

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

December 28, 2022

Anthony Tortora
North Avenue L/Cal LLC
One Penn Plaza, Suite 1801
New York, New York 10119
E-Mail: atortora@lcor.com

247 North Avenue Associates LLC
Attn: Louis R. Cappelli
c/o Cappelli Organization
7 Renaissance Square, 4th Floor
White Plains, NY 10601
E-Mail: bruce@icappelli.com

Re: Certificate of Completion
247 North Avenue Site
New Rochelle, Westchester County
Site No.: C360200

Dear Mr. Tortora:

Congratulations on having satisfactorily completed the remedial program at the 247 North Avenue 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:

Matthew Ayers, Section C, Bureau C
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233

- 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, please do not hesitate to contact Matthew Ayers, the Department's project manager, at 518-402-6447.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

B. Berg - 247 North Avenue Associates LLC, bruce@icappelli.com
F. Dehan - SESI, fd@sesi.org
L. Shaw, Esq. - Knauf Shaw LLP, lshaw@nyenvlaw.com
C. Vooris - NYSDOH, christine.vooris@health.ny.gov
M. Doroski - NYSDOH, melissa.doroski@health.ny.gov
M. Gokey - NYSDTF, matthew.gokey@tax.ny.gov
P. Takac - NYSDTF, paul.takac@tax.ny.gov

ec w/o enc.:

M. Ayers - NYSDEC, matthew.ayers@dec.ny.gov
K. Thompson - NYSDEC, kiera.thompson@dec.ny.gov
D. Pollock - NYSDEC, David.pollock@dec.ny.gov
J. Brown - NYSDEC, janet.brown@dec.ny.gov
J. Stenerson - NYSDEC, justin.stenerson@dec.ny.gov
J. Andaloro - NYSDEC, Jennifer.andaloro@dec.ny.gov
K. Lewandowski - NYSDEC, Kelly.lewandowski@dec.ny.gov

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

247 North Avenue Associates LLC

North Avenue L/Cal LLC

Address

c/o Cappelli Organization, 7 Renaissance Square, 4th Floor
White Plains, NY 10601

One Penn Plaza, Suite 1801, New York, NY 10119

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 7/2/20 **Agreement Execution:** 7/7/20

Agreement Index No.: C360200-07-20

Application Amendment Approval: 5/13/22

Agreement Amendment Execution: 5/13/22

Application Amendment Approval: 9/1/22

Agreement Amendment Execution: 9/1/22

SITE INFORMATION:

Site No.: C360200 **Site Name:** 247 North Avenue Site

Site Owner: North Avenue L/Cal LLC

Street Address: 247 North Avenue

Municipality: New Rochelle

County: Westchester

DEC Region: 3

Site Size: 0.570 Acres

Tax Map Identification Number(s): 1-231-0019

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; or,
- (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: Andrew Guglielmi Date: 12/28/2022

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

Exhibit A

Site Description

All that certain plot, piece or parcel of land, with improvements thereon, lying and being in the City of New Rochelle, County of Westchester, and State of New York, known as Unit C as shown on a map entitled "Lot Consolidation and Site Development Plan for North Avenue Condominium", filed 7/14/2021 in the Westchester County Clerk's Office, Division of Land Records as Field Map No. 29544, and being more particularly described as follows:

FROM A POINT formed by the southerly side of Huguenot Street and the westerly side of Le Count Place, thence along the westerly side of Le Count Place South 25 degrees 18 minutes 18 seconds East a distance of 124.10 feet, thence South 19 degrees 52 Minutes 35 seconds East a distance of 76.89 feet to the POINT OF BEGINNING;

RUNNING THENCE continuing along the westerly side of Le Count Place, South 19 degrees 52 minutes 35 seconds East a distance of 100.16 feet to a point;

THENCE along the northerly side of lands now or formerly A&F Anderson Realty, Inc, and Anderson Development LLC, South 65 degrees 57 minutes 04 seconds West a distance of 244.20 feet to a point;

THENCE along the easterly side of North Avenue North 26 degrees 44 minutes 00 seconds West a distance of 99.00 feet to a point;

THENCE along the southerly side of Unit B and Unit A on said Map, the following two-(2) courses and distances:

1. North 65 degrees 22 minutes 40 seconds East a distance of 99.96 feet to a point;
2. North 65 degrees 57 minutes 00 seconds East a distance of 156.17 feet to the point and place of BEGINNING.

SUBJECT PREMISES AREA – 24,941.7 SQ. FT. (0.57 Ac.)

