

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 27, 2021

Mr. Frank Chechile
381-383 Huguenot LLC
20 Amelia Earhart Lane
Rye, NY 10580
frank.chechile@hotmail.com

**Re: Certificate of Completion
The Huguenot Site
NYSDEC Site No.: C360157
New Rochelle, Westchester County**

Dear Mr. Chechile:

Congratulations on having satisfactorily completed the remedial program at the Huguenot 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:

Daniel Lanners
Remedial 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;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department by April 30, 2023.

If you have any questions regarding any of these items, please contact the Project Manager, Daniel Lanners, at (518) 402-9652, or by e-mail at daniel.lanners@dec.ny.gov.

Sincerely,

Susan Edwards

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

Enclosure

cc w/ enclosure:

Wenqing Fang - Cider Environmental, wfang@ciderenvironmental.com
James Cressy - Cider Environmental, jcressy@ciderenvironmental.com
Lawrence Schnapf, Esq., larry@schnapflaw.com
Christine Vooris - NYSDOH
Maureen Schuck - NYSDOH
Eamonn O'Neil - NYSDOH
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

Daniel Lanners - NYSDEC
Amen Omorogbe - NYSDEC
Janet Brown - NYSDEC
Daniel Bendell - NYSDEC R3
Jennifer Andaloro - NYSDEC
Kelly Lewandowski - NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

381-383 Huguenot LLC

Address

20 Amelia Earhart Lane, Rye, NY 10580

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 8/29/17 **Agreement Execution:** 11/3/17

Agreement Index No.: C360157-08-17

Application Approval Amendment: 7/17/19

Agreement Execution Amendment: 7/17/19

SITE INFORMATION:

Site No.: C360157 **Site Name:** The Huguenot

Site Owner: 381-383 Huguenot LLC

Street Address: 387 Huguenot Street

Municipality: New Rochelle

County: Westchester

DEC Region: 3

Site Size: 0.393 Acres

Tax Map Identification Number(s): 2-439-5

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: Restricted-Residential, Commercial, and Industrial

Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28%.

Tangible Property Credit is 15%. Comprised of 10% Base, 5% EnZone.

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%.

The Remedial Program includes use restrictions or reliance on the long-term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Westchester County as 591483399.

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;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

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: 12/27/2021

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)

The Huguenot, Site ID No. C360157
387 Huguenot Street, New Rochelle, NY 10801
City of New Rochelle, Westchester County, Tax Map Identification Number(s) SBL# 2-439-5

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 381-383 Huguenot LLC for a parcel approximately 0.393 acres in size located at 387 Huguenot Street in the City of New Rochelle and 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.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long-term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Westchester County as 591483399.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved Site Management Plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are 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

The Huguenot, Site No. C360157, 387 Huguenot Street, New Rochelle, NY 10801

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, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

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, NY 12564, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C360157/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

381-383 Huguenot 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:
381-383 Huguenot LLC
20 Amelia Earhart Lane
Rye, NY 10580

Exhibit A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

All that certain plot piece or parcel of land, situate, lying and being in the City of New Rochelle, County of Westchester and State of New York, being all of Lot 16 and portions of Lots 14, 15 and 17 on a certain map entitled, "Map of Columbus Park, New Rochelle, New York, property belonging to Millbrook Co." filed in the Westchester County Clerk's Office on April 14, 1919 in Volume 49, Page 41; and a Parcel of land on Northwesterly side of Huguenot Street, being more particularly bounded and described as follows:

BEGINNING at a point on the northwesterly side of Huguenot Street, which point is distant 60.05 feet southwesterly as measured along the said side of Huguenot Street from the corner formed by the intersection of the said side of Huguenot Street with the southwesterly side of Columbus Avenue as shown on said map;

RUNNING THENCE along the northwesterly side of Huguenot Street the following courses and distances:

South 40° 43' 30" West a distance of 39.95 feet;

South 41° 38' 20" West a distance of 60.26 feet;

South 40° 24' 20" West a distance of 51.50 feet to the easterly corner of land conveyed to Thomasina Carpanzano by deed dated September 1, 1942 and recorded in the Westchester County Clerk's office Division of Land Records in Liber 4021, Page 130;

THENCE along said last mentioned land North 48° 54' 25" West a distance of 101.17 feet;

THENCE RUNNING North 41° 05' 35" East a distance of 5 feet;

RUNNING THENCE North 48° 54' 25" West a distance of 18.55 feet;

RUNNING THENCE North 40° 59' 30" East a distance of 95.47 feet to the lands now or formerly Rush Instruments Corp as described in Liber 6708 Page 768;

THENCE South 54° 17' 30" East a distance of 19.97 feet;

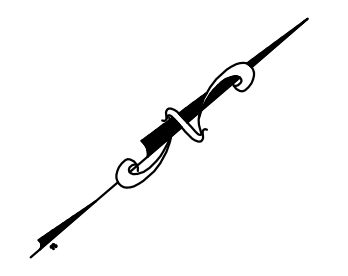
THENCE North 35° 27' 34" East a distance of 48.93 feet;

THENCE RUNNING South 49° 16' 30" East a distance of 104.49 feet to the POINT AND PLACE OF BEGINNING.

