

# New York State Department of Environmental Conservation

## Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • Fax: (518) 402-9020

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Alexander B. Grannis  
Commissioner

**JUN 11 2010**

Honorable John C. Tkazyik  
Mayor  
City of Poughkeepsie  
62 Civic Center Plaza  
PO Box 300  
Poughkeepsie, New York 12602

RE: Certificate of Completion  
Former Hamilton Reproduction Site  
City of Poughkeepsie, Dutchess County  
Contract No. D00020  
Site No. B00020

Dear Mayor Tkazyik:

Congratulations on having satisfactorily completed the remedial program at the Former Hamilton Reproduction site. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (NYSDEC) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A standard notice form is enclosed to this letter;
- Provide a notice of the COC and a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site to the Brownfield Site Contact list within ten (10) days of issuance of the COC;

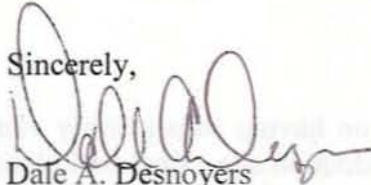
Honorable John C. Tkazyik

Page 2

- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the enclosed Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in June 2011; and
- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one (1) year and for each of the following 11 years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

If you have any questions regarding any of these items, please contact Michael Mason, P.E., at 518-402-9814.

Sincerely,



Dale A. Desnoyers

Director

Division of Environmental Remediation

Enclosure

cc w/o enc: R. Knizek  
M. Mason  
G. Litwin - NYSDOH



## **NOTICE OF CERTIFICATE OF COMPLETION**

### **Brownfield Cleanup Program**

#### **6 NYCRR Part 375-1.9(d)**

#### **Former Hamilton Reproduction, B00020**

**166-186 North Hamilton Street**

**Poughkeepsie, NY**

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 56, Title 5 of the New York State Environmental Conservation Law (ECL) to the City of Poughkeepsie for a parcel approximately 1.96 acres located at the 166-186 North Hamilton Street in the City of Poughkeepsie.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 56, Title 5 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

**PLEASE TAKE NOTICE**, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☐ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

**PLEASE TAKE NOTICE**, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Dutchess County as Document No. 02-2009-2716.

**PLEASE TAKE NOTICE**, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

**PLEASE TAKE NOTICE**, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-050903 and any other applicable provision of law.

**PLEASE TAKE NOTICE**, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

**Former Hamilton Reproduction, Site No. B00020**  
**166-186 North Hamilton Street**  
**Poughkeepsie, NY 12601**

**PLEASE TAKE NOTICE**, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

**PLEASE TAKE NOTICE**, the Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 56-0511 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

**PLEASE TAKE NOTICE**, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

**PLEASE TAKE NOTICE**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 3 located at New Paltz, New York, by contacting the Regional Environmental Remediation Engineer.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

(Applicant)

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW YORK        ) SS:  
COUNTY OF                )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Signature and Office of individual  
taking acknowledgment

**Please record and return to:**  
City of Poughkeepsie  
62 Civic Center Plaza, P.O. Box 300  
Poughkeepsie, NY 12602

12/03/09



NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)

*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**SITE INFORMATION**

**Site No.:** B00020 **Site Name:** Former Hamilton Reproduction

**State Assistance Contract No.:** C300663

**Site Owner:** City of Poughkeepsie

**Street Address:** 166-186 North Hamilton Street

**Municipality:** Poughkeepsie **County:** Dutchess **DEC Region:** 3

**Site Size:** 1.96 Acres

**Tax Map Identification Number(s):** Section 6162 Block 54 Lot 240389

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

**CERTIFICATE ISSUANCE**

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 56, Title 5 of the New York State Environmental Conservation Law ("ECL") and 6NYCRR 375.

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the approved remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses: (actual site use is subject to local zoning requirements).

**Allowable Uses under the ERP: Commercial or Industrial**

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Dutchess County with recording identifier No. 02-2009-2716.

**LIABILITY LIMITATION**

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.



## **CERTIFICATE TRANSFERABILITY**

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 56-0509(1) and 6NYCRR Part 375.

