## 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 Owner West Owner LLC 40 Fulton Street 12th Floor New York, NY 10038

> Re: Certificate of Completion Concourse Village West Apartments – South, Bronx, Bronx County, C203092

Dear Guido Subotovsky:

Congratulations on having satisfactorily completed the remedial program at the Concourse Village West Apartments – South. 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 steven.walsh@dec.ny.gov or 518-402-9824.

Sincerely,

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

Enclosure

ec w/ enclosure:

N. Recchia - GEI Consultants, Inc. P.C., nrecchia@geiconsultants.com G. Duke - Brown Sharlow Duke & Fogel, P.C., gduke@bsdflaw.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

K. Lewandowski - NYSDEC

## NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP) CERTIFICATE OF COMPLETION

### **CERTIFICATE HOLDER(S):**

Concourse Village West Owner LLC

#### Name

Address

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

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 9/20/17 Agreement Index No.:C203092-09-17 Application Approval Amendment: 9/6/19

Agreement Execution: 11/7/17

Agreement Execution Amendment: 9/5/19

## SITE INFORMATION:

Site No.: C203092 Site Name: Concourse Village West Apartments - South Site Owner: HP Concourse Village West Housing Development Fund Company, Inc. Concourse Village West Owner LLC

Street Address: 741 Concourse Village and 702 Grand ConcourseMunicipality: BronxCounty: BronxDEC Region: 2Site Size:0.473 AcresTax Map Identification Number(s):2458-13, 2458-49Percentage 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%. 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 2019000343628.

#### 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: n/23/19

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)

Concourse Village West Apartments - South, Site ID No. C203092 741 Concourse Village and 702 Grand Concourse, Bronx, NY 10451 Bronx, Bronx County, Tax Map Identification Numbers 2458-13, 2458-49

**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 0.473 acres located at the 741 Concourse Village and 702 Grand Concourse 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 2019000343628.

**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

## Concourse Village West Apartments – South, C203092, 741 Concourse Village and 702 Grand Concourse, Bronx, NY 10451

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**, 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.

Signature and Office of individual

## Concourse Village West Apartments – South, C203092, 741 Concourse Village and 702 Grand Concourse, Bronx, NY 10451

taking acknowledgment

## Please record and return to:

\_\_\_\_\_

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

## EXHIBIT A - SITE DESCRIPTION

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#### SCHEDULE A The Premises Page 1 of 3

#### BLOCK 2458, LOT 13

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, KNOWN AND DESIGNATED AS LOTS NUMBERED 12, 13 AND 14 ON A CERTAIN MAP ENTITLED, "MAP OF 65 LOTS IN THE BOROUGH AND COUNTY OF BRONX, CITY AND STATE OF NEW YORK BELONGING TO ARTHUR R. MORRIS AND OTHERS" DATED NEW YORK, APRIL 16, 1915, MADE BY GEORGE G. HOLLERITH, 176 BROADWAY, FILED IN THE REGISTER'S OFFICE OF BRONX COUNTY ON MAY 6, 1915, AS MAP NO. 103, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY SIDE OF GRAND BOULEVARD AND CONCOURSE, DISTANT 452.22 FEET SOUTHERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF GRAND BOULEVARD AND CONCOURSE WITH THE SOUTHERLY SIDE OF EAST 156TH STREET;

RUNNING THENCE EASTERLY ON A LINE FORMING AN EXTERIOR ANGLE ON ITS NORTHERLY SIDE OF 94 DEGREES 06 MINUTES 17 SECONDS WITH THE SAID EASTERLY SIDE OF GRAND BOULEVARD AND CONCOURSE, 94.06 FEET;

THENCE SOUTHERLY AT RIGHT ANGLES TO THE LAST LINE, 65.31 FEET TO A POINT

THENCE WESTERLY AT RIGHT ANGLES FROM THE LAST MENTIONED COURSE, 7.07 FEET;

THENCE SOUTHERLY ON A LINE FORMING AN EXTERIOR ANGLE OF 87 DEGREES 56 MINUTES 52 SECONDS ON ITS EASTERLY SIDE WITH SAID MENTIONED LINE, 9.69 FEET;

THENCE WESTERLY ON A LINE FORMING AN INTERIOR ANGLE ON ITS NORTHERLY SIDE OF 87 DEGREES 56 MINUTES 52 SECONDS WITH THE LAST MENTIONED LINE, 81.95 FEET TO EASTERLY SIDE OF GRAND BOULEVARD AND CONCOURSE;

THENCE NORTHERLY ALONG THE EASTERLY SIDE OF GRAND BOULEVARD AND CONCOURSE, 75.19 FEET TO THE POINT OR PLACE OF BEGINNING.

