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09/12/2018

BY HAND

Mr. Damon Amadio, Commissioner
Department of Building
City of White Plains
70 Church Street
White Plains, New York 10601

RE: 52 North Broadway, White Plains, New York (the "Premises" or the "Site")

Dear Commissioner Amadio:

On behalf of WP Development NB LLC (the "Applicant"), please consider this letter as an update on the status of the review of the Site both by the New York State Department of Environmental Conservation ("DEC") and the City of White Plains, which continues to hold open the Public Hearing regarding the Draft Environmental Impact Statement ("DEIS") reviewing the proposed future use of these Premises.

As you know, on August 27, 2018 the Applicant and DEC signed an Order on Consent setting forth a protocol and timetable to remedy certain conditions on the portion of the Site that contains a construction and demolition debris ("C&D") landfill (the "Landfill"). Importantly, the Order on Consent requires the Applicant to perform certain investigations of the Landfill, submit a Landfill Repair Plan ("LRP") to DEC for review and approval, and implement certain changes to the Landfill cover system. As work will be visible on the Site over the next few months during implementation of these changes, we want to provide the City with a detailed account of the anticipated progression of work and the points during the process when City permits will be required to implement this DEC-approved plan.

Landfill Investigation and Repair Plan

The Order on Consent requires that the Applicant evaluate the condition of the geomembrane liner in the area that it is exposed (e.g., behind the gymnasium building on the steep slope). This evaluation will include the removal of one or more segments of the membrane and testing them for competency. The segments removed will be patched using a DEC-approved material. In addition, the Order on Consent requires that several fence posts be examined to determine whether they penetrated the geomembrane liner at the time of their installation. (As you may recall, the fence was installed at DEC's request prior to the Applicant's ownership). Using information from this investigation, the Applicant will submit a LRP to DEC.



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It is anticipated that this initial investigation will occur during the week of September 17th.

Landfill Repair

As noted, the Order on Consent requires that the Applicant remedy certain conditions with respect to the Landfill. These conditions include those noted above as well as addressing the exposed C&D material (e.g., asphalt and concrete) along the eastern slope of the Landfill adjacent to Pace University's parking lot. Upon DEC's approval of the plan to remedy the conditions identified in the Order on Consent, the Applicant will request the appropriate permits from your office to implement the DEC-approved plan. Upon receipt of the necessary permits, the Applicant will implement the DEC-approved plan, which will involve activity along the 'upper slope' of the Landfill behind the gymnasium, as well as the 'side slopes' of the Landfill adjacent to the Pace University parking lot and Ross Street. During this time, there also will be activity to repair other isolated conditions within the Landfill, including the closure of the gas monitoring wells installed by the previous owner.

We anticipate this work would commence immediately following receipt of the necessary City permits and will last approximately three weeks.

City of White Plains Sampling

Pursuant to the escrow agreement executed with the City of White Plains by the Applicant on June 28, 2018, we understand that the City has retained an independent consultant to perform various subsurface soil investigations within the Landfill. We further understand that the consultant proposes to use a truck-mounted drill rig to collect subsurface soil samples at eleven (11) locations, soil gas monitoring at four (4) locations, and geotechnical borings at four (4) locations over the course of approximately two weeks. Prior to any work within the Landfill the consultant must submit a work plan to DEC for review and approval, which plan indicates the proposed sampling locations and methodologies, as well as the measures proposed to ensure the continued integrity of the Landfill cover. It is our understanding from DEC that the City's consultant submitted a draft workplan for review and approval. Following DEC's approval of the consultant's workplan and prior to the commencement of sampling, an access agreement will be executed between the Applicant and the City's consultant for access to the Site, as well as requiring certain minimum insurance coverage for Applicant. We look forward to working with the City, your office in particular, and the City's consultants to expeditiously implement the proposed subsurface testing so that the results can be incorporated into the DEIS record regarding the Site.

We anticipate this work would commence upon execution of the access agreement and provision of Certificates of Insurance consistent therewith. This work will last approximately two weeks.



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Follow-up

We are continuing to coordinate prompt resolution of the questions raised about the Landfill by working with the City and DEC. At the same time, we are implementing the agreed Order on Consent.

We are copying the local residents' groups interested in the Site, so that they also may be kept informed of the status of our client's process with the City and DEC.

Please let us know if you have any questions or comments, so that we may promptly respond and facilitate further coordination. Thank you for your consideration.

Very truly yours,



William S. Null

cc: Hon. Thomas Roach, Mayor, and Members of the Common Council; John G. Callahan, Esq., Chief-of-Staff and Corporation Counsel; Mr. Christopher Gomez, Commissioner of Planning; Clifford Davis, Esq.; Mr. Guy Fairstein, President, 15 Stewart Place Condominium; Ms. Renato Talarico, President, 10 Stewart Place Condominium; Ms. Maria Gallagher, President, Stewart/Ross Neighborhood Association; and Mr. Vito Fragala, Vice President, North Broadway Civic Association