

Periodic Review Report

For:

AC Dutton Greenway Site
Dutchess County, New York
BCP #314123

Prepared for:

The O'Neill Group--Dutton, LLC

SESI Project No:
09046G

Date:
May 2024

Table of Contents

LIST OF ACRONYMS.....	i
1.0 INTRODUCTION	1
1.1 SUMMARY	1
1.2 EFFECTIVENESS OF REMEDIAL PROGRAM	2
1.3 COMPLIANCE	2
1.4 RECOMMENDATIONS.....	2
2.0 SITE OVERVIEW	3
2.1 SITE LOCATION AND DESCRIPTION	3
2.2 SITE HISTORY	3
2.2.1 REMEDIAL INVESTIGATION (RI) CONDUCTED AT SITE	4
2.2.2 DESCRIPTION OF REMEDIAL ACTIONS	5
2.2.3 REMOVAL OF CONTAMINATED MATERIALS FROM THE SITE.....	6
2.2.4 BACKFILL MATERIALS IMPORTED TO THE SITE	6
2.2.5 ON-SITE AND OFF-SITE TREATMENT SYSTEMS.....	6
2.2.6 DESCRIPTION OF RESIDUAL CONTAMINATION.....	6
2.2.7 MANAGEMENT OF RESIDUAL CONTAMINATION THROUGH ENGINEERING AND INSTITUTIONAL CONTROLS IN THE ENVIRONMENTAL EASEMENT.....	6
3.0 REMEDY PERFORMANCE, EFFECTIVENESS, AND PROTECTIVENESS	7
4.0 IC/EC PLAN COMPLIANCE.....	8
4.1 IC/EC REQUIREMENTS AND COMPLIANCE	8
4.2 IC/EC CERTIFICATION.....	10
5.0 MONITORING PLAN COMPLIANCE	11
6.0 OPERATION AND MAINTENANCE PLAN COMPLIANCE	12
7.0 CONCLUSIONS AND RECOMMENDATIONS.....	13

TABLES

TABLE 5.1 MONITORING PROGRAM FREQUENCY

APPENDICES

APPENDIX A SITE MANAGEMENT PLAN FIGURES

APPENDIX B CHANGE OF OWNERSHIP DOCUMENTS

APPENDIX C SITE INSPECTION FORMS AND PHOTO LOG

APPENDIX D NYSDEC – IC & EC CERTIFICATION FORM

LIST OF ACRONYMS

Acronym	Definition
AOC	Area of Concern
BCP	Brownfield Cleanup Program
CCA	Chromated Copper Arsenate
CY	Cubic yard
ECs	Engineering Controls
EE	Environmental Easement
FER	Final Engineering Report
ICs	Institutional Controls
NYSDEC	New York State Department of Environmental Conservation
PRR	Periodic Review Report
RAWP	Remedial Action Work Plan
RI	Remedial Investigation
RIR	Remedial Investigation Report
RIWP	Remedial Investigation Work Plan
SCO	Soil Cleanup Objectives
SESI	SESI Consulting Engineers, PC
SMP	Site Management Plan

1.0 INTRODUCTION

1.1 SUMMARY

This is the Periodic Review Report (PRR) for the period April 1, 2023, to April 1, 2024. The PRR is required as an element of the remedial program at the AC Dutton Greenway City Site located in the City of Poughkeepsie, New York (hereinafter referred to as the "Site") under the New York State Brownfield Cleanup Program (BCP) administered by New York State Department of Environmental Conservation (NYSDEC).

The Site is currently Site No. C314123 in the New York State BCP, which is administered by the NYSDEC. Dutchess Avenue Riverwalk LLC (Volunteer) entered into a Brownfield Cleanup Agreement on July 7, 2015 with the NYSDEC to remediate the Site. A figure showing the Site location and boundaries is provided in Figure 1.1 of the Site Management Plan (SMP). All SMP figures are presented as **Appendix A**.

Engineering Controls (ECs) have been constructed on the Site to prevent exposure to the remaining residual contamination during Site use. An Environmental Easement (EE) granted to the NYSDEC and recorded with the Dutchess County Clerk requires compliance with the SMP dated December 2016 and all ECs and Institutional Controls (ICs) placed on the Site. The ICs place restrictions on Site use and mandate operation, maintenance, monitoring and reporting measures for all ECs and ICs.

This PRR reports the required inspection and monitoring activities that were conducted during the current reporting period. The inspection and monitoring were conducted to ensure compliance with all ECs and ICs required by the EE and as stated in the SMP as approved by NYSDEC.

A change of use form was submitted by the Volunteer, Dutchess Riverwalk, LLC, to the NYSDEC on January 15, 2022 for change of ownership and transfer of Certificate of Completion (COC) to the City of Poughkeepsie (**Attachment B**). This change will be executed during the next reporting period. Therefore, the City of Poughkeepsie will conduct the required SMP compliance inspection for the April 1, 2024 to April 1, 2025 reporting period.

1.2 EFFECTIVENESS OF REMEDIAL PROGRAM

Residual contamination remains on the Site, which has been managed according to the requirements of the SMP for commercial and restricted residential uses.

The composite cover system remains intact on the Site. The cover system has been and will continue to be effective in minimizing public exposure to the residual contamination.

1.3 COMPLIANCE

SESI completed a Site inspection on March 21, 2024, to verify the integrity of the ECs in accordance with the Inspection Checklist and photo log are provided in **Appendix C** of this report.

1.4 RECOMMENDATIONS AND CONCLUSIONS

SESI has verified that the ECs and ICs developed for the Site are in compliance with the SMP. SESI recommends continuing the yearly monitoring of the cover system.

2.0 SITE OVERVIEW

2.1 SITE LOCATION AND DESCRIPTION

The Site is located in the City of Poughkeepsie in the County of Dutchess, New York, and is identified as Section 6062 Block 59 and Lot 737435 on the Dutchess County Parcel Access Property Card and City of Poughkeepsie Tax Map. The Site is situated on an approximately 1.949-acre parcel bounded by the A.C. Dutton Greenway North Town (BCP C314124) and a Vassar College property to the north, Dutchess Avenue to the south, the AC Dutton Lumber Yard Site to the east (BCP C314081), and the Hudson River to the west as depicted in Figure 1.1 of the SMP. All SMP figures are included in **Appendix A** of this report. The boundaries of the Site are fully described in SMP Figure 3.1 in **Appendix A**.

2.2 SITE HISTORY

The Site was part of the AC Dutton Site, which was in industrial use from the mid-1800s to 1995. Prior to 1913, the AC Dutton Site uses included an iron works and a glass works plant. There were several kilns associated with the glass works. Historical and empirical data suggest that solidified kiln ash, periodically cleaned out of the kilns, was used as fill material at the Site. Additionally, when the glass works building and loading dock were dismantled, this demolition debris was also utilized as fill. Between 1966 and 1995, the A.C. Dutton Lumber Corporation operated a wholesale lumber company on the Site and pressure-treated lumber using chromated copper arsenate (CCA).

