights to trim trees.

14. Direct access to Old Route 22 and N.Y.S. Route 22 (lined access roads) is subject to rules, regulations and restriction of state of local governments, their departments and agencies.

15. Any areas shown on Filed Map as wetlands is subject to New York Tidal Wetlands Act & the use there of must be approved by the Department of Environmental Conservation of the State of New York.

16. Certificate of Good Standing of International Business Machines Corporation is required.

Eastern Abstract Corp.

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Phone: (718) 654-2000 Fax: (718) 654-2221
Email: info@easternabstractny.com
Web: www.easternabstractny.com



17. With respect to Maddd Madonna Armonk, LLC, the following proofs and documents must be submitted to this Company:

    Articles of Organization and Operating Agreement, together with any amendments thereto.

    A resolution from the members and/or managers authorizing the proposed closing transaction and designating a particular member and/or manager to execute the closing documents on behalf of said Limited Liability Company

    Proof of due formation of the LLC and that there has been no change in its composition by either adding or dropping members

    Certificate of Good Standing to be submitted to Company (available from Company at an additional charge)

18. In the event that the proposed transaction is a short or distressed sale, Company must be so advised in advance of closing. Additional exceptions and requirements will be raised, as appropriate. Among other things, Company will require that all payoff letters and all existing lenders' closing instructions be produced for review prior to the closing being scheduled.

19. A duly executed affidavit of title must be submitted to this company at or prior to closing of title.

20. All purchasers must read and sign "Notice of Availability of Owners Title Insurance" and "Future Market Value Rider." Forms are located at back of report and must be executed to indicate acceptance or rejection.

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21. **SPECIAL NOTES REGARDING MORTGAGES**

**MORTGAGE IN ARREARS:**

Company to be advised prior to closing if any mortgage on the property is in arrears two or more months, or if the mortgage pay-off letter discloses any late payment charges. In either situation, a copy of the contract of sale must be delivered to the company prior to closing so that the company can review the contract for compliance with the Home Equity Theft Prevention Act.

**SHORT SALES**:

Pay-off letter **MUST** be obtained, reviewed, approved and confirmed by this Company or its underwriter before closing can be scheduled

**Failure to notify the Company of either of these facts and to deliver a copy of the contract or pay-off letter prior to closing will result in a delay in the closing while the Company reviews the requested documents.**

22. The County of Westchester requires that all transfer tax forms be created on-line via the County's web based Westchester Prep. All forms must conform exactly to the instruments submitted for recording. To expedite the recording of the instruments, this company will required the customer ID and Keyword of the Deed Preparer be provided at closing so that any necessary amendments can be made by this company post closing.

Customer ID:_____

Keyword::_____

The Westchester County Prep web site can be accessed via the internet at: Prep.Westchestercountyclerk.com.

23. The following items are required at closing:
    a) Property street address to be recited in closing instruments
    b) All instruments must recite the complete county tax map designation
    c) Photo ID must be submitted at closing
    d) Only Certified, Bank or Attorney checks will be accepted for payment
    e) All closing documents MUST be filled out COMPLETELY before being turned in to the closer (i.e. RPT, 255 Affidavit etc.)

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24. Easement Agreement between International Business Machines Corporation & MADDD Madonna Armonk, LLC to be recorded.

25. Restrictions recited in closing deed.

26. Agreement with respect to Allocation of Reserve Capacity for Lot A-$ between Seller and North Castle Sewer District No. 2 dated May 10, 2017 and to be recorded.

27. Amended and Restated Agreement with respect to Reserve Sewer Capacity and Sewer Charges on Lots A-3 and B-1 between Seller and North Castle Sewer District No. 2, dated May 10, 2017 and to be recorded

28.

NOTE: Any municipal searches reported herein are furnished "FOR INFORMATION ONLY". They are not insured and the company assumes no liability for the accuracy thereof.

NOTE: All checks in excess of $500.00 for payment of closing must be Certified or Bank Check payable to Eastern Abstract Corp. unless other arrangements have been made with this Company prior to closing.

NOTE: If Power of Attorney is to be used in this transaction please contact this company prior to closing.

NOTE: All documents to be recorded in the Office of the Clerk/Register or filed in the Registrar's Office must be executed in BLACK INK ONLY or this company will assume no responsibility for the recording of same.

NOTE: Policy excepts any consequences that may arise due to the fact that the instruments submitted for recording are rejected by the County Clerk or Register because the instruments are illegible.

NOTE: In the event that a Satisfaction of Mortgage held by a private lender or a Power of Attorney is to be delivered at closing, the instrument must be presented to the Company prior to closing, together with suitable corroborative evidence establishing the authenticity of the signature.

NOTE: The body of closing instruments must contain the address of the subject premises.

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NOTE: Two identification forms including photograph (i.e. N.Y.S. Driver's License, U.S. Passport, etc.) of all parties (whether present or not) executing any documents (Deeds, Mortgages, Power of Attorney, etc) as well as Social Security Numbers be presented at closing.

NOTE: **FOR INFORMATION ONLY** Bankruptcy Searches to be reviewed to determine if they are applicable to the parties involved in this transaction.

## Judgment Details

| | |
|---|---|
| Index Number | 17017-05 **View Filings** |
| Defendant | INTERNATIONAL BUSINESS MACHINES CORP |
| Defendant Address | 1 NEW ORCHARD RD<br>ARMONK NY 10504 |
| Defendant | IBM PERSONAL PENSION PLAN |
| Defendant Address | 5411 PAGE RD<br>DURHAM NC 27703 |
| Plaintiff | FEDERAL INSURANCE CO |
| Plaintiff Address | 15 MOUNTAIN VIEW RD<br>WARREN NJ 7059 |
| Judgment Amount | $1497.36 |
| Attorneys | LOCKE LORD LLP<br>300 SOUTH GRAND AVE<br>LOS ANGELE CA 90071 |
| Docketed | 2012/03/14 02:22 PM |
| When perfected | 2012/03/14 02:22 PM |
| Where perfected | WESTCHESTER SUPREME |
| Transcript filed in | |
| Date/time filed | 2012/03/14 02:22 PM |

11874

Form 668 (Y)(c)
(Rev. February 2004)

Department of the Treasury - Internal Revenue Service

# Notice of Federal Tax Lien

Area:
SMALL BUSINESS/SELF EMPLOYED AREA #1
Lien Unit Phone: (800) 913-6050

Serial Number
922024013

For Optional Use by Recording Office

53051/03223

FILED
02/22/2013 03:55 PM
Westchester County Clerk
Control Number - 530513223

**As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.**

Name of Taxpayer ERIC C JONES
IBM CORPORATION

Residence 44 S BROADWAY MAIL DROP 400
WHITE PLAINS, NY 10601-4425

**IMPORTANT RELEASE INFORMATION:** For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

| Kind of Tax (a) | Tax Period Ending (b) | Identifying Number (c) | Date of Assessment (d) | Last Day for Refiling (e) | Unpaid Balance of Assessment (f) |
|---|---|---|---|---|---|
| 1040 | 12/31/2005 | XXX-XX-2860 | 12/26/2011 | 01/25/2022 | 93308.24 |
| 1040 | 12/31/2006 | XXX-XX-2860 | 12/26/2011 | 01/25/2022 | 39811.99 |
| | | | | Total | $ 133120.23 |

Place of Filing
County Clerk
Westchester County
White Plains, NY 10601

This notice was prepared and signed at MANHATTAN, NY, on this,

the 12th day of February, 2013.

Signature
for L. ELSON

Title
REVENUE OFFICER
(914) 684-7173

21-01-4304

**(NOTE:** Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien Rev. Rul 71-466, 1971 - 2 C.B. 409)

Form 668(Y)(c) (Rev 2-2004)

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through August 17, 2017.

---

Selected Entity Name: INTERNATIONAL BUSINESS MACHINES CORPORATION

Selected Entity Status Information

**Current Entity Name:** INTERNATIONAL BUSINESS MACHINES CORPORATION
**DOS ID #:** 30059
**Initial DOS Filing Date:** JUNE 16, 1911
**County:** WESTCHESTER
**Jurisdiction:** NEW YORK
**Entity Type:** DOMESTIC BUSINESS CORPORATION
**Current Entity Status:** ACTIVE

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

INTERNATIONAL BUSINESS MACHINES CORPORATION
NEW ORCHARD ROAD
ARMONK, NEW YORK, 10504

**Chief Executive Officer**

VIRGINIA M ROMETTY
NEW ORCHARD ROAD
ARMONK, NEW YORK, 10504

**Principal Executive Office**

INTERNATIONAL BUSINESS MACHINES CORPORATION
NEW ORCHARD ROAD
ARMONK, NEW YORK, 10504

**Registered Agent**

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by viewing the certificate.

***Stock Information**

| # of Shares | Type of Stock | $ Value per Share |
|---|---|---|
| 150000000 | Par Value | .01 |
| 4687500000 | Par Value | .2 |

*Stock information is applicable to domestic business corporations.

**Name History**

| Filing Date | Name Type | Entity Name |
|---|---|---|
| FEB 14, 1924 | Actual | INTERNATIONAL BUSINESS MACHINES CORPORATION |
| JUN 16, 1911 | Actual | COMPUTING-TABULATING-RECORDING-CO. |

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

Search Results New Search

Services/Programs | Privacy Policy | Accessibility Policy | Disclaimer | Return to DOS Homepage | Contact Us

# FIDELITY NATIONAL TITLE INSURANCE COMPANY

## AFFIDAVIT OF TITLE
## AND
## POSSESSION

State of New York } Title No._____
} **SS:**
County of }

depose(s) and say(s) , being duly sworn,

(We) (are)
(I) (am) over 21 years of age and reside at _____

_____and (are) (am)the owner(s) and

Now in possession of premises situate at _____

Which said premises are more particularly bounded and described in Schedule "A" of

Report of Title No._____
(We)
(I) have continuously resided in said premises since_____

(We)
(I) acquired said premises for a good and valuable consideration from_____

by deed dated_____recorded_____

In the Office of the _____of_____

County in Liber_____. Page_____.

My immediate grantor(s) of said premises_____

Owned the same since_____, as will be disclosed by the records.

(Our)
(My) ownership and possession has been uninterrupted and continuous, open and notorious; and hostile and adverse to all others and exclusive of the right or claim of any person or corporation.; and title has never been questioned. No person or corporation has ever made any claim whereby (our) (my) possession or ownership might be called in question or by reason of which any claim to may part of said premises or any interest therein adverse to (us) (me) might be set up.
The buildings and fences on said premises as shown on the survey made by_____

_____ dated_____

Have been maintained in the same position and manner as they are shown on said survey since _____

_____; no garage or other structure has been erected upon

said premises and no additions to or changes in the exterior of the buildings and fences have been made during deponent's ownership except that:

_____

_____

The afore described premises have been fully enclosed by (hedges) (fences) during (our) (my) ownership as disclosed

by a survey of _____dated_____

(I) (We) have continuously paid the taxes and other charges in connection with said premises.

There are no judgments or Federal liens against (us) (me) in any Court of this State or of the United States of America and no proceedings in bankruptcy have ever been instituted by or against (us) (me). There are no suits or proceedings pending anywhere affecting said premises and said premises, as far as I know, are free from all leases, mortgages, taxes, assessments, water charges and other liens and encumbrances, except as shown on Title Report_____.
No financing statements have been filed against said premises or against any fixtures or chattels attached to or used in connection with said premises; deponent(s) (are) (is) the owner(s) of all personal property, chattels and fixtures attached to, appurtenant to or used in the operation of said premises without claim of any kind.

There are no facts known to (us) (me) relating to the title to said premises, which have not been set forth in this affidavit.

This affidavit is made to induce _____

To accept a _____(of) (on) said premises, and to induce EASTERN ABSTRACT CORP. to issue its policy of title insurance above numbered covering said premises knowing that they will rely on the statements herein made.

_____

_____

Sworn to before me this _____day

Of _____, 20 .

## Survey Reading

ALTA/NSPS Survey made by Thomas CV. Merritts NY Licensed Land Surveyor dated 10/5/2016 and last revised 11/16/2016 shows vacant land and the following:

Fences vary from record lines.

NYSDEC Wetland Area as shown Southeast portion of premises.

20 foot wide Sewer Easement per Filed Map # 28359 & Liber 11731 page 36.

Notes on survey.

Drain from concrete pad crossing Southerly property line.

Asphalt pavement areas as shown and crossing Southerly property line.

Remains of asphalt travel way crosses premises to premises adjoining on Southeast. – Policy excepts rights of others to use said traveled way.

Access Easement per Filed Map # 28359 & Deed Control # 500153161 as shown (North Castle Drive).

Stone wall as shown Northeasterly portion of premises and extending onto adjoining premises to the East.

Drive and drain cross Southerly property line.

Except all changes from date of survey.

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## *Fidelity National Title Insurance Company of New York*

**SCHEDULE A DESCRIPTION – Amended 8/21/2017**

**ALL** that certain plot, piece or parcel of land, situate, lying and being in the Town of North Castle, County of Westchester and State of New York being proposed Lot A-4 as shown on Map entitled "Final plat prepared for International Business Machines Corporation situate in the Town of North Castle, Westchester Co., NY" filed in the Office of the County Clerk of Westchester County on May 11, 2010 as Map 28359 and being bounded and described as follows:

**BEGINNING** at a point on the Southeasterly side of New York State, Route No. 22, said point being the Northwesterly corner of Lot A-4 and the Northeasterly corner of Lot A-3 as shown on the aforesaid Map;

**RUNNING THENCE** North 76 degrees 29 minutes 25 seconds East, 89.28 feet;

**THENCE** North 48 degrees 35 minutes 24 seconds East, 344.08 feet to a monument set and the Northwesterly corner of Lot A-1 known as the Recreation Lot as shown on filed maps;

**THENCE** along said Northwesterly line and westerly line of Lot A-1 known as the recreation lot, the following courses and distances:

**SOUTH** 47 degrees 43 minutes 32 seconds East 113.21 to another monument set;

**THENCE** South 04 degrees 35 minutes 50 seconds West, 729.50 feet;

**THENCE** South 04 degrees 18 minutes 42 seconds East, 165.95 feet;

**THENCE** South 85 degrees 30 minutes 36 seconds West, 41.62 feet;

**THENCE** South 34 degrees 49 minutes 19 seconds West, 105.12 feet;

**THENCE** South 01 degrees 28 minutes 21 seconds East, 291.22 feet;

**THENCE** South 00 degrees 28 minutes 11 seconds West, 250.91 feet;
**THENCE** South 02 degrees 19 minutes 09 seconds West, 101.95 feet;

**THENCE** South 05 degrees 40 minutes 07 seconds East, 83.30 feet;

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**THENCE** South 04 degrees 24 minutes 56 seconds West, 208.06 feet;

**THENCE** South 27 degrees 11 minutes 09 seconds West, 113.08 feet;

**THENCE** South 50 degrees 42 minutes 47 seconds East, 12.37 feet;

**THENCE** South 13 degrees 42 minutes 10 seconds West, 136.90 feet;

**THENCE** South 03 degrees 18 minutes 16 seconds West, 106.95 feet;

**THENCE** South 10 degrees 26 minutes 47 seconds West, 64.80 feet;

**THENCE** South 04 degrees 51 minutes 36 seconds West, 67.45 feet to a monument set and the Northeasterly line of proposed Lot A-3 as shown on the aforementioned filed map;

**RUNNING THENCE** North 85 degrees 13 minutes 03 seconds West, 108.15 feet;

**THENCE** North 36 degrees 47 minutes 04 seconds West, 568.08 feet;

**THENCE** North 49 degrees 51 minutes 39 seconds West, 582.59 feet;

**THENCE** North 15 degrees 43 minutes 47 seconds East, 262.17 feet;

**THENCE** Northeasterly along an arc of a curve bearing to the right having a radius of 650.00 feet, a length of 256.51 feet;

**THENCE** North 38 degrees 20 minutes 27 seconds East, 752.70 feet;

**THENCE** Northwesterly along an arc of a curve bearing to the left having a radius of 340.00 feet, a length of 248.19 feet;

**THENCE** Northwesterly along an arc of a curve bearing to the left having a radius of 225.00 feet, a length of 85.59 feet to the point or place of **BEGINNING**.

**TOGETHER** with and subject to a Declaration of Access Easement recorded as Control # 500153161.

**FOR INFORMATION ONLY**: said premises being known as and by street address 1 North Castle Drive, Armonk, NY, Westchester County; also known as and by

Eastern Abstract Corp.

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Section 108.03 Block 1 Lot 62.1 (formerly Section 2 Block 16 Lot 4.-1, A) on the Tax Map of the Town of North Castle.

ID-8796474-045

# ABSTRACTERS' INFORMATION SERVICE

3000 MARCUS AVE, SUITE 2W02 LAKE SUCCESS NY 11042
PHONE:(516) 918-4600 FAX:(516) 918-4540

## TAX SEARCH

**Prepared For: Eastern Abstract**

**County : WESTCHESTER**

**TITLE NO. 0200-FG3883**
**PREMISES: 1 NORTH CASTLE DRIVE, NORTH CASTLE**

**DATE: 8/3/2016**

**TOWN OF NORTH CASTLE**

**ACREAGE: 32.55 LOT SIZE: NA**

**ASSESSED OWNER: IBM**

**TAX CLASSIFICATION: 330**

**ASSESSED VALUE: TOWN 196800/196800**

**SD: BYRAM HILLS SECTION: 108.3 BLOCK: 1 LOT: 62.1 SWIS CODE: 553800**

**RETURNS**

OLD SEC: 2 BLOCK: 16 LOT: 4.-1,A
SEC: 108.3 BLOCK: 1 LOT: 62.1

2016 TOWN/COUNTY TAX PERIOD 01/01/16 - 12/31/16
FULL TAX DUE 04/01/16 - $65,439.70 PAID

2015/2016 SCHOOL TAX PERIOD 07/01/15 - 06/30/16
1 1/2 TAX DUE 09/01/15 - $67,372.85 PAID
2 1/2 TAX DUE 01/01/16 - $67,372.84 PAID

NOTE: SUBJECT TO TERMS OF A P.I.L.O.T. AGREEMENT FOR INFORMATION CONTACT KIEYA GLAZE AT (914)273-3322

WATER - VACANT

SUBJECT TO CONTINUATION PRIOR TO CLOSING.

**Note: A separate $5.00 check is required for all tax payments to the Town of North Castle Receiver of Taxes if being paid without original bill.**

**FOR TAX PAYMENT INFORMATION GO TO: http://orpts.tax.ny.gov/cfapps/MuniPro/swis/**

RECOMMEND THAT CUSTOMER CONFIRM AT CLOSING THAT OWNER HAS NOT RECEIVED NOTICE OF SPECIAL ASSESSMENTS (I.E., SIDEWALK REPAIRS, LOT CLEARANCE, OR EMERGENCY REPAIRS). SEARCH MAY NOT INCLUDE EXISTENCE OF SUCH NOTICES. EXEMPT PROPERTY RESTORED FACTORS (IF ANY) SHOWN ABOVE REPRESENT THE DIFFERENCE BETWEEN THE ACTUAL TAX SHOWN AND WHAT THE TAX WOULD HAVE BEEN HAD THERE BEEN NO EXEMPTION. RESTORED TAX IS FIGURED ON A PRO-RATA BASIS FROM DATE OF DEED TO END OF FISCAL YEAR OF EACH TAX SO AFFECTED. METHOD OF COLLECTION OF RESTORED TAX IS NOT UNIFORM FOR ALL MUNICIPALITIES. SEARCH DOES NOT INCLUDE LEVIES OF RESTORED TAXES NOT YET POSTED BY MUNICIPALITY. SOME ITEMS RETURNED MAY HAVE BEEN PAID BUT NOT OFFICIALLY POSTED BY MUNICIPALITY. RECOMMEND THAT CUSTOMER OBTAIN RECEIPTS FOR SUCH ITEMS AT CLOSING. TAX DUE DATES MAY VARY ANNUALLY. RECOMMEND THAT CUSTOMER CONFIRM DUE DATES WITH THE APPROPRIATE MUNICIPALITY. SEARCH MAY NOT INCLUDE ITEMS NOT A LIEN UP TO THE DATE SHOWN. SEARCH DOES NOT INCLUDE ARREARS FILED AGAINST ANY NAME OTHER THAN THE ASSESSED OWNER AS SHOWN ABOVE. THE RETURNS ARE SPECIFIC TO SECTION, BLOCK AND LOT.

IMPORTANT NOTICE ABOUT SEARCH INFORMATION ABOVE

DATA TRACE INFORMATION SERVICES LLC DISCLAIMS ANY AND ALL LIABILITY TO ANY PERSON OR ENTITY FOR THE PROPER PERFORMANCE OF SERVICES REFLECTING THE CONDITION OF TITLE TO REAL PROPERTY. THE SERVICES ARE PROVIDED 'AS IS' WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, OR WARRANTIES BASED ON COURSE OF DEALING OR USAGE IN TRADE OR ERRORS OR OMISSIONS RESULTING FROM NEGLIGENCE. THIS IS NOT AN INSURED SERVICE. THIS DISCLAIMER SUPERSEDES ALL PRIOR AND CONTEMPORANEOUS UNDERSTANDINGS. THE SERVICES ARE EXCLUSIVELY FOR Eastern Abstract AND NOT FOR THE BENEFIT OF ANY THIRD PARTIES.

# ABSTRACTERS' INFORMATION SERVICE

3000 MARCUS AVE, SUITE 2W02 LAKE SUCCESS NY 11042
PHONE:(516) 918-4600 FAX:(516) 918-4540

## WESTCHESTER MUNICIPAL TAX PAGE

TITLE NO. 0200-FG3883

DATE: 8/3/2016

NORTH CASTLE - TOWN
17 BEDFORD ROAD
ARMONK, NY 10504
TX DEPT: (914)273-6620
(914)273-8625

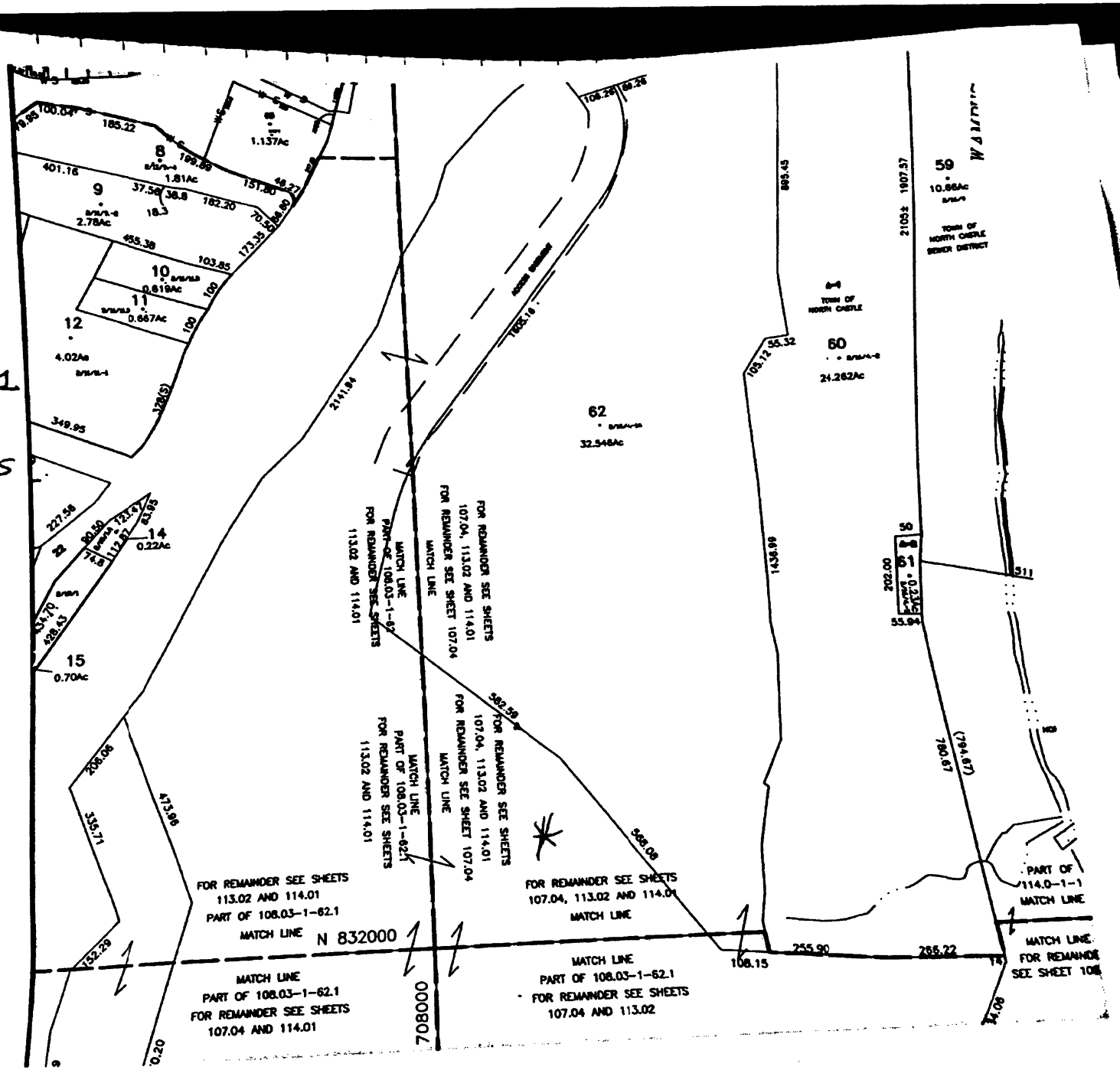
VILLAGE NONE:

THE ABOVE IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THERE IS NO LIABILITY ASSUMED.

