

New York State Department of Environmental Conservation

Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

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

Website: www.dec.ny.gov

DEC 23 2014



Joe Martens
Commissioner

One Holland Avenue Development, LLC
Karen Puckett
11280 Cornell Park Drive
Cincinnati, OH 45242

1 Holland LLC
Thomas Attonito
1 Holland Avenue
White Plains, NY 10603

Re: Certificate of Completion
Site Name: 1-5 Holland Avenue
Site No. C360115
City of White Plains, Westchester County

Dear Ms. Puckett and Mr. Attonito:

Congratulations on having satisfactorily completed the remedial program at the 1-5 Holland Avenue site. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (DEC) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above-referenced site.

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

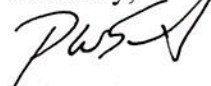
- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. 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;
- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC;
- 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 the Department in March of 2016; and

- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

DEC will prepare and distribute to the Site Contact List a fact sheet describing the institutional and engineering controls that are required at the site.

If you have any questions regarding any of these items, please contact the project manager for this site, Ms. Kiera Thompson at (518) 402-9662.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures

cc : M. Randazzo (mark.randazzo@obg.com)
G. Swenson (guy.swenson@obg.com)
N. Frink (neal.frink@frinklawn.com)
Krista Anders, DOH
Stephanie Selmer, DOH
Maureen Schuck, DOH
Michael Ryan, DEC
George Heitzman, DEC
David Crosby, DEC
Kiera Thompson, DEC
Edward Moore, DEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

1 Holland LLC
One Holland Avenue Development LLC

Address

1 Holland Avenue, White Plains, NY 10603
11280 Cornell Park Drive, Cincinnati, OH 45242

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 10/13/10 **Agreement Execution:** 12/1/10 **Agreement Index No.:** C360115-11-10

Application Approval Amendment: 8/15/14 **Agreement Execution Amendment:** 8/15/14

SITE INFORMATION:

Site No.: C360115 **Site Name:** 1-5 Holland Avenue

Site Owner: 1 Holland LLC

Street Address: 1-5 Holland Avenue

Municipality: White Plains **County:** Westchester **DEC Region:** 3

Site Size: 0.722 Acres

Tax Map Identification Number(s): 125.07-1-1

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

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

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 25 %.

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 Westchester County as 542943402.

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

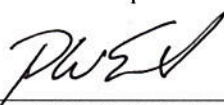
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (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.

Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation

By:


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

Date: DECEMBER 23, 2014

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

1-5 Holland Avenue Site ID No. C360115

1-5 Holland Avenue, White Plains, NY 10603

City of White Plains, Westchester County Tax Map Identification Number(s) 125.07-1-1

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 1 Holland LLC for a parcel approximately 0.72 acres located at the 1-5 Holland Avenue in the City of White Plains, Westchester 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):

- ☐ 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 Westchester County as Control Number 542943402.

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.

1-5 Holland Ave, C360115, 1-5 Holland Ave., White Plains, Westchester Co.

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 be 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

1 Holland 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:

1 Holland LLC
C/O Thomas Attonito
1 Holland Avenue
White Plains, NY 10603



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/8/2014



SITE DESCRIPTION

SITE NO. C360115

SITE NAME 1-5 Holland Avenue

SITE ADDRESS: 1-5 Holland Avenue ZIP CODE: 10603

CITY/TOWN: White Plains

COUNTY: Westchester

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: 03/30/2016		

Description of Institutional Control

1 Holland LLC
1 Holland Avenue
1-5 Holland Avenue
Environmental Easement
Block: 1
Lot: 1
Sublot:
Section: 125
Subsection: 07
S_B_L Image: 125.07-1-1
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
O&M Plan
Site Management Plan
Soil Management Plan

Description of Engineering Control

1 Holland LLC

1 Holland Avenue

1-5 Holland Avenue

Environmental Easement

Block: 1

Lot: 1

Sublot:

