

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

Transmitted via E-mail

December 15, 2020

Jared Dworken
RXR Church-Division Tower A Holdings LLC
75 Rockefeller Plaza, Suite 1300
New York, NY 10019
jdworken@rxrrealty.com

Re: Certificate of Completion
Site: Church-Division Street, Tower A
Site No: C360187
Location: New Rochelle, Westchester County

Dear Mr. Dworken,

Congratulations on having satisfactorily completed the remedial program at the Church-Division Street, Tower A 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:

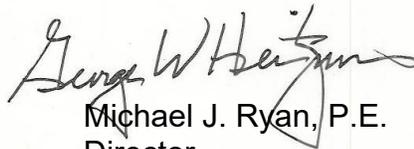
- If you are the site owner, you must record the Notice of Certificate of Completion in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record the Notice within 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,



Michael J. Ryan, P.E.
Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

J. Dworken, RXR Church-Division Tower A Holdings LLC
(jdworken@rxrrealty.com)
D. Desnoyers, Allen & Desnoyers LLP, (dale@allendesnoyers.com)
A. Schwendt, AKRF, (aschwendt@akrf.com)
C. Vooris – DOH, (christine.vooris@health.ny.gov)
M. Schuck, DOH (maureen.schuck@health.ny.gov)
M. Sergott, DOH (mark.sergott@health.ny.gov)
M. Gokey, (matthew.gokey@tax.ny.gov)
P. Takac, (paul.takac@tax.ny.gov)
DECDOCS

ec w/o enc.:

M. Kilmer, DEC (michael.kilmer@dec.ny.gov)
W. Bennett, DEC (william.bennett@dec.ny.gov)
J. Brown, DEC (janet.brown@dec.ny.gov)
G. Heitzman, DEC (george.heitzman@dec.ny.gov)
A. Johnson, DEC (ashley.johnson@dec.ny.gov)
J. Andaloro, DEC (jennifer.andaloro@dec.ny.gov)
K. Lewandowski, DEC (kelly.lewandowski@dec.ny.gov)

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER:

Name	Address
RXR Church-Division Tower A Holdings LLC	75 Rockefeller Plaza, Suite 1300, New York, NY 10019

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 6/10/19 **Agreement Execution:** 6/26/19
Agreement Index No.: C360187-06-19
Application Approval Amendment: none **Agreement Execution Amendment:** 12/1/2020

SITE INFORMATION:

Site No.: C360187 **Site Name:** Church-Division Street, Tower A
Site Owner: RXR Church-Division Tower A Holdings LLC
Street Address: 26 South Division Street
Municipality: New Rochelle **County:** Westchester **DEC Region:** 3
Site Size: 0.992 Acres
Tax Map Identification Number(s): 2-414-0008
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.

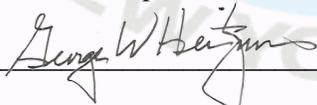
CERTIFICATE MODIFICATION/REVOCATION

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:  Date: December 15, 2020

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)

Church-Division Street, Tower A, Site ID No. C360187
26 South Division St, New Rochelle, New York 10805
New Rochelle, Westchester County, Tax Map Identification Number: 2-414-0008

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 RXR Church-Division Tower A Holdings LLC for a parcel approximately 0.992 acres located at 26 South Division Street in New Rochelle, 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 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/C360187/>

Church-Division Street, Tower A, C360187, 26 South Division Street, New Rochelle, NY 10805

WHEREFORE, the undersigned has signed this Notice of Certificate

RXR Church-Division Tower A Holdings LLC

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF WESTCHESTER)

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:
RXR Church-Division Tower A Holdings LLC
75 Rockefeller Plaza, Suite 1300
New York, NY 10019

Exhibit A
Site Description



**SECTION 2, BLOCK 414, LOT 8
CITY OF NEW ROCHELLE
WESTCHESTER COUNTY
NEW YORK**

Education
Energy
Federal
Healthcare
Hospitality
Infrastructure
Real Estate
Science & Technology

BEGINNING at a point in the easterly right of way line of Division Street South (variable width R.O.W.) said point being the northwesterly corner of Section 2, Block 414, Lot 8 (remaining lands) and running thence.

1. North 52°59'26" East, a distance of 53.59 feet to a point, thence;
2. North 47°04'26" East, a distance of 22.77 feet to a point, thence;
3. North 48°29'26" East, a distance of 25.16 feet to a point, thence;
4. South 36°26'32" East, a distance of 10.05 feet to a point, thence;
5. North 53°51'47" East, East, a distance of 107.70 feet to a point in the westerly right-of-way line of Church Street (variable width R.O.W.), thence;
6. Along the westerly right-of-way line of Church Street, South 36°08'43" East, a distance of 203.76 feet to a point, thence;
7. South 53°41'14" West, a distance of 208.59 feet to a point in the easterly right-of-way line of Division Street South (variable width R.O.W.), thence;
8. Along right-of-way line, North 36°15'25" West, a distance of 208.58 feet to the **POINT OF BEGINNING**.

Containing an area of 43,222 square feet or 0.992 acres more or less.

The above described property is a subject to 25' wide air right easement situated above elevation 100 feet for the benefit of Lot 8.01 shown on the map described below and described as follows:

BEGINNING at a point in the easterly right of way line of Division Street South (variable width R.O.W.) said point being distant 183.58 feet on a bearing of South 36°15'25" East from the northwesterly corner of Section 2, Block 414, Lot 8 (remaining lands) and running thence;

North 53°41'14" East, a distance of 208.59 feet to a point, thence;

South 36°08'43" East, a distance of 25.00 feet to a point, thence;

67B Mountain Blvd Ext
PO Box 4039
Warren, NJ 07059
t. 732.560.9700

www.psands.com



South 53°41'14" West, a distance of 208.59 feet to a point, thence;

North 36°15'25" West, a distance of 25 feet to the **POINT OF BEGINNING**

Containing an area of 5,216 square feet or 0.120 acres more or less.

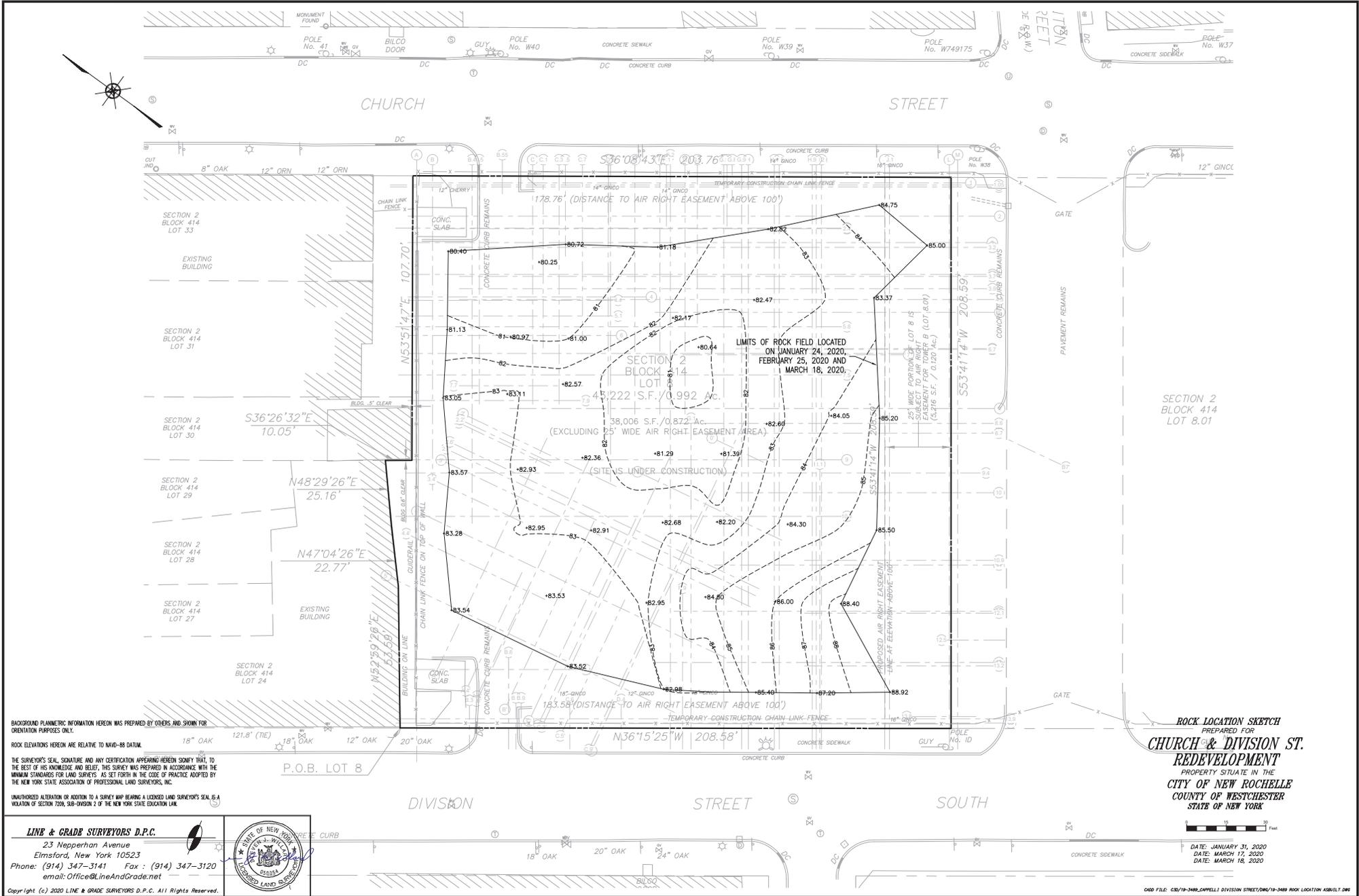
Being Lot 8 in Section 2, Block 141, shown on a map entitled "Minor Subdivision Plat, Church & Division Redevelopment, Section 2, Block 414, Lot 8, City of New Rochelle, Westchester County, New York," prepared by Paulus, Sokolowski and Sartor P.C., dated 04/12/2018 and filed on June 5, 2019 in the Westchester County Clark's Office as Map No. 29304.



Jaroslava Vonder
Jaroslava Vonder
Professional Land Surveyor
NY License No. 050533
September 18, 2019

Exhibit B

Site Survey



BACKGROUND PLANNING INFORMATION HEREON WAS PREPARED BY ORDERS AND SHOWN FOR ORIENTATION PURPOSES ONLY.

ROCK ELEVATIONS HEREON ARE RELATIVE TO NAVD-88 DATUM.

THE SURVEYOR'S SEAL, SIGNATURE AND ANY CERTIFICATION APPEARING HEREON SIGNIFY THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR LAND SURVEYS AS SET FORTH IN THE CODE OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

ROCK LOCATION SKETCH
 PREPARED FOR
CHURCH & DIVISION ST.
REDEVELOPMENT
 PROPERTY SITUATE IN THE
 CITY OF NEW ROCHELLE
 COUNTY OF WESTCHESTER
 STATE OF NEW YORK

DATE: JANUARY 31, 2020
 DATE: MARCH 17, 2020
 DATE: MARCH 18, 2020

LINE & GRADE SURVEYORS D.P.C.

23 Nepperhan Avenue
 Elmsford, New York 10523
 Phone: (914) 347-3141 Fax : (914) 347-3120
 email: Office@LineAndGrade.net



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0400 FILED: C55/19-3488,CAPPELLI'S DIVISION STREET/DIV/19-3489 ROCK LOCATION AS-BUILT 2020



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
10/15/2020



SITE DESCRIPTION

SITE NO. C360187

SITE NAME Church-Division Street, Tower A

SITE ADDRESS: 26 South Division Street ZIP CODE: 10805

CITY/TOWN: New Rochelle

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:

Periodic Review Report Submitted Date:

Description of Institutional Control

Description of Engineering Control