

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
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www.dec.ny.gov

Transmitted via E-mail and US Mail

December 02, 2022

Bruce Berg
RFMCH Huguenot Property Owner II LLC
RFMCH Huguenot Development Partners II LLC
7 Renaissance Square, 4th Floor
White Plains, NY 10601
bruce@icappelli.com

Re: Certificate of Completion
Site: Block 417 New Rochelle
Site No: C360216
Location: City of New Rochelle, Westchester
County

Dear Bruce Berg:

Congratulations on having satisfactorily completed the remedial program at the Block 417 New Rochelle 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,



Andrew Guglielmi
Director
Division of Environmental Remediation

ec w/ enclosure:

B. Berg, RFMCH Huguenot Property Owner II LLC, RFMCH Huguenot Development Partners II LLC (bruce@icappelli.com)
F. Dahan, SESI (fd@sesi.com)
J. Mausner, SESI (jam@sesi.org)
L. Shaw, Knauf Shaw (lshaw@nyenvlaw.com)
E. O'Neil, NYSDOH (eamonn.oneil@health.ny.gov)
M. Doroski, NYSDOH (melissa.doroski@health.ny.gov)
C. Vooris, NYSDOH (christine.vooris@health.ny.gov)
M. Gokey, (matthew.gokey@tax.ny.gov)
P. Takac, (paul.takac@tax.ny.gov)

ec w/o enc.:

M. Kilmer, DEC (michael.kilmer@dec.ny.gov)
D. Pollock, DEC (david.pollock@dec.ny.gov)
K. Thompson, DEC (kiera.thompson@dec.ny.gov)
J. Brown, DEC (janet.brown@dec.ny.gov)
P. Gittelson, DEC (phoebe.gittelson@dec.ny.gov)
M. Murphy, DEC (michael.murphy1@dec.ny.gov)
K. Lewandowski, DEC (kelly.lewandowski@dec.ny.gov)

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDERS:

Name	Address
RFMCH Huguenot Development Partners II LLC	7 Renaissance Square, 4th Floor, White Plains, NY 10601
RFMCH Huguenot Property Owner II LLC	7 Renaissance Square, 4th Floor, White Plains, NY 10601

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 5/13/21 **Agreement Execution:** 6/1/21

Agreement Index No.: C360216-05-21

Application Amendment Approval: none

Agreement Amendment Execution: none

SITE INFORMATION:

Site No.: C360216 **Site Name:** Block 417 New Rochelle

Site Owner: RFMCH Huguenot Property Owner LLC

Street Address: 327-329 Huguenot Street

Municipality: New Rochelle

County: Westchester

DEC Region: 3

Site Size: 0.344 Acres

Tax Map Identification Number(s): 2-417-1

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 is 20%. Comprised of 10% Base, 5% EnZone, 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: Andrew Guglielmi Date: 12/2/2022

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A
Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

SECTION 2, BLOCK 417, LOT 1

All that certain piece or parcel of land, situate, lying and being in the City of New Rochelle, County of Westchester, State of New York and being designated as "Unit B" as shown on a map entitled "Lot Consolidation and Site Development Plan" prepared for RFMCH Huguenot Property Owner LLC, situate in the City of New Rochelle, County of Westchester, State of New York, dated March 9, 2020 being more particularly bounded and described as follows:

BEGINNING at a point formed by the intersection of the westerly side of Huguenot Street and the northerly side of Centre Avenue'

RUNNING THENCE along the northerly side of Centre Avenue North 63 degrees 32 minutes 30 seconds West a distance of 100.00 feet to a point;

THENCE along the lands N/F of RI Park Holdings LLC the following two-(2) courses and distances;

- (1) North 26 degrees 26 minutes 30 seconds East a distance of 150.00 feet to a point;
- (2) South 63 degrees 32 minutes 30 seconds East a distance of 100.00 feet to a point;

THENCE along the westerly side of Huguenot Street South 26 degrees 26 minutes 30 seconds West a distance of 150.00 feet to the point and place of BEGINNING

Containing within said bounds 15,000 sq. ft. (0.344 Ac.) of land more or less.

