

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

DEC 23 2019

Brian Donato
Project Director
Chappaqua Station Housing Development Fund Company, Inc.
Chappaqua Station, LLC
1000 University Avenue, Suite 500
Rochester, NY 14607

Re: Certificate of Completion
Chappaqua Coal/Fuel and Humble Oil Site
Chappaqua, Westchester Co., C360120

Dear Mr. Donato:

Congratulations on having satisfactorily completed the remedial program at the Chappaqua Coal/Fuel and Humble Oil 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

- 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 2021.

If you have any questions regarding any of these items, please contact John Spellman at (518) 402-9686.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Christine Vooris – NYSDOH

Maureen Schuck - NYSDOH

Sarita Wagh - NYSDOH

Matt Gokey, matthew.gokey@tax.ny.gov

Paul Takac, paul.takac@tax.ny.gov

Janos Szeman, PS&S, jmszeman@psands.com

Camila Israel, PS&S, clsrael@psands.com

Linda Shaw, Knauf Shaw LLP, LShaw@nyenvlaw.com

ec w/o enc.:

John Spellman

Amen Omorogbe

Janet Brown

Kelly Lewandoski

Jennifer Andaloro

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Chappaqua Station, LLC

Address

1000 University Ave. Suite 500, Rochester, NY 14607

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 1/26/12 **Agreement Execution:** 2/24/12

Agreement Index No.: C360120-01-12

Application Approval Amendment: 6/28/16

Agreement Execution Amendment: none

SITE INFORMATION:

Site No.: C360120 **Site Name:** Chappaqua Coal/Fuel and Humble Oil Site

Site Owner: Chappaqua Station Housing Development Fund Company, Inc.
Chappaqua Station, LLC

Street Address: 54 Hunts Place

Municipality: Chappaqua **County:** Westchester **DEC Region:** 3

Site Size: 0.336 Acres

Tax Map Identification Number(s): 100.11-1-5

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: 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 12 %.

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 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 561443555.

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: 12/23/15

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)

Chappaqua Coal/Fuel and Humble Oil Site, Site ID No. C360120
54 Hunts Place
Chappaqua, New York, 10514
Chappaqua, Westchester County, Tax Map Identification Number: 100.11-1-5

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 Chappaqua Station, LLC for a parcel approximately 0.336 acres located at 54 Hunts Place in Chappaqua, 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):

- 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 Westchester County as Control Number 561443555.

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

Chappaqua Coal/Fuel and Humble Oil Site, C360120, 54 Hunts Place, Chappaqua, New York

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 NYSDEC's Region 3 Headquarters 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

Chappaqua Station 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:
Brian Donato
Senior Project Director
Chappaqua Station, LLC
1000 University Ave. Suite 500
Rochester, NY 14607

Exhibit A
Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

EASEMENT AREA LEGAL DESCRIPTION

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Castle, County of Westchester and State of New York and bounded and described as follows:

BEGINNING at a point of intersection of the Southwesterly line of King Street relocated, realigned and established, with the Northwesterly line of the right of way of the Harlem Division of the New York Central Railroad;

RUNNING THENCE from said point of beginning along the Northwesterly line of the right of way of the Harlem Division of the New York Central Railroad, South 35°31'0" West 242.05 feet to the point of intersection of the Northwesterly line of said Railroad right of way with the Northeasterly line of land taken for the Grade Crossing Elimination at Chappaqua as shown by map filed in Volume 70, at page 62A, in the Office of the County Clerk, Division of Land Records, formerly Register's Office of Westchester County, New York;

RUNNING THENCE along the Northeasterly line of said Grade Crossing Elimination as shown on said map, North 54°29'0" seconds West 60 feet to the land of Westchester County Park Commission, known as Parcel 2, Sheet 35, Saw Mill River Parkway;

RUNNING THENCE along land of the Westchester County Park Commission, North 35°31'0" seconds East 245.81 feet to the Southwesterly line of King Street as relocated, realigned and established;

RUNNING THENCE along said Southwesterly line of King Street, South 50°54'0" East 60.12 feet to the point or place of beginning.

Being the same premises described in a deed from County of Westchester to Chappaqua Station Housing Development Fund Company, Inc. dated January 29, 2016 and filed in the Westchester County Clerk's Office as CN. 560263316 and described below as based on a survey completed by JMC, PLLC

ALL THAT CERTAIN PARCEL OF LAND in Chappaqua, Town of New Castle, County of Westchester and State of New York and being more particularly bounded and described as follows:

BEGINNING at a point along the Southwesterly line of Hunts Place (formerly King Street) at the point of intersection with the division line between the herein described parcel on the Northwest and New York Central Railroad Harlem Division on the Southeast, said point of beginning the Northeasterly corner of the herein described parcel.

RUNNING THENCE along the Northwesterly line of said New York Central Railroad Harlem Division, South 35 degrees 31 minutes 00 seconds West, 242.05 feet to a southeasterly corner of lands of a New York state shown as Parcel 18 on Map No. 13, said map being titled "Elimination of Grade Crossings at Birdsall Rd and Main St at Chappaqua" and recorded in the Westchester County Clerk's Office Division of Land Records as Map Volume 70 at page 61-2;

THENCE RUNNING along the Northeasterly line of said Parcel 18, North 54 degrees 29 minutes 00 seconds West, 60.00 feet to the Southeasterly line of the Saw Mill River Parkway as shown on a map titled "Map of Lands to be Acquired for the Saw Mill River Parkway" prepared by Applebee & Slater Engineers & Surveyors dated October 8, 1927 and filed in the Westchester County Clerk's Office Division of Land Records on October 18, 1927 as Map No. 3141-1;

THENCE RUNNING along said Southeasterly line of the Saw Mill River Parkway, North 35 degrees 31 minutes 00 seconds East, 245.81 feet to the aforesaid Southwesterly line of said Hunts Place;

THENCE along said Southwesterly line of said Hunts Place, South 50 degrees 54 minutes 00 seconds East, 60.12 feet to the point of beginning.

CONTAINING 0.33597± ACRES or 14,635± SQUARE FEET.

Exhibit B

Site Survey



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 12/18/2019



SITE DESCRIPTION

SITE NO. C360120

SITE NAME Chappaqua Coal/Fuel and Humble Oil Site

SITE ADDRESS: 54 Hunts Place ZIP CODE: 10514

CITY/TOWN: Chappaqua

COUNTY: Westchester

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: 04/30/2021		

Description of Institutional Control

Preferred Development Group, LLC,
 4 Hill Street
54 Hunts Place
 Environmental Easement
 Block: 1
 Lot: 5
 Sublot:
 Section: 100
 Subsection: 11
 S_B_L Image: 100.11-1-5
 Ground Water Use Restriction
 IC/EC Plan
 Landuse Restriction
 Monitoring Plan
 Site Management Plan
 Soil Management Plan

Description of Engineering Control

Preferred Development Group, LLC,

4 Hill Street

54 Hunts Place

Environmental Easement

Block: 1

Lot: 5

Sublot:

Section: 100

Subsection: 11

S_B_L Image: 100.11-1-5

Cover System

Groundwater Treatment System