Tax Map
Dated
6/1/15

108.03/1/62.1
is on
4 sheets

Sheet
108.03

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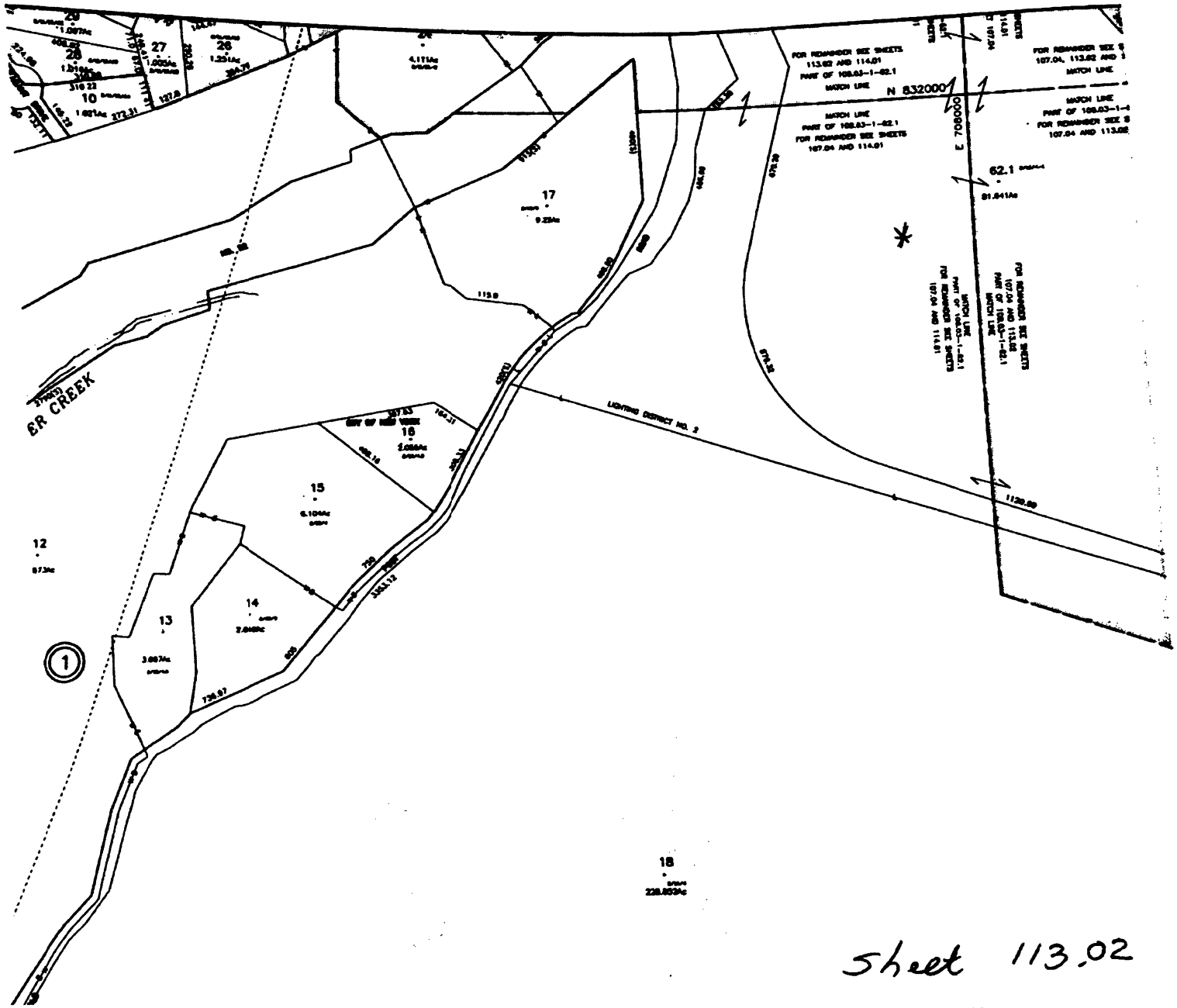


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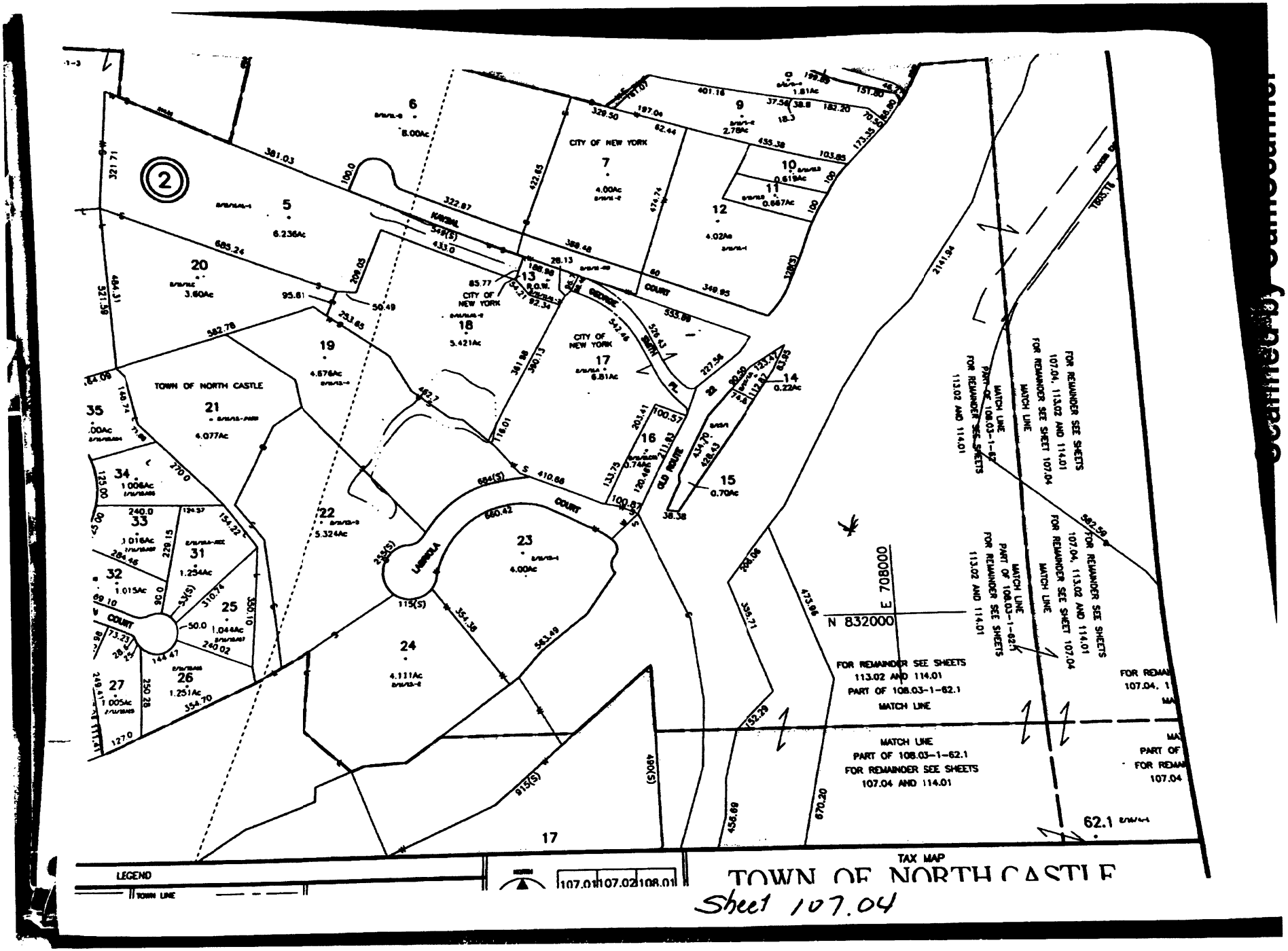
Sheet 114-01


TOWN OF NORTH CASTLE
CITY OF NEW YORK
CITY OF NEW YORK
CITY OF NEW YORK
COURT
COURT
COURT
OLD ROUTE
N 832000
E 708000
FOR REMAINDER SEE SHEETS 113.02 AND 114.01 PART OF 108.03-1-62.1 MATCH LINE
MATCH LINE PART OF 108.03-1-62.1 FOR REMAINDER SEE SHEETS 107.04 AND 114.01
FOR REMAINDER SEE SHEETS 107.04, 113.02 AND 114.01 MATCH LINE
MATCH LINE PART OF 108.03-1-62.1 FOR REMAINDER SEE SHEETS 113.02 AND 114.01
FOR REMAINDER SEE SHEETS 107.04, 113.02 AND 114.01 MATCH LINE
LEGEND
TOWN LINE
107.01 107.02 108.01
TAX MAP
TOWN OF NORTH CASTLE
Sheet 107.04

Eastern Abstract Corp.

2500 Williamsbridge Road, Bronx N.Y. 10469
Phone: (718) 654-2000 Fax: (718) 654-2221
Email: info@easternabstractny.com
Web: www.easternabstractny.com

Title Number: **E-W-24070**


## *Fidelity National Title Insurance Company of New York*

### MORTGAGE SCHEDULE

**DISPOSITION**

NONE OF RECORD



Title Company will require a written payoff statement prior to closing

These mortgage returns, unless the mortgage is to be insured, will appear as exceptions from coverage. The information set forth herein is obtained from the recorded instrument. Sometimes the provisions of a mortgage may be modified by agreements which are not recorded. We suggest that you communicate with the mortgagee if you desire any additional information. If there has been a change in the owners and holders of the mortgage, such information should be furnished to us promptly to enable further searches to be made.

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# *Fidelity National Title Insurance Company of New York*

## MUNICIPAL, DEPARTMENTAL AND OTHER INFORMATIONAL SEARCHES

Any searches or returns reported herein are furnished **FOR INFORMATION ONLY**. They will not be insured and the company assumes no liability for the accuracy thereof. They will not be continued to the date of closing.

THE FOLLOWING MUNICIPAL SEARCHES HAVE BEEN ORDERED FOR THIS REPORT AND THE ONES MARKED WITH AN **[X]** ARE ATTACHED HEREWITH THE REST WILL FOLLOW.

**[X] BANKRUPTCY SEARCH**
**[X] PATRIOT SEARCH**

## CENTRAL VIOLATIONS BUREAU

In New York City, since about July 1, 1961, only the Fire Department, The Department of Health, the Department of Air Pollution Control and the Department of Water Supply, Gas and Electricity have been reporting violations issued by them affecting multiple dwellings to the Central Violations Bureau established pursuant to Section 328 of the Multiple Dwelling Law. In its report to its search for violations the Department of Buildings includes such violations affecting multiple dwellings filed by the aforesaid departments in the central bureau.

# Eastern Abstract Corp.

**2500 Williamsbridge Road Bronx, New York 10469 (718) 654-2000 (718) 654-2221 info@easternabstractny.com**

## BANKRUPTCY REPORT

**TITLE NO.** E-W-24070

A search has been made for bankruptcy filing in the SOUTHERN and/or EASTERN Districts only under the following name(s):

| | |
|---|---|
| OWNER(S): | International Business Machines Corporation |
| NO RECORDS QUALIFY | |

Dated: 8/18/2017

Eastern Abstract Corp.

# Eastern Abstract Corp.

**2500 Williamsbridge Road Bronx, New York 10469 (718) 654-2000 (718) 654-2221 info@easternabstractny.com**

## BANKRUPTCY REPORT

**TITLE NO.** E-W-24070

A search has been made for bankruptcy filing in the SOUTHERN and/or EASTERN Districts only under the following name(s):

PURCHASER(S): Maddd Madonna Armonk, LLC

NO RECORDS QUALIFY

Dated: 8/18/2017

Eastern Abstract Corp.

# Eastern Abstract Corp.

**2500 Williamsbridge Road Bronx, New York 10469 (718) 654-2000 Fax (718) 654-2221**

## PATRIOT SEARCH REPORT

**TITLE NO.** E-W-24070

A search of the "Specially Designated Nationals and Blocked Persons List" published by the Department of Treasury, Office of Foreign Assets Control, has returned the following results:

OWNER(S): International Business Machines Corporation

☒ The above name(s) does not match any record found.

☐ The above name(s) were found on the Specially Designated Nationals and Blocked Persons List. If additional research is required to determine appropriate course of action, please contact the "Office of Foreign Assets Control – Compliance Program Division" at 1-800-540-6322.

Dated: 8/18/2017

Eastern Abstract Corp.

# Eastern Abstract Corp.

2500 Williamsbridge Road Bronx, New York 10469 (718) 654-2000 Fax (718) 654-2221

## PATRIOT SEARCH REPORT

**TITLE NO.** E-W-24070

A search of the "Specially Designated Nationals and Blocked Persons List" published by the Department of Treasury, Office of Foreign Assets Control, has returned the following results:

PURCHASER(S): Maddd Madonna Armonk, LLC

☒ The above name(s) does not match any record found.

☐ The above name(s) were found on the Specially Designated Nationals and Blocked Persons List. If additional research is required to determine appropriate course of action, please contact the "Office of Foreign Assets Control – Compliance Program Division" at 1-800-540-6322.

Dated: 8/18/2017

Eastern Abstract Corp.

**NOTICE CONCERNING AVAILABILITY OF AN "OWNER'S" POLICY OF TITLE INSURANCE**

Please indicate that this transaction is either: a refinance_____ or, a purchase_____.

Our records indicate that you currently are seeking only a "Lender's" title insurance policy, not an "Owner's" title insurance policy.

You have the option of purchasing an Owner's insurance policy. Please read the following disclosures concerning "Lender's" and "Owner's" title insurance policies, and initial in the space provided to confirm that you have read and understand the disclosures.

_____ I/We acknowledge that the Lender's title insurance policy issued in connection with this financing provides insurance to the lender only and does not insure my/our interest in the property as the owner(s) of the property.

_____ I/We acknowledge that I/we understand that the Lender's policy insures that the lender has a valid and enforceable encumbrance on the property that I/we own or that I/we am/are purchasing. An Owner's Policy, if purchased by me/us, would insure me/us and provide me/us with an opportunity for a legal defense against claims made against the title to the property. The Owners' policy would also protect my/our equity in the property and assure the marketability of the property when I/we sell it. Without an Owners' policy I/we do not get those protections.

_____I/We acknowledge that I/We have been given the opportunity to purchase an Owner's policy of Title Insurance.

I/We may obtain an Owner's Policy of Title Insurance which provides title insurance to me/us and the total premium for both policies will be $_____.

This is an additional $_____ above the cost of the Lender's Policy.

_____ I/We do request Owner's Policy of title insurance.

_____ I/We do not request Owner's Policy of title insurance.

**TO BE SIGNED BY BUYER(S)/BORROWER(S)**

_____
Buyer/Borrower

_____
Buyer/Borrower

**CONSUMER NOTICES AND DISCLOSURES AS REQUIRED PURSUANT TO NEW YORK INSURANCE LAW:**

Date:
Order/File No.
The Property:
To: (Borrower(s))

These disclosures and Notices are for the purposes of compliance with New York Insurance law and do not alter or change the coverages, exceptions, exclusions, or conditions of the final policies issued in connection with the subject transaction. Any person who knowingly, and with intent to defraud any insurance company or other person, files an application for insurance or statement of claim containing any materially false information, or conceals, for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime, and shall also be subject to a civil penalty not to exceed five thousand dollars ($5,000.00) and the stated value of the claim for each such violation.

**THIS REPORT IS NOT A TITLE INSURANCE POLICY. PLEASE REVIEW THIS REPORT WITH A REAL ESTATE PROFESSIONAL REPRESENTING YOUR INTEREST IN THIS TRANSACTION. PLEASE READ IT CAREFULLY. THE REPORT MAY SET FORTH EXCLUSIONS UNDER THE TITLE INSURANCE POLICY AND MAY NOT LIST ALL LIENS, DEFECTS, AND ENCUMBRANCES AFFECTING TITLE TO THE PROPERTY. YOU SHOULD CONSIDER THIS INFORMATION CAREFULLY.**

Initial: _____

# REPORT OF CLOSING

Title closed at office of: _____

By: _____ Date: _____

**DEED (Designate Kind)**

By:

To:

Dated: Rec'd L. p.

Cons. $ Transfer Tax :

Insured for $

**GI-FHA-CONVENTIONAL MORTGAGE (Designate Kind)**

By:

To:

Dated: Rec'd L. p.

Amount $ payable in:

Mtg. Tax:

**DEED (Designate Kind)**

By:

To:

Dated: Rec'd L. p.

Cons. $ Transfer Tax :

Insured for $

**MORTGAGE (Designate Kind)**

By:

To:

Dated: Rec'd L. p.

Amount $ Mtg. Tax:

**ASSIGNMENT OF MORTGAGE**

By:

To:

Assigns Mortgage Recorded in L. Mp.

Dated: Rec'd L. p.

By:

To:

Assigns Mortgage Recorded in L. Mp.

Dated: Rec'd L. p.

**SATISFACTION OF MORTGAGE**

By:

Dated: Rec'd L. p.

Satisfies Mortgage Recorded in L. Mp.

By:

Dated: Rec'd L. p.

Satisfies Mortgage Recorded in L. Mp.

**OTHER CLOSING INSTRUMENTS**

**PARTIES PRESENT AT CLOSING**

SELLER(S):

PURCHASER(S):

ATTORNEY FOR SELLER:

Address: Phone number:

ATTORNEY FOR PURCHASER:

Address: Phone number:

ATTORNEY FOR LENDER:

Address: Phone number:

Fee Policy to be sent to (include address):

Address:

Mortgage Policy to be sent to (include address):

Address:

# EXHIBIT C

# BOA Map

Former IBM Orchard Pesticide Site
p/o 3 North Castle Drive,
Armonk, NY 10504

**Legend:**

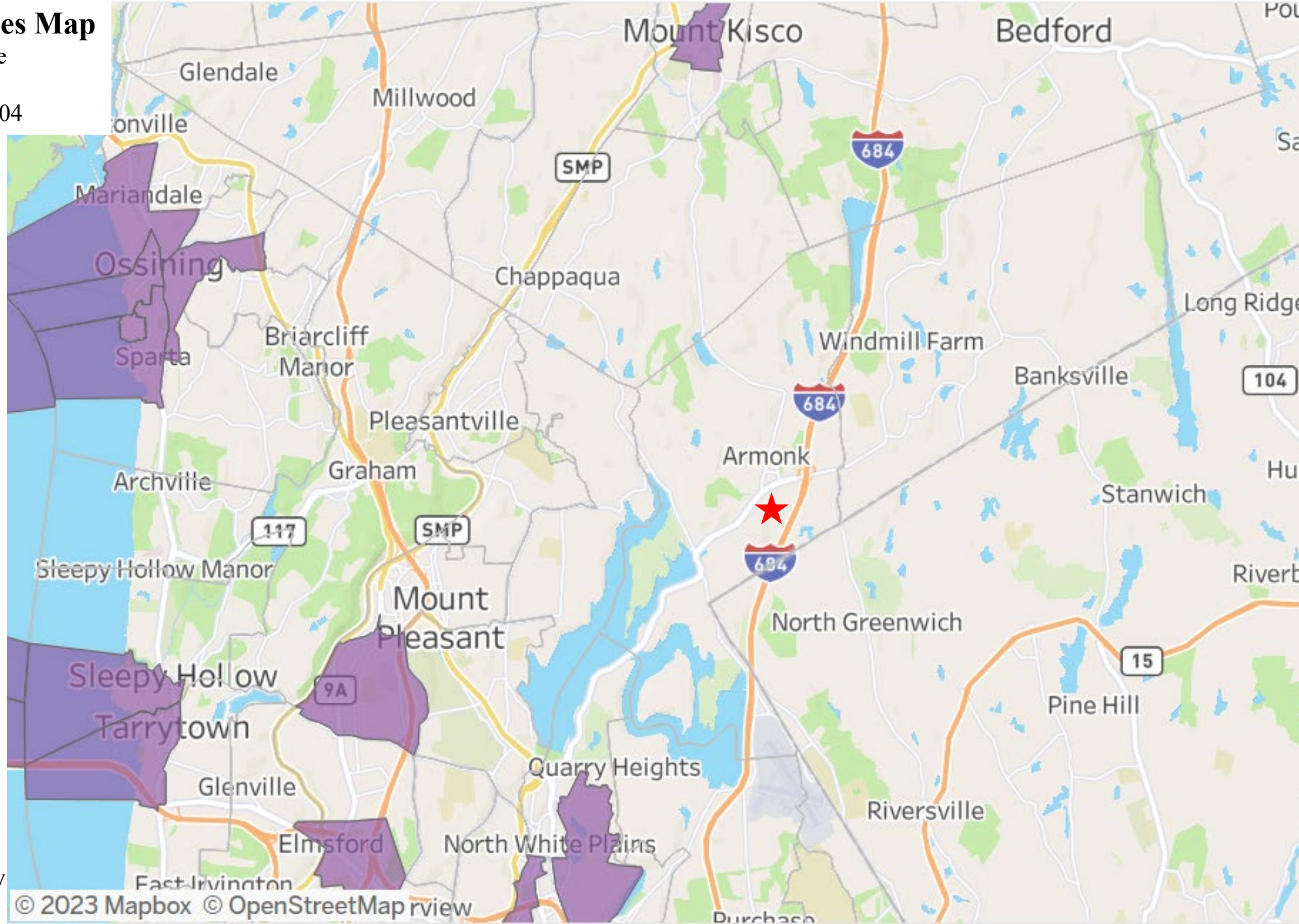
Site Location

Designated Brownfield Opportunity Area Boundaries

**August 2023**
**Source: NYSDOS GIS**
**Scale:** 1” = 100’ approximately

# Disadvantage Communities Map

Former IBM Orchard Pesticide Site
p/o 3 North Castle Drive
North Castle Drive, New York 10504




