

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

DEC 16 2019

Harshad Patel
Jai Ganesh Realty, LLC
New Jai Ganesh Realty LLC
81-43 262nd Street
Floral Park, NY 11004

Re: Certificate of Completion
477 Gerard Avenue, Bronx, C203071

Dear Mr. Patel:

Congratulations on having satisfactorily completed the remedial program at the 477 Gerard Avenue BCP 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 a notice of the COC 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 a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to the Department's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet



Department of
Environmental
Conservation

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 Kyle Forster at 518-402-8644 or at kyle.forster@dec.ny.gov.

Sincerely,



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

ec w/ enclosure:

Matthew Carroll, mcarroll@tenen-env.com
David Yudelson – Esq., dyudelson@sprlaw.com
C. Vooris - NYSDOH
M. Doroski - NYSDOH
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

K. Forster
J. O'Connell
G. Burke
G. Heitzman
J. Andaloro
K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Jai Ganesh Realty, LLC
New Jai Ganesh Realty LLC

Address

81-43 262nd Street, Floral Park, NY 11004
81-43 262nd Street, Floral Park, NY 11004

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 7/15/14 **Agreement Execution:** 8/19/14
Agreement Index No.: C203071-07-14

Application Approval Amendment: 1/29/16

Agreement Execution Amendment: 1/29/16

Application Approval Amendment: 3/31/17

Agreement Execution Amendment: 3/31/17

Application Approval Amendment: 9/19/19

Agreement Execution Amendment: 9/19/19

SITE INFORMATION:

Site No.: C203071 **Site Name:** 477 Gerard Avenue

Site Owner: New Jai Ganesh Realty LLC

Street Address: 477 Gerard Avenue

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

Site Size: 0.205 Acres

Tax Map Identification Number(s): 2-2351-22

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 %.

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.

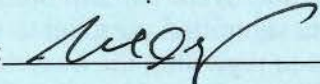
CERTIFICATE MODIFICATION/REVOCATION

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:  Date: 12/16/19

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

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

477 Gerard Avenue, Site ID No. C203071
477 Gerard Avenue, Bronx, NY 10451
Bronx, Bronx County, Tax Map Identification Number 2-2351-22

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 Jai Ganesh Realty, LLC and New Jai Ganesh Realty LLC for a parcel approximately 0.205 acres located at 477 Gerard Avenue in Bronx, NY.

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 2 Office located at 4740 21st Street, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer.

477 Gerard Avenue, Site # C203071, 477 Gerard Avenue, Bronx, NY 10451

WHEREFORE, the undersigned has signed this Notice of Certificate

New Jai Ganesh Realty 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:
Harshad Patel
81-43 262nd Street
Floral Park, NY 11004

Exhibit A
Site Description

METES AND BOUNDS DESCRIPTION
477 GERARD AVENUE – BRONX, NY
BCP SITE #C203071

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH OF BRONX, CITY OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF EAST 146TH STREET AND GERARD AVENUE;

RUNNING THENCE NORTHERLY ALONG THE WESTERLY SIDE OF GERARD AVENUE, 105.80 FEET;

RUNNING THENCE WESTERLY, AND ALONG A LINE WHICH ON ITS NORTHERLY SIDE FORMS AN ANGLE OF $87^{\circ} 03' 47''$ WITH THE LAST MENTIONED LINE, 79.66 FEET;

RUNNING THENCE SOUTHWESTERLY, AND ALONG A LINE WHICH ON ITS SOUTHERLY SIDE FORMS AN ANGLE OF $158^{\circ} 17' 20''$ WITH THE LAST MENTIONED COURSE, 2.66 FEET;

RUNNING THENCE SOUTHERLY, AND ALONG A LINE WHICH ON ITS EASTERLY SIDE FORMS AN ANGLE OF $111^{\circ} 11' 31''$ WITH THE LAST MENTIONED COURSE, 105.46 FEET TO THE NORTHERLY SIDE OF EAST 146TH STREET; AND

RUNNING THENCE EASTERLY, AND ALONG THE NORTHERLY LINE OF EAST 146TH STREET, 86.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 8,947 SQUARE FEET OR 0.205 ACRE OF LAND MORE OR LESS

Exhibit B
Site Survey