## **CERTIFICATE MODIFICATION/REVOCATION**

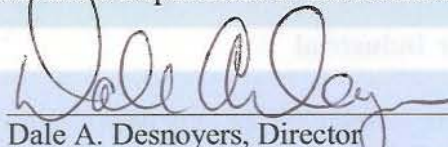
This Certificate of Completion may be modified or revoked by the Commissioner following - notice and an opportunity for a hearing in accordance with 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Municipality or the Municipality's successors or assigns have failed to comply with the terms and conditions of the State Assistance Contract;
  - (2) either the Municipality or the Municipality's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
  - (3) either the Municipality or the Municipality's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the approved remedial work plan were reached;
  - (4) the terms and conditions of the environmental easement, if applicable, have been intentionally violated;
  - (5) the environmental easement as implemented, if applicable, is not protective or enforceable;
- or
- (6) there is good cause for such modification or revocation.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

New York State Department of Environmental Conservation

By:

  
Dale A. Desnoyers, Director  
Division of Environmental Remediation

Date:

**JUN 11 2010**



# CHAZEN ENGINEERING & LAND SURVEYING Co., P.C.

Capital District Office  
Phone: (518) 273-0055

21 Fox Street, Poughkeepsie, New York 12601  
Phone: (845) 454-3980 Fax: (845) 454-4026  
Web: [www.chazencompanies.com](http://www.chazencompanies.com)

North Country Office  
Phone: (518) 812-0513

Orange County Office  
Phone: (845) 567-1133

## EXHIBIT A

### SURVEY DESCRIPTION

ALL that certain plot, piece or parcel of land, situate in the City of Poughkeepsie, County of Dutchess and State of New York, bounded and described as follows:

BEGINNING at point marked by a railroad spike set on the westerly side of North Hamilton Street, said point being the northeasterly corner of the herein described parcel and a point on the southerly side of a 25 wide right of way, said point being located S09°23'15" W 55.00 from an iron pipe found at the southeasterly corner of the lands now or formerly Mokszycki as described in document #02-2002-11917, said point also being a distant 577.00 feet from the intersection of the westerly side of North Hamilton Street with the southerly side of North Street; thence along the westerly side of North Hamilton Street, S 09°23'15" W 179.57 feet to a capped iron rod set at the southeasterly corner of the herein described parcel and the northeasterly corner of the lands now or formerly the County of Dutchess as described in liber 1934 of deeds at page 494; thence along the division line between the herein described parcel and the lands now or formerly the County of Dutchess, S 83°45'22" W 257.80 feet to a capped iron rod set and S 89°54'40" W 209.01 feet to a mag nail set in a concrete base at the southwesterly corner of the herein described parcel and the southeasterly corner of the lands now or formerly James L. Taylor as described in Liber 1979 of deeds at page 666; thence along the division line between the herein described parcel and the lands now or formerly of James L. Taylor, N 08°52'20" W 155.00 feet to the northwesterly corner of the herein described parcel and the northeasterly corner of the lands now or formerly James L. Taylor, said point being located N 08°52'20" W 4.00 feet from a capped iron rod set, said point being on the southerly side of a 25 foot wide right of way; thence along the southerly side of said 25 foot right of way, N 82°59'40" E 482.79 feet to a railroad spike set and S 80°36'25" E 39.83 feet to the point or place of beginning.





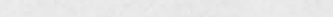



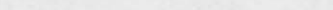

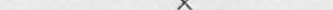

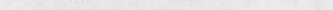



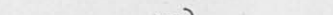



CONTAINING 1.99 ACRES OF LAND MORE OR LESS.

TOGETHER with a perpetual right of way over a strip of land 20 feet in width extending from the rear of the premises above described along the easterly line of lands of C.W. Swift to North Street and together also with all the rights which said Seneca Button Company has acquired under a deed from Poughkeepsie Trust Company in and to a certain strip of land 25 feet in width extending along the northerly side of said premises above described from North Hamilton Street to the said lands of C.W. Swift

BEING and intended to be all that certain tract or parcel of land as described in a conveyance from 182 No. Hamilton St. Realty Corp to Tilsam Realty Corp recorded in Liber 1216 of deeds at page 775 dated January 16, 1967.



