

# 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)

DEC 21 2015

Mr. Steven M. Levy  
Newton Associates, LLC  
551 Fifth Avenue, Suite 200  
New York, NY 10176

Re: Certificate of Completion  
Site Name: New City Plaza f/k/a Newton Place Shopping Center  
Site No. C344065  
New City, Town of Clarkstown, Rockland County

Dear Mr. Levy:

Congratulations on having satisfactorily completed the remedial program at the New City Plaza Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (DEC) 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 DEC'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

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. DEC 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;

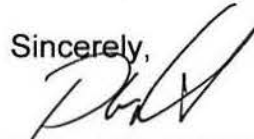


Department of  
Environmental  
Conservation

- Implement the DEC-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 DEC 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 DEC in April 2017.

If you have any questions regarding any of these items, please contact Kiera Thompson, Project Manager, at 518-402-9662.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

#### Enclosures

ec: Bryan Zieroff, AKRF Engineering, Inc.  
Marc Godick, AKRF Engineering, Inc.  
David Freeman, Esq. Gibbons Law  
Krista Anders, DOH  
Renata Ockerby, DOH  
Michael Ryan, DEC  
George Heitzman, DEC  
David Crosby, DEC  
Kiera Thompson, DEC  
Edward Moore, DEC  
Andrew Guglielmi, DEC  
Dolores Tuohy, DEC



NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

NEWTON ASSOCIATES, LLC

**Address**

551 FIFTH AVENUE, New York, NY 10176

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 8/17/06   **Agreement Execution:** 10/20/06   **Agreement Index No.:** A3-0561-0806

**Application Approval Amendment:** none

**Agreement Execution Amendment:** none

**SITE INFORMATION:**

**Site No.:** C344065   **Site Name:** New City Plaza f/k/a Newton Place Shopping Center

**Site Owner:** NEWTON ASSOCIATES, LLC, C/O KAMBER MGT. CO. LLC

**Street Address:** 44 North Main Street

**Municipality:** New City   **County:** Rockland   **DEC Region:** 3

**Site Size:** 1.1387 Acres

**Tax Map Identification Number(s):** 43.15-1-22

**Percentage of site located in an EnZone:** 0 - 49 %

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:** 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 12 %.

Tangible Property Credit Component Rate is 12 %.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 10 %.

Tangible Property Credit Component Rate is 10 %.



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 Rockland County as 2015-00032455.

#### **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 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  
Acting Commissioner  
New York State Department of Environmental Conservation

By:

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

Date: December 21, 2015

## **NOTICE OF CERTIFICATE OF COMPLETION**

### **Brownfield Cleanup Program**

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

**New City Plaza f/k/a Newton Place Shopping Plaza, Site ID No. C344065**

**44 North Main Street, New City, 10956**

**Town of Clarkstown, Rockland County, Tax Map Identification Number: 43.15-1-22**

**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 Newton Associates, LLC for a parcel approximately 1.1387 acres located at 44 North Main Street in the Hamlet of New City, Town of Clarkstown, Rockland 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.

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 Rockland County as County Recording Identifier of 2015-00032455.

**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 limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.



**New City Plaza f/k/a Newton Place Shopping Plaza, Site ID No. C344065  
44 North Main Street, New City, 10956**

**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 DEC's Region 3 located at 21 S Putt Corners Road, New Paltz, NY 12561, by contacting the Regional Environmental Remediation Engineer.

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

By: Newton Associates, LLC

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

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

STATE OF NEW YORK     )  
COUNTY OF                )

SS:  
)

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:**  
Newton Associates, LLC  
C/O Steven M. Levy  
551 Fifth Avenue, Suite 200  
New York, NY 10176



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/14/2015



SITE DESCRIPTION

SITE NO. C344065

SITE NAME New City Plaza f/k/a Newton Place Shopping Center

SITE ADDRESS: 44 North Main Street ZIP CODE: 10956

CITY/TOWN: New City

COUNTY: Rockland

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan



Monitoring Plan



Operation and Maintenance (O&M) Plan



Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2017

Description of Institutional Control

Newton Associates, LLC

551 Fifth Avenue, Suite 200

44 North Main Street

Environmental Easement

Block: 1

Lot: 22

Sublot:

Section: 43

Subsection: 15

S\_B\_L Image: 43.15-1-22

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

**Description of Engineering Control**

**Newton Associates, LLC**

551 Fifth Avenue, Suite 200

**44 North Main Street**

Environmental Easement

Block: 1

Lot: 22

Sublot:

Section: 43

Subsection: 15

S\_B\_L Image: 43.15-1-22

Cover System

Vapor Mitigation



## EXHIBIT A: Metes and Bounds

**SCHEDULE "A" PROPERTY DESCRIPTION**

All that certain lot, piece or parcel of land, situated in the Town of Clarkstown, County of Rockland and State of New York, being an Environmental Easement on property known as 44 North Main Street. Said Easement more particularly bounded and described as follows:

Beginning at a stone monument on the easterly boundary of Main Street, County Highway Route 29 distant 393.33 feet northerly from the northerly side of Congers Road;

Thence in a easterly direction along lands now or formerly of Leemilt's Petroleum, South 74° 56' 45" East a distance of 95.93 feet. Thence in a southeasterly direction through lands now or formerly of Newton Associates, LLC, South 48° 39' 41" East a distance of 273.74 feet, to the northeast corner of lands now or formerly of Ramnauth; thence in a westerly direction along lands now or formerly of Ramnauth; North 71° 43' 25" West a distance of 83.67 feet, to the northwest corner of lands now or formerly of Ramnauth. Thence continuing along lands now or formerly of Ramnauth, in a southerly direction, South 19° 16' 35" West a distance of 100.31 feet point on the easterly side of West Evergreen Road and lands now or formerly of Newton Associates, LLC. Thence continuing westerly through lands now or formerly of Newton Associates, LLC, North 73° 56' 21" West a distance of 252.60 to the easterly side of Main Street. Thence generally in a northerly direction along the easterly line of Main Street, North 15° 58' 53" East a distance of 30.15 feet, South 74° 01' 08" East a distance of 5.98 feet, North 15° 58' 52" East a distance of 52.49 feet, North 15° 05' 54" East a distance of 34.78 feet, North 74° 54' 11" West a distance of 5.19 feet, and North 15° 05' 52" East a distance of 94.80 feet to the point or place of beginning containing 1.1387 Acres, more or less.

## EXHIBIT B: Site Survey





SHEET 2 OF 2  
 DWG. NO. 74-111-1  
 SCALE 1" = 20'  
 DATE AUGUST 10, 1977  
 E-1