

# 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)

November 25, 2020

Edward Hesselbacher  
JP Morgan Chase, National Association  
65 Third Avenue  
Orangeburg, NY 10962  
[ed.hesselbacher@jpmchase.com](mailto:ed.hesselbacher@jpmchase.com)

Re: Certificate of Completion  
Site No. C344080 - RPC – Core Area  
Town of Orangetown, Rockland County

Dear Mr. Hesselbacher,

Congratulations on having satisfactorily completed the remedial program at the RPC – Core Area 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:

William Bennett, Remedial Bureau C  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7014



Department of  
Environmental  
Conservation

- 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;
- 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 March 2022.

If you have any questions regarding any of these items, please contact William Bennett at (518) 402-9659.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Ed Hesselbacher, JPMorgan Chase (ed.hesselbacher@jpmchase.com)  
 J. Kevin Healy, Bryan Cave (jkhealy@bclplaw.com)  
 David Winslow, GZA (david.winsow@gza.com)  
 Christine Vooris, NYSDOH (christine.vooris@health.ny.gov)  
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ec w/o enc.:

William Bennett (william.bennett@dec.ny.gov)  
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NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

JPMorgan Chase Bank, National Association

**Address**

65 Third Avenue, Orangeburg, NY 10962

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 7/20/17    **Agreement Execution:** 7/28/17

**Agreement Index No.:** C344080-07-17

**Application Approval Amendment:** 1/23/18

**Agreement Execution Amendment:** 1/23/18

**Application Approval Amendment:** 10/22/20

**Agreement Execution Amendment:** 10/22/20

**SITE INFORMATION:**

**Site No.:** C344080    **Site Name:** RPC - Core Area

**Site Owner:** JPMorgan Chase Bank, National Association

**Street Address:** 65, 67, 69 & 75 Third Avenue

**Municipality:** Orangetown    **County:** Rockland

**DEC Region:** 3

**Site Size:** 60.961 Acres

**Tax Map Identification Number(s):** 73.08-1-1

**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:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25%.

Tangible Property Credit is 10%. Comprised of 10% Base.

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 %.

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 Instrument No. 2020-00023348.

#### **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:  Date: 11/25/20

Michael J. Ryan, P.E., Director  
Division of Environmental Remediation

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

RPC – Core Area Site, Site ID No. C344080  
65, 67, 69 & 75 Third Avenue, Orangetown, NY 10962  
Town of Orangetown, Rockland County, Tax Map Identification Number: 73.08-1-1

**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 JPMorgan Chase Bank, National Association for a parcel approximately 60.961 acres located at 65, 67, 69 & 75 Third Avenue in the Town of Orangetown, 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 Instrument No. 2020-00023348.

**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

***RPC – Core Area Site, Site ID No. C344080, 65, 67, 69 & 75 Third Avenue, Orangetown, NY 10962***

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

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

**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 Department's Region 3 office located at 21 S Putt Corners Rd, New Paltz, NY 12561, by contacting the Regional Environmental Remediation Engineer and online at <https://www.dec.ny.gov/data/DecDocs/C344080/>

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

JPMorgan Chase Bank, National Association

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

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

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

STATE OF NEW YORK        ) SS:  
COUNTY OF ROCKLAND    )

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:**

JPMorgan Chase Bank, National Association  
65 Third Avenue  
Orangeburg, NY 10962

## **Exhibit A**

### **Site Description**

**SCHEDULE "A" PROPERTY DESCRIPTION**

**LEGAL DESCRIPTION AND ENVIRONMENTAL EASEMENT DESCRIPTION OF  
PROPERTY OWNED BY JPMORGAN CHASE BANK, NATIONAL ASSOCIATION  
ON CONVENT ROAD IN THE TOWN OF ORANGETOWN, NY**

**ALL THAT CERTAIN** tract or parcel of land located on Convent Road (AKA County Route 26), 50' wide Right of Way, situate in the Town of Orangetown, the County of Rockland, and State of New York, bounded and described as follows:

**COMMENCING** at a point in the Southerly Right-of-Way line of Convent Road (50' wide Right-of-Way), where the same is intersected by the Easterly line of Block 1 Lot 3 and from said beginning point and in the same bearing system running; thence, coincident with the aforesaid Southerly line of Convent Road,

