

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 18 2019

Carole Gordon
3500 Park Apts. Housing Development Fund Company, Inc.
3500 Park Apts. L.P.
290 Lenox Avenue
New York, NY 10027

**Re: Certificate of Completion
3500 Park Avenue Apartments, Bronx
Site No. C203096**

Dear Ms. Gordon:

Congratulations on having satisfactorily completed the remedial program at the 3500 Park Avenue Apartments. 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



Department of
Environmental
Conservation

- 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 Wendi Zheng at (718) 482-7541.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

Christine Vooris, Scarlett McLaughlin, Justin Deming, Jacquelyn Nealon - NYSDOH
 Karen Sherman, karen@shermanlaw.net
 Deborah Shapiro, dshapiro@akrf.com
 Mark Jepsen, mjepsen@akrf.com
 Matt Gokey, matthew.gokey@tax.ny.gov
 Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

Gerard Burke
 Jane O'Connell
 Sondra Martinkat
 Wendi Zheng
 Rachel Seebacher
 Jennifer Andalaro
 Kelly Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Address

3500 Park Apts. Housing Development Fund Company, Inc.	290 Lenox Avenue, New York, NY 10027
3500 Park Apts. L.P.	290 Lenox Avenue, New York, NY 10027

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 10/30/17 **Agreement Execution:** 11/28/17

Agreement Index No.: C203096-09-17

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION:

Site No.: C203096 **Site Name:** 3500 Park Avenue Apartments

Site Owner: 3500 Park Apts. Housing Development Fund Company, Inc.
3500 Park Apts. L.P.

Street Address: 3500 Park Ave

Municipality: Bronx **County:** Bronx

DEC Region: 2

Site Size: 0.348 Acres

Tax Map Identification Number(s): 2389-20

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 (0.172 acres - See Exhibit A):

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.

Cleanup Track: Track 4 (0.176 acres - See Exhibit A):

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.

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 2019000351990.

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: 12/10/13
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)

3500 Park Avenue Apartments, Site ID No. C203096
Site Address: 3500 Park Avenue, Bronx, NY, 10456
Bronx, Bronx County, Tax Map Identification Number(s) 2389-20

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 3500 Park Apts. Housing Development Fund Company, Inc. and 3500 Park Apts. L.P. for a parcel approximately 0.348 acres located at 3500 Park Avenue 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 2019000351990.

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

3500 Park Avenue Apartments, C203096, 3500 Park Avenue, Bronx, NY 10456

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 47-40 21st Street, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

3500 Park Apts. Housing Development Fund Company, Inc.

By: _____

Title: _____

Date: _____

3500 Park Apts. L.P.

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
Acknowledgement

Please record and return to:

Carole Gordon
3500 Park Apts. Housing Development Fund Company, Inc.
290 Lenox Avenue
New York, NY 10027

Exhibit A

Metes and

Bounds

Benchmark Title Agency, LLC

NYSDEC Metes and Bounds Easement Description

TRACK 2:

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 corner formed by the intersection of the southerly side of East 168th Street and the easterly side of Park Ave;

RUNNING THENCE southerly along the easterly side of Park Avenue 100.00 feet;

THENCE easterly and parallel with East 168th Street, 54.31 feet;

THENCE northerly and parallel with Park Avenue, 41.31 feet;

THENCE easterly and parallel with East 168th Street, 35.31 feet;

THENCE northerly and parallel with Park Avenue, 58.69 feet to the southerly side of East 168th Street; and

THENCE along the same, 89.62 feet to the point or place of BEGINNING.

TRACK 4:

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 southerly side of East 168th Street, distant 89.62 feet easterly from the corner formed by the intersection of the southerly side of East 168th Street and the easterly side of Park Avenue;

THENCE southerly parallel with Park Avenue, 58.69 feet;

THENCE westerly parallel with East 168th Street, 35.31 feet;

THENCE southerly parallel with Park Avenue, 41.31 feet;

THENCE easterly parallel with East 168th Street, 97.42 feet;

FOR The policy to be issued under this report will insure the title to such buildings and
CONVEYANCING improvements erected on the premises which by law constitute real property.
ONLY

Benchmark Title Agency, LLC

THENCE northerly parallel with Park Avenue, 100.00 feet to the southerly side of East 168th Street;

THENCE westerly along the said southerly side of East 168th Street, 62.11 feet to the point or place of BEGINNING.

FOR
CONVEYANCING
ONLY



The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

Exhibit B

Site Survey

[illegible]

The engineering and institutional controls for this Easement are set forth in the Site Management Plan(SMP). A copy of SMP must be obtained by any party with an interest in the property. The SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at derweb@dec.ny.gov.

DATE	10-18-2019	<p>NOTE: Unauthorized alterations or additions to this survey is a violation of section 7203 of the New York State education law. Copies of this survey may not bearing the land surveyor's ink seal or embossed seal shall not be considered to be a valid true copy. Transmissions or certifications indicated herein shall run only to the person for whom the survey is prepared, and to his or her heirs, assigns, successors, governmental agency and lending institutions listed herein, and to the obligee(s) of the lending institution. Quotations or certification are not transferable. In additional institutions or subsequent owners.</p> <p>CAUTION: If before performing any digging or drilling on this site, it is required that subsurface services, including the underground main be marked and identified by the utility involved in compliance with Industrial code 62 of New York State.</p>	<p>MAP OF PROPERTY LOCATED 320 SUNRISE HWY WANTAGH, NY 11793</p>		 <p>MERIDIAN LAYOUT INC.</p> <p>3280 SUNRISE HWY, SUITE 341 WANTAGH, NY 11793</p> <p>TEL 516-797-3299</p>
DEC. 3, 2019	END SAMPLE LOCATIONS				
BUCK	2389				
LOT	20				
SECTION	9				
COUNTY	BRONX				
DWG BY	A.C.				
CHKD BY	J.A.				
SCALE	1"=12'				



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
11/25/2019



SITE DESCRIPTION

SITE NO. C203096

SITE NAME 3500 Park Avenue Apartments

SITE ADDRESS: 3500 Park Ave ZIP CODE: 10456

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



Monitoring Plan



Operation and Maintenance (O&M) Plan



Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2021

Description of Institutional Control

350 Parks Apts. HDFC, Inc. and the LP

290 Lenox Avenue

3500 Park Avenue

Environmental Easement

Block: 2389

Lot: 20

Sublot:

Section:

Subsection:

S_B_L Image: 2389-20

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

350 Parks Apts. HDFC, Inc. and the LP

290 Lenox Avenue

3500 Park Avenue

Environmental Easement

Block: 2389

Lot: 20

Sublot:

Section:

Subsection:

S_B_L Image: 2389-20

Cover System