Exhibit B
Site Survey

SCHEDULE A DESCRIPTION

All that certain piece or parcel of land, situate, lying and being in the City of New Rochelle, County of Westchester, State of New York and being designated as "Unit B" as shown on a map entitled "Lot Consolidation and Site Development Plan" prepared for RFMCH Huguenot Property Owner LLC, situate in the City of New Rochelle, County of Westchester, State of New York, dated March 9, 2020 being more particularly bounded and described as follows:

BEGINNING at a point formed by the intersection of the westerly side of Huguenot Street and the northerly side of Centre Avenue;

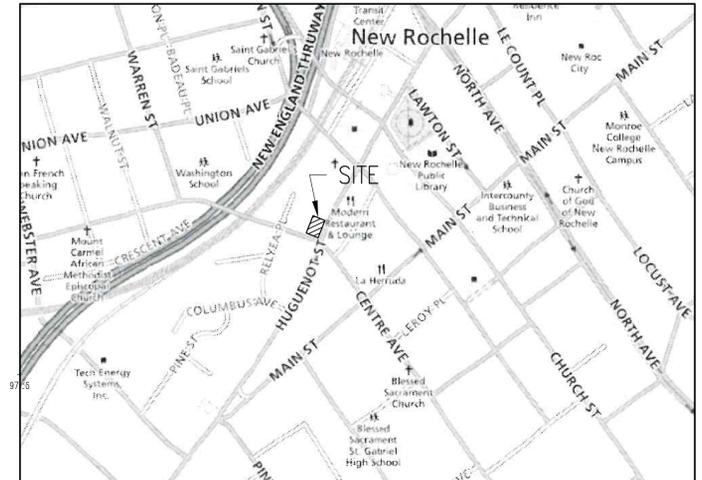
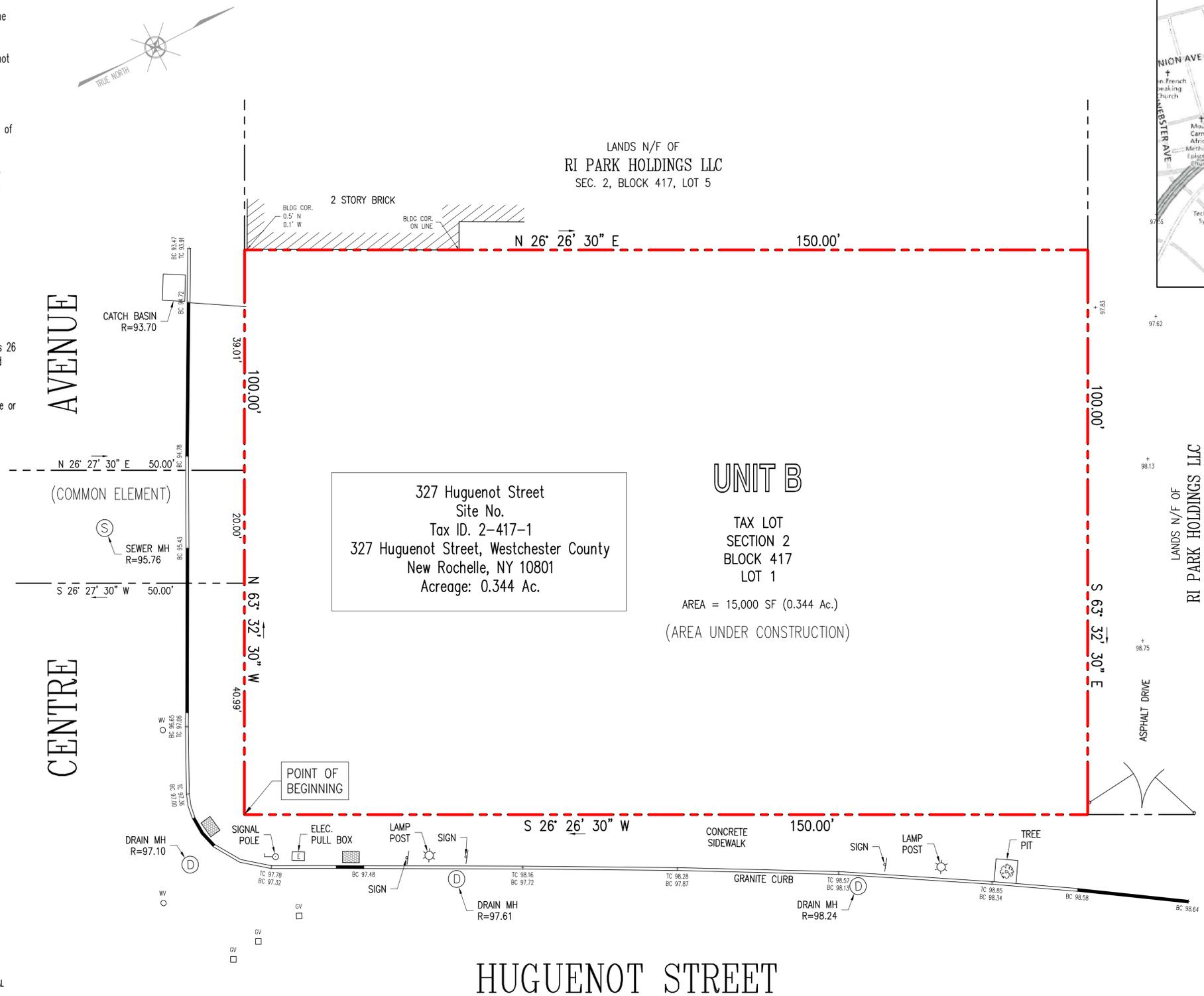
RUNNING THENCE along the northerly side of Centre Avenue North 63 degrees 32 minutes 30 seconds West a distance of 100.00 feet to a point;