1. Along a bearing of North 88 Degrees 49 Minutes 54 Seconds East a distance of 330.80 feet to a point;
2. Thence along a bearing of South 89 Degrees 44 Minutes 51 Seconds East a distance of 598.89 feet to a point;
3. Thence along a bearing of South 02 Degrees 06 Minutes 23 Seconds East a distance of 1115.47 feet to a point;
4. Thence along a bearing of South 00 Degrees 31 Minutes 53 Seconds East a distance of 320.70 feet to a point;
5. Thence along a bearing of South 89 Degrees 28 Minutes 07 Seconds West a distance of 99.13 feet to a point;
6. Thence along a non-tangential curve to the left with a radius of 40.35 feet, Southerly, an arc length of 51.83 feet, (said curve having a chord bearing and distance of South 37 Degrees 19 Minutes 40 Seconds East, 48.34 feet) to a point;
7. Thence along a reverse curve to the right with a radius of 45.00 feet, Southerly, an arc length of 48.76 feet, (said curve having a chord bearing and distance of South 43 Degrees 05 Minutes 04 Seconds East, 46.41 feet) to a point;
8. Thence along a compound curve to the right with a radius of 220.61 feet, Southerly, an arc length of 107.16 feet, (said curve having a chord bearing and distance of South 01 Degrees 52 Minutes 24 Seconds West, 106.11 feet) to a point;
9. Thence along a bearing of South 15 Degrees 47 Minutes 20 Seconds West a distance of 167.48 feet to a point
10. Thence along a curve to the left with a radius of 441.01 feet, Southerly, an arc length of 166.13 feet, (said curve having a chord bearing and distance of South 04 Degrees 59 Minutes 42 Seconds West, 165.15 feet) to a point;



11. Thence along a bearing of North 88 Degrees 55 Minutes 30 Seconds West a distance of 91.94 feet to a point;
12. Thence along a bearing of South 00 Degrees 29 Minutes 33 Seconds East a distance of 390.06 feet to a point;
13. Thence along a bearing of South 89 Degrees 34 Minutes 53 Seconds West a distance of 733.72 feet to a point;
14. Thence along a bearing of North 01 Degrees 21 Minutes 50 Seconds West a distance of 30.82 feet to a point;
15. Thence along a bearing of North 77 Degrees 11 Minutes 05 Seconds West a distance of 81.21 feet to a point;
16. Thence along a bearing of North 89 Degrees 58 Minutes 48 Seconds West a distance of 173.11 feet to a point;
17. Thence along a bearing of North 18 Degrees 51 Minutes 35 Seconds West a distance of 162.68 feet to a point;
18. Thence along a bearing of South 76 Degrees 33 Minutes 00 Seconds West a distance of 24.31 feet to a point;
19. Thence along a bearing of North 00 Degrees 32 Minutes 43 Seconds West a distance of 425.04 feet to a point;
20. Thence along a curve to the right with a radius of 1055.63 feet, Northerly, an arc length of 117.91 feet, (said curve having a chord bearing and distance of North 02 Degrees 39 Minutes 17 Seconds East, 117.85 feet) to a point;
21. Thence along a compound curve to the right with a radius of 168.00 feet, Northerly, an arc length of 78.76 feet, (said curve having a chord bearing and distance of North 19 Degrees 17 Minutes 06 Seconds East, 78.04 feet) to a point;
22. Thence along a reverse curve to the left with a radius of 101.52 feet, Northerly, an arc length of 58.81 feet, (said curve having a chord bearing and distance of North 16 Degrees 07 Minutes 08 Seconds East, 57.99 feet) to a point;
23. Thence along a bearing of North 00 Degrees 28 Minutes 38 Seconds West a distance of 1259.56 feet to a point;
24. Thence along a bearing of North 89 Degrees 31 Minutes 22 Seconds East a distance of 248.34 feet to a point;
25. Thence along a bearing of North 00 Degrees 28 Minutes 38 Seconds West a distance of 199.09 feet to the Point and Place of BEGINNING

Said above described tract or parcel of land, containing within said described bounds 2,655,443+/- square feet, 60.961+/- acres of land (more or less).

## **Exhibit B**

### **Site Survey**





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
11/2/2020



SITE DESCRIPTION

SITE NO. C344080

SITE NAME RPC - Core Area

SITE ADDRESS: 65, 67, 69 & 75 Third Avenue ZIP CODE: 10962

CITY/TOWN: Orangetown

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: 03/16/2022

Description of Institutional Control

JPMorgan Chase Bank, National Association

65 Third Avenue

65, 67, 69 & 75 Third Avenue

Environmental Easement

Block: 1

Lot: 1

Sublot:

Section: 73

Subsection: 08

S\_B\_L Image: 73.08-1-1

Ground Water Use Restriction

IC/EC Plan

Land Use Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

## Description of Engineering Control

**JPMorgan Chase Bank, National Association**

65 Third Avenue

**65, 67, 69 & 75 Third Avenue**

Environmental Easement

Block: 1

Lot: 1

Sublot:

Section: 73

Subsection: 08

S\_B\_L Image: 73.08-1-1

Cover System