#### SUB ART XI REG/CONCOURSE VILLAGE WEST/MM

#### SCHEDULE A Page 3 of 3

#### **BLOCK 2458, LOT 49**

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 A POINT ON THE WESTERLY SIDE OF CONCOURSE VILLAGE WEST DISTANT 337.50 FEET SOUTHERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE WESTERLY SIDE OF CONCOURSE VILLAGE WEST WITH THE SOUTHERLY SIDE OF EAST 156TH STREET;

THENCE SOUTHERLY ALONG THE WESTERLY SIDE OF CONCOURSE VILLAGE WEST 177.81 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 65.31 FEET

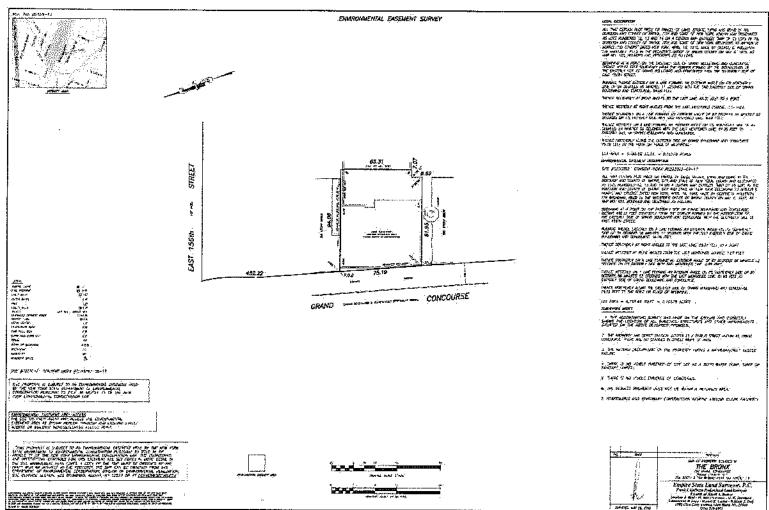
THENCE EASTERLY ON A LINE AT RIGHT ANGLES WITH THE LAST MENTIONED COURSE 12.94 FEET;

THENCE NORTHERLY ON A LINE FORMING AN EXTERIOR ANGLE OF 88 DEGREES 42 MINUTES 05 SECONDS WITH THE LAST MENTIONED COURSE 112.53 FEET;

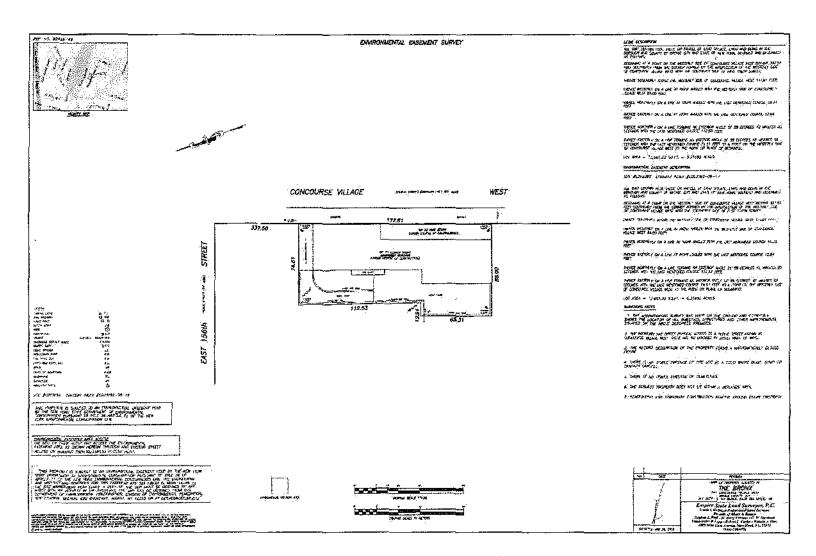
THENCE EASTERLY ON A LINE FORMING AN INTERIOR ANGLE OF 88 DEGREES 42 MINUTES 05 SECONDS WITH THE LAST MENTIONED COURSE 74.61 FEET TO A POINT ON THE WESTERLY SIDE OF CONCOURSE VILLAGE WEST TO THE POINT OR PLACE OF BEGINNING.

SUB ART XI REG/CONCOURSE VILLAGE WEST/MM

## EXHIBIT B - SITE SURVEY



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#### NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION Site Management Form 12/18/2019

#### SITE DESCRIPTION

SITE NO. C203092

SITE NAMEConcourse Village West Apartments - South

SITE ADDRESS: 741 Concourse Village and 702 Grand Concourse 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               |            | <u>38</u> |    |
| Monitoring Plan                        |            | क्र       |    |
| Operation and Maintenance (O&M) Pl     | an         |           |    |
| Periodic Review Frequency: once a year |            |           |    |
| Periodic Review Report Submitted Date: | 04/30/2021 |           |    |
| Description of Institutional Control   |            |           |    |
| HP CVW Housing Development Fund Co Inc |            |           |    |
| 242 West 36th Street                   |            |           |    |
| 702 Grand Concourse                    |            |           |    |
| Environmental Easement                 |            |           |    |
| Block: 2458                            |            |           |    |
| Lot: 13                                |            |           |    |
| Sublot:                                |            |           |    |

S\_B\_L Image: 2458-13

Ground Water Use Restriction

Section:

Subsection:

#### IC/EC Plan

## Site Management Plan

# 741 Concourse Village West Environmental Easement

Block: 2458

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Lot: 49

Sublot: Section:

Subsection:

S\_B\_L Image: 2458-49

Ground Water Use Restriction

IC/EC Plan

Site Management Plan