THENCE along the lands N/F of RI Park Holdings LLC the following two-(2) courses and distances;

- (1) North 26 degrees 26 minutes 30 seconds East a distance of 150.00 feet to a point;
- (2) South 63 degrees 32 minutes 30 seconds East a distance of 100.00 feet to a point;

THENCE along the westerly side of Huguenot Street South 26 degrees 26 minutes 30 seconds West a distance of 150.00 feet to the point and place of BEGINNING.

Containing within said bounds 15,000 sq. ft. (0.344 Ac.) of land more or less.



VICINITY MAP N.T.S.

LEGEND:

- SPOT ELEV.
- TOP/BOT CURB ELEV.
- SEWER MANHOLE
- DRAIN MANHOLE
- GAS VALVE
- WATER VALVE
- ELECTRIC PULL BOX
- TRAFFIC SIGNAL POLE
- LAMP POST
- SIGN
- TREE PIT / TREE
- TACTILE WARNING PAD CURB/DROP CURB
- PROPERTY LINE

THE PREMISES HEREON BEING KNOWN AS LOT 1, BLOCK 417, SECTION 2 AS SHOWN ON THE OFFICIAL TAX MAPS OF THE CITY OF NEW ROCHELLE, NEW YORK.

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.

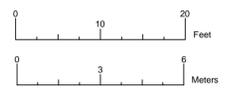
UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

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



Steven J. Willard
 STEVEN J. WILLARD LS 050054

BROWNFIELD CLEANUP PROGRAM
 PREPARED FOR
327 HUGUENOT STREET-UNIT B
 PROPERTY SITUATE IN THE
CITY OF NEW ROCHELLE
STATE OF WESTCHESTER
STATE OF NEW YORK



DATE: OCTOBER 11, 2022

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

Block 417 New Rochelle, Site ID No. C360216
Site Address: 327-329 Huguenot Street, New Rochelle, NY 10801
New Rochelle, Westchester County, Tax Map Identification Number
2-417-1

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, RFMCH Huguenot Property Owner II LLC and RFMCH Huguenot Development Partners II LLC for one parcel totaling approximately 0.344 acres located at 327-329 Huguenot 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 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 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/C360216/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

Bruce Berg
RFMCH Huguenot Property Owner LLC

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:
RFMCH Huguenot Property Owner II LLC
RFMCH Huguenot Development Partners II LLC
7 Renaissance Square, 4th Floor
White Plains, NY 10601