

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director

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Transmitted via E-mail

December 7, 2021

James Wendling
WB 645 Main LLC
480 Bedford Rd, 300 Bldg 1st Fl-West Wing
Chappaqua, NY 10514
jwendling@wilderbalter.com

William Balter
645 Main Limited Partnership
480 Bedford Rd, 300 Bldg 1st Fl-West Wing
Chappaqua, NY 10514
bbalter@wilderbalter.com

Rosemarie Noonan
645 Main Housing Development Fund Company, Inc.
c/o Housing Action Council, Inc.
55 South Broadway, Suite 2
Tarrytown, NY 10591
noonan@affordablehomes.org

Re: Certificate of Completion
Site: Charcoal Tablet Mill Site
Site No: C360186
Location: City of Peekskill, Westchester County

Dear James, William, and Rosemarie,

Congratulations on having satisfactorily completed the remedial program at the Charcoal Tablet Mill 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:

Michael Kilmer, Region 3
New York State Department of Environmental Conservation
Division of Environmental Remediation
21 S. Putt Corners Rd.
New Paltz, NY 12561

- 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.

If you have any questions regarding any of these items, please contact Michael Kilmer at 845-633-5463

Sincerely,

Susan Edwards

Susan Edwards, P.E.
Acting Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

J. Wendling, WB 645 Main LLC (jwendling@wilderbalter.com)
W. Balter, 645 Main Limited Partnership (bbalter@wilderbalter.com)
R. Noonan, 645 Main Housing Development Fund Company, Inc.
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F. Dahan, SESI (fd@sesi.com)
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P. Takac, (paul.takac@tax.ny.gov)

ec w/o enc.:

M. Kilmer, DEC (michael.kilmer@dec.ny.gov)
D. Bendell, DEC (daniel.bendell@dec.ny.gov)
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A. Johnson, DEC (ashley.johnson@dec.ny.gov)
K. Lewandowski, DEC (kelly.lewandowski@dec.ny.gov)

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

645 Main Limited Partnership
WB 645 Main LLC

Address

480 Bedford Rd, 300 Bldg 1st Fl-West Wing, Chappaqua, NY 10514
480 Bedford Rd, 300 Bldg 1st Fl-West Wing, Chappaqua, NY 10514

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 6/20/19 **Agreement Execution:** 7/9/19

Agreement Index No.: C360186-06-19

Application Approval Amendment: 6/18/20

Agreement Execution Amendment: 6/18/20

SITE INFORMATION:

Site No.: C360186 **Site Name:** Charcoal Tablet Mill Site

Site Owner: 645 Main Limited Partnership
645 Main Housing Development Fund Company, Inc.

Street Address: 645 Main Street

Municipality: Peekskill

County: Westchester

DEC Region: 3

Site Size: 1.514 Acres

Tax Map Identification Number(s): 32.8-4-2.1 (portion of)

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: 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 is 15%. Comprised of 10% Base, 5% Track 1.

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%.

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/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.

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: Susan Edwards Date: 12/7/2021

Susan Edwards, P.E., Acting Director
Division of Environmental Remediation

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

Charcoal Tablet Mill Site, Site ID No. C360186
Site Address: 645 Main Street, Peekskill, NY 10566
City of Peekskill, Westchester County, Tax Map Identification Number 32.8-4-2.1 (portion of)

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 WB 645 Main LLC and 645 Main Limited Partnership, for a partial parcel totaling approximately 1.514 acres located at 645 Main Street in the City of 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 holders 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 holders 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 Office located at 21 S Putt Corners Rd, New Paltz, NY 12561, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C360186/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

645 Main 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:

WB 645 Main LLC
480 Bedford Rd, 300 Bldg 1st Fl-West Wing
Chappaqua, NY 10514

Exhibit A

Site Description

REVISED
Description of Property
prepared for
WB 645 MAIN, LLC
(Brownfield Clean-up Area)

ALL that certain parcel of land situate in the City of Peekskill, County of Westchester, and State of New York that is bounded and described as follows:

BEGINNING at the point on the southerly line of Main Street where it is met by the line dividing the lands herein described, on the east, from lands formerly of the Union Stove Works, formerly of the Walter Legg Co., Inc and now or formerly of Retlaw Realty Corp, on the west, which point occupies coordinate position

N 470,219.47 (y)
E 611,669.37 (x)

of the New York State Coordinate System, East Zone (NAD 27).