**Legend:**

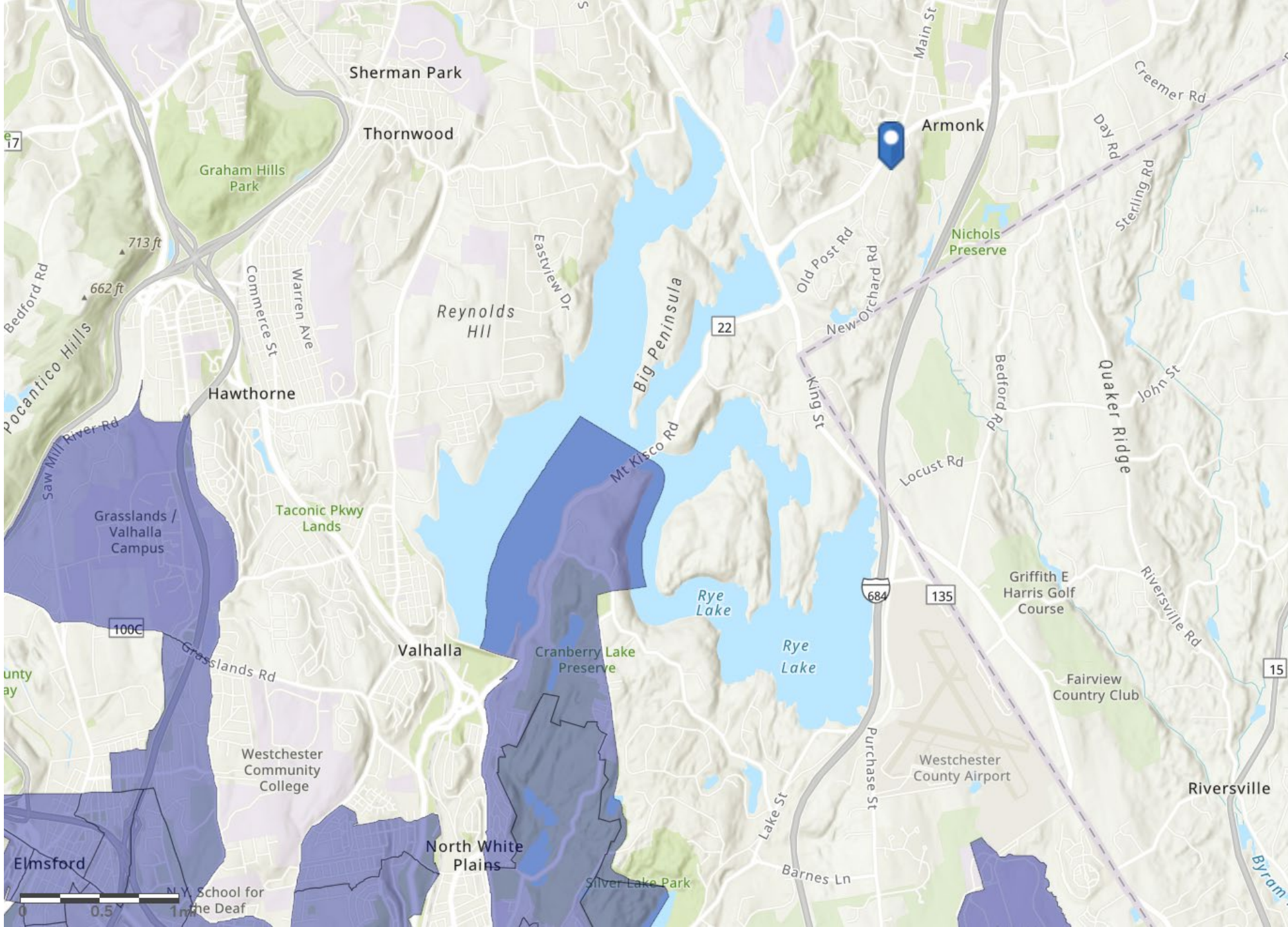
Site Location

Disadvantaged Community

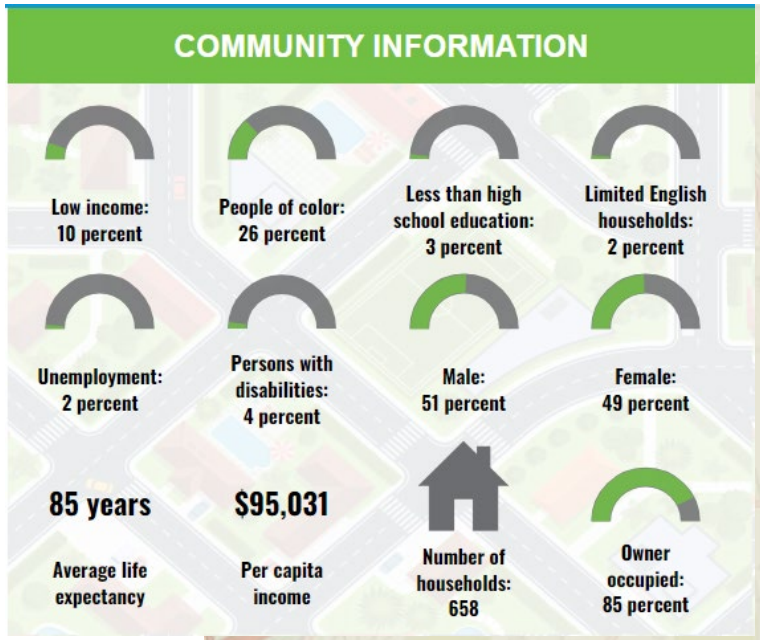
**EJ MAP**
Former IBM Orchard Pesticide Site
p/o 3 North Castle Drive
North Castle, New York 10504

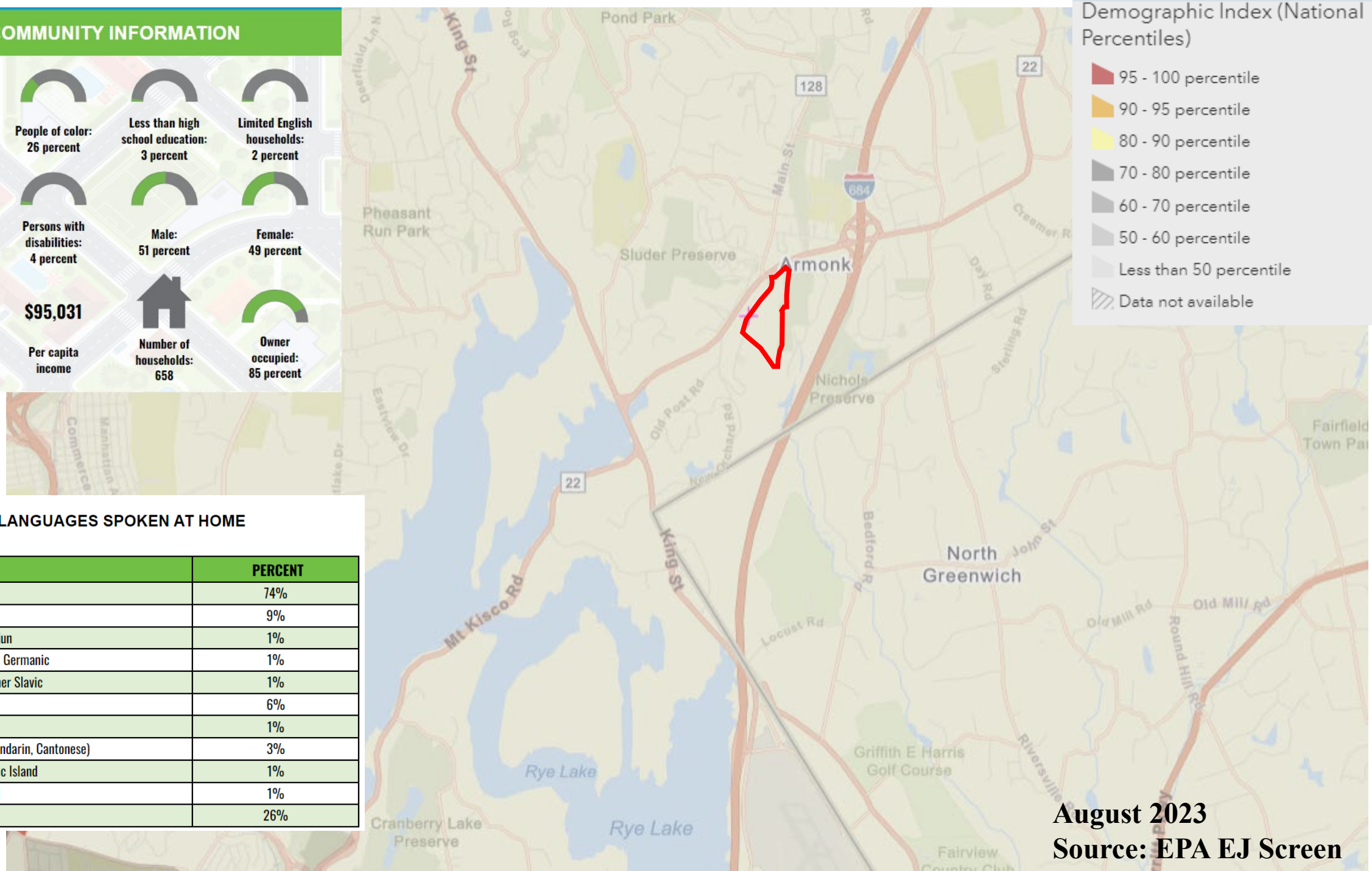
**Legend:**
Site Location

**August 2023**
**Source: NYS ArcGIS**



## COMMUNITY INFORMATION




## LANGUAGES SPOKEN AT HOME

| LANGUAGE | PERCENT |
|---|---|
| English | 74% |
| Spanish | 9% |
| French, Haitian, or Cajun | 1% |
| German or other West Germanic | 1% |
| Russian, Polish, or Other Slavic | 1% |
| Other Indo-European | 6% |
| Korean | 1% |
| Chinese (including Mandarin, Cantonese) | 3% |
| Other Asian and Pacific Island | 1% |
| Other and Unspecified | 1% |
| Total Non-English | 26% |

**August 2023**
**Source: EPA EJ Screen**

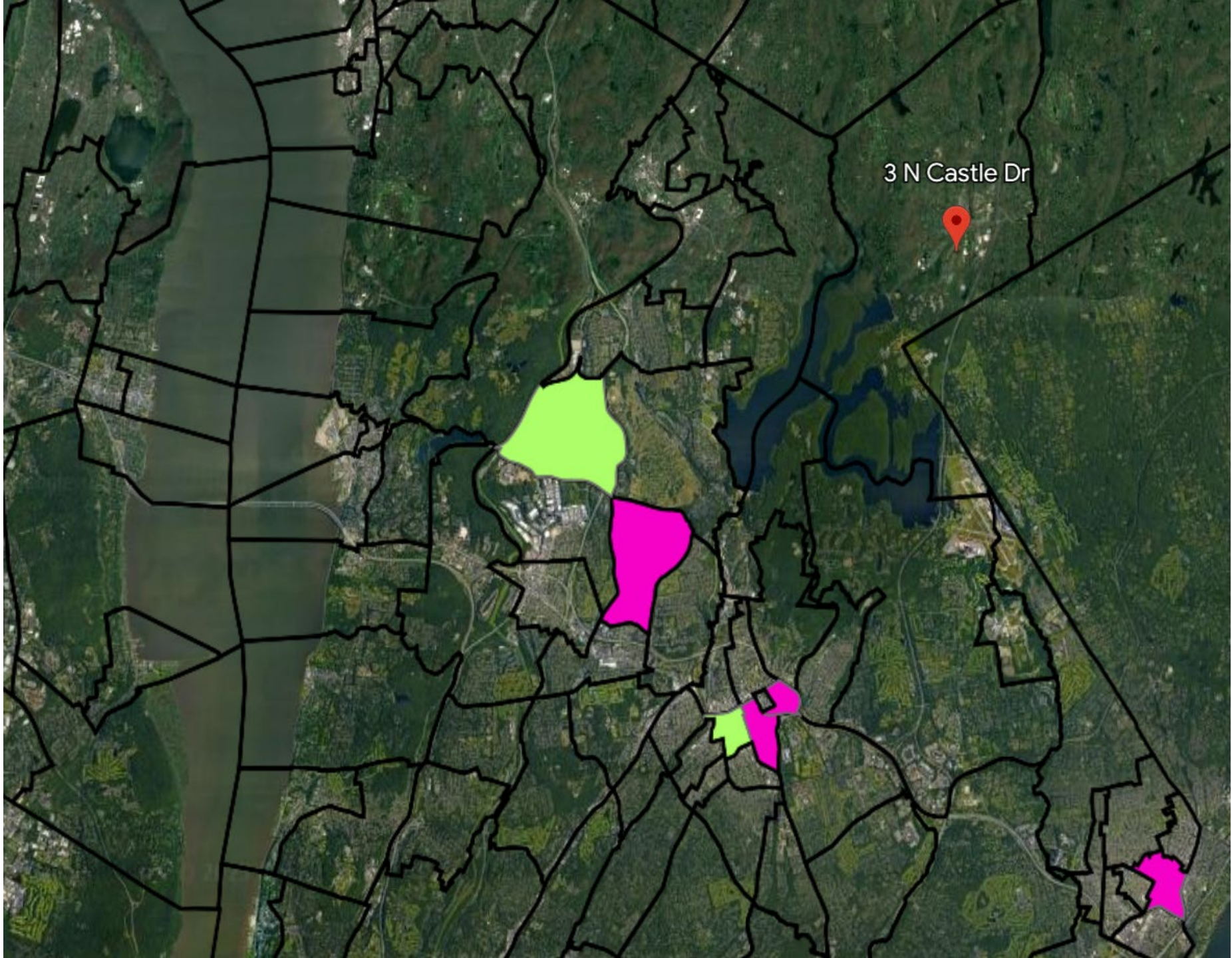
# En-Zone Map

Former IBM Orchard Pesticide Site
p/o 3 North Castle Drive
North Castle, New York 10504

**Legend:**

Site Location

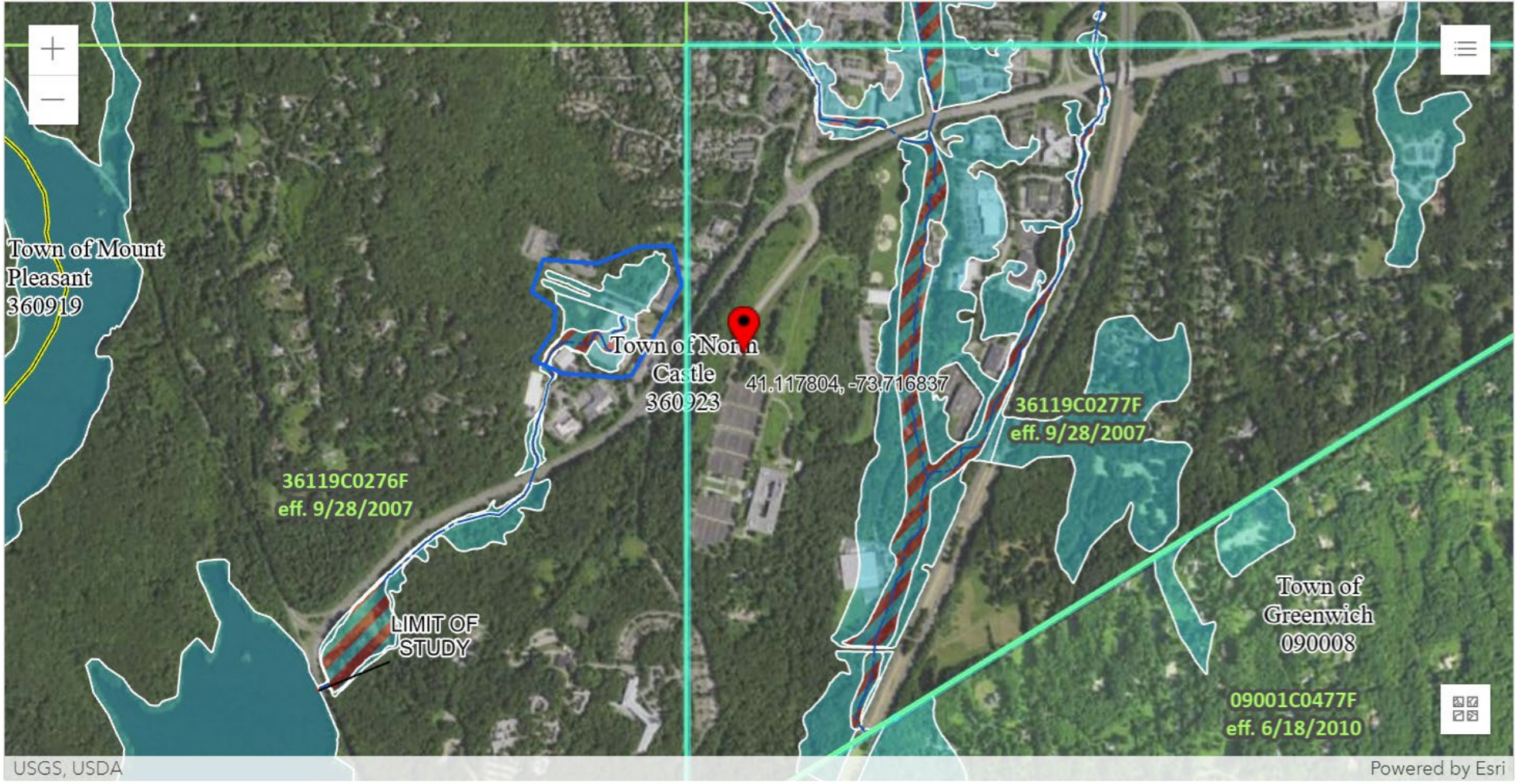
**August 2023**
**Source: Google Earth**
**Scale:** 1” = 100’ approximately



# EXHIBIT D

# FLOOD MAP

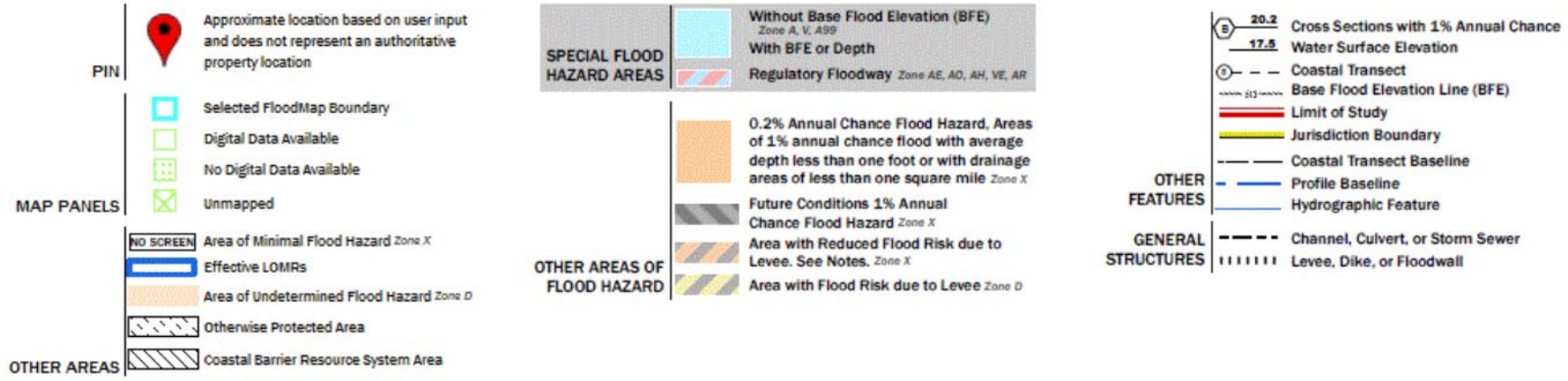
Former IBM Orchard Pesticide Site
p/o 3 North Castle Drive
North Castle, New York 10504




## 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.




**August 2023**
**Source: FEMA Flood Map**
Scale: 1” = 100” approximately

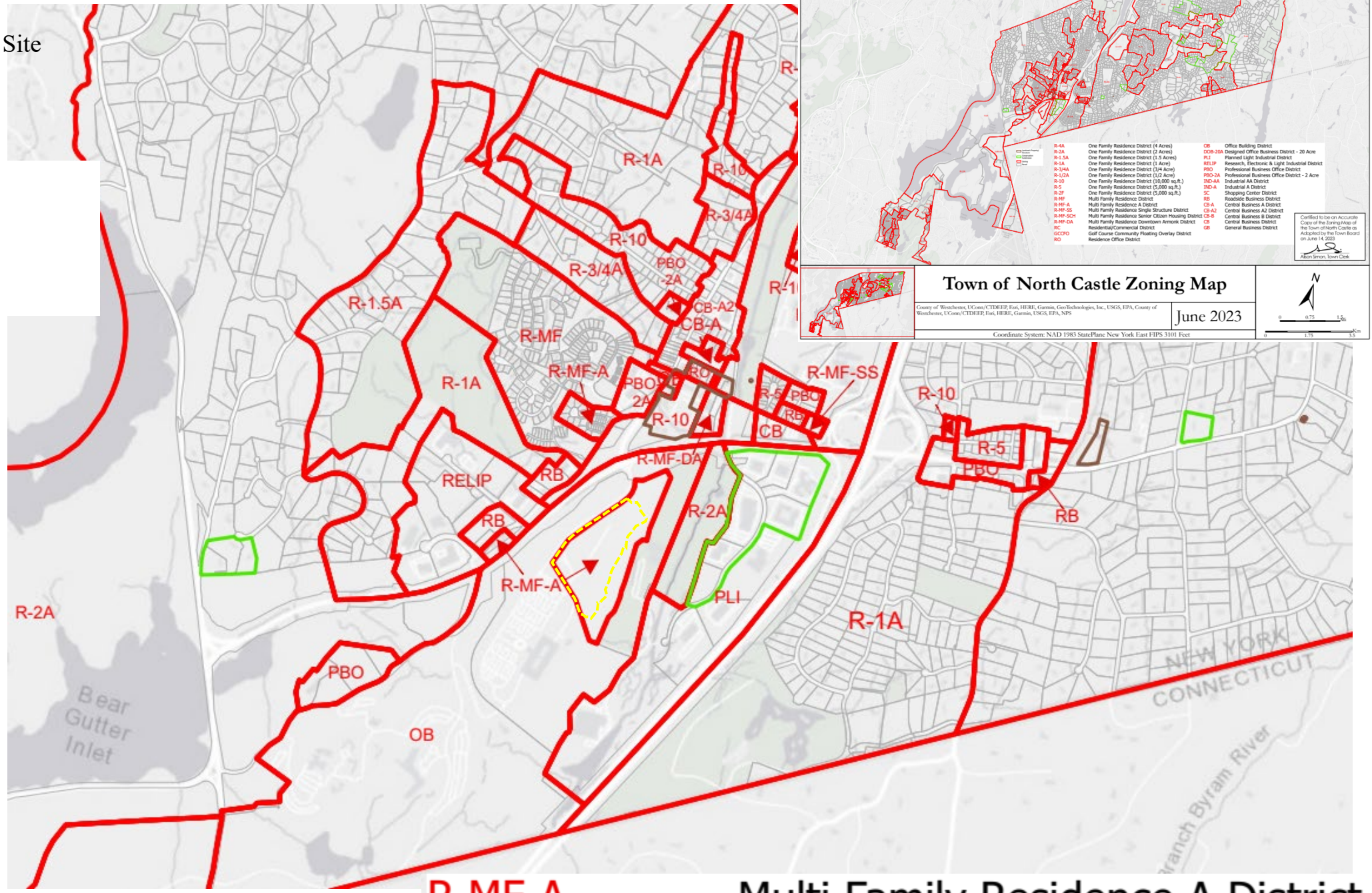
# EXHIBIT E

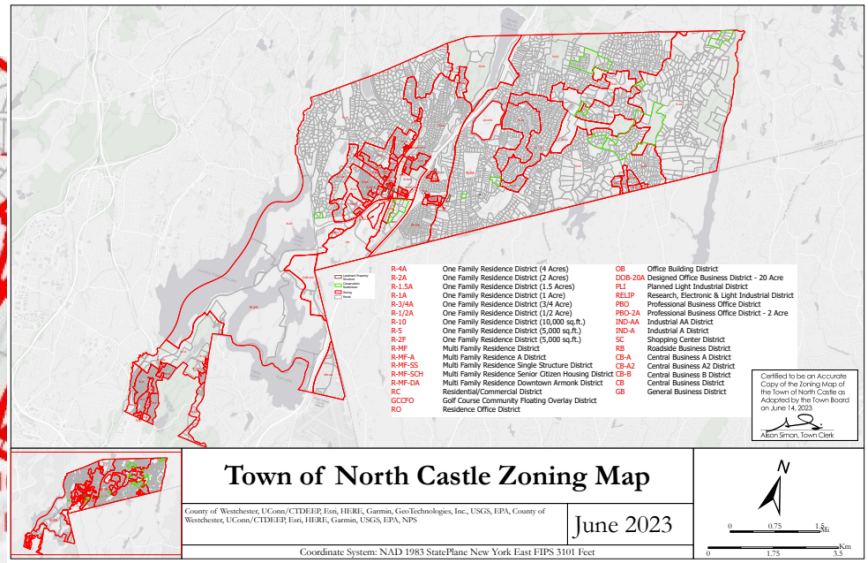
# ZONING MAP

Former IBM Orchard Pesticide Site
p/o 3 North Castle Drive
North Castle, New York 10504