**LEGEND:**

- |   |                         |   |                            |
|---|-------------------------|---|----------------------------|
|  | NO PHYSICAL BOUNDS      |  | EXISTING LIGHT POLE        |
|  | ADJACENT PROPERTY LINE  |  | EXISTING MAILBOX           |
|  | EXISTING MAJOR CONTOUR  |  | EXISTING UTILITY POLE      |
|  | EXISTING MINOR CONTOUR  |  | EXISTING MONITORING WELL   |
|  | EXISTING SPOT GRADE     |  | EXISTING WATER VALVE       |
|  | EXISTING FENCE          |  | EXISTING TELEPHONE MANHOLE |
|  | EXISTING OVERHEAD WIRES |  | EXISTING SANITARY MANHOLE  |
|  | EXISTING SIGN           |   |                            |
|  | EXISTING CATCH BASIN    |   |                            |
|  | EXISTING GUY WIRE       |   |                            |
|  | EXISTING HYDRANT        |   |                            |
|  | EXISTING IRON PIPE      |   |                            |
|  | EXISTING IRON ROD       |   |                            |

**CERTIFICATIONS:**

JAMES L. TAYLOR COMPANIES

**MAP REFERENCE:**

MAP ENTITLED "PLAN OF LAND BELONGING TO POUGHKEEPSIE CHAMBER OF COMMERCE INC."  
RECORDED IN THE DUTCHESS COUNTY CLERKS OFFICE ON JANUARY 9 1911 AS FILED MAP #723

MAP ENTITLED "MAP OF PROPERTY MARVIN O. DUTTON AND JAMES D. BURGESS" RECORDED IN THE  
DUTCHESS COUNTY CLERKS OFFICE ON JANUARY 1, 1925 AS FILED MAP #1193.

MAP ENTITLED "BOUNDARY AND TOPOGRAPHIC SURVEY FOR THE COUNTY OF DUTCHESS" PREPARED BY PAGGI AND MARTIN DATED NOVEMBER 1993.

**DEED REFERENCE:**

CITY OF POUGHKEEPSIE  
LIBER 1958 PAGE 339

182 NO. HAMILTON ST. REALTY CORP

TILSAM REALTY CORP  
LIBER 1216 PAGE 775  
RECORDED: JANUARY 16, 1967

## TAX PARCEL NUMBER:

CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK  
131300-6162-54-240389

NOTES:

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS AS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON SO NOTED. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS.

COPYRIGHT CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., P.C.,  
ALL RIGHTS RESERVED.

SURVEYED FROM RECORD DESCRIPTION AND AS IN POSSESSION.

TOPOGRAPHY SHOWN HEREON WAS COMPILED FROM A FIELD SURVEY COMPLETED JANUARY 23, 2010, BY CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE, P.C. DATUM NAVD-88, 1 FOOT CONTOUR INTERVAL