Containing approximately 17,126.1 square feet or 0.3932 acres more or less.

Exhibit B

Site Survey

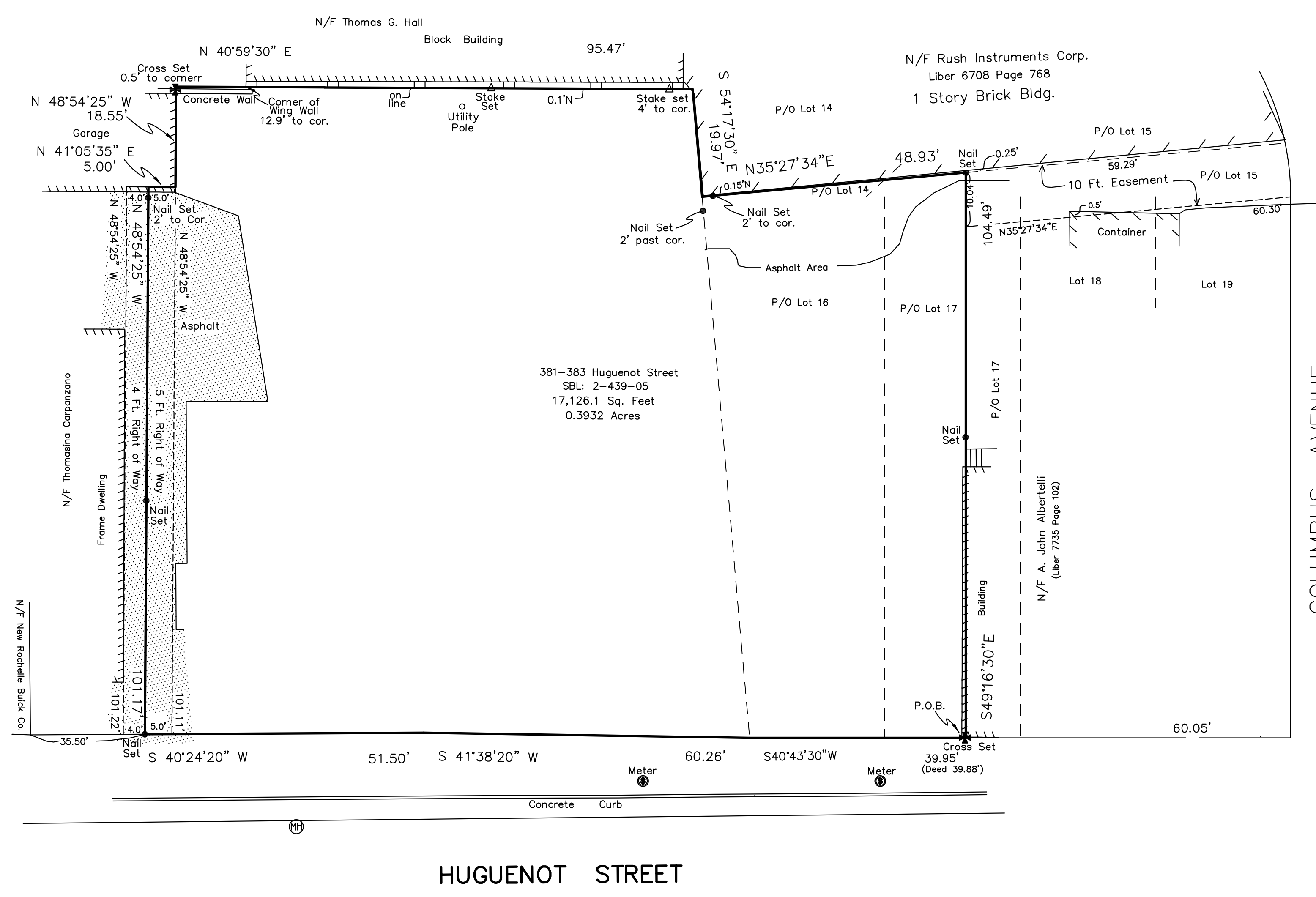


Note:
 This survey is based on the deed description in the deed from J&S Realty Co. to Industrial Overall Service Corp. Dated Nov. 11, 2009 recorded in the West. Co. Clerk's Office in Control Number 493220482.

