

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 and US Mail

December 30, 2022

BRP 500 Main LLC
New Rochelle Tower Owner LLC
The Board of Managers of 500 Main St Condominium
Attn: Andrew Cohen and Steve Smith
C/O BRP Development Corp.
100 Park Ave, 36th Floor
New York, NY 10017
acohen@brpcompanies.com
ssmith@brpcompanies.com

BRP 500 Main TC Owner LLC
Attn: Steve Smith
C/O C T Corporation System
28 Liberty Street, New York, NY 10005
ssmith@brpcompanies.com

Re: Certificate of Completion
500 Main Street Laundry Site
City of New Rochelle, Westchester Co
C360199

Dear Andrew Cohen and Steve Smith,

Congratulations on having satisfactorily completed the remedial program at the 500 Main Street Laundry 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 South Putt Corners Road
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;
- 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 in April 2024.

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

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

A Cohen, BRP 500 Main LLC (acohen@brpcompanies.com)
S. Smith, New Rochelle Tower Owner LLC, BRP 500 Main TC Owner LLC
(ssmith@brpcompanies.com)

J. Mausner, SESI (jam@sesi.org)
F. Dahan, SESI (fd@sesi.org)
L. Shaw, Knauf Shaw LLP (lshaw@nyenvlaw.com)
S. Lawrence, NYSDOH (Stephen.lawrence@health.ny.gov)
M. Doroski, NYSDOH (melissa.doroski@health.ny.gov)
C. Vooris, NYSDOH (christine.vooris@health.ny.gov)
M. Gokey, NYS DTF (matthew.gokey@tax.ny.gov)
P. Takac, NYS DTF (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)
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

New Rochelle Tower Owner LLC
BRP 500 Main LLC
BRP 500 Main TC Owner LLC

Address

c/o BRP Development Corp., 100 Park Avenue, 36th Floor, New York, NY 10017
c/o BRP Development Corp., 100 Park Avenue, 36th Floor, New York, NY 10017
c/o C T Corporation System, 28 Liberty Street, New York, NY 10005

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 5/28/20 **Agreement Execution:** 6/3/20

Agreement Index No.: C360199-05-20

Application Amendment Approval: 11/16/21

Agreement Amendment Execution: 12/16/21

Application Amendment Approval: 8/31/22

Agreement Amendment Execution: 11/4/22

SITE INFORMATION:

Site No.: C360199 **Site Name:** 500 Main Street Laundry Site

Site Owner: New Rochelle Tower Owner LLC, BRP 500 Main TC Owner LLC and the Board of Managers of 500 Main St Condominium

Street Address: 500 Main Street, 510 Main Street, and 12 Church Street

Municipality: New Rochelle

County: Westchester

DEC Region: 3

Site Size: 0.785 Acres

Tax Map Identification Number(s): 1-215-201, 1-215-202, 1-215-203, 1-215-204, 1-215-205, 1-215-206

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: Conditional Track 1: Unrestricted use, provided that the remedial goals for soil vapor intrusion are achieved within five years of the date of the Certificate. If those goals are not achieved within five years, this Certificate shall be modified to a Track 2 Residential cleanup.

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%.

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 Control Number 622413088.

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; or
- (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: Andrew Guglielmi Date: 12/30/2022

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A
Site Description

SURVEY DESCRIPTION
SECTION No. 1, BLOCK NO. 215
CONDOMINIUM LOT NO. 201, 202, 203, 204, 205, & 206
AND PROPOSED DEC EASEMENT

ALL THAT CERTAIN PLOT, PIECE, OR PARCEL OF LAND THEREIN SITUATE, LYING AND BEING IN THE CITY OF NEW ROCHELLE, COUNTY OF WESTCHESTER AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE SOUTHERLY LINE OF MAIN STREET AND THE EASTERLY LINE OF CHURCH STREET, AND RUNNING THENCE;

1. EASTERLY ALONG THE SOUTHERLY LINE OF MAIN STREET, A COURSE OF NORTH 48°49'50" EAST, A DISTANCE OF 67.85 FEET TO A POINT; THENCE
2. CONTINUING EASTERLY ALONG PREVIOUSLY SAID SOUTHERLY LINE OF MAIN STREET, A COURSE OF NORTH 48°41'20" EAST, A DISTANCE OF 89.42 FEET TO A POINT AT THE NORTHWESTERLY CORNER OF LANDS NOW OR FORMERLY OWNED BY WOODWORTH REALTY, LLC; THENCE

RUNNING SOUTHERLY AND WESTERLY ALONG THE PREVIOUSLY SAID DIVISION LINE THE FOLLOWING TWO COURSES:

3. SOUTH 37°56'20" EAST, A DISTANCE OF 208.65 FEET TO A POINT; THENCE
4. SOUTH 45°39'18" WEST, A DISTANCE OF 164.79 FEET TO A POINT ON THE EASTERLY LINE OF CHURCH STREET; THENCE

RUNNING NORHTERLY ALONG THE EASTERLY LINE OF CHURCH STREET THE FOLLOWING THREE COURSES:

5. NORTH 36°09'40" WEST, A DISTANCE OF 37.09 FEET TO A POINT; THENCE
6. NORTH 36°22'51" WEST, A DISTANCE OF 62.03 FEET TO A POINT; THENCE
7. NORTH 36°03'19" WEST, A DISTANCE OF 118.94 FEET TO THE POINT OR PLACE OF BEGINNING.

ENCOMPASSING AN AREA OF 0.78460 ACRES, MORE OR LESS.

Exhibit B
Site Survey

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

500 Main Street Laundry Site, Site ID No. C360199
Site Address: 500 Main Street, 510 Main Street, and 12 Church Street, New Rochelle, NY 10801
New Rochelle, Westchester County, Tax Map Identification Numbers
Parcels 1-215-201, 1-215-202, 1-215-203, 1-215-204, 1-215-205 and 1-215-206

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 BRP 500 Main TC Owner LLC, New Rochelle Tower Owner LLC, and BRP 500 Main LLC for six parcels totaling approximately 0.785 acres located at 500 Main Street, 510 Main Street, and 12 Church 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, 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 Control Number 622413088.

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 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.

500 Main Street Laundry Site, C360199,
500 Main Street, 510 Main Street, and 12 Church Street, New Rochelle, NY 10801

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 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 South Putt Corners Road, New Paltz, NY 12561, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C360199/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

BRP 500 Main TC 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

WHEREFORE, the undersigned has signed this Notice of Certificate

New Rochelle Tower 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

500 Main Street Laundry Site, C360199,
500 Main Street, 510 Main Street, and 12 Church Street, New Rochelle, NY 10801

WHEREFORE, the undersigned has signed this Notice of Certificate

Board of Managers of 500 Main St Condominium

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

BRP 500 Main LLC
c/o BRP Development Corp.
100 Park Ave, 36th Fl.
New York, NY 10017

IC/EC Plan

Monitoring Plan

Site Management Plan

Lot: 205

Sublot:

Section: 1

Subsection:

S_B_L Image: 1-215-205

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

Site Management Plan

Lot: 206

Sublot:

Section: 1

Subsection:

S_B_L Image: 1-215-206

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

Site Management Plan

500 Main Street

Environmental Easement

Block: 215

Lot: 201

Sublot:

Section: 1

Subsection:

S_B_L Image: 1-215-201

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

Site Management Plan

510 Main Street

Environmental Easement

Block: 215

Lot: 202

Sublot:

Section: 1

Subsection:

S_B_L Image: 1-215-202

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

Site Management Plan

Description of Engineering Control