Section: 125

Subsection: 07

S_B_L Image: 125.07-1-1

Cover System

Vapor Mitigation

EXHIBIT A: Legal Description
Environmental Easement Area
1-5 Holland Avenue
BCP Site #C360115

PARCEL I

ALL those certain lots, pieces or parcels of land, situate, lying and being in the City of White Plains, County of Westchester and State of New York, known and designated as Lot Numbers 1, 2, 3, 4 and 13 in Block 3, on a certain map entitled, "Map of North White Plains, the Terminal City, situated in the Town and Village of White Plains and the Town of North Castle, in the County of Westchester and State of New York, surveyed for New York Suburbs Co." made by Lewis T. Haney, Civil Engineer and City Surveyor, 1907 and filed in the County Clerk's Office, Division of Land Records, formerly Register's Office of Westchester County, September 23, 1907 as Map Number 1749 and bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of Holland Avenue and the easterly side of lands of the New York Central Railroad;

RUNNING THENCE along the southerly side of Holland Avenue, north 88 degrees 12 minutes 40 seconds east 140 feet to a point on the westerly side of Lot No. 5;

RUNNING THENCE along the same, south 1 degrees 47 minutes 20 seconds east 150.65 feet to a point;

RUNNING THENCE south 87 degrees 58 minutes west 76.28 feet and south 88 degrees 14 minutes 00 seconds west 135.27 feet to the easterly side of land of New York Central Railroad;

RUNNING THENCE along the same, north 23 degrees 34 minutes 54 seconds east 167 feet to the point of BEGINNING.

Comprising 0.6089 acres.

PARCEL II

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of White Plains, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at the southeasterly corner of the premises described and designated as Parcel No 1 in deed from Margaretta S. Clark to the New York Central and Hudson River Railroad Company, dated April 9, 1901 recorded in the Office of the Clerk of said County of Westchester, now Division of Land Records in Liber 1577 of deeds at page 216; and

RUNNING THENCE westerly along the southerly line of said Parcel No. 1 described in deed dated and recorded as aforesaid south 88 degrees 10 minutes 50 seconds west 33.08 feet to the southwesterly corner thereof, said corner being distant southeasterly 41.25 feet measured at right angles from the original center line of the New York and Harlem Railroad, said center line being marked by stone monument set in the ground;

THENCE north 22 degrees 55 minutes 50 seconds east 90 feet, to a point opposite Chaining Station 125 plus 057.30 in said monumented center line;

THENCE north 29 degrees 09 minutes 05 seconds east 91.39 feet to a point distant southeasterly 51.15 feet measured at right angles from said monumented center line at chaining station 125 plus 148.12 feet therein;
THENCE south 67 degrees 06 minutes 12 seconds east 22.25 feet to a point in the southeasterly line of Parcel No. 1 in deed dated and recorded aforesaid where the same is intersected by the southerly line of Holland Avenue;

THENCE southwesterly along said southeasterly line of said Parcel No. 1 in deed dated and recorded aforesaid south 23 degrees 34 minutes 54 seconds west 167 feet to the point or place of BEGINNING.

Comprising 0.1132 acres

EXHIBIT B

ARISTOTLE BOURNAZOS, P.C.
LAND SURVEYORS - PLANNERS
 20 CEDAR STREET
 NEW ROCHELLE
 NEW YORK
 (914) 931-0100



SURVEY

TAX LOT 1, BLOCK 1, SECTION 125.07 AS SHOWN ON THE
 TAX ASSESSMENT MAPS OF THE CITY OF WHITE PLAINS,
 WESTCHESTER COUNTY, NEW YORK.

(Property was known as Lots 1, 2, 3, 4 & 12, Block 2 as shown on
 the 1927 map of the City of White Plains, New York, and filed in the
 Westchester County Clerk's Office of Westchester County, September 23, 1927
 as Map No. 1746, together with a portion of said adjacent to the west.)