## Legend:

- Site property boundary
- Landmark Property/ Structure
- Conservation Subdivision
- Zoning
- Parcel




**August 2023**
Scale: 1” = 100’ approximately

R-MF-A Multi Family Residence A District

**Zoning District: R-MF-A (Multi Family Residence A District)**
**Town of North Castle, NY Chapter 355 Zoning: Attachment 1 (§355-21. Schedule of Residence District Regulations)**

| District | A use marked with an asterisk (*) is subject to conformance to additional standards as set forth in Article VII. All uses are subject to site plan approval and performance standards in accordance with Articles VIII and X. Except as specifically permitted, all uses, including storage of materials and equipment, shall be within enclosed structures. Standards shown are minimum requirements, unless otherwise indicated. Any use not specifically listed shall be deemed to be prohibited. Dimensions are in feet, unless otherwise noted | | Minimum Lot Size | | | | Minimum Yards (c) (l) (m) | | | Maximum Building Height (f) | | Maximum Building Coverage (r) (s) | Minimum Dwelling Unit Size (square feet) (refer also to § 355-70) | Refer Also to These Pertinent Sections |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Permitted Principal Uses | Permitted Accessory Uses (only in conjunction with a permitted principal use) | Area | Frontage (feet) (a) | Width (feet) (b) | Depth (feet) | Front (feet) (d) (e) | Side (feet) (f) (g) | Rear (feet) (g) | Stories | Feet | Lot Area | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| **R-2F** | 1. Same as single-family residence districts.<br>2. Two-family dwellings, not to exceed 1 such dwelling per lot. | f. Commercial vehicles actually used for agriculture or horticulture purposes on the premises shall be exempt from the provisions of this section.<br>8. Off-street parking, as regulated in Article IX on the same lot as a principal use permitted in this district.<br>9. Individual or joint private water supply and sewerage facilities.<br>10. Storage of auto trailers and boats; unoccupied travel trailers, motor homes and pickup coaches; and other such recreational vehicles, provided that:<br>a. On any lot of less than 1/2 acre, any such vehicle in excess of 1 shall be garaged or suitably screened from view of persons standing on adjoining lots by a wall, fence or evergreen planting.<br>b. On any lot of 1/2 acre or more, any such vehicle shall be garaged or suitably screened from the view of persons standing on adjoining lots by a wall, fence or evergreen planting.<br>c. Such storage shall conform to all yard and size requirements for accessory buildings.<br>11. Signs, as regulated in § 355-16.<br>12. On any lot having a minimum area of 1 acre, 2 horses may be maintained. Additional horses may be maintained by special permit pursuant to Article VII.<br>13. Temporary offices in connection with construction on a lot, which offices must be removed before a certificate of occupancy is issued for the new construction.<br>*14. Noncommercial radio transmitting towers.<br>15. Storage of building materials outside of a building, provided that a building permit has been issued and such materials are stored for the purposes set forth in such building permit.<br>16. Solar energy collectors, subject to the requirements of Chapter 258.<br>17. Servants' quarters, subject to the requirements of § 355-14A(2).<br>*18. Accessory apartments, in single-family residence districts, subject to the requirements of § 355-40K.<br>19. Dish antennas, subject to the requirements of § 355-15.<br>*20. Outdoor display and sales where accessory to a permitted principal nonresidential use.<br>21. Outdoor dining pursuant to Chapter 218 where accessory to a permitted principal nonresidential use. | 5,000 square feet | 50 | 50 | 100 | 20 | 6 | 15 | 2 1/2 | 30 | 30% | 800 | Articles IV through X |
| **R-MF** | 1. Any uses permitted in an R-1A District, as permitted and regulated therein.<br>2. Attached, semidetached, detached or multifamily dwellings, subject to the requirements of § 355-24. | | 10 acres | 25 | 250 | 250 | 75 (k) | 50 (k) | 50 (k) | 3 | 30 | 12% | As required by § 355-24 | |
| Perimeter(m) | | | 24 acres | 25 | 250 | 250 | 75 | 50* | 50 | 3 | 30 | 12% | As required by § 355-24 | |
| Attached | | | 5,000 square feet | 25 | 35 | 80 | 20 | 10 (0 + 10) | 15 | 3 | 30 | 35% | As required by § 355-24 | |
| Detached | | | 7,500 square feet | 25 | 65 | 80 | 20 | 10 (p) (10 + 15) | 15 | 3 | 30 | 35% | As required by § 355-24 | |
| **R-MF-A** | Same as R-MF | Same as R-MF | | | | | | | | | | | | |
| Perimeter | | | 5 acres | 25 | 250 | 250 | 10 (r) | 10, 6 (r) for accessory structures | 25 (r) | 3 | 30 | 20% | As required by § 355-24 | |
| Attached | | | 2,500 square feet | 25 | 25 | 60 | 10 (r) | 0 | 10 (r) | 3 | 30 | 50% | As required by § 355-24 | |
| Detached | | | 7,000 square feet | 25 | 65 | 60 | 10 (r) | 6, 3 (r) for accessory structures | 10, 6 (r) for accessory structures | 3 | 30 | 35% | As required by § 355-24 | |
| **R-MF-DA** | *1. Attached, semidetached, detached, or multifamily dwellings, subject to the requirements of § 355-40X | Same as R-MF | 4 acres | 200 | 200 | 200 | 50 | 25 (10 for parking) | 30 (10 for parking) | – | 40 | 20% | As required by § 355-24 | |
| **R-MF-SS** | Same as R-MF | Same as R-MF | 20,000 square feet | 100 | 150 | 150 | 10 | 15 | 5 | 3 | 30 | 40% | As required by §355-24 | |
| **R-MF-SCH** | 1. Senior citizen housing, subject to the requirements of § 355-27. | 1. Any uses customarily incidental and accessory to a senior citizen dwelling unit, provided there is no external evidence of such use, no nonresident employees, no patients or clients visiting the premises and no keeping of a stock-in-trade.<br>2. Off-street parking, as regulated in Article IX.<br>3. Solar energy collectors, subject to the requirements of Chapter 258.<br>4. Dish antennas, subject to the requirements of § 355-15. | To be determined by the Town Board at the time of zoning approval | | | | | | | 2.5 | 30 | To be determined by the Town Board at the time of zoning approval | | |

# EXHIBIT F

# NORTH CASTLE HISTORY

[2001 Richard Koenig]

CORNELL-BIRDSALL HOUSE

THE NORTH CASTLE HISTORICAL SOCIETY

Volume 27 -- 2000

# The North Castle Historical Society

440 BEDFORD ROAD ARMONK, NEW YORK 10504

## PRESIDENT'S MESSAGE

Dear Friends,

You have made my three years as President exciting and rewarding. I admire and appreciate all of you who continue to be so supportive of and interested in The Society. Your knowledge, energy and friendship make The Society an outstanding organization!

This past year has been filled with exciting projects. Many of you have shared with me a renewed enthusiasm for historic preservation. Together, we have expanded the Docents Program; presented two educational Exhibits; held two Antiques Shows; coordinated several Colonial Crafts days for the area fourth grades; dished up a Colonial Tavern Dinner; participated in the Town-wide Christmas Party; offered the Mary Guion Brown Diary; and joined in the Millennium Committee activities.

The North Castle Historical Society has numerous opportunities for your participation. We invite you to be a part of the future while we learn from the past.

Please enjoy this newest issue of *North Castle History*. The articles in this issue trace some of our land uses during three centuries. Hopefully these articles will encourage you to record other portions of our Town's history. Please share your personal knowledge so that our collective history is recorded and preserved before it is lost forever.

Sincerely,

Joan Krantz

Joan Krantz
President

NORTH CASTLE HISTORY, VOLUME 27, 2000

**THE CORNELL-BIRDSALL HOUSE**
**ON THE ORIGINAL SITE**
**[1960s photograph from the Archives of The Society]**

This house is an excellent example of a post-Revolutionary period farmhouse dating back to the time when George Washington was President of the United States. Experts believe the oldest portion of the house dates back to around 1790.

Willett Cornell conveyed this circa 1790 house to Joseph Birdsall, who passed it to his son, Benjamin Birdsall. James E. Brundage purchased the property at the turn of the century and later sold it to Cornelius R. Agnew, who called the house North Gate. Various superintendents (including Harry Hunter, William C. Whipple and then Arthur E. Hendry) lived in the house. IBM Corporation purchased the Agnew estate. In the mid-1960s this house was moved to its present location behind Town Hall, renovated and decorated by IBM.

The present building, pictured on the front cover, consists of four parts, one added to the original structure around 1870-1880 and two added by the Town of North Castle since the building was moved.

**Reprints of *NORTH CASTLE HISTORY***
**may be ordered for $5 each from**
**The North Castle Historical Society**
**440 Bedford Road**
**Armonk, New York 10504**

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***Please forward any corrections or additions to the information presented herein and/or your constructive suggestions for improving this publication to your editorial board at The North Castle Historical Society, Smith's Tavern, 440 Bedford Road, Armonk, New York 10504.***

***If you would be willing to research and/or author an article, please let us know. New writers and new perspectives are vital.***

## WENGA FARM
## A North Castle "Great Estate"

by Doris Finch Watson

High on a hill beside Route 22 in Armonk, New York, stands the well-known World Headquarters of IBM Corporation. It stands on nearly 450 acres, and if that land could talk, what a long and interesting story it could tell.

Tradition says that back in the time when Indians roamed these lands, the Siwanoy Indians[1] built a type of "Fort" on the high part of that land. When early settlers near the Long Island Sound looked to the north, they referred to the "Fort" as a castle; thus, the name North Castle.

But long before settlers came to "North Castle", there were heavily wooded rolling hills, with crystal clear streams winding through the valleys. It was Indian land. Today, some of those Indian leaders' names live on in such names as the Wampus Park and stream, the Mianus River and Gorge, the Kensico Reservoir and Dam – reminders of long ago.[2]

### Settlements in the Woods

When early settlers came in the 1700s, small settlements grew up along the streams. Homes had to be built, so lumber mills and gristmills were founded. By 1736 North Castle elected town officials, held meetings and recorded town minutes.[3] Cart paths became muddy or frozen narrow roads, and stagecoaches went through on what was called the New York-Danbury Post Road. By 1787 a Methodist Church was built north of the Methodist Cemetery[4] on Cox Avenue; by 1798 the Quaker Meeting House was standing.[5] North Castle was growing.

---

[1] The Siwanoy were one of the largest of the Wappinger subdivisions and occupied land ranging form present-day Norwalk, Connecticut to Hell Gate, New York. Frederic Shonnard and W.W. Spooner, History of Westchester County, 1900, p. 26.

[2] Doris Finch Watson, "The Indians of North Castle", North Castle History, 1979.

[3] Historical Records North Castle/New Castle, 1736-1791, jointly published by New Castle and North Castle, 1976.

[4] Richard N. Lander, "Methodism at North Castle", North Castle History, 1987.

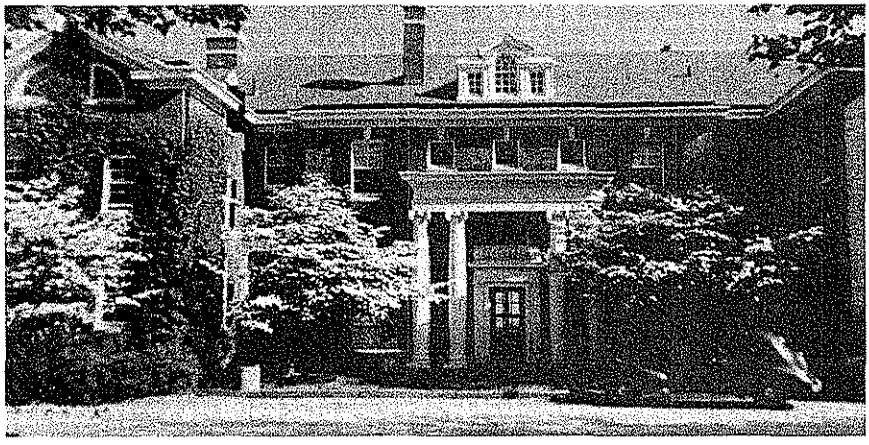
[5] The Quaker Meeting House was moved from Cox Avenue to The North Castle Historical Society property at 440 Bedford Road, Armonk, and a program of

## The Setting

About 1790, it was in this setting that Willett Cornell chose the piece of land (now IBM land) on which to establish his home and farm. About 1825 he conveyed it to Joseph Birdsall, who lived there and farmed the land until his death. Then his son, Benjamin Birdsall, a Quaker and well-known citizen, farmed it until his death. Later, the property was purchased by James E. Brundage who sold it to Cornelius R. Agnew.

## The New Owner

With the sale to Mr. Agnew, a whole new chapter arose in the life of that fertile land. Mr. Agnew, a vice president of a New York bank, and "one of the prominent citizens of Westchester County",[6] began acquiring several neighboring farms on both sides of the highway until he had acquired over 600 acres. He and his wife, Blanche Bean Agnew, began planning their country home and estate. Following the custom of the time, they turned the name Agnew backward and named their estate WENGA FARM ... for it was to be more than just a country mansion, it was to be a working farm.

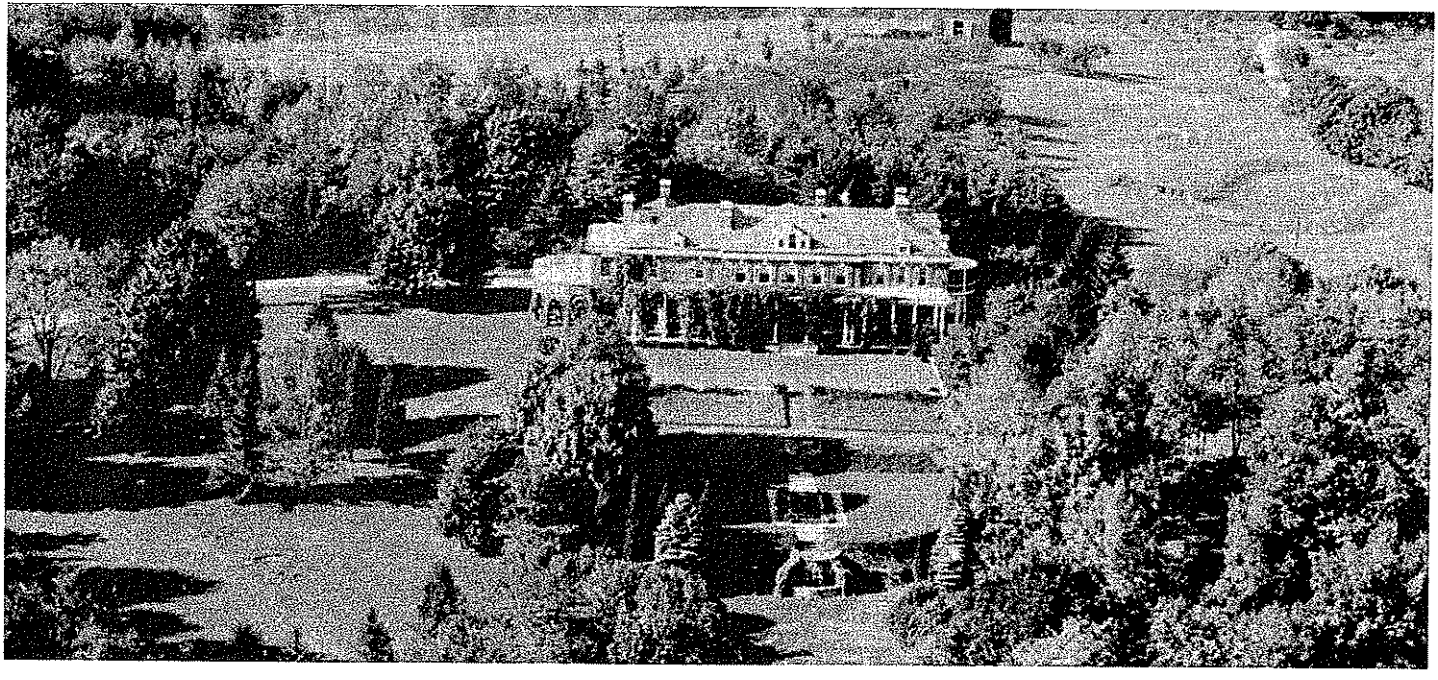


**THE AGNEW MANSION FACED IN A NORTHERLY DIRECTION. IBM CORPORATION WORLD HEADQUARTERS BUILT ON THIS SITE AND MOVED HERE IN 1964.** ***[Photograph courtesy of Mrs. Cornelius Rea Agnew, Jr.]***

---

dedication was held on October 1, 1995. It has been completely restored and is available for community use. Refer to North Castle History, 1978, Volume 5.

[6] Westchester County and Its People, Lewis Publishing Company, Inc., New York, 1946, p. 319.



AN AERIAL VIEW OF CORNELIUS REA AGNEW'S WENGA FARM MANSION

The terraces and reflecting pool on the rear grounds of the mansion are visible in the lower center of the photograph. A circular addition to the mansion housed the library and Mrs. Agnew's organ. [Photograph courtesy of Mrs. C. R. Agnew, Jr.]

## The Mansion

The new, large main house was reached by a long, winding driveway and stood majestically atop a rolling hill. The house was elegant, with huge white columns supporting a roof over the entrance. Mr. and Mrs. Agnew had four children: Alice, Cornelius Rea, Jr., Donald and Sanford, so the house contained many bedrooms, baths, sitting and guest rooms on the first and second floors, with the servants rooms on the third floor. It was a spacious, gracious home with all the comforts of the day.

The Agnews built a special room with a circular outside wall where Mrs. Agnew's organ was placed. The room was paneled in chestnut, just before the blight hit all the chestnut trees. Even the organ has a fascinating history. After years of use in the home, the Agnew family donated it to the Bedford Presbyterian Church where it was used for years. Later, the Church gave it to the Banksville Baptist Church. When the Church became a residence, the organ went into storage at Clifford Henry James'[7] barn for a brief period, followed by storage in Mount Vernon, New York, and then in Silver Spring, Pennsylvania. Following Mr. James' death his sister, Ethel Lewis, presented the organ to the Vanderbilt House, "Biltmore", in Asheville, North Carolina. The organ has been restored and enjoyed by many.

Magnificent landscaping, including beautiful dogwoods, surrounded the mansion, and a glittering reflection pool nestled down below several tiers of rolling lawn. The views from the house included the Kensico Reservoir, the rolling hills and the Long Island Sound. This country home provided everything the Agnews loved: walking and riding trails, room for sports and hobbies and space for grandchildren.

## Other Homes on Wenga Farm

A handsome colonial farmhouse, occupied about 1790 by Willett Cornell, was used as a superintendent's house, sometimes called North Gate. Long-time Armonk residents will remember that Harry Hunter was superintendent and lived there, followed by William Whipple.[8]

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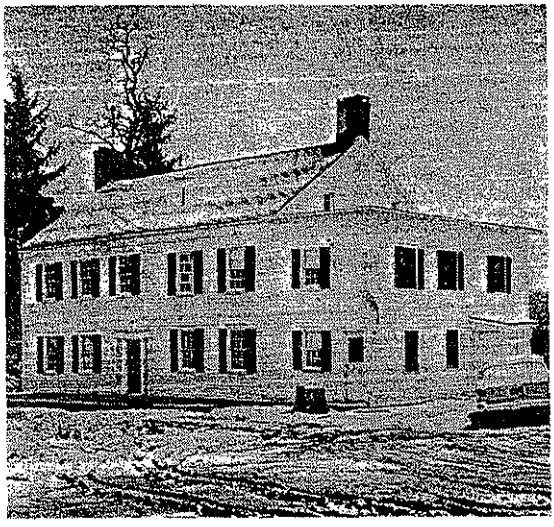
[7] Clifford Henry James was an architect who lived at 605 Bedford Road, Armonk in the James Gedney-Lyon house built c.1750. Mr. James was buried in The Middle Patent Rural Cemetery on April 3, 1993.

[8] William Whipple's wife, Lulu, was a well-known schoolteacher. Following his death, she later married a Mr. West.

Then for many years Arthur Hendry was the farm's superintendent, and the house became known as the Hendry House.[9] Many local people worked on the farm under the superintendent's leadership.[10]



**THE CORNELL-BIRDSALL HOUSE (NORTH GATE OR HENDRY HOUSE) PICTURED ON ITS ORIGINAL SITE BEFORE IT WAS MOVED AND REFURBISHED BY IBM CORPORATION AS A GIFT TO THE TOWN OF NORTH CASTLE. The flat-roofed addition on the right has six-over-six windows that are smaller than the earlier section windows. Two large sections have been added since the building was moved. [Photograph from The Archives of The North Castle Historical Society]**

When the Agnew children became adults they had homes on the farm. The daughter, Alice[11], lived in a home called Crow's Nest not far from the mansion. Two Agnew sons had homes on the King Street end of the farm: one was Peach Blow, where Sanford lived; the other was called South Gate, where Cornelius, Jr., called Rea, lived.[12] Paths were created

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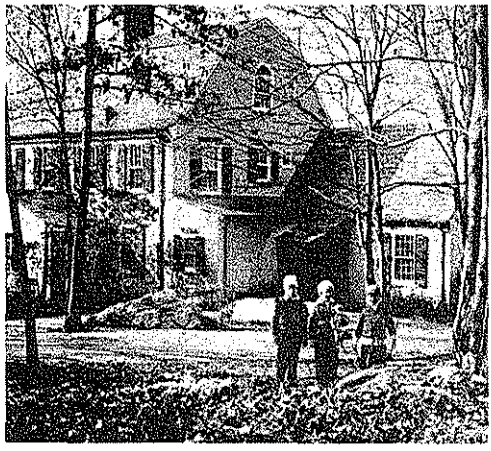
[9] Although sometimes called the Hendry House (because Arthur Hendry was so well known), the proper name is the Cornell-Birdsall House. It was moved to the lot behind Town Hall and is sometimes referred to as the "Annex".

[10] Many local people worked on Wenga Farm through the years, including William Carpenter, Frank Holmes, Mr. Light, Charlie Caston and George Coupe. In an interview in her home, Mrs. C. R. Agnew, Jr. told a story and talked kindly of George Coupe. It seems that on a Sunday afternoon her children were taking a walk with their nurse. Little Billy put his hand into a hole between rocks, only to be bitten by a snake. George Coupe hunted down the snake and killed it ... much to the relief of the family. Some acreage on Wenga Farm was rented to Franz and Irvin Henker. The well-known Henker Farm was on Bedford-Banksville Road, but the Henkers rented additional land from the Agnews for crops.

[11] Alice married Dave Hennen Morris. Their daughter, Susan, married Frederic Carter and lives in Millbrook, New York.

[12] This house on King Street was called South Gate as it was at the south entrance to the farm. The other entrance on old Route 22 was called North Gate and, later, Hendry House.

leading from the mansion to the three children's houses. The sons' houses were both pre-Revolutionary and in 1777 belonged to Daniel Lewis.[13] By 1800 the Thomas Waterburys owned them, with their son, Drake, living in the northern one. By the 1870s D. W. Smith was the owner; by the turn of the century it belonged to O. R. Hartmann. Early in the 1900s Mr. Agnew added both homes to his Wenga Farm.



**Crow's Nest, home of Alice Agnew Morris and her family. The children pictured are not identified. IBM Corporation later used this house.**
***[Undated photograph courtesy of Mrs. Cornelius Rea Agnew, Jr.]***

**South Gate, home of the Cornelius Rea Agnew, Jr. family. Later the Byram Hills School District had offices in this old house.**
**[1976 Photograph from the Archives of The North Castle Historical Society.]**

[13] American Revolutionary Map of 1777 by Erskin-DeWitt shows both houses of Daniel Lewis on what is now called King Street.