This property is subject to an environmental easement held by the New York State Department of Environmental Conservation pursuant to Title 36 Article 71 of the New York Environmental Conservation Law. The engineering and institutional controls for the Easement are set forth in more detail in the Site Management Plan (SMP). A copy of the SMP must be obtained by any party with an interest in the property. The SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, N. Y. 12233 or at "derweb@dec.ny.gov".

The environmental easement held by the New York State Department of Environmental Conservation shall encompass the entire property shown.

Map Legend
 Gas Valve _____
 Water Valve _____
 Parking Meter _____



Description
 All that certain plot piece or parcel of land, situate, lying and being in the City of New Rochelle, County of Westchester and State of New York, being all of Lot 16 and portions of Lots 14, 15 and 17 on a certain map entitled, "Map of Columbus Park, New Rochelle, New York, property belonging to Millbrook Co." filed in the Westchester County Clerk's Office on April 14, 1919 in Volume 49, Page 41; and a Parcel of land on Northwestern side of Huguenot Street, being more particularly bounded and described as follows:

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RUNNING THENCE along the northwesterly side of Huguenot Street the following courses and distances:
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 South 41° 38' 20" West a distance of 60.28 feet;
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THENCE RUNNING North 41° 05' 35" East a distance of 5 feet;

RUNNING THENCE North 48° 54' 25" West a distance of 18.55 feet;

RUNNING THENCE North 40° 59' 30" East a distance of 95.47 feet to the lands now or formerly Rush Instruments Corp as described in Liber 6708 Page 768;

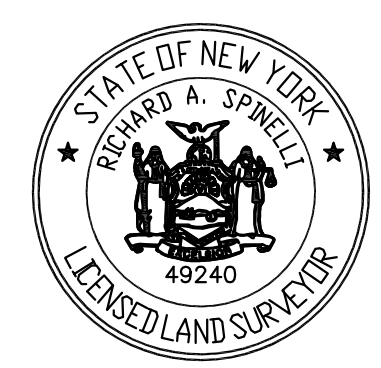
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THENCE North 35° 27' 34" East a distance of 48.93 feet;

THENCE RUNNING South 49° 16' 30" East a distance of 104.49 feet to the POINT AND PLACE OF BEGINNING.

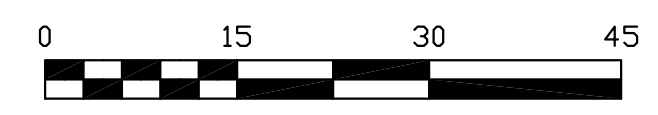
HUGUENOT STREET

COLUMBUS AVENUE



DocuSigned by:

 Richard A. Spinelli
 650 Halstead Avenue
 Mamaroneck, N. Y. 10543
 (914) 381-2357
 N.Y.S. Lic. Land Surveyor
 No. 49240



Note: Elevations shown in NAVD1988

Survey of Lots 16 and Portions of Lots 14, 15 & 17 on "Map of Columbus Park, City of New Rochelle, West. Co., N. Y." Filed on April 14, 1919 in Vol. 49 Pg. 41 And tax parcels 2-439-05 & 2-439-07
 Scale 1"=15'
 July 16, 2015
 Feb. 3, 2016 (Add R.O.W.s)
 Aug. 16, 2017 (Add footings elevations)
 April 22, 2019 (update & stake)
 July 5, 2019 (revised bearings)
 July 10, 2019 (combined parcels)

-Unauthorized additions to or alterations of this plan is a violation of Section 7209 of the N.Y.S. Education Law.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 12/22/2021



SITE DESCRIPTION

SITE NO. C360157

SITE NAME The Huguenot

SITE ADDRESS: 387 Huguenot Street ZIP CODE: 10801

CITY/TOWN: New Rochelle

COUNTY: Westchester

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan	■	□
Monitoring Plan	■	□
Operation and Maintenance (O&M) Plan	□	■

Periodic Review Frequency: Every 3 Years

Periodic Review Report Submitted Date: 04/30/2023

Description of Institutional Control

381-383 Huguenot LLC

20 Amelia Earhart Lane
 387 Huguenot Street
 Environmental Easement
 Block: 439
 Lot: 5
 Sublot:
 Section: 2
 Subsection:
 S_B_L Image: 2-439-5
 Ground Water Use Restriction
 IC/EC Plan
 Land Use Restriction
 Monitoring Plan
 Site Management Plan
 Excavation Plan

Description of Engineering Control

381-383 Huguenot LLC

20 Amelia Earhart Lane

387 Huguenot Street

Environmental Easement

Block: 439

Lot: 5

Sublot:

Section: 2

Subsection:

S_B_L Image: 2-439-5

Cover System

Monitoring Wells