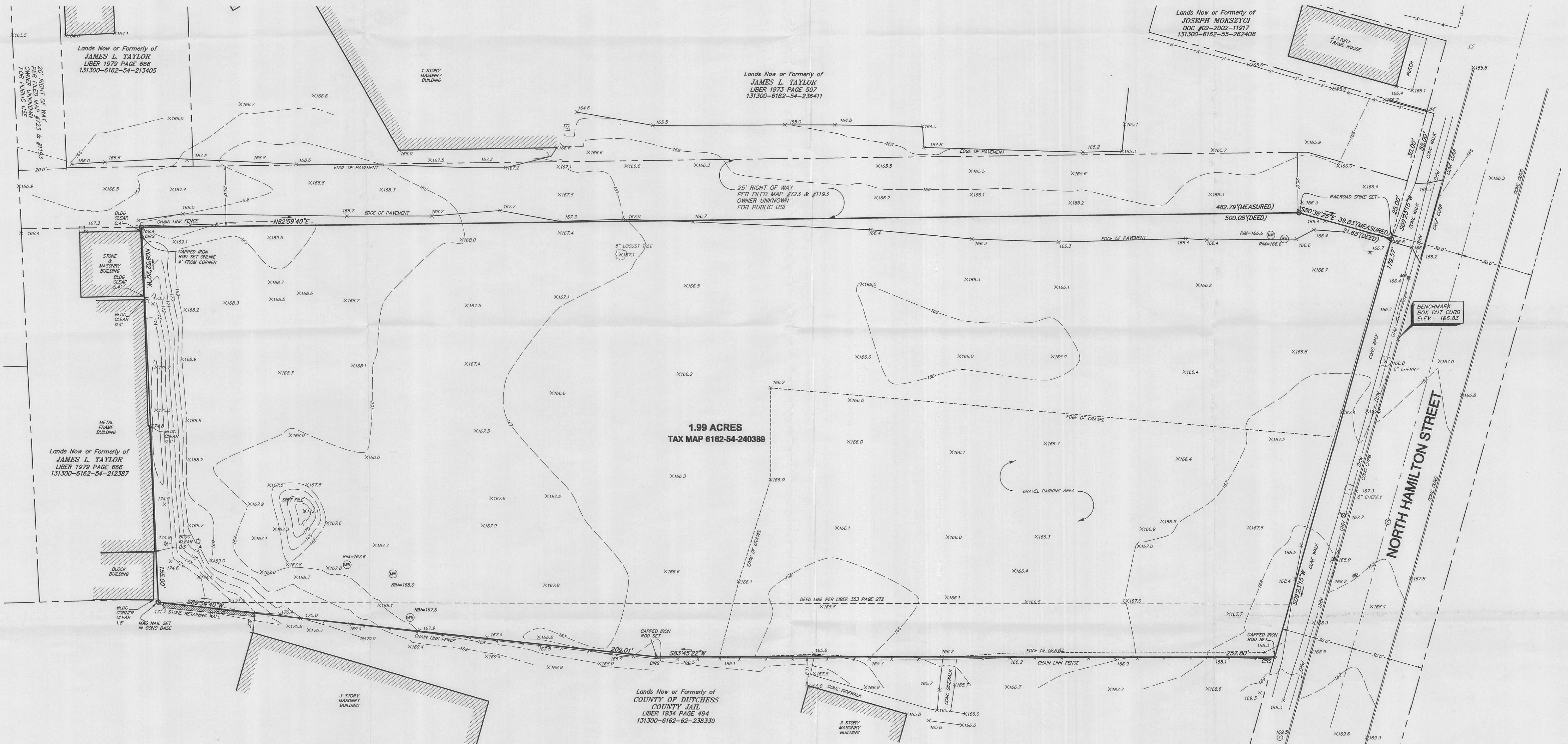
**CONTROL:**

HORIZONTAL: BASED UPON NEW YORK STATE PLANE COORDINATE SYSTEM  
NAD83 (CORS96) AS DETERMINED BY OPUS

GRID = GROUND AT BASELINE POINT #1: N1048961.6842, E649988.2118

BASLINE POINT #1 IS BASED UPON NEW YORK STATE PLANE COORDINATE  
SYSTEM NAD83 (CORS96) AS DETERMINED BY OPUS SOLUTION REPORT  
DATED DECEMBER 23, 2009 USING BASE STATIONS:  
DG7012 NYNP NEW PALTZ CORS ARP  
DIO468 NYKT KINGSTON NY CORS ARP  
DK7181 NYNB NEWBURGH CORS ARP

VERTICAL: BASED UPON NEW YORK STATE PLANE COORDINATE SYSTEM  
NAVD88 (CORS96) AS DETERMINED BY OPUS



ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS PLAN OR ANY PORTION, THEREOF IS PROHIBITED WITHOUT THE WRITTEN PERMISSION OF THE DESIGN ENGINEER, SURVEYOR, OR ARCHITECT.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

I HEREBY CERTIFY THAT THIS SURVEY MAP IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED JAN. 23, 2010 AND THAT THIS SURVEY MAP WAS MADE BY ME OR UNDER MY DIRECTION, AND CONFORMS WITH THE MINIMUM STANDARD OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

THE  
*Chazen*  
COMPANIES<sup>®</sup>  
Engineers/Surveyors  
Planners  
Environmental Scientists  
Landscape Architects

CHAZEN ENGINEERING, LAND SURVEYING  
 LANDSCAPE ARCHITECTURE CO., P.C.

*Office Locations:*

*Dutchess County Office:*  
21 Fox Street  
Poughkeepsie, New York 12601  
Phone: (845) 454-3980

**Capital District Office:**  
547 River Street  
Troy, New York 12180  
Phone: (518) 273-0055

*North Country Office:*  
100 Glen Street  
Glens Falls, New York 128  
Phone: (518) 812-0513

01 Connecticut:  
914 Hartford Turnpike  
Waterford, CT. 06385  
Phone: (860) 440-2691

**THE JAMES L. TAYLOR COMPANIES**

**MAP OF SURVEY  
SHOWING LANDS OF  
#182 NORTH HAMILTON STREET**

CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK STATE

drawn TCR	checked SJA
date 10/26/10	scale 1"=20'
project no. 50929.00	
sheet no. <b>SV1</b> 1 OF 1	