The former owner, A.C. Dutton Corporation, was owned in part or in subsidiary by Miron Building Products Co., Inc. Raw lumber material was brought to the AC Dutton Site by truck, boat, and rail. Lumber was processed in either of the two (2) on-Site treatment plants, known as the northern and southern treatment plants. The lumber stock was then temporarily stored in a sheltered drip pad area and allowed to partially drip dry, and then was transferred outside to large, open storage yards for additional drying. Exterior drying of the lumber treated with the CCA caused much of the on-Site contamination. The Site contaminants of concern are arsenic, copper and chromium (breakdown products from CCA).

The findings of all previous environmental investigations performed to date are detailed in the Fuss and O'Neill Remedial Investigation Report (RIR, August 2007), and

Ecosystems Solutions Inc.'s Supplemental Investigation Report (September 2008), which was performed according to the NYSDEC approved Supplemental Remedial Investigation Work Plan (March 2008).

Fuss & O'Neill prepared the RIR (August 2007) for O'Neill-Dutton for submittal to the NYSDEC in accordance with the requirements of the BCP for the adjacent BCP Site - C#314081, which in 2005 included the Site. Therefore, a complete and approved RIR has been completed for the Adjacent BCP Site - #C314081 and this Site.

2.2.1 REMEDIAL INVESTIGATION (RI) CONDUCTED AT SITE

Soil

Six (6) soil samples were collected from five (5) locations at the Site during the remedial investigation work as follows:

- Z12: ACD-SS-Z12 at depth 0-0.5 feet bgs (17.0 ppm As)
- S10: ACD-SS-S10 at depth 0-1.0 feet bgs (did not exceed)
- L9: ACD-SS-L9 at depths 0-0.5 (56.8 ppm As) and 0.5-2.5 feet bgs (did not exceed)
- Y12: ACD-SS-Y12 at depth 0.5-4.0 feet bgs (31.4 ppm As)
- T10: ACD-SS-T10 at depth 0.5-3.0 feet bgs (36.1 ppm As)

The sample locations are presented on Figure 4 of the RIR, and the sample results for arsenic are presented in Figure 5.A and 5.B and reported in Table 1 of the RIR. Figures 4, 5A, 5B, and 6 of the RIR are provided as Appendix D of the SMP. The samples collected from Z12 (0-0.5), L9 (0.0-0.5), Y12 (0.5-4.0), and T10 (0.5-3) exceeded the restricted residential arsenic soil clean-up objective (SCO), which is 16 mg/kg (ppm). However, a Site-specific clean-up objective was raised from 32 mg/kg to 300 mg/kg on the AC Dutton Site per the NYSDEC.

The Site is not a petroleum area of concern (AOC) as per Figure 6 of the RIR (Appendix D of the SMP), which presents the extent of the petroleum AOCs at the AC Dutton Site.

A small brick office building was demolished from the Site in June 2010 and an underground storage tank was removed from the Site in October 2011 as part of the Former AC Dutton Site remedial action.

SESI prepared a Remedial Action Work Plan (RAWP), which was approved in a letter from the NYSDEC dated January 15, 2016. The approved remedy is to be implemented in accordance with the remedy selected by the NYSDEC in the January 2009 Decision Document for the Former AC Dutton Lumber Yard (#C314081).

2.2.2 DESCRIPTION OF REMEDIAL ACTIONS

The Site was remediated in accordance with the remedy selected by the NYSDEC in the RAWP dated October 29, 2015.

The factors considered during the selection of the remedy are those listed in 6NYCRR 375-1.8. The following are the components of the selected remedy:

1. Construction and maintenance of a soil cover system consisting of the following:
 - Minimum of 24 inches to planned grade layer of NYSDEC-approved fill that meets the restricted residential SCO with a top layer (4-6 inches) that supports vegetation;
 - A demarcation layer consisting of orange geotextile or snow fence.

The cover system includes an asphalt trail and small concrete slabs. The cover system prevents human exposure to remaining contaminated soil/fill at the Site;

2. Installation of rip-rap along the embankment of the Hudson River. The rip-rap will provide long-term erosion control from the river flow. It will also prevent the sediment carried with the Site sheet flow from settling in the riverbed;
3. Execution and recording of an EE to restrict land use and prevent future exposure to any contamination remaining at the Site.
4. Development and implementation of a Site Management Plan for long-term management of remaining contamination as required by the EE, which includes plans for: (1) Institutional and Engineering Controls, (2) monitoring, (3) operation and maintenance and (4) reporting;
5. Periodic certification of the institutional and engineering controls listed above.

2.2.3 REMOVAL OF CONTAMINATED MATERIALS FROM THE SITE

No excavation was performed as part of this remedial action.

2.2.4 BACKFILL MATERIALS IMPORTED TO THE SITE

The total quantity of soils imported to construct the soil cover is 15,000 cubic yards (CY) and 700 CY of rock to construct the rip-rap. A table of all sources of imported backfill with quantities for each source is shown in Table 4.1 of the Final Engineering Report (FER). Tables summarizing chemical analytical results for backfill, in comparison to allowable levels, are provided in Appendix I of the FER. A figure showing the Site locations where backfill was used is presented as Figure 4.1 of the FER.

2.2.5 ON-SITE AND OFF-SITE TREATMENT SYSTEMS

No long-term treatment systems were required to be installed as part of the Site remedy.

2.2.6 DESCRIPTION OF RESIDUAL CONTAMINATION

Described in Section 2.2.1 of this report.

2.2.7 MANAGEMENT OF RESIDUAL CONTAMINATION THROUGH ENGINEERING AND INSTITUTIONAL CONTROLS IN THE ENVIRONMENTAL EASEMENT

The SMP lists the ECs and ICs required by the NYSDEC to manage the residual contamination present at this Site for the protection of public health and the environment in the future. The remedy for the Site did not require the construction of any other engineering control systems.

The Site remedy requires that an Environmental Easement be placed on the property to (1) implement, maintain, and monitor the Engineering Controls; (2) prevent future exposure to remaining contamination by controlling disturbances of the subsurface contamination; and (3) limit the use and development of the site to restricted residential uses only. The Applicant and Applicant's successors or assigns must manage the controls and monitoring in full compliance with the terms of the remedial program.

3.0 REMEDY PERFORMANCE, EFFECTIVENESS, AND PROTECTIVENESS

The goal of the SMP is to manage the residual contamination at the Site through implementation of ICs and ECs. At present, SESI is conducting monitoring/inspection of the ICs and ECs on the Site in accordance with the SMP dated December 2016.

The overall Site remedy was designed to ensure that residual soil contamination that remains on Site in fill materials below the two-foot clean soil cap does not significantly exceed the more stringent of the applicable NYSDEC restricted residential SCO.