**Peach Blow, the home of the Sanford Agnew family.**
**[1976 Photograph from the Archives of The Society, Welling Collection.]**

## The Outbuildings

The beautiful riding horses and ponies were stabled in stalls next to the tack room. Other farm animals, cows, sheep, work horses, etc. were housed in the long barns near the silo. The garages housed wagons, carriages and various automobiles, always at the ready. Buildings for farm machinery and implements, as well as woodworking and paint shop stood nearby

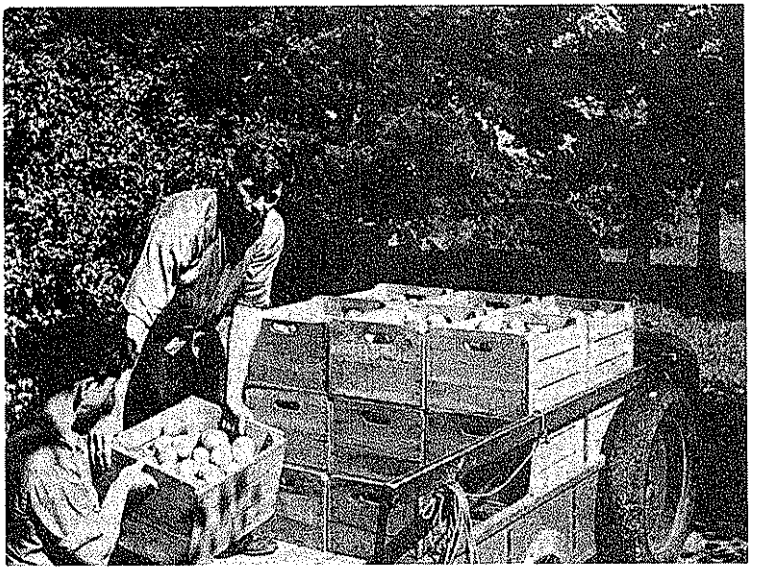
**The Barns and Silo**
**[Photograph courtesy of Mrs. Cornelius Rea Agnew, Jr.]**

## A Working Farm

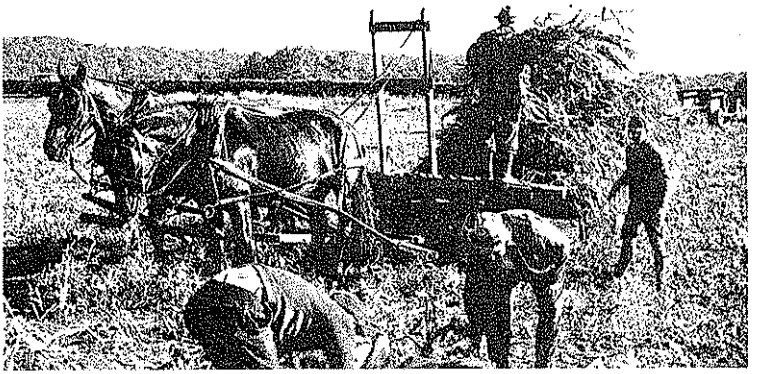
Wenga Farm had hundreds of apple trees as well as peach and pear trees. The orchards were beautiful and produced an abundance of fruit, all carefully crated for sale. The farm was a beehive of activity, changing with the seasons: landscaping, planting, haying, harvesting, building, repairing and tending animals. But there was time for family fun as evidenced by a collection of photographs saved over the years.

## Wenga Farm: a Working Farm

[Photographs this page courtesy of Mrs. Cornelius Rea Agnew, Jr.]



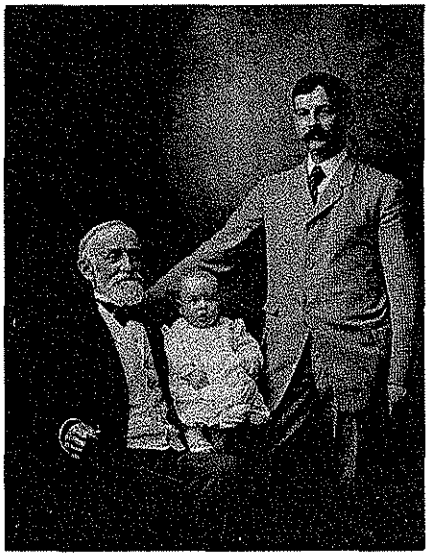
Apple Picking and Crating



Gathering the Corn

## A CHILDREN'S COSTUME PARTY AT WENGA FARM c. 1915

[L to R] Rea, Jr. and Kalnie? in the pony cart; Joan behind the goat cart with Edgar and Branet? inside; Will Yard dressed in the mortar board and gown; Sue standing behind the donkey; Donald standing in front of the horse cart; Elrot Tuck__ driving the cart with Alice barely visible to his left and above the horse; and Sandy hidden between Ellie and Mary in the horse cart. The adult male in the extreme right side of the photograph is not identified. [Photograph courtesy of Mrs. Cornelius Rea Agnew, Jr.]



**[L-R] George Bliss Agnew, Cornelius Rea Agnew, Jr. and Cornelius Rea Agnew, Sr. -- three generations of Agnew men. [1906 photograph from Mrs. Agnew, Jr.]**

**The Agnew Family Crest [1999 photograph by Richard Koenig]**

## A Passing

As with many great estates of yesteryear, changes came, changes caused by a variety of factors including family structure, children growing into adults, illness and even death. Wenga Farm was no exception.

On Tuesday, November 23, 1954, Cornelius Rea Agnew, Sr. died.[14] He was 84 years old. Obituaries in a variety of papers told of his involvement and work in many organizations: the Westchester Country Historical Society, Sons of the American Revolution, trustee of the New York Zoological Society and many others. Those who knew him best remembered him as "a sweet, gentle man with twinkling blue eyes."[15]

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[14] Cornelius Rea Agnew, Sr.'s death announcement appeared in several papers, and clips have been saved from The New York Times, The New York Herald Tribune, and The Reporter Dispatch, White Plains, all from November 24, 1954.

[15] These words are quoted from Mrs. Dorothea Agnew and show her high regard for Mr. Agnew, Sr. Her husband, Cornelius Rea Agnew, Jr., died at the Greenwich Hospital in 1989. Because of his love for South Gate, he wished to

## Memories and Speculation

Some older residents of Armonk look back on this great estate with vivid memories of the large apple orchards, the gardens, the hayfields (where family members worked), the parties with people coming and going along the long driveway leading to the mansion and the bustle of activities. But change was taking place. The staff grew smaller, the activities lessened. In early 1955 there was only speculation, then rumor turned to fact. IBM Corporation was purchasing Wenga Farm.

## A New Chapter

It was not the end of the story of the rolling hills and fertile fields; it was a new beginning for this land ... with an entirely different use. It would become a WORLD HEADQUARTERS. The new chapter was about to begin.

*[See the following article describing IBM Corporation's contemporary use of the old Wenga Farm lands.]*

Acknowledgments: **The author would like to thank Mrs. Cornelius Rea Agnew, Jr. (Dorothea) for her kindness in sharing family photographs, lending the silver family crest to be photographed, for sharing her memories of Wenga Farm and for her gracious hospitality. Appreciation to Dick Koenig for photographing and copying items used in this article. Gratitude to John Schnoor and Erling Taylor for supplying names of some of the farm workmen.**

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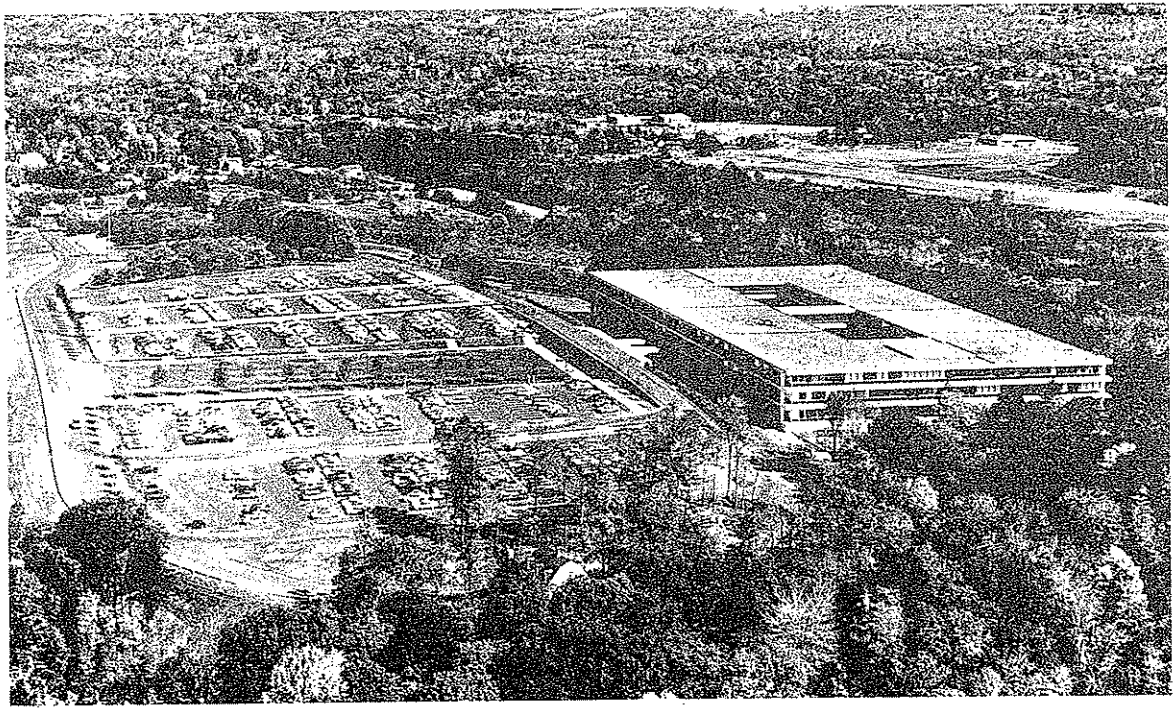
have some of his cremains scattered there. Dorothea recounts that IBM Corporation graciously cleared the old, overgrown path behind the house so the family could walk into the woodlands. Children and grandchildren accompanied Mrs. Agnew to a family farewell, which she said was "very touching". Mr. Agnew, Jr. served in the Office of Strategic Services during World War II; Dorothea taught school in Washington, D.C. Their children are Emily (Mrs. John E. Nelson), Margaret (Mrs. Jonathan Whipple), and William.

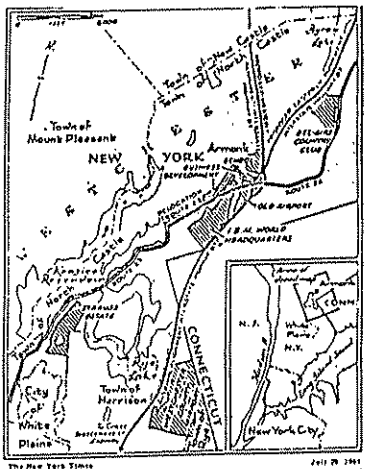


**In this 1964 aerial photograph of the IBM Corporation World Headquarters site, the rectangular shape of the building, the two inner courtyard gardens and the parking lot are easily visible. Not so clearly visible are the old Armonk Airport and H.C. Crittenden School appearing in the upper right of the picture and the Crow's Nest house appearing nestled in the trees in the lower center of the picture. [1964 Photograph courtesy of IBM Corporation]**

## INTERNATIONAL BUSINESS MACHINES CORPORATION
### A Different Neighbor

by Sharon Tomback

During the summer of 1955 IBM Corporation purchased 443 acres in North Castle from the Agnew family. For the next six years several plans and designs were prepared before architects Skidmore, Owings and Merrill finalized a four-level, rectangular corporate headquarters building. It would be constructed around two courtyard gardens and a grass mall lined with trees would bisect the parking area in front of the building. Walter Kidde Constructors Inc. was awarded the contract. The building was dedicated in 1964.



The New York Times
Map shows facilities in area into which I.B.M. has moved

### A New Chapter

"The electronics era is producing tremors in the economics and esthetics of North Castle, a town of 27 square miles of woodland and winding lanes on the northern fringe of Westchester County's expanding commerce."[1] Some worried that the colonial land use pattern would be disrupted. Some worried that the water supply to their wells would lessen. Some worried that the traffic from the 1,000 plus employees would overburden the Town roads. Town Supervisor John A. Lombardi cautioned that "everything will be all right ..."[2].

### Time to Get Out of the Apple Business

Rows of apple trees were retained from the former Wenga Farm. The trees were sprayed by IBM Corporation as many as fifteen times per season in order to get worm-free fruit. Apples on the ground were sold to anyone wishing to pick them up. Handpicked apples were sold in

[1] Merrill Folsom, "Big-City Worries Plaguing Armonk", The New York Times, July 29, 1964, pp. 35 and 67.
[2] Ibid. In addition, Mr. Lombardi pleaded that people not "go berserk".

lots to jobbers. During 1964 chairman of the board Thomas J. Watson, Jr. asked that IBM management take a look at the operation of the orchard. Mr. Arthur Hendry, who was the farm superintendent for many years, used a barn near the farmhouse[3] to grade, store and sell apples at retail.

Evidently Mr. Watson, Jr. had learned that some people thought IBM was in the apple business because of signs which were sometimes appended to the main corporate sign. IBM manager Jim Mosley reported that there was no "For Sale" sign attached to the large blue "IBM Armonk" permanent sign, nor did any sign read "IBM Apples For Sale." Reportedly, underneath the permanent corporate identification sign, another read "Armonk Orchard". And, during apple season two additional signs were mounted: "Apples" and "Drive In".[4]

Paul M. Freeman, an IBM Corporation manager, reported that in 1962 IBM Corporation lost money producing apples. He recommended that IBM enjoy the apple blossoms in the spring and spray to eliminate the fruit, thereby avoiding the work and cost of trying to grow apples and preventing any rotten fruit on the ground. "We decided that it was time to get out of the apple business."[5]

## 1964 World Headquarters Building and Gardens

Architects Skidmore, Owings and Merrill designed a contemporary 417,000-square-foot building with long sweeping lines. On the site of the Agnew mansion, there are three main floors and a partial floor beneath, called the terrace. The site occupies 18 acres of the 443-acre tract. IBM chairman of the board Thomas J. Watson, Jr., dedicated the new headquarters on October 21, 1964 to "IBM employees everywhere."[6] A new glass entrance pavilion, containing the building's main lobby, was designed by I. M. Pei and was opened March 6, 1985.

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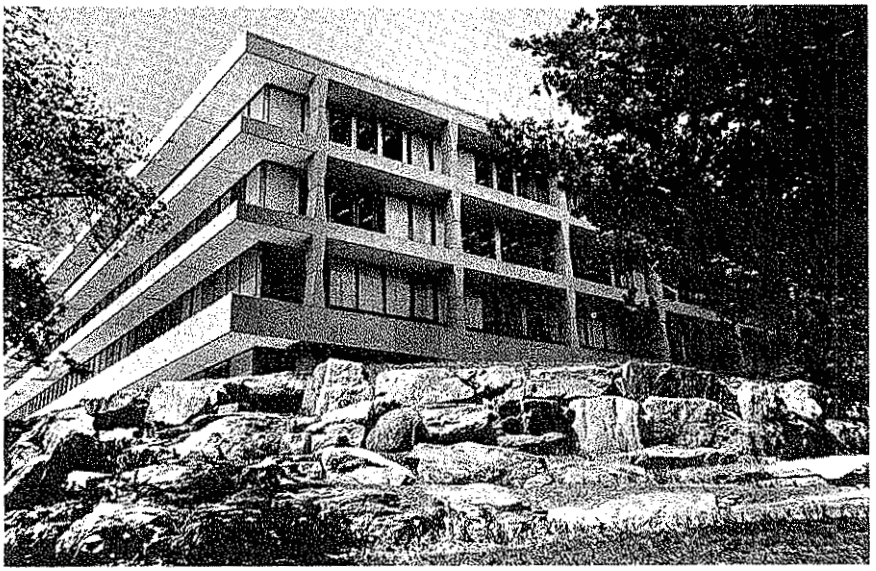
[3] IBM later moved this farmhouse (the Cornell-Birdsall House) to its present site behind Town Hall.

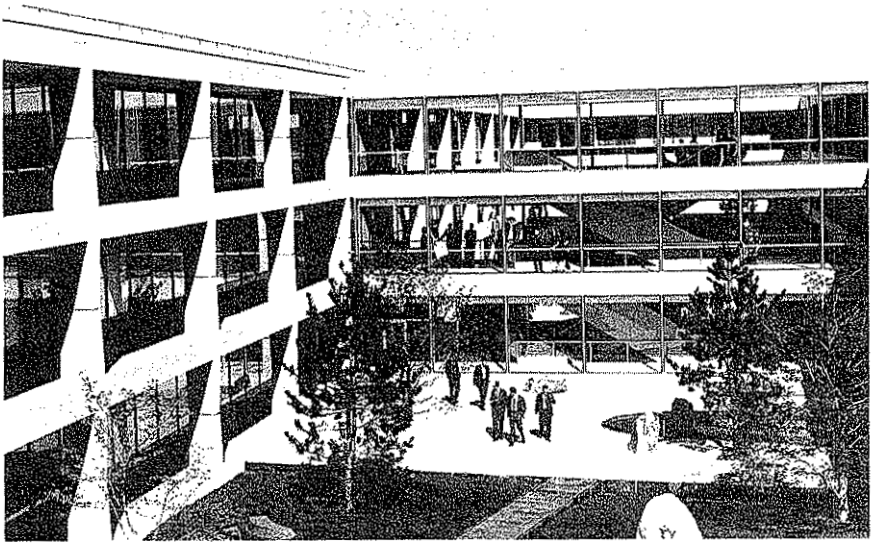
[4] IBM Corporation correspondence dated September 1, 1964 from Paul M. Freeman to A. K. Watson.

[5] Ibid.

[6] Arnold Lerner, IBM Press Release dated October 22, 1964.



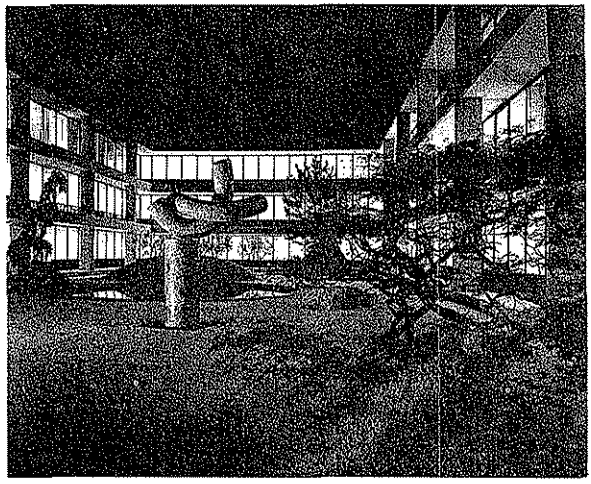
**1964 IBM Corporation World Headquarters Building**
**[Photograph courtesy of IBM Corporation]**



**A View of the South Garden**
**[1964 Photograph courtesy of IBM Corporation]**

Designer and sculptor Isamu Noguchi created two interior gardens for the 1960s World Headquarters building. A glass-walled, three-level bridge separates the gardens. IBM Corporation press releases and archival data describe further details about the gardens.

The interior gardens represent mankind's past and future. The south garden, featuring a naturalistic setting of rocks and trees is symbolic of mankind's early period of development.



**The future of science and mankind is the theme of the North Garden.**
**[1964 Photograph courtesy of IBM Corporation]**

A large black dome near the center of the north garden represents man's emergence from the earth to explore the universe. Diagrams carved into it symbolize man's knowledge. A circular pool, painted red and illuminated with underwater lights, reflects the universe yet to be explored. In one corner of the north garden, a granite-covered pyramid represents an atomic fuel pile and is symbolic of power to be used in the future. The Noguchi bronze, spiral-shaped sculpture expresses the genes and chromosomes that determine heredity.

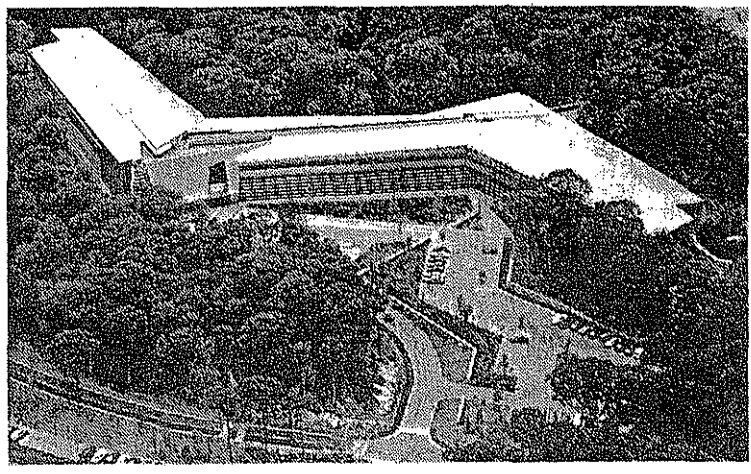
## A New Education Center

During the 1970s a new education center was planned and built. In 1980 Frank Cary, then chairman of IBM Corporation, formally opened the Management Development Center, which is set on a 26-acre parcel of the world headquarters property. A five-building campus complex was designed by Eliot Noyes to blend with the surrounding landscape.

**IBM Corporation Management Development Center**
**[1980s photograph courtesy of IBM]**

## The Newest Chapter

During the latter part of the 1990s the North Castle community again heard rumors of change. Would IBM World Headquarters move? Would the 1960's building be remodeled? Would there possibly be a new headquarters building? Rumor became reality. The new lightning bolt-shaped World Headquarters building was dedicated in 1997. It lies to the south of the older site. A new main entrance follows through the woods along a portion of the old, stonewalled, colonial era path leading to Bedford and farther north.



**1997 IBM Corporation World Headquarters Building**
**[Photograph Bob Vergara, All Photographic Services]**

### *1997 World Headquarters Building*

Kohn Pedersen Fox and Swanke Hayden Connell collaborated on the design of the building. Exterior stainless steel walls, sloping metal roofs, polished granite and reflected glass show a strong concern for the environment and desire to retain as much of the natural environment as possible. The lightning bolt-shaped building, smaller than the 1964 one, respects a 45' height limit and follows the natural contours of the land.

### IBM Corporation: A Good Neighbor

During the spring of 1977, Robert W. Hubner, IBM senior vice president, presented an $85,000 contribution to The North Castle Historical Society. The gift had been pledged contingent upon The Society's ability to raise the balance of the funds needed to purchase Smith's Tavern, a pre-Revolutionary building located on Route 22 in Armonk. Smith's Tavern is now the headquarters of The North Castle Historical Society as a result of this gift and many others from all our North Castle neighbors.

