

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

The Lofts on Main Limited Partnership
Kenneth Kearney
34 Clayton Blvd, Suite A
Baldwin Place, NY 10505

DEC 29 2017

Parkview Development & Construction, LLC
c/o The Kearney Realty & Development Group Inc.
Kenneth Kearney
1777 Route 6
Carmel, NY 10512

Re: Certificate of Completion
The Lofts on Main, Peekskill,
Westchester County, C360152

Dear Mr. Kearney:

Congratulations on having satisfactorily completed the remedial program at the Former Tidewater Terminal 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.

If you have any questions regarding any of these items, please contact Douglas MacNeal at (518) 402-9662 or douglas.macneal@dec.ny.gov.

Sincerely,



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

cc w/ enclosure:

D. MacNeal

A. Guglielmi

K. Kearney - Parkview Development & Construction LLC,
kkearney@kearneyrealtygroup.com

L. Schnapf – Schnapf Law, larry@schnapfLaw.com

Ecosystems Strategies, Inc., paul@ecosystemsstrategies.com

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

| Name | Address |
|--|---|
| The Lofts on Main Limited Partnership | 34 Clayton Blvd, Suite A, Baldwin Place, NY 10505 |
| Parkview Development & Construction, LLC | 1777 Route 6, Carmel, NY 10512 |

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 10/23/15 **Agreement Execution:** 11/3/15 **Agreement Index No.:**C360152-10-15

Application Approval Amendment: 6/15/16

Agreement Execution Amendment: 6/15/16

SITE INFORMATION:

Site No.: C360152 **Site Name:** The Lofts on Main
Site Owner: The Lofts on Main Limited Partnership
Street Address: 922 Main Street and 921 Diven Street
Municipality: Peekskill **County:** Westchester **DEC Region:** 3
Site Size: 0.575 Acres
Tax Map Identification Number(s): 33.29-2-4, 33.29-2-5
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 Component Rate is 20%. Comprised of 10% Base, 5% EnZone, 5% Track 1 Cleanup.

Additional rate increases may be available if: the site is developed as affordable housing; if the Certificate Holder at a site within a certified Brownfield Opportunity Area (BOA) receives a separate Determination of Conformance from the Secretary of State, or; if the site is used primarily for manufacturing activities.

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.

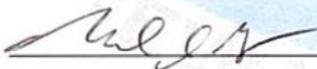
CERTIFICATE MODIFICATION/REVOICATION

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(c) 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:  Date: 12/29/17

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

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

The Lofts on Main, Site ID No. C360152
922 Main Street and 921 Diven Street, Peekskill, NY 10566
Peekskill, Westchester, Tax Map Identification Number(s) 33.29-2-4, 33.29-2-5

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 The Lofts on Main Limited Partnership and Parkview Development and Construction, LLC for a parcel approximately 0.575 acres located at 922 Main Street and 921 Diven Street in Peekskill, 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.

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 located at 21 South Putt Corners Road, New Paltz, by contacting the Regional Environmental Remediation Engineer.

Lofts on Main, C360152, 922 Main St and 921 Diven St, Peekskill

WHEREFORE, the undersigned has signed this Notice of Certificate

The Lofts on Main Housing Development Fund
Company

By: _____

Title: _____

Date: _____

The Lofts on Main 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 Lofts on Main Limited Partnership
34 Clayton Blvd, Suite A
Baldwin Place, NY 10505

Exhibit A

Site Description

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

BEGINNING at a point on the northerly side of Main Street, also known as U.S. Route 6, where same is intersected by the division line between the herein described premises and lands now or formerly of Spanish Church Tabernacle of Christ;

RUNNING THENCE along the northerly side of Main Street, 119.19 feet to the division line between the herein described premises and lands now or formerly of Gonzalez;

THENCE along the last mentioned division line, North 1 degree 46' 30" East 213.48 feet to the southerly side of Diven Street;

THENCE along the southerly side of Diven Street, the following two (2) courses and distances:

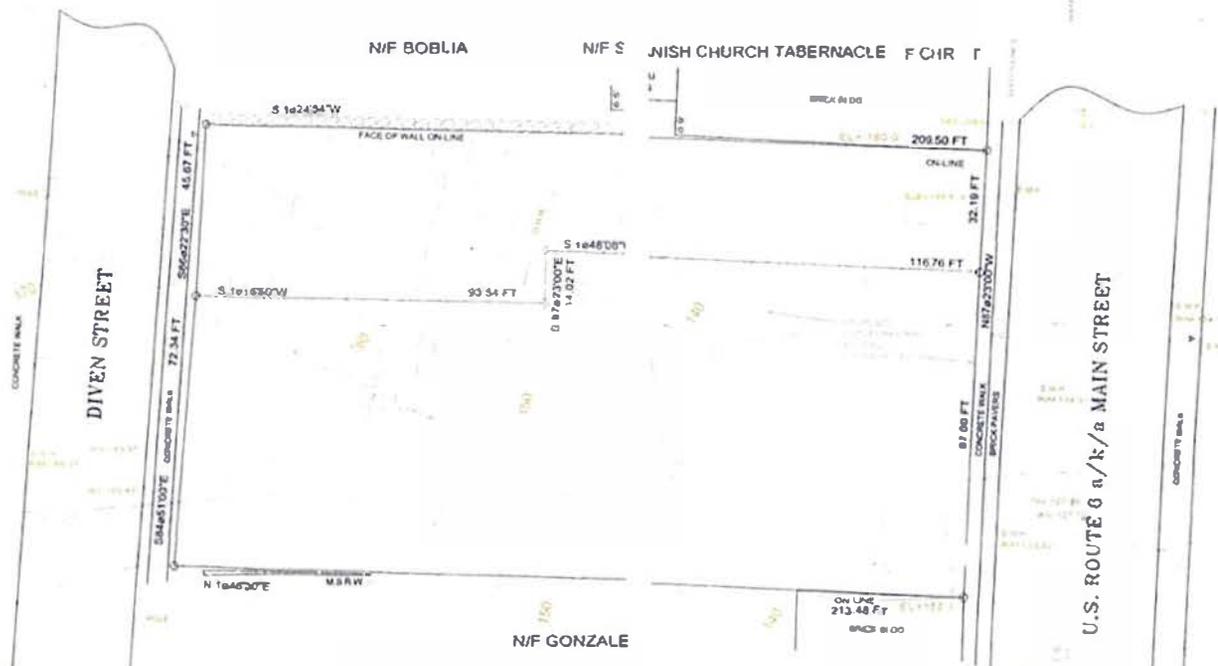
1. South 84 degrees 51' 00" East 72.34 feet;
2. South 86 degrees 22' 30" East 45.67 feet to the division line between the herein described premises and lands now or formerly of Boblia;

THENCE along the last mentioned division line and continuing along the division line between lands now or formerly of Spanish Church Tabernacle of Christ, South 1 degree 24' 54" West 209.50 feet to the northerly side of Main Street, the place of point of BEGINNING.

TOGETHER with the benefits of a "Foundation Easement" as more particularly set forth in that certain Easement Agreement made as of April 10, 2007 by Spanish Church Tabernacle of Christ, Inc. and Peekskill NC, LLC recorded in the Westchester County Clerk's Office on June 28, 2007 in Control Number 471730192

Exhibit B

Site Survey



CERTIFIED TO: PEESKILL N.Y. LLC
 CHICAGO TITLE INSURANCE COMPANY
 PUTNAM COUNTY SAVINGS BANK
 ITS SUCCESSORS AND OR ASSIGNS

DRAWN BY: JULY 10, 2003
 BROUGHT TO DATE: JULY 21, 2004 (BLDG ELEV)
 REVISED: NOV. 24, 2004 (INV)
 BROUGHT TO DATE: MAY 23, 2006 (UTR)

MATTHEW A. NOVIELLO, P.C.
 CONSULTING ENGINEERING
 & LAND SURVEYING
 77 HUGHSON ROAD
 CARMEL, NY 10512
 (845) 225-4004

By: **MATTHEW A. NOVIELLO, P.E., L.S.**
 State of New York License No. 16873
 If any of the above is not correct, it is the responsibility of the client.

AREA
 TAX LOT 4 = 17,067 +/- SQ
 = 0.392 +/- AC
 TAX LOT 5 = 7,951 +/- SQ
 = 0.183 +/- AC

CITY OF PELASDUL
 TAX MAP 33 29 - 2, 4 & 4

CPC RESOURCES, INC.
 SURVEY OF PROPERTY
 PREPARED FOR
 & CERTIFIED TO

SITUATED IN
 CITY OF PEESKILL
 COUNTY OF WESTCHESTER
 STATE OF NEW YORK

SCALE 1" = 20' 0"
 CPDRS04