Exhibit B

Site Survey

DEED DESCRIPTION / LEGAL DESCRIPTION OF BOP SITE BOUNDARY

ALL that certain plot, piece or parcel of land, being a part of a Condominium in the City of New Rochelle, County of Westchester, and State of New York, known and designated as Unit C together with a 73.9 percent undivided interest in the common elements of the Condominium hereinafter described as the same as defined in the Declaration of Condominium hereinafter referred to:

The real property above described in a unit shown on the plans of a Condominium prepared and certified by Line and Grade Surveyors D.P.C. and filed in the Office of the Clerk of Westchester County on the 14th day of July, 2021 as Map No. 29544, defined in the Declaration of Condominium entitled the North Avenue Condominium made by 247 North Avenue Associates LLC and 251 North Avenue Associates, LLC collectively, the Decedent, under Article 96 of the New York Real Property Law dated as of April 8, 2021, and recorded in the Office of the Clerk of Westchester on the 15th day of July, 2021 in Control No. 611953527 covering the property herein described, the Unit is also designated as Lot 19 in Block 231 Section 1 on the Tax Map of the City of New Rochelle, County of Westchester, and State of New York.

The land area of the Unit C property is described as follows:

ALL that certain plot, piece or parcel of land, with improvements thereon, lying and being in the City of New Rochelle, County of Westchester, and State of New York, known as Unit C as shown on a map entitled "Lot Consolidation and Site Development Plan for North Avenue Condominium", filed 7/14/2021 in the Westchester County Clerk's Office, Division of Land Records as Filed Map No. 29544, and being more particularly described as follows:

FROM A POINT formed by the southerly side of Huguenot Street and the westerly side of Le Count Place, thence along the westerly side of Le Count Place South 25 degrees 18 minutes 18 seconds East a distance of 124.10 feet, thence South 19 degrees 52 minutes 35 seconds East a distance of 76.89 feet to the POINT OF BEGINNING.

RUNNING THENCE continuing along the westerly side of Le Count Place, South 19 degrees 52 minutes 35 seconds East a distance of 100.16 feet to a point;