**[L-R] Mrs. Doris Finch Watson, Society vice president and co-chairman of The North Castle Historical Society's Smith Tavern Fund, Richard N. Lander, president of The Society and Robert W. Hubner, IBM senior vice president *reviewing some of the original* minutes of Town meetings written during Mr. Smith's tenure as Town clerk.**

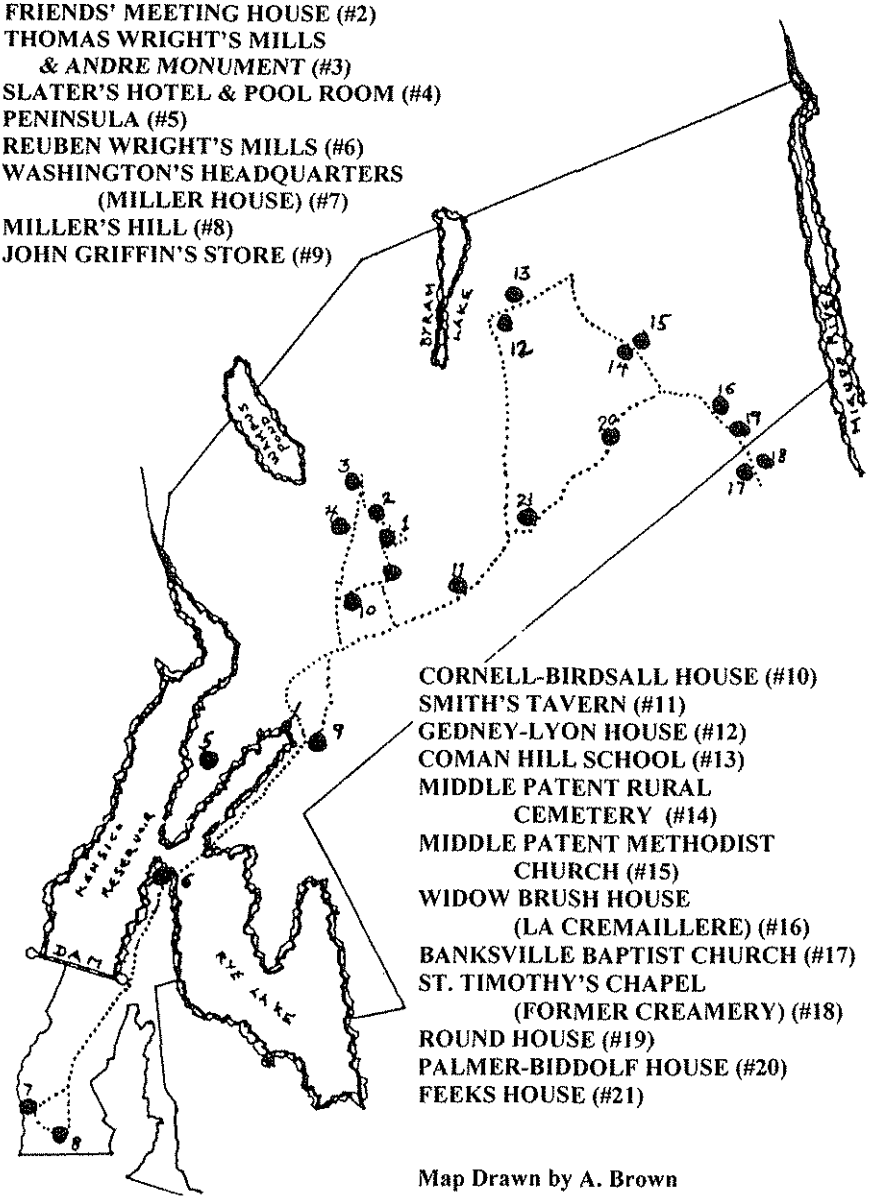
**[1977 IBM Corporation newsletter from the Archives of The North Castle Historical Society]**

**<u>Acknowledgment:</u> The North Castle Historical Society is indebted to IBM Corporation and especially to Robert Godfrey, Archives and Records Department, for sharing photographs, press releases and internal documents relating to the purchase of the land, the construction of the buildings and gardens and the move to North Castle. Thank you to Dick Koenig for copying all the photographs loaned by IBM.**

START – H. C. CRITTENDEN SCHOOL

TOUR MAP

METHODIST CEMETERY (#1)
FRIENDS' MEETING HOUSE (#2)
THOMAS WRIGHT'S MILLS
*& ANDRE MONUMENT* (#3)
SLATER'S HOTEL & POOL ROOM (#4)
PENINSULA (#5)
REUBEN WRIGHT'S MILLS (#6)
WASHINGTON'S HEADQUARTERS
(MILLER HOUSE) (#7)
MILLER'S HILL (#8)
JOHN GRIFFIN'S STORE (#9)




CORNELL-BIRDSALL HOUSE (#10)
SMITH'S TAVERN (#11)
GEDNEY-LYON HOUSE (#12)
COMAN HILL SCHOOL (#13)
MIDDLE PATENT RURAL
CEMETERY (#14)
MIDDLE PATENT METHODIST
CHURCH (#15)
WIDOW BRUSH HOUSE
(LA CREMAILLERE) (#16)
BANKSVILLE BAPTIST CHURCH (#17)
ST. TIMOTHY'S CHAPEL
(FORMER CREAMERY) (#18)
ROUND HOUSE (#19)
PALMER-BIDDOLF HOUSE (#20)
FEEKS HOUSE (#21)

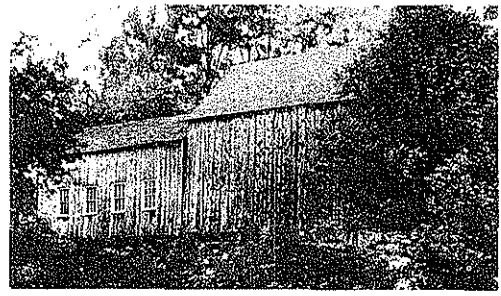
Map Drawn by A. Brown

## AN HISTORIC SITES TOUR

### Adapted from the Tour Presented by Doris Finch Watson on Saturday, May 31, 1986 as part of the Celebration of the 250th Anniversary of the Town of North Castle

We will leave Harold C. Crittenden School and head to School Street, where we'll pass the former schoolhouse, which is now a residence.[1] When we reach Cox Avenue we will see the early Methodist Cemetery of 1787 (#1)[2] and the site of the early Methodist Church.[3] Then we'll turn in "old" Cox Avenue (east of present Cox Avenue) to the Friends' Meeting House (Quaker Meeting House) of 1798 (#2).[4]

...Our next stop (is) the site of Thomas Wright's Mills and barns (#3) where British Major Andre was held prisoner in 1780.[5] This location is often called Sands' Mills for the family who operated it after 1790.[6]



[Photograph from the Archives of The Society]

[1] Opposite and east of the present Wampus Avenue and School Street intersection.

[2] The numbers in parenthesis correspond to the numbers on the tour map.

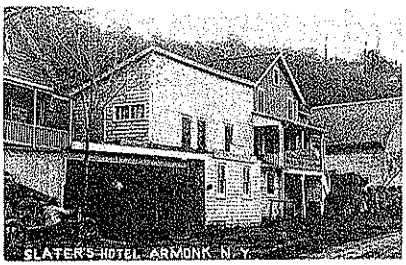
[3] The famous Francis Asbury preached here in June 1787. The present church building, at the corner of Main Street and Bedford Road, was dedicated in June of 1872. The old building was dismantled, sold for $67.50 and rebuilt into a shoe shop, which once stood on Maple Avenue. The Cemetery includes the remains of Gilbert Thorn, North Castle Town Clerk during the Revolution, and Caleb Kirby, New Castle Supervisor for 20 years, the man for whom a place called Kirbyville (near Mt. Kisco) was named. Refer to North Castle History, 1987, Volume 14, p. 12.

[4] The Meeting House was saved, moved and restored on Society property at 440 Bedford Road. Dismantling and restoration efforts were directed by John Schnoor and Guy Papale. The completed restoration was dedicated in a ceremony on October 1, 1995. Refer to North Castle History, 1978, Volume 5.

[5] On September 23, 1930, the 150th anniversary of the containment, the Armonk Business Men's Club erected a monument on a stone selected by Harry Hunter from the old McCracken's Mill dam near Byram Lake. Vito Merlo designed the monument. On September 20, 1980 a rededication program was held on the site.

[6] Refer to North Castle History, 1994, Volume 21.

...(On) Old Mount Kisco Road we will pass a building once called Slater's Hotel & Pool Room (#4). Then we'll pass the old Townsend House,[7] through the center of Armonk and on to Old Route 22, where we will point out the area of the Leatherman's Cave.[8]




**Slater's Hotel & Pool Room**
**[Postcard from The Society's Archives]**

**Townsend House & Additions**
**[2001 Photograph by Dick Koenig]**

As we head toward North White Plains, we'll talk about the Peninsula,[9] the old road leading into the former Village of Kensico (#5),[10] and Reuben Wright's Mills and view the old millstones from the early village (#6).[11]

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[7] This building at 495 Main Street (the Israel and Phoebe Weeks Townsend house) was significantly modified over the years. Developer Michael Fareri has remodeled the building and built an additional structure on the property. The Townsend Family Cemetery is up the hill behind the house.

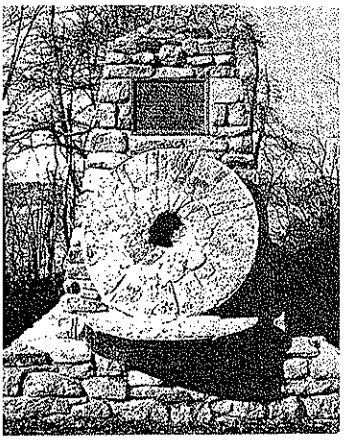
[8] The Leatherman used several caves. This cave in Armonk is also known as Bet Heliker's cave and is on the hillside behind the old bowling alley. Refer to North Castle History, 1972, Volume 2.

[9] Part of the Peninsula can be seen from Route 120 just north of the Route 22 intersection.

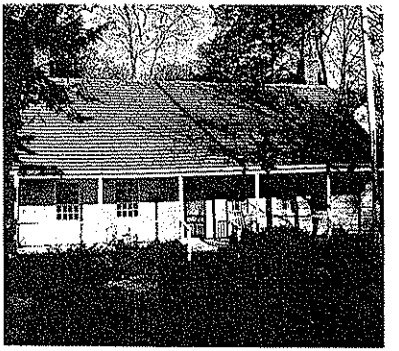
[10] The area was named Kensico in 1848. The first dam and lakes were built in the 1880s, but with the 1908-1917 construction of the reservoir and the 2nd dam, the village was demolished. Refer to North Castle History, 1983, Volume 14.

[11] The millstones came from the old grist mill that belonged to John Horton in 1776, later called Deutermann Mill, located on Lake Street in White Plains. Erected in 1932 by the White Plains Chapter of the Daughters of the American Revolution, the monument on Route 22 is opposite the Reuben Wright Mills where General Washington and his staff held a meeting July 21-25, 1778.

Washington's Headquarters (Miller House), circa 1738, on Virginia Road is our next stop (#7),[12] where a docent will take us through the house. Next, we'll travel to the top of Miller's Hill, where the earth works played an important part during the Revolutionary War (#8).



**Reuben Wright's Mills Monument**
**[1976 Photograph by Pete Welling**



**Miller House**
**[1976 Pete Welling]**

As we return toward Armonk, we'll slow down where King Street intersects with Old Route 22; we'll talk about the early store of John Griffin (#9) and the farm of Daniel Lewis.[13] Then, as we travel over Old Route 22, we'll recall the Briarcliff International Automobile Race of 1908 when drivers sped through Armonk and along Old Route 22 on the way toward Kensico and then on back to the beginning point in Briarcliff.[14]

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[12] John Miller probably built the house. One of his sons, Elijah, who married Anne Fisher, was active in the Westchester County Militia. Elijah and two of his sons died in camp of a fever in 1776. General Washington headquartered in this house during the American Revolution.

[13] The North Castle Historical Society has the stepping stone from the Griffin Store. The stone is inscribed "J.G. – 1791". The Daniel Lewis farm included two pre-Revolutionary houses located on what is now IBM Corporation property. One house was used for years as the Byram Hills School District Offices. Refer to the Wenga Farm article herein for further details.

[14] Refer to North Castle History, 1981, Volume 8 for a full discussion of the Automobile Race.

We'll take a quick look from the bus at the Cornell-Birdsall House (sometimes called Town Hall Annex or Hendry House), circa 1790 (#10). We'll recall how the house was moved to its present location, restored and given to North Castle by IBM Corporation.[15] We'll then head to Smith's Tavern.

Capt. John Smith purchased his Tavern in 1797, and for generations it served as an early stagecoach stop, Tavern, Post Office and Town Hall, and was a center of community life (#11). As you know, Smith's Tavern is now the headquarters of The North Castle Historical Society, where the educational complex includes the Tavern, the Brundage Blacksmith Shop and the one-room East Middle Patent School, complete with outhouse. (Complex #11).[16]

At Smith's Tavern ... there will be an opportunity to see the year-long display called "Capsule Views of North Castle History – circa 1600-1900", which honors North Castle's 250th Anniversary.[17]

**"38 Miles from New York"**

**Watkins Mansion House built c. 1900**

**[Both photographs are from the Archives of The North Castle Historical Society.]**

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[15] Willett Cornell conveyed the house to Joseph Birdsall, who passed it to his son, Benjamin. Refer to the back cover of this publication.

[16] Since this tour was given in 1986, the 1798 Quaker Meeting House has been added to The Society's complex at 440 Bedford Road, Armonk.

[17] Across Bedford Road (Route 22) stands the Thomas Hopkins-David Brundage House, probably built around 1760-1770. Brundage purchased the house from Hopkins heirs in 1812. Oral tradition says the British fired on this house in the summer of 1779 during their retreat from the burning of Bedford. Reportedly, the owners buried their valuables (still buried) to hide them from the British.

As we head east, we'll see the old Mileage Markers along what was called the New York-Danbury Post Road. They show the number of miles from New York City and were guides to stagecoach drivers and their passengers two centuries ago.[18]

We'll point out interesting sites along Bedford Road (Route 22) including Windmill Farm, the location of the Embassy Club, now in ruins[19], and the site of the little hamlet called "North Castle".

It may be difficult to see the old Gedney-Lyon House, circa 1720 (#12) due to a high fence recently installed, but we will point it out.[20]

**[from the Archives of The North Castle Historical Society, Welling Collection, 1976]**

Continuing on Bedford Road, we'll point out the location of the old Lyon Cemetery, and across the way the second Coman Hill School (#13) which is now a private dwelling.[21] Next, we'll turn onto Middle Patent Road, where we will pass the old Worden House with its Cobbler's Shop of over 100 years ago; the pre-Revolutionary house where the Smith Family lived; the site of the Samuel Banks home (now Daniel Gray Fishing Club), and then our next stop will be the Cemetery.

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[18] See North Castle History 1987, page 18 and 1989 pages 23-27.

[19] The Embassy Club was built as a country residence by John H. Watkins (who purchased the land from Norman W. Lander). Watkins sold the house to Hugh Kirkman Prichitt, whose family lived there in the 1910s and 1920s. See North Castle History 1995, Volume 22, and 1978, Volume 5.

[20] James Gedney sold this house in 1762 to John Lyon. Around 1833 Abraham Lyon deeded the property to John and Mary Bussing; they sold it to Charles Anderson in 1887. Samuel McRoberts owned the house from 1922 until 1948. Later, Architect Clifford Henry James (deceased) lived here. He found charred timbers and beams, suggesting that the British fired this house in 1779 during the retreat from the burning of Bedford.

[21] Refer to North Castle History, 1978, Volume 5.

The eastern part of North Castle is the oldest section, and The Middle Patent Rural Cemetery is North Castle's oldest burial ground (#14).[22] The first recorded burial in our township was that of Samuel Banks, January 29, 1743. We will visit his gravesite. His descendants are numerous, and it is for this family, particularly John Banks, that the hamlet of Banksville is named.

Once again we will leave the bus at The Middle Patent Methodist Church (#15) which was built in 1847. This is a lovely building without any electricity or heating of any type. Particular note should be taken of the beautiful kerosene lamps of brass, the old organ and the lovely stained glass windows.[23]

**The Middle Patent Church building around 1901. Notice the horse sheds to the left.**

**[from the Archives of The Society, Lander Collection; photographer was the late William E. Finch, Jr., Greenwich]**

The final lap of our journey begins as we head toward the hamlet of Banksville. We will pass La Cremaillere(#16), the famous French Restaurant, which is housed in the ancient Widow Brush House, circa 1760, at the corner of Round House Road.[24]

---

[22] Veterans of the American Revolution, Civil and Spanish American Wars, both World Wars, the Korean War and the Viet Nam War are buried here. The Cemetery was on the farmland of Samuel Banks, whose home was on Middle Patent Road across from the Cemetery.

[23] The building suffered a fire on April 4, 1992 and was completely restored. Refer to North Castle History 1993, Volume 20 for a discussion of the fire, the rebuilding project and the history of the Church.

[24] The house passed into the Hobby and Brundage families. Mr. William Jackson acquired it in 1925 and formed the Westchester Women's Golf and Tennis Club, which was followed by the Middle Patent Golf Club (open to women and men).

Southward we pass through the hamlet, cross the Connecticut line and see the Banksville Baptist Church (#17) built in 1853 and the parsonage built circa 1860. Across North Street is the old Creamery, which was used by all the farmers of the area who raised cows and sold milk. This building is now St. Timothy Chapel and is used for Catholic services (#18).

Turning north again, we pass the landmark Finch's Country Store on the right (how could I leave THAT out?). The business has been in the Finch family since 1860 and is presently operated by the fifth generation (my sons)[25].

Next, we will stop at the Round House (#19) on Round House Road to observe its interesting architecture. Built circa 1860 by Dr. Ralph Griswold, the local physician, this unusual house is another landmark.[26] Heading back to Armonk on Round Hill Road, we will point out the site where Middle Patent School[27] stood for over 150 years, before it was destroyed by fire.

**Middle Patent School, December 23, 1964 ... the day the school closed.**

**[L to R] Mr. Lanza, custodian; Mrs. Mary Livingstone, superintendent; Mrs. Doris Finch Watson with children Phoebe, Walter and baby Bill; Mrs. Carmie Genkerell. Mrs. Watson, Phoebe and Mrs. Genkerell attended the school.**

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[25] The property remains in the Finch-Watson family, but the business was sold in 1989.

[26] Refer to North Castle History, 1993, Volume 20, and 1990, Volume 17.

[27] The school stood at the corner of present-day Gina Lane and Round Hill Road. There is a residence on the site now. Refer to North Castle History, 1974, Volume 1.

A little farther along Round Hill Road we will pass the pre-Revolutionary house which was the home of Winus Palmer (#20) and which was later owned by Will Biddolf (Biddulph).[28]

After turning on to Banksville Road, we will pass Daisy Pond (sometimes called Gifford's Pond) where the western founding branch of the Mianus flows under the road. Many years ago the old Hall Mill stood at this location.

Climbing the hill, we will pass the early Feeks house (#21) on the right side of the road. This house has a most unusual feature; it has a large boulder protruding from the outside to the inside of the house and extending several feet in length. (How firm a foundation!)[29]

**Feeks House [1976 Lindsay Welling]**

[28] The second half of the house was added exactly matching the first. Mr. and Mrs. Frank Gay added a large wing on the left of the house.

[29] A deserter from the Hessian Army, Christopher Elias, built a two-room house, farmed and prospered. His daughter Ann married Daniel Feeks; their daughter Mary Feeks married Adam Shutts; their daughter Annie Shutts married John Bennett and their daughter Mrs. Marjorie Bennett Dennison lived here for many years. Mr. and Mrs. William Mitzian presently own the house and have added to it.

As we return to Route 22 (Bedford Road) we'll point out some of the early houses and point out the route that the early stagecoaches used.

As we head into Harold C. Crittenden School, we want to thank you for sharing this journey with us, and we hope that you have enjoyed this glimpse of history within your town. We invite you to become a member of The North Castle Historical Society and to join with us in the work of preserving our precious heritage for the generations who follow.

* * *

**Committee for the Tour of Historic Sites: Bruce Barnard, Chairman; Arthur Brown; Ruth Frank; and Doris Finch Watson. A Special Thank You to the North Castle Recreation and Parks Department for transportation and arrangements; The North Castle Historical Society for refreshments; The Docents of Washington's Headquarters and Smith's Tavern for their time and knowledge; and, of course, a special thank you to all who helped with this day. Sponsored by the Town of North Castle.**

* * *

**PLEASE REFER TO HISTORICAL SITE TOUR OF NORTH CASTLE PUBLISHED IN 1976 AND WRITTEN BY RICHARD N. LANDER, DORIS FINCH WATSON, IRENE SANDFORD AND THOMAS R. PARKER. ALSO SEE NORTH CASTLE TOWN RECORDS, VOLUMES I AND II.**

**A "Thank You" note from Mrs. George Schmaling (Alice) to Dorrie Watson for the article last year on the Wagon Wheel Restaurant.**

*"I received a copy of North Castle History from Lou and Wanda Tartaglia. I want to thank you for your story about the Wagon Wheel and stories about George. They brought back happy memories! I remember when George went to Banksville to collect taxes, you let him use your store as his office. He appreciated your kindness, letting him 'meet the people'.*

*Harry Hunter called the Wagon Wheel the "Incubator". The fellows who met there were always hatching up something! The town was growing and they were interested in its future. You'd be surprised at some of the deals they made!*

*The picture of Nelson Rockefeller and George was taken at the Log Cabin. It was a huge party to help Rockefeller become governor of New York. It was George's last official appearance. He was slated for an operation from which he never recovered.*

*I am ordering a membership to The Society and booklets for George's grandchildren. They will cherish them. The Historical Society is doing a great job. It is to be commended. Again, a group interested in the welfare of the town and giving of their time and effort. It is a beautiful little town with very special people in it!"*

[L-R] Seated in front: John French, Frank Johnson. Seated 2nd row: Ernest Sniffen, Timothy Mahoney?, Arthur Downes, Albert MacDonald, William Turnier?. Standing: -?-, Edward Robbins, Herbert Flint. [Photograph courtesy of States D. Tompkins, Greenwich, Connecticut]

**TOMPKINS' BASEBALL CLUB OF ARMONK, NEW YORK, c. 1915**

**"The Redbrooke Team" was owned by States D. Tompkins, Esq., whose large estate was named "Redbrooke".**

## SATCHEL PAIGE – RULES TO LIVE BY

On October 14, 1964 the North Castle News published the following article. *"Some time ago Colliers, a magazine no longer published, ran a series of award-winning articles titled "The Fabulous Satchel Paige." Mr. Paige is a baseball player of great antiquity who has been managing to extend his career beyond all actuarial expectations by following (he said in the article) a number of personally evolved rules.*

*Here they are. They have the unqualified endorsement of this newspaper and are especially recommended during this contentious campaign season.*

1. *Avoid fried meats which angry up the blood.*
2. *If your stomach disputes you, lie down and pacify it with cool thoughts.*
3. *Keep the juices flowing by jangling around gently as you move.*
4. *Go very lightly on the vices, such as carrying on in society. The social ramble ain't restful.*
5. *Avoid running at all times.*
6. *Don't look back. Something might be gaining on you."*

**A Request from Your Editors:**
**Do you know of any baseball teams in North Castle during the early 1900s? Please share your knowledge with your editors.**

## A BASEBALL REPORT FROM 1930
## The North Castle Monitor, August 7, 1930

"The North Castle A. C. nine will hook up with the Rye Lake A. A. team at the King Street field Sunday afternoon. The game, arranged on short notice, brings together two great rivals and well matched clubs. Last Sunday, North Castle defeated the Elmsford Colored Giants in an interesting game. Until the sixth inning, it was a pitcher's game between George Kraus and Ray Westphal. North Castle broke the tie and scored four runs."

