

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 18, 2020

John Waters, Esq.
6469 Broadway Self Help, LLC
c/o Self Help Community Services
520 8th Avenue
New York, NY 10018

Re: Certificate of Completion
6469 Broadway
New York City, Bronx County
Site No. C203048

Dear John Waters:

Enclosed please find an original signed Certificate of Completion (COC) for the above referenced site. This COC has been revised as a result of site conditions that have been documented since the issuance of the first COC in October 2015. Specifically, the original COC contemplated a Track 1 cleanup for the site. As a result of the inability to achieve the remedial goals for groundwater within five years as set forth in the original COC, the site has now achieved a Track 2 cleanup.

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.
- Please return the proof of recording to:



Department of
Environmental
Conservation

Chief, Site Control Section
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 next PRR including the certification of the IC/ECs is due to the Department in June 2021.

If you have any questions regarding any of these items, please contact Nigel Crawford at nigel.crawford@dec.ny.gov or 718-482-7778.

Sincerely,

 /for

Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Christine Vooris – NYSDOH (christine.vooris@health.ny.gov)
Scarlett McLaughlin – NYSDOH (scarlett.mclaughlin@health.ny.gov)
Stephanie Selmer – NYSDOH (stephanie.selmer@health.ny.gov)
Matt Gokey – NYSDTF (matthew.gokey@tax.ny.gov)
Paul Takac – NYSDTF (paul.takac@tax.ny.gov)
John Paul, Esq. – Beveridge & Diamond, P.C. (jpaul@bdlaw.com)

ec w/o enc.:

G. Burke, J. O'Connell, N. Crawford, K. Lewandowski, P. Foster – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

6469 Broadway Selfhelp, LLC

Address

c/o Selfhelp Community Services, 520 8th Ave, New York,
NY 10018

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 3/11/13 **Agreement Execution:** 4/11/13
Agreement Index No.: C203048-03-13

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION:

Site No.: C203048 **Site Name:** 6469 Broadway

Site Owner: 6469 Broadway Housing Development Fund Co., Inc.

Street Address: 6469 Broadway

Municipality: New York **County:** Bronx **DEC Region:** 2

Site Size: 0.402 Acres

Tax Map Identification Number(s): 5851-2098

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: Residential, Restricted-Residential, Commercial, and Industrial
Cleanup Track: Track 2: Restricted use with generic soil cleanup objectives

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 40 %.

Tangible Property Credit Component Rate is 12 %.

Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 40 %.

Tangible Property Credit Component Rate is 10 %.

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 Bronx County as 2014000396530.

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:  Date: October 19, 2015

Michael J. Ryan, P.E., Director
Division of Environmental Remediation

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

6469 Broadway, Site ID No. C203048
6469 Broadway, Bronx, New York City, New York, 10471
New York City, Bronx, Tax Map Identification Number(s) Block 5851, Lot 2098

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 6469 Broadway Selfhelp, LLC for a parcel approximately 0.402 acres located at 6469 Broadway in the City of New York, Bronx 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 Bronx County as 2014000396530.

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

6469 Broadway, Site No. C203048, Bronx, NY 10471

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 2 Office located at 47-40 21st Street Long Island City NY 11101, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C203048>.

WHEREFORE, the undersigned has signed this Notice of Certificate

6469 Broadway Housing Development Fund Co., Inc

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:
John Waters
6469 Broadway Selfhelp LLC
c/o Selfhelp Community Services
520 8th Avenue
New York, NY 10018

Exhibit A

Site Description

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough and County of Bronx, City and State of New York, as shown upon a certain map entitled "Map of property of Sheridan and Segrave 24th Ward, New York City F. Cook, C.E., Yonkers, New York City dated November 15, 1892, filed in the office of the Register of the County of New York on the 28th day of December, 1892, as Map No. 892 and shown thereon as lots 14, 15, 16 in Block No. 1, and, all those certain lots, pieces or parcels of land, situate, lying and being in the borough and County of Bronx, city and State of New York, and which upon a certain map entitled "Map of 96 lots formerly a part of the Sheridan and Seagrave Tract and originally a part of the Schermerhorn Estate situated at Broadway, West 256th Street and Mosholu Avenue, 24th Ward, Borough of Bronx, surveyed by Earl B. Lovell, Civil Engineer and City Surveyor, 160 Broadway, New York September 18, 1912 and filed in the Office of the Register of the County of New York on the 28th day of September 1912 as Map No. 1658 are known and distinguished as lots numbers 10, 11, 12 and 13 in Block Number 1 and which said lots and parcels when taken together, are bounded and described as follows:

BEGINNING at a point on the westerly side of Broadway distant 97 feet southerly from the corner formed by the intersection of the westerly side of Broadway with the southwesterly side of Mosholu Avenue;

THENCE westerly at right angles to the westerly side of Broadway 100 feet;

THENCE southerly parallel with the westerly side of Broadway, 175 feet;

THENCE easterly at right angles to the last mentioned course, 100.74 feet to the westerly side of Broadway;

and THENCE northerly along the westerly side of Broadway 28.47 feet to an angle point;

and THENCE continuing northerly along the westerly side of Broadway 146.54 feet to the point or place of BEGINNING.

Exhibit B

Site Survey



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/17/2020



SITE DESCRIPTION

SITE NO. C203048

SITE NAME 6469 Broadway

SITE ADDRESS: 6469 Broadway **ZIP CODE:** 10471

CITY/TOWN: New York

COUNTY: Bronx

ALLOWABLE USE: Residential, 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: once a year

Periodic Review Report Submitted Date: 06/18/2021

Description of Institutional Control

6469 Broadway HDFC, Inc.

520 8th Avenue

6469 Broadway, The Bronx

Environmental Easement

Block: 5851

Lot: 2098

Sublot:

Section:

Subsection:

S_B_L Image: 5851-2098

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

O&M Plan

Site Management Plan

Description of Engineering Control

6469 Broadway HDFC, Inc.

520 8th Avenue

6469 Broadway, The Bronx

Environmental Easement

Block: 5851

Lot: 2098

Sublot:

Section:

Subsection:

S_B_L Image: 5851-2098

Groundwater Treatment System