THENCE from the said point of beginning northeasterly along the southerly line of Main Street, the following courses:

N 62°01'01" E 154.09 feet,
N 60°14'09" E 82.58 feet,
N 57°23'29" E 25.65 feet,
N 56°45'29" E 37.00 feet,
N 51°05'09" E 25.11 feet,
N 43°57'29" E 6.79 feet,
N 38°00'29" E 12.21 feet, and
N 52°33'08" E 41.10 feet,

to a point at the original easterly line of Mechanic Street, as the said easterly line is shown on that certain map entitled "Property Line Survey Project Site Area Peekskill Housing Authority Project N.Y.S. 97 ...," which was filed in the Westchester county Clerk's office on January 15, 1962 as Map No. 13132. Thence southwesterly along the original southerly line of Mechanic Street and the lands shown on Filed Map No. 13132, the following courses:

S 44°21'59" W 6.08 feet,
S 24°00'59" W 46.26 feet,
S 02°28'31" E 10.22 feet, and
S 33°04'29" W 40.86 feet,

to a point. Thence still along the lands shown on said Filed Map No. 13132, but no longer along the original easterly line of Mechanic Street, the following courses:

S 58°39'21" E 82.86 feet,
N 83°00'09" E 69.07 feet,



S 02°56'09" W 18.22 feet, and
N 85°59'29" E 2.16 feet,

to a point at the line of lands formerly of Rosenberg & Bloom and now or formerly of the City of Peekskill.
Thence along the said City of Peekskill lands

S 15°49'01" E 64.12 feet,

to a point. Thence the following courses.

S 82°55'00" W 3.65 feet,
S 87°05'00" W 22.20 feet,
S 73°47'00" W 45.50 feet,
S 72°50'00" W 50.40 feet,
S 61°25'00" W 27.80 feet,
S 60°10'00" W 136.60 feet, and
S 60°17'00" W 100.00 feet,

to a point on the easterly line of Mechanic Street, an unimproved street. Thence northerly and westerly
along the easterly and northerly lines of Mechanic Street

N 19°52'31" W 101.09 feet, and
S 54°49'29" W 30.76 feet,

to a point at the line of the aforementioned lands formerly of Union Stove Works, formerly of the Walter
Legg Co., Inc. and now or formerly of Retlaw Realty Corp. Thence along the said Retlaw Realty Corp.
lands

N 19°52'31" W 90.87 feet

to the southerly line of Main Street and the point or place of beginning, containing 1.514 acres or 65,928
square feet, more or less.

N.B. The meridian (North Point) and coordinate values used in the foregoing description refer to the
New York State Coordinate System, East Zone, NAD 1927. The meridian is True North at 74°20'00"
West Longitude This note should remain with this description in any instrument to which it may become
a part.

Prepared by
BADEY & WATSON
Surveying & Engineering, P.C.
3063 Route 9
Cold Spring, New York 10516
(845) 265-9217 (voice)
(845) 265-4428 (fax)
(877) 3.141593
www.Badey-Watson.com

Exhibit B

Site Survey



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
11/17/2021



SITE DESCRIPTION

SITE NO. C360186

SITE NAME Charcoal Tablet Mill Site

SITE ADDRESS: 645 Main Street **ZIP CODE:** 10566

CITY/TOWN: Peekskill

COUNTY: Westchester

ALLOWABLE USE: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan X

Monitoring Plan X

Operation and Maintenance (O&M) Plan X

Periodic Review Frequency: N/A

Periodic Review Report Submitted Date:

Description of Institutional Control

Description of Engineering Control