

# 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](http://www.dec.ny.gov)

December 22, 2021

Kenneth Kearney  
The Kearney Realty & Development Group Inc.  
Crannell Square Limited Partnership  
57 Route 6, Suite 207  
Baldwin Place, NY 10505  
[kkearney@kearneyrealtygroup.com](mailto:kkearney@kearneyrealtygroup.com)

Christa Hines  
c/o Hudson River Housing, Inc.  
Crannell Square Housing Development Fund Company, Inc.  
313 Mill Street  
Poughkeepsie, NY 12601  
[chines@hudsonriverhousing.org](mailto:chines@hudsonriverhousing.org)

Re: Certificate of Completion  
**Site:** Crannell Square  
**Site No:** C314130  
**Location:** City of Poughkeepsie, Dutchess County

Dear Kenneth and Christa:

Congratulations on having satisfactorily completed the remedial program at the Crannell Square 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 the Notice of Certificate of Completion 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 the Notice within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the Notice is recorded within the time

frame specified. A standard Notice of Certificate of Completion form is attached to this letter.

- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

Michael Kilmer, Region 3  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
21 S. Putt Corners Rd.  
New Paltz, NY 12561

- Provide the Notice of Certificate of Completion 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.

If you have any questions regarding any of these items, please contact Michael Kilmer at 845-633-5463.

Sincerely,

*Susan Edwards*

Susan L. Edwards, P.E.  
Acting Director  
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

K. Kearney, The Kearney Realty & Development Group Inc., Crannell Square  
Limited Partnership (k Kearney@kearneyrealtygroup.com)  
C. Hines, Crannell Square Housing Development Fund Company, Inc.  
(chines@hudsonriverhousing.org)  
S. Spitzer, GBTS (scott\_spitzer@gbtpa.com)  
R. Hooker, GBTS (richard\_hooker@gbtpa.com)  
L. Schnapf, Schnapf Law (larry@schnapflaw.com)  
M. Sergott, NYSDOH (mark.sergott@Health.ny.gov)  
M. Schuck, NYSDOH (maureen.schuck@health.ny.gov)  
C. Vooris, NYSDOH (christine.vooris@health.ny.gov)  
M. Gokey, (matthew.gokey@tax.ny.gov)  
P. Takac, (paul.takac@tax.ny.gov)

ec w/o enc.:

M. Kilmer, DEC (michael.kilmer@dec.ny.gov)  
D. Bendell, DEC (daniel.bendell@dec.ny.gov)  
W. Bennett, DEC (wiliam.bennett@dec.ny.gov)  
J. Brown, DEC (janet.brown@dec.ny.gov)  
E. Chae, DEC (elisa.chae@dec.ny.gov)  
K. Lewandowski, DEC (kelly.lewandowski@dec.ny.gov)

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

The Kearney Realty & Development Group Inc.  
Crannell Square Limited Partnership  
Crannell Square Housing Development Fund Company, Inc.

**Address**

57 Route 6 Suite 207, Baldwin Place, NY 10505  
57 Route 6, Suite 207, Baldwin Place, NY 10505  
c/o Hudson River Housing, Inc., 313 Mill Street,  
Poughkeepsie, NY 12601

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 10/11/19 **Agreement Execution:** 10/21/19

**Agreement Index No.:** C314130-10-19

**Application Approval Amendment:** 8/24/20

**Agreement Execution Amendment:** 8/24/20

**Application Approval Amendment:** 3/23/21

**Agreement Execution Amendment:** 3/23/21

**SITE INFORMATION:**

**Site No.:** C314130 **Site Name:** Crannell Square

**Site Owner:** Crannell Square Housing Development Fund Company, Inc.  
Crannell Square Limited Partnership

**Street Address:** 35 Catharine Street

**Municipality:** Poughkeepsie **County:** Dutchess

**DEC Region:** 3

**Site Size:** 1.109 Acres

**Tax Map Identification Number(s):** 6162-78-157094 (portion of)

**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:** Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial

**Cleanup Track:** Track 1: Unrestricted use

**Tax Credit Provisions:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50 %.

Tangible Property Credit is 20%. Comprised of 10% Base, 5% EnZone, 5% Track 1.