## TRUSTEES AND OFFICERS

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Piers Curry (2)
Judy Early (4)
Vincent Fiore (2)
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Ex-Officio: Doris Finch Watson, Town Historian

(1) President
(2) Vice President
(3) Treasurer
(4) Recording Secretary
(5) Corresponding Secretary
(6) Trustee-at-Large

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## ANNUAL MEMBERSHIP

Family $25 * Individual $15 * Sustaining $30
Senior Member $10 * Life Member $250 paid once

**The North Castle Historical Society is chartered by The Regents of The University of The State of New York.**

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## PUBLICATION COMMITTEE

Sharon Tomback, Editor
Marjorie Moore * Irene W. Sandford * Doris Finch Watson
Richard Koenig, Photography

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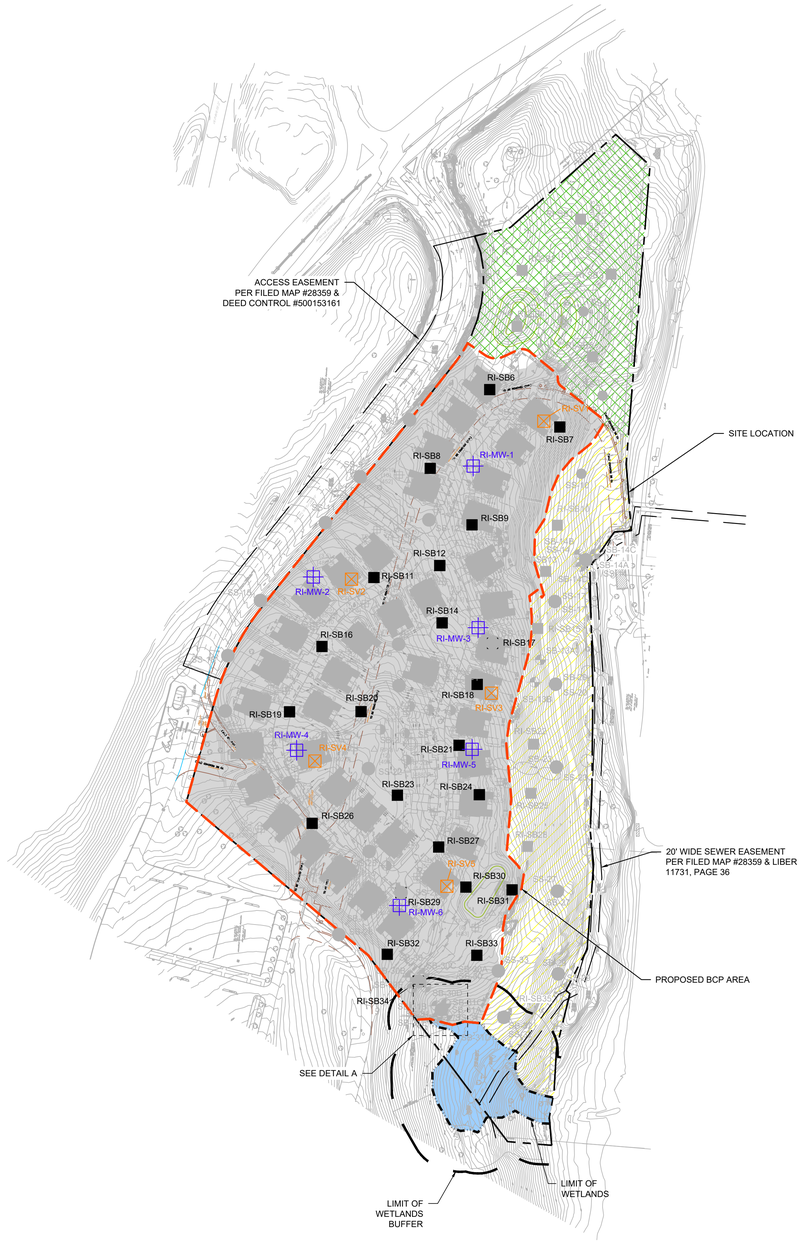
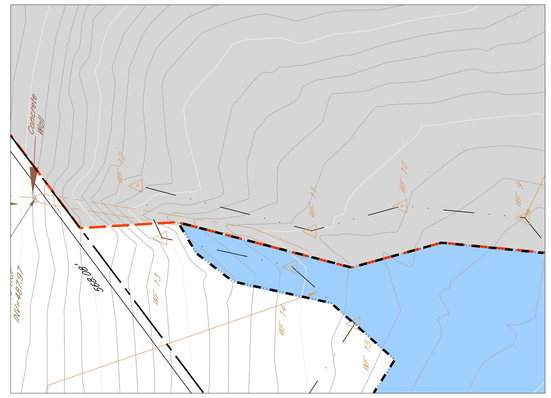
There is to be no reprint of material appearing in *"North Castle History"* without specific credit given to The Society and the author.

**PREVIOUS OWNERS & OPERATORS LIST**
**Former IBM Orchard Pesticide Site**
**p/o 3 North Castle Drive**
**North Castle, New York 10504**

| Year | Contact Information | Status | Relation to Requestor |
|---|---|---|---|
| Unknown – 1995 | Portion of Former 2-16-4 | N/A | N/A |
| 1995-2010 | Portion of Former 2-16-4.1 (Map # 25549 – "Subdivision of Property Prepared for International Business Machines Corporation") | N/A | N/A |
| 2010-Unknown | Former 2-16-4.1A (Map # 28359 – "Final Plat Prepared for International Business Machines Corporation") | N/A | N/A |
| Present | 108.03-1-62.1 | N/A | N/A |
| **Owners** | | | |
| Unknown – 1955 | Cornelius R. Agnew, Sr. | Deceased 1954 | None |
| 1955 - 2017 | International Business Machines Corp<br>Address: 1 New Orchard Road Phone: 1 (800) 426-4968<br>Armonk, New York 10504-1722 | Active | None |
| 8/30/2017 – Present | Maddd Madonna Armonk LLC<br>Address: 15 Verbena Avenue, Suite 200 Phone: (516) 821-2003<br>Floral Park, New York 11001 | Active | None |
| **Operators** | | | |
| 1931-1949 | Residence on Northern Portion of Lot | N/A | None |
| 1931-1989 | Agricultural Tree Farming Operations | N/A | None |
| Unknown – 1955 | Wenga Farm (apple/peach/pear trees) – Owned and Operated by the Agnew Family. | N/A | None |
| 1955 - 1962 | Armonk Orchard (Operated by IBM)<br>Address: 1 New Orchard Road Phone: 1 (800) 426-4968<br>Armonk, New York 10504-1722 | N/A | None |
| 1962 – Unknown | Non-producing Orchard (Trees sprayed by IBM to prevent fruit growth)<br>Address: 1 New Orchard Road Phone: 1 (800) 426-4968<br>Armonk, New York 10504-1722 | N/A | None |
| 1971 - Present | Asphalt Roadway – Provides access to athletic fields on a adjacent property to the east | N/A | None |

# EXHIBIT G




DETAIL A
SCALE: 1"=20'

LEGEND:

- SITE BOUNDARY
- SS-1 - SOIL BORING NUMBER & APPROX. LOCATION BY SESI
- SB-13A - SOIL BORING BY LANGAN
- SS-27 - SOIL BORING & APPROX. LOCATION BY SESI
- RI-SB27 - PROPOSED SOIL BORING & APPROX. LOCATION BY SESI
- GROUND WATER TEST BORING LOCATION - BY LANGAN
- TP-4 - TEST PIT NUMBER & APPROX. LOCATION - BY SESI
- RP-4 - ROCK PROBE NUMBER & APPROX. LOCATION - BY SESI
- (8) - APPROX. DEPTH TO TOP OF ROCK (FT.)
- [463] - APPROX. EL. OF TOP OF ROCK
- (5.5) - APPROX. FILL THICKNESS (FT.)
- WETLAND LIMIT OF DISTURBANCE
- SURVEYED WETLAND
- PROPOSED BCP AREA
- AREAS OF STEEP SLOPES, HEAVY WOODS, AND VILLAGE RESTRICTIONS
- AREAS WHERE NO CONTAMINANTS WERE IDENTIFIED AND STORMWATER MANAGEMENT IS PROPOSED

Scale: 1"= 150'

0 75 150 300 450 600

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

REFERENCE
1. EXISTING CONDITIONS AND BOUNDARY ARE TAKEN FROM GIS AERIAL 2022.
2. LIMIT OF DISTURBANCE AND LIMIT OF DISTURBANCE BUFFER TAKEN FROM EAGLE RIDGE SITE MAP, PROVIDED BY MADDD EQUITIES.
3. NWI WETLANDS TAKEN FROM FISH GAME AND WILDLIFE WETLANDS MAPPING WEBSITE.
4. NEW YORK WETLANDS TAKEN FROM THE NY DEPARTMENT OF CONSERVATION WETLANDS MAPPING.

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N:\JOBS\12456\CAD\ENVIRONMENTAL\REMEDIAL\12456-FIG-PROPOSED SOIL SAMPLE PLAN.DWG 03/14/24 09:49:44AM sesi LAYOUT-REP BCP

| rev | date | description | by |
|---|---|---|---|
| | | | |

drawn by: AW
checked by: TK
scale: AS NOTED
date: 03/14/2024

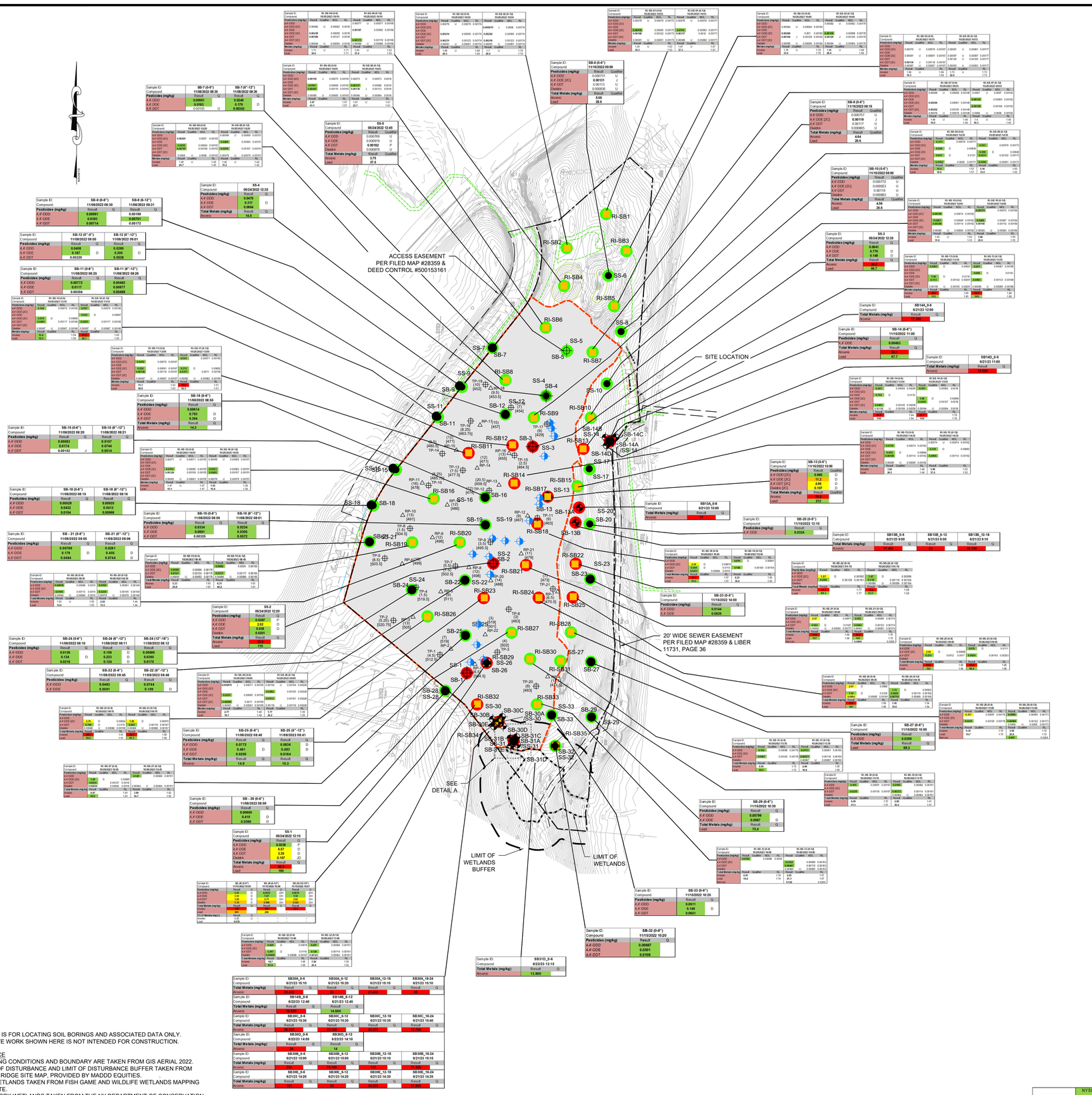
SESI CONSULTING ENGINEERS
GEOTECHNICAL | ENVIRONMENTAL | SITE CIVIL
959 route 46e, 3rd floor, parsippany, nj 07054 ph: 973.808.9950

EAGLE RIDGE
3 NORTH CASTLE DRIVE
ARMONK, NY 10504

title:
PROPOSED BCP AREA

job no. 12456A
drawing no.
FIG-2.1

1 of 1

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REFERENCE
1. EXISTING CONDITIONS AND BOUNDARY ARE TAKEN FROM GIS AERIAL 2022.
2. LIMIT OF DISTURBANCE AND LIMIT OF DISTURBANCE BUFFER TAKEN FROM EAGLE RIDGE SITE MAP, PROVIDED BY MADDD EQUITIES.
3. NWI WETLANDS TAKEN FROM FISH GAME AND WILDLIFE WETLANDS MAPPING WEBSITE.
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N:\JOBS\12456\CAD\ENVIRONMENTAL\PHASE II ESA\12456A-ENG.BCP DATA_PHII ESA.DWG 04/25/24 08:20:55AM johnsolis LAYOUT:DATA

| Sample ID | SB-4 (0-6') |
|---|---|
| Compound | 11/15/2022 09:00 |
| Pesticides (mg/kg) | Result Q |
| 4,4'-DDD | 0.000731 U |
| 4,4'-DDE [2C] | 0.00131 J |
| 4,4'-DDT | 0.00113 J |
| Dieldrin | 0.000808 U |
| Total Metals (mg/kg) | Result Qualifier |
| Arsenic | 8.68 |
| Lead | 28.9 |

| Sample ID | SB-5 (0-6') |
|---|---|
| Compound | 05/24/2022 12:45 |
| Pesticides (mg/kg) | Result Qualifier |
| 4,4'-DDD | 0.000719 U |
| 4,4'-DDE | 0.00192 J |
| 4,4'-DDT | 0.000815 U |
| Dieldrin | 0.000815 U |
| Total Metals (mg/kg) | Result Qualifier |
| Arsenic | 3.75 |
| Lead | 37.5 |

| Sample ID | SB-3 (0-6') |
|---|---|
| Compound | 11/15/2022 08:15 |
| Pesticides (mg/kg) | Result Qualifier |
| 4,4'-DDD | 0.000752 U |
| 4,4'-DDE [2C] | 0.00119 J |
| 4,4'-DDT | 0.00117 U |
| Dieldrin | 0.000805 U |
| Total Metals (mg/kg) | Result Qualifier |
| Arsenic | 4.54 |
| Lead | 20.6 |

| Sample ID | SB-10 (0-6') |
|---|---|
| Compound | 11/15/2022 08:00 |
| Pesticides (mg/kg) | Result Qualifier |
| 4,4'-DDD | 0.000777 U |
| 4,4'-DDE [2C] | 0.000923 U |
| 4,4'-DDT | 0.00119 U |
| Dieldrin | 0.000833 U |
| Total Metals (mg/kg) | Result Qualifier |
| Arsenic | 4.55 |
| Lead | 26.6 |

| Sample ID | SB-2 (0-6') |
|---|---|
| Compound | 05/24/2022 12:20 |
| Pesticides (mg/kg) | Result Q |
| 4,4'-DDD | 0.0207 P |
| 4,4'-DDE | 2.62 D |
| 4,4'-DDT | 0.939 D |
| Dieldrin | 0.0201 |
| Total Metals (mg/kg) | Result Q |
| Arsenic | 33.5 |
| Lead | 178 |

| Sample ID | SB-4 |
|---|---|
| Compound | 05/24/2022 12:35 |
| Pesticides (mg/kg) | Result Q |
| 4,4'-DDD | 0.0476 |
| 4,4'-DDE | 0.317 D |
| 4,4'-DDT | 0.0664 |
| Total Metals (mg/kg) | Result Q |
| Arsenic | 14.6 |

| Sample ID | SB-6 (0-6') | SB-9 (0-6') |
|---|---|---|
| Compound | 11/08/2022 08:30 | 11/08/2022 08:31 |
| Pesticides (mg/kg) | Result Q | Result Q |
| 4,4'-DDD | 0.00591 | 0.00109 |
| 4,4'-DDE | 0.0393 | 0.00701 |
| 4,4'-DDT | 0.00714 | 0.00172 |

| Sample ID | SB-12 (0'-4') | SB-12 (8'-12') |
|---|---|---|
| Compound | 11/08/2022 09:00 | 11/08/2022 09:01 |
| Pesticides (mg/kg) | Result Q | Result Q |
| 4,4'-DDD | 0.0408 | 0.0280 |
| 4,4'-DDE | 0.167 D | 0.205 D |
| 4,4'-DDT | 0.0228 | 0.0228 |

| Sample ID | SB-11 (0-6') | SB-11 (8'-12') |
|---|---|---|
| Compound | 11/08/2022 08:25 | 11/08/2022 08:26 |
| Pesticides (mg/kg) | Result Q | Result Q |
| 4,4'-DDD | 0.00772 | 0.00482 |
| 4,4'-DDE | 0.0117 | 0.00977 |
| 4,4'-DDT | 0.00304 | 0.00498 |

| Sample ID | SB-16 (0-6') |
|---|---|
| Compound | 11/08/2022 08:52 |
| Pesticides (mg/kg) | Result Q |
| 4,4'-DDD | 0.00614 |
| 4,4'-DDE | 0.793 D |
| 4,4'-DDT | 0.304 D |
| Total Metals (mg/kg) | Result Q |
| Arsenic | 14.3 |

| Sample ID | SB-18 (0-6') | SB-18 (8'-12') |
|---|---|---|
| Compound | 11/08/2022 08:15 | 11/08/2022 08:16 |
| Pesticides (mg/kg) | Result Q | Result Q |
| 4,4'-DDD | 0.00525 | 0.00525 |
| 4,4'-DDE | 0.0422 | 0.0412 |
| 4,4'-DDT | 0.0104 | 0.00968 |

| Sample ID | SB-19 (0-6') | SB-19 (8'-12') |
|---|---|---|
| Compound | 11/08/2022 08:50 | 11/08/2022 08:51 |
| Pesticides (mg/kg) | Result Q | Result Q |
| 4,4'-DDD | 0.0334 | 0.0234 |
| 4,4'-DDE | 0.0031 | 0.0305 |
| 4,4'-DDT | 0.00325 | 0.0072 |

| Sample ID | SB - 21 (0-6') | SB-21 (8'-12') |
|---|---|---|
| Compound | 11/08/2022 08:05 | 11/08/2022 08:06 |
| Pesticides (mg/kg) | Result Q | Result Q |
| 4,4'-DDD | 0.00789 D | 0.0261 D |
| 4,4'-DDE | 0.179 D | 0.456 D |
| 4,4'-DDT | 0.0484 | 0.0744 D |

| Sample ID | SB-34 (0-6') | SB-34 (8'-12') | SB-24 (12'-18') |
|---|---|---|---|
| Compound | 11/08/2022 08:10 | 11/08/2022 08:11 | 11/08/2022 08:12 |
| Pesticides (mg/kg) | Result Q | Result Q | Result Q |
| 4,4'-DDD | 0.0126 | 0.159 D | 0.00860 |
| 4,4'-DDE | 0.154 D | 0.223 D | 0.0395 |
| 4,4'-DDT | 0.0216 | 0.124 D | 0.0175 |

| Sample ID | SB-23 (0-6') | SB-22 (8'-12') |
|---|---|---|
| Compound | 11/08/2022 08:45 | 11/08/2022 08:46 |
| Pesticides (mg/kg) | Result Q | Result Q |
| 4,4'-DDD | 0.0403 | 0.0744 |
| 4,4'-DDE | 0.0591 | 0.109 D |

| Sample ID | SB-25 (0-6') | SB-35 (8'-12') |
|---|---|---|
| Compound | 11/08/2022 08:40 | 11/08/2022 08:41 |
| Pesticides (mg/kg) | Result Q | Result Q |
| 4,4'-DDD | 0.0772 | 0.0838 |
| 4,4'-DDE | 0.461 D | 0.453 D |
| 4,4'-DDT | 0.0205 | 0.0164 |
| Total Metals (mg/kg) | Result Q | Result Q |
| Arsenic | 14.0 | 15.3 |

| Sample ID | SB - 20 (0-6') |
|---|---|
| Compound | 11/08/2022 08:00 |
| Pesticides (mg/kg) | Result Q |
| 4,4'-DDD | 0.00600 |
| 4,4'-DDE | 0.410 D |
| 4,4'-DDT | 0.0266 D |

| Sample ID | SS-1 |
|---|---|
| Compound | 05/24/2022 12:10 |
| Pesticides (mg/kg) | Result Q |
| 4,4'-DDD | 0.0230 P |
| 4,4'-DDE | 0.57 D |
| 4,4'-DDT | 0.39 D |
| Dieldrin | 0.167 JD |
| Total Metals (mg/kg) | Result Q |
| Arsenic | 20.3 |
| Lead | 504 |

| Sample ID | SB-13 (0-6') |
|---|---|
| Compound | 11/15/2022 11:00 |
| Pesticides (mg/kg) | Result Qualifier |
| 4,4'-DDD [2C] | 0.966 D |
| 4,4'-DDE [2C] | 15.2 D |
| 4,4'-DDT [2C] | 4.95 D |
| Dieldrin [2C] | 0.197 D |
| Total Metals (mg/kg) | Result Qualifier |
| Arsenic | 74.2 |
| Lead | 212 |

| Sample ID | SB-20 (0-6') |
|---|---|
| Compound | 11/15/2022 13:10 |
| Pesticides (mg/kg) | Result Q |
| 4,4'-DDE | 0.0324 |

| Sample ID | SB-23 (0-6') |
|---|---|
| Compound | 11/15/2022 14:00 |
| Pesticides (mg/kg) | Result Q |
| 4,4'-DDE | 0.0144 |
| 4,4'-DDT | 0.0839 |

| Sample ID | SB-27 (0-6') |
|---|---|
| Compound | 11/15/2022 12:00 |
| Pesticides (mg/kg) | Result Q |
| 4,4'-DDE | 0.0309 |
| Total Metals (mg/kg) | Result Q |
| Lead | 69.3 |

| Sample ID | SB-29 (0-6') |
|---|---|
| Compound | 11/15/2022 10:30 |
| Pesticides (mg/kg) | Result Q |
| 4,4'-DDD | 0.00799 |
| 4,4'-DDE | 0.0987 D |
| Total Metals (mg/kg) | Result Q |
| Lead | 79.4 |

| Sample ID | SB-33 (0-6') |
|---|---|
| Compound | 11/15/2022 10:25 |
| Pesticides (mg/kg) | Result Q |
| 4,4'-DDD | 0.0611 |
| 4,4'-DDE | 0.149 D |
| 4,4'-DDT | 0.0651 |

| Sample ID | SB-32 (0-6') |
|---|---|
| Compound | 11/15/2022 10:20 |
| Pesticides (mg/kg) | Result Q |
| 4,4'-DDD | 0.00497 |
| 4,4'-DDE | 0.0301 |
| 4,4'-DDT | 0.0105 |

| Sample ID | SB31D_0-6 |
|---|---|
| Compound | 6/22/23 12:15 |
| Total Metals (mg/kg) | Result Q |
| Arsenic | 13.900 |

| Sample ID | SB14A_0-6 |
|---|---|
| Compound | 6/21/23 12:00 |
| Total Metals (mg/kg) | Result Q |
| Arsenic | 17.300 |

| Sample ID | SB-14 (0-6') |
|---|---|
| Compound | 11/15/2022 11:00 |
| Pesticides (mg/kg) | Result Q |
| 4,4'-DDE | 0.00483 |
| Total Metals (mg/kg) | Result Q |
| Arsenic | 20.1 |
| Lead | 67.7 |

| Sample ID | SB14D_0-6 |
|---|---|
| Compound | 6/21/23 11:00 |
| Total Metals (mg/kg) | Result Q |
| Arsenic | 13.200 |

| Sample ID | SB13A_0-6 | SB13A_6-12 | SB13A_12-18 |
|---|---|---|---|
| Compound | 6/21/23 9:00 | 6/21/23 9:05 | 6/21/23 9:10 |
| Total Metals (mg/kg) | Result Q | Result Q | Result Q |
| Arsenic | 17.400 | 24 | 16.700 |

| Sample ID | SB13B_0-6 | SB13B_6-12 | SB13B_12-18 |
|---|---|---|---|
| Compound | 6/21/23 9:00 | 6/21/23 9:05 | 6/21/23 9:10 |
| Total Metals (mg/kg) | Result Q | Result Q | Result Q |
| Arsenic | 17.400 | 24 | 16.700 |

| Sample ID | SB30A_0-6 | SB30A_6-12 | SB30A_12-18 | SB30A_18-24 |
|---|---|---|---|---|
| Compound | 6/23/23 10:10 | 6/23/23 10:20 | 6/23/23 10:10 | 6/23/23 10:15 |
| Total Metals (mg/kg) | Result Q | Result Q | Result Q | Result Q |
| Arsenic | 13.600 | 21 | 11.600 | 20 |

| Sample ID | SB14B_0-6 | SB14B_6-12 |
|---|---|---|
| Compound | 6/23/23 12:40 | 6/21/23 12:40 |
| Total Metals (mg/kg) | Result Q | Result Q |
| Arsenic | 18.200 | 14.600 |

| Sample ID | SB30C_0-6 | SB30C_6-12 | SB30C_12-18 | SB30C_18-24 |
|---|---|---|---|---|
| Compound | 6/23/23 10:30 | 6/23/23 10:30 | 6/23/23 10:35 | 6/23/23 10:40 |
| Total Metals (mg/kg) | Result Q | Result Q | Result Q | Result Q |
| Arsenic | 16.500 | 23.100 | 12.600 | 13.700 |

| Sample ID | SB30D_0-6 | SB30D_6-12 |
|---|---|---|
| Compound | 6/23/23 14:05 | 6/23/23 14:10 |
| Total Metals (mg/kg) | Result Q | Result Q |
| Arsenic | 14 | 14 |

| Sample ID | SB30B_0-6 | SB30B_6-12 | SB30B_12-18 | SB30B_18-24 |
|---|---|---|---|---|
| Compound | 6/23/23 10:00 | 6/23/23 10:05 | 6/23/23 10:10 | 6/23/23 10:15 |
| Total Metals (mg/kg) | Result Q | Result Q | Result Q | Result Q |
| Arsenic | 12.4 | 14.100 | 11.5 | 11.900 |

| Sample ID | SB30E_0-6 | SB30E_6-12 | SB30E_12-18 | SB30E_18-24 |
|---|---|---|---|---|
| Compound | 6/23/23 14:20 | 6/23/23 14:25 | 6/23/23 14:30 | 6/23/23 14:35 |
| Total Metals (mg/kg) | Result Q | Result Q | Result Q | Result Q |
| Arsenic | 13.1 | 16 | 12.300 | 11.500 |

LEGEND:

- SITE BOUNDARY
- SS-1 - SOIL BORING NUMBER & APPROX. LOCATION BY SESI
- SB-13A - SOIL BORING BY LANGAN
- SS-27 - SOIL BORING & APPROX. LOCATION BY SESI
- RI-SB27 - PROPOSED SOIL BORING & APPROX. LOCATION BY SESI
- SAMPLE LOCATION EXCEEDS RSCO
- SAMPLE LOCATION BELOW RSCO
- GROUND WATER TEST BORING LOCATION - BY LANGAN
- TP-4 - TEST PIT NUMBER & APPROX. LOCATION - BY SESI
- RP-4 - ROCK PROBE NUMBER & APPROX. LOCATION - BY SESI
- (8) - APPROX. DEPTH TO TOP OF ROCK (FT.)
- [463] - APPROX. EL. OF TOP OF ROCK
- (5.5) - APPROX. FILL THICKNESS (FT.)
- SURVEYED WETLAND
- WETLAND LIMIT OF DISTURBANCE
- PROPOSED LIMIT OF DISTURBANCE DURING CONSTRUCTION
- PROPOSED BCP AREA

| | NYSDEC Soil Clean-up Unrestricted Use | NYSDEC Soil Clean-up Residential | NYSDEC Soil Clean-up Restricted Residential | NYSDEC Soil Clean-up Commercial |
|---|---|---|---|---|
| 4,4'-DDD | 0.0033 | 2.6 | 13 | 92 |
| 4,4'-DDE | 0.0033 | 1.8 | 8.9 | 62 |
| 4,4'-DDT | 0.0033 | 1.7 | 7.9 | 47 |
| Dieldrin | 0.005 | 0.039 | 0.2 | 1.4 |
| Arsenic | 13 | 16 | 16 | 16 |
| Lead | 63 | 400 | 400 | 1,000 |
| Mercury | 0.18 | 0.81 | 0.81 | 2.8 |

Scale: 1"= 150'
0 75 150 300 450 600

| rev | date | description |
|---|---|---|
| | | |

drawn by: AW
checked by: TK
scale: AS NOTED
date: 04/29/2024

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

Cert of Auth #24GA27934700

EAGLE RIDGE
3 NORTH CASTLE DRIVE
ARMONK, NY 10504

# PHASE II SOIL TESTING RESULTS MAP

title

job no. 12456A
drawing no.

FIG-2.1

1 of 1

# EXHIBIT H

**NEW YORK STATE DEPARTMENT OF STATE**
**DIVISION OF CORPORATIONS, STATE RECORDS AND UNIFORM COMMERCIAL CODE**

# FILING RECEIPT

| | |
|---|---|
| **ENTITY NAME :** | ARMONK DEVELOPMENT LLC |
| **DOCUMENT TYPE :** | ARTICLES OF ORGANIZATION |
| **ENTITY TYPE :** | DOMESTIC LIMITED LIABILITY COMPANY |
| **DOS ID :** | 7069736 |
| **FILE DATE :** | 09/01/2023 |
| **FILE NUMBER :** | 230901006542 |
| **TRANSACTION NUMBER :** | 202309010006515-2393810 |
| **EXISTENCE DATE :** | 09/01/2023 |
| **DURATION/DISSOLUTION :** | PERPETUAL |
| **COUNTY :** | NASSAU |
| **SERVICE OF PROCESS ADDRESS :** | JORGE MADRUGA<br>15 VERBENA AVENUE SUITE 200,<br>FLORAL PARK, NY, 11001, USA |
| **ELECTRONIC SERVICE OF PROCESS EMAIL ADDRESS :** | N/A |
| **FILER :** | GARY ROSEN<br>216 LAKEVILLE ROAD,<br>GREAT NECK, NY, 11020, USA |

***You may verify this document online at :*** *http://ecorp.dos.ny.gov*
**AUTHENTICATION NUMBER :** 100004239474

| | | | |
|---|---|---|---|
| TOTAL FEES: | $205.00 | TOTAL PAYMENTS RECEIVED: | $205.00 |
| FILING FEE: | $200.00 | CASH: | $0.00 |
| CERTIFICATE OF STATUS: | $0.00 | CHECK/MONEY ORDER: | $0.00 |
| CERTIFIED COPY: | $0.00 | CREDIT CARD: | $205.00 |
| COPY REQUEST: | $5.00 | DRAWDOWN ACCOUNT: | $0.00 |
| EXPEDITED HANDLING: | $0.00 | REFUND DUE: | $0.00 |

# Department of State
## Division of Corporations

## Entity Information

Return to Results | Return to Search

### Entity Details

**ENTITY NAME:** ARMONK DEVELOPMENT LLC
**DOS ID:** 7069736
**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:** 09/01/2023
**REASON FOR STATUS:**
**EFFECTIVE DATE INITIAL FILING:** 09/01/2023
**INACTIVE DATE:**
**FOREIGN FORMATION DATE:**
**STATEMENT STATUS:** CURRENT
**COUNTY:** NASSAU
**NEXT STATEMENT DUE DATE:** 09/30/2025
**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:** JORGE MADRUGA

**Address:** 15 VERBENA AVENUE SUITE 200, FLORAL PARK, NY, UNITED STATES, 11001

**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 |
|---|---|---|

# Exhibit I

**WRITTEN CONSENT**

The undersigned, being the Sole Member of Armonk Development LLC, does hereby certify as follows:

1. Armonk Development LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at 3 North Castle Drive, North Castle, New York 10504 (Tax ID: 108.03-1-62.1).

2. The following person, Jorge Madruga, the Sole Member of Armonk Development LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 9th day of January 2024.

Armonk Development LLC
By: Jorge Madruga
Title: Sole 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.

*572303521DED001S*

# Westchester County Recording & Endorsement Page

## Submitter Information

| | | | |
|---|---|---|---|
| Name: | EASTERN ABSTRACT CORP. | Phone: | 718-654-2000 |
| Address 1: | 2500 WILLIAMSBRIDGE ROAD | Fax: | 718-654-2221 |
| Address 2: | | Email: | Michelle@easternabstractny.com |
| City/State/Zip: | BRONX NY 10469 | Reference for Submitter: | E-W-24070 |

## Document Details

Control Number: **572303521** Document Type: **Deed (DED)**

Package ID: 2017081800261001004 Document Page Count: **6** Total Page Count: **7**

## Parties

☐ Additional Parties on Continuation page

| 1st PARTY | | 2nd PARTY | |
|---|---|---|---|
| 1: INTERNATIONAL BUSINESS MACHINES CORP | - Other | 1: MADDD MADONNA ARMONK LLC | - Other |
| 2: | | 2: | |

## Property

☐ Additional Properties on Continuation page

Street Address: 1 NORTH CASTLE DRIVE Tax Designation: 108.03-1-62

City/Town: NORTH CASTLE Village:

## Cross- References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

## Supporting Documents

1: RP-5217 2: TP-584

## Recording Fees

| | |
|---|---|
| Statutory Recording Fee: | $40.00 |
| Page Fee: | $35.00 |
| Cross-Reference Fee: | $0.00 |
| Mortgage Affidavit Filing Fee: | $0.00 |
| RP-5217 Filing Fee: | $250.00 |
| TP-584 Filing Fee: | $5.00 |
| Total Recording Fees Paid: | **$330.00** |

## Transfer Taxes

| | |
|---|---|
| Consideration: | $13,500,000.00 |
| Transfer Tax: | $54,000.00 |
| Mansion Tax: | $0.00 |
| Transfer Tax Number: | 1760 |

## Mortgage Taxes

Document Date:

Mortgage Amount:

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

Dwelling Type: Exempt: ☐

Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK

Recorded: 08/30/2017 at 03:18 PM

Control Number: **572303521**

Witness my hand and official seal

Timothy C.Idoni
Westchester County Clerk

## Record and Return To

☐ Pick-up at County Clerk's office

**Kory Salomone, Esq.**
**501 Marble Avenue**

**Pleasantville, NY 10570**

# BARGAIN AND SALE DEED

**THIS INDENTURE**, made as of the 22nd day of August, 2017, between **INTERNATIONAL BUSINESS MACHINES CORPORATION**, a New York corporation ("**Grantor**"), having an office 1 New Orchard Road, Armonk, New York 10504 and **MADDD MADONNA ARMONK, LLC**, a New York limited liability company ("**Grantee**"), having an office at 501 Marble Avenue, Pleasantville, New York 10570.

**WITNESSETH**, that the Grantor, in consideration of Ten Dollars ($10.00) and other valuable consideration paid to the Grantor by the Grantee, does hereby convey, grant and release unto the Grantee, and its successors and assigns, forever, without covenant of title or covenant against Grantor's acts:

**ALL** that certain plot, piece or parcel of land, erected, situate, lying and being in the Town of North Castle, County of Westchester, State of New York, as more particularly described

IN EXHIBIT A ANNEXED HERETO AND MADE A PART HEREOF (the "**Land**")

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

**TOGETHER** with the appurtenances and all the estate and rights of Grantor in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the Grantee and its successors and assigns forever.

**AND** the Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of 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.

**AND** for so long as Grantor is the beneficial owner of Lot A-3 ("Lot A-3") on subdivision map number 28359 (the "**Map**"), filed in the Westchester County Clerk's Office on May 11, 2010, Grantee shall maintain and develop the Land in a high quality manner, with design, construction, materials, and workmanship consistent with first class developments in the surrounding area of Westchester County, New York, with setbacks of at least 55 feet from the Lot A-3 boundary and landscaping sufficient to screen the Lot A-4 development from Lot A-3. Grantee shall obtain Grantor's consent, which consent will not be unreasonably withheld or delayed, to (i) any proposal for development of the Land which requires site plan approval by the Town of North Castle prior to submission to the Planning Board of the Town, (ii) the location, size and content of any sign(s) Grantee installs which are visible from North Castle Drive, NYS Route 22 and/or Lot A-3 and (iii) the architectural design of any improvements prior to submission to the Town of North Castle. Grantor's review of Grantee's site plan shall be limited

to aesthetics and functional elements including the location size, layout, use and general appearance of the proposed buildings as well as parking, roadways, curb cuts and landscaping. Grantee's review for purposes of such consent is not intended to limit Grantee's right to develop the land as permitted under the North Castle Code or other applicable laws or unreasonably delay Grantee's development nor materially increase, costs or reduce profits of Grantee's development.

**AND** Grantee acknowledges that an office development exists on adjacent Lot A-3 and that any existing or future facilities and their operations may impact the use and enjoyment of occupants of the Land.

**THIS CONVEYANCE** is made in the usual course of business.

**IN WITNESS WHEREOF**, the Grantor and Grantee have duly executed this deed the day and year first above written.

**GRANTOR**

**INTERNATIONAL BUSINESS MACHINES CORPORATION**

By: _____

Name: Thomas L. Ponesse III
Title: Director, Real Estate Asset Management

**GRANTEE**

**MADDD MADONNA ARMONK, LLC**

By: MADDD ARMONK MANAGER LLC,
Its Managing Manager

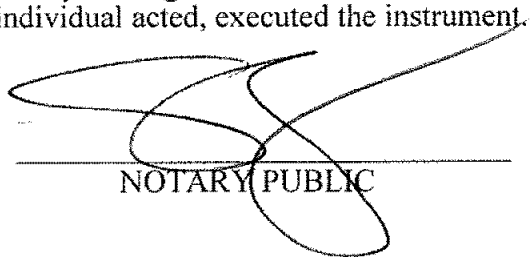
By: _____

Name: Gary Rosen,
Title: Authorized Signatory

## ACKNOWLEDGMENT IN NEW YORK STATE (RPL 309-a)

State of New York )
) ss.:
County of Westchester)

On August 22, 2017, before me, the undersigned, personally appeared **Thomas L. Ponesse III**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



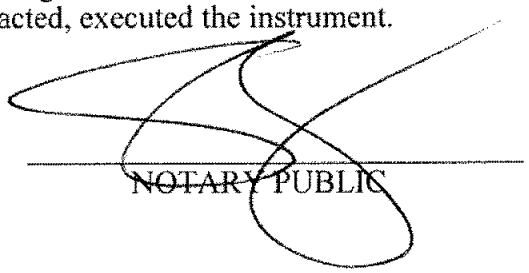
NOTARY PUBLIC

Stephen A. McCoy
Notary Public, State of New York
No. 01MC6065546
Qualified in Bronx County
Commission Expires 10/22/2017

## ACKNOWLEDGMENT IN NEW YORK STATE (RPL 309-a)

State of New York )
) ss.:
County of Westchester)

On August 22, 2017, before me, the undersigned, personally appeared **Gary Rosen**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



NOTARY PUBLIC

Stephen A. McCoy
Notary Public, State of New York
No. 01MC6065546
Qualified in Bronx County
Commission Expires 10/22/2017

## Exhibit A (to Deed)

ALL that certain plot, piece or parcel of land, lying and being in the Town of North Castle, County of Westchester and State of New York being proposed Lot A-4 as shown on Map entitled "Final plat prepared for International Business Machines Corporation situate in the Town of North Castle, Westchester Co., NY" filed in the Office of the County Clerk of Westchester County on May 11, 2010 as Map 28359 and being founded and described as follows:

BEGINNING at a point on the southeasterly side of New York State, Route No. 22, said point being the Northwesterly corner of Lot A-4 and the northeasterly corner of Lot A-3 as shown on the aforesaid Map;

RUNNING THENCE North 76 degrees 29 minutes 25 seconds East, 89.28 feet;

THENCE North 48 degrees 35 minutes 24 seconds East, 344.08 feet to a monument set and the northwesterly corner of Lot A-1 known as the Recreation Lot as shown on filed map;

THENCE along said northwesterly line and westerly line of Lot A-1 known as the Recreation Lot, the following courses and distances:

South 47 degrees 43 minutes 32 seconds East 113.21 to another monument set;

THENCE South 04 degrees 35 minutes 50 seconds West, 729.50 feet;

THENCE South 04 degrees 18 minutes 42 seconds East, 165.95 feet;

THENCE South 85 degrees 30 minutes 36 seconds West, 41.62 feet;

THENCE South 34 degrees 49 minutes 19 seconds West, 105.12 feet;

THENCE South 01 degrees 28 minutes 21 seconds East, 291.22 feet;

THENCE South 00 degrees 28 minutes 11 seconds West, 250.91 feet;

THENCE South 02 degrees 19 minutes 09 seconds West, 101.95 feet;

THENCE South 05 degrees 40minutes 07 seconds East, 83.30 feet;

THENCE South 04 degrees 24 minutes 56 seconds West, 208.06 feet;

THENCE South 27 degrees 11 minutes 09 seconds West, 113.08 feet;

THENCE South 50 degrees 42 minutes 47 seconds East, 12.37 feet;

THENCE South 13 degrees 42 minutes 10 seconds West, 136.90 feet;

THENCE South 03 degrees 18 minutes 16 seconds West, 106.95 feet;

THENCE South 10 degrees 26 minutes 47 seconds West, 64.80 feet;

THENCE South 04 degrees 51 minutes 36 seconds West, 67.45 feet to a monument set and the northeasterly line of proposed Lot A-3 as shown on the aforementioned filed map;

RUNNING THENCE North 85 degrees 13 minutes 03 seconds West, 108.15 feet;

THENCE North 36 degrees 47 minutes 04 seconds West, 568.08 feet;

THENCE North 49 degrees 51 minutes 39 seconds West, 582.59 feet;

THENCE North 15 degrees 43 minutes 47 seconds East, 262.17 feet;

THENCE northeasterly along an arc of a curve bearing to the right having a radius of 650.00 feet, a length of 256.51 feet;

THENCE North 38 degrees 20 minutes 27 seconds East, 752.70 feet;

THENCE northwesterly along an arc of a curve bearing to the left having a radius of 340.00 feet, a length of 248.19 feet;

THENCE northwesterly along an arc of a curve bearing to the left having a radius of 225.00 feet, a length of 85.59 feet to the point or place of BEGINNING.

TOGETHER with and subject to a Declaration of Access Easement recorded as Control No. 500153161.

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

INTERNATIONAL BUSINESS MACHINES CORPORATION,
GRANTOR

TO

MADDD MADONNA ARMONK, LLC,
GRANTEE

# BARGAIN AND SALE DEED

**Dated: August 22, 2017**

**Property known as:**

**Lot A-4 on subdivision map filed in Office of Westchester County Clerk on May 11, 2010 as Map No. 285539**

**Address: North Castle Drive**
**Town of North Castle**
**County of Westchester**
**State of New York**

| | |
|---|---|
| **Section:** | **108.03** |
| **Block:** | **1** |
| **Lot:** | **62.1** |

**Title No.: E-W-24070**

**Record and Return to:**

**Kory Salomone, Esq.**
**501 Marble Avenue**
**Pleasantville, New York 10570**

# Exhibit K

DocuSign Envelope ID: 29775188-03FD-44D7-AB9F-33B4C47286B7

Maddd Madonna Armonk LLC
15 Verbena Avenue, Suite 200
Floral Park, New York 11001

**Re: Site Access to Perform Brownfield Cleanup Program Work**
**3 North Castle Drive, North Castle, New York 10504**

To Whom it May Concern:

Armonk Development LLC is submitting a Brownfield Cleanup Program ("BCP") Application to the New York State Department of Environmental Conservation to voluntarily investigate and remediate the following property: 3 North Castle Drive, North Castle, New York 10504 (Tax ID: 108.03-1-62.1) (the "BCP Site"). As you know, Maddd Madonna Armonk LLC owns the aforementioned parcel that makes up the BCP Site. We need your written permission below to access your property for the purpose of performing environmental investigation and remediation work for acceptance into the BCP.

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

In addition, in the unlikely circumstance that you still own the BCP Site when the remediation is complete and the Certificate of Completion is about to be obtained, and a Track 1 remediation level is not achieved, you are hereby also agreeing to impose an environmental easement on the BCP Site if required by the New York State Department of Environmental Conservation.

If you have any questions, please do not hesitate to call Jorge Madruga, our Project Manager at (516) 474-3240. Otherwise, please sign below so that this work can proceed.

Thank you for your cooperation.

Sincerely,

DocuSigned by:
jorge madruga
7941ED3A87464FE...

Armonk Development LLC
By: Jorge Madruga
Title: Sole Member

DocuSign Envelope ID: 29775188-03FD-44D7-AB9F-33B4C47286B7

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

DocuSigned by:
jorge madruga
7941ED3A87464FE...

Maddd Madonna Armonk LLC
By. Jorge Madruga
Title: Authorized Person

# Exhibit L

# Site Contact List

Former IBM Orchard Pesticide Site

p/o 3 North Castle Drive, North Castle, New York 10504

| 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 |
| Michael Lawler | U.S. House of Representatives, 17th District | One Blue Hill Plaza, Third Floor, PO Box 1645 | Pearl River | NY | 10965 |
| Shelley B. Mayer | New York State Senator, 37th District | 235 Mamaroneck Avenue, Suite 400 | White Plains | NY | 10605 |
| George Latimer | Westchester County Executive | 148 Martine Avenue | White Plains | NY | 10601 |
| Richard Hyman | Westchester County Planning Board | 148 Martine Avenue | White Plains | NY | 10601 |
| Michael J. Schiliro | Town of North Castle, Supervisor | 15 Bedford Road | Armonk | NY | 10504 |
| Adam R. Kaufman, AICP | Town of North Castle, Director of Planning | 15 Bedford Road | Armonk | NY | 10504 |
| Christopher Carthy | Town of North Castle, Planning Board Chairman | 15 Bedford Road | Armonk | NY | 10504 |
| Sal Misiti | Town of North Castle, Director of Water and Sewer | 15 Bedford Road | Armonk | NY | 10504 |
| Alison Simon | Town of North Castle, Town Clerk | 15 Bedford Road | Armonk | NY | 10504 |
| The Journal News | Media Outlet | 1122 Westchester Avenue, Suite N110 | White Plains | NY | 10604 |
| Kathryn Feeley | North Castle Public Library - Armonk Library, Director | 19 Whippoorwill Road East | Armonk | NY | 10504 |
| Melissa Depaz | Bright Horizons at TimberRidge Family Center, Center Director | 15 Old Post Road | Armonk | NY | 10504 |
| Andressa Grathwohl | Tutor Time of Armonk, Director | 73 Old Route 22 | Armonk | NY | 10504 |
| Marina Anandappa | Montessori Childern's Room, Principal | 67 Old Route 22 | Armonk | NY | 10504 |
| Jill Boynton | Byram Hills Special Services, Director of Special Services and Health | 12 MacDonald Avenue | Armonk | NY | 10504 |
| David Mack | Wampus Elementary School, Principal | 41 Wampus Avenue, #1 | Armonk | NY | 10504 |
| Kim J. Lapple | HC Crittenden Middle School, Principal | 10 MacDonald Avenue | Armonk | NY | 10504 |
| Peter M. Schoenholtz | Westfield Day School, Director | 1 North Greenwich Road | Armonk | NY | 10504 |
| Lori Lofaro | Armonk Little Sparrows Nursery, Director | 448 Bedford Road | Armonk | NY | 10504 |
| Chris Walsh | Byram Hills High School, Principal | 12 Tripp Lane | Armonk | NY | 10504 |
| IBM | Adjacent Property Owner/Operator of 1 North Castle Drive | 1 North Castle Drive | Armonk | NY | 10504 |
| RLIF East 5 LLC | Adjacent Property Owner of 215 Business Park Drive | 201 West Street | Annapolis | MD | 21401 |
| Town of North Castle | Adjacent Property Owner of 205 Business Park, 15 Old Bedford Rd and Old Route 22 | 17 Bedford Road | Armonk | NY | 10504 |
| Town of North Castle Water District No 4 | Adjacent Property Owner of 197 Business Park Drive | 17 Bedford Road | Armonk | NY | 10504 |
| Town of North Castle Water District No 2 | Adjacent Property Owner of Maple Avenue | 17 Bedford Road | Armonk | NY | 10504 |

# Exhibit M

KNAUF SHAW LLP
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

September 7, 2023

**VIA ELECTRONIC MAIL**
kfeeley@wlsmail.org

Kathryn Feeley
North Castle Public Library
Armonk Library
19 Whippoorwill Road East
Armonk, NY 10504

**RE: Brownfield Cleanup Program Application**
**Former IBM Orchard Pesticide Site**
**p/o 3 North Castle Drive, North Castle, New York 10504**

Dear Ms. Feeley:

We represent Armonk Development LLC in its anticipated Brownfield Cleanup Program Application for the above-referenced site at 3 North Castle Drive, North Castle, New York 10504. The North Castle Public Library – Armonk Library 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, at rowten@nyenvlaw.com, if you are able to certify that your library would be willing and able to act as a temporary public repository for this Brownfield Cleanup Program project.

Thank you.

Sincerely,

**KNAUF SHAW LLP**

LINDA R. SHAW, ESQ.

Yes, the North Castle Public Library – Armonk Library is willing and able to act as a public repository for documents related to the cleanup of 3 North Castle Drive, North Castle, New York 10504 under the Brownfield Cleanup Program.

Kathryn Feeley, Library Director

9/7/23
Date