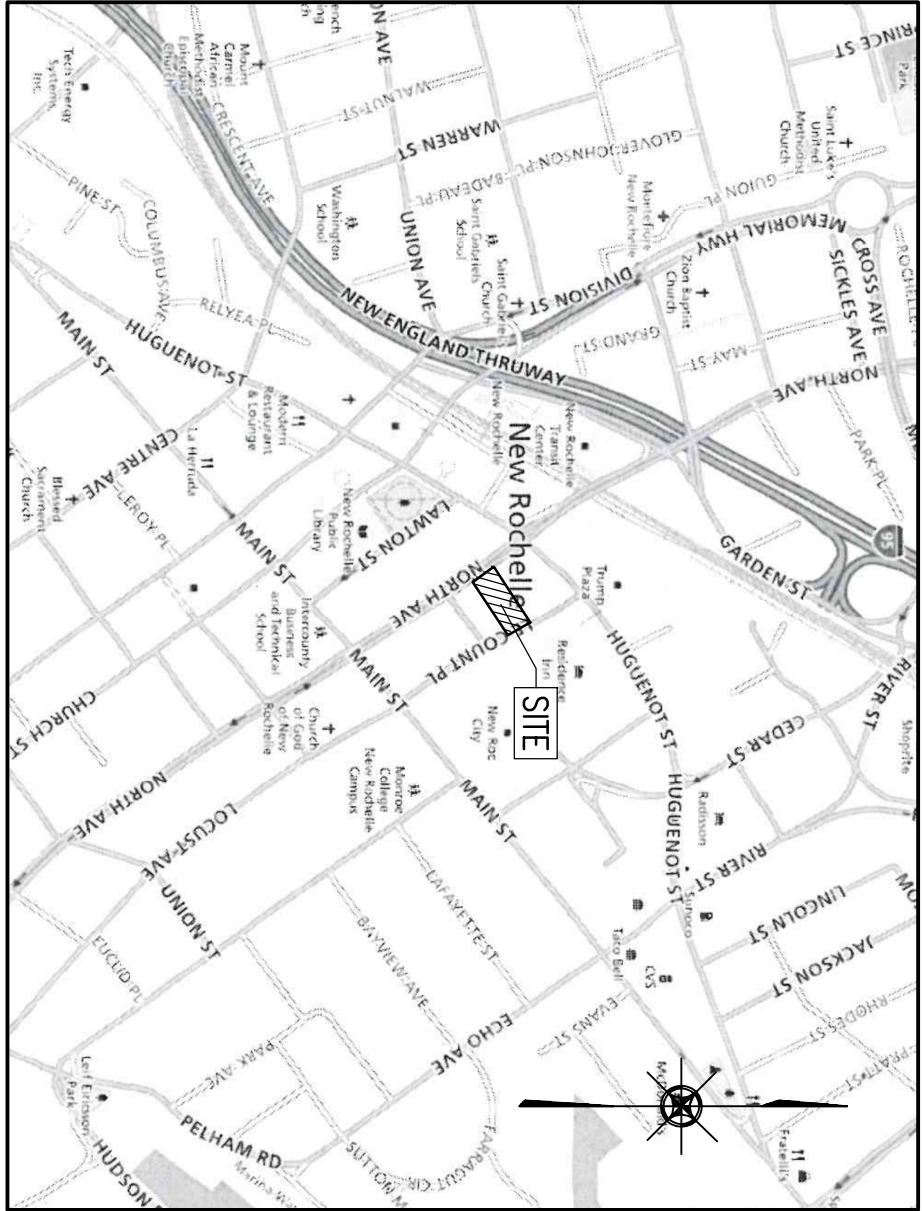
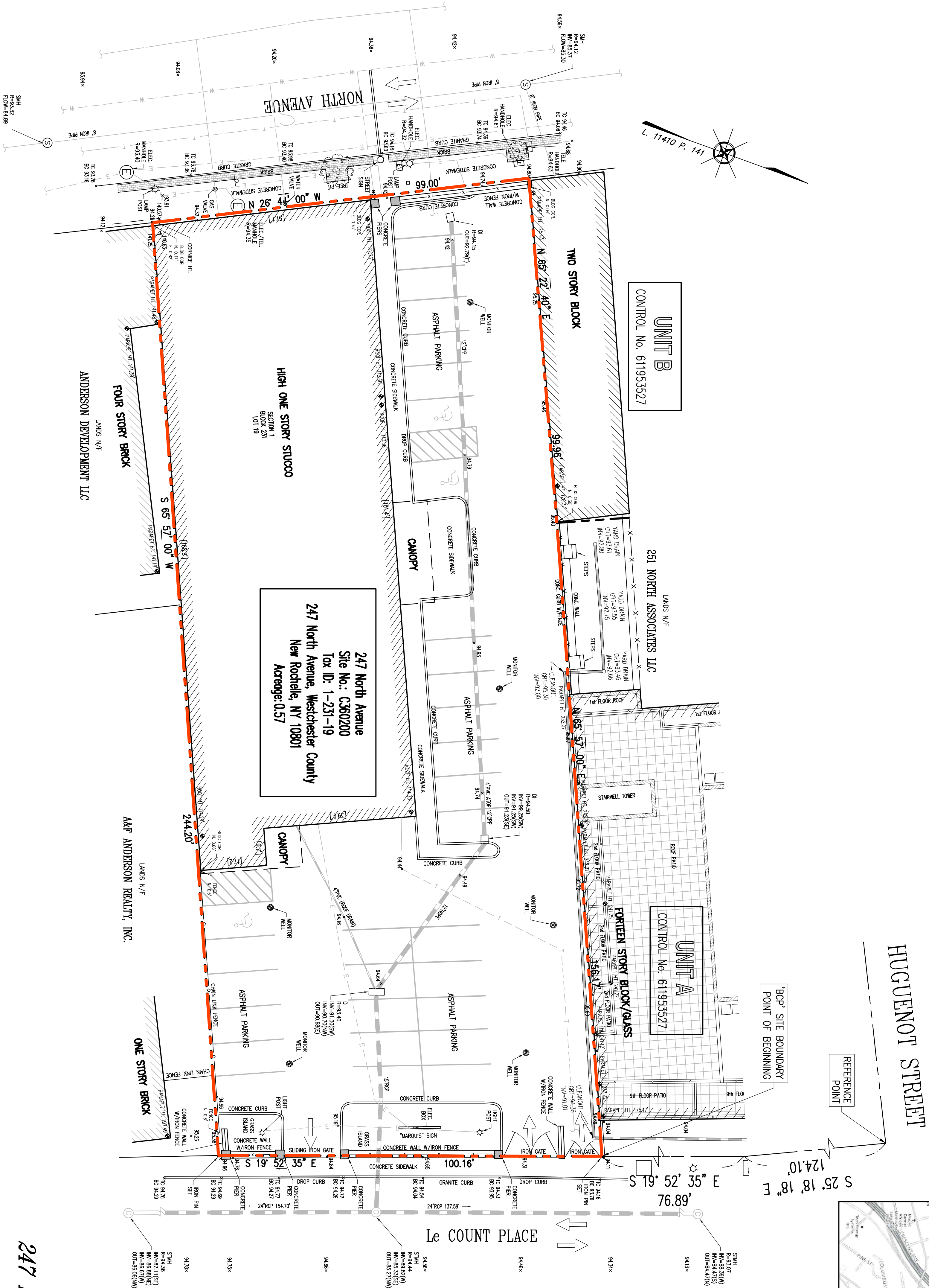
THENCE along the northerly side of lands now or formerly A&F Anderson Realty, Inc. and Anderson Development LLC, South 65 degrees 57 minutes 04 seconds West a distance of 244.20 feet to a point;

THENCE along the easterly side of North Avenue North 26 degrees 44 minutes 00 seconds West a distance of 99.00 feet to a point;

THENCE along the southerly side of Unit B and Unit A on said Map, the following two-(2) courses and distances:

1. North 65 degrees 22 minutes 40 seconds East a distance of 99.96 feet to a point;
2. North 65 degrees 57 minutes 00 seconds East a distance of 156.17 feet to the point and place of BEGINNING.