4.0 IC/EC PLAN COMPLIANCE

4.1 IC/EC REQUIREMENTS AND COMPLIANCE

Institutional Controls

A series of ICs is required by the RAWP to: (1) implement, maintain, and monitor Engineering Control systems; (2) prevent future exposure to remaining contamination; and (3) limit the use and development of the Site to restricted-residential (public greenway/waterfront district) uses only. Adherence to these ICs on the Site is required by the Environmental Easement and will be implemented under the SMP. ICs identified in the Environmental Easement may not be discontinued without an amendment to or extinguishment of the Environmental Easement. The IC boundaries are shown on Figure 3.1, presented in **Appendix A**. These ICs are:

- The property may be used for restricted residential use;
- All ECs must be operated and maintained as specified in this SMP;
- All ECs must be inspected at a frequency and in a manner defined in the SMP.
- The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the New York State Department of Health or the Dutchess County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department.
- Groundwater and other environmental or public health monitoring must be performed as defined in this SMP;
- Data and information pertinent to Site management must be reported at the frequency and in a manner defined in this SMP;
- All future activities that will disturb remaining contaminated material must be conducted in accordance with this SMP;
- Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in this SMP;
- Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical component of the remedy shall be performed as defined in this SMP;

- Access to the Site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by the Environmental Easement.
- The potential for vapor intrusion must be evaluated for any buildings developed in the area within the IC boundaries noted on Figure 3.1, and any potential impacts that are identified must be monitored or mitigated; and
- Vegetable gardens and farming on the Site are prohibited.

Engineering Controls

Exposure to remaining contamination at the Site is prevented by a cover system placed over the Site. This cover system comprises, from top to bottom, the following:

- Minimum 24 inches to planned grade layer of NYSDEC-approved fill that meets the restricted residential SCO with a top layer (4-6 inches) that supports vegetation;
- A demarcation layer consisting of orange geotextile or snow fence.

The cover system will include an asphalt trail and small concrete slabs when the Site is fully developed into a Greenway Trail. The cover system will prevent human exposure to remaining contaminated soil/fill at the Site.

In addition, the controls include:

1. Installation of rip-rap along the embankment of the Hudson River. The rip-rap will provide long-term erosion control from the river flow. It will also prevent the sediment carried with the Site sheet flow from settling in the riverbed;
2. Execution and recording of an Environmental Easement to restrict land use and prevent future exposure to any contamination remaining at the Site.
3. Development and implementation of a Site Management Plan for long-term management of remaining contamination as required by the Environmental Easement, which includes plans for: (1) Institutional and Engineering Controls, (2) monitoring, (3) operation and maintenance and (4) reporting;
4. Periodic certification of the institutional and engineering controls listed above.

4.2 IC/EC CERTIFICATION

The NYSDEC Institutional and Engineering Controls Certification Form has been completed and is included in **Appendix D** of this report.

5.0 MONITORING PLAN COMPLIANCE

Table 5.1: Monitoring Program Frequency

Monitoring/Inspection Schedule			
Monitoring Program	Frequency*	Matrix	Analysis
Cover System (Soil cover and Rip-Rap)	Annual	Soil and vegetation	Visual

Monitoring Completed During Current Reporting Period

Inspection of composite cover system was conducted on March 21, 2024.

Comparison with Remedial Objectives

The remedial objectives for the composite cover system are being met. The cover system continues to be protective of human health and the environment for the intended restricted residential use of the property.

Exposure to remaining contamination in soil/fill at the Site is prevented by a soil cover system placed over the Site. This cover system comprises a 24-inch or greater layer of NYSDEC-approved fill that meets the restricted residential SCO, and a demarcation layer consisting of orange geotextile or snow fence. In addition to the soil cover, a rip-rap was installed along the embankment of the Hudson River. SMP Figures 3.1 and 3.2, presented in **Appendix A**, show the as-built survey of the top of the soil cover and the demarcation, respectively.

Monitoring Deficiencies

All aspects of the monitoring plan were in accordance with NYSDEC applicable regulations.

Conclusions and Recommendations

All aspects of the remedial program appear to be meeting the Site remedy design goal.

We recommend the following for the next reporting period:

- Cover system: continue the annual visual inspection of the cover system.

6.0 OPERATION AND MAINTENANCE PLAN COMPLIANCE

The Site remedy does not rely on any mechanical systems, such as sub-slab depressurization systems or air sparge/soil vapor extraction systems, to protect public health and the environment. Therefore, the operation and maintenance of such components is not applicable.

7.0 CONCLUSIONS AND RECOMMENDATIONS

Compliance with the SMP

All aspects of the SMP, including IC/EC and monitoring, have met the requirements. The O&M is not required at this time for the Site.

There are no new exposure pathways resulting in an unacceptable risk.

Performance and Effectiveness of the Remedy

Exposure to remaining contamination in soil/fill at the Site is prevented by a soil cover system placed over the Site. This cover system comprises a 24-inch or greater layer of NYSDEC-approved fill that meets the restricted residential SCO, and a demarcation layer consisting of orange geotextile or snow fence. In addition to the soil cover, a rip-rap was installed along the embankment of the Hudson River. Figures 3.1 and 3.2 of the SMP, presented as **Appendix A**, show the as-built survey of the top of the soil cover and the demarcation, respectively.

The proposed annual monitoring plan for the cover system is effective and protective of the previously approved overall Site remedy.

Future PRR Submittals

We do not recommend any changes to the frequency of the PRR submittal at this time because ICs and ECs remain in-place and are effective.

A change of use form was submitted by the Volunteer, Dutchess Riverwalk, LLC, to the NYSDEC on January 15, 2022 for change of ownership and transfer of Certificate of completion (COC) to the City of Poughkeepsie (**Attachment B**). This change will be executed during the next reporting period. Therefore, the City of Poughkeepsie will conduct the required SMP compliance inspection for the April 1, 2024 to April 1, 2025 reporting period.

Recommendations

We recommend the following for the next reporting period:

- Cover system: continue the annual visual inspection of the cover system.

Appendix A: SMP Figures



FIGURE 1.1

PROPERTY LOCATION MAP
DUTCHESS AVE. RIVER WALK SOUTH
1 DUTCHESS AVENUE AND 2 HOFFMAN STREET
POUGHKEEPSIE, NEW YORK

SITE PLAN

SESI
CONSULTING
ENGINEERS, PC

12A MAPLE AVE. PINE BROOK, N.J. 07058 PH: 973-808-9050

SOILS / FOUNDATIONS
SITE DESIGN
ENVIRONMENTAL

DRAWN BY: YY

CHECKED BY: FD

SCALE: N.T.S.

DATE: 10/6/15

JOB NO.: 9046



FIGURE 2.1

PROPERTY LOCATION MAP
DUTCHESS AVE. RIVER WALK SOUTH
1 DUTCHESS AVENUE AND 2 HOFFMAN STREET
POUGHKEEPSIE, NEW YORK

TAX MAP

SESI
CONSULTING
ENGINEERS, PC

12A MAPLE AVE. PINE BROOK, N.J. 07058 PH: 973-808-9050

SOILS / FOUNDATIONS
SITE DESIGN
ENVIRONMENTAL

DRAWN BY: YY

CHECKED BY: FD

SCALE: N.T.S.

DATE: 12/8/16

JOB NO.: 9046

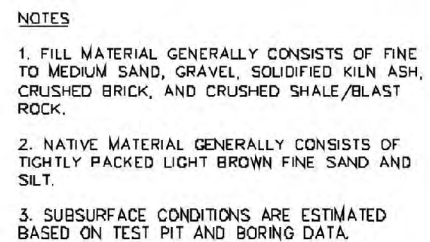


FIG. 9B

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dwg by:	LH
chk by:	FD
scale:	NTS
date:	12/16/14

SOILS / FOUNDATIONS
SITE DESIGN
ENVIRONMENTAL

SESI
CONSULTING
ENGINEERS, P.C.

12A MAPLE AVE. PINE BROOK, N.J. 07058 PH: 973-808-9050

project: THE O'NELL GROUP - DUTTON LLC
CITY/TOWN OF POUGHKEEPSIE
DUTCHESS COUNTY, NY

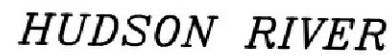
drawing title:

SITE GEOLOGICAL SECTIONS

job no: 9046
drawing no:

FIG.2.2B

[illegible]



1. SITE INFORMATION TAKEN FROM "A.C. DUTTON PARK LANDS BARRIER
DETAILS". DATED 12/08/16.

FUAD DAHAN, P.E.
PROFESSIONAL ENGINEER
N.Y. LIC. NO. 090531

1 of 1

12A MAPLE AVE. PINE BROOK, N.J. 07058 PH: 973-808-9050

dwg by: yy
chk by: FD
scale: N.T.S.
date: 12/12/16

Appendix B:

Change of Ownership Documents

DUTCHESS AVENUE RIVERWALK, LLC
241 Hudson St.
Hackensack, NJ 07601

(201)488-4455
Fax (201) 487-2506
lkaufman@onekeyllc.com

January 15, 2022

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

Re: A.C. Dutton Greenway City
Tax Map ID no. 6062-59-737435
Dutchess County
Site No. C314123

Dear Ms. Sir/Madame:

Enclosed please find the following in connection with the transfer of the Certificate of Completion for Dutchess Avenue Riverwalk, LLC:

1. Executed original of 60-Day Notification of Transfer of Certificate of Completion and Ownership for A.C. Dutton Greenway City Site ID #C3140123
2. Copy of Certificate of Completion
3. Survey of property to be transferred.

When the transfer is complete, the Notice of Transfer will be sent to NYSDEC.

Very truly yours,


Louis Kaufman

cc: Marc Nelson, Poughkeepsie City Administrator

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**60-Day Advance Notification of Site Change of Use, Transfer of
Certificate of Completion, and/or Ownership**
Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation, 625 Broadway
Albany NY 12233-7020

I. **Site Name:** A. C. Dutton Greenway City **DEC Site ID No.** C314123

II. **Contact Information of Person Submitting Notification:**

Name: Linda Shaw, Esq. Knauf Shaw LLP
Address1: 1400 Crossroads Building
Address2: 2 State Street, Rochester, NY 14614
Phone: 585-546-8430 E-mail: lshaw@nyenvlaw.com

III. **Type of Change and Date:** Indicate the Type of Change(s) (check all that apply):

- ☒ Change in Ownership or Change in Remedial Party(ies)
☒ Transfer of Certificate of Completion (CoC)
☐ Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): 03/15/22

IV. **Description:** Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

Dutchess Avenue Riverwalk, LLC is the owner of Parcel 6062-59-737435. It is also the Volunteer
under COC C314123. It intends to transfer title of the property and COC to City of Poughkeepsie,
a municipal corporation of the State of New York on or about March 15, 2022

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

- V. Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name: 
(Signature)

1/15/22
(Date)

Paula O'Neill, Managing Member
(Print Name)

Address1: Dutchess Avenue Riverwalk, LLC

Address2: 241 Hudson St., Hackensack, NJ 07601

Phone: (201) 488-4455 E-mail: foneill@onekeyllc.com; lkaufman@onekeyllc.com

- VI. Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

☒ Prospective Owner ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: City of Poughkeepsie

Address1: 62 Civic Center Plaza, Poughkeepsie, NY 12601 Attn: City Administrator

Address2: _____

Phone: (845) 451-4072 E-mail: mnelson@cityofpoughkeepsie.com

Certifying Party Name: Paula, O'Neill, Managing Member

Address1: Dutchess Avenue Riverwalk, LLC

Address2: 241 Hudson St., Hackensack, NJ 07601

Phone: (201) 488-4455 E-mail: foneill@onekeyllc.com; lkaufman@onekeyllc.com


VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name: pk


(Signature)

11/5/22
(Date)

Paula O'Neill, Managing Member

(Print Name)

Address1: Dutchess Avenue Riverwalk, LLC

Address2: 241 Hudson St., Hackensack, NJ 07601

Phone: (201) 488-4455

E-mail: foneill@onekeyllc.com;lkaufman@onekeyllc.com

Continuation Sheet

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____



Instructions for Completing the 60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion (CoC), and/or Ownership Form

Submit to: Chief, Site Control Section, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany NY 12233-7020

Section I

Description

Site Name

Official DEC site name.
(see <http://www.dec.ny.gov/cfm/external/derexternal/index.cfm?pageid=3>)

DEC Site ID No.

DEC site identification number.

Section II

Contact Information of Person Submitting Notification

Name

Name of person submitting notification of site change of use, transfer of certificate of completion and/or ownership form.

Address1

Street address or P.O. box number of the person submitting notification.

Address2

City, state and zip code of the person submitting notification.

Phone

Phone number of the person submitting notification.

E-mail

E-mail address of the person submitting notification.

Section III

Type of Change and Date

Check Boxes

Check the appropriate box(s) for the type(s) of change about which you are notifying the Department. Check all that apply.

Proposed Date of Change

Date on which the change in ownership or remedial party, transfer of CoC, or other change is expected to occur.

Section IV

Description

Description

For each change checked in Section III, describe the proposed change.
Provide all applicable maps, drawings, and/or parcel information.
If "Other" is checked in Section III, explain how the change may affect the site's proposed, ongoing, or completed remedial program at the site.
Please attach additional sheets, if needed.

Section V Certification Statement

This section must be filled out if the change of use results in a change of ownership or responsibility for the proposed, ongoing, or completed remedial program for the site. When completed, it provides DEC with a certification that the prospective purchaser has been provided a copy of any order, agreement, or State assistance contract as well as a copy of all approved remedial work plans and reports.

Name	The owner of the site property or their designated representative must sign and date the certification statement. Print owner or designated representative's name on the line provided below the signature.
Address1	Owner or designated representative's street address or P.O. Box number.
Address2	Owner or designated representative's city, state and zip code.
Phone	Owner or designated representative's phone number.
E-Mail	Owner or designated representative's E-mail.

Section VI Contact Information for New Owner, Remedial Party, and CoC Holder (if a CoC was issued)

Fill out this section only if the site is to be sold or there will be a new remedial party. Check the appropriate box to indicate whether the information being provided is for a Prospective Owner, CoC Holder (if site was ever issued a COC), Prospective Remedial Party, or Prospective Owner Representative. Identify the prospective owner or party and include contact information. A Continuation Sheet is provided at the end of this form for additional owner/party information.

Name	Name of Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.
Address1	Street address or P.O. Box number for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.
Address2	City, state and zip code for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.
Phone	Phone number for the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.
E-Mail	E-mail address of the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.

If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/EC), indicate who will be the certifying party(ies). Attach additional sheets, if needed.

Certifying Party

Name Name of Certifying Party.

Address1 Certifying Party's street address or P.O. Box number.

Address2 Certifying Party's city, state and zip code.

Phone Certifying Party's Phone number.

E-Mail Certifying Party's E-mail address.

Section VII Agreement to Notify DEC After Property Transfer/Sale

This section must be filled out for all property transfers of all or part of the site. If the site also has a CoC, then the CoC shall be transferred using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>

Filling out and signing this section of the form indicates you will comply with the post transfer notifications within the required timeframes specified on the form. If a CoC has been issued for the site, the DEC will allow 30 days for the post transfer notification so that the "Notice of CoC Transfer Form" and proof of it's filing can be included. Normally the required post transfer notification must be submitted within 15 day (per 375-1.11(d)(3)(ii)) when no CoC is involved.

Name Current property owner must sign and date the form on the designated lines. Print owner's name on the line provided.

Address1 Current owner's street address.

Address2 Current owner's city, state and zip code.

CERTIFICATE OF COMPLETION

C314123

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

Mr. Louis Kaufman
Dutchess Avenue Riverwalk, LLC
The O'Neill Group-Dutton, LLC
241 Hudson Street
Hackensack, NJ 07601

DEC 28 2016

Re: Certificate of Completion
Site No.: C314123
Site: A.C. Dutton Greenway City
City of Poughkeepsie, Dutchess County

Dear Mr. Kaufman:

Congratulations on having satisfactorily completed the remedial program at the A.C. Dutton Greenway City Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the 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 copy of the recorded notice should be provided to the Department's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020



Department of
Environmental
Conservation

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- 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 attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in April 2018.

If you have any questions regarding any of these items, please contact the project manager for this site, Jamie Verrigni, at 518-402-9546.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure

Krista Anders - NYSDOH

Maureen Schuck – NYSDOH

Kristin Kulow – NYSDOH

Louis Kaufman – lkaufman@theoneillgroup.us

Fin O'Neill - foneill@onekeyllc.com

Linda Shaw - lshaw@nyenvlaw.com

Fuad Dahan - fd@sesi.org

ec w/o enclosure:

George Heitzman

Amen Omorogbe

Jamie Verrigni

Edward Moore

Rosalie Rusinko

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Dutchess Avenue Riverwalk, LLC

Address

241 Hudson St., Hackensack, NJ 07601

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 6/11/15 **Agreement Execution:** 7/7/15 **Agreement Index No.:** C314123-05-15

Application Approval Amendment: 6/15/16

Agreement Execution Amendment: 6/15/16

Application Approval Amendment: 12/27/16

Agreement Execution Amendment: 12/27/16

SITE INFORMATION:

Site No.: C314123 **Site Name:** A.C. Dutton Greenway City

Site Owner: The O'Neill Group-Dutton, LLC

Street Address: 1 Dutchess Avenue

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

Site Size: 1.844 Acres

Tax Map Identification Number(s): 6062-59-737435, 6062-59-738405, 6062-59-744432

Percentage of site located in an EnZone: 100 %

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 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

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 Brownfield Site Cleanup Agreement, 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 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 BCP: Restricted-Residential, Commercial, and Industrial

Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.

Tangible Property Credit Component Rate is 20 %.

Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.

Tangible Property Credit Component Rate is 18 %.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Dutchess County as 02-2016-7528.

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 27-1421. 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 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 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 27-1419.5 and 6NYCRR Part 375-1.9.

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 ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

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 is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By:


Robert W. Schick, P.E., Director
Division of Environmental Remediation

Date: December 28, 2016

NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

A.C. Dutton Greenway City, Site ID No. C314123
1 Dutchess Avenue, Poughkeepsie, NY, 12601
City of Poughkeepsie, County of Dutchess
Tax Map Identification Number(s): 6062-59-737435, 6062-59-738405, and 6062-59-744432

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Dutchess Avenue Riverwalk, LLC for a parcel approximately 1.844 acres located at 1 Dutchess Avenue 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 27, Title 14 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):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☐ 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 Instrument No. 02-2016-7528.

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 27-1421. 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 27-1421. The liability

A.C. Dutton Greenway City, C314123, 1 Dutchess Avenue, Poughkeepsie, NY 12601

limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 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.

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 only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 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 21 South Putt Corners Road, New Paltz, NY 12561, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

The O'Neill Group-Dutton, LLC

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:
Louis Kaufman
241 Hudson St.
Hackensack, NJ 07601

Exhibit A
Site Description

PARCEL "A"

ALL that certain parcel of land now or formerly under the waters of the Hudson River, adjacent to and adjoining the lands of The O'Neill Group-Dutton, LLC, with the buildings and improvements thereon erected, situate, lying and being in the City Of Poughkeepsie, County of Dutchess and State of New York, being bounded and described as follows.

BEGINNING at a point on the northerly line of Dutchess Avenue in the City of Poughkeepsie at a point being N. 74° 44' 52" W., and distant 11.29 feet from the southwesterly corner of a grant of lands underwater to Martin Hoffman by Letters Patent dated August 10, 1815 and recorded in the New York State Department of State in Book 26 of Patents at page 505; thence from said point of beginning heading northerly through lands formerly under the waters of the Hudson River, the following 6 courses:

- 1) N. 05° 54' 45" E., a distance of 282.76 feet to a point;
- 2) S. 84° 05' 15" E., a distance of 7.39 feet to a point;
- 3) N. 05° 09' 22" E., a distance of 98.67 feet
- 4) on a curve to the right having a Radius of 142.43 feet, and a length of 49.92 feet to a point;
- 5) on a curve to the left having a Radius of 140.32 feet, and a length of 90.80 feet to a point;
- 6) on a curve to the right having a Radius of 178.64 feet, and a length of 23.23 feet (long chord, N. 08° 06' 43" W., a distance of 23.21 feet) to a point at the southwest corner of a grant of lands under water to Fallkill Iron Works by Letters Patent dated December 12, 1862 and recorded in Book 39 of Patents at page 128; thence heading along the same and not tangent to the previous curve, N. 06° 59' 22" E., a distance of 455.33 feet to the southwesterly corner of a grant of lands underwater to Henry D. Myers by Letters Patent dated March 26, 1870, recorded in Book 42 of Patents at page 1; thence along said lands granted to Myers, N. 06° 59' 22" E., a distance of 10.36 feet to the line between the City of Poughkeepsie and the Town of Poughkeepsie, said line formerly defined by the centerline of an underground stream known as "Kidney Creek"; thence heading northwesterly along the projected Town/City line and through lands formerly underwater, N. 74° 26' 38" W., a distance of 61.92 feet to a point at the high water line of the Hudson River as surveyed in 2008 and updated in 2014; thence heading southerly along said high water line on the easterly bank of the Hudson River, the following 12 courses:

- 1) S. 19° 23' 27" W., a distance of 17.56 feet to a point;
- 2) S. 11° 00' 54" W., a distance of 119.30 feet to a point;
- 3) S. 02° 39' 42" E., a distance of 122.29 feet to a point;
- 4) S. 00° 25' 59" W., a distance of 40.52 feet to a point;
- 5) S. 13° 56' 41" W., a distance of 49.66 feet to a point;
- 6) S. 03° 25' 44" W., a distance of 113.29 feet to a point;
- 7) S. 07° 49' 56" W., a distance of 159.96 feet to a point;
- 8) S. 26° 36' 51" W., a distance of 102.03 feet to a point;
- 9) S. 00° 44' 54" W., a distance of 48.36 feet to a point;
- 10) S. 14° 08' 55" W., a distance of 139.77 feet to a point;

- 11) S. $12^{\circ} 42' 38''$ W., a distance of 77.49 feet to a point;
- 12) S. $23^{\circ} 53' 38''$ W., a distance of 22.81 feet to a point at the projection of the northerly line of Dutchess Avenue; thence heading southeasterly along the Dutchess Avenue projection and through lands formerly under the waters of the Hudson River, S. $74^{\circ} 44' 52''$ E., a distance of 112.02 feet to the point and place of beginning.

CONTAINING 1.576 acres of land, more or less.

PARCEL "B"

ALL that certain parcel of land now or formerly under the waters of the Hudson River, adjacent to and adjoining the lands of The O'Neill Group-Dutton, LLC, with the buildings and improvements thereon erected, situate, lying and being in the City Of Poughkeepsie, County of Dutchess and State of New York, being bounded and described as follows.

BEGINNING at a point on the northerly line of Dutchess Avenue in the City of Poughkeepsie at the southwesterly corner of a grant of lands underwater to Martin Hoffman by Letters Patent dated August 10, 1815 and recorded in the New York State Department of State in Book 26 of Patents at page 505; thence heading northwesterly along the northerly line of Dutchess Avenue, N. $74^{\circ} 44' 52''$ W., a distance of 11.29 feet to a point; thence heading northeasterly through lands formerly under the waters of the Hudson River, N. $05^{\circ} 54' 45''$ E., a distance of 282.76 feet and S. $84^{\circ} 05' 15''$ E., a distance of 7.39 feet to a point on the previously mentioned Hoffman Patent line; thence heading southwesterly along the Hoffman Patent line, S. $05^{\circ} 09' 22''$ W., a distance of 284.61 feet to a the point and place of beginning.

CONTAINING 0.060 acres of land, more or less.

PARCEL "C"

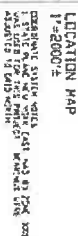
ALL that certain parcel of land now or formerly under the waters of the Hudson River, adjacent to and adjoining the lands of The O'Neill Group-Dutton, LLC, with the buildings and improvements thereon erected, situate, lying and being in the City Of Poughkeepsie, County of Dutchess and State of New York, being bounded and described as follows.

BEGINNING at a point at a corner of a grant of lands underwater to Martin Hoffman by Letters Patent dated August 10, 1815 and recorded in the New York State Department of State in Book 26 of Patents at page 505 said point being N. $05^{\circ} 09' 22''$ E., a distance of 383.28 feet along the lands granted to Hoffman from a point on the northerly line of Dutchess Avenue in the City of Poughkeepsie at the northwesterly corner of the Hoffman Patent; thence heading southeasterly along the Hoffman Patent, S. $84^{\circ} 50' 38''$ E., a distance of 66.00 feet to a corner of a grant of lands under water to John Delafield by Letters Patent dated September 22, 1836 and recorded in Book 31 of Patents at page 39; thence continuing along said lands granted to Delafield, N. $05^{\circ} 09' 22''$ E., a distance of 164.29 feet to a corner of a grant of lands under water to Fallkill Iron Works by Letters Patent dated December 12, 1862 and recorded in Book 39 of Patents at page 128; thence along the lands granted to Fallkill Iron Works, N. $88^{\circ} 15' 38''$ W., a distance of 60.37 feet to the southwesterly corner of the same at the lands previously under the waters of the Hudson River; thence heading southerly through the lands previously under waters of the Hudson River, the following 3 courses:

- 1) on a curve to the left having a Radius of 178.64 feet, and a length of 23.23 feet to a point;
- 2) on a curve to the right having a Radius of 140.32 feet, and a length of 90.80 feet to a point;
- 3) on a curve to the left having a Radius of 142.43 feet, and a length of 49.92 feet to a the point and place of beginning.

CONTAINING 0.208 acres of land, more or less.

Exhibit B
Site Survey

[illegible]

Only 67,000 copies of the book were printed, and the publisher, the American Psychological Association, is not planning to reprint it.

THE TRAILER FOR THE FILM "THE TRAILER" IS NOW ON THE AIR.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 01-15-01 BY 60322 UCBAW

1) Revised WDS letter and signature 9/1/14

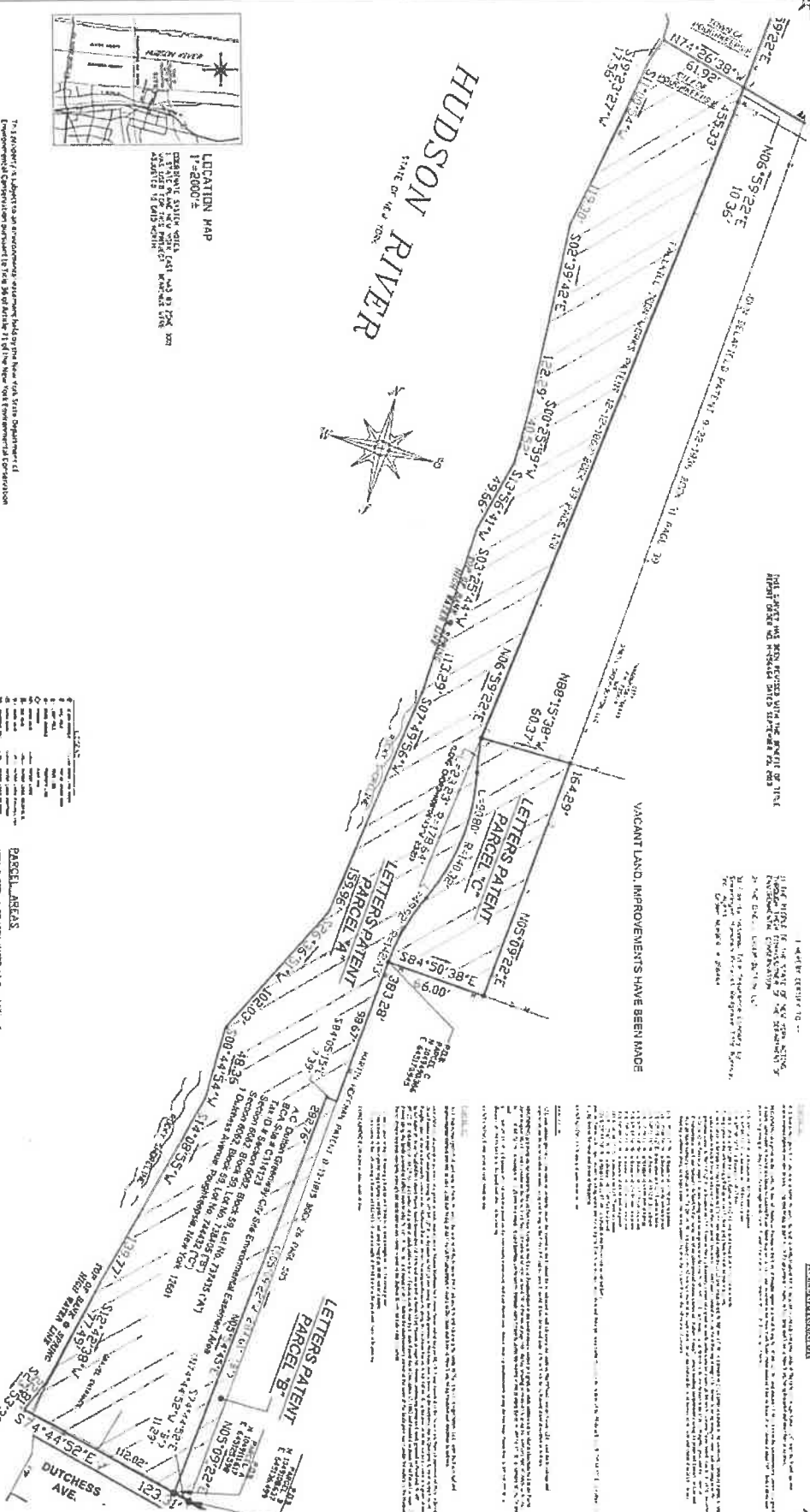
Tax ID: Section 6062, Block 59, Lot No. 737415 ("A")
 Section 6062, Block 59, Lot No. 738405 ("B")
 Section 6062, Block 59, Lot No. 744432 ("C")
 1 Dutchess Avenue, Poughkeepsie, New York 12601

MAY 20. 2018
SUBJECT 1 OF 1

ALTA/DEC EASEMENT TITLE SURVEY
A.C. Dutton Greenway City Site
Environmental Easement Area

BCA Site # C314123

MAY 26, 2018
PAGE 1 OF 1





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/2/2016



SITE DESCRIPTION

SITE NO. C314123

SITE NAME A.C. Dutton Greenway City

SITE ADDRESS: 1 Dutchess Avenue **ZIP CODE:** 12601

CITY/TOWN: Poughkeepsie

COUNTY: Dutchess

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2018

Description of Institutional Control

The O'Neill Group-Dutton, LLC

241 Hudson Street

1 Dutchess Avenue

Environmental Easement

Block: 59

Lot: 737435

Sublot:

Section: 6062

Subsection:

S_B_L Image: 6062-59-737435

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Lot: 738405

Sublot:

Section: 6062
Subsection:
S_B_L Image: 6062-59-738405
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
Soil Management Plan

Lot: 744432
Sublot:
Section: 6062
Subsection:
S_B_L Image: 6062-59-744432
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
Soil Management Plan

Description of Engineering Control

The O'Neill Group-Dutton, LLC

241 Hudson Street

1 Dutchess Avenue

Environmental Easement

Block: 59

Lot: 737435

Sublot:

Section: 6062

Subsection:

S_B_L Image: 6062-59-737435
Cover System

Lot: 738405

Sublot:

Section: 6062

Subsection:

S_B_L Image: 6062-59-738405
Cover System

Lot: 744432

Sublot:

Section: 6062

Subsection:

S_B_L Image: 6062-59-744432
Cover System

Description and Survey
Property to be transferred
C314123

SCHEDULE A DESCRIPTION

PARCEL "A"

ALL that certain parcel of land now or formerly under the waters of the Hudson River, adjacent to and adjoining the lands of The O'Neill Group-Dutton, LLC, with the buildings and improvements thereon erected, situate, lying and being in the City Of Poughkeepsie, County of Dutchess and State of New York, being bounded and described as follows.

BEGINNING at a point on the northerly line of Dutchess Avenue in the City of Poughkeepsie at a point being S. 74° 44' 52" E., and distant 11.29 feet from the southwesterly corner of a grant of lands underwater to Martin Hoffman by Letters Patent dated August 10, 1815 and recorded in the New York State Department of State in Book 26 of Patents at page 505; thence from said point of beginning heading northerly through lands formerly under the waters of the Hudson River, the following 6 courses:

- 1) N. 05° 54' 45" E., a distance of 282.76 feet to a point;
- 2) S. 84° 05' 15" E., a distance of 7.39 feet to a point;
- 3) N. 05° 09' 22" E., a distance of 98.67 feet
- 4) on a curve to the right having a Radius of 142.43 feet, and a length of 49.92 feet to a point;
- 5) on a curve to the left having a Radius of 140.32 feet, and a length of 90.80 feet to a point;
- 6) on a curve to the right having a Radius of 178.64 feet, and a length of 23.23 feet (long chord, N. 08° 06' 43" W., a distance of 23.21 feet) to a point at the southwest corner of a grant of lands under water to Fallkill Iron Works by Letters Patent dated December 12, 1862 and recorded in Book 39 of Patents at page 128; thence heading along the same and not tangent to the previous curve, N. 06° 59' 22" E., a distance of 455.33 feet to the southwesterly corner of a grant of lands underwater to Henry D. Myers by Letters Patent dated March 26, 1870, recorded in Book 42 of Patents at page 1; thence along said lands granted to Myers, N. 06° 59' 22" E., a distance of 10.36 feet to the line between the City of Poughkeepsie and the Town of Poughkeepsie, said line formerly defined by the centerline of an underground stream known as "Kidney Creek"; thence heading northwesterly along the projected Town/City line and through lands formerly underwater, N. 74° 26' 38" W., a distance of 81.21 feet to a point at the low water line of the Hudson River as surveyed in 2008 and updated in 2014; thence heading southerly along said low water line on the easterly bank of the Hudson River, the following 11 courses:

- 1) S. 61° 06' 03" W., a distance of 36.69 feet to a point;
- 2) S. 20° 16' 06" E., a distance of 40.02 feet to a point;
- 3) S. 08° 05' 56" W., a distance of 79.35 feet to a point;
- 4) S. 00° 45' 01" W., a distance of 46.73 feet to a point;
- 5) S. 09° 16' 43" E., a distance of 72.20 feet to a point;
- 6) S. 03° 58' 41" W., a distance of 99.64 feet to a point;
- 7) S. 10° 05' 05" W., a distance of 59.05 feet to a point;
- 8) S. 02° 10' 56" E., a distance of 60.51 feet to a point;
- 9) S. 09° 03' 51" W., a distance of 150.54 feet to a point;
- 10) S. 35° 58' 27" W., a distance of 51.00 feet to a point;
- 11) S. 12° 54' 26" W., a distance of 338.71 feet to a point at the projection of the northerly

line of Dutchess Avenue; thence heading southeasterly along the Dutchess Avenue projection and through lands formerly under the waters of the Hudson River, S. 74° 44' 52" E., a distance of 123.09 feet to the point and place of beginning.

Appendix C:

Site Inspection Forms and Photo Log

**INSPECTION CHECKLIST
AC DUTTON GREENWAY CITY SITE
POUGHKEEPSIE, NEW YORK
NYSDEC BCP No. C314123**

SESI CONSULTING ENGINEERS

Inspection Date: 03.21.2024

COMPOSITE COVER SYSTEM

- Is the integrity of the cover system in tact? Yes X No
- Do the maintenance records indicate any invasive subsurface work has been completed after the last inspection? Yes No X
- Has any soil been removed or imported from the Site since the last inspection? Yes No X
- If soil has been disposed off-Site or imported, has this been completed in accordance with the NYSDEC approved Soil Management Plan for the Site? Yes No X
- If subsurface invasive work was undertaken, has the demarcation geotextile and the "clean soil cover" been restored? Yes No
- Did a Professional Engineer or a qualified environmental professional (approved by the NYSDEC) oversee the above work? Yes X No
- Was NYSDEC notified of disturbances to the "Clean Soil Cover" ? Yes No
- List of all reported disturbances since last inspection:

NONE



Photo 1: General site photo along Hudson River, facing south



Photo 2: View of where property line meets the Hudson River, facing south



Photo 3: View of the landscaping and cap, facing South



Photo 4: View of the landscaping and soil cap in the middle of the site, facing east



Photo 5: View of the landscaping and cap in the southern portion of the site, facing south



Photo 6: Photograph of the asphalt walkway along the Hudson River, facing southwest



Photo 7: General site photo from the southern tip of the site, facing north

Appendix D:
NYSDEC -IC & EC Certification Form



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site No. **C314123** **Site Details** **Box 1**

Site Name A.C. Dutton Greenway City

Site Address: 1 Dutchess Avenue Zip Code: 12601
City/Town: Poughkeepsie
County: Dutchess
Site Acreage: 1.844

Reporting Period: April 01, 2023 to April 01, 2024

- | | YES | NO |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| 1. Is the information above correct? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If NO, include handwritten above or on a separate sheet. | | |
| 2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form. | | |
| 5. Is the site currently undergoing development? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- | | Box 2 | |
|---------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| | YES | NO |
| 6. Is the current site use consistent with the use(s) listed below?
Restricted-Residential, Commercial, and Industrial | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Are all ICs in place and functioning as designed? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

		Box 2A	
		YES	NO
8.	Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.			
9.	Are the assumptions in the Qualitative Exposure Assessment still valid? (The Qualitative Exposure Assessment must be certified every five years)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.			

SITE NO. C314123	Box 3
Description of Institutional Controls	

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
6062-59-737435	The O'Neill Group-Dutton, LLC	Ground Water Use Restriction Soil Management Plan Landuse Restriction Monitoring Plan Site Management Plan IC/EC Plan
<p>The property may be used for Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv);</p> <p>The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Dutchess County Department of Health to render it safe for use as drinking water or for industrial purpose, and the user must first notify and obtain written approval to do so from the Department;</p> <p>Monitoring must be performed as defined in the SMP;</p> <p>All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;</p>		
6062-59-738405	The O'Neill Group-Dutton, LLC	Ground Water Use Restriction Soil Management Plan Landuse Restriction Monitoring Plan Site Management Plan IC/EC Plan
<p>The property may be used for Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv);</p> <p>The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Dutchess County Department of Health to render it safe for use as drinking water or for industrial purpose, and the user must first notify and obtain written approval to do so from the Department;</p> <p>Monitoring must be performed as defined in the SMP;</p> <p>All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;</p>		
6062-59-744432	The O'Neill Group-Dutton, LLC	Ground Water Use Restriction Soil Management Plan Landuse Restriction Monitoring Plan Site Management Plan IC/EC Plan
<p>The property may be used for Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv);</p> <p>The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Dutchess County Department of Health to render it safe for use as drinking water or for industrial purpose, and the user must first notify and obtain written approval to do so from the Department;</p> <p>Monitoring must be performed as defined in the SMP;</p> <p>All future activities on the property that will disturb remaining contaminated material must be conducted in</p>		

Description of Engineering Controls

Parcel

Engineering Control

6062-59-737435

Cover System

Exposure to remaining contamination at the site is prevented by a cover system placed over the site. The cover system is comprised of a minimum of two feet of clean soil. The cover system will include an asphalt trail and small concrete slabs when the site is fully developed.

Rip-rap has also been placed along the embankment of the Hudson River.

6062-59-738405

Cover System

Exposure to remaining contamination at the site is prevented by a cover system placed over the site. The cover system is comprised of a minimum of two feet of clean soil. The cover system will include an asphalt trail and small concrete slabs when the site is fully developed.

Rip-rap has also been placed along the embankment of the Hudson River.

6062-59-744432

Cover System

Exposure to remaining contamination at the site is prevented by a cover system placed over the site. The cover system is comprised of a minimum of two feet of clean soil. The cover system will include an asphalt trail and small concrete slabs when the site is fully developed.

Rip-rap has also been placed along the embankment of the Hudson River.

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

- a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;
- b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☒ ☐

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

- (a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;
- (b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;
- (c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;
- (d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and
- (e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

☒ ☐

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. C314123


Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Paula O'Neill at 241 Hudson St Hackensack NJ
print name print business address 07601
am certifying as Owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.


Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

4/29/24
Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Steven Gustems at 959 Route 46, Parsippany, NY 07054,
print name print business address

am certifying as a Qualified Environmental Professional for the Owner
(Owner or Remedial Party)



5/10/2024

Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification

Stamp
(Required for PE)

Date