SURVEY COMPLETED - June 30, 2008
 MAP DRAWN - July 8, 2009
 REVISED - July 15, 2014
 SURVEY UPDATED - MAY 27, 2014

1. Ready, ready the survey to:
 a. Aristotile Bournazos, L.L.C., N.Y.S. L.C. No. 10853
 b. Richard LLC

2. Ready, ready the survey to:
 a. Aristotile Bournazos, L.L.C., N.Y.S. L.C. No. 10853
 b. Richard LLC

3. Ready, ready the survey to:
 a. Aristotile Bournazos, L.L.C., N.Y.S. L.C. No. 10853
 b. Richard LLC

4. Ready, ready the survey to:
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15. Ready, ready the survey to:
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19. Ready, ready the survey to:
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20. Ready, ready the survey to:
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21. Ready, ready the survey to:
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22. Ready, ready the survey to:
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23. Ready, ready the survey to:
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 b. Richard LLC

24. Ready, ready the survey to:
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25. Ready, ready the survey to:
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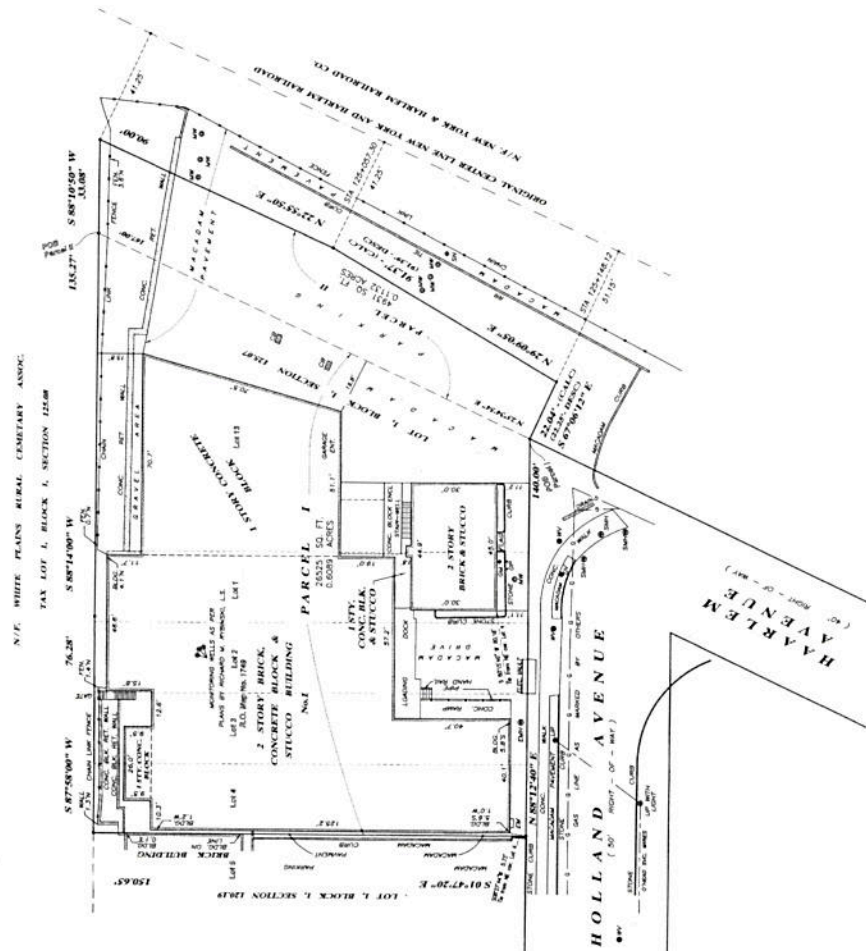
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35. Ready, ready the survey to:
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 b. Richard LLC



Unauthorized alteration or addition to this survey map is a violation of section 2209 Sub-section 2, of the New York State Education Law.
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 Dimensions shown from structures to property lines are not intended to be used for construction of fences, structures or other improvements.

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