SUBJECT PREMISES AREA = 24,941.7 SQ. FT. (0.57 Ac.)



VICINITY MAP

LEGEND:

- SPOT ELEVATION
- TOP/BOY CURB ELEV.
- BUILDING HEIGHT
- CATCH BASIN/INLET
- SEWER MANHOLE
- DRAIN MANHOLE
- ELECTRIC MANHOLE
- TILE PULL BOX
- ELEC. PULL BOX
- SPACE CONNECTION
- WATER VALVE
- LIGHT POLE
- MONITOR WELL
- SIGN
- 0/4 STREET SIGN
- TRAFFIC DIRECTION
- IRON FENCE
- CHAIN LINK FENCE
- STORM DRAIN PIPE
- SEWER PIPE
- WATER SERVICE
- U/G ELECTRIC
- GAS SERVICE
- CURB / DROP CURB
- CURB / DROP CURB
- PAINT LINE
- PROPERTY LINE
- BROWNFIELD CLEANUP PROGRAM
- BOP SITE BOUNDARY

PREMISES HEREON KNOWN AS SECTION 1, BLOCK 231, LOT 19 AS SHOWN ON THE OFFICIAL TAX MAPS OF THE CITY OF NEW ROCHELLE. REFERENCE IS MADE TO A MAP ENTITLED "LOT CONSOLIDATION AND SITE DEVELOPMENT PLAN FOR THE NORTH AVENUE CONDOMINIUM PREPARED FOR 247 NORTH AVENUE ASSOCIATES AND 251 NORTH AVENUE ASSOCIATES LLC" PREPARED BY LINE AND GRADE SURVEYORS, D.P.C.

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.

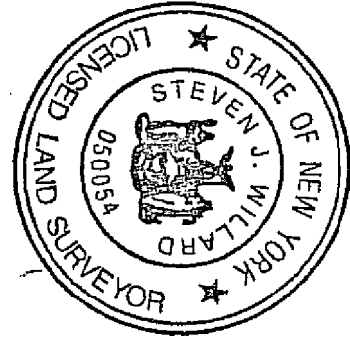
THE FIELD WORK WAS COMPLETED ON JULY 1, 2022.

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.

LINE & GRADE SURVEYORS D.P.C.

23 Nepperhan Avenue
Elmford, New York 10523
Phone: (914) 347-3141
email: Office@lineAndGrade.net

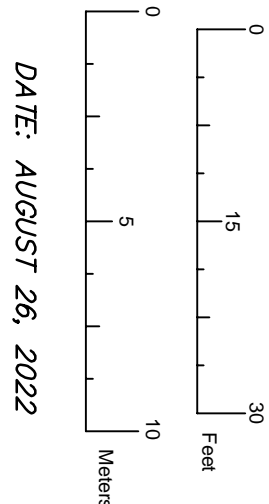
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STEVEN J. WILBUR, L.S. #610064

NO.	DATE	DESCRIPTION	BY
1.	08/29/2022	ADDITIONAL REQUIREMENTS	T.H.
2.	12/27/2022	ADDITIONAL REQUIREMENTS	T.Z.

BROWNFIELD CLEANUP PROGRAM
PREPARED FOR
247 NORTH AVENUE - UNIT C
PROPERTY SITUATE IN THE
CITY OF NEW ROCHELLE
COUNTY OF WESTCHESTER
STATE OF NEW YORK



DATE: AUGUST 26, 2022

N: /C20/29-3848 247 NORTH AVENUE BROWNFIELD.mxd.dwg

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

247 North Avenue Site, Site ID No. C360200

247 North Avenue, New Rochelle, New York 10801

New Rochelle, Westchester County, Tax Map Identification Number: 1-231-0019

Tax ID#6407362

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 North Avenue L/Cal LLC and 247 North Avenue Associates LLC for a parcel approximately 0.570 acres in size and located at 247 North Avenue in New Rochelle, County of Westchester, State of New York.

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 Office located at 21 South Putt Corners Road, New Paltz, New York 12561, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C360200/>.

247 North Avenue Site, C360200
247 North Avenue, New Rochelle, New York 10801

WHEREFORE, the undersigned has signed this Notice of Certificate.

North Avenue L/Cal LLC

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 2023, 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:
North Avenue L/Cal LLC
Attn: Anthony A. Tortora
One Penn Plaza, Suite 1801
New York, NY 10119