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24 %.

No Environmental Easement has been granted pursuant to ECL Article 71, Title 36 as there are no use restrictions and there is no reliance on the long-term employment of institutional controls.

### **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.

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: Susan Edwards Date: 12/22/2021

Susan L. Edwards P.E., Acting Director  
Division of Environmental Remediation

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

Crannell Square, Site ID No. C314130  
Site Address: 35 Catharine Street, Poughkeepsie, NY 12601  
City of Poughkeepsie, Dutchess County, Tax Map Identification Number 6162-78-157094 (portion of)

**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 The Kearney Realty & Development Group Inc., Crannell Square Limited Partnership, and Crannell Square Housing Development Fund Company, Inc., for a partial parcel totaling approximately 1.109 acres located at 35 Catharine Street in the City of Poughkeepsie, Dutchess County.

**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.

**PLEASE TAKE NOTICE**, provided that the Certificate is 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 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**, 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**, a copy of the Certificate can be reviewed at the NYSDEC's Region 3 Office located at 21 S Putt Corners Rd, New Paltz, NY 12561, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C314130/>.

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

***Crannell Square, Site ID No. C314130, 35 Catharine Street, Poughkeepsie, NY 12601***

Crannell Square Housing Development Fund Company, Inc.

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:**

The Kearney Realty & Development Group Inc.  
57 Route 6, Suite 207  
Baldwin Place, NY 10505

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

Crannell Square Limited Partnership

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:**

The Kearney Realty & Development Group Inc.  
57 Route 6, Suite 207  
Baldwin Place, NY 10505



**Exhibit A**  
**Site Description**

---

## **SCHEDULE "A"**

### **LEGAL DESCRIPTION**

ALL that parcel of land situate in City of Poughkeepsie, County of Dutchess and State of New York being more particularly bounded and described as follows:

BEGINNING at a point at a masonry nail set in concrete walk at the intersection of easterly line of Catharine Street and northerly line of Eighmie Terrace; thence running northerly along the easterly line of Catharine Street, North  $24^{\circ} 42' 18''$  East 198.39 feet to a spike set; thence running northeasterly along the New York State Department of Transportation taking line per Map No. 271, Parcel No. 271, North  $71^{\circ} 48' 49''$  East 14.99 feet to a concrete monument found at the southerly line of U.S. Route 44/55 (A.K.A. Mill Street); thence running southerly line of U.S. Rt. 44/55, South  $63^{\circ} 40' 56''$  East 220.24 feet to a rebar set at the westerly line of Crannel Street; thence running southerly along the westerly line of Crannel Street, South  $21^{\circ} 14' 01''$  West 199.31 feet to a mag nail set at the northerly line of Eighmie Terrace; thence running westerly along the northerly line of Eighmie Terrace, North  $66^{\circ} 06' 28''$  West 243.23 feet to a point of place of BEGINNING.

Containing 1.109 acres of land, more or less.

**Exhibit B**

**Site Survey**





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
11/10/2021



**SITE DESCRIPTION**

**SITE NO.** C314130

**SITE NAME** Crannell Square

**SITE ADDRESS:** 35 Catharine Street **ZIP CODE:** 12601

**CITY/TOWN:** Poughkeepsie

**COUNTY:** Dutchess

**ALLOWABLE USE:** Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial

**SITE MANAGEMENT DESCRIPTION**

**SITE MANAGEMENT PLAN INCLUDES:** YES NO

IC/EC Certification Plan	X
Monitoring Plan	X
Operation and Maintenance (O&M) Plan	X

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date:

**Description of Institutional Control**

**Description of Engineering Control**