



Consolidated Edison Company of New York
31-01 20th Avenue
Long Island City, NY 11105-2048
www.conEd.com

April 11, 2012

By United Parcel Service

Mr. Gardiner W. Cross
New York Department of Environmental Conservation
Remedial Bureau C, 11th Floor
625 Broadway
Albany, New York 12233-7014

Re: White Plains Former Manufactured Gas Plant Site
White Plains, New York
NYSDEC Site #V00438-3

Dear Mr. Cross:

Enclosed for filing with the Department is the 2011 Periodic Review Report for the above-referenced site.

If you have any questions or require further information, please do not hesitate to call me at (718) 204-4205 or via email at skorobogatov@coned.com.

Very truly yours,

A handwritten signature in cursive script that reads 'Y. Skorobogatov'.

Yelena Skorobogatov
Technical Specialist
MGP Remediation
Environmental, Health and Safety

Enc:

Cc: Mark Van Valkenburg, NYSDOH – 1 copy
Nathaniel Barber, Esq., NYSDEC – w/o enc.
Edward Moore, NYSDEC, Region 3 – w/o enc.
David S. Brown, Archdiocese of New York – 1 copy
Kimberlea Shaw Rea, Bosworth, Gray & Fuller – 1 copy
Rev. Msgr. Neil Graham, St. John's Church – 1 copy

PERIODIC REVIEW REPORT
WHITE PLAINS FORMER MGP SITE
White Plains, Westchester, New York

Prepared For:



CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

31-01 20th Avenue
Long Island City, NY 11105

Prepared By:

PARSONS

200 Cottontail Lane
Somerset, New Jersey 08873
Phone: (732) 537-3500
Fax: (732) 537-3502

APRIL 2012

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1.0 INTRODUCTION

This Periodic Review Report (PRR) has been prepared as part of the remedial program at the Consolidated Edison Company of New York, Inc (Con Edison) White Plains Former Manufactured Gas Plant (MGP) Site located in White Plains, Westchester County, New York (the “Site”) in accordance with the Voluntary Cleanup Agreement (VCA) Index # D3-0002-00-10, Site # V00438-3, which was executed on September 23, 2002 and modified on August 23, 2005. A Site plan is included as [Figure 1](#).

Remedial activities completed at the Site were conducted in accordance with the New York State Department of Conservation (NYSDEC) approved Remedial Action Work Plans (RAWPs) implemented for Operable Units 1 (OU-1) and Operable Unit 2 (OU-2) of the Site. OU-1 consists of the southern section of the Con Edison electric substation and the off-Site Saint John the Evangelist Roman Catholic Church property. OU-2 consists of the northern section of the Con Edison distribution substation property and the adjoining 12 Water Street property.

The NYSDEC-approved remedy for OU-1 consists of: (i) continued maintenance and use of the non-aqueous phase liquid (“NAPL”) MGP coal tar cut-off wall installed immediately down-gradient of the former MGP relief holder area in the south-central portion of the Con Edison electric substation property as part of the NYSDEC-approved Interim Remedial Measures (“IRM”); (ii) continued maintenance, operation, and monitoring of the NAPL recovery wells and piezometers installed in that area as part of the IRM; and (iii) installation, maintenance, operation, and periodic monitoring of a network of groundwater monitoring wells on the Saint John the Evangelist Roman Catholic Church property. The NYSDEC-approved remedy for the OU-2 portion of the Site consists of in-situ stabilization/solidification (“ISS”) of MGP source materials, and the installation of a low permeability cap.

As part of the remedial action for the Site, engineering and institutional controls were implemented for the continued protection of human health and the environment. Engineering controls included the composite cover system, the on-site groundwater monitoring well network, the on-site NAPL recovery wells, and the on-site NAPL cut-off wall. Institutional controls included the filing of and compliance with the Declaration of Covenants and Restrictions to place restrictions on the future use of the Site and a Site Management Plan (SMP) was developed to set guidelines for future intrusive activities at the Site. Additional institutional controls include on-going groundwater and other environmental/public health monitoring.

Since some contamination was left in the subsurface at this Site, a SMP was prepared and approved by the NYSDEC to manage the remaining contamination at the Site in perpetuity or until extinguishment of the Declaration of Covenants and Restrictions for the Site in accordance with the VCA.

In accordance with the SMP, a comprehensive Site-wide inspection of the remedial components installed at the Site will be conducted annually to confirm that the engineering controls continue to perform as designed, that the institutional controls have not been altered, and that the conditions at the Site are fully protective of public health and the environment. The monitoring/NAPL recovery wells, well protective casings and covers, the composite cover system

and surrounding surface areas are inspected during each annual inspection event to determine if, and when, maintenance activities are required. The inspections are performed to confirm that these items are present, functioning properly, and have not been damaged so as to compromise the effectiveness of each feature. Maintenance activities are performed, as appropriate, based on the findings of the annual inspections. Maintenance activities may include, but are not limited to: the repair/replacement of damaged or missing well or vault covers; the repair of damaged concrete or asphalt surfaces immediately surrounding the wells; and the repair of damaged portions of the composite cover system.

The annual certification is a written statement by a New York State-licensed professional engineer that the engineering controls employed at the Site are unchanged from the previous certification or that any changes to the controls employed at the Site were approved by the NYSDEC, and that nothing has occurred that would impair the ability of such controls to protect the public health and the environment or constitute a violation or failure to comply with the SMP.

2.0 SITE ACTIVITIES CONDUCTED IN 2011

As depicted on [Figure 2](#), the following intrusive activities would require notification to the NYSDEC:

- Excavations greater than five feet in depth within the southern section of the Con Edison electric distribution substation property portion of the Site, or
- Intrusive work that encounters the ISS material which is generally 3.5 feet below ground surface (bgs) within the OU-2 area of the Site, or
- Intrusive work that is greater than five feet in depth within the non-ISS areas of the OU-2 area of the Site, or
- Intrusive work that is greater than five feet in depth within the sidewalk along the southern side of Water Street adjacent to the OU-2 area of the Site.

No intrusive activities requiring NYSDEC notification were conducted at the Site in 2011.

2.1 Post-Remedial Action Groundwater Sampling

Post-remedial action groundwater monitoring is performed at the Site on a periodic basis to assess the performance of the remedy. During each sampling event, groundwater samples are collected from the monitoring wells and submitted to a laboratory for the analysis of volatile organic compounds (VOCs) using USEPA Method 8260 and semi-volatile organic compounds (SVOCs) using USEPA Method 8270.

The most recent post-remedial action groundwater sampling events performed at the Site were conducted on May 16, 2011 through May 18, 2011 and November 7, 2011 through November 11, 2011 in accordance with the SMP. Groundwater samples were collected from monitoring wells MW-6 through MW-20, and MW-101 and analyzed as previously described. Letters summarizing the results of these sampling events were submitted to the NYSDEC under separate cover. The next post-remedial action groundwater sampling event is scheduled to take place in May 2012 as per the semi-annual sampling schedule.

2.2 Post-Remedial Action NAPL Recovery Well Monitoring

The on-Site network of NAPL recovery wells and piezometers located within the south-central section of the Con Edison electric distribution substation were also monitored on a semi-annual basis in 2011. During each monitoring event, the depth to groundwater and NAPL thickness (if present) were measured in each recovery well and piezometers using an electrical oil/water interface probe attached to a measuring tape accurate to within 0.01 feet.

3.0 ANNUAL SITE INSPECTION

A Site inspection was conducted on March 22, 2012 by Parsons. Inspection activities consisted of visually observing and documenting the condition of the monitoring and NAPL recovery wells, protective casings and covers, and surrounding surface areas. In addition, the on-site composite cover system was inspected. The inspection was performed to confirm that these items are present, functioning properly, and have not been damaged so as to compromise the effectiveness of each feature.

The results of the inspection indicated no signs of damage to either the composite cover system. Two monitoring wells covers were observed to be in need of maintenance. The following monitoring wells are in need of maintenance:

- Monitoring well, MW-9 requires three well cover bolts
- Monitoring well, MW-17 requires one well cover bolt

Arrangements will be made by Con Edison to conduct the above maintenance on the monitoring wells.

Based on the Site inspection performed on March 22, 2012, the Site continues to be used as an office building with parking lot, an electrical distribution substation, and a church with school. A completed Site-wide Inspection Form is included as [Attachment 1](#).

4.0 DECLARATIONS OF COVENANTS AND RESTRICTIONS

The NYSDEC-approved Declarations of Covenants and Restrictions for the Con Edison electric substation and the 12 Water Street properties were filed with the Westchester County Clerk's office on April 28, 2011. Con Edison notified the NYSDEC of the filing in a letter dated May 10, 2011, which is included as [Attachment 2](#).

Certification Statement

Based on the annual site inspection of the White Plains Former MGP Site that was conducted on March 22, 2012 and the documentation provided herein, I certify that the engineering and institutional controls implemented at the Site in accordance with the NYSDEC-approved Site Management Plan continue to be protective of human health and the environment.



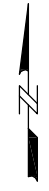
A handwritten signature in black ink, appearing to read "Daniel Martoccia".

Daniel M. Martoccia, P.E.
NYS License No. 086936

PARSONS

200 Cottontail Lane
Somerset, NJ 08873

FIGURES















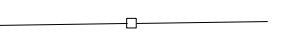





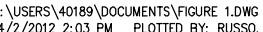



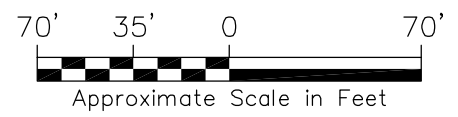
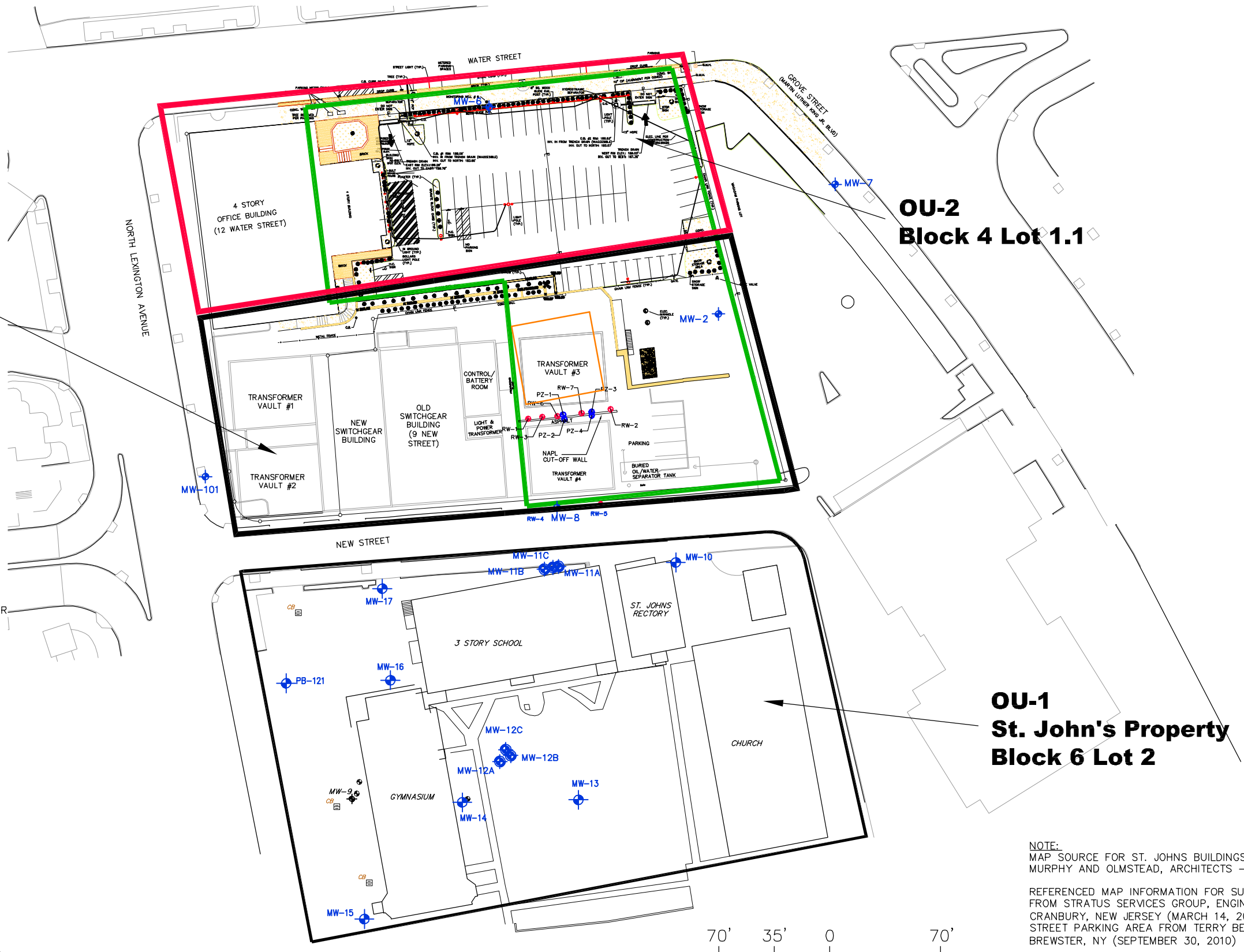
**OU-1
9 New Street
Block 4 Lot 2.1**

**OU-2
Block 4 Lot 1.1**

**OU-1
St. John's Property
Block 6 Lot 2**

LEGEND:

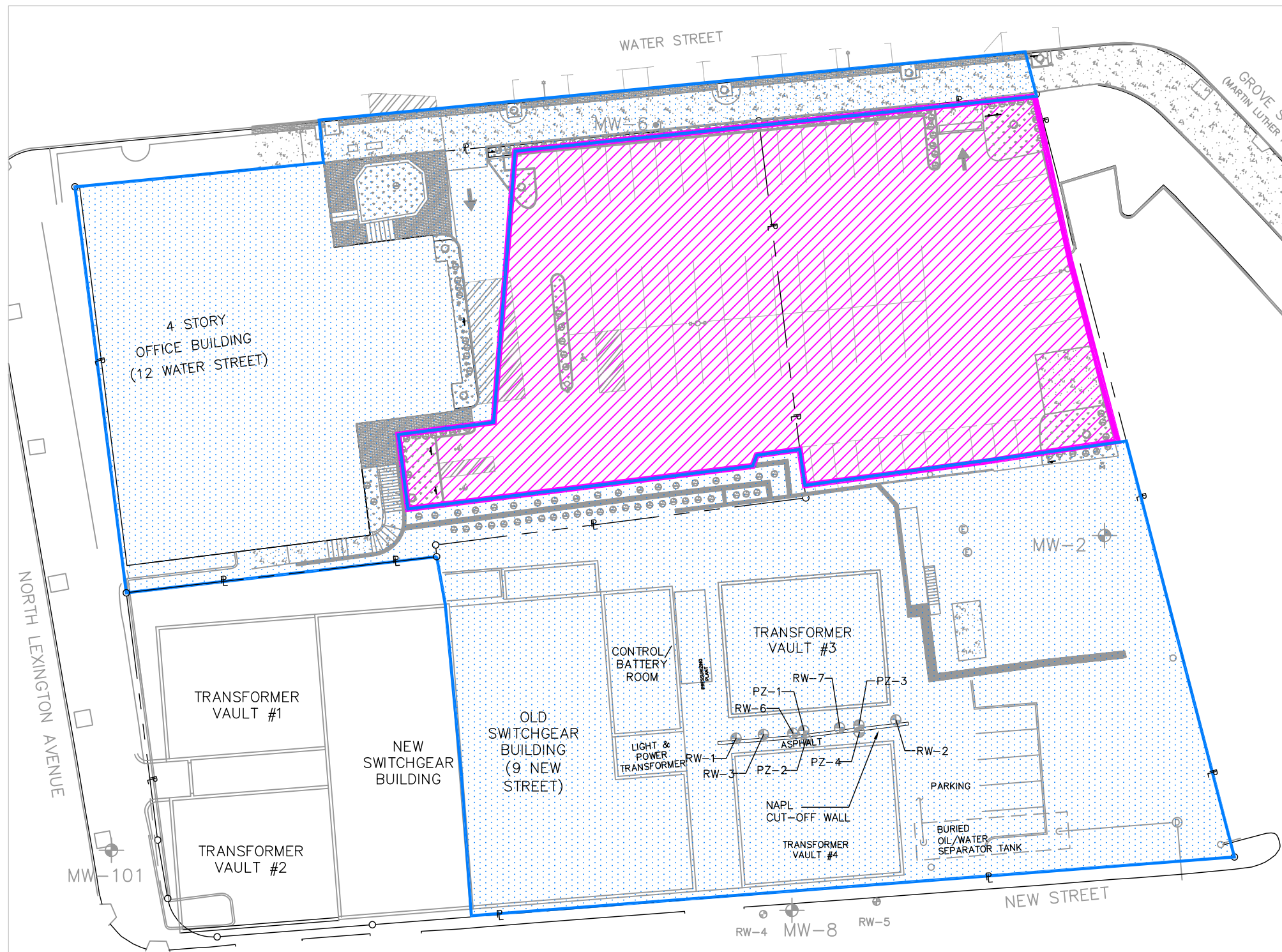
-  CATCH BASIN
-  RECOVERY WELL
-  PIEZOMETERS
-  MONITORING WELL
-  MONITORING WELL CLUSTER
-  BORING
-  PARKING METER
-  LIGHT POLE
-  STREET LAMP
-  IN-GROUND LIGHT
-  BOLLARD LIGHT POLE
-  RETAINING WALL
-  PROPERTY LINE
-  CONCRETE
-  BRICK
-  PLANTER AREAS
-  CHAIN LINK FENCE
-  METAL HANDRAIL
-  OPERABLE UNIT 2 (OU-2)
-  OU-1 ELECTRIC DISTRIBUTION SUBSTATION PROPERTY
-  APPROXIMATE BOUNDARY OF FORMER MGP SITE
-  OU-1 ST. JOHN'S CHURCH PROPERTY
- IRM EXCAVATION AREA













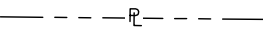



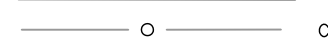
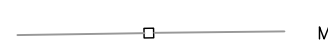


NOTE:
 MAP SOURCE FOR ST. JOHNS BUILDINGS:
 MURPHY AND OLMSTEAD, ARCHITECTS - JUNE 30, 1928.

REFERENCED MAP INFORMATION FOR SUBSTATION PROPERTY
 FROM STRATUS SERVICES GROUP, ENGINEERING DIVISION, INC.,
 CRANBURY, NEW JERSEY (MARCH 14, 2000); AND FOR 12 WATER
 STREET PARKING AREA FROM TERRY BERGENDORFF COLLINS,
 BREWSTER, NY (SEPTEMBER 30, 2010)

PARSONS 301 PLAINFIELD ROAD SUITE 350 SYRACUSE, N.Y. 13212 PHONE: (315) 451-9560 FAX: (315) 451-9570		WHITE PLAINS FORMER MGP SITE WHITE PLAINS, NEW YORK	FIGURE NO.
		SITE PLAN	1



LEGEND:

-  RECOVERY WELL
-  PIEZOMETERS
-  MONITORING WELL
-  MONITORING WELL CLUSTER
-  PARKING METER
-  LIGHT POLE
-  STREET LAMP
-  IN-GROUND LIGHT
-  BOLLARD LIGHT POLE
-  RETAINING WALL
-  PROPERTY LINE
-  CONCRETE
-  BRICK
-  PLANTER AREAS
-  CHAIN LINK FENCE
-  METAL HANDRAIL
-  SMP NOTIFICATION AT 3.5 FEET BELOW GRADE
-  SMP NOTIFICATION AT 5 FEET BELOW GRADE

NOTE:

REFERENCED MAP INFORMATION FOR SUBSTATION PROPERTY DERIVED FROM STRATUS SERVICES GROUP, ENGINEERING DIVISION, INC., CRANBURY, NEW JERSEY (MARCH 14, 2000); AND FOR 12 WATER STREET PARKING AREA FROM TERRY BERGENDORFF COLLINS, BREWSTER, NY (SEPTEMBER 30, 2010).



SCALE: 1"=40'

PARSONS 301 PLAINFIELD ROAD SUITE 350 SYRACUSE, N.Y. 13212 PHONE: (315) 451-9560 FAX: (315) 451-9570	WHITE PLAINS FORMER MGP SITE WHITE PLAINS, NEW YORK	FIGURE NO. 2
	SMP NOTIFICATION AREAS	

ATTACHMENT 1

SITE WIDE INSPECTION FORM

APPENDIX E
SITE WIDE INSPECTION FORM
WHITE PLAINS FORMER MGP SITE

Inspector: Daniel Martoccia Date: 3/22/2012

Event Type (circle one): Scheduled / Non-Routine

Asphalt Inspection

Please note any observations of breaches in the any asphalt, which may include but are not limited to cracks, holes, indentations, vegetation growing through asphalt, etc.

None observed.

Concrete Slab/Sidewalks Inspection

Please note any observations of breaches in any concrete/sidewalks, which may include but are not limited to cracks, holes, indentations, vegetation growing through concrete etc.

None observed.

Soil Inspection

Please note any observations of breaches in the soil cover, which may include but are not limited to holes and soil washout.

None observed.

ATTACHMENT 2

**LETTER TO NYSDEC
RE: FILING OF NYSDEC-APPROVED DECLARATION OF
COVENANTS AND RESTRICTIONS**



Michael A. Wilcken
Assistant General Counsel
Law Department

May 10, 2011

BY FEDERAL EXPRESS

Mr. Gardiner W. Cross
New York State Department of Environmental Conservation
625 Broadway, 11th Floor
Albany, New York 12233-7014

Re: White Plains Former MGP Site
DEC Site No. V00438-3
VCA Index No. D3-0003-00-10

Dear Mr. Cross:

Enclosed for the Department's files are conformed copies of the Department-approved Declarations of Covenants and Restrictions for the Con Edison Substation and 12 Water Street properties comprising the above-referenced site. They were recorded by the Westchester County Clerk's Office on April 28, 2011.

Please call me if you have any questions concerning this matter.

Very truly yours,

cc: Charlotte Bethoney, NYSDOH
David Keehn, Esq., NYSDEC

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.



511063021DLR002J

Westchester County Recording & Endorsement Page

Submitter Information

Name: Abstracters' Information Service (pick up by AIS) Phone: 212 949 0100
 Address 1: 1111 Marcus Avenue - Suite MZ214 Fax: 212 983 8430
 Address 2: Tel: 516-918-4600 Email: gregoryshaw@cltic.com
 City/State/Zip: Lake Success NY 11042 Reference for Submitter: SS110153

Document Details

Control Number: **511063021** Document Type: **Declaration (DLR)**
 Package ID: 2011041600006001002 Document Page Count: 7 Total Page Count: 8

Parties

Additional Parties on Continuation page
 1st PARTY 2nd PARTY
 1: CONSOLIDATED EDISON CO OF NEW YORK INC - Other 1: CONSOLIDATED EDISON CO OF NEW YORK INC - Other
 2: 2:

Property

Additional Properties on Continuation page
 Street Address: 9 NEW STREET Tax Designation: 125.66-4-2.1
 City/Town: WHITE PLAINS Village:

Cross-References

Additional Cross-Refs on Continuation page
 1: 2: 3: 4:

Supporting Documents

Recording Fees

Statutory Recording Fee: \$40.00
 Page Fee: \$40.00
 Cross-Reference Fee: \$0.00
 Mortgage Affidavit Filing Fee: \$0.00
 RP-5217 Filing Fee: \$0.00
 TP-584 Filing Fee: \$0.00
 Total Recording Fees Paid: **\$80.00**

Transfer Taxes

Consideration: \$0.00
 Transfer Tax: \$0.00
 Mansion Tax: \$0.00
 Transfer Tax Number:

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: 04/28/2011 at 04:37 PM
 Control Number: **511063021**
 Witness my hand and official seal

Timothy C. Idoni
 Westchester County Clerk

Record and Return To

Pick-up at County Clerk's office

Con Edison
 4 Irving Place, Room 1800

New York, NY 10003
 Attn: Michelle Hyland

DECLARATION OF COVENANTS AND RESTRICTIONS

DECLARATION OF COVENANTS AND RESTRICTIONS made this 5th day of April, 2011, by Consolidated Edison Company of New York, Inc. ("**Con Edison**"), a corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 4 Irving Place, New York, New York 10003.

WHEREAS, Con Edison is the fee owner of a parcel of real property that is participating in the New York State Department of Environmental Conservation's*(the "**Department's**") Voluntary Cleanup Program as part of the White Plains Former Manufactured Gas Plant Site (Site No. V00438-3), namely that parcel of real property located at 9 New Street in the City of White Plains, County of Westchester, State of New York, which parcel is part of the lands: (a) conveyed by Eugene T. Preudhomme to the White Plains Gas Light Company, Con Edison's predecessor company, by deed dated January 2, 1872, and recorded in the Westchester County Clerk's Office on January 3, 1872, in Liber 795, Page 24; (b) conveyed by Richard C. Lockwood to the Westchester Lighting Company, Con Edison's predecessor company, by deed dated April 1, 1921, and recorded in the Westchester County Clerk's Office on April 23, 1921, in Liber 2303, Page 481; (c) conveyed by Jeremiah T. Lockwood and Louise C. Lockwood to the Westchester Lighting Company, by deed dated April 1, 1921, and recorded in the Westchester County Clerk's Office on April 23, 1921, in Liber 2303, Page 483; (d) conveyed by John T. Rehill to the Westchester Lighting Company deed by dated July 12, 1923, and recorded in the Westchester County Clerk's Office on July 14, 1923, in Liber 2441, Page 414; (e) conveyed by Corporate Investing Company to the Westchester Lighting Company by deed dated August 5, 1925, and recorded in the Westchester County Clerk's Office on August 5, 1925, in Liber 2585, Page 414; and (f) acquired by Con Edison by eminent domain by acquisition map dated July 21, 2000, and filed with the Westchester County Clerk's Office on August 10, 2001, as Acquisition Map 26844, and which parcel is more particularly described in Appendix "A," attached to this Declaration of Convents and Restrictions and made a part hereof, and hereinafter referred to as "**the Property**"; and

**having an address at 625 Broadway, Albany, NY 12233*

WHEREAS, the Property is the subject of Voluntary Cleanup Agreement Index No. D3-0002-00-10, dated September 23, 2002 and modified August 23, 2005 (the "**VCA**") entered into by Con Edison and the Department; and

WHEREAS, the Department approved a remedy (the "**Remedy**") to eliminate or mitigate all significant threats to the environment posed by the contamination disposed of at the Property and such Remedy requires that the Property be subject to restrictive covenants.

NOW, THEREFORE, Con Edison, for itself and its successors and/or assigns, covenants that:

FIRST, the Property subject to this Declaration of Covenants and Restrictions is as shown on the map annexed to this Declaration of Covenants and Restrictions as Appendix "B" and made a part hereof.

SECOND, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State of New York and the health of the State's citizens, hereinafter referred to as the "**Relevant Agency**," is first obtained, where contamination remains at the Property subject to the provisions of the Department-approved Site Management Plan, dated March 2011 (the "**SMP**"), and such modifications thereto as may be approved by the Department or the Relevant Agency, there shall be no construction, use, or occupancy of the Property that results in the disturbance or excavation of the Property which threatens the integrity of the engineering controls required for the Property as part of the Remedy or which results in unacceptable human exposure to any contaminated soils on the Property.

THIRD, the owner of the Property shall not disturb, remove, or otherwise interfere with the installation, use, operation, and/or maintenance of the engineering controls that are required for the Property as part of the Remedy and that are described in the SMP, which SMP is incorporated into this Declaration of Covenants and Restrictions and made enforceable hereunder subject to such modifications to the SMP as may be approved by the Department or Relevant Agency, unless in each case the owner of the Property first obtains a written waiver of such prohibition from the Department or Relevant Agency.

FOURTH, the owner of the Property shall prohibit the Property from ever being used for purposes other than for commercial or industrial use without the express written waiver of such prohibition by the Department or Relevant Agency.

FIFTH, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user of the groundwater first obtains permission to do so from the Department or Relevant Agency.

SIXTH, the owner of the Property shall provide the Department or Relevant Agency a periodic certification, prepared by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional and engineering controls put in place for the Property as part of the Remedy are unchanged from the previous certification, comply with the SMP, and have not been impaired.

SEVENTH, the owner of the Property shall continue in full force and effect all institutional and engineering controls required for the Property as part of the Remedy and maintain such controls in compliance with the approved SMP and all modifications thereto approved by the Department or Relevant Agency, unless the owner of the Property first obtains permission to discontinue such institutional and engineering controls from the Department or Relevant Agency.

EIGHTH, this Declaration of Covenants and Restriction is and shall be deemed a covenant that shall run with the land and shall be binding upon Con Edison and its heirs, successors and assigns and to all future owners of the Property and their heirs, successors and assigns and shall provide that the owner of the Property, and its heirs, successors and assigns, consent to the enforcement by the Department or Relevant Agency of the prohibitions and

restrictions that Paragraph X of the VCA requires to be recorded, and hereby covenant not to contest the authority of the Department or Relevant Agency to seek enforcement of such prohibitions and restrictions or this Declaration of Covenants and Restrictions.

NINTH, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department or Relevant Agency has consented to the termination of this Declaration of Covenants and Restrictions, that said conveyance is subject to this Declaration of Covenants.

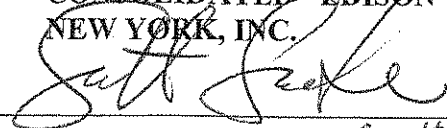
TENTH, the owner of the Property shall provide all persons and/or entities to whom or which such owner conveys any real property interest in the Property or to whom or which such owner grants any right to use the Property a true and complete copy of the SMP and all modifications thereto subsequently approved by the Department or Relevant Agency.

ELEVENTH, this Declaration of Covenants and Restrictions may be extinguished, revoked or modified only with the express written approval of the Department or Relevant Agency. No subsequent instrument purporting to extinguish, revoke or modify this Declaration of Covenants and Restrictions shall be of any legal effect unless the owner of the Property has first obtained the express written approval of the Department or Relevant Agency and such written approval is annexed to such instrument.

IN WITNESS WHEREOF, the undersigned has executed this instrument on the day written below.

~~CONSOLIDATED EDISON COMPANY OF~~
NEW YORK, INC.

By:

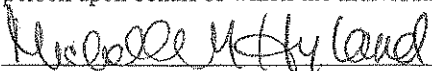

_____ *Scott Sanders*

Title: Vice President and Treasurer

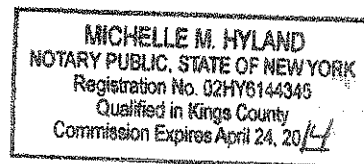
Acknowledgement

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

On the 5th day of April in the year 2011 before me, the undersigned, personally appeared, Scott Sanders, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their indicated capacity (ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary Public



APPENDIX "A"

METES AND BOUNDS DESCRIPTION OF THE PROPERTY

December 29, 2009

**LANDS OF CONSOLIDATED EDISON COMPANY OF NEW YORK
- TAX PARCEL SECT. 125.66, BLOCK 4 - LOT 2.1**

METES & BOUNDS DESCRIPTION

ALL THAT PIECE OR PARCEL OF PROPERTY SITUATE IN THE CITY OF WHITE PLAINS,
COUNTY OF WESTCHESTER, STATE OF NEW YORK, AND DESCRIBED AS FOLLOWS:

BEGINNING at a point, said point being at the beginning of a twenty foot radius tangent curve to the left on the current easterly right-of-way line of Lexington Avenue as described by Westchester County Clerk Filed Map No. 18231,

THENCE in a southeasterly direction along said easterly right-of-way line of Lexington Avenue along said tangent curve to the left as shown on said Filed Map No. 18231, the curve to the left having a radius of 15.00 feet, a length of arc of 22.17 feet and a chord bearing & distance of South 52 degrees 09' 27" East, 20.20 feet to the current northerly right-of-way line of New Street;

THENCE easterly along said current northerly right-of-way line of New Street,
North 85 degrees 30' 30" East, 329.57 feet to a point at the terminus of the right-of-way of New Street;

THENCE along lands now or formerly CONSOLIDATED EDISON on the west and land now or formerly of GHP HAMILTON, LLC on the east, North 14 degrees 34' 05" West, 254.53 feet to the southerly right-of-way line of Water Street;

THENCE westerly along said southerly right-of-way line of Water Street, South 84 degrees 29' 20" West, 90.00 feet to a point, said point being at the division line of land now or formerly of GHP WATER STREET, LLC on the west and lands now or formerly CONSOLIDATED EDISON on the east, said point also being North 84 degrees 29' 20" East, 298.06 feet from point being identified as North 377,228.141 and East 654,481.126 in the New York State Plane Coordinate System (NAD 27), East Zone as shown on said Westchester County Clerk Filed Map No. 18231;

THENCE southerly and westerly from said point along lands now or formerly of GHP WATER STREET, LLC on the west and north, the following 4 (four) courses and distances:

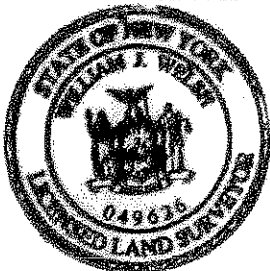
1. South 7 degrees 6' 30" East, 122.72 feet to a point;
2. South 82 degrees 45' 20" West, 120.31 feet to a point;
3. South 4 degrees 28' 30" East, 3.84 feet to a point;
4. South 82 degrees 47' 34" West, 101.09 feet to the aforementioned easterly right-of-way line of Lexington Avenue;

THENCE southerly along the aforementioned easterly right-of-way line of Lexington Avenue the following 2 (two) courses and distances:

1. South 7 degrees 12' 55" East, 79.43 feet to a point,
2. South 9 degrees 49' 13" East, 19.14 feet to the POINT OF BEGINNING, containing 1.2176 Acres, more or less, and being designated on Tax Rolls of the City of White Plains as Section 125.66, Block 4, Lot 2.1.

William J. Welsh

Dec. 29, 2009



WILLIAM J. WELSH, L.S.,
N.Y. STATE LICENSE NO. 49626

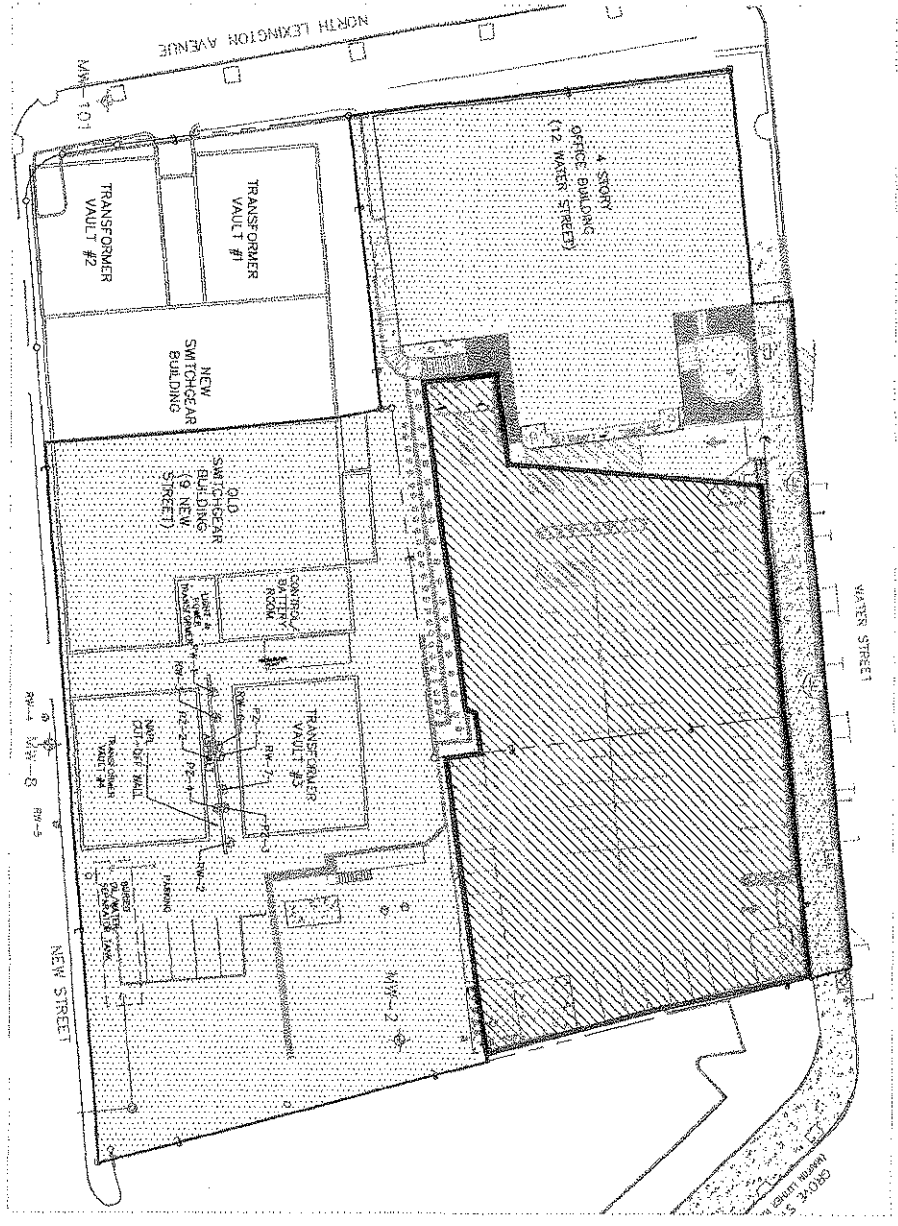
DATE:

APPENDIX "B"

MAP OF PROPERTY

LEGEND:

- ⊙ RECOVERY WELL
- ⊙ PEDESTRIANS
- ⊙ MONITORING WELL
- ⊙ MONITORING WELL CLUSTER
- ⊙ PARKING METERS
- ⊙ LIGHT POLE
- ⊙ STREET LAMP
- ⊙ IN-GROUND LIGHT
- ⊙ BOLLARD LIGHT POLE
- ⊙ RETAINING WALL
- PROPERTY LINE
- CONCRETE
- BRICK
- PLASTER AREAS
- CHAIN LINK FENCE
- METAL HANDRAILS
- SMP NOTIFICATION AT 3.5 FEET BELOW GRADE
- SMP NOTIFICATION AT 5 FEET BELOW GRADE



NOTE:
 REFERENCED MAP INFORMATION FOR SUBSTATION PROPERTY DERIVED FROM STATIONARY ENGINEERING DIVISION, INC., CONSULTING ENGINEERS (MARCH 14, 2000), AND FOR 12 WATER STREET PERMITS AREA FROM TERRY BERENDSON/COULINS, GREENWICH, NY (SEPTEMBER 30, 2010).

PARSONS
 301 FAIRFIELD ROAD
 SUITE 300
 SPRINGHOUSE, N.Y. 12152
 PHONE: (518) 487-2566
 FAX: (518) 487-3570

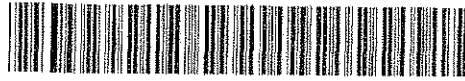
WHITE PLAINS FORMER RSP SITE
 WHITE PLAINS, NEW YORK
 SMP NOTIFICATION AREAS

SCALE: 1" = 40'
 40 20 0 40 80

2B

THE MAP IS A COPY OF THE ORIGINAL MAP AND DOES NOT REPRESENT THE ORIGINAL MAP.

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.



511063019DLR002Q

Westchester County Recording & Endorsement Page

Submitter Information

Name: Abstracters' Information Service (pick up by AIS) Phone: 212 949 0100
 Address 1: 1111 Marcus Avenue - Suite MZ214 Fax: 212 983 8430
 Address 2: Tel: 516-918-4600 Email: gregoryshaw@cltic.com
 City/State/Zip: Lake Success NY 11042 Reference for Submitter: SS110153

Document Details

Control Number: **511063019** Document Type: **Declaration (DLR)**
 Package ID: 2011041600006001002 Document Page Count: 7 Total Page Count: 8

Parties

Additional Parties on Continuation page

1st PARTY		2nd PARTY	
1: GHP WATER ST LLC	- Other	1: GHP WATER ST LLC	- Other
2: GREENSPAN ANDREW	- Individual	2:	

Property

Additional Properties on Continuation page

Street Address: 12 WATER STREET Tax Designation: 125.66-4-1.1
 City/Town: WHITE PLAINS Village:

Cross-References

Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

Recording Fees

Statutory Recording Fee:	\$40.00
Page Fee:	\$40.00
Cross-Reference Fee:	\$0.00
Mortgage Affidavit Filing Fee:	\$0.00
RP-5217 Filing Fee:	\$0.00
TP-584 Filing Fee:	\$0.00
Total Recording Fees Paid:	\$80.00

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 #:

Transfer Taxes

Consideration:	\$0.00
Transfer Tax:	\$0.00
Mansion Tax:	\$0.00
Transfer Tax Number:	

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 04/28/2011 at 04:37 PM
 Control Number: **511063019**
 Witness my hand and official seal

Timothy C. Idoni
 Westchester County Clerk

Record and Return To

Pick-up at County Clerk's office

Con Edison
 4 Irving Place
 New York, NY 10003
 Attn: Attn: Michelle M. Hyland

DECLARATION OF COVENANTS AND RESTRICTIONS

DECLARATION OF COVENANTS AND RESTRICTIONS made this 11th day of March, 2011, by GHP WATER STREET, LLC, a limited liability company organized and existing under the laws of the State of New York and having an office for the transaction of business c/o GHP Office Realty, LLC, One Red Oak Lane, White Plains, New York 10604.

WHEREAS, GHP Water Street, LLC is the fee owner of a parcel of real property that is participating in the New York State Department of Environmental Conservation's (the "Department's") Voluntary Cleanup Program as part of the White Plains Former Manufactured Gas Plant Site (Site No. V00438-3), namely that parcel of real property located at 12 Water Street in the City of White Plains, County of Westchester, State of New York, which parcel is part of the lands conveyed by Principal Mutual Life Insurance Company to GHP Water Street, LLC by deed dated January 14, 2002 and recorded in the Westchester County Clerk's Office on March 18, 2002 as Document No. 420650607, and more particularly described in Appendix "A," attached to this Declaration of Convents and Restrictions and made a part hereof, and hereinafter referred to as "the Property"; and ** having an address at 625 Broadway, Albany NY 12233*

WHEREAS, the Property, together with other adjoining lands (collectively the "Site"), is the subject of Voluntary Cleanup Agreement Index No. D3-0002-00-10, dated September 23, 2002 and modified August 23, 2005 (the "VCA") entered into by Consolidated Edison Company of New York, Inc. ("Con Edison" or "Remedial Party") and the Department; and

WHEREAS, the Department approved a remedy (the "Remedy") to eliminate or mitigate all significant threats to the environment posed by the contamination disposed of at the Site and such Remedy requires that the Property be subject to restrictive covenants.

NOW, THEREFORE, GHP Water Street, LLC, for itself and its successors and/or assigns, covenants that:

FIRST, the Property subject to this Declaration of Covenants and Restrictions is as shown on the map annexed to this Declaration of Covenants and Restrictions as Appendix "B" and made a part hereof.

SECOND, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State of New York and the health of the State's citizens, hereinafter referred to as the "Relevant Agency," is first obtained, where contamination remains at the Property subject to the provisions of the Department-approved Site Management Plan, dated March 2011 (the "SMP"), and such modifications thereto as may be approved by the Department or the Relevant Agency, any disturbance of the composite soil cover cap installed on the Property as part of the Remedy or excavation beneath such composite soil cover shall be conducted as specified in the SMP and such modifications thereto as may be approved by the Department or the Relevant Agency.

THIRD, the owner of the Property shall not interfere with the maintenance of the composite soil cover, which is required for the Property as part of the Remedy and that is shown in the map annexed hereto as Appendix "B" and described in the SMP, which SMP is incorporated into this Declaration of Covenants and Restrictions and made enforceable hereunder subject to such modifications to the SMP as may be approved by the Department or Relevant Agency, unless in each case the owner of the Property or Con Edison, as the Remedial Party under the VCA, first obtains a written waiver of such prohibition from the Department or Relevant Agency.

FOURTH, the use of the Property shall be limited to commercial or industrial use, without the express written waiver of such use restriction by the Department or Relevant Agency.

FIFTH, the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, shall be prohibited unless the user of the groundwater first obtains permission to do so from the Department or Relevant Agency.

SIXTH, Con Edison, as the Remedial Party under the VCA, shall provide the Department or Relevant Agency a periodic certification, prepared by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional and engineering controls put in place for the Property as part of the Remedy are unchanged from the previous certification, comply with the SMP, and have not been impaired.

SEVENTH, the owner of the Property shall permit Con Edison, as the Remedial Party under the VCA, to continue in full force and effect all engineering controls required for the Property as part of the Remedy and to maintain such engineering controls as specified in the SMP and all modifications thereto approved by the Department or Relevant Agency, unless the owner of the Property or Con Edison, as the Remedial Party under the VCA, first obtains permission to discontinue such institutional and engineering controls from the Department or Relevant Agency.

EIGHTH, this Declaration of Covenants and Restriction is and shall be deemed a covenant that shall run with the land and shall be binding upon GHP Water Street, LLC and its heirs, successors and assigns and to all future owners of the Property and their heirs, successors and assigns and shall provide that the owner of the Property, and its heirs, successors and assigns, consent to the enforcement by the Department or Relevant Agency of the prohibitions and restrictions that Paragraph X of the VCA requires to be recorded, and hereby covenant not to contest the authority of the Department or Relevant Agency to seek enforcement of such prohibitions and restrictions or this Declaration of Covenants and Restrictions.

NINTH, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department or Relevant Agency has consented to the termination of this Declaration of Covenants and Restrictions, that said conveyance is subject to this Declaration of Covenants.

APPENDIX "A"

METES AND BOUNDS DESCRIPTION OF THE PROPERTY

December 29, 2009

**LANDS OF GHP WATER STREET, LLC -TAX PARCEL SECT. 125.66, BLOCK 4 -
LOT 1.1**

METES & BOUNDS DESCRIPTION

ALL THAT PIECE OR PARCEL OF PROPERTY SITUATE IN THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, AND DESCRIBED AS FOLLOWS:

BEGINNING at a point, said point being at the intersection of the current southerly right-of-way line of Water Street and the current easterly right-of-way line of Lexington Avenue as described by Westchester County Clerk Filed Map No. 18231, said point being North 84 degrees 29' 20" East, 76.15 feet from point being identified as North 377,228.141 and East 654,481.126 in the New York State Plane Coordinate System (NAD 27), East Zone as shown on said Westchester County Clerk Filed Map No. 18231, being land now or formerly of GHP WATER STREET, LLC;

THENCE easterly from said POINT OF BEGINNING North 84 degrees 29' 20" East, 221.91 feet along said southerly right-of-way line of Water Street to a point, said point being at the division line of land now or formerly of GHP WATER STREET, LLC on the west and lands now or formerly Consolidated Edison on the east;

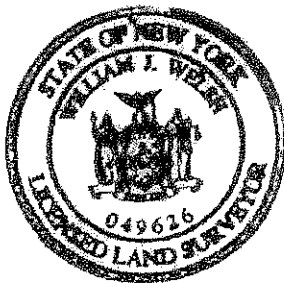
THENCE southerly and westerly along lands now or formerly Consolidated Edison on the east and south, the following 4 (four) courses and distances:

1. South 7 degrees 6' 30" East, 122.72 feet to a point;
2. South 82 degrees 45' 20" West, 120.31 feet to a point;
3. South 4 degrees 28' 30" East, 3.84 feet to a point;
4. South 82 degrees 47' 34" West, 101.09 feet to the aforementioned easterly right-of-way line of Lexington Avenue;

THENCE northerly along the aforementioned easterly right-of-way line of Lexington Avenue, North 7 degrees 12' 55" West, 133.20 feet to the POINT OF BEGINNING, containing 0.6505 Acres, more or less, and being designated on Tax Rolls of the City of White Plains as Section 125.66, Block 4, Lot 1.1.

William J. Welsh

Dec. 29, 2009



WILLIAM J. WELSH, L.S.,
N.Y. STATE LICENSE NO. 49626

DATE:

APPENDIX "B"

MAP OF PROPERTY

