

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 23 2019

Guido Subotovsky
Concourse Village West Owner LLC
40 Fulton Street
12th Floor
New York, NY 10038

Re: Certificate of Completion
Concourse Village West Apartments – North
Bronx, Bronx County, C203091

Dear Guido Subotovsky:

Congratulations on having satisfactorily completed the remedial program at the Concourse Village West Apartments - North. 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

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 2021.

If you have any questions regarding any of these items, please contact Steve Walsh at 518-402-9824 or steven.walsh@dec.ny.gov.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

G. Duke, Brown Sharlow Duke & Fogel, P.C., gduke@bsdflaw.com

N. Recchia, GEI Consultants, Inc. P.C., nrecchia@geiconsultants.com

Daniel Marks Cohen,

HP Concourse Village West Housing Development Fund Company, Inc.,

dcohen@housingpartnership.com

C. Vooris – NYSDOH

S. McLaughlin - NYSDOH

M. Doroski - NYSDOH

Matt Gokey, matthew.gokey@tax.ny.gov

Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

S. Walsh - NYSDEC

J. Grathwol – NYSDEC

G. Burke - NYSDEC

J. O'Connell - NYSDEC

A. Guglielmi – NYSDEC

D. Tuohy - NYSDEC

K. Lewandowski - NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Concourse Village West Owner LLC

Address

40 Fulton Street, 12th Floor, New York, NY 10038

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 9/20/17

Agreement Execution: 10/5/17

Agreement Index No.: C203091-09-17

Application Approval Amendment: 9/5/19

Agreement Execution Amendment: 9/5/19

SITE INFORMATION:

Site No.: C203091 **Site Name:** Concourse Village West Apartments - North

Site Owner: HP Concourse Village West Housing Development Fund Company, Inc.
Concourse Village West Owner LLC

Street Address: 180 East 156th Street

Municipality: Bronx **County:** Bronx

DEC Region: 2

Site Size: 0.358 Acres

Tax Map Identification Number(s): 2458-35

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 2: Restricted use with generic soil cleanup objectives

Tax Credit Provisions:

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

Eligibility for Tangible Property Credit is available through: EnZone.

Tangible Property Credit Component Rate 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%.

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

Concourse Village West Apartments - North, Site ID No. C203091
180 East 156th Street, Bronx, NY 10451
Bronx, Bronx County, Tax Map Identification Number(s) 2458-35

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 Concourse Village West Owner LLC for a parcel approximately 0.358 acres located at 180 East 156th Street in the Bronx, 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 2019000343629.

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

Concourse Village West Apartments – North, C203091, 180 East 156th Street, Bronx, NY

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 located at 1 Hunter's Point Plaza, 47-40 21st Street, Long Island City, NY 11101-5401, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

HP Concourse Village West Housing
Development Fund Company, 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.

Concourse Village West 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.

Please record and return to:
Signature and Office of individual
taking acknowledgment

Guido Subotovsky
Concourse Village West Owner LLC
40 Fulton Street, 12th Floor
New York, NY 10038

EXHIBIT A - SITE DESCRIPTION

SCHEDULE A
Page 2 of 3

BLOCK 2458, LOT 35

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, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE WESTERLY SIDE OF CONCOURSE VILLAGE WEST WITH THE SOUTHERLY SIDE OF EAST 156TH STREET;

RUNNING THENCE SOUTHERLY ALONG THE WESTERLY SIDE OF CONCOURSE VILLAGE WEST 183.50 FEET;

THENCE WESTERLY ON A LINE AT RIGHT ANGLES WITH THE WESTERLY SIDE OF CONCOURSE VILLAGE WEST 85.00 FEET;

THENCE NORTHERLY ON A LINE AT RIGHT ANGLES WITH THE LAST MENTIONED COURSE 183.50 FEET TO A POINT ON THE SOUTHERLY SIDE OF EAST 156TH STREET;

THENCE EASTERLY ALONG THE SOUTHERLY SIDE OF EAST 156TH STREET 85.00 FEET TO THE POINT OR PLACE OF BEGINNING.

EXHIBIT B - SITE SURVEY



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 12/17/2019

SITE DESCRIPTION

SITE NO. C203091

SITE NAME Concourse Village West Apartments - North

SITE ADDRESS: 180 East 156th Street ZIP CODE: 10451

CITY/TOWN: Bronx

COUNTY: Bronx

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

- | | | |
|--------------------------------------|-------------------------------------|-------------------------------------|
| IC/EC Certification Plan | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Monitoring Plan | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Operation and Maintenance (O&M) Plan | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2021

Description of Institutional Control

HP Concourse Village West Housing Development Fund Company, Inc.

242 West 36th Street, 3rd Floor

180 East 156th Street

Environmental Easement

Block: 2458

Lot: 35

Sublot:

Section:

Subsection:

S_B_L Image: 2458-35

Ground Water Use Restriction

Land